



CSSProject for Integrative Mediation

***Kosovo Mediation Report
“Process and Change” 2005***



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Integrative Mediation: Bringing Local Leaders Together

The CSSProject for Integrative Mediation evolved out of ten years of experience of the International Mediator in Bosnia and Herzegovina, Dr. Christian Schwarz-Schilling, former Federal Minister of Germany. The work of the Mediator started informally in 1992 and was formally mandated by the international community and the peoples of Bosnia and Herzegovina from 1995 to 2004. Upon individual request, the format and structure of mediations were conducted at the local level based on practical needs and local conflicts. The Mediator sought to increase dialogue and reduce tensions by finding step-by-step solutions to daily problems in the individual municipalities. The format of the process included information visits, mediations, follow ups and round table dialogues. In 10 years the Mediator conducted over 185 local mediations in 55 municipalities. The mandate of the International Mediator in Bosnia and Herzegovina was completed in December 2004.

Integrative Mediation seeks to apply lessons learned and to adapt the unique Bosnia model for possible use in other parts of South Eastern Europe. The mediation team developed a comprehensive approach to mediation by including various levels of responsibility, multiple actors and a variety of techniques. It combines six different conflict resolution activities, drawing on classical mediation and developing a holistic and decentralized instrument for implementation of agreements. The elements of Integrative Mediation are Grassroots Mediation, Self-Mediation, Negotiation Training, Problem-Solving Workshops, Reconciliation-building, and Research/Analysis. Throughout the process, it assists local actors to develop initiatives and to implement confidence-building measures. In addition, it helps to clarify to civil society why certain measures are needed, and enables communities to participate actively in the local peace process. Furthermore, it brings the general and hierarchical process of conflict resolution down to the local level.

Integrative Mediation does not seek to replace or remove ownership of the peace process. Instead, by complementing the peace process Integrative Mediation provides local parties with a conflict resolution framework that enables them to identify for themselves the obstacles to conflict resolution and reconciliation efforts. The main aim of Integrative Mediation is to leave decisions and solutions in the hands of local actors and to strengthen the work of local peace initiatives, thereby facilitating return, co-existence and re-integration at the local level.

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The following report covers the situation in Kosovo as encountered by CSSP during its trip 4 – 10 September 2005, including observations and follow-ups from previous trips to the region. The majority of the meetings focused on Ferizaj / Urosevac (Strpce / Shtërpçë) and Rahovec / Orahovac, though more general meetings included high representatives of the international community and the Kosovo government. All views expressed in this report draw on all of these meetings, however, reflect CSSP’s own assessment.

The CSSP team during this trip consisted of Dr. Christian Schwarz-Schilling, Dr. Juan Diaz, Dr. Dieter Wolkewitz, Eva Maria Malisius and Javor Pobric, as well as Granit Ahmeti as translator.

CSSP's Kosovo Initial Mediations

In early September 2005, the impending report of Ambassador Kai Eide to the UN Secretary General regarding a recommendation for the status negotiations for Kosovo appeared in any conversation around Kosovo. This applied to official meetings with Kosovo government members as well as representatives of the international community or municipal representatives. It appeared almost as if the people in Kosovo were locked in a certain standstill, waiting and anticipating what the next steps were going to be and gauging their individual reaction to that and the determination of Kosovo's future path.

Throughout the year a feeling developed, especially among international organizations, that Kosovo could not put itself on hold for an infinite amount of time. Decisions have to be taken on a daily basis and the appropriate steps taken to ensure a peaceful future for all inhabitants of Kosovo. It is all a question of beginning and continuing a process and ensuring the process to bring about change in the right direction. In support of the continuation of a peaceful transition process of Kosovo, CSSP conducted its initial mediations in Kosovo in September 2005.

In accordance with CSSP's concept of Integrative Mediation, more elements of the methodology were developed as the following report will show. After the previous visits to Kosovo,¹ two locations for initial mediations were identified and joint meetings were initiated in the municipalities of Ferizaj / Urosevac and Rahovec / Orahovac. Each joint meeting was specifically prepared to focus to the individual needs and local situation in each of the municipalities. Individual frameworks for the conduct of grassroots mediation were developed on the basis of independent research and analysis as well as local discussions. Thus, the joint meeting in Ferizaj / Urosevac was prepared to focus on encouraging return to the municipality, whereas the joint meeting in Rahovec / Orahovac aimed at improving cooperation and participation in the municipality. Each of the municipality faces individual challenges; nevertheless there are common themes that affect society in all parts Kosovo, including the concepts of freedom of movement, the return process and property rights.

Freedom of Movement

Freedom of movement was and remains one of the prime concerns at the fragile core concerned with a peaceful Kosovo based on cooperation and coexistence for all citizens. Although the official positions are readily addressed and distinguished between Kosovo Serbs, Kosovo Albanians and the position of the international community,² it appears that, in a general sense, the reality for average people is slowly

¹ For a complete overview, please confer to the CSSP Kosovo Strategy Paper (May 2005) and the Kosovo Situation Report (Summer 2005). Both reports, as well as further information, are available to download from www.cssproject.org.

² As outlined in more detail in CSSP's Kosovo Situation Report Summer 2005, Kosovo Serbs officially claim that there is no freedom of movement for them and that they are imprisoned in the enclaves. Kosovo Albanians claim to be making all efforts to ensure freedom of movement. The international community with the responsibility to ensure freedom of movement and indicates that more action is necessary on behalf of Kosovo Serbs to make use of the existing freedom of movement. An objective assessment is almost impossible due to many psychological barriers to freedom of movement as well as individual incidents in violation of any such freedom.

improving. Nevertheless, the individual concepts of and expectations for freedom of movement are vastly different, possibly even incompatible. Efforts to improve freedom of movement on an individual and daily basis must be further encouraged and welcomed by everyone in each municipality to continue the process towards lasting change.

