



SPECIAL REPORT

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ABOUT THE REPORT

This report is based on the outcome of three simulations of Kosovo final status negotiations conducted by the Public International Law and Policy Group (PILPG), funded under a grant from the United States Institute of Peace. The gaming exercises were conducted by PILPG on September 28 and November 2, 2001 and February 15, 2002 in Washington, D.C., at American University's Washington College of Law.

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The views expressed in this report are those of the authors and do not necessarily reflect views of the United States Institute of Peace, which does not advocate specific policies.

Simulating Kosovo Lessons for Final Status Negotiations

Briefly . . .

- While the United States and its European allies are hesitating about what to do about Kosovo's final status, there is a need to begin to prepare for the difficult negotiations between Belgrade and Pristina required to determine that status within the next five years or so.
- Simulated negotiations conducted in the fall and winter of 2001–2002 with mostly American participation suggested that the U.S. government must take a lead role in such negotiations if they are to be successful.
- Both simulated “Serbs” and “Albanians” looked to the “U.S.” as the power broker, ignoring other elements in the international community like the “UN,” which lacked credibility with both sides.
- The “Serbs” felt the United Nations had failed to ensure the implementation of UN Security Council resolution 1244, while the “Albanians” sought to minimize the importance of 1244 and saw a UN-led international delegation as an obstacle to resolution of the conflict.
- The key to “U.S.” leadership was a strong presence in the negotiations, demonstrated by articulating either an acceptable solution or a substantive position on the final status of Kosovo.
- Modalities (especially location of the talks, under whose auspices they are conducted, terms of reference, in which delegation the Kosovo Serbs would sit at the table) are likely to be crucial, acting as a surrogate for the most important substantive issues.
- Modality issues should therefore be thoroughly explored in advance of the actual negotiations, with solutions found that do not pre-judge the outcome.
- The overriding goal of the “Albanians” was independence; they were willing to talk only as long as independence was on the table.
- The “Serbs” opposed independence and effectively used the Kosovo Albanian human rights record since 1999 as evidence that the Serbian minority would not be protected in an independent Kosovo.
- “Serbs” and “Albanians” might agree on the need for a timetable for implementation of resolution 1244, but the international community saw this as likely to lead to failure and therefore resisted it.

CONTENTS

The Gaming Exercise	2
Lessons Learned: State Behavior	3
Lessons Learned: Modalities	6
Lessons Learned: Substantive Issues	9

ABOUT THE INSTITUTE

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- When left to their own devices, the “Albanian” and “Serbian” delegations were ready to engage in division and reallocation of territory, exchanging land in northern Kosovo for land in southern Serbia and ignoring the consequences for Macedonia and Bosnia.
- If redistributing territory to promote ethnic homogeneity is to be avoided, the international community, led by the United States, will have to prevent it.
- “Serbs” and “Albanians” agreed that Serbs should return to their homes, and that an international force should oversee such a return.
- “European” delegates found it difficult to formulate and implement a united position and generally played secondary roles.
- Although the “French” and “British” delegations in the simulations did not line up behind a European agenda, they joined together to use the promise of EU membership and economic incentives to encourage the “Serbs” to cooperate.
- Implementation of any final status agreement will require a prolonged international civilian and military presence. It would make little sense to spend the time and effort to gain some kind of agreement on final status only to see it collapse under the strain of security or economic difficulties.

The Gaming Exercise

The objectives of the gaming exercises were to provide structured training on the range of issues that would be addressed in Kosovo final status negotiations and to facilitate cross-training by exposing the participants to perspectives from all the parties. By shedding light on the dynamics of the final status process, the exercises enabled participants to consolidate lessons learned for use in future negotiations. None of the three simulations reached a definitive conclusion on final status.

Participants included current and former members of the U.S. Department of State, former and current European officials, former UNMIK officials, former military commanders, former CIA operations officers with experience in Kosovo, congressional staff, think tank staff, members of international non-governmental organizations, former Kosovo aid workers, members of the media, international lawyers, and academics. We have put identifications in quotation marks (“Serb,” “Albanian,” “U.S.,” “UN”) to emphasize that participants are playing roles. In actual negotiations, in which parties have more diverse backgrounds, the process and outcomes might be different.

