ASSESSING THE CONFLICT RESOLUTION POTENTIAL OF NEGOTIATIONS IN THE KOSOVO SERBIA CONFLICT

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Abstract: This paper focuses on the analysis of the role of the negotiation process towards the conflict resolution between Kosovo and Serbia after Kosovo's proclamation of independence. The main research question it addresses is: "To what extent has the negotiation process made an impact and offered an official solution to the conflict between Kosovo and Serbia?" The documents consulted for all rounds of negotiations completed from 2011 until the end of 2020 show that both countries have discussed mostly tangible and technical issues like free movement, economic development, minority rights, and political cooperation. During the dialogue period, Kosovo and Serbia signed numerous agreements and discussed a wide array of issues, achieving resolution on several technical matters. Despite the signing of thirty-three agreements, the pace of progress in the negotiation process has slowed in recent years. Analysis of these agreements indicates that while technical issues have been addressed, critical matters such as territoriality, sovereignty, and the recognition of Kosovo's independence have remained unresolved since the end of 2019, continuing into 2024. The paper concludes by recommending the continuation of negotiations, even at a technical level, improving government communication and transparency to avoid usual ambiguities. The success of negotiations would significantly benefit the Balkan region's development and progress.

Keywords: negotiations, conflict resolution, Kosovo, Serbia, ethnic conflicts

Rezumat: Acest studiu se concentrează pe analiza rolului procesului de negociere în soluţionarea conflictului dintre Kosovo şi Serbia după proclamarea independenţei Kosovo. Principala întrebare de cercetare pe care studiul o abordează este: „În ce măsură procesul de negociere a avut impact şi a oferit o soluţie oficială conflictului dintre Kosovo şi Serbia?" Documentele consultate pentru toate rundele de negocieri încheiate din 2011 şi până la sfârşitul anului 2020 arată că ambele ţări au discutat în cea

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mai mare parte probleme tangibile şi tehnice precum libera circulaţie, dezvoltarea economică, drepturile minorităţilor și cooperarea politică. În timpul perioadei de dialog, Kosovo şi Serbia au semnat numeroase acorduri şi au discutat o gamă largă de probleme, ajungând la soluţionarea mai multor chestiuni tehnice. În ciuda semnării a treizeci şi trei de acorduri, rata de progres în procesul de negociere a încetinit în ultimii ani. Analiza acestor acorduri indică faptul că, deși au fost abordate probleme tehnice, chestiuni critice precum teritorialitatea, suveranitatea şi recunoaşterea independenţei Kosovo au rămas nerezolvate de la sfârşitul anului 2019, continuând până în 2024. Documentul se încheie prin recomandarea continuării negocierilor, chiar şi la nivel tehnic, îmbunătăţirea comunicării guvernamentale şi a transparenţei pentru a evita ambiguităţile recurente. Succesul negocierilor ar aduce beneficii semnificative dezvoltării şi progresului regiunii balcanice.

Cuvinte cheie: negocieri, rezolvarea conflictelor, Kosovo, Serbia, conflicte etnice

I. Introduction

The Kosovo-Serbia conflict stands among the most challenging conflicts due to its social protracted nature, deep historical origins and potential impact on regional stability. An extensive literature delves into various facts of this conflict, encompassing themes of self-determination, territorial disputes, regional stability, and European integration. The conflict trajectory and the current impasse raise awareness about the effectiveness of peace negotiations and the international mechanisms aimed at conflict resolution. The key research question of this paper is "To what extent has the inter-state negotiation process made an impact and offered an official solution to the conflict between Kosovo and Serbia?". This study aligns with other scholarly endeavors shedding light on the intricacies of the case and contributing to further to existing body of literature concerning conflict resolution.

The roots of the conflict can be traced back to the dissolution of Yugoslavia in the early 1990s, when Kosovo, a predominantly Albanian-populated province, sought independence, while Serbia claimed it as an integral part of its territory[1]. This dispute resulted in a series of violent confrontations and culminated in a NATO-led intervention in 1999[2] and United Nations (U.N.)

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[1] Enver Bytyçi, *Diplomacia Imponuese E NATO-s Në Konfliktin E Kosovës.*(Tiranë: Instituti i Studimeve te Europes Juglindore, 2012).

[2] Miranda Vickers, *Between Serb and Albanian A History of Kosovo* (New York: Columbia University Press, 1998).

administration and protection. The first issue of dispute between the two countries in the post war period, was the recognition of Kosovo's self-proclaimed independence[3]. Involved international actors emphasized that the conflict over Kosovo's status had to be resolved through a "negotiated, rather than imposed, solution"[4]. Yet, without a mutual agreement, Kosovo self-proclaimed its independence on February 17th, 2008, by following the recommendations given by the U.N.[5]. This act, although legalized somehow by the International Court of Justice, continues to be rejected to this day by the Serbian side.

The unilateral declaration of independence created a political impasse where each party's action aimed to produce zero-sum political outcomes. The European Union (EU) used the two states' common aspiration to become EU members as an incentive to convince parties to engage in a dialogue process that would contribute to the normalization of relations. Starting from 2011, the dialogue process has often produced ambiguities in which parties relativize the objectives and outcomes of the negotiations. The significance of the Kosovo-Serbia conflict is not only important for the Balkans but also holds broader geopolitical implications. Its resolution has the potential to set a precedent for addressing other secessionist movements and territorial disputes worldwide. Furthermore, as the EU aims to foster stability and security in the region, the successful resolution of the Kosovo-Serbia conflict becomes crucial for the prospects of European integration of the Western Balkans region[6].

Concerns about the conflict arise as stable and peaceful relations between Kosovo and Serbia are not only an imperative for the two states, but they constitute a key aspect for regional stability. These concerns are studied and investigated by a number of authors[7]. Most studies state that negotiations are

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[3] James Ker-Lindsay, *Kosovo: The Path to Contested Statehood in the Balkans* (London: I.B.Tauris & Co Ltd, 2009).

[4] Henry H. Perritt, Jr., *The Road to Independence for Kosovo: A Chronicle of the Ahtisaari Plan* (New York: Cambridge University Press, 2010), 121.

[5] Tim Judah, *Kosovo: What Everyone Needs to Know* (Oxford: Oxford University Press, 2008).

[6] Mark Webber, "The Kosovo War: A Recapitulation", *International Affairs* 85, no. 3 (2009): 447–459.