The existence of freedom of movement remains very much in the perception of the individual situation, the individual concept for freedom of movement and related expectations. Overall, it appears that minorities rather move together to ensure their own security in a group and in reliance on the provisions of the international community. However, on a needs basis it appears that average citizens do have and use the opportunity to move around to certain extents. This applies not to everyone and everywhere, but it was communicated that individuals use businesses available in the city centre when they need to do so. While it remains difficult to assess whether and how often such movements occur, there are convincing signals that freedom of movement could be more of a reality than local officials are willing to admit. It does appear that, within the local communities, security is rather stable and freedom of movement is possible for those who make use of it.

These observations are not intending to downplay the security situation. Several security incidents, including several killings of local people between late August and early September 2005 on separate occasions show that the situation, though overall calm, is not without such acts of crime.³ However, these acts are not the norm, nor should they be seen as representative of the wider-Kosovo residents. Acts like these must be condemned and all efforts must be made to investigate the matters and bring all those involved to justice. In this sense the police and Kosovo leaders have an important role to play. A renewed spill-over of violence and aggression cannot be allowed to dominate the agenda in Kosovo and endanger all processes towards promising change that have been initiated.

Return Process

The return process, including housing and property rights, in Kosovo remains one of the complex and sensitive issues today. The complexity of the return process appears equally overwhelming to the outsider and those seeking to return. In accordance with the Housing and Property Directorate (HPD) reports, return is a human right; the return situation must be settled for everyone, as to allow either return to former homes or allow permanent settlement in the location of residence. Either way, integration and re-integration efforts become key – all over Kosovo. The return process often lacks transparency, though not only from the administrative side but also from those indicating an interest in return. The assessment whether or not there is a genuine wish to return appears crucial to the process of both reconstruction and reintegration into the municipal structures.

³ In three individual incidents, individuals were killed on the road between Ferizaj / Urosevac and Strpce / Shterpce between late August and early September 2005. Investigations into the incidents are ongoing. The impact of these incidents is of particular power for the two municipalities involved, see below.

In preparation of the joint meeting in Ferizaj / Urosevac, CSSP met with a number of IDPs located in Strpce / Shtërpçë who request to return to Ferizaj / Urosevac.⁴ The present situation of the individual IDPs is very different and depends on a range of circumstances. Some of the IDPs live in collective centres, some with relatives, and others are renting property in the location of their displacement. In addition and often related to their living situation, some of the IDPs are unemployment, while others are in employment in the place of their displacement. The status of the IDPs property varies from being destroyed, facing reconstruction, or occupied; and some of the property is even emptied – though return is claimed to remain impossible.

A distinction between return of property and return of people recurred upon several occasions during talks within Kosovo. Though the two should not be separated, it appears that in common practice they often are. Problems of return lie in the identification of property, resolution of their status, reconstruction (and assistance), evictions and clearing of occupation. The return process is further complicated by inability to properly assess the will of displaced persons to return. In some cases, potential returnees have demanded the reinstatement of their previous living standard as a condition for return. While these requests are understandable, local communities are not financially able to grant them. In fact, local communities are unable to even pay their local municipal councillors funds that are due. Moreover, Kosovo Albanians leaders argue that the living standards of neighbouring residents are also poor; and in such a situation meeting these request would not be justifiable. The refusal not to return unless these request are made, has tainted the return process to a certain extent, although there are positive examples of return.

Roughly six different positions regarding requests for return can be identified: (1) return irrespective of the conditions; (2) request to return to pre-war standards; (3) willingness to return if physical security is assured and former property is vacated; (4) willingness to return if physical security is assured, reinstated property and a secured economic situation; (5) return requested to secure reconstruction assistance to be able to sell property; (6) return requested to be able to maintain IDP status in place of displacement. While some of these positions express a genuine wish to return, others burden the return process with a lack of goodwill and undermine the overall credibility of the return process.

Given the little resources and the major development efforts needed in Kosovo, it is important to have an efficient and transparent return process. This process must give returnees possibilities of rebuilding their own lives in a safe environment. CSSP is doubtful of a return process where reconstruction precedes return. Evidence shows that the choice to return is very difficult and many are unwilling to leave the little security they have in their place of displacement for uncertainty in their former homes, especially in places where status, economic development and security are still major issues. On the other hand, there have been several successful return sites where IDPs have demonstrated clear and direct will to return and have been successfully integrated.

⁴ In more general terms, one of the questions that arise alongside the return process is the question of IDP status. Their situation must be resolved and settled as a priority, however, when and how their status is determined and how it shifts remains open. Overall, what ensues is the question of IDP status, what this entails and when it ends. Upon completion of reconstruction or freeing of property, but the IDP not returning, can the status be maintained?

While these examples are small in comparison to the overall return needs in Kosovo, they should serve as a model and should not be undervalued.

Nevertheless, the return process remains a major challenge for the international and local officials, especially at this critical juncture in Kosovo's history. Only if the international and local efforts come together can the return process receive the necessary support and impetus to make progress. CSSP is worried that at the moment the process is not integrated. For example, there are complaints that the Ministry for Communities and Return is not working within the existing structures, that the municipal return officer and the Ministry are not integrated and that the international and local processes are not integrated. These three processes must come together if the process is to be efficient. If these processes are integrated, security concerns alleviated and the return of property is resolved to satisfaction will the return process gain momentum.