Several former officials with direct experience in Kosovo matters helped prepare the simulation materials. The drafts of the overall scene-setter and the Kosovo Albanian delegation materials were prepared by Louis Sell, a former State Department official who served two tours at the U.S. Embassy in Belgrade, including as political counselor from 1987 to 1991, and was director of the International Crisis Group office in Pristina from May to October of 2000. Vladimir Matic, former assistant federal foreign minister of Yugoslavia who resigned in 1993 in disagreement over policy issues and subsequently taught at Clemson University, drafted the documents for the “Yugoslavia/Serbia” delegation. Rick Lorenz, retired Marine Corps colonel who served in Kosovo in 2000 as a legal adviser for the United Nations Mission in Kosovo (UNMIK) and earlier served in Bosnia with IFOR (International Force), prepared the drafts for the International Delegation.

The one-day gaming exercise was conducted three times, with different participants each time. Each simulation was conducted in a sequence mirroring the real world unfolding of the negotiating process. PILPG provided a scene-setter for each simulation and role descriptions. The information provided to the participants and the agendas for each simulation integrated legal and foreign policy issues reflecting concerns and attitudes displayed by Contact Group governments (the United States, United Kingdom,

France, and Russia), the United Nations, and regional protagonists. No attempt was made to prejudge the outcome of the simulations or direct the participants toward any particular outcomes. Instead, the simulations were designed to highlight key issues that the parties would need to address to avoid a renewal of conflict. In each simulation, time was allotted to plenary negotiations and individual/small group negotiating activities to prepare for the plenary sessions. The participants were allowed to alter the schedule as well as engage in shuttle diplomacy as they felt necessary.

For purposes of the simulation, the control team from the Public International Law and Policy Group (PILPG) arbitrarily established that the final status talks would begin after the November 2001 parliamentary elections in Kosovo and that elections would also have taken place in Yugoslavia/Serbia, thus removing the need for immediate pre-election maneuvering by Kosovo Albanian and Belgrade officials. The control team also predicated the simulation on the assumption that the Federal Republic of Yugoslavia (FRY) would still be in existence when final status talks begin, though this was not meant to imply any preferred outcome by the organizers of the simulation regarding the issue of Montenegro's independence nor any other related territorial issue regarding the FRY and its neighbors.

The rules of the simulation were straightforward: there were no rules. However, there were strict time allotments for group meetings, private negotiations, and plenary sessions. Since the control team could not provide background material on all issues that delegations might conceivably raise, it chose issues that appeared likely to arise. The control team did not assume that all of the issues could be negotiated during the simulation or that agreements could be reached on each of them. Each delegation was required to decide its own priorities and tactics. The guidelines were to be consulted but not rigidly applied.

Lessons Learned: State Behavior

Internationals

There are a number of noteworthy dynamics attributable to the International Delegation as a group. Most important, despite the presence of "Russian" delegates, the International Delegation held little credibility in the eyes of the "Serbs." Despite the massive amount of international assistance provided to Serbia since the beginning of Serbia's democratic transformation, the "Serbian" officials continued to portray themselves as victims of the NATO air campaign and held the international community responsible for the failure to protect the Kosovo Serbs from Kosovo Albanian revenge killing in June and July of 1999. The "Serb" delegation generally held the international community responsible for the failure to implement UN Security Council resolution 1244, in particular the provisions providing for the return of some level of Yugoslav jurisdiction over Kosovo. Thus, whenever the International Delegation sought to persuade or pressure the "Yugoslav/Serb" delegation on the question of final status, the "Yugoslav/Serb" delegation would resist, countering with a demand to first see concrete results under the existing framework of resolution 1244 before creating a new one.

While agreeing to act as a single delegation with a uniform message, the individual members of the International Delegation were constantly subjected to efforts by the "Albanians" and the "Serbs" to persuade them to act individually on the basis of perceived allegiances with either the Albanians or the Serbs. These efforts met with mixed results. More often than not, the "Russians" sided with the "Serbs," and acted as advocates for the "Serbs" from within the International Delegation. The only time the "Russians" took more of a hands-off approach was at the simulation that occurred soon after September 11, 2001, when they reached agreement with the "U.S." on a jointly imposed settlement.

