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## **Analysis of multiparty mediation processes**

Vuković, S.

### **Citation**

Vuković, S. (2013, February 22). *Analysis of multiparty mediation processes*. Retrieved from <https://hdl.handle.net/1887/20551>

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**Author:** Vuković, Siniša

**Title:** Analysis of multiparty mediation processes

**Issue Date:** 2013-02-22



CHAPTER  
VII

*KOSOVO*

## CHAPTER VII: Kosovo

Contemporary conflict management scholarship describes the situation in Kosovo as an undeniable case of intractable conflict (Burg 2005). It is characterized by contending requests to the rights of self-determination, sovereignty and territorial integrity. It persisted over time developing psychological manifestations of deep feelings of distrust and mutual hatred, conducted through the employment of destructive means and violence and refused to yield to endeavors aimed at reaching a political settlement, indicating its undeniable intractable nature. The case of Kosovo offers a unique opportunity to explore two distinct phases of the peace process within the same conflict, which despite the inevitable change of actors (*vis-à-vis* their leadership) still did not produce any success.

### 7.1 The Nature of Conflict

#### 7.1.1 Sources of Intractability

As Burg notices, “the dissolution of Yugoslavia can be attributed to the effects of several mutually reinforcing conflicts” (Burg 2005, 184). The focal feature of all these conflicts can be found in mounting ethno-nationalism among the various peoples of Yugoslavia which was induced by unresolved historical disputes and by contemporary conflicts on political and economic issues. Mounting claims to self-determination in Kosovo were directly linked with both territory and ethnic identity. A territorially compact Albanian ethnic majority was defying domination by the Serb minority and the existing political regime in Belgrade. The easiness with which justifiable economic and political issues were able to inflame temporarily subdued ethno-nationalism and provoke internal conflict was undoubtedly proven in 1968 when frustration over the economic situation in the province agitated nationalistic strife between the Albanian population in Kosovo and Serbian authorities in Belgrade. In fact, by the late 1960s the situation in Kosovo was quite dire – it was the most undeveloped part of Yugoslavia in all socio-economic features with the highest rate of illiteracy – 36 percent were officially illiterate, while a much larger number was not working literate (Ramet 1992, 189).

In 1974, Yugoslav federal authorities managed to appease the claims for self-determination in Kosovo, by granting the province an extensive level of autonomy and a status of a federal unit, although formally still a province within the republic of Serbia. Gradually the Albanian population was emancipated and assigned to high administrative positions. According to Ramet, it was at this moment that “the Albanians were becoming restless ... when the slow beginnings of reform had become unmistakable – a confirmation of Machiavelli and Crane Brinton’s proposition that repression becomes intolerable once reforms are begun” (1992, 190). In fact, the level of underdevelopment in Kosovo was continuing to fuel popular restlessness. Again socio-economic issues were easily translated into political agitation which culminated in a series of riots, subversive activities and use of violence in 1981 across the entire province. Such demonstrations resulted in more than one thousand deaths and much more injured (Ramet 1992, 196). The protestors were now publicly echoing revolutionary tones that were flirting with separatist tendencies: Kosovo reconstituted as a republic or utter secession (Troebst 1998). The federal authorities reacted without delay, tightening the grip over the province.

### 7.1.2 The Development of Deep Feelings of Distrust and Mutual Hatred

In the upcoming years, the anti-Albanian sentiment was hitting every pore of society. The authorities expanded their list of potential suspects, so several thousands of Kosovo Albanians were prosecuted for separatism between 1981 and 1987. Fueled by the stories of exiled Serbs from Kosovo, Belgrade, media started publishing articles of Albanian atrocities which genuinely contributed to the development of irrevocable stereotypes of Kosovo Albanians in the eyes of the Serbian audience. The exaggerations in storytelling went so far that Belgrade newspapers started labeling the crisis in Kosovo as ‘ethnic cleansing’ of Serbs (Banac 2001). By 1986, Serbia was inflamed with nationalism, peaking with the infamous Memorandum of the Serbian Academy of Science and Arts that lamented over Serbia’s faith in the Yugoslavian community, and echoed a direct warning over the imminent loss of Kosovo. The hatred was inflamed so much that Serbs stated boycotting shops and trade with Albanians, which cut down their sales by as much as 85 % (Ramet 1992, 199).

### 7.1.3 The Employment of Repressive Measures

The constant demographic decline of the Slavic population in the province was invigorating nationalistic rhetoric and policies of the new party elite in Belgrade. The underlying aim of Serbian nationalists that assumed highest ranks in the party (on the republican level), was the implementation of a program that would reduce the number of Albanians in Kosovo (Banac 2001). The accession of Slobodan Milošević to power in 1987 signaled a new and more dramatic escalation of the conflict in Kosovo. He intervened in Kosovo with heavy security forces and revoked the province's autonomy. Under 'emergency measures', ethnic Albanians were forced out from public institutions (Ramet 1992, Troebst 1998). Serbian authorities intensified the policy of dismissal of Albanians from jobs in public enterprises. According to statistics from that time, more than "100 000 Albanians were fired from factories, mines, schools, hospitals, judiciary, cultural institutions, media public services, municipal and regional authorities, etc. and replaced by Serbs, Montenegrins, or pro-Serbian Albanians" (Troebst 1998). Serbian authorities issued orders for outlawing all Albanian political, cultural, sport and media organizations and associations. Albanian students were expelled from universities and a new curriculum in Serbian language and with Serbian textbooks was imposed. Albanians were not allowed to make any transaction on real-estate markets without a special permission from the authorities (Caplan 1998, 751). Repressive measures and violence, exercised by the security forces, distinguished Kosovo as the region with some of the worst human rights records in Europe of that time (Nizich 1992).

### 7.1.4 The Creation of Irreconcilable Positions

The expelled Albanian political elite started developing new forms of organization and resistance. The Albanian political leaders in Kosovo developed a strategy of non-violent resistance, and established 'parallel' state structures in the province. In 1991 an underground referendum was organized, where almost 100 percent of participants – all of them Albanians – voted in favor of an independent Kosovo. This motivated the elites to proclaim the Republic of Kosovo as an independent and sovereign state. At the same time, emboldened by the referendum, mem-

bers of this 'parallel government' organized both parliamentary elections where the Democratic League of Kosovo (LDK) won an absolute majority (89 percent) and presidential elections which confirmed LDK's leader Ibrahim Rugova as the undisputable leader.

From then on, Kosovo was a clear example of apartheid in Europe (Banac 2001). On the one hand, there was the official Serbian regime of occupation which excluded the Albanians from every aspect of society, and a 'shadow state' established by ethnic Albanians. The Serbian authorities 'tolerated' this clandestine state which signified the definite separation of two ethnic communities and absolute exclusion of Albanians as citizens of Serbia. The non-violent approach of Albanian elites to resist Serbian policies was the only option, given the tremendous power disparity between Kosovo Albanians and the Serbian authorities. This Gandhian approach collected large sympathy in the West which was very slow (if not reluctant) to start pressuring Belgrade to change its policies in the province.

The situation at this moment was clear. The zero-sum issues that divided both sides made compromising very difficult. Thus the early attempts of international involvement in the crisis were faced with a serious challenge of formulating effective approaches in order to create a non-zero-sum outcome.

Despite the apparent pattern of neglect on behalf of the international community, the biggest disappointment for Albanians in Kosovo originated with the Dayton agreements in 1995 that ended the civil war in Bosnia. For several years the low degree of inter-ethnic friction and the illusion of stability in Kosovo – due to repressive policies which excluded Albanians from participating in the system on one side and shadow state structures established by the same Albanians on the other – indirectly motivated the international community to overlook the real situation on the ground. According to Caplan it was the absence of war in Kosovo that made foreign countries believe that there was no urgent need to deal with the question (1998, 751). It seemed as if non-violent resistance which developed sympathies in the West was the 'victim of its own success' (Caplan 1998, 751). Despite Western sympathies, the Albanian leadership was lacking a strong ally for their cause. In fact, at that time Milošević was identified as 'the factor of stability', whose collaboration was essential for bringing and maintaining peace in ex-Yugoslav countries. So not surprisingly, until March 1998, both the

American administration and its European colleagues were reluctant to accept any claim of independence from the Kosovo Albanian elites.

For Albanians in Kosovo, Dayton was an obvious signal that ethnic territories have legitimacy (given the fact that the *Republika Srpska* was established) and that international attention can only be obtained through war (Surroi 1996). The disappointment culminated with the increasing support of the Albanian population for the radical separatist Kosovo Liberation Army (UCK). Their militant activities against Serb forces in the province soon brought them control over almost 30% of Kosovo's territory. Gradually even some members of the political elite started supporting the guerilla warfare of the UCK, claiming that the "path of nonviolence has gotten (them) nowhere... the Kosovo Liberation Army is fighting for (their) freedom" (Caplan 1998, 752). It was obvious that Dayton represented the turning point for Kosovo Albanians and their future demands. Demands for extended autonomy and a return to the situation prescribed by the Constitution from 1974 were now overruled. The only political aim at that point was an independent Kosovo.

### 7.1.5 Internal Characteristics of the Conflicting Sides

The radicalization of the Kosovo Albanian separatist tendencies was rapidly restricting the space for any compromise solution. The international community was resolute only to achieve a mutually acceptable compromise solution. Given the fact that already in 1991, the overwhelming majority of Kosovo Albanians voted in favor of independence, it was unlikely that the population would settle for restoration of autonomy which the international community was trying to sponsor as a compromise. In fact, after seven years of frozen and intractable conflict, which was marked by the establishment of an apartheid system, Albanians in Kosovo had less reason now to accept any form of political autonomy within Serbia. As a direct consequence of the conflict's intractability, there was no trust in Serbian authorities that they would guarantee their autonomy, given the fact that it was the same authorities that had abolished it.