Property Rights

With the dissolution of the former Yugoslavia, property right emerged as key to developing a democratic and tolerant society that respects human rights. However, in Kosovo there are still major problems with the process. One of the major complications is reportedly related to a lack of clear structure and hierarchy in authority. In November 1999, the Housing and Property Directorate (HPD) and the Housing and Property Claims Commission (HPCC) were set up for rapid implementation of its programmes. Established as an interim measure for the provision of policy and legal advice in the assistance for development of temporary allocation schemes and mediated settlements in residential property disputes HPD set out its actions in conjunction with HPCC and its mandate to adjudicate disputes in impartiality and efficiency. In the reality as reported in 2005 from the municipal officials, the system set up left the local institutions with little authority or even insight into the process. Local leaders argue that even if they could intervene they are not legally competent and therefore are unwilling to take action. As a result, the individual citizen turning to the local authorities in regards to property related return issues is left with little guidance.

In every municipality visited by CSSP in 2004, there was general dissatisfaction with the property return process. CSSP's initial and tentative observations are that the process developed to ensure the return of property, while well intended, has not been very successful. There are missing links in the process that should theoretically bind return of property, eviction of illegal occupants, reconstruction, security and return of IDPs into one system. Some of the problems associated with the return property, as communicated to CSSP, are:

- HPD is not part of the municipal working group on return;
- Farm land is not part of the process;
- The process allows illegal occupants the possibility of staying in the apartment legally;
- The process facilitates the buying and selling of apartments;

- In most municipalities property is still unofficially occupied and IDPs are still officially displaced;
- Municipal and Kosovo government have no legal responsibilities in the process.

CSSP has not been able to investigate these claims in depth; however, there is a significant amount of dissatisfaction with the process to warrant an extensive and multi-disciplinary assessment. It is essential that a clear line of authority and property laws be put in place to ensure that return of property is facilitated in support of the return process.

As it appears that HDP seeks to complete its mission within 2005, the importance of proper handover of the procedures to the local authorities and including the Ministry for Communities and Return must be stressed. Property rights are critical in the restoration of a democratic society based on rule of law and respect for fundamental rights of all citizens. Six years after the war and more than one year after the March 2004 incidents major change remains to be seen, despite the steps towards the process. Resolution of property rights and thereby ensuring return of all those displaced within (and outside of) Kosovo must be a priority to settle.

Local and IC Meetings

In preparation of the initial mediations conducted by CSSP in Ferizaj / Urosevac and Rahovec / Orahovac, CSSP met with the local officials and representatives of OSCE and UNMIK (as well as UNHCR and HDP) in the individual municipalities. Meetings were also conducted in Prishtinë / Pristina with Kosovo Deputy Prime Minister Adem Salihaj, SRSG Soren Jessen-Petersen, OSCE Head of Mission Ambassador Werner Wnendt, and Head of Mission German Liaison Mission Kosovo Mr. Eugen Wollfahrt.

All of these meetings in conjunction with the individual meetings in the municipalities and the joint meetings have contributed to the impressions and analysis of the local situation.

Ferizaj / Urosevac

Issues, Observations and Joint Meeting

Ferizaj / Urosevac

Issues, Observations and Joint Meeting

Over the course of several visits to Kosovo, Ferizaj / Urosevac was identified as one of the first target municipalities for CSSP's integrative mediation approach and the implementation of further elements beyond initial research and analysis leading up to grassroots mediation. At the beginning of the process, CSSP had been approached by the MRO in Strpce / Shtërpçë, Ms. Spomenka Kojadinovic, to assist the IDPs with their wish to return to Ferizaj / Urosevac.⁵ This issue has been chosen as topic for a joint meeting in Ferizaj / Urosevac entitled "Encouraging Kosovo Serb Returns to Ferizaj / Urosevac" which took place on 7 September 2005 from 10.00 – 15.00h. This joint meeting resulted in Joint Conclusions agreed by all participants as included below.

There are a total of 70 families in Strpce / Shtërpçë who would like to return to the Ferizaj / Urosevac town centre.⁶ 30 of those families seek to return to flats, 40 wish to return to houses; most of their property is either destroyed or occupied. Currently the IDPs live in collective centres, reside with relatives or in private houses. To a large extent the living situation for the IDPs depends also on the work situation of the individual IDPs. Some of the IDPs are unemployed; others are in employment in the location of their displacement. Related to the individual IDPs situation is their perception and perspective.

Freedom of movement and security is perceived by the IDPs as one of the biggest obstacles to their return. However, it appears impossible for them to identify what exactly would be necessary to convince them in regards to these aspects that their return is welcome. Fears and anticipation are high and paralyse the willingness to make first steps. The joint meeting and the joint conclusions set out to address such first steps and facilitate the local process towards further change.

Mediation Issues

The actual joint meeting took place in a rather unusual setting for mediation as it was held in the municipal assembly room.⁷ Whether or not this had an impact on the proceedings, the rounds of discussion proceeded fruitfully. In several rounds of debate, participants made statements on their perception of the situation, commenting on

⁵ For more details see CSSP's Kosovo Strategy Report (p. 9-10) and CSSP's Kosovo Situation Report (p. 16-17).

⁶ As part of the pre-mediation phase, CSSP met with Ms. Spomenka Kojadinovic, MRO in Strpce / Shtërpçë, and several IDPs who have expressed their wish to return to Ferizaj / Urosevac. About 20 individual members of the IDP community were present at the meeting. They had informed each other about the meeting informally and represented their different backgrounds and status.