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Similarly, the "U.S." generally favored the "Albanians," which the former often expressed in the negotiations by taking a hard-line position in favor of concrete moves towards Kosovo independence. The "U.S.-Albanian" alliance was less obvious and less reliable than the "Russian-Serb" alliance, however. At times, as in the third simulation, the "Americans" seemed to be more concerned with maintaining the trust and cooperation of the "Serbs," without much concern for the reaction such behavior might draw from the "Albanian" delegation.

Within the International Delegation itself, the relationship between the "U.S." and "UN" was generally tense. In all simulations except the first, the "U.S." dominated the International Delegation. However, when there was a strong personality in the role of the "UN," the "UN" tended to resist "U.S." domination and claimed an unusually enhanced role in the negotiations on the basis of its stewardship of Kosovo by UNMIK. For example, in the third simulation, the "U.S." chose not to send the head of its delegation to meet with the "Albanians," who consequently felt snubbed because they had to meet with the second-ranking "U.S." delegate. Despite the fact that the "Albanians" requested to meet with the head of the "U.S." delegation, the "U.S." refused to comply. The "UN" clearly disagreed with the "U.S." decision not to send the head of the delegation to meet with the "Albanians" and tried to mediate between the two parties, but ultimately, the "UN" did not carry much weight with the "U.S." (or with the rest of the International Delegation).

United States

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The role the "U.S." played in the simulations was strongly linked with success or failure in making progress on a final solution. When the "U.S." declined to assume a leadership position in the negotiations, the "UN" filled the void. At the opposite end of the spectrum, when the "U.S." took a forceful position, the "Serbs" and "Albanians" became so concerned that they moved toward partitioning the territory between themselves.

The key to U.S. leadership was to create a strong presence in the negotiations by articulating either an acceptable solution or a substantive position on the final status of Kosovo. The "Serbs" were mistrustful of the "U.S." However, both the "Serbs" and "Albanians" sought the attention of the "U.S." It seemed clear to them as well as to the rest of the parties involved that the United States was the real power broker in resolving final status.

Assuming its central role, the "U.S." tended to adopt a high-handed approach. Other delegates from the International Delegation noted that the "U.S." delegates rarely sought or listened to their advice, except the "UK," and tended to dominate the meetings, consequently marginalizing the other delegates. As a result, the other delegates sought to exert influence in bilateral shuttle diplomacy meetings where no "Americans" were present.

While the "U.S." recognized that the "Albanians" looked to the United States to protect their interests, "U.S." role-players did not always act accordingly. The "U.S." generally took a hard-line position with the "Serbs," pushing them towards accepting independence or at least some form of intermediate sovereignty. In the majority of the gaming exercises, the "U.S." insisted that the "Serbs" consider the idea of independence for Kosovo and that they take steps beyond resolution 1244 toward that end. In the third gaming exercise, however, the "U.S." sought to accommodate the interests of the "Serbs," advising them that independence did not necessarily have to be on the table in the immediate future. One "U.S." delegate, in a meeting with the "Serbs," stated that "this is not the forum to discuss specific outcomes." The delegate went on to advise the "Serbs" that they did not need to go through the "U.S."—that the American role was more of an "honest broker" in the negotiations—implying that the "U.S." had no agenda of its own to pursue. In contrast, the "Serbs" in the same meeting were *asking* the "United States" to get involved and to advocate on their behalf. This was quite a change from the previous negotiations where the "U.S." and "Serbs" were more clearly

adversaries, and where the “U.S.” had a definite tilt toward independence for Kosovo.

The three gaming exercises underscored that achieving an agreement requires the United States to take the lead role and devote political capital to the process.

Serbs

When pressured by the international community to confront the possibility of an independent Kosovo, the “Serbs” used the Kosovo Albanian human rights record as evidence that they could not be trusted to protect the Serbian minority. By defining themselves as victims of abuse rather than perpetrators of ethnic cleansing, the “Serbs” were able to gain protection-related concessions from the International Delegation.

A large part of the “Serb” strategy was to delay any discussion of final status by focusing on negotiating modalities, or by shifting attention to the failure of the international community to effectively implement the current resolution 1244 framework. The “Serbs” did not perceive any motivation to cooperate or initiate compromises on any of the issues, and when effective initiatives by the Internationals were lacking, the “Serbs” were able to filibuster by arguing over anything and everything *except* final status. Further, the “Serbs” tried to characterize the “Albanian” delegation as a nonessential player in the negotiations—their position was that the real discussions were between themselves and the Internationals, with the Albanians playing a subordinate role.