[7] Ker-Lindsay, *Kosovo*; 2009; Florian Bieber, *Post-War Bosnia. Ethnicity, Inequality and Public Sector Governance* (London: Palgrave Macmillan, 2006); Håvard Hegre, Michael Bernhard, and Jan Teorell, "Civil society and the democratic peace", *Journal of Conflict Resolution* 64, no. 1 (2020): 32-62; Nathalie D. Tocci, "EU accession dynamics and conflict resolution: The case of Cyprus 1988-2002", Ph.D. thesis, University of London, London, 2003, http://etheses.lse.ac.uk/1719/.; Oliver J. Schmitt and Robelli Enver, *Kosova: Histori E shkurtër E një Treve Qendrore Ballkanike* (Prishtinë: Koha, 2012); James Pettifer, *Kosova Express: A journey in wartime* (London: C. Hurst &

known to be preferable especially in cases when the need for compromise is high. For this purpose, inter-state negotiations processes have often been accompanied by the involvement of third parties, one being the EU[8].

The study differs from previous research, seeking to conduct a comprehensive analysis of the inter-state negotiation process that looks at the negotiation process not in the way perceived, portrayed, and framed by engaged parties, but in terms of the concrete agreements it has reached and issues it has resolved. The particular aim of this paper is to study the effectiveness of the various rounds of negotiations along two dimensions: agreements reached and overall conflict settlement. The methodology used to categorize the issues related to negotiations discussed and agreed can shed more light on the negotiation approach regarding the Kosovo-Serbia case, by assessing how far apart or close are the parties on the matter of reaching a more substantive resolution. Thus, the contribution of this study to the inter-state negotiations process is to assess the impact of the negotiation process in terms of agreements reached and issues resolved. Through the literature review and the empirical data analysis this paper will try to fill the gaps of the existing literature by looking at the negotiation process from a political perspective and what could be done to further achieve a constructive resolution to the existing conflict.

The sections of this study are structured as follows. First, we will briefly review the literature on the impact negotiations have on conflict resolution in general, and international conflicts in particular. Then, we develop a conceptual framework to analyze specific conflict issues and integrative agreements. Subsequently, we probe the empirical plausibility of the theoretical framework in the context of the Kosovo-Serbia conflict by assessing negotiation effectiveness in agreements and issues resolved and determining to what extent it has contributed to the overall framework of conflict settlement.

Co., 2005); Emel Akçalı. "Reading the Cyprus Conflict Through Mental Maps — an Interdisciplinary Approach to Ethno-Nationalism." in *The Challenges of Ethno-Nationalism. Case Studies in Identity Politics*, ed. Adrian Guelke (London: Palgrave Macmillan, 2010), 41–59; Stefano Bianchini and Marco Dogo, eds., *The Balkans: National Identities in a Historical Perspective* (Ravenna: Longo, 1998); Tim Judah, *The Serbs: History, Myth, and the Destruction of Yugoslavia* (New Haven: Yale University Press, 1997).

[8] David P. Barash and Charles P. Webel, *Peace and Conflict Studies. Third Edition* (London: SAGE Publishing, 2014).

II. The Impact of Negotiations on International Conflicts

The impact of conflict resolution mechanisms in international politics, particularly within security studies discourse, has been widely debated. Conflict resolution studies, alongside diplomacy and peace studies, offer practical tools for implementing liberal foreign policy[9]. Liberal international relations practices incorporate key instruments such as bilateral cooperative programs, facilitative mediation, peacebuilding, and agreements[10]. Moreover, the democratic peace theory suggests that democracies, due to their shared norms and the democratic preferences of their citizens, tend to resolve conflicts peacefully through negotiation and political compromise[11]. Negotiations play a crucial role in conflict resolution by fostering mutual recognition of interdependence among parties[12]. They facilitate problem-solving through rational discourse[13], with bilateral negotiations preferred for their simplicity and directness when parties are clear about their issues and crises[14]. In contrast, multilateral negotiations involve more than two parties and may evolve from bilateral negotiations due to factors like distrust or broader interests, often requiring impartial third-party or diplomatic support[15].

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[9] Nimet Beriker, "Conflict Resolution: The Missing Link Between Liberal International Relations Theory and Realistic Practice," in *Handbook of Conflict Analysis and Resolution*, ed. Dennis J.D. Sandole et al. (Oxon and New York: Routledge, 2009), 256-271.

[10] Dennis J.D. Sandole et al., eds., *Handbook of Conflict Analysis and Resolution* (Oxon and New York: Routledge, 2009).

[11] Hegre, Bernhard, and Teorell, "Civil society and the democratic peace", 2020.

[12] Janice G. Stein, "International negotiation: A multidisciplinary perspective", *Negotiation Journal* 4 (1988): 221-231.

[13] Peter Carnevale and Dean Pruitt, "Negotiation and Mediation," *Annual Review of Psychology* 43, no. 1 (2003): 531–582. https://doi.org/10.1146/annurev.ps.43.020192.002531) (Barash and Webel, *Peace and Conflict Studies*, 2014; Webel 2013; Ho-Won Jeong, *International Negotiation Process and Strategies* (Cambridge: Cambridge University Press, 2016).

[14] Jacob Bercovitch, Victor Kremenyuk, and Ira William Zartman, eds. *The SAGE Handbook of Conflict Resolution* (London: SAGE Publications, 2009); Roger Fisher and William Ury, *Getting to yes. Negotiating an agreement without giving in* (Westminster: Random House Business, 2011).

[15] I. William Zartman, "Multilateral Negotiations", in *Conflict Resolution – Volume II*, ed. Keith William Hipel (Washington: EOLSS, 2009): 33-45; Ira William Zartman, "Conflict Resolution and Negotiation", in *The SAGE Handbook of Conflict Resolution*, ed. Jacob Bercovitch, Victor Kremenyuk, and Ira William Zartman (London: SAGE Publications, 2008): 322-339

The impact of negotiations on conflict resolution varies based on factors such as state capability in reaching agreements[16] and the management of leaders who may pose challenges throughout the course of negotiations[17]. Resolving ethnic conflicts requires meeting each side's fundamental needs and conditions. This involves two main steps: first, establishing conditions that convince parties to engage in dialogue and consider agreements feasible; second, conducting official discussions addressing core interests and constitutional arrangements. Addressing identity-based international conflicts necessitates improving community relations, engaging in principled negotiation, meeting human needs, conceptualizing identity rooted in psychoanalysis, fostering intercultural communication, and achieving conflict transformation[18]. This study will focus solely on the significance of principled negotiation in resolving identity-based international conflicts.