⁷ This means that rather than having a round table accommodating all participants, the majority of participants were seated in the plenary while the Municipal President, Deputy Municipal President, Municipal Representative (UNMIK) and the Senior Mediator (CSSP) were seated in an elevated centre stage. Simultaneous translation between English and Serbian as well as Albanian was available to all participants throughout the entire proceedings.

issues, proposals and statements. These led up to and included the discussions of the joint conclusions which were agreed in consensus by all participants present.⁸

It should be noted at this point, that no official representatives from Strpce / Shtërpçë (apart from the MRO) attended the proceedings.⁹ Without the Municipal President, Deputy President and CEO of Strpce / Shtërpçë and their input to serious dialogue regarding a return axis between Strpce / Shtërpçë and Ferizaj / Urosevac, a certain stalemate has been reached.¹⁰ Goodwill of both the officials from Ferizaj / Urosevac and the IDPs wishing to return remains somewhat in vain, facing this absence.

Return to the municipality of Ferizaj / Urosevac is in process, though not yet to the city centre. A previous return concept of the IDPs to have 2 blocks constructed for them to return to the town centre collectively was rejected by the municipality and the UNHCR. In their view the interest of return must be stability; it cannot result in the creation of blocks or additional enclaves. What has been proposed as an alternative to collective return is the identification of areas where more than one returnee family can return as a priority. Similar plans have been realised within the municipality, such as in the villages of Babliak/Babljak and Babush/Babuš. In Babliak/Babljak 46 families have returned to reconstructed property already. In Babush/Babuš 80 families are to follow the example, though these are still awaiting funds to be identified for individual reconstruction. While return is a priority in the eyes of the Municipal President in general, return to the city centre must be part of that process.

In regards to return to the city centre, it appears in the perception of some that the Kosovo Serb IDPs themselves slow the process of return by creating renewed demands as (pre-) condition for their return.¹¹ In order to make return a reality, concrete action and active steps are necessary to be taken from all sides. There is a process for return and it must be followed before any other intervention should be made. This includes proper documentation of return demands, the compilation of written lists of the returning families, which are then submitted to the appropriate offices.¹² According to the municipal officials, as they hold limited authority in the return of property, the completion of the return process is further aggravated. The authority for the return process lies with

⁸ The Municipal President had to leave the joint meeting to attend official business involving USAID / Mercy Corps. After one hour, he returned to the joint meeting and contributed to the entire discussions related to the joint conclusions.

⁹ The Municipal President of Ferizaj / Urosevac mentioned in an initial meeting with CSSP that he has met with the Municipal President and Serbs residing in Strpce / Shtërpçë on a regular basis this past year and sees there to be cooperation. However, the Municipal President did express that he is under the impression that Serb IDPs wishing to return to Ferizaj / Urosevac do not meet with him to discuss their situation.

¹⁰ CSSP has met with the Additional Deputy Municipal President of Strpce / Shtërpçë, Mr. Hamdi Aliu, the day prior to the joint meeting. Despite an expressed intention, Mr. Aliu, plus a representative of the Albanians wishing to return to Ferizaj / Urosevac, did not attend the joint meeting. CSSP is inquiring into the reasons for this situation.

¹¹ According to the Municipal President, 8 families have returned to the town centre. The conditions in which they live are good or to the least similar / same as those conditions of the majority living in the town centre.

¹² During the mediation meeting, CSSP was provided with a list identifying both locations (streets) and names of those wishing to return. This list had, according to the municipal officials, not been previously submitted to the appropriate institutions.

the HDP.¹³ A completion of the property return process must result also in a completion of the return of people in the entire municipality of Ferizaj / Urosevac.

In order to ensure a proper and sustainable return process which includes the town centre, several actions were agreed upon by the participants of the joint meeting and are reflected in the conclusions. Beyond closer cooperation and regular meetings between the appropriate bodies including representatives of the Ministry for Communities and Return, detailed lists will be compiled and shared with the respective institutions. These lists will clearly identify the property of concern to which families seek to return as well as identifying the individuals which intend to return. A first group of return will focus on an area in the town centre where several returns focus on 1 to 3 streets and facilitate reintegration for individual returnees. In the process leading up to the eventual permanent return, regular transportation in between both municipalities will be increased as to allow further steps towards reintegration of former neighbours and friends. UNMIK, the Ministry for Communities and Return and municipal government have agreed to explore options to ensure the initial transport until the commercial viability of the bus line becomes self sustaining. Such a commitment also requires the other side, which is the IDPs and all citizens, to embrace such efforts and acknowledge them by making use of the service provided. It is part of the process towards change.

As the repossession of their property remains one of the main concerns of the IDPs, it must be stressed that is a problem in all of Kosovo, not only in Ferizaj / Urosevac. The complexity of the issue and the process continues as implementation and resolution of cases proceed slowly. The complaints and any complications that IDPs have should be addressed in writing to the appropriate institutions. All complaints that are officially submitted in writing will be welcomed by the municipal government and in particular the CEO. Part of the repossession process shall also include regular visits to the property. It appears that the current process for go and see visits does not meet the interest of Kosovo Serb IDPs. All sides, including the responsible offices and the international organizations involved will make further efforts to facilitate the conduct of regular visits.

The issue of missing or destroyed documents was raised by the IDPs. Although they are not the only group suffering from a loss of documents related to education, work and pensions, it appears that IDPs face additional hurdles in an attempt to have documents re-issued. The Communities Committee agreed to act as focal point looking into the issue with the support of UNMIK and the Ministry for Communities and Return. Resolution of the issue must be on a case-by-case basis; new issues are to be issued where possible, while other solutions must be found as appropriate. Despite various efforts, CSSP has not been able to identify Kosovo-wide standards for dealing with lost documents during the war. If it is the case that no standard process exists, it must be a priority for the Kosovo government to adopt and circulate guidelines for the issuance or replacement of official documents lost during the war.