In one of the simulations, the “Serbs” refused to divide into sub-delegations in order to attend breakout sessions for the purpose of discussing the substantive issues. They objected to the idea that one of the substantive breakout groups was focused on final status. The “Serbs” insisted that none of the other issues—minority rights, refugee return, protection of sacred lands, etc.—could be discussed without some clarification of the intentions of the Internationals on the question of final status. The “Serbs” argued that without some commitment that Kosovo would remain part of Serbia, negotiations over the other substantive issues were moot.

On the whole, the “Serbian” delegates were united in their desire to prevent any negotiation of independence. Additionally, despite recruitment attempts in two of the three simulations, the Kosovo “Serbs” were never seriously tempted to join forces with the Kosovo “Albanians” in an effort to reach a pragmatic solution.

Kosovo Albanians

The Kosovo “Albanians” had one overriding goal—independence. As long as independence was on the table, they were willing to talk. But they were not interested in talking to the “Serbs” formally. They felt that the Serbs were not and should not be a part of these discussions. Also, at best, resolution 1244 could be a starting point, but it was not to be a central topic of discussion. They acknowledged that it gave them more than they had before the war, but felt that its usefulness had passed. In all three simulations, the Kosovo “Albanians” were most interested in getting the “United States” on their side. Furthermore, they felt entitled to speak for the Albanian population that had given them an electoral mandate to achieve independence.

In the first simulation, in which the “UN” took a leading role, the “Albanians” were not enthusiastic about working with them. They wanted the “U.S.” as their partner. Also, the “Albanians” felt pressured because there was little talk of independence, and they perceived the “Serbs” as engaged in stalling tactics. The “Albanians” decided that they wanted informal one-on-one talks with the “Serbs” early on, as they believed the only way to actually secure a deal was to negotiate directly. Importantly, they saw the International Delegation headed by the “UN” as merely an obstacle to a resolution of the conflict.

In the other two simulations, where the leadership position was held by the “U.S.,” the “Albanians” felt as if they were being forced into an agreement they could not accept and that their concerns were not being seriously addressed.

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In the final two simulations, the position of the Kosovo “Serbs” was an issue. At the beginning of the negotiation, Kosovo “Serbs” were not members of the Kosovo delegation. The Internationals inquired about this. To the Internationals, the “Albanians” would say that they had no problem with a Kosovo “Serb” being on the delegation. However, they privately expressed concern about this issue because they assumed this person would report everything they heard back to the “Serb” delegation.

Lessons Learned: Modalities

The gaming exercises revealed that modalities are likely to be important and delicate in the initial stages of Kosovo status talks.

The gaming exercises revealed that modalities are likely to be important and delicate in the initial stages of Kosovo status talks. Both the “Serb” and “Albanian” parties sought to pursue their long-term political objectives through ostensibly procedural issues. As such, many of the first procedural skirmishes masked a more fundamental struggle over whether or not independence would be an option considered during the talks. For instance, the “Serb” delegation and their supporters in the international community insisted that any agreement reached in the talks be ratified in a UN Security Council resolution and that no solution could go beyond the parameters of resolution 1244. They also sought to have the talks held under UN auspices and in one instance requested that the United Nations chair the talks. On the other side, the “Albanians” insisted that 1244 did not determine Kosovo’s final status and, in general, sought to minimize UN involvement, recognizing that there was virtually no chance of gaining Security Council support for a settlement that granted independence to Kosovo.

A related issue was the status of the Kosovo “Albanian” delegation vis-à-vis UNMIK and how any deal reached might be codified by the Kosovo “Albanians.” Because the constitutional framework promulgated in 2000 by UNMIK gave the new Kosovo government only limited authority over foreign relations there was much concern within the “Albanian” delegation that UNMIK might seek some role in representing Albanian interests during the talks.

As a result of the masking of substantive issues within modalities, there was generally little success at reaching agreement on basic modalities during the first half of each gaming exercise. In the first simulation, the control team instructed the delegations to spend the first hour and a half discussing the modalities. What happened in practice was that the delegations spent an inordinate amount of time arguing about when and where the next round of meetings was to take place and who was going to run them.