As the mediation literature suggests (e.g. Bercovitch 2005), in case of intractable conflicts, one of the main goals for successful mediation would be actor transformation. In the case of Kosovo, a stable settle-



ment would seem to be attainable only through the establishment of a truly democratic regime in Belgrade. However, at that time, opposition forces in Serbia were considerably silent to what was happening in Kosovo, while the strongest opposition parties were even defending Milošević for his policies in the province (Caplan 1998, Troebst 1998). Even public opinion seemed to be complacent. According to a survey done by the Helsinki Committee for the Human Rights Office in Belgrade:

“An independent Kosovo, or the Republic of Kosovo within the FRY, is admissible in the view of only a negligible number of our respondents. Likewise, very few respondents would accept a division of Kosovo. A vast percentage (41.8%) believes that the solution is to be looked for in the forcible or ‘peaceful’ expulsion of the Albanians. On the other hand, 27.2% of those manifesting ‘democratic tolerance’ would be willing, at best, to grant the Albanians their cultural autonomy. [...] In other words, in the case of Kosovo is the Serbian public opinion neither willing to search for a compromise nor even for a minimum democratic solution” (Troebst 1998, 21-22)

Problematic was also the situation in the Kosovo Albanian political elite. The non-violent tactics of Rugova and his LDK were losing public support due to increasing popularity of warring methods of radicals from the UCK. At the same time, other political parties were less inclined to negotiate with Belgrade about autonomy. The Parliamentary Party of Kosovo (PPK), the biggest opposition party in Priština, headed by Adem Demaci, promoted as a compromise – less was not an option – a reconstruction of Yugoslavia as a confederation or association of independent states of Kosovo, Montenegro and Serbia, better known as ‘project Balkania’. Clearly this option was even less acceptable for Serbia, and thus not even considered by policy makers in Belgrade.

The deep radicalization of political elites on both sides was a direct obstacle to a long lasting solution. To rise above the deadlock, the international community – that wanted to resolve the crisis through negotiations – was challenged by two conflicting principles that they had to reconcile: autonomy for Kosovo and sovereignty of Yugoslavia. The latter principle was mirrored in the fact that Belgrade was reluctant to accept any foreign third party intervention, claiming that the situation in Kosovo was an internal affair. The principle of inviolability of state sovereignty and territorial integrity was something that the international community was not trying to jeopardize, given the new dyna-

mics in the region and globally. There was a fear that recklessness in approaching the situation might serve as a signal for other states to intervene elsewhere according to their own judgments (i.e. there was a direct apprehension that Russia might use this as a clout for intervening in ex-Soviet states) (Caplan 1998). For this reason, any form of direct intervention was put aside, especially the use of force unless authorized by the UN Security Council.

The surfacing of the UCK was putting extreme pressure on the LDK leadership to show determination in achieving independence. Since the LDK was insistent on non-violent methods, it understood UCK's pressure as an additional motive for trying to find some compromise with Belgrade, otherwise large-scale violence would be unavoidable. Along with the intra-Albanian power-struggle, the regime in Belgrade was also subjected to internal pressures from the emerging democratically oriented opposition, headed by Democratic Party (Demokratska stranka, DS) forces in 1996. The DS were compelling Milošević to seek to achieve some progress towards finding a settlement that would pacify the situation in Kosovo. A result of this 'convergence of interest' between Rugova and Milošević was the negotiated settlement in September of 1996 on normalization of the education system facilitated by mediation activities of an international non-governmental organization, Comunità di Sant'Egidio (Troebst 1998). Already successful in mediating the conflict in Mozambique, involvement of this NGO was accepted because its interests were not suspicious to either side, but perceived as mainly motivated to contribute in de-escalating the conflict. Clearly, given the fact that there was no true international guarantor ready to exercise pressure on both sides for the realization of the agreement, the sides were unwilling to implement the negotiated agreement. So it merely resulted in a demonstration of good will - mainly towards the international community - to achieve some results in bridging the differences, but nothing further as clear incentives were missing. As in all intractable conflicts, conflicting parties felt that "at best they may reach temporary cessations of violence and that they cannot reach a fundamental and genuine resolution of their issues" (Bercovitch 2005, 100).

## 7.2 Involvement of International Actors and their Interests in the Conflict

During the 1980s, initial steps to encourage dialogue between Kosovo Albanians and Serbs were taken by governmental and non-governmental third parties, but none of them made any significant progress. In fact while the Serbs were resisting any third-party involvement, especially from abroad - both from foreign governments and non-governmental organizations - Albanians were of the opposite opinion. Both sides were well aware of the repercussions of such third-party involvement - it would internationalize their conflict.

During the Cold War period, the Western countries were well aware of the nationalist tensions in Yugoslavia, so for this reason they supported Tito's firm regime, which was able to keep ethnic tensions under control. Soon after Tito's death in 1980, these projections proved to be right, as was shown by the 1981 violent clashes between Albanians and Serbs in Kosovo. With the end of the Cold War, the American and European stand toward issues in Yugoslavia started to change radically. The geopolitical relevance of Yugoslavia was fading away, and the country became just one of the many communist countries that needed to democratize its system and liberalize its economy. In this respect, the situation in Kosovo appeared to be the perfect lens through which Yugoslavia was viewed.

Severe abuses of human rights in Kosovo represented the main concern for American diplomats of that time. However, this concern was more superficial than what was needed for Americans to be more actively engaged in managing the crisis. In fact, the limits of American policy were best described by Zimmerman who assumed the Ambassadorial post in Belgrade in 1989: "I was to reassert the traditional mantra of US support for Yugoslavia's unity, independence and territorial integrity. But I would add that the United States could only support unity in the context of democracy; it would strongly oppose unity imposed or preserved by force" (Zimmermann 1995, 3). At the same time, for the US, the situation in Kosovo represented only a component of the overall crisis Yugoslavia was going through.

American unwillingness to take action was made easier by West Europeans' argument that Europe should be the one dealing with issues in Yugoslavia. The logic behind this claim derived from the fact that

almost half of Yugoslav foreign trade was with the countries from the European Community (EC), while only a fraction went to the US. Although there was apparent motivation to act, Western European countries lacked a common perception of the situation in the country. Touval argues that “their divergent attitudes stemmed largely from cultural-historical preconceptions existing in their respective societies” (Touval 1996, 410). Despite the fact that the EC tended to send a comprehensive signal of its position in the matter, EC member states were sending contradictory signals. On the one side the United Kingdom and France were insisting that the primary concern should be given to the preservation of Yugoslav unity and territorial integrity, while Italy and newly unified Germany were much more inclined to emphasize the necessity of promoting primarily human rights and democratic standards which for them represented euphemisms for the principle of self-determination. Such ambiguity in the European position was further complicated by the fact that their main interest was oriented towards the evolving situation in the rich northern republics of Slovenia and Croatia that were looking for allies in their separatist tendencies. Kosovo was largely ignored.

In fact, the politically powerful European states were willing to act with determination, but only through unofficial channels, because they wanted to avoid being criticized that they were “violating the normative and legal injunction against interference in the internal affairs of a sovereign state” (Touval 1996, 413). Any attempt of direct involvement, namely mediation, would have entailed exhaustive participation in Yugoslavia’s internal politics, which Western countries wanted to avoid. But this had no effect on the crisis in Kosovo. Even when Western countries eliminated their stand on the necessary preservation of Yugoslav unity, the right to secession was recognized only to those entities that had the status of a republic in the federation which Kosovo never managed to obtain. This happened once the wars in Slovenia and Croatia started and the EC rushed to establish an arbitration commission better known as Badinter Commission (after Robert Badinter, chief jurist and president of the French Constitutional Court), which was supposed to resolve discrepancies between parties in the Yugoslav crisis. More importantly, this commission issued several crucial opinions that rapidly became pillars around which the international community’s future activities revolved. For Kosovo, one finding of the Badinter Commission

was essential: in the process of dissolution, the international community was in fact recognizing the right of secession for those entities that had the status of a federal unit, i.e. republics, but not for the autonomous provinces. Despite the fact that Kosovo requested recognition as a sovereign state, along with other republics, and following the results of a clandestine referendum on independence, the EC refused to consider it (Caplan 1998). In a nutshell, by the 1990s, efforts of preventive diplomacy regarding the crisis in Kosovo were both weak and ineffective – because of the reluctance of outside actors to be engaged more directly and their holistic approach to the situation in Yugoslavia in general.

Along with the radicalization of Albanians in Kosovo, the international community also gave Milošević large space for maneuvering in the province. Soon after the Dayton agreement was signed, Western countries started lifting previously imposed sanctions from Serbia and Montenegro (then known as the Federal Republic of Yugoslavia, FRY). Initially sanctions were supposed to be lifted only in case the FRY implemented a set of laws that would improve minority rights, especially regarding Albanians in Kosovo. This matter was neglected due to the constructive work of Milošević in Dayton. On 23 February 1998, the US envoy to the region, Richard Gelbard, labeled the UCK as a terrorist group whose activities were strongly condemned by the US. Milošević interpreted this as a clear signal to launch several large-scale attacks against the Albanian population in Kosovo under the clout of anti-terrorist activities.

The upsurge of conflict in Kosovo did not draw synchronized attention from the international community to mediate a settlement, until KLA activities became a serious challenge to Serb dominance in Kosovo, which resulted in a disproportionate retaliation by Serb forces and subsequent humanitarian crisis. As Burg notes, “it was the onset of fighting between Serbian (formally Yugoslav) military and police units and the KLA, and especially the use of disproportionate force by Serbs against civilians in Kosovo, in early 1998 that prompted US and international efforts to mediate the conflict” (Burg 2005, 202).