Observations

The initial joint meeting conducted by CSSP in Ferizaj / Urosevac on "Encouraging Return to Ferizaj / Urosevac" resulted in "Joint Conclusions on Return to Ferizaj / Urosevac". It has allowed CSSP to implement further elements of the methodology as

¹³ For more detail on HDP and the return process, see above.

appropriate for the local situation and continues to allow CSSP to develop a functioning framework for its efforts of establishing local mediation in Ferizaj / Urosevac. CSSP will continue its efforts in the municipality of Ferizaj / Urosevac and intensify contacts with Strpce / Shtërpçë.

CSSP will welcome the report from municipality officials from both Ferizaj / Urosevac and Strpce / Shtërpçë on the matters raised in the joint conclusions. CSSP will, based on the basis of further progress being made, lobby with international donors for projects in support of improved contacts and return for all citizens. A specific focus will rest on projects which include both municipalities. CSSP will return at an appropriate time to implement further steps towards self-mediation.

Additional Note

Shortly before CSSP visited the municipalities, there were two incidents resulting in the murder of citizens. In late August, two Kosovo Serbs were murdered, followed shortly thereafter by the killing of two Kosovo Albanians. In early September there were further reports of renewed violence and murder. Such violence cannot be allowed to spark further reaction and renew open conflict. All efforts must be made to investigate the cases.

The acts of violence, though raised by the participants of the joint meeting, did not dominate the discussions. Without diminishing the violence and its consequences, it must be welcomed that the incidents did not overshadow the other problems existing in the municipality of Ferizaj / Urosevac. Acts of crime cannot be allowed to dominate the local agenda to the extent where it cripples all other efforts. The people CSSP encountered spoke of the incidents with great concern, condemning all acts of violence. The renewed acts will have a consequence on future mediation efforts of CSSP. Quite clearly, there is a need for mediation in this area and it cannot be allowed for the extremist elements of society to dominate the agenda of all social and political life.

Certainly the municipality of Strpce / Shtërpçë which has been paid increasing attention recently must address the question of why these incidents occurred at this point in time and how to resolve the situation and ensure security of all citizens in the municipality and around its borders.¹⁴

¹⁴ The SRSB visited the municipality on 9 September 2005 in response to the initial acts of violence.

*The following are the joint conclusions as resulting from the joint meeting in
Ferizaj / Urosevac on 7 September 2005.
They were agreed by all participants in consensus.*

Joint Conclusions Return to Ferizaj / Urosevac

7 September 2005

All sides agree that there is potential for increasing returns to the town center of Ferizaj / Urosevac.

All sides reject the use of violence against any person and call for all responsible persons to increase their efforts in the investigation of any incidents. All call on residents not to prejudice the investigation by making assumptions about the crimes.

All sides regret the absence of the Municipal President, Deputy President and CEO of Strpce / Shtërpçë and encourage them to enter into serious dialogue with the municipal authorities of Ferizaj / Urosevac. Cooperation and dialogue must begin with the leaders of the municipalities. These persons have an obligation to their citizens to represent them in all important meetings regarding cooperation between the two municipalities.

All sides agree that the municipality has made good efforts to welcome returns of former residents and commit themselves to strengthening return.

1. It is possible to strengthen returns to the Ferizaj / Urosevac town center in a secure way. The Strpce / Shtërpçë MRO will work together with the IDP Association and the Municipal Working Group on Return to identify as a first phase of return a possible return site in the town centre focusing on 1 to 3 streets where Kosovo Serbs wish to return. The municipality will be responsible for creating a tolerant and welcoming environment.
2. It is important that the municipal working group on return have one common and detailed list of families wishing to return to the above mentioned return sites. The MRO of Strpce / Shtërpçë will provide this list in writing at the next meeting.
3. The two Municipal Return Officers should meet regularly and exchange information. The Municipal Return Officer of Ferizaj/Urosevac welcomes an invitation to participate in the next meeting of the municipal working group on return in Strpce / Shtërpçë.

4. The Communities Committee will develop together with the IDP association proposals for social events for IDPs and former neighbors. The municipality will support these initiatives.
5. It is important to ensure that IDP representatives have regular transportation between the two municipalities. All welcome that UNMIK reassures the IDPs that they will provide this transport for them. The Ministry for Communities and Return and the municipal government of Ferizaj/Urosevac have offered transportation as well.
6. All sides support the continued operation of the bus line between the two municipalities. It would be good to widely publicize its benefits. For three month the municipalities of Ferizaj / Urosevac and Strpce / Shtërpçë will cover the cost of the bus. In the meantime, the Ministry of Communities and Return will consider taking over the bus line with a multiethnic staff. All welcome the intervention by the Ministry on this issue.
7. UNMIK has registered the complaints of IDPs concerning the repossession of their property and agrees to meet separately with the IDPs on this issue. The municipal government is ready to receive in writing any complaints regarding business premises or other properties and will give assistance or documents where appropriate. The CEO has agreed to accept these complaints.
8. The Kosovo Serb IDPs have an interest in go and see visits but have some complaints about the current process. All sides call on the responsible offices and international organizations to improve facilitation and regular visits.
9. The Ministry for Communities and Return should attend the municipal work groups on return.
10. There are problems in all communities with the loss of documents related to education, work and pensions. The Communities Committee agrees to be the focal point and look into this issue, supported by UNMIK and the Ministry for Communities and Return. Where possible new documents will be issued, if not the Ministry will look into other proposals for resolving this issue.
11. CSSP will lobby international donors for projects that support improving contacts and return that are developed jointly by the municipalities.
12. CSSP welcomes a report by both municipalities regarding progress on these issues by 1 December 2005.

The conclusions were agreed in consensus.