In the second simulation, the control team allowed the delegations a more limited time to work out the modalities, then at a certain point announced what the modalities would be for the next meeting. The delegations were instructed to move on to substantive issues. While this approach was more successful, the discussion and argument over the venue continued throughout the simulation and the delegations expressed some resentment at not being allowed to continue to negotiate modalities—even though it was a gaming exercise.

In the third simulation, the control team tried doing away with discussion of modalities all together. What happened, however, was that the parties found other non-substantive issues to argue over, and the third gaming exercise ended up being the least focused on substantive issues of all the simulations. Much of the diplomatic energy was spent in this negotiation trying to work out the relationship between the “American” and Kosovo “Albanian” delegates.

The “U.S.” had sent the head of its delegation to meet with the “Serbs” while the deputy chief met with the “Albanians.” The “Albanians” felt slighted—they said that they were used to dealing with the secretary of state, and did not understand why the US, their ally, would send the more important delegate to meet with their enemy. The “U.S.” responded to the “Albanian” demands that the delegation leader meet with them

by digging in and asserting that they would not allow their negotiation agenda to be dictated to them by the “Albanians.” It was not until after lunch that the “U.S.” and “Albanian” delegates finally met again and the negotiations were able to proceed. A lesson here might be the necessity of leaving some of the modalities on the table in order to allow the parties to “cut their teeth” on some non-substantive issues before moving on to the more contentious ones. Another lesson might be that the United States needs to find ways to encourage the personalities involved to exercise self-restraint and be prepared to engage with all the negotiating partners.

Relationship of the Parties to the Negotiation

In the first simulation, the “Serb” delegation sought to avoid the impression the talks were between two equal parties. Rather, the “Serbs” sought to foster the impression that the talks were between the federal government and one of its constituent parts. The “Serbs” also sought to minimize the role of the International Delegation, and in one simulation attempted to have them confined to providing only good offices and refused to examine any proposals put forward by the Internationals.

In another simulation, the “Serbs” sought to create the impression that the talks were between themselves and the international community, with the Kosovo “Albanians” in a subordinate status. One ploy was to insist that Kosovo “Serbs” and Kosovo “Albanians” each participate as separate and equal sub-delegations. The “Serb” delegation on one occasion also sought to resurrect Milosevic’s tactic of insisting on equal representation for minority “communities” in Kosovo, including Turks and Roma. In another gaming exercise, the “Serb” delegation sought to construct “regional” talks, which would include states sympathetic to the Serb position on Kosovo, such as Macedonia, Bulgaria, and Greece.

Kosovo “Albanians,” by contrast, preferred to keep Belgrade’s role in talks on future status to a minimum, arguing that the final settlement was between the people of Kosovo and the Internationals. The “Albanians” generally resisted direct talks with Belgrade and insisted that the Internationals be fully in charge of the negotiating process. Only when the “Albanians” became highly frustrated with the proposals of the Internationals did they engage in direct talks with the “Serbs,” and then only on the matter of territorial exchange. Also, the “Albanians” welcomed the general perception that the Kosovo “Serbs” were not independent actors but, in fact, acted under the direction of Belgrade.

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Auspices

The selection of the auspices under which the negotiations would be held was one of the earliest and most stubborn areas where procedural arguments masked deeper substantive differences. The “Serb” delegation, together with some members of the International Delegation, took the position that the talks should be held under UN auspices, that any agreement must be codified in a Security Council resolution, and that the task of the talks was to discuss complete implementation of resolution 1244 but nothing more. The “Albanians,” understanding that these positions would rule out independence, predictably rejected a lead role for the UN. They also insisted that 1244 only dealt with the interim status for Kosovo and that final status went beyond the provisions of 1244. The “Albanians” thus sought to have the talks held under some kind of ad hoc group that they believed the United States could dominate, such as the Contact Group. The “Albanians” also sought to bring forward aspects of the deal they accepted—or claim they accepted—at Rambouillet and Paris, especially the concept that the “will of the people” should figure in the determination of Kosovo’s final status and the notion of a three-year period for reaching a decision. They downplayed aspects of Rambouillet they did not like, such as its constitutional provisions regarding minority communities.