The initial efforts were showing signs of ‘continual equivocation’ (Caplan 1998). The Contact Group, composed of six nations (the US, U.K., France, Germany, Italy and Russia), often threatened to reestablish sanctions unless authorities in Belgrade withdrew their special forces from the province and begun a process of dialogue with the Ko-

sovo Albanian leaders. Despite the fact that Milošević was not complying with its demands, the Contact Group was reluctant to impose and strengthen sanctions and chose to be rather more flexible with deadlines. The hesitancy of the international community in this period can be traced in various factors, but there are two which deserve special attention. First of all, for the first time, a non-Western country was included in the coalition of international actors that was active in managing the conflict – Russia. Emerging from the ashes of the dissolved USSR, Russia was now assuming a much more active role in international politics. Its absence from previous conflict management activities in Yugoslavia was to change. Perceived as a country that had a particular influence over authorities in Belgrade, Western countries had a strategic interest to include Russia as a partner in their coalition, because it would allow them to create necessary incentives to encourage Belgrade to collaborate and move toward a negotiated settlement. Nevertheless, as a member of the Contact Group, Russia was the most insistent in refusing to support many of the sanctions suggested by other states. On the other hand, Western countries were ever so more willing to apply more radical measures if the fighting in Kosovo continued – especially compared to previous conflicts in Yugoslavia. For Caplan these divisions have prevented the Contact Group “from acting with greater determination” (1998, 754).

The second matter which contributed to the hesitance of the international community was the fact that it shared a common interest in preventing the independence of Kosovo, as a possible precedent for separatist aspirations across the globe. Despite the fact that international actors differed on the means to get engaged, they were all reluctant to use measures that would weaken the Serbian repressive regime in Kosovo. Especially when reports of growing strength of the UCK were starting to come in, the Contact Group stopped insisting so vociferously that Belgrade should reduce its special forces in the province. The Group started demanding only a suspension of attacks on the civilian population in Kosovo.

However, the crisis in Kosovo was dramatically deteriorating. By the end of March, Serbian security forces launched large scale military attacks against civilian communities in Kosovo which resulted in the displacement of approximately 200,000 Albanians from their homes. Faced with an alarming humanitarian situation, the UN Security Co-



uncil immediately responded; on 31 of March 1998 it adopted resolution 1160 under Chapter VII which imposed an arms embargo on Yugoslavia. The resolution also called for a substantive and meaningful dialogue on political status issues between Belgrade and Kosovo Albanian authorities, and recognized the willingness of the Contact Group to facilitate the talks. The resolution concluded that the outcome of such talks should be founded on the principle of Yugoslav territorial integrity, respect for the OSCE standards and the Charter of the UN, and should promote an “enhanced status for Kosovo” which would imply a larger degree of autonomy and “meaningful” self-administration (S/RES/1160, 1998). The implications of this resolution went even further, considering that the document in fact labeled the situation in Kosovo as a threat to international peace and security. Even so, authorities in Belgrade were reluctant to accept any foreign involvement in the case, claiming that the issue was purely internal.

Despite the reluctance of the authorities in Belgrade to accept third party involvement while the situation in Kosovo was further deteriorating, the Serbian government was gradually experiencing considerable pressure from abroad. It first started communicating about the issue with US diplomats. At that time, as a clear sign of a unipolar power-balance in the world, the American administration was demonstrating the biggest determination to manage the conflict and if necessary to exert the use of force. Despite the fact that the US was orchestrating the whole process, it had to rely on the assistance by other members of the Contact Group. It was Russia who managed to extract a very important concession from authorities in Belgrade, who agreed to restart negotiations with Kosovo leaders in June 1998, “to the extent that terrorist activities are halted” (Crawford 2002, 508). This time Kosovo leaders were not collaborating, due to extreme pressure imposed on them by the UCK not to accept anything but full independence for the province. Slowly, US officials using facilitator strategies were able to start indirect negotiations with Belgrade and Priština, using a distinct form of shuttle diplomacy mixed with sporadic threats of military intervention, since the two sides did not want to negotiate directly. The lack of direct communication was a sign that compromise was far from being attainable, especially since the authorities from both sides were very limited in their bargaining power. This time, both sides had considerably less space to maneuver, just as in 1996 when they signed the (never imple-

mented) agreement on education in Kosovo. It was virtually impossible to reconcile the claims of independence and reaffirmation of Kosovo as an integral part of Serbia. From June until October, several attempts of shuttle diplomacy by US officials failed because Kosovo leaders could not accept proposals from the international community, saying that Kosovo would stay an integral and unalienable part of Serbia.

Given the futile results, belligerent activities between the UCK and Serbian forces again escalated, resulting in another UN Security Council resolution which condemned all acts of violence in Kosovo, in particular the “indiscriminate use of force by Serb security forces” and again urged both parties to cease fire and seek a political solution (S/RES/1199, 1998). It is also noteworthy to observe that by that time, US officials gradually stopped labeling the UCK strictly as a terrorist group. In fact, already in July 1998, James Rubin, the spokesperson of the State Department said that “not all activities of UCK should be considered as terrorism”. From that moment on, the UCK was getting more legitimacy in the eyes of the international community (B92, 2008). In a short while, the position of the UCK would change from a terrorist group into a partner in the mediation process, enabling the third parties to engage them more directly in the peace process.

During this process, the US officials were losing leverage towards the LDK and Milošević, while they had no leverage whatsoever over the UCK (Burg 2005, Crawford 2002). After mixing diplomacy with threats of using military force to impose a settlement, an agreement concluded between Richard Holbrooke and Milošević in October 1998 that called for the reduction of Serbian security forces and their withdrawal from Kosovo fell apart because this was used by the UCK to expand its power in the province. Not surprisingly, by the end of 1998, the negotiations became completely ineffective.

While the futility of negotiation efforts was becoming more evident, the situation in Kosovo was becoming more unstable. The level of violence was drastically increasing; the conflict was demonstrating all elements of intractability. By the end of 1998, Serbian forces responded to the UCK’s expansion of power in the province with a systematic campaign across all municipalities forcing more than 300,000 ethnic Albanians to leave their homes, accompanied with countless civilian casualties. Serbia claimed that their actions were legitimate and directed towards terrorists in Kosovo. However, soon the international commu-



nity would discover that attacks were directed against the Albanian civil community as a whole, rather than terrorist cells of the UCK. The turning point was in January 1999, when the foreign press released a story of mass murder of 45 ethnic Albanian civilians in Račak, executed at a close range by Serbian forces (Weller 1999). Confronted with an unprecedented level of hostilities, the Contact Group swiftly reacted.

Since conflict intensity was high, with elevated levels of violence and distrust between the parties, tactics of communication and formulation were not enough. The Contact Group ministers immediately met in London and assumed a more decisive role using a directive-manipulator strategy. The ministers “unreservedly condemned” what happened in Račak, stressing that the situation in Kosovo which “remains a threat to peace and security in the region, [was] raising the prospect of a humanitarian catastrophe” (Chairman’s conclusions, 1999). Blaming both the Belgrade authorities and the UCK for perpetuating conflict and violence in the province, they called them to end their belligerent activities and commit themselves to a process of negotiation which would lead to a political settlement. The negotiations needed to reestablish ‘substantial autonomy of Kosovo’ in a form agreed by both sides. Parties should gather in Rambouillet by the 6<sup>th</sup> of February, and proceed negotiating with direct involvement of the Contact Group. The statement concluded that “the Contact Group will hold both sides accountable if they fail to take the opportunity now offered to them, just as the Group stands ready to work with both sides to realize the benefits for them of a peaceful solution” (Chairman’s conclusions 1999).

Despite the fact that the Rambouillet conference was mainly about the fate of Kosovo, it became an exceptional opportunity to become an arena where most of the friction lingering in the post Cold-War transformation process, surfaced out. According to Weller (1999), it was an excellent opportunity for a “fundamental change in the roles of international actors”. It was also an undeniable statement against the materialization of a unipolar system dominated by the US.

First of all, the steady emergence of Russia as the new-old global power was most emblematically represented by its membership in the Contact Group and presence at the Rambouillet conference in particular. Moscow developed a firm foreign policy stand which aimed to deject the concept of an imposed settlement upon Yugoslav authorities, especially if enforced by NATO. In case that would turn out to be un-

feasible, Russia's priority was to maintain a managing role for itself in the future administration of the situation. At that time, the best way to achieve such aspirations was to promote the involvement in the crisis of collective bodies where Russia could block decisions requiring consensus (Weller 1999). Along with the Contact Group, these bodies were also the OSCE - which provides an additional layer of institutional authority in conflict management and where decisions are made using consensus - and more importantly, the United Nations Security Council where Russia is invested with veto powers.

As Levitin (2000) explains, the Russian interest in the situation in Kosovo was marginal during the early 1990s. The first reported talks with Belgrade regarding the crisis took place only in 1996. For far too long Moscow was ignoring the information about the allocation of Serbian security forces in the province especially in the period when violence was culminating (1997-1998). Such laxity deprived policy makers in Moscow from the possibility to acknowledge the importance of moderate forces in Kosovo - namely the non-violent resistance movement - and thus indirectly contributed to the consequential upsurge of radical forces in the province. The first contacts with leaders from Priština were established only in July 1998. Undoubtedly, by then, Russia assumed a role of a passive bystander in the crisis settlement. Finally, this lack of interest was best observed in the Russian 'withdrawal' of its veto in discussions on Kosovo, both in the Contact Group and the UN Security Council throughout the years. The first concrete involvement of Russian diplomats was in the second part of 1998, when Moscow exercised its relative leverage over Belgrade, given the traditionally close relations between the two capitals and shared religious and Slavic heritage. Russia, faced with an imminent realization of a NATO bombing campaign in Yugoslavia, managed to pressure Milošević through indirect channels, to accept negotiations with Priština which temporarily suspended the use of coercive force. It was a clear signal for the rest of the international community that Russia could act as a useful biased mediator as it possessed the necessary leverage to create essential incentives for Serbia to cooperate more on solving the conflict. Despite this contribution, it was only in Rambouillet that the Russians actually got involved in a more constructive discussion in formulating peace plans with Western countries of the Contact Group, which had been active in this matter already since mid-1998. According to Levitin, "the real

reason for Russia's reluctance to join in serious discussions concerning Kosovo's legal status stemmed not from a substantive gap between Russian and Western positions, but from the Russian habit of inertia, delay and fear of decision-making" (Levitin 2005, 136). Such attitude was a consequence of "lack of clear vision" of Russian geo-political preferences in the Balkans that persisted in Moscow during the 1990s (Levitin 2005). In other words Russia was lacking a clear idea of its interests in the region.