Principled Negotiation, also known as Interest-Based Negotiation Theory, was developed by Fisher and Ury in 1981 and has become the leading framework in the conflict resolution field over the past few decades[19]. This approach provides a clear and adaptable method for negotiation across various social contexts. It is founded on four key principles: separating the people involved from the problem, focusing on interests rather than positions, generating a variety of options for mutual gain, and reaching agreements based on "fair" or "objective" standards. This approach has been selected because the foundation of principled negotiation theory rests on the idea that when each party can clearly express its core interests and comprehend those of the others, it becomes possible to generate creative solutions for reconciling differences[20].

However, it is essential to recognize that principled negotiation has its limitations, and not all negotiations result in successful outcomes. This is also illustrated by the failed conflict resolution in Cyprus, akin to the Kosovo-Serbia conflict[21]. Both involve political disputes over governance, power-sharing,

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[16] Fisher and Ury, *Getting to yes*, 2011.

[17] Robert Mnookin, ed., *Bargaining with the devil: When to negotiate, when to fight* (New York: Simon and Schuster, 2010).

[18] Marc H. Ross, "Creating the conditions for peacemaking: theories of practice in ethnic conflict resolution," *Ethnic and Racial Studies* 23, no. 6 (2000): 1002-1034.

[19] Oliver Ramsbotham and Amira Schiff, "When formal negotiations fail: Strategic negotiation, ripeness theory, and the Kerry initiative". *Negotiation and Conflict Management Research* 11, no. 4 (2018): 321-340.

[20] Roger Fisher, Elizabeth Kopelman, and Andrea Kupfer Schneider, *Beyond Machiavelli: Tools for Coping with Conflict* (Cambridge: Harvard University Press, 1994).

[21] Tocci, "EU accession dynamics and conflict resolution", 2003.

territorial control, and identity recognition between Greek Cypriots and Turkish Cypriots, complicated by external actors and international interests. Technical aspects such as governance structures, administration, and legal frameworks are also pivotal, highlighting the multifaceted nature of these conflicts requiring comprehensive political and technical negotiations.

III. Understanding Negotiation Outcomes

Integrative outcomes enable agreements that meet the needs of both parties. These situations allow participants to address multiple issues simultaneously and make trade-offs to achieve relatively high joint gains[22]. Pruitt and Rubin (1986) suggest that social motives are crucial for reaching integrative agreements[23]. The dual concern model posits two types of concerns: one's own outcomes and the outcomes of the other party. The literature on integrative bargaining identifies five fundamental mechanisms for achieving outcomes that provide greater joint benefits to the parties involved[24] as outlined below:

- *Resolution Versus Dominance*: One of the most desirable and efficient solutions for a conflict between parties to be resolved is the "win – win" approach. It is harder to implement this approach when the conflict between parties is raised in cases of territoriality and ethnic issues because it requires time to clarify every issue between parties as well as a professional and unbiased support[25].

- *Compromise*: It serves as an intervention for the parties' demands to be fulfilled. Nevertheless, compromise has its own disadvantages because in some cases it leaves a sense of dissatisfaction to every party due to the level of fairness it may offer[26].

- *Positional versus Integrative Bargaining*: The outcomes of compromise derive from the positions that parties hold for the offered solution. In

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[22] Carsten K.W. De Dreu, Laurie R. Weingart, and Seungwoo Kwon, "Influence of social motives on integrative negotiation: a meta-analytic review and test of two theories," *Journal of personality and social psychology* 78, no. 5 (2000): 889-905

[23] Dean G. Pruitt and Peter J. Rubin, *Social conflict: escalation, stalemate, and settlement* (New York: Random House, 1986).

[24] Jeffrey Z. Rubin, Dean G. Pruitt, and Sung Hee Kim, *Social conflict: Escalation, stalemate, and settlement* (New York: Mcgraw-Hill Book Company, 1994). Third edition published in 2004.

[25] Barash and Webel, *Peace and Conflict Studies*, 2014.

[26] Dean G. Pruitt, *Negotiation Behavior* (Ann Arbor: Academic Press, 1981).

cases when the representatives stand strong to their position and do not allow flexibility and reasonability we are dealing with a positional bargaining. Otherwise, when they do not hold their strong attitude towards the conflict they are penalized. The integrative bargaining on the other hand, aims for every party to focus on each other's interests in order for a common final benefit and solution[27].

There are also five different methods by which integrative agreements might be reached:

- *Expanding the Pie*: It is a method which follows the strategy of increasing the amount of a specific and limited resource in a short supply such as monetary resources, time, land, security and so on. To gain a proper solution, every party must retain their own interests and desires but through tolerating the ones of the other party[28].

- *Nonspecific Compensation*: When using this method, one of the parties gives up their desires and interests by giving space to the other party. This compensation should be valuable and at a significant low cost. There has to be some specification in relation to the common values and the ability of the donor party to provide to the other one[29].

- *Logrolling:* When parties have different issues and priorities under the same conflict. It is a variable of nonspecific compensation due to the way it operates. One party may tolerate the other one but can also have its own priorities as it belongs to the choices of the other party[30].

- *Cost Cutting:* The cost cutting method has a one-sided approach, where only one of the parties wins, by making the other one give up their interests, but every cost belonging to the other party should be reduced or even eliminated and taken over by the winning party[31].

- *Bridging*: This method occurs when both parties agree to an alternative solution where neither wins nor loses outright. They reach a mutual agreement that differs from their initial positions. While the focus of

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[27] Peter J.D. Carnevale and Edward J. Lawler, "Time Pressure and the Development of Integrative Agreements in Bilateral Negotiations," *Journal of Conflict Resolution* 30, no. 4 (1986): 636–659, https://doi.org/10.1177/0022002786030004003.

[28] Barash and Webel, *Peace and Conflict Studies*, 2013.

[29] Carnevale and Lawler, "Time Pressure and the Development", 1986.

[30] Simone Moran and Ilana Ritov, "Initial Perceptions in Negotiations: Evaluation and Response to 'Logrolling' Offers", *Journal of Behavioral Decision Making* 15, no. 2 (2002): 101-124.

[31] Barash and Webel, *Peace and Conflict Studies*, 2014.

negotiations shifts, their underlying interests remain, seeking an outcome that satisfies their needs[32].

This study employs the five mechanisms of integrative negotiations to examine the characteristics of the negotiated outcomes in the official agreements made between Kosovo and Serbia. To our knowledge, these categories are also applied to analyze the negotiated outcomes of the Dayton Peace Agreement[33]. Taylor (1987) argues that even in the absence of violence, fostering cooperation between parties is crucial to preventing future conflicts[34]. The subsequent section will offer a more practical and precise illustration of these principles, focusing on the Kosovo-Serbia situation and its relevance to the paper's objectives.

