

A Simulation of Kosovo-Serbia Negotiation Shows an Agreement is Possible

Ten civil society representatives from Kosovo and Serbia were randomly divided into two groups (both groups included Serbs and Albanians), representing negotiating teams of Serbia and Kosovo. The scenarios tried to mirror the actual positions of Kosovo and Serbia. The simulation included a ‘representative’ from the EU and a ‘representative’ from the US. A Russian ‘representative’ was engaged in private discussions with Serbia, the EU, and the US, but was not part of the official process. The simulation took place on June 26, 2021.

The simulation was not geared toward finding a solution by all means but rather for the participants to stay true to reality. In the first round, each side presented its initial position focusing on the core issues—recognition, the association, status of Serbian churches and monasteries, and land swap. In the second round, the parties negotiated positions and concessions. EU and US mediators helped in synthesizing a solution, often combining the ideas presented by the parties. Parties narrowed their differences somewhat in this round. In the third round, each side made some final concessions. Individual members in each side had dissatisfactions with the final compromise, but agreed to support it after additional assurances by the EU and the US. Each side had four scenarios, ranging from the most favorite to least favorite.

Kosovo

Scenario A: Recognition

Scenario B: No formal recognition but full normalization

Scenario C: A transitory agreement – implement and upgrade previous agreements.

Scenario D: Status quo

Serbia

Scenario A: Partition with recognition

Scenario B: Autonomy for the north without recognition

Scenario C: Autonomy for the north with recognition

Scenario D: Status quo

US, EU

Scenario A: An agreement with recognition

Scenario B: An agreement without recognition

Russia

Scenario A: No agreement, undermine negotiations

Scenario B: Agrees with Serbia’s decision

The negotiations consisted of 3 rounds of 30-minute long direct negotiations and 3 rounds of 20-minute long internal discussion. The EU and US mediators took part in direct negotiations and had private discussions with both teams during their internal discussions. The Russian representative had no seat in the official process but communicated with the Serbian team and with the EU and US representatives.

First round: presentation of initial positions

Belgrade proposed incorporating the four municipalities in Kosovo's north into Serbia. In exchange, it offered its cooperation for Kosovo's membership into the UN, EU, and NATO. Belgrade argued that if Kosovo has a right to separate from Serbia, so do the Serbs in the north. The Belgrade team further argued that partition is the only security guarantee for the Serbs. The team explained that this deal is also in Kosovo's interests, as Kosovo's statehood would remain in limbo until Serbia recognizes it.

The Pristina team rejected Belgrade's proposal outright. The team argued that Kosovo has integrated its north Serb-dominated municipalities already and has no interest in giving Serbia the integrated region. Pristina recognized it still faced some problems in the north but said it has a plan to address them.

In response to Pristina's rejection of the proposal, the Belgrade team threatened it would 'disintegrate' the north and bring the situation to the pre-Brussels dialogue, unless Pristina agrees to the deal.

Belgrade's position evolved somewhat during the discussion: it said it could consider Kosovo's recognition if Pristina accepted the 'land deal.'

Pristina rejected Belgrade's evolved proposal, arguing it has made enough concessions in previous processes.

The EU was strongly against partition. The US representative explained his country does not prefer such solutions but was more willing to listen to the proposal.

The EU and the US representatives had discussions with both teams during their internal consultations. They told the teams that they are becoming increasingly frustrated with their conflict and that they should not count on the indefinite attention of the EU and the US.

The US representative told the Kosovo team that it should aim for a deal while Joe Biden is in power. The EU and the US suggested to Pristina to establish the association and offer special status for the Serbian religious heritage. Pristina asked whether the EU and US could extract Serbia's recognition if Kosovo were to establish the association and offer special status for the monasteries and churches. The EU and the US said they will do their best but could not promise recognition. They encouraged the Pristina team to consider even an agreement with a de-facto recognition.

The EU and the US had similar discussion with the Belgrade team. They tried to convince the team that the association and the special status for monasteries and churches in exchange for recognition is a fair deal. Belgrade rejected the proposal outright.

Russia talked to Belgrade representatives, telling them not to make a deal and offered more Russian support. Russia had asked for a seat at the negotiating table, but the EU and the US rejected it.

Second round: negotiating positions and concessions

Belgrade came back with a revised proposal: a) high level of autonomy for the four north Serb-majority municipalities with a right to a referendum in 20 years, b) special status for the Serbian churches and monasteries, and c) Russia's peacekeepers in the north within KFOR's mandate.

Pristina came with a counteroffer: a) autonomy for the north municipalities, b) special status for churches and monasteries, and c) formal recognition by Serbia.

Belgrade rejected Pristina's counteroffer, arguing formal recognition could destabilize Serbia's internal stability.