Until mid-1998, Russia had a very rigid position on the issue of Kosovo's legal status. In 1997, when the Contact Group drafted a very vague formulation for Kosovo's autonomy, Russia's traditional historical relations with Serbia prompted Moscow to insist that the principle of self-governance gets accepted only if the province remained within Serbia's formal jurisdiction (Levitin 2005, 136). With the outbreak of hostilities in the second half of 1998, Moscow started contemplating the idea of a special status for Kosovo, always within the Yugoslav federation. Despite this change of attitude, Russia was very slow to adapt to group dynamics within the Contact Group. During the shuttle diplomacy episode, conducted by US envoys in late 1998, Russia in principle did not oppose any of the formulations proposed for a settlement. However, lack of vision and inertia in the conduct of foreign affairs made Russia assume a "kind of slack resistance" (Levitin 2005, 136).

France was also aspiring to advance its role as a global power and tried to challenge the US position to delegate future decision-making mechanisms towards NATO and away from the UN Security Council, where France was enjoying the same leverage as Russia. Germany and Italy were also more inclined to strengthen the role of the UN, and initially even indicating that they would not support any use of coercive means by NATO unless approved by a Security Council resolution. The choice of Rambouillet for negotiation talks (instead of an American air base, e.g. Dayton, Ohio where the Bosnian war was settled) was an implicit signal to the US that their European partners were resolute to approach the crisis in Kosovo with more determination.

The only European country that was differing from this position was the United Kingdom. In fact, policy makers in London were much more inclined towards US policies in this matter and shared the idea that NATO should maintain the dominant role in the future administration of the conflict. However, both countries were well aware that

a forceful action by NATO, without a clear mandate from the Security Council, would only increase friction within the Contact Group during the Rambouillet talks. The fact that there was an undeniable humanitarian crisis in the province, gave much more room to consider a coercive action and promote it to partners in the Contact Group. Even the UN officials backed this vision. The UN Secretary General Kofi Annan, in his visit to NATO headquarters, stressed the importance of ‘contemplating’ the use of force to halt internal conflict, despite the reluctance of the host government, especially bearing in mind the Bosnian experience (Anan 1999).

In order to have everyone on board and create *internal coherence*, the US strengthened diplomatic contacts with all members of the Contact Group. Despite the initial differences, all European countries eventually agreed to employ coercive power through NATO as a necessary incentive in the upcoming talks. The NATO Secretary-General Javier Solana publicly announced full support for a political settlement under mediation of the Contact Group, which would reaffirm sovereignty and territorial integrity of Yugoslavia and completely protect human and other rights of all ethnic groups. At the same time, NATO called both sides to end the violence and pursue their goals through peaceful means; Yugoslav authorities were asked to start reducing the number of security forces in the province while Kosovo Albanians were told to immediately cease hostilities and provocative actions (Weller 1999, 221). Shortly after, NATO officials directly threatened Yugoslav officials with air strikes, despite the continuous acknowledgement of Yugoslav territorial integrity and sovereignty, in case they failed to commit to achieve a settlement. They also threatened that they would take all appropriate measures against the Kosovo Albanian leaders, in case they failed to comply with the demands of the international community. The threat of use of force was justified as a forcible humanitarian action (Weller 1999, 223).

At this point, the stage was set for ‘mediation with muscle’. By the end of January 1999, the foreign ministers of the US and Russia met and jointly declared that they were determined to “maintain close contact in order to *coordinate* US and Russian support for a resolution of the crisis” (emphasis added, Weller 1999, 221). For the US, the only acceptable strategy for tackling the situation in Kosovo would be a combination of “diplomacy with a credible threat of force”, for which they already

had support of their allies and it would be promoted through Contact Group (Weller 1999, 221). Even though policy makers in Washington were showing the highest level of commitment to resolve the conflict in Kosovo, they were aware that they needed partners in order to make indispensable inducements for both sides to sit at the negotiation table.

## 7.3 Multiparty Mediation Process

### 7.3.1 The Contact Group's Mediation Strategy

Despite the initial internal struggle for power, the Contact Group managed to find coherence and shared the idea that the conflict in Kosovo needed to be managed as promptly as possible. The Contact Group immediately stepped in with a directive-manipulator strategy and presented to the parties a document containing "non-negotiable principles/basic elements" for a settlement. Principles were divided into four groups: a) general elements, including the necessity of an immediate end of violence and respect of ceasefire; peaceful solution through dialogue; an interim agreement - a mechanism for a mutual settlement after an interim period of three years; no unilateral change of the interim status; and international involvement and full cooperation by the parties on implementation; b) governance in Kosovo, including a high level of self-governance for Kosovo through own institutions; harmonization of Serbian and federal laws with the interim agreement; and members of all national communities to be fairly represented at all levels of administration; c) protection of human rights including judicial protection of human rights guaranteed by international conventions, establishment of an ombudsman office, and a considerable role for international bodies such as the OSCE in the implementation process (Weller 1999, 225-226). The general principles also included preservation of territorial integrity of the FRY and neighboring countries; protection of rights of the members of all national communities within the FRY; protection of rights for members of all national communities in FRY; free and fair elections in Kosovo; amnesty and release of prisoners (*idem*).

It was mandatory for the parties to take notice of these non-negotiable principles. The mediators did not require a formal consent on the principles, since they were considering the decision of the parties to participate in negotiations as an implicit acceptance. Most of the prin-

ciples were a compilation of proposed suggestions by the US envoys in the shuttle diplomacy period. The crucial addition was the mechanism of an interim agreement that implied a transitional phase of three years, after which a final settlement should be achieved.

### 7.3.2 Party Arithmetic

The Serbian delegation was composed of three groups. First of all, there were prominent political figures from Belgrade that were directly mandated by Milošević. Along with them, the delegation included individuals that were acting as representatives of several non-Albanian ethnic groups from Kosovo. However, from the beginning, their representativeness was put under serious doubt, when numerous communities in Kosovo learned about their presence in Rambouillet. As it turned out, during the conference, their role was considerably marginal, and they were included by Belgrade authorities only as a demonstration of alleged coherence of non-Albanian constituencies in Kosovo. Most importantly, the delegation consisted of professional negotiators and experts that assumed leading roles once the process started.

The Kosovo delegation was also controversial: members of the leading party LDK composed only one third of the overall delegation. The rest of the delegation grouped representatives of opposition parties in Kosovo, whose stands on the issues were far less flexible and more inclined towards the UCK. And more importantly, there were a considerable number of representatives from the UCK itself. The UCK not only became a negotiating partner, but its leader Hashim Thaci was also assigned to head the tripartite presidency of the Kosovo delegation. The delegation was primarily broadened due to extreme pressure coming from Kosovo. This was viewed as acceptable also by the mediators, because they realized that by excluding the UCK (and other opposition parties) from all previous negotiations, they were only losing leverage over them. Considering that the UCK became an important actor in the conflict, mediators used a particular form of party arithmetic. It implied inclusiveness of additional players that might be constructive for the implementation phase once the settlement had been achieved.

The mediation was conducted by three key negotiators – Christopher Hill (US), Wolfgang Petritsch (representing the European Union), and Boris Mayorski (Russian Federation), all appointed by the Contact



Group, and were expected to represent the interest of the entire coalition and not of their state of origin. Since the Contact Group on previous occasions, had declared a shared commitment to resolve the conflict, had 'muscle' at its disposal, and support from very relevant international organizations (such as the UN and the OSCE), the mediators immediately assumed both formulator and manipulator strategies.

### 7.3.3 The Mediation Process

At the beginning of the conference, both sides received a draft version of the political settlement which consisted of a framework agreement and three annexes (on the Constitution of Kosovo, elections and an ombudsman). The mediators also formulated a very strict procedure for the process of negotiations. Namely, the parties were not expected to engage in direct talks, but rather supposed to submit comments on the drafts. In case both sides agreed on a modification of the text, that change would immediately be included; in case there was no consensus, the alteration of the text would not take place and the draft would stay unchanged. Modifications were not allowed to diverge from the non-negotiable principles (Weller 1999).

From the beginning, the Kosovo delegation assumed a very constructive strategy, and immediately submitted written comments on the draft, claiming that in principle the document was acceptable and that they would suggest some changes in order to improve it. On the other side, the Serbian delegation was much less constructive, as it did not produce any comments for some time, but engaged in several attempts to downplay the position of the Kosovo delegation, but with no success (Weller 1999).

The Kosovo delegation hoped that its constructive role would be rewarded by the mediators, but that never happened. In fact, the mediators were much more occupied with urging the Serbian delegation to submit some comments and suggestions on the first draft. The first proposal from the Serbian block was in absolute collision with non-negotiable principles, so the mediators "then proceeded to engage the FRY/Serb delegation in an intensive dialogue, so as to whittle down the wide-ranging comments in to a more limited number of submissions which might be discussed" (Weller 1999, 229). In such circumstances, the Kosovo delegation and its comments were largely ignored by the

mediators, until some progress with the other side was made. The revised draft by mediators came as a shock to the Kosovo delegation, because it included almost all demands from the Serbian side (such as the legal status of Kosovo to be placed into the constitutional settlement, veto powers for all community leaders in Kosovo were introduced, and a limiting of the authority of Kosovar institutions), while suggestions from the Kosovo delegation were largely ignored and only few were included (Weller 1999).

Once the revised draft was presented, mediators suggested to both parties to consider it as a final version of political settlement. Both sides declined this offer. The Kosovo delegation refused to receive the document, considering it as a direct result of talks between mediators and the Serbian delegation, which represented a breach of faith that they had in the process. In other words, the presentation of the draft developed a feeling of distrust and betrayal which seriously jeopardized further constructive participation from the Kosovo delegation. However, the mediators were insistent on the matter. Since there was no going back to the original draft, the Kosovo delegation presented a statement containing a list of necessary changes that needed to be considered if negotiations were to succeed. The Serbian delegation was also insisting on further changes. Realizing that neither side was willing to accept the document, mediators extended the deadline and took into consideration positions from both sides.