IV. Research Methodology

This paper investigates the impact of negotiations on resolving the conflict between Kosovo and Serbia, focusing on the research question: "To what extent has the negotiation process contributed to an official solution to the Kosovo-Serbia conflict?". The study adopts an explanatory qualitative approach to explore the relationship between Negotiated Agreements and Conflict Resolution, emphasizing how negotiation strategies and outcomes influence conflict resolution. The dialogue between Kosovo and Serbia is analyzed from multiple perspectives critical to understanding the conflict. The EU plays a pivotal role as a mediator and a key regional actor for peace in Europe, a well-documented aspect in existing literature. However, inconsistencies in the logic of dialogue among the involved parties[35] prompt a deeper examination of concrete negotiation outcomes rather than relying solely on official narratives. While ambiguity in negotiation processes can be constructive, significant risks arise from divergent interpretations of results among the parties[36]. This study

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[32] Carnevale and Pruitt, "Negotiation and Mediation," 2003.

[33] Nimet Beriker-Atiyas, and Tijen Demirel-Pegg. "An analysis of integrative outcomes in the Dayton peace negotiations," *International Journal of Conflict Management* 11, no. 4 (2000): 358-377.

[34] Michael Taylor, *The Possibility of Cooperation* (Cambridge: Press Syndicate of the University of Cambridge, 1987).

[35] Krenar Gashi, Vjosa Musliu, and Jan Orbie, "Mediation Through Recontextualization: The European Union and The Dialogue between Kosovo and Serbia", *European Foreign Affairs Review* 22, no. 4 (2017): 533-550.

[36] Florian Bieber, "The Serbia-Kosovo Agreements: An Eu Success Story?," *Review of Central and*

aims not to dismiss the role of perceptions and unofficial progress but to emphasize the importance of officially achieved outcomes and their relevance to overall conflict resolution. The impact of the outcomes reached is assessed based on the application of the principled negotiation approach and integrative bargaining model as a framework that separates people from the problem and focuses on common interests, not positions. We contend that this methodology holds significance not only within the context of the Kosovo- Serbia situation but also within other ethnic conflict settings in the region and beyond. It impacts an increased sense that agreements are attainable in ethnic conflicts and advantageous to the communities involved.

The study analyzed all negotiation rounds from March 2011, three years after Kosovo declared independence, to June 2020. The first phase comprised seven rounds, spanning from March to September 2011. The second phase resumed in 2013 and extended until 2017. However, negotiations were suspended from 2018 to 2020 and resumed later that year. This latter period is excluded from this paper for several reasons. Firstly, the talks shifted from technical to political, with both parties vigorously disputing sovereignty claims. Despite the "On the path to normalization between Kosovo and Serbia" agreement reached in Ohrid, North Macedonia, in March 2023, violence resurged in May, marking the most significant deadlock since independence. Secondly, Russia's invasion of Ukraine has been cited as a major factor influencing tensions in Kosovo, underscoring the significant international context as an intervening variable. Therefore, the analysis is limited within the context of the Normalization Process when negotiations were intense, regular and in a fairly stable international system.

Two distinct methods of analysis are utilized to examine the negotiation process concerning the conflict between Kosovo and Serbia. The first method categorizes the processes into three parts: Resolution versus Dominance, Compromise, and Positive versus Integrative Bargaining. Each agreement reached is classified accordingly. The second method categorizes each issue into five specific types: Expanding the Pie, Nonspecific Compensation, Logrolling, Cost Cutting, and Bridging. After a detailed analysis of the data, this paper will present several findings that highlight the efforts of these neighboring countries in advancing the negotiation process toward conflict resolution, as discussed in the following section.

East European Law 40, no. 3–4 (2015): 285–319.

V.   Results

V.1. Key Parties & International Actors

After a decade of conflict between Serbian forces and Kosovo's Albanian rebels, Kosovo declared independence on February 17th, 2008, despite lacking recognition from Serbia[37]. In response, Serbia brought the case to the International Court of Justice, citing a conflict under international law. However, the Court dismissed Serbia's claims in 2010, finding no violations of international law[38]. The EU played a crucial role in mediating the conflict by facilitating dialogue and normalizing relations between Serbia and Kosovo. External pressure from international organizations such as the UN, EU, and NATO also contributed significantly to resolving this violent conflict and framed the negotiation process[39]. Among these external actors, the EU's role as the primary mediator has been pivotal, subject to public debate and academic scrutiny. The EU's involvement has been strategically significant for its foreign policy objectives, although debates persist regarding its effectiveness and the outcomes achieved[40]. The EU has played a critical role in convening negotiations, particularly when EU integration prospects were at stake, and has fostered a tacit consensus among its members regarding Kosovo's status and efforts to promote a unified narrative[41].

The EU's impact on Kosovo and Serbia varies significantly. Kosovo stands out as the most pro-European society in the Western Balkans, whereas Serbia's domestic political dynamics, influence of veto players, and diverse elite strategies have sometimes led to divergences from EU norms and standards[42]. Official dialogue between Kosovo and Serbia commenced on October 19th, 2012, supported by the international community, resulting in the signing of 33 agreements. The Assembly of the Republic of Kosovo has issued four

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[37] Ker-Lindsay, *Kosovo*, 2009.
[38] European Parliament, "Serbia-Kosovo relations Confrontation or Normalization?", Briefing, 2019, https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/635512/EPRS_BRI(2019)635512_EN.pdf.
[39] Ibid.
[40] Gashi, Musliu, and Orbie, "Mediation Through Recontextualization", 2017.
[41] Andrej Semenov, "Kosovo: A Silent European Consensus," *International Studies* 57, no. 4 (2020): 375–390, https://doi.org/10.1177/0020881720962939.
[42] Jelena Subotić, "Explaining Difficult States: The Problems of Europeanization in Serbia," *East European Politics and Societies* 24, no. 4 (2010): 595–616. https://doi.org/10.1177/0888325410368847.

resolutions concerning the dialogue process, dating from March 10, 2011; October 18, 2012; April 21, 2013; and December 15, 2018. These resolutions authorize the Kosovo Government to negotiate with Serbia in Brussels and require regular progress reports to the Assembly[43].