Participants of the joint meeting in Ferizaj / Urosevac

Mr. Faik Grainca	Municipal President (Ferizaj/ Urosevac)
Mr. Sabit Krasniqi	CEO (Ferizaj/ Urosevac)
Mr. Hyzri Hasani	Office of Communities (Ferizaj/ Urosevac)
Mr. Josuf Avdiu	Office of Communities (Ferizaj/ Urosevac)
Ms. Xhevahire Dervishi-Rexhepi	MRO (Ferizaj/ Urosevac)
Mr. Dragan Kukurekovic	Adviser to the Minister, Ministry of Return and Communities
Mr. Albert Zeca	Deputy to the Adviser, Ministry of Return and Communities
Ms. Spomenka Kojadinovic	MRO (Strpce / Shtërpcë)
Ms. Gordana Ristic	President IDPs (Strpce / Shtërpcë)
Mr. Dragomir Dordvice	Representative IDPs (Strpce / Shtërpcë)
Mr. Garfur Imeri	Municipal Deputy President (Ferizaj/ Urosevac)
Mr. Dharam Pal	UNMIK Municipal Representative (Ferizaj/ Urosevac)
Dr. Christian Schwarz-Schilling	Senior Mediator, CSSP
Dr. Dieter Wolkewitz	Mediator, CSSP
Dr. Juan Diaz	Mediator, CSSP
Eva Malisius	Mediator, CSSP

Rahovec / Orahovac

Issues, Observations and Joint Meeting

Rahovec / Orahovac

Issues, Observations and Joint Meeting

During the phase of initial analysis and research, CSSP visited the municipality of Rahovec / Orahovac on several occasions in 2005.¹⁵ After careful analysis, the municipality has been identified to fulfill the CSSP criteria for mediation intervention. In particular, the various communities already begun having dialogue, the Kosovo Serb community is seeking confidence-building, there is goodwill on all sides, there are returns in the municipality, however there remain conflicts and misunderstandings aggravating progress. All of these elements prepare the ground for further implementation of the Integrative Mediation methodology.

As initial grassroots mediation, CSSP visited Rahovec / Orahovac for a joint meeting on "Improving cooperation and participation in the municipality" on 9 September 2005. This meeting has brought together representatives of the Kosovo Albanian and Kosovo Serb communities, municipal leaders and community representatives, and Communities Committee Chairperson and Deputy Chairperson. The Adviser and Deputy Adviser to the Minister from the Ministry for Communities and Return were also present throughout the meeting. While the official meeting lasted between 14.00 – 17.45h in the municipality's board of directors' room, the mediation continued in a more unofficial setting for several hours over dinner, including all participants.¹⁶

While some of the issues raised during the official part of the mediation could not find a satisfactory resolution for all participants at the table, it was possible through more informal and bilateral exchange to address and discuss matters further. As a result, as the joint meeting did not result in the adoption of conclusions, but rather ended with the agreement that CSSP would provide translations of the Conclusions in Serbian and Albanian language for distribution between the participants. The CEO kindly agreed to act as point of contact for the distribution. All participants have been invited to share comments via the CEO with CSSP by the end of the year in preparation of CSSP's next trip to Rahovec / Orahovac early in 2006.

Mediation Issues

Before and during visiting Rahovec / Orahovac, it appeared that all sides agreed on a unique trait in the local situation. Separation remains one of the biggest obstacles, however slow, but cautious steps of improvement are continually observed here. Overall progress in the right direction can be recorded. It appears that both citizens and municipal officials are interested in open dialogue between the ethnicities and all communities. However, at the same time it is felt that this open dialogue requires

¹⁵ For an overview of the analysis, please confer to the CSSP Kosovo Strategy Paper (May 2005) and the Kosovo Situation Report (Summer 2005). Both reports, as well as further information, are available to download from www.cssproject.org.

¹⁶ Consecutive translation between English, Albanian and Serbian was available throughout the official part of the mediation, whereas during the unofficial part of the mediation, translation between English and Serbian was sufficient.

assistance and advice. A circle of conflict builds on four elements moving from the description of a problem, the analysis of the problem, the prescription of options, and finally action towards resolution. Rahovec / Orahovac is ripe for reintegration, however, it is missing the initiating spark to start the process for change. Many first steps have been made for confidence-building measures already, many with the contributions from UNMIK and OSCE. Examples are youth initiatives and the women's centre. The process must not only be continued but be further brought to life.

As one such step and in agreement with the local parties and the representatives of the international community, CSSP has selected Rahovec / Orahovac for a pilot project. This foresees to implement the element of negotiation training as outlined in the methodology of Integrative Mediation for the municipality of Rahovec / Orahovac. A municipal problem-solving workshop has been conceptualised to take place in three phases, focussing initially on the Communities Committee and key local leaders.¹⁷ As first phase, between 29 November and 4 December 2005 all members of the Communities Committee in addition to some key leaders of Rahovec / Orahovac are invited to participate in a specifically designed workshop focusing on negotiation training and team building in Skopje, Macedonia.¹⁸ As the intention is to create sustainable skills in the local community, following phases of the training will assess and evaluate with the participants the trained skills and their implementation.

With the realisation that the economic situation is dire for all people of Kosovo, steps towards improvement of this situation must be made for the benefit of all people. Such improvements i.e. (re-)activation of factories, would not only create employment but also provide solid steps for integration and thereby facilitate overall improvement of living standards for all people. The economic potential in Rahovec / Orahovac appears great; drawing on the many vineyards in the municipality, it should be possible to attract tourism industry related to the wine-making industry. Further efforts should be made to explore the economic potential of Rahovec / Orahovac and the development of a municipal development plan in this regard.