This time the procedure was somewhat different. Negotiations were actually conducted in a form of genuine proximity talks (Weller 1999, 232). It meant that substantive suggestions from one side were channeled through a body of legal experts to the other side. In case the other side refused to accept suggested changes, the mediators would aim to reduce the scope of alterations and refine them through negotiations with both sides until they would concur. Using this method, in a very short lap of time, mediators were able to produce a new draft that merged all previous annexes into a comprehensive document which was entitled Interim Agreement for Peace and Self-Government in Kosovo (S/1999/648, 1999). In sum, the agreement prescribed that Kosovo would not be an independent state but a component part of Yugoslavia with a status somewhere between an autonomous province and a federal unit. Federal laws were supposed to remain in force in Kosovo as long as they were compatible with the agreement. The proposed constitution



of Kosovo was deeply rooted in the Yugoslav federal tradition, and prescribed 'sovereign rights at the level of the autonomous sub-state entities' (Stahn 2001, 538). The status of Kosovo within Yugoslavia was to be safeguarded by an international supervisory institution with binding decision-making powers. It meant that Kosovo would become a sub-state entity under international guarantee and supervision, without assuming characteristics of an international protectorate or international territory. Despite the international military presence of Kosovo Forces (KFOR), Kosovo still remained under the overall external protection of Belgrade (Stahn 2001, 538).

In the meantime, the mediators also had to put additional pressure on both sides, especially on the UCK, which was still reluctant to accept anything below independence and was very reluctant to accept the process of demilitarization, given the high level of distrust and animosity towards Serbian security forces. Thus through a *coordinated* activity, representatives of military staffs from all western countries in the Contact Group discussed issues of demilitarization in practice, and mechanisms of international guarantees that the security in the province would be under strict control. From that moment, it was implicit that the KFOR would be a NATO-led mission. Ultimately, a very important concession was given to the Kosovo delegation, which consisted of inclusion of the phrase "will of the people" in the part referring to the interim period of three years. It meant that implicitly, the people of Kosovo were granted a mechanism and a possibility to achieve independence after this period. At this point, the Kosovo delegation was persuaded by mediators (especially the representative from the US) to accept the agreement. The initial response was that the delegation needed time to consult the constituencies in Kosovo, but after a short while, the Kosovo delegation issued a declaration which "noted that in order to facilitate such consultations, the delegation had voted in favor of the agreement as presented in the negotiations on 23 February" (Stahn 2001, 233). According to Ker-Lindsay, they were aware that unless they accepted the proposed agreement they would inevitably lose any form of international support (Ker-Lindsay 2009, 14).

The position of the Serbian delegation was somewhat more confusing. While it was evident that the opposite side was not willing to accept the agreement, Serbs were issuing statements containing demands for further concessions. However, once it was clear that the Koso-

vo delegation was going to sign the document, the Serbian delegation stepped forward with a declaration which emphasized the considerable progress towards commonly acceptable solutions that was made during the negotiations. At the same time, it asked for further clarifications on the issues of Kosovo's self-government, and on international presence in Kosovo during the implementation of the agreement. Thus, for the Serbian delegation, the reasons for talks were still not exhausted, and negotiations were far from being concluded.

The Contact Group, faced with firm stands on both sides, issued a joint statement that was a clear sign of a directive strategy. The statement was echoing an ultimatum for both sides. The statement noted that "important efforts of the parties and the unstinting commitment of our negotiators Ambassadors Hill, Petritsch and Mayorsky, have led to a *consensus*" on substantial issues regarding self-governance and autonomy of Kosovo and established a "political framework ... and groundwork... for finalizing the implementation... including" [emphasis added] (Contact Group Statement, 1999). The mediators indicated that the document needed to be completed and signed as a whole by both sides, in the upcoming conference on 15 March in Paris, which would cover all aspects of implementation. The future conference was not intended to be a place where talks on the political settlement could be reopened, but only discussions on the issues of implementation of the agreement.

In Paris, the Kosovo delegation immediately submitted a letter in which it indicated its full acceptance of the interim agreement from 23 February. The mediators were reluctant to pressure the Kosovo delegation to immediately sign, and advised them to postpone this act until the Serbian delegation was on board. The Serbian side still had its reservations toward the document. In direct communication with Serbian delegates, the mediators indicated "the *unanimous view* of the Contact Group that only technical adjustments can be considered which, of course, must be accepted as such and approved by the other delegation" [emphasis added] (Weller 1999, 234). It was a clear signal for the Serbian delegation that possibilities for further concessions were completely exhausted at this point. However, the Serbs did not accept this, and instead issued a counter-draft which was undoubtedly to reopen discussions on the political settlement from the beginning. The draft was asking for a formal subordination of Kosovo to the federal and republican system and complete marginalization of provincial in-

stitutions. According to some observers, such a proposal was aiming to formalize an “institutional system of apartheid” (Weller 1999, 235). Ultimately, the draft completely struck out the part regarding outside military and civilian presence for the implementation phase. For the Serbian delegation it was absolutely unacceptable that NATO forces assumed any control in Kosovo (Black, 1999). In those days, Milošević, in presence of Russian officials, stepped out and determinedly announced that Serbia would never accept to withdraw its forces from Kosovo and allow the presence of foreign troops on its own soil (B92, 2008). On 18 March, the Kosovo delegation signed the agreement, in a formal ceremony that was not attended by the Russian delegate Mayorski. It showed that coherence and coordination within the Contact Group was falling short. For the first time, one of the mediators was not acting as a representative of the entire coalition, but rather of a particular country.

### 7.3.4 Emergence of Diverging Interests between the Mediators

According to Levitin (2000), Serbia was insisting on the matter of not accepting a NATO-led international military presence in Kosovo, believing that it would have support from the Russian delegation. During the conference, Russian officials were constantly trying to find reasons to cast doubt over the Kosovo delegation, labeling it as ‘illegitimate’ and inappropriately composed due to the presence of the UCK. However, these were not real concerns, but rather tactical feints, without any strategic purpose, that were sending false signals to the Serbian delegation. Russian officials were well aware that the agreement was not feasible without an outside military that would implement it. Yet they avoided to discuss a mutually acceptable arrangement and declined to offer any sensible alternative to Western plans to use NATO forces, which contributed to the lack of coordination within mediators. As Levitin claims, “the Russian habit of procrastination, especially with regard to the military annex of the agreement, contributed to Rambouillet’s collapse” (Levitin 2000, 137). Notwithstanding these hard accusations, it was obvious that Russia was not sharing the same vision about the common solution to the conflict anymore. Its interests were now diverging from the rest of the coalition, which contributed to the lack of coordination between mediators. It meant that the mediators were

unable to coordinate their leverages on both sides: while one group was exercising pressure creating required incentives on the Kosovo delegation to accept the agreement, Russians were abstaining from exercising indispensable leverage on the Serbian delegation to do the same. As a consequence, the Serbian delegation perceived these mixed signals as an inducement to assume a much more unyielding position that eventually stopped them from signing the agreement.

The emerging division within the Contact Group did not surface out immediately. In fact, the mediators tried once more to convince the Serbian delegation to accept the agreement, reminding them that they were mediating with muscle. Once this attempt failed, the Contact Group issued a statement with which it indicated that the Rambouillet Accords were the only peaceful solution to the crisis in Kosovo, acknowledged the opportunity taken by the Kosovo delegation to accept the Interim Agreement, and blaming the Serbian delegation in its attempt to unravel the conference. For all members of the Contact Group, there was no purpose to extend the talks. Negotiations were adjourned until Serbs expressed their acceptance of the final document. The Contact Group was resolute to engage in consultations with other international partners that should be ready to act. They earnestly warned authorities in Belgrade to uphold any military activity in Kosovo, because “such violations would have the gravest consequences” (Weller 1999, 236). As hypothesized in H2, Russian lack of cooperation with the rest of the Contact Group directly guided the process into a deadlock.

Despite these warnings, Serbian authorities were continuing their initial strategy of deploring troops to Kosovo. At the same time when the Contact Group was issuing the last statement, Serbian security forces strengthened the grip over Kosovo, using extremely violent measures managed to displace around 200,000 of ethnic Albanians outside of the province. This was a crucial error in their strategy (Posen 2000). These developments represent clear evidence in support of the previously hypothesized H4 dynamic, where in case mediators do not reach such convergence, the conflicting sides will be induced to defect from negotiations, making it more likely for the peace process to fail. Violent measures in Kosovo accompanied by open reluctance to accept the Agreement (the final attempt by Holbrooke on March 23 to persuade Milošević ended in failure) were a signal for the Western countries that

'muscle' at their disposal (i.e. NATO) needed to be deployed. On the 24 March 1999, NATO air forces started a bombing campaign of Serbia, which ended after 11 weeks, with numerous civilian and military casualties and extreme material damage.

The start of the NATO campaign provoked a particularly harsh rhetoric on the part of Russia. Officials in Moscow immediately condemned the use of force without authorization of the UN Security Council, and made symbolic gestures to seize cooperation with NATO (Smith and Plater-Zyberk, 1999). According to Antonenko (2000), Russia's reaction to the bombing campaign had little to do with the situation regarding Kosovo, but was a direct materialization of a larger anti-NATO sentiment and an escape route for post-Soviet frustrations. For Levitin "the deterioration has to be understood in the context of more general and long standing trends in Russian foreign policy" (Levitin 2000, 138). Moscow was also continuing to send very mixed signals regarding the issue. For instance on March 25, the Russian Foreign Minister Ivanov emphasized that Belgrade should be aware of its responsibility for resolving the problem in Kosovo and opt to accept the political settlement drafted in Rambouillet. The day after, he declared that the Rambouillet peace documents are "practically null and void" (Smith and Plater-Zyberk 1999, 4). Nevertheless, in his speech at the *Duma*, Russian President Yel'tzin highlighted that "the tragic mistake of the American leadership should not result in a prolonged crisis of US-Russian partnership" (Smith and Plater-Zyberk 1999, 4). Such mixed signals were a clear indication of Russia's persistent inability to formulate a clear set of preferences regarding the issue, as on the one side it wanted to maintain its influence in Serbia while on the other side it was eager to improve its relations with the rest of the Contact Group.