The selection of venue turned out to be one of the most consistently contested subjects in the modalities discussions.

Venue

The “Serb” delegation sought to have the talks rotate between Belgrade and Pristina. The “Albanians” resisted going to Belgrade, and cited security concerns about talks in Pristina. The “Albanians,” together with the International Delegation, sought a neutral site in Europe, such as Brussels or Vienna. The selection of venue turned out to be one of the most consistently contested subjects in the modalities discussions. The location of the event was seen as an important indicator of who was going to be in control of the meetings. The “Serbs” rejected out of hand any location in a NATO member state, while the Internationals wanted to stay away from cities that they considered to be impediments to successful negotiating.

In the second simulation, Reykjavik, Iceland, was proposed as the venue, which ended up being a breakthrough solution. Although the “Serbs” were still hesitant because of Iceland’s NATO status, all parties were relatively agreeable to the city. The control team decided to impose Reykjavik as the venue in the subsequent simulation in order to reduce time spent on the modalities and increase attention on the substantive issues. The parties essentially ignored this imposition and spent some time debating venue, as it was seen as important with respect to which power would exercise the most influence over the substance of the negotiation.

Timing

The question of timing of the negotiations and the speed with which they would proceed seemed greatly influenced by the internal political dynamics of each delegation. Arguing that they had an elected government of their own, Kosovo “Albanians” pushed for resolution of the final status issue. Given that their own political situation was still perceived to be in flux, they were willing to refrain from insisting on an immediate decision but indicated a willingness to accept a roadmap that would point the way toward resolution. Both the “Albanians” and “Serbs” looked at the timing of final status talks in the light of developments in Belgrade and the region, including the Kostunica-Djindjic political balance, the outcome of independence efforts in Montenegro, and the situation in Macedonia and elsewhere in the region.

Operational Framework

Another major modality argument was over the framework for future meetings. The “Serbs” insisted that the talks retain resolution 1244 as the operational framework, while the Internationals wanted the talks to move past the constraints of 1244 towards a final agreement for Kosovo. This issue was never resolved in any of the simulations because it was inextricably linked to the final status issue itself. The farthest the participants got was to agree that 1244 would form the starting point for the talks, with the “Albanians,” “U.S.,” and others insisting that 1244 would not be limiting.

Continued International Involvement

It became obvious during the simulation that if agreement were reached, the Internationals would continue to be deeply involved in the affairs of Kosovo. Implementation of any agreement would require a prolonged international civilian and military presence. Kosovo’s current status as an international protectorate would be gradually reduced even before final status negotiations conclude, as elections begin to transfer authority for local self-rule to democratically elected Kosovo representatives. The international community will need to come up with a mechanism to sustain a continued—although diminished—role, which will likely include enforcing implementation of the terms of an agreement, monitoring political and human rights developments, and reinforcing security.

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Significant sums of international assistance will continue to be needed after an agreement for economic restructuring and investment. It would make little sense to spend the time and effort to gain some kind of agreement on final status only to see it collapse under the strain of security or economic difficulties.

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Lessons Learned: Substantive Issues

Economic Issues

In the second simulation, the “UK” identified a tool for moving the Serbs towards at least entertaining the idea of independence for Kosovo. The representative from Britain pointed out that Serbia had made such economic progress in the past year since surrendering Milosevic to the Hague that they would be taking several steps backwards if they chose to play hardball with the international community over the Kosovo issue. The “carrot” offered to the “Serbs” was future inclusion in the European Union. The use of the economic issue was the first time that any party had been able to find a way to encourage the “Serbs,” who had been content until that point to stonewall all discussion of final status, to cooperate. The “French” delegate was able to join the “British” delegate in using the promise of EU membership and economic incentives—this was one of the only times where a cross-European alliance was apparent or effective.

Human Rights

The human rights record of the Kosovo Albanians became a central issue in each of the simulations. The “Serbs” were able to stave off discussions of final status in large part because they were able to point to the violence that has recently been perpetrated against Kosovo Serbs by the Albanians. The argument was made that the Albanians could not be trusted with an independent state, especially since they have committed the current rash of human rights abuses while under the supervision of the United Nations.