Despite the common aim of engaging in the negotiation process for the sake of European integration, Kosovo and Serbia, as key parties, hold divergent views about the value of cooperation and the specific goals of the negotiations. Kosovo sees the negotiation process as a means to achieve state recognition and enjoy full participation in regional and international organizations. On the other hand, Serbia strives to strengthen its position against Kosovo by seeking the establishment of the Association of Serbian Municipalities (ASM). The Association is seen as a critical mechanism for Serbia to advocate for the rights of Serbs in Kosovo while enhancing its own regional influence and stability. However, Kosovo's constitutional court has interpreted this move as not being in line with the country's constitution[44]. This final issue has been a key subject in all rounds of negotiations after 2020.

V.2 Negotiations Methodology: Issues and Agreements

The first agreement, signed on July 2nd, 2011, focused on Free Movement, aimed at facilitating the movement of citizens and vehicles between Kosovo and Serbia. It included provisions for recognizing driving licenses and the option to purchase insurance policies. However, both countries do not recognize each other's car number plates, necessitating temporary ones when crossing borders[45]. Implementing this agreement required establishing a border operational system to register entry-exit data. In Brussels on September 14th, 2016, discussions were held to finalize the implementation of the Free Movement Agreement reached in 2011[46]. The subsequent agreement, also reached on July 2nd, 2011, was the Civil Registers Agreement between the Deputy Prime Minister of Kosovo and a former official of the Serbian Ministry

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[43] European Parliament, "Serbia-Kosovo relations Confrontation", 2019.

[44] Shqipe Mjekiqi, "Closing the gap: Why Kosovo and Serbia should view political cooperation as an opportunity", *European Council on Foreign Relations,* December 9th, 2022, https://ecfr.eu/article/closing-the-gap-why-kosovo-and-serbia-should-view-political-cooperation-as-an-opportunity/.

[45] European Parliament, "Serbia-Kosovo relations Confrontation", 2019.

[46] Research Institute of Development and European Affairs, "Bilateral Relations Between Kosovo and Serbia Regarding the Energy Sector", *RIDEA*, 2019, http://www.ridea-ks.org/Articles/3/Images/29-01-2019/22628_Bilateral_relations_between_Kosovo_and_Serbia_regarding_the_Energy_Sector.pdf.

of Foreign Affairs. Under this agreement, a tripartite committee led by EULEX was tasked with identifying gaps in pre-1999 registry books. The Ministry of Dialogue confirmed in March 2015 that the implementation of this agreement had been successfully completed[47].

The Agreement on reciprocal acceptance of diplomas was reached in principle on July 2nd, 2011 and finalized on November 21st, 2011. It includes the mutual recognition of all university levels (Bachelor, Master, and Doctorate), high school diplomas, education professionals, as well as the fifth level of qualifications in accordance with the European Qualifications Framework[48]. One of the key issues addressed was Cadastral Records, with an agreement reached on September 2nd, 2011, between Kosovo's Deputy Prime Minister, Edita Tahiri, and Serbia's Minister of Foreign Affairs, Borco Stefanovic. The agreement aimed to establish a credible cadaster in Kosovo, safeguarding the property rights of legitimate claimants. As part of the agreement, Serbia agreed, through the EU Special Representatives (EUSR), to return to Kosovo scanned copies of cadastral records predating 1999. During these negotiations, the parties also reached an agreement on Custom Stamps, emphasizing the importance of facilitating the free movement of goods[49]. On December 2nd, 2011, the negotiating parties endorsed the Integrated Border/Boundary Management (IBM) concept developed by the EU. The agreement stipulated that symbols of their respective jurisdictions would not be displayed in common IBM crossing areas[50]. Subsequently, on February 24th, 2012, the Agreement on Regional Representation and Cooperation between Serbia and Kosovo was signed. This agreement ensured Kosovo's representation in regional forums

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[47] Ibid. Further information on the Civil Registry Books can be accessed at the annex of the policy paper "The Implementation of Agreements of Kosovo- Serbia Political Dialogue", prepared by Kosovar Institute for Policy Research and Development, 2013, 16-17, https://dialogue-info.com/wp-content/uploads/2020/10/Kosovo-Report-on-State-of-Play-in-the-Brussels-Dialogue-15-June-2016.pdf.

[48] UN Peacemaker – DPPA Mediation Support, "Acceptance of University Diplomas." July 2, 2011, https://peacemaker.un.org/sites/default/files/document/files/2024/05/agreement-recognition-diplomas-2-july-2011.pdf. Further information on the Civil Registry Books can be accessed at the annex of the policy paper "The Implementation of Agreements of Kosovo-Serbia Political Dialogue", prepared by Kosovar Institute for Policy Research and Development, 2013, 20.

[49] European Parliament, "Serbia-Kosovo relations Confrontation", 2019.

[50] European Commission, "Commission Staff Working Document: Kosovo 2018 Report. Accompanying the Communication on EU Enlargement Policy", Brussels, 2018, https://neighbourhood-enlargement.ec.europa.eu/kosovo-report-2018_en.

under the designation "Kosovo"[51].

      The First Agreement for the Normalization of Relations was signed on April 19th, 2013, by Hashim Thaçi, then Prime Minister of Kosovo and Ivica Dačić, the Prime Minister of Serbia at that time. This agreement outlines the general principles governing the establishment and competencies of the association/community of Serb-majority municipalities. It includes provisions for dual denominations of terms and the integration of courts within Kosovo's justice system under Kosovo's legal framework. A panel with a Serb majority within the Court of Appeals in Pristina will handle cases related to northern Serb municipalities. Building on the principles outlined in the April 19th, 2013 agreement, the parties reached an agreement on the dissolution of the so-called "civil protection", on March 26th, 2015. This agreement aimed to integrate Civil Protection (CP) staff into Kosovo's institutions in accordance with the Brussels Agreement and Kosovo's laws on civil servants, ultimately phasing out this structure[52].
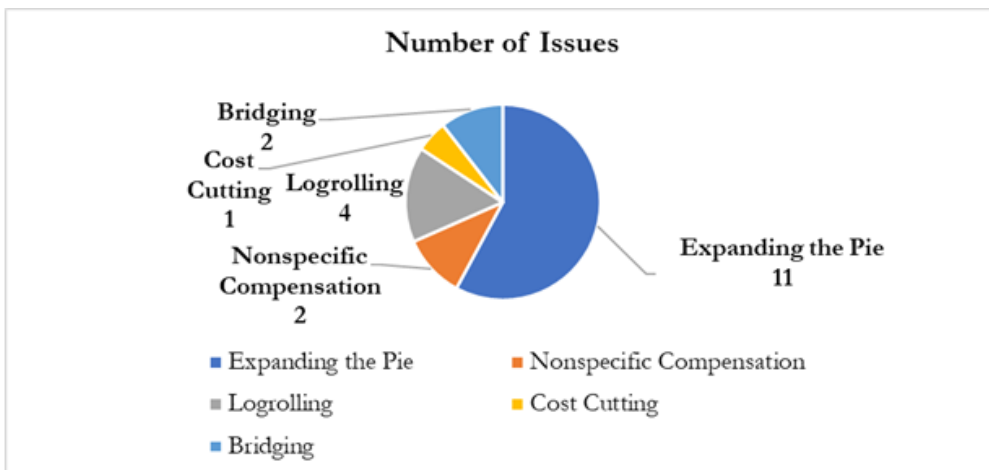

Table no. 1 Issues between Kosovo and Serbia.