Looking back at the model, despite initial confidence that the mediators were able to find internal coherence within the Contact Group and aimed at successfully coordinating the multiparty mediation efforts, the process never moved from *point b*. On the one side, initial readiness by Russia to work together with the rest of the Contact Group initially guided both sides to accept a peace conference and negotiate together, which represents an important step toward success. This offers important support for what was hypothesized in H3, as apparent convergence of interests was guiding the process toward the path of success. However, on the other side, Russia's initial readiness proved to be a façade as it

was unwilling to employ the necessary leverage to induce their partners in conflict (in this case Serbian government) to accept a compromised solution that was drafted in Rambouillet. As hypothesized in H1 biased mediators are useful for the process as long as they can extract concessions from their partners in conflict. While the Western states were able to induce the Kosovo delegation to compromise (thus providing important evidence for the causal mechanism hypothesized in H1) the Russians were unwilling to exercise the needed amount of leverage which would “deliver” the Serbian government to an agreement. Finally, the lack of success could be associated to Russia’s lack of a clear formulation of preferences, which did not permit an adequate coordination of mediators and their leverages, as was hypothesized in H9.

### 7.3.5 Inclusion of the UN into the Process

Russian readiness to be still treated as a partner in the West was best demonstrated in June 1999, when the NATO campaign was about to turn into a ground operation. Despite the open opposition to NATO intervention, Russia extracted a very important concession from Belgrade. Using necessary leverage through informal channels and backdoor communication, Russian officials persuaded Milošević to accept a cease-fire which would allow an international NATO-led military presence in Kosovo. Russians acted in the name of the entire Contact Group, offering to Milošević that the international military presence would be under the UN flag, and thus reduce the possibility of Serbia losing face domestically and abroad. More importantly, Serbia and Russia had converging interests to include the UN as a new actor in future conflict management activities. In Serbia, Milošević publicly stated that by transferring future management of the problems in Kosovo to the UN, Serbia would preserve its sovereignty and territorial integrity that were guaranteed by the UN Charter. He claimed that problems from Kosovo would finally be dealt within the body whose responsibility is to preserve global peace and security, and thus reduce the impact of the coalition that used muscle to manage the conflict. This was a direct indication that for Serbian authorities, the UN was invested with essential legitimacy to act as a new player whose legitimacy was derived from norms and values that were inherent to the organization. On the other side, Russia managed to transfer future management activities to a body



where it had more mechanisms of control. Such developments had a potential of providing useful evidence in line with what was hypothesized in 11a, as potential future success was directly related to the fact that upcoming UN-led (coordinated) mediation activities were initially compatible with interests of powerful states as Russia was in this case. In order to create necessary legitimacy for this move, Russia assured officials in Belgrade that the UN Security Council would pass a resolution that would formalize this presence. Given the fact that for Serbia the UN involvement was crucial at this point, the official presentation of the document was done by special envoy Martti Ahtisaari, which was adopted by the Serb parliament on June 3. It meant that the mediation process was now joined by a new actor, this time an international organization. Until then, UN involvement was somewhat sporadic, and largely conditioned by power-politics on the international level. It was mostly based on the occasional issuing of a resolution, but it was lacking any direct involvement in the process.

## 7.4 The new reality in Kosovo

### 7.4.1 The Kumanovo Agreement and UN Security Council Resolution 1244

The ceasefire was signed on the 9<sup>th</sup> of June in Kumanovo, a Macedonian town on the border with Serbia. The Kumanovo Agreement reaffirmed the document presented by Ahtisaari to include deployment in Kosovo under UN auspices of effective international civil and security presences. It was noted that the UN Security Council was set to adopt a resolution regarding the deployment of an international security force (KFOR), that would ‘operate without hindrance within Kosovo and with the authority to take all necessary action to establish and maintain a secure environment for all citizens of Kosovo and otherwise carry out its mission’ (Kumanovo Agreement 1999). The following day, the UN Security Council passed resolution 1244, which set the foundations for a new reality in Kosovo. The resolution was an evident proof of compromise within the Contact Group which was transposed in the Security Council. It undeniably refrained from recognizing Kosovo as an independent state which reflected the Russian stand, but also abstained from delivering any binding statements regarding Kosovo’s final

status that was in line with the Western countries' position. The conciliatory formula was endorsing sovereignty and territorial integrity of the FRY, while assigning the interim UN Mission in Kosovo (UNMIK) with the task of 'facilitating a political process designed to determine Kosovo's future status, taking into account the Rambouillet accords' (S/RES/1244, cl.11, 1999). As Stahn (2001) noted, this vague formula allowed a variety of scenarios. Evidently, the allusion to the sovereignty of the FRY seemed to signify that in any potential future scenario regarding Kosovo, this province would remain part of the FRY. Nevertheless, by mentioning the Rambouillet Agreement which prescribed that the future status would be determined by the 'will of people', the resolution seemed to be more open to interpretations concerning Kosovo's final status.

Pending final settlement of Kosovo's status, the resolution charged UNMIK (headed by a Special Representative of the Secretary-General) with the administration of the province. Its mandate was to promote the establishment of substantial autonomy and self-government in Kosovo, perform basic civilian administrative functions, organize elections and maintain law and order with all means necessary (Stahn 2001). Despite the fact that the resolution did not lay down a strict deadline for the establishment of necessary institutions, once they were established, they had to be transferred to the people of Kosovo in anticipation of a final settlement (Stahn 2001). In practice, the Mission was bestowed with classical powers of a state: the Mission introduced a different currency, established its own legal system and signed international agreements on behalf of the province. In other words, in practice, from the beginning, the FRY was dispossessed of its sovereign rights over Kosovo under the United Nations interim administration (Stahn 2001). As the Secretary-General pointed out, UNMIK became "the only legitimate authority in Kosovo" (S/1999/1250, par.35). According to several authors (Stahn 2001, Stahn 2001a, Ruffert 2001, Kreilkamp 2003, Perritt Jr. 2005, Knoll 2005, Knoll 2006; van Willigen 2009), Kosovo was transformed into an 'internationalized territory'. This neutral term indicated that the FRY was prohibited from exercising any form of power in Kosovo, while the UN administration was "pre-empted from disposing over the territory" (Stahn 2001, 540). In legal terms, the UN would act as a *trustee* that had absolute administering power over the province for a *limited time* without acting as a new sovereign (Ruffert 2001, Stahn



2001). Once the task of preparing the province for self-governance was complete, UNMIK had to transfer its authority to a different entity that, according to the resolution, should be found under a political settlement (Stahn 2001a).

#### 7.4.2 UNMIK Regulations and the Constitutional Framework for Provisional Self-Government

From the beginning of its mission, the Special Representative issued various regulations which contained basic ‘constitutional’ rules. According to these regulations, all powers (legislative, executive and judiciary) were vested in UNMIK and had to be exercised by the Special Representative. Institutions that were gradually being established (the Banking and Payments Authority of Kosovo, the Independent Media Commission, the Housing and Property Directorate, the Housing Claims Commission, etc.) were characterized by joint administration – a Kosovar and an UNMIK representative – and were based on the idea of good governance and other democratic principles. As Ruffert noted, the UN were “furnishing Kosovo ... with governmental and administrative institutions to bestow upon the respective populations the opportunity to exercise their rights of self-determination” (2001, 626).

In May 2001, the Special Representative promulgated the Constitutional Framework for Provisional Self-Government (Constitutional Framework) which was intended to be a major step towards the establishment of provisional self-government in Kosovo, beginning with the election of a constituent assembly in November 2001 (Regulation 2001/9, Kreilkamp 2003). Under this document, the Provisional Institutions of Self-Government (PISG) were to be: the Kosovo Assembly, the President of Kosovo, the Kosovo Government, and the Kosovo courts – institutions that would “normally be associated with a state of the sub-entities of federation” (Stahn 2001a, 151). It is very important to note the latter fact, because such a scenario – Kosovo enjoying the status of a *de facto* equal federal entity in Yugoslavia while *de jure* still part of Serbia – was prescribed by the Rambouillet Accords, which were turned down by FRY at that time.

Again the document was a result of a political compromise which was reflected in (again) ambiguous language. Despite the fact that the term ‘constitutional’ might have provoked high expectations among Ko-

sovo Albanians, the document did not have any direct reference to the achievement of independence for the province and in fact thoroughly avoided any term directly associated with it. At the same time, the FRY was not mentioned at all in the entire document. In laymen terms, Kosovo was not explicitly confirmed to be part of either the FRY or Serbia, which implicitly meant total suspension of their administrative control in Kosovo. This document initiated a slow devolution of power from UNMIK to local authorities. Significant aspects of legislative, executive, and judicial power were to be transferred to local institutions (both of the central and municipal administration). Soon after the adoption of the Constitutional Framework, both the Special Representative and UNMIK were facing severe criticism: internally, from Belgrade and from the international community. According to the report by the Independent International Commission on Kosovo, “under UNMIK constitutional provisions ... the UN administration retains ... vice regal powers, appropriate to colonial dependency, rather than to a self-governing people” (Kreilkamp 2003, 648). The report emphasized that the international administrators had “pervasive distrust of the administrative and political capacity of the population” which seems to clarify the reasons behind constitutional provisions adopted in the Framework (idem). The report that was published in 2001 called the international community to grant Kosovo with “conditional independence” which is “quite distinct from limited self-rule under UNMIK” (Kreilkamp 2003, 651).