Cooperation between the municipal officials appears common and good, however, despite constructive meetings there is a lack of consequences as to priorities. Efficiency of municipal decision-implementation appears to be lacking, though not necessarily due to a lack of goodwill but rather limited municipal funds. The following are two examples as raised in particular by the Municipal Assembly Additional Deputy President. A decision for financial aid for Radio Focus concerning the sum of 550€ which was taken by the Board of Directors on 22 November 2004 remains not implemented due to a lack of available funds.¹⁹ Furthermore, a granted request for an additional language assistant for the Serbian language has been incorporated into the 2005 budget but not yet implemented. The hiring of a language assistant is

¹⁷ The detailed programme for the workshop is available online, www.cssproject.org.

¹⁸ CSSP conducts this workshop in cooperation with Vienna Partners and Coaching Spirale.

¹⁹ According to information from UNMIK, Radio Focus is a small community radio station which broadcasts in Serbian language and is located in Upper Rahovec / Orahovac. Its programme is targeted at Serbian audience in the municipality and consists of news, music, public affairs, vacancy announcements, etc. Participating in an OSCE project, the radio also broadcasts occasional talk shows with municipal officials and other authority figures on current issues.

outstanding; the justification is a stop on all hiring processes for municipal employees.²⁰ Although these are just examples, they display a certain process.

As a positive example of municipal cooperation, the municipal symbol has been changed to remove the letter "R" from its design. Without this letter, which refers to the Albanian name of the municipality only, the symbol of the municipality is perceived as reflective of all members of the municipality and has since been used for official business. The use of both languages throughout all official business of the municipality remains an issue. Some progress has been made as forms to be used within the health services have been made available in Serbian also, however, other forms such as those needed in car registration are not available in both languages.²¹ The municipality should encourage all businesses in Rahovec / Orahovac to provide all paperwork in both languages as an additional symbol of welcome and integration to all members of the community. While this issue had not been discussed during the official part of the joint meeting, a bilateral consultation between the CEO and Deputy Municipal President as well as CSSP facilitated an agreement to make all efforts to ensure that all official documents will be available in both languages. Any missing documents in both languages will be translated and made available by the end of the year.

Freedom of movement in Rahovec / Orahovac and the security situation no longer appears with main obstacles. Hard cases of crime have been stopped, though incidents of light provocations remain. The situation is continuing to improve in this matter, nevertheless the concept of freedom of movement remains in the perception of the individual. Citizens from all parts of the municipality are able to approach the town centre if they have a reason to do so, but will not do so without a reason. Consequently, freedom of movement is improving but more efforts must be made to combine the different concepts and perceptions of what freedom of movement must entail.

A Kosovo Serbian graveyard, located within a Kosovo Albanian majority part of the municipality has been largely destroyed during the war. The damage is extensive, fences and gates are destroyed. However, an unofficial access road running right through the cemetery has developed. Although an agreement had been reached to relocate the access road to the fringes of the property of the cemetery, due to the serious costs for the extensive rebuilding and repair works no action has been taken yet. Uncertain remains also the security and safety of the site and its use after all works are completed. It appears that attempts have been made to identify donors to assist with this project; however, it appears that no solution has been found yet within the municipality. Should further support be necessary, CSSP is willing to lobby for international donors in this regard.

Outside the actual joint meeting, CSSP has met with members of the (German, Austrian and Swiss) KFOR troops stationed in Rahovec / Orahovac. This issue did not become part of the joint meeting, but should be addressed and further analysed for future

²⁰ The Deputy Municipal President has submitted in writing an official complaint in this matter. Despite a stop in hiring processes for municipal staff, an exemption from the regulation must be granted for this case on the needs basis. The municipality must approach the appropriate offices in the ministry to clarify and resolve the matter.

²¹ The Deputy Municipal President has provided CSSP with examples of such documentation which is available in one language only.

mediation efforts. The KFOR members raised the issue in concern for a possible conflict escalation in this regards. An ongoing return project is in the process of completing the construction of 53 houses in the village of Zocishte / Zociste for Kosovo Serb returnees. Two nearby villages (Reti / Retimlje and Opterushe / Opterusa) of Kosovo Albanian majority are without sufficient water supply. Efforts should be made to investigate the costs for extending water supply to the villages at the same time as completing the construction of the houses as to avoid potential for tension and ensure smooth return. Upon receipt of a proposal in this regard, CSSP is willing to seek for the identification of donors for this project.

Observations

The potential of Rahovec / Orahovac for cooperation and future prosperity appears great. Goodwill and intentions to improve the local situation for all citizens appears to exist on all sides. However, the implementation of these intentions remains missing. The informal cooperation and talks must translate into official action and further, concrete steps in the process towards change. The steps taken in Rahovec / Orahovac so far are promising but cannot be enough.

CSSP looks forward to continued cooperation with Rahovec / Orahovac and in particular to the conduct of the initial training workshop focussing on the Communities Committee and key leaders to be conducted in later this year.

The following conclusions have been drafted by CSSP as a result of the joint meeting and informal mediation session in Rahovec / Orahovac on 9 September 2005. They have been circulated among the participants for confirmation and/or comments.

Conclusions on Rahovec/Orahovac

9 September 2005

In recent times the situation in Rahovec/Orahovac has improved. All sides have goodwill to work on the issues and create an open and tolerant society where everybody can live secure and in dignity. Both sides have agreed on a compromise for a new symbol of the municipality and this is a sign of good cooperation.

Security has improved in general and good efforts have been made to work on returns to the municipality. It is unfortunate that there are still no returns to the town center. However, the municipality is not alone responsible for the lack of return results. Returns are dependents on a complex mixture of factors involving the will to return, security, available reconstruction aid, property dispute settlement, and a welcoming environment in the return area. While the municipality is working on return, much more needs to be done by all sides and efforts to have some returns to the town center must be strengthened.