      The general principles of the Agreement on Justice were established under the April 19th, 2013 Agreement. Subsequently, on February 9th, 2015, an agreement was reached regarding judiciary terms. This agreement aimed to integrate the judicial system of Kosovo's northern municipalities into Kosovo's overall judicial framework. According to the agreement, the majority of

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[51] Ibid.
[52] Ministry for Dialogue, Republic of Kosovo, "Brussels Agreements Implementation State of Play"*,* Pristina, 2016. https://dialogue-info.com/wp-content/uploads/2020/10/Kosovo-Report-on-State-of-Play-in-the-Brussels-Dialogue-15-June-2016.pdf.

personnel at the Basic Court in northern Mitrovica will be Kosovo Serbs. The President of the Basic Court will also be a Kosovo Serb from Mitrovica, while the Chief Prosecutor of the Basic Prosecution Office will be a Kosovo Albanian[53]. On August 25th, 2015, an agreement was reached on the Basic Principles for Establishing the Association of Serb-Majority Municipalities. This agreement, comprising 22 points, delineates the framework for the Association/Community of Serb Municipalities in Kosovo. It covers aspects such as legal frameworks, objectives, organizational structure, relations with central authorities, legal capacity, budgetary matters, and financial support from associations and other organizations, both local and international, including the Republic of Serbia[54].

In order for the parties to commit to the free movement of goods, including dangerous good, without boundaries and in accordance with European and international standards, there was a need to conduct the agreement on Mutual Recognition of ADR Certificates. This agreement was reached on April 19, 2016, between the representatives of Kosovo and the representatives of Serbia. Through this certificate, they can commit to the transportation of the goods[55]. Both Serbia and Kosovo claim to be part of the EU in the future, and it is worth mentioning the fact that Serbia has been a candidate since 2012. The issues discussed among the parties during their conflict resolution process consist of free movement of people, civil registers, representation of Kosovo with its own name as "Kosovo", territorial integrity, legitimate property of Kosovo's citizens, recognition of both countries' educational diplomas, driving licenses, vehicle insurance, trade, equipment with the ADR certificate for drivers, Kosovo's customs stamp, energy, telecommunication, minority issues, creation of Serb panels in Pristina's Court of Appeals (dealing with cases in Serb municipalities), integrating the judicial system in the northern region, and revitalization of Mitrovica Bridge, as seen in

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[53] Rreze Hoxha and Martínez J. Francisco, "Going South? Integration of Serb Judges and Prosecutors from the North into the Kosovar Justice System", *Group for Legal and Political Studies*, no. 11, November 2018, https://www.legalpoliticalstudies.org/wp-content/uploads/2018/11/FINAL-REPORT-Integration.pdf.

[54] Adrian Zeqiri, Pieter Troch, and Trim Kabashi, "The Association/Community of Serb-Majority Municipalities", *European Centre for Minority Issues Kosovo* (ECMI Kosovo), 2016, https://paxforpeace.nl/wp-content/uploads/sites/2/import/import/ascm-pax-breaking-the-impasse-eng.pdf.

[55] Lulzim Krasniqi, "Toxic Cargo, Safe Transport. Effects of the Application of the Agreement on ADR Certificates", *Balkan Policy Research Gate*, 2020, https://balkansgroup.org/en/toxic-load-safe-transfer-the-effects-of-implementing-the-agreement-on-adr-certificates/.

Table no. 2. In this sense, all of the archived agreements, along with their issues, are presented in Table no 2.

Neg. rounds	Date	Actors	Mediator	Issues	Outcomes	Approach
Fifth round	2-07-11	Kosovo and Serbia	EU	Free movement of citizens/ vehicles.	Agreement of Free Movement	*Resolution VS Dominance*
Fifth round	2-07-11	Kosovo and Serbia	EU	Identifying missing gaps in registry books.	Agreement on Civil Registers	*Compromise*
Fifth round	2-07-11	Kosovo and Serbia	EU - Robert Cooper	Recognition of Academic Diplomas.	Agreement on Reciprocal Recognition of Professional and Academic Diplomas	*Integrative Bargaining*
Sixth round	2-09-11	Kosovo and Serbia	EU	Protecting legitimate property claims.	Agreement on Cadastral Records	*Compromise*
Seventh round	2-09-11	Kosovo and Serbia	EU	Install common and secure objects/ servers.	Integrated Border Management (IBM)	*Integrative Bargaining*
Sixth round	2-09-11	Kosovo and Serbia	EU	Acceptance of customs stamps with the inscription "Kosovo Customs" on all documents and accompanying communications.	Agreement on Customs Stamps	*Compromise*
Ninth round	24-02-12	Kosovo and Serbia	EU	Regional representation and cooperation	Agreement on Regional Representation and Cooperation	*Integrative Bargaining*
Second round	7-11-12	Kosovo and Serbia	EU	Improving relations at an institutional level	Agreement on Liaison Officers	*Integrative Bargaining*
Fourth round	17-01-13	Kosovo and Serbia	EU	Collection of custom revenues – northern border	Agreement on Customs Revenues Collection	*Compromise*