By exploiting the human rights situation, the “Serbs” effectively redefined themselves as victims in the eyes of the International Delegation. When the Kosovo “Albanians” would offer concessions on substantive issues like refugee returns, the “Serbs” were able to undercut the “Albanians” by turning to the International Delegation and asking, “How can they be believed? Look at their actions instead of their words.”

Refugee Return

One of the substantive issues the “Serbs” and “Albanians” were able to agree on was the issue of refugee returns. Both sides agreed that Serbs should be allowed to return to their homes, and that an international force should oversee such a return.

It was the “Serbs,” however, who candidly noted that many of the displaced refugees would most likely stay where they are now—that many people may opt not to return. One interesting issue that came up in the third simulation regarding returning refugees was a question of their official citizenship. The “Albanians” had placed a qualification on their agreement to accept returning refugees: the refugees had to get Kosovo identification cards that would reflect their Kosovo citizenship. The “Serbs” objected to this provision, noting that “citizenship” usually implies that the person belongs to an independent state. Since Kosovo is not independent, they should not require people to be citizens, especially returning refugees. The “Serbs” saw the citizenship issue as a ploy by the “Albanians” to adopt the trappings of a sovereign country.

Stealth Partition (Via Entities)

In one simulation, the "U.S." and "UK" suggested an "entity based" solution for Northern Kosovo, meaning independent self-governance for the Kosovo Serbs within the boundary of an independent Kosovo. The "Albanians," however, viewed this as a means of facilitating the ultimate partition of Kosovo by creating an intermediate stage of entity-based communities.

Timeline

The existing state of ambiguity does not meet the needs of either the Serbs or Albanians.

One of the demands the "Serbs" had for the Internationals was a call for the creation of a timeline for full implementation of resolution 1244. The trade-off offered by the "Serbs" was that after the UN/Internationals had met "Serb" deadlines for 1244 implementation, they would *consider* discussion of final status for Kosovo. The Kosovo "Albanians" were also in favor of a timeline because it would be politically useful to show the people at home that things were moving forward; that is, that there was now at least a *schedule*.

Objectively, a timeline would be valuable to the parties because it would create a measuring stick for the successes and failures of the parties in fulfilling obligations. For example, if a timeline were implemented for return of Serbian refugees to Kosovo, the Serbs would be able to see progress and the Albanians could point to the success in meeting the deadline as evidence of their credibility. The existing state of ambiguity does not meet the needs of either the Serbs or Albanians.

Interestingly, the International Delegation rejected the proposal of a timeline. In their view, setting up a schedule would only serve to create an excuse for the parties to retreat to their original positions when a deadline was missed. In other words, a timeline would be a set-up for failure.

Final Status

In one of the negotiations, there was extensive discussion over the use of the term "final status." The "Serbs" strongly disliked "final status," so the "U.S." decided to use the term "resolution" instead. The "Serbs" did not really fall for the switch in terminology—they understood that both terms suggested something they were unwilling to consider—movement away from 1244 and towards independence for Kosovo.

As mentioned earlier, the "Serbs" wanted to retain 1244 as the operating framework for all negotiations, and they refused to consider any arrangement which would replace 1244 with any framework that would have as a goal an independent Kosovo.

One suggestion made on the issue of final status by the "U.S." and "UK" delegates incorporated the idea of intermediate sovereignty for Kosovo. According to the proposal, in exchange for Serb acceptance of intermediate sovereignty for Kosovo, the Internationals would provide an economic package for Serbia and consider Serbian membership in the European Union. The Albanians would be required to grant full minority rights to Kosovo Serbs, and all Serbian refugees would have the right of return to Kosovo under security protection provided by international forces. Additionally, the International Delegation suggested that sovereignty for Kosovo would be conditional on Albanian improvement in their performance regarding certain goals (for example, in areas of human/minority rights and refugee returns).

For more information on this topic, see our web site (www.usip.org), which has an online edition of this report containing links to related web sites, as well as additional information on the subject.

Of Related Interest

Many other publications from the United States Institute of Peace address issues that relate directly to Kosovo, the Balkans, and European security.

Kosovo Final Status: Options and Cross-Border Requirements (Special Report 91, July 2002)

Strategic Nonviolent Conflict: Lessons from the Past, Ideas for the Future (Special Report 87, May 2002)

Enhancing International Civilian Police in Peace Operations (Special Report 85, April 2002)

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