In general, it seems that there has been progress in the area of physical security. There have been no ethnically motivated violent crimes and no kidnappings; and the municipality is encouraging tolerance and a welcome to the Kosovo Serbs. However, freedom of movement is still limited, first by the fear of Kosovo Serbs to take a risk and second because the perception among Kosovo Serbs is that one visits the town center on a need basis only. Kosovo Serbs need more incentives to visit the town center and to be invited by their Albanian friends more regularly.

The Kosovo Serb representatives are worried about the sustainability of returns and believe more people are leaving than returning. This worry should be discussed among the various representatives and the Kosovo Serb community and in the return mechanisms.

In order to support the progress already achieved, it is important to develop concrete confidence-building measures:

1. The Kosovo Serbs would like to have funds to renovate the premises of Radio Focus, the Serbian radio station. This request was approved in November 2004 but has not been implemented because of the lack of municipal funds. According

- to the OSCE the radio station has moved to new premises and has received new equipment. However, the unfilled request continues to be a symbolic of for Kosovo Serb representatives. It is important to identify if the radio station is still seeking these funds; for what purpose the fund would be used; and how best these needs can be fulfilled. This could be a potential project for both sides to work together, and CSSP is willing to seek a donor for a jointly developed project.
2. There seems to be a disagreement between Kosovo Albanian and Kosovo Serb representatives over how best to utilize the available language assistance. Kosovo Serb representatives have asked for one extra language assistant which was approved in the budget for 2005. However, this was not implemented because the municipal government received an order prohibiting the hiring of new employees. Given the fact that there is only one official language assistant for the Serbian language this issue should be reconsidered. Moreover, the municipal government should make all efforts to ensure language assistance is appropriately covered by the municipality. A joint review of the current language assistance should be made by the communities committee and recommendations should be made that meet the satisfaction of all sides, keeping all legal issues and fiscal responsibilities.
 3. The municipality has made good efforts to implement full use of both languages throughout all institutions and documents. Municipal leaders assure all sides that they have ordered the full use of dual language. However, there are some complaints that the municipal orders are not being fully implemented. It is important for the municipality to strengthen its efforts and to ensure this issue is fully respected. The CEO committed to investigating this issue and any violation. He agreed to accept complaints in writing in this regard. He further agreed that by the end of 2005 this issue would be resolved.
 4. At the negotiation table all sides agreed that private businesses should be encouraged to promote the use of both languages. According to the OSCE there is a funded initiative in this regard which should be supported and strengthened. The Chair of the Communities Committee affirmed that the committee was working this project and it would be more visible in the future. CSSP believes that incentives by the private sector is the key to further progress with regard to making the town center more attractive for all citizens of the municipality. All efforts in this regard should be supported by the municipality.
 5. All sides agree that the restoration of the Kosovo Serbian graveyard and its preservation as a cultural site is an important confidence-building measure. All sides should support this effort. CSSP is ready to assist in finding international donors if there is a need and if all sides can agree on a way forward.
 6. Social and cultural exchange projects give both sides an opportunity to speak with each other informally. There are some very good examples such as the Youth Center and the Women's Center, and some one day events by NGOs. It is

essential to develop more of these types of events and initiatives so that they become part of the daily life of the municipality.

7. Kosovo Serb representatives would appreciate it if the Municipal President and other members of the municipal government would visit their communities more regularly. In addition, it would be good if the Municipal President and the Additional Deputy President would jointly visit all villages of the municipalities.
8. The issue of property repossession is very important for all human rights. The Kosovo Serb community has submitted a list of 15 cases of property they believe have been illegally occupied. However, the mechanisms available to address this issue are weak, unreliable and perceived as biased. All efforts should be made to have these cases resolved in a transparent and official manner and the international organizations should assist them in this regard. The OSCE has stated in the past that it is ready to assist in facilitating a meeting with the HPD Regional Director. The Local Community Officer in Velika Hoča / Hoçë e Madhe, who raised the issue at the mediation meeting, should contact the OSCE and the HPD in this regard.
9. The Kosovo Serb representatives have complained that a recent trial regarding the robbery of a Kosovo Serb's construction material was manipulated and unjust. They should request the OSCE Court Monitor in Prizren to investigate this matter.
10. The Communities and Mediation Committees are very important in the functioning of local self-government. The Communities Committee has made good efforts. The Mediation Committee unfortunately has not reached the level of work desired by all participants. CSSP will invite the members of both committees and key leaders of the communities to a problem-solving negotiation and committee workshop.
11. CSSP welcomes a report from the municipal leaders on progress made on these issues by the end of the year.

Participants in the joint meeting in Rahovec / Orahovac

Mr. Esat Haxhijaha	Municipal Assembly President
Mr. Slavisa Kolasinac	Municipal Return Officer
Mr. Zoran Grkovic	President of the Communities Committee
Mr. Dejan Baljosevic	Deputy Head MCO
Mr. Jovan Đuričić	Head MCO
Mr. Nahit Elshani	Municipal Assembly Deputy President
Mr. Ljubiša Đuričić	Additional Deputy President
Mr. Irbahim Kryeziu	CEO

Mr. Dragan Kukurekovic	Adviser to the Minister, Ministry of Return and Communities
Mr. Albert Zeca	Deputy to the Adviser, Ministry of Return and Communities
Dr. Christian Schwarz-Schilling	Senior Mediator, CSSP
Dr. Juan Diaz	Mediator, CSSP
Dr. Dieter Wolkewitz	Mediator, CSSP
Eva Malisius	Junior Mediator, CSSP