Tenth meeting	19-04-13	Kosovo and Serbia	EU	Creation of Association/Community of Serb majority Municipalities in Kosovo	First Agreement of Principles Governing the Normalization of Relationships	*Integrative Bargaining*
	8-09-13	Kosovo and Serbia	EU	Creation of company which would manage import/export of energy	Agreement on Energy	*Integrative Bargaining*
	8-09-13	Kosovo and Serbia	EU	3-digit telephone code for Kosovo, affiliation of Telekom Serbia	Telecom. Agreement (telephone code)	*Integrative Bargaining*
	7-10-13	Kosovo and Serbia	EU	Preparation of meeting procedures to be done by liaison officers	Agreement on Official Visits	*Integrative Bargaining*
	26-03-15	Kosovo and Serbia	EU	Integration of Civil Protection (CP) staff in the institutions of the Republic of Kosovo	Agreement on the Dissolution of the So-Called 'Civil Protection'	*Compromise*
	9-02-15	Kosovo and Serbia	EU	Integration of the judicial system, in the northern municipalities of Kosovo in the judicial system of the Republic of Kosovo.	Agreement on Justice	*Compromise*
	23-06-15	Kosovo and Serbia	EU	Recognition of Vehicle Insurance between parties.	Agreement on Vehicle Insurance	*Integrative Bargaining*
	25-08-15	Kosovo and Serbia	EU	Definition of the details of the formation of the Association / Community of Serb Municipalities in Kosovo	Agreement on Basic Principles for the Establishment of the Association of Serb-Majority Municipalities	*Compromise*

	25-Aug-15	Kosovo and Serbia	EU	Revitalization of the bridge and the surrounding area based on the architectural plan agreed between Kosovo and Serbia	Agreement on Mitrovica Bridge	*Integrative Bargaining*
	19-Apr-16	Kosovo and Serbia	EU	Equipment with an ADR certificate of training for the drivers that transport dangerous goods.	Agreement on Reciprocal Recognition of ADR Certificates	*Integrative Bargaining*

Table no. 2 Agreements reached between Kosovo and Serbia (July 2011 – April 2016)

This section introduces two primary methods that contribute to the resolution of the conflict. The first method involves categorizing each negotiation round into one of the following approaches: *Resolution versus Dominance*, *Compromise*, and *Positional versus Integrative Bargaining*, as illustrated in the table above. The second method of analysis is based on five methods aimed at facilitating agreements between parties. The first method, *Expanding the Pie*, encompasses issues such as civil registers, cadastral records, integrated border management, recognition of academic and professional diplomas, and ADR licenses. The second method, *Nonspecific Compensation*, addresses the issue of custom stamps. *Logrolling* includes topics related to normalizing relations between Kosovo and Serbia, territory, sovereignty, and Kosovo's independence. *Cost Cutting* focuses on the issue of civil protection. The final method, *Bridging*, encompasses issues such as Liaison Officers and Official Visits. A numerical breakdown of these issues categorized under each method is provided in Table no. 1.

VI. Do Negotiations Matter?

There are three types of approaches to the negotiation process that assist in analyzing and determining the agreements reached between Kosovo and Serbia. Firstly, the *Resolution versus Dominance* approach assesses the mutually beneficial outcomes achieved by the parties. Since the inception of negotiations

between Kosovo and Serbia, numerous agreements have been reached. The first official agreement, the "Free Movement" agreement on July 2nd, 2011, during the fifth round of discussions, enabled unrestricted movement of people and vehicles between their territories.

Secondly, several agreements fall under the category of *Compromise*, reflecting balanced evaluations by both parties. One such agreement, the "Civil Registers" agreement on July 2nd, 2011, involved Serbia providing Kosovo with copies of civil registers. Another compromise was reached on September 2nd, 2011, concerning "Cadastral Records", with Serbia returning scanned copies to Kosovo. During the same negotiations, an agreement on "Custom Stamps" facilitated the free movement of goods by requiring Serbia to recognize Kosovo customs stamps. On March 26th, 2015, both countries agreed to dissolve the "Civil Protection", integrating its staff into Kosovo's institutions. Lastly, the "Justice" agreement on February 9, 2015, required mutual compromises to integrate Kosovo Serbs and Albanians into a unified judicial system.

The third approach, *Positional versus Integrative Bargaining*, focuses on common and mutually beneficial interests between Kosovo and Serbia. The first agreement, reached on November 7th, 2012, involved the appointment of a "Liaison Officer" to manage institutional-level situations effectively. The second agreement, on October 7th, 2013, regarding "Official Visits", complemented the first agreement by assigning the liaison officer to oversee procedures for official visits. Recognizing the importance of managing border crossings, they reached the "Integrated Border/Boundary Management" agreement on December 2nd, 2011. This agreement facilitated the installation of infrastructure within IBM common crossing areas, where officials conduct controls using a shared information server. The "Agreement on Reciprocal Recognition of Professional and Academic Diplomas", signed on July 2nd, 2011, enabled mutual recognition of academic diplomas. Continuing their relationship development, they signed the "Agreement on Reciprocal Recognition of ADR Certificates" on April 19th, 2016, promoting the free movement of goods, including hazardous materials.

These agreements are categorized under the second method of analysis, based on the five methods that facilitate reaching common agreements between parties. Each issue is classified into one of these methods, as detailed below: *Expanding the Pie* represents the first method, focusing initially on civil registers. Kosovo received copies of civil registers from Serbia to establish its own registry books. Similarly, Serbia obtained cadastral records dating before 1999. Establishing an Integrated Border is a mutual interest, aiming to create a

common border crossing area. The IBM initiative is part of the free movement objective, facilitating unrestricted movement of citizens and vehicles between both countries. Another shared interest was the mutual recognition of academic and professional diplomas, ensuring reciprocal recognition under European standards. Certification of ADR licenses also falls under this method, facilitating the free movement of dangerous goods.

The second method, *Nonspecific Compensation*, involves one party relinquishing interests but receiving compensation in another form. The Custom Stamps issue exemplifies this, where Serbia recognized Kosovo under the "Kosovo Custom" stamp, facilitating the free movement of goods and other transport means.

Logrolling is the third method, seen in issues such as normalizing relations between Kosovo and Serbia. Serbia aimed for association in northern areas and integration into Pristina's Court of Appeal for northern area cases. Meanwhile, Serb security structures in northern areas dissolved, aligning with Kosovo's justice framework. Territory remains contentious, with Serbia asserting claims over Kosovo, particularly its northern region. Sovereignty and Kosovo's independence remain unresolved issues.

In the case of the *Cost Cutting* method, one party has to renounce its interest and let the other party win, but with every cost compensated by the winning party. There is only one issue pertaining to this case, specifically the one on Civil Protection. Kosovo has to allow the civil protection staff of Serbia to be integrated into Kosovo's institutions and different state agencies.

Bridging is the last method used to reach an efficient negotiation process. There are two main issues that belong to this category, namely on Liaison Officers and on Official Visits. Both issues are related to each other due to the responsibility that both parties have transferred to the Liaison Officers in managing every official visit, aiming to improve the relations between Kosovo and Serbia on an institutional level.