Serbian authorities in Belgrade were not pleased with the Framework, claiming that it was violating the spirit of Resolution 1244 which “enshrines their right to carry out certain state functions in what they still view as Serbian province” (Knoll 2005, fn. 16). Based on this position, the Serbian government encouraged the Serbian minority living in Kosovo to boycott the provisional institutions, and for this reason established parallel structures of government in municipalities where Serbs were the majority, especially in the areas of education, justice and health care. By not participating in provisional institutions, the Serbian side implicitly acknowledged the fact that provisional institutions that were being established were to be exclusively Kosovar and out of Belgrade’s control. This made it possible for the Kosovo Albanians to feel absolutely detached from Serbian presence in the province. Given the fact that UNMIK was mandated with an interim assignment, it

was part of its task to strengthen the established institutions in order to accomplish “the setting-up and development of meaningful self-government in Kosovo pending a final settlement” (Regulation 2001/9, par. 2). Gradually, Kosovo was establishing all the institutions that were necessary to have a functioning independent state.

In such an environment, the province awaited the signal from the Security Council that the talks on future status might begin. On 23 May 2005, the UN Secretary General appointed Ambassador Kai Eide to carry out a comprehensive assessment of the situation in Kosovo in order to appraise if the conditions were suitable to permit political discussion on final status. On 7 October 2005, Eide concluded that “while the standards implementation in Kosovo had been uneven, the time was ripe to enter the final-status negotiation process” (D’Aspremont 2007, 650). His remarks were immediately approved by the UN Security Council, which a few days later decided to initiate “a political process designed to determine Kosovo’s future status” (S/PRST/2005/51). The Council appointed Martti Ahtisaari as a Secretary General’s Special Envoy for Kosovo (UNOSEK), who on 14 November 2005 officially begun consultations and talks with Kosovo Albanians and Serbian authorities.

## 7.5 Multiparty Mediation by the UN

### 7.5.1 The Initial Coherence in the Contact Group

From the beginning, Ahtisaari has been given ‘considerable room to maneuver’ by the Contact Group (ICG, 2006). The Contact Group provided him with a working framework, through Ten Guiding Principles. He was instructed that once started, the process cannot be blocked and must be brought to conclusion, that the result may be determined by who quits the table first rather than by compromise (Idem, 1). The settlement needs to include and promote elements such as regional stability, sustainable multi-ethnicity, preservation of international civil presence in the province, dismissal of partitioning Kosovo, and highlight that any unilateral moves or acts of violence would not be tolerated. From that moment it was evident that the new process of mediation was a particular combination of formulator and directive strategies. On the one hand, the Contact Group was again prescribing non-negotiable

principles and setting up the expected spirit of the agreement, while Ahtisaari was supposed to explore, formulate and offer best solutions to both sides. Despite the fact that the ten principles were non-negotiable, it was already questionable whether they were prescribing a very clear mandate for Ahtisaari as to where the process should lead.

Privately, all Contact Group countries saw monitored, conditional independence as the only viable outcome. According to a British diplomat, during the December 2005 meeting in Paris, “the taboo on the outcome had completely gone ... everyone was talking about independence, and in front of Russians... they did not object” (ICG 2006, 11). Indeed, on several occasions, Russian diplomats had indicated their acceptance that full independence was the only viable outcome (ICG 2006, 2). It appeared that Russia perceived the new reality in Kosovo in the same way as other members of the Contact Group. The developing consensus in the Contact Group was translated in London, in January 2006, into the joint Ministerial Statement, where it indicated that the settlement had to be “acceptable to the people of Kosovo”, and that there was no going back to the status prior to 1999 (Contact Group London Statement, 2006). However, the real concern whether and when to publicly announce the Contact Group’s view of the outcome remained. There was a fear that expressing their support for the independence of Kosovo too soon, Priština - satisfied with the outcome – might not be willing to give any concessions afterwards, while dissatisfied Serbia would leave the negotiations. The Contact Group’s goal was “to get sufficient acquiescence from both sides so a settlement can be written into a new Security Council resolution to supersede 1244” (ICG 2006, 13). Indeed, none of the Contact Group’s members was inclined to impose a solution without at least Belgrade’s implicit consent. For this reason, the Contact Group and Ahtisaari’s team insisted that Kosovo Albanians would need to deserve their independence through tangible initiatives and concessions in order to accommodate Serbian requests. As Ahtisaari’s deputy Rohan immediately indicated “their aspirations and status will not come automatically... much work has to be done” (Rohan 2005).

### 7.5.2 Actor Transformation and UN Legitimacy

From the beginning of his mandate, Ahtisaari assumed a very con-

structive procedural-formulator strategy. He first explored the positions of both sides for a period of three months, through informal talks in Belgrade and Priština. It is noteworthy to highlight that in the interim period, the two sides went through a phase of actor transformation, which is commonly identified as a very valuable feature in managing intractable conflicts (Bercovitch 2005). In Serbia, Milošević was ousted by a more democratic government. In Kosovo, Rugova died in January 2006 (just before the first official round of talks begun) and the political party of the demilitarized UCK took over. Despite the fact that there were new actors on both sides, neither one changed its previous position. In Belgrade, the new government was ready to negotiate with Priština, thereby indicating its detachment from pre-1999 politics of stubbornness; but it remained resolute that Kosovo was an integral part of Serbia, as resolution 1244 prescribed. For the Serbian authorities, the UN-led mediation process was supposed to provide sufficient assurance that Kosovo could not secede from Serbia, because it would violate resolution 1244 which directly described Kosovo as an integral part of Serbia. They also warned that any decision made by the UN envoy had to be in line with the UN Charter that undoubtedly guaranteed inviolability of borders of a sovereign state. Thus for the Serbian side, the UN was invested with an essential level of legitimacy to prescribe future behavior deriving from norms (i.e. the UN Charter and the resolution 1244) that officials in Belgrade viewed as essential in the upcoming process.

On the other side, transformed UCK leaders were expecting formalization of the actual situation on the ground, where Kosovo was already developing all necessary institutions for a functioning independent state and where Serbia did not have any influence since 1999. Thus authorities in Kosovo also perceived the UN involvement as a mechanism through which the mediation process would gain more legitimacy, because the new contextual factors that were conditioning the ongoing mediation process were a direct normative product of the UN and its specialized bodies. They assumed that the UN would not neglect the reality on the ground which was directly set up by the UN administration of the province. It was clear that both sides maintained unyielding positions from their previous administrations that, again, were extremely difficult to reconcile.

### 7.5.3 The Mediation Process

Ahtisaari realized that the only way to reduce the gap between the two sides, was if he could structure the negotiations in such a way that 'technical' issues, which were causing less friction, were tackled first. This way both sides would provide concessions, which would consequently pave the road to the last question regarding final status. He set up a timeframe for talks, and stressed his expectancy that negotiations should be concluded within 2006. Technical issues that were to be tackled were: decentralization, community rights, protection of the Serbian Orthodox Church, claims of state property and debt. The official talks started on 20 February 2006 in Vienna, where Ahtisaari and his team (UNO-SEK) had their headquarters. Once again, the selection of the place for the talks was an indication that the issue was of primary concern for the European countries of the Contact Group, and that it was expected that, through the EU, they would be able to create expected incentives for both sides to agree on a negotiated settlement. The EU policies were perceived as the main carrot in the process, as both Serbia and Kosovo declared their commitment to the EU integration process.

The talks were conducted less expediently than what was initially expected. In five rounds of talk, substantial differences between the two sides surfaced out. The Kosovo delegation was initially extremely reluctant to talk about decentralization, unless the issue of status was first addressed. On the other side, the Serbian delegation, which was getting signals from the Contact Group that Kosovo was going to be granted conditional and monitored independence, wanted to stall the talks as much as possible and use that time to lobby within the Contact Group, especially with the Russian officials, emphasizing their legalistic approach towards the issue. Nevertheless, signals that were coming from Western capitals and Moscow were not encouraging. France was the first member of the Contact Group that indirectly warned Serbia that its legalistic approach against Kosovo independence would not find support and that it needed to face reality (ICG, 2006). Soon after that, Italy advised Serbia to realize that conditional independence would be the main topic of the talks in Vienna. Finally, in late 2005, Russia made it clear to Serbia that Moscow would not be drawn "into confrontation with the West over Kosovo" and that they would not veto a new Secu-



riety Council resolution that would promote independence, given that might be the outcome of the negotiation process (ICG 2006, 11).

Under considerable pressure from the outside, the Kosovo delegation started giving out remarkable concessions regarding decentralization, protection of minority rights and the Serbian Orthodox Church. These concessions, however, were paralleled by increased signaling from the Contact Group - on several occasions it was unofficially announced that there was consensus within the Contact Group on the final status and that the people of Kosovo should be better prepared for independence (B92, 2006). And while the Kosovo delegation was complimented for its efforts to compromise, the Serbian delegation was warned for its inflexibility in negotiations. The fact was that the Serbian delegation did not even have a platform for negotiations until the end of March, so despite the fact that procrastination might have appeared tactical, it was primarily unintentional. However, once the platform was presented, the Serbian delegation demonstrated a certain will for compromise by offering a formula, "less than independence more than autonomy", for Kosovo as part of Serbia. According to Serbian Foreign Minister Drašković, in light of the new reality on the ground and the change of political elites in Belgrade, the Serbian government was ready to accept that it did not have authority over Kosovo, and that Kosovo would be able to retain 95 percent of control and administration, while only foreign affairs and the military would be in the domain of Serbia or as he put it "Kosovo can get everything apart from a separate seat in the UN" (Drašković 2006). Ironically, the Serbian delegation was now offering the same platform that the Rambouillet accords prescribed, which was callously rejected by Milošević.

As the time for negotiations was running out, the mediators were becoming well aware that it was highly unlikely that they would achieve a negotiated settlement on Kosovo's final status. It was clear that once Kosovo officials were aware of the fact that independence was imminent, they would become impatient, less disposed to negotiate, and would start to urge the international community to formalize their new status. On the other hand, high officials from Serbia, also realizing forthcoming independence for Kosovo, stated that recognizing Kosovo was not an option and equal to political and national suicide for every politician in the country, and that no one is disposed to assume such responsibility (Jeremić, 2006).