The EU and the US pushed both sides for this proposal. As an incentive, they offered a financial package for both sides.

But Belgrade said Kosovo's concessions were not enough. It insisted including the right to a referendum for the north in 20 years.

Pristina offered a counterproposal: land swap for recognition. According to the proposal, North Mitrovica and Gazivoda Lake would remain demilitarized zones under international management and Presevo valley would join Kosovo.

Belgrade offered a counteroffer: immediate formal recognition in exchange for special status for monasteries and churches and autonomy for the north with the right to a referendum in 10 years.

Pristina demanded a similar referendum in Presevo, but Belgrade rejected it.

Belgrade offered another proposal: Serbia incorporates the north municipalities while Kosovo joins Albania. Pristina rejected it.

The EU and the US said Kosovo's unification with Albania is off the table. The EU rejected the referendum proposal while the US suggested a referendum in 50 years. Pristina rejected it.

Russia continued to discourage the Belgrade team to reach a deal and worked more with the team members that were more susceptible to the Russian influence.

During the break between the second and third round, EU and US had private discussions with both sides. They told Belgrade's team that if it rejects an agreement, it will remain isolated, and the EU and US would push for Kosovo's membership in NATO, convince five EU non-

recognizers, and offer Kosovo an EU membership path. The Belgrade team said it needs something more in return. The EU and US pushed Belgrade for an agreement without recognition.

Belgrade asked the EU for a date. The EU representative said it cannot give Serbia a real date, but EU can offer about a tentative date.

The EU and the US had also private discussions with the Pristina team. They told them they do their best to ensure they join NATO and EU, and candidate status could be considered soon. The US told Pristina it should not count on US's indefinite support, and without such support Kosovo's security may be threatened. And if Kosovo refuses an agreement, US will reconsider its Kosovo policy.

The EU and the US offer \$5 billion for Serbia and \$3.5 billion for Kosovo

During the break between second and third rounds, there was also direct secret communication between Kosovo and Serbia representatives.

Third round: final compromises, agreement reached

Pristina offered a revised proposal: a) special status for the churches and monasteries, b) an association with executive powers on education, health, and economic development, but not on urban planning, and c) recognition by Serbia.

Belgrade also offered a revised proposal: a) special status for the churches and monasteries, b) an association with executive powers on all four areas—education, health, economic development, and urban planning, and c) Serbia removes Kosovo from its constitution in 3 years.

Pristina offered some concessions: it gave up from the formal recognition, but proposed Belgrade remove Kosovo from its constitution within one year and that powers on urban planning be shared between municipalities and the respective ministry.

Belgrade offered to remove Kosovo from the constitution in two years. Encouraged by the EU and the US, Pristina accepted the offer.

Pristina and Belgrade asked the EU and US to become guarantors of implementation. The EU and the US agreed. The EU and US also promised to accelerate the EU integration process for both Kosovo and Serbia.

Agreement

1. Kosovo forms the Association with executive powers on education, healthcare, and economic development. Powers on urban planning are shared between municipalities and the respective ministry.
2. Kosovo gives special status to 40 churches and monasteries in Kosovo.
3. EU and US give \$3.5 billion to Kosovo.
4. Kosovo's procedures for EU candidate status will be accelerated.

5. Serbia removes Kosovo from its constitution within 2 years.
6. EU and US give \$5 billion to Serbia.
7. Serbia gets an indicative date for EU membership.
8. EU and US are guarantors of the agreement implementation.

Debriefing: analysis and insights

- Neither side managed to get their best-case scenarios.
- The parties' main fear was that they can't sell the agreement at home or that a compromise would damage their reputation with their electorates. Recognition for Vucic was seen as a bigger threat than autonomy for the north for Kurti.
- Parties' motivations for a breakthrough were weak. Incentives did not play a major role. Veiled threats by the mediators, especially to Pristina but also to Belgrade, produced a better response than offering of non-tangible incentives.
- Negotiations were affected by both tangible causes (land, resources, political power) and subjective factors (sentiment and identity elements). Both sides showed this conflict is not just about land; it is also about identity, perceptions, and fears. Both sides had limitations to compromise and their emotions and sentiments were often non-negotiable.
- Parties complained that the solution offered were not "fair, just, equitable."
- Participants were more motivated in the last round to reach an agreement, perhaps because they saw the agreement was within reach.
- Strategies of the parties were based on 'mutual and reciprocal concessions.'
- Proper communication and understanding how emotions and identity factor into negotiations showed to be important.
- Parties held onto past grievances and were reluctant to recognize the needs of the other side.
- Participants displayed a high level of innovation critical thinking (offering new proposals and counteroffers) in the negotiations and outcome.
- Core issues for an agreement identified: recognition, association, status of churches and monasteries, identity, financial claims, returns.