After analyzing the agreements and issues raised between the two parties, using the two methods of analysis, we have ascertained that there are 18 agreements being implemented at various scales. The list of implemented agreements is as follows: "Agreement of Free Movement"; "Telecommunication Agreement (telephone code)"; "Agreement on Civil Registers"; "Agreement on the Dissolution of the So-Called Civil Protection"; "Agreement on Vehicle Insurance"; "Agreement on Reciprocal Recognition of Professional and

Academic Diplomas"[56]; "Agreement on Cadastral Records"; "Integrated Border Management (IBM)"; "Agreement on Customs Stamps"; "Agreement on Regional Representation and Cooperation"; "Agreement on Liaison Officers"; "Agreement on Customs Revenues Collection"; "Agreement of Principles Governing the Normalization of Relationships"; "Agreement on Official Visits"; "Agreement on Justice"; "Agreement on Reciprocal Recognition of ADR Certificates"; "Agreement on Basic Principles for the Establishment of the Association of Serb-Majority Municipalities"[57]; "Agreement on Mitrovica Bridge[58].

VII.   Have Negotiations Normalized the Relations?

The normalization process has faced recent challenges due to a security vacuum in Northern Kosovo, primarily affecting relations between the Kosovo government and the ethnic Serbian community. Tensions arose following protests by the Serbian community against replacing Serbian-issued car license plates with Kosovo-issued ones. This issue has been part of the negotiation process since 2011 under the Free Movement Agreement. Despite accepting the EU proposal for normalization in rhetoric since January 2023, both countries have made controversial statements. At the community level, local studies provide insightful perspectives on normalization. A study by a local institute assessing the impact of dialogue on Kosovo's external affairs highlights that since 2017, exertion of pressure and lack of transparency have reinforced ambiguity regarding agreements reached or yet to be finalized[59].

Another study gauging public opinion on the state of Kosovo-Serbia dialogue indicates that 67.4% of Kosovo citizens believe that dialogue will

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[56] Ilir Deda and Ariana Q. Mustafa, "The Implementation of Agreements of Kosovo-Serbia Political Dialogue", *KIPRED*, no. 4/13, July 2013, 7-15. https://www.kipred.org/repository/docs/THE_IMPLEMENTATION_OF_AGREEMENTS_OF_KOSOVO%E2%80%90SERBIA_POLITICAL_DIALOGUE_373680.pdf.

[57] Bieber, "The Serbia-Kosovo Agreements", 2015.

[58] European Union External Action, "EU-facilitated Dialogue: Implementation of the Agreement on the Mitrovica Bridge". August 5th, 2016. https://eeas.europa.eu/headquarters/headquarters-homepage/8592/eu-facilitated-dialogue-implementation-agreement-mitrovica-bridge_en.

[59] Eugen Cakolli, "Impact of Dialogue with Serbia on Kosovo's External Affairs", Discussion Paper, *Kosovo Democratic Institute,* 2021.

resolve issues between the two countries[60]. Similarly, on the issue of potential outcomes, a majority (26.8%) expect reciprocity of rights for Albanians in Serbia and Serbs in Kosovo[61]. In contrast, only 29% of Serbian citizens foresee normalization of relations in the near future. From the perspective of Serbian citizens, the situation appears similar. Despite negative media coverage, 51% of Serbian citizens support the dialogue process, challenging the assumption that it lacks popularity. However, citizens of both countries express similar views regarding the perceived impact of the dialogue process relative to their personal benefits.

Divergent perceptions emerge regarding which parties benefit more from the process. In Kosovo, 51.4% of citizens believe Serbian political parties derive greater benefits, while a majority of Serbian citizens (30%) claim uncertainty about who benefits. Additionally, 49% of Kosovo citizens hold the Serbian government accountable for the lack of progress, while 48.4% of Serbian citizens attribute responsibility to the EU[62]. These data are in stark contrast to the "technical" aspects of the dialogue process. The reached agreements often face setbacks due to the high political tensions that arise in the region.

VIII.   Concluding Remarks

The negotiation process between Kosovo and Serbia has evolved through distinct phases, transitioning from technical to political stages. Since Kosovo declared independence, international actors and institutions have been crucial in initiating and supporting the negotiation process. The interstate conflict between the two countries revolves around disputes over Kosovo's territorial ownership claims. Mediators have played a pivotal role in gaining the trust of both parties, facilitating discussions to overcome obstacles and clarify issues. Throughout these years of negotiations, mediators have worked consistently to ensure Kosovo and Serbia engage as equal parties at the negotiating table.

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[60] Rinor Rexhepi and Vigan Sahiti, "Kosovo Integration in European Union," *Prizren Social Science Journal* 4, no. 3 (2020): 94–110, https://doi.org/10.32936/pssj.v4i3.158

[61] Ibid.

[62] Kosovo Democratic Institute, "KDI Survey Reveals Dissatisfaction of Citizens of Kosovo and Serbia with Dialogue Process", June, 30th, 2022, https://kdi-kosova.org/en/activities/kdi-survey-reveals-dissatisfaction-of-citizens-of-kosovo-and-serbia-with-dialogue-process/.

During the dialogue period, Kosovo and Serbia signed numerous agreements and discussed a wide array of issues, resulting in the resolution of several technical matters. Despite the implementation of 18 agreements, the pace of progress in the negotiation process has slowed in recent years. Analysis of these agreements indicates that while technical issues have been addressed, while critical matters such as territoriality, sovereignty, and the recognition of Kosovo's independence have remained unresolved since the end of 2019, continuing into 2023. These findings align with the existing literature, emphasizing the exceptional challenges associated with resolving conflicts rooted in territorial or ethnic disputes. Media coverage has extensively covered debates on Kosovo's independence and territorial exchange between the two countries, however, these crucial issues have not been formally addressed in negotiations, resulting in the absence of substantive agreements between Kosovo and Serbia.

To further develop the negotiation process and achieve conflict resolution for these two countries, building trust is seen as a necessity to implement other intermediate solutions proposed by mediators. Analyzing the elements related to this conflict, we have reached the conclusion that, from the beginning of the negotiation process until the end of 2019, negotiations have resulted in the signing of agreements on technical issues, but they have not succeeded in building trust between Kosovo and Serbia. The focus on addressing past issues like human rights atrocities, victims' rights, and missing persons in Serbia-Kosovo talks is seen more as a condition for EU accession progress than a concrete goal. We suggest continuing negotiations, even at a technical level, improving government communication and transparency. Ambiguities have allowed parties to downplay negotiation objectives for short-term political gain. Success requires tangible benefits felt by the community. Furthermore, resolving this conflict could significantly benefit the Balkan region's development and progress.

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