### 7.5.4 Emergence of Diverging Interests within the Contact Group

Once the mediators anticipated that all opportunities to achieve a mutually acceptable settlement were exhausted, they decided to delegate the issue to the UN Security Council to “impose independence” (ICGa, 2006) through a superseding resolution. At that moment, within the Contact Group, initial fractions were surfacing out. The Quint (the informal group of western members of the Contact Group) was well aware that the Serbian side was correct in its reassertions that the Security Council could not declare Kosovo independent, because it was against the UN Charter to violate a member state’s sovereignty and territorial integrity. For this reason, they were trying to establish a method through which using a new Security Council resolution, the settlement might be imposed. The most uncertain factor at that moment was Russia’s stand. Russia started claiming that it would not support any settlement that would be imposed on Serbia, and that the outcome should be acceptable for both sides. Despite the fact that Russia signed the London Ministerial Statement, this dissent was deriving from Moscow’s newly formulated foreign policy interests, which were again sending very confusing signals to both Serbia and the rest of the Contact Group. The Contact Group members were confident that Russia was inclined to benefit from the precedent established by Kosovo’s independence by securing international recognition of ‘friendly mini-states’ – Abkhazia, South Ossetia and Transdniestria – which would break away from Georgia and Moldova using Kosovo as a model (ICGa, 2006). Despite the fact that Russia had a large interest in having Kosovo as a negative precedent, publicly it was renouncing it, stating that “if Kosovo’s independence is recognized despite Serbia’s will, this will create a very negative precedent in international relations” and that it was ready to use veto power in case the Kosovo solution did not conform to Russia’s interests (Lavrov quoted in ICGa 2006, 2). Clearly, Serbia understood this as an explicit support for its position, and consequently hardened its stand.

Given the new developments, the rest of the Contact Group aimed to reduce friction and a potential domino effect, by arguing uniqueness of the Kosovo case and that it could not provide a blueprint for other secessions and self-determination claims (ICGa 2006, 2). The first com-



promise within the Group was formulated in the New York Statement, where ministers looked forward to a “durable solution to the last major issue related to the break-up of Yugoslavia” (Contact Group New York Statement 2006). Following this statement, and recognizing that the opportunities for negotiations had been exhausted, Ahtisaari decided to present a comprehensive settlement package to the Contact Group. Given the potential discomfort of Russians with the term independence, he opted for a document that would only in substance imply independence, while refraining from using the actual word. The settlement’s lack of direct reference to independence was intended to curtail the resistance, and improve the chances, of its acceptance by all members of the Contact Group and by both conflicting sides, and “postpone any discord until a later point in the process” (ICGa 2006, 3).

The presentation of the document was scheduled for September 2006, but it was postponed until February 2007 due to parliamentary elections in Serbia, and fear of the Contact Group that even implicit consideration of Kosovo’s independence would result in yet another actor transformation in Serbia, but this time a less constructive one. Serbia interpreted statements coming from Russia as an indicator of a lack of consensus within the coalition. Consequently it represented a possibility to stall the process and delayed the formation of government until the last moment in May 2007, in order to avoid being blamed for ‘losing’ Kosovo and expecting that the Contact Group would be less inclined to impose a resolution without an executive authority in Serbia (ICG 2007, 7). Ahtisaari presented two documents to the Secretary General: the Proposal – an outline for state formation that was harmonizing the idea of an internationally supervised entity and an independent state – and the Report on the reasons behind the proposal. He explained his position as follows (S/2007/168, 2007):

“For the past eight years, Kosovo and Serbia have been governed in complete separation. The establishment of the United Nations Mission in Kosovo (UNMIK) pursuant to resolution 1244 (1999), and its assumption of all legislative, executive and judicial authority throughout Kosovo, has created a situation in which Serbia has not exercised any governing authority over Kosovo. This is a reality one cannot deny; it is irreversible. A return of Serbian rule over Kosovo would not be acceptable to the overwhelming majority of the people of Kosovo. Belgrade could not regain its authority without provoking violent opposition. Autonomy of Kosovo within the borders of Serbia — however notional such autonomy may be — is simply not tenable... Upon careful consideration of Kosovo’s recent history, the realities of Kosovo today and taking into account the negotiations with the parties, I have come to the conclusion that the only viable option for Kosovo is independence, to be supervised for an initial

period by the international community.”

The UN Security Council held a closed meeting on 19 March 2007, where all the diverging interests and perceptions surfaced out. For the Western countries of the Contact Group both the proposal and the report were supposed to be accepted, because Kosovo urgently needed a sustainable solution to its status and any delay would lead to instability. The Russian delegation, however, proposed retention of resolution 1244 with selective implementation of parts of the proposal. It also rejected any notion of time running out for Kosovo, and objected to make a rushed decision. Most importantly, Russia accused Ahtisaari for conducting shallow and abbreviated negotiations (ICG 2007, 6).

Russian refusal to accept the proposal formulated by Ahtisaari indicates that in case the mediation efforts conducted (and coordinated) by an international organization are not compatible with a powerful state's interest, the mediation effort is less likely to be successful - a dynamic hypothesized in H11a. At the same time, lack of success can be attributed to a lack of convergence of interests between Russia and the rest of the Contact Group, which conferred the needed level of legitimacy to the UN envoy to formulate and if needed impose a solution on their behalf as well. Lack of convergence of interest once again led the process to a deadlock, as hypothesized in H2. Finally, while initial indication of a convergence of interests within the Contact Group induces Serbia to start realizing that the independence of Kosovo was imminent, eventual Russian defection from the rest of the Contact Group induced the Serbian government not to accept Ahtisaari's proposal and to start stalling the process - a dynamic which provides (important) evidence in support of H4.

## 7.6 The Additional Attempt to Mediate by the Troika

### 7.6.1 Diverging Ideas on the Process between Mediators

Faced with Russian dissent, the US, UK, and France decided to stop drafting a new Security Council resolution. The French president Sarkozy proposed another round of talks, this time conducted by the Troika – US, Russia and the EU – in order to accommodate Russian demands that negotiations need to continue until both sides find a mutually acceptable solution. For the first time in the Kosovo conflict,

the EU assumed a role of the actor with the most responsibility in the process. The talks took place in Brussels. The role of the EU was to balance opposite stands of the US and Russia, and using a formulator role, thereby trying to ensure that every conceivable solution would be taken into consideration. Just as Ahtisaari, the Troika avoided talking about status issues, but rather focused on cooperation and future relations between Serbia and Kosovo. A fourteen-point document was proposed which outlined that special relations between the two sides were based on the principles that: a) Belgrade will not govern nor reestablish a physical presence in Kosovo; b) it will not interfere in Priština's relations with international financial institutions nor hamper Kosovo's EU stabilization and association process; and finally, c) that it accepts Kosovo's complete integration in regional bodies, especially economic institutions (Troika proposal, 2007). Again, the mediators were confronted with unyielding positions from both sides. While Belgrade was insisting that negotiations should focus on substantial autonomy for Kosovo, Priština was considering independence as non-negotiable and wanted to negotiate its post-status relations.

However, the lack of consensus on how the negotiations should be conducted was not anymore just between Belgrade and Priština. This time, mediators had highly opposite views on the format of talks. The EU representative, Wolfgang Ischinger, who proposed the fourteen points, assumed a much more formal role, using the formulator strategy. His idea was that the Troika talks should leave 'no stone unturned' in the search for a compromise agreement "which even if only partial could have shifted some responsibility from Western capitals to Belgrade and Priština" (ICGa, 2007). On the other hand the Russian diplomat Aleksandr Botsan-Kharchenko translated his country's position of "not imposing a settlement" into a communicator strategy, claiming that the two sides needed to find a compromise on their own, and that the mediators should only facilitate the talks. The differences in positions about the format of talks undoubtedly reflected the diverging interests between the mediators, who obviously did not share the same idea on the common solution to the conflict. The lack of shared ideas between mediators directly affected their coordination. During the negotiations, mediators were rarely offering joint proposals, rather individual suggestions that were openly rejected during official talks by other mediators.

## 7.6.2 Lack of Coordination between Mediators

Initially, mediators agreed to 'suggest' to both parties an 'Ahtisaari-plus plan', which implied a loose association or union between Serbia and Kosovo, which aimed to complement the plan for internal governance from Ahtisaari's proposal. The 'suggestion' was at first informal, in order to explore the positions on both sides regarding the proposed 'association of states' model. For Priština, this represented an 'Ahtisaari minus plan', since it was shrinking political independence in exchange for an extremely 'interdependent' relationship with Belgrade and access to global financial institutions. For Serbian officials, the association of states model was absolutely unacceptable as it formulated 'independence by another name' (ICGa 2007, 4). Despite such positions, all Western capitals urged Ischinger to present this model officially, because apparently, there was little hope for compromise and mediators needed to assume a much more directive role. However, Russia blocked the official presentation, and the Troika had to compromise for a vaguer 'neutral status' proposal, according to which Serbia and Kosovo would concur on instruments for stabilizing their relations 'prior to and regardless of the ultimate status decision' (Idem). It was obvious that mediations were not going forward at all. In such conditions, the mediation process became not only a reconciliation process between Belgrade and Priština, but also a process of appeasement between the three mediators. The difficulty of reconciling US, Russian, and European positions were evident until the end of talks, which directly hampered the Contact Group from giving any clear recommendation to the UN Secretary-General. On December 10<sup>th</sup>, after two years of negotiations and eight years after the first international involvement, the Troika officially declared negotiations exhausted without reaching any compromise.

The failure of the Contact Group to formulate a common platform was a direct indication that its member states did not share a common interest in reaching a solution to the Kosovo problem. Their inability to negotiate an agreement amongst themselves consequently led the peace process to a deadlock, as neither party in conflict was willing to compromise any further - providing sufficient support for H2.



