



CSSProject for Integrative Mediation

***Kosovo Situation Report
Summer 2005***



Stabilitätspakt für Südosteuropa
Gefördert durch Deutschland
Stability Pact for South Eastern Europe
Sponsored by Germany

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. 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 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. 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 Mediator 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.

For further information contact:

CSSProject for Integrative Mediation
Deutscher Bundestag
Platz der Republik 1
11011 Berlin, Germany

info@cssproject.org
www.cssproject.org
tel: +49 30 227 77417
fax: +49 30 227 76417

TABLE OF CONTENTS

GENERAL SITUATION	4
FREEDOM OF MOVEMENT	4
RETURN PROCESS	5
<i>Recommendations on the Return Process.....</i>	<i>7</i>
PARTICIPATION OF KOSOVO SERBS IN SELF-GOVERNMENT.....	7
STRENGTHENING LOCAL SELF-GOVERNMENT.....	8
<i>Recommendations for Communities Committees.....</i>	<i>10</i>
<i>Recommendations for Mediation Committees</i>	<i>10</i>
FIELD VISITS.....	11
<i>Zvečan / Zvečan.....</i>	<i>13</i>
<i>Ferizaj / Uroševac</i>	<i>16</i>
<i>Rahovec / Orahovac</i>	<i>18</i>
CONCLUSIONS ON KOSOVO IN SUMMER 2005	20

General Situation

Since the beginning of 2005, the situation in Kosovo has been focused on implementation of standards and preparation for a review by the UN which will determine if Kosovo is ready to begin with final status negotiations. In this regard, discussions of progress have centred on freedom of movement, improvement of the return environment, the participation of Kosovo Serbs in existing institutions, and implementation of local democratic processes. All four are essential for progress in standards implementation and for the future development of Kosovo and will remain the focus for the foreseeable future.

The CSSP team was in Kosovo in the second half of June 2005 and visited several municipalities. In addition, the team met with various international and local leaders as part of its research. This is a short description of the situation in the summer 2005 as it was presented by local and international partners. Where appropriate, observations, conclusions, and recommendations are made based on the information provided and CSSP insight. The team will return to Kosovo in the first part of September 2005 for further mediation related activities.

Freedom of Movement

In general the issue of freedom of movement in Kosovo is very complex, and its assessment varies depending on person, ethnicity, and institution. There are three perspectives that dominate the discussions: the Kosovo Serbs, the Albanians and the international community.¹ Out of all standards required for future status negotiations to begin, freedom of movement is the most prominent, especially as it is the most fragile and the core of all future work in Kosovo. Moreover, one cannot speak of coexistence without having freedom of movement and in general security for all citizens.

The official position of Kosovo Serbs is that there is no freedom of movement. They further argue that they are prisoners in their enclaves. Whether there is freedom of movement or not is difficult to assess because Kosovo Serbs will not leave their enclaves unescorted. They make little effort to test the situation for fear of being the target of violence. Furthermore, they are instructed by the government in Serbia not to do so. Moreover, Kosovo Serbs are often unclear as to what needs to happen for them to regain confidence in the security structures and begin moving around independently. Despite assurance from Kosovo Albanians and KFOR, it is not an absolute foregone conclusion that future violence, in general or against individuals, will not break out again, especially as sporadic attacks on minorities continue.

¹ In Kosovo a narrow understanding of the international community includes UNMIK, OSCE, UNHCR, EU and KFOR. The concept is further extended in general to diplomats or organizations with official mandates. This should not be confused with the wider usage of the term to mean all internationals working in the field.

The counterargument is that Kosovo Albanians feel they are doing as much as they possibly can and have a vested interest in the security of all citizens, especially as freedom of movement is the number one standard to be fulfilled. However, in their view the possibility of violence exists in all societies, and it is unfair to hold Kosovo to a higher standard. Moreover, the call of the Belgrade government for Kosovo Serbs to boycott all attempts at making progress has not helped the situation. Behind closed doors many people consider the Kosovo Serb position to be a tactic ahead of the UN review on standards implementation. They argue that some Kosovo Serbs or businesspersons are seen undertaking their work in municipal centres without escort.

Given the incidents of March 2004, the international community is hesitant to push the issue and continues to work with all sides to give regular security updates.² However, in its view, it is up to the Serbs to decide when and how they wish to move around. Independent from the realities on the ground, CSSP research indicates that while in general freedom of movement is possible, more needs to be done to overcome the psychological barriers to freedom of movement. Kosovo Serbs live under a “siege mentality” that is not easily overcome with objective security assessments. Municipal and Kosovo leaders need to make more public and tangible acts to demonstrate their commitment to freedom of movement and individual rights. Additionally, the lack of consistent and successful prosecutions of individuals who have committed violence in the past and the lack of progress in the identification of missing people continue to be deterrents to confidence-building.

Return Process

The return structures and mechanisms in Kosovo are in many ways highly developed given the lessons learned in the other parts of South Eastern Europe. They include municipal return officers (MROs), municipal working groups on return (MWGR), Task Force on Returns, Office of Returns and Communities (ORC) and a Housing and Property Directorate (HPD). These mechanisms are focused on ensuring that returns are organized, supported and sustainable including awareness in the community and (re-) integration.³ The process begins with potential returnees expressing their wish to return to the return officer or an NGO. This wish is then integrated into the existing process. Concept papers are developed, and projects are prioritized in the MWGR to begin finding funding by potential donors. In addition, a Ministry of Communities and Returns (MCR) was established in early 2005, and it has begun setting up various field offices. However, it has had problems getting started and integrating into the already existing structures. Nevertheless, returns are few and spontaneous returns are generally not encouraged, without extensive preparation and consultation of the existing community.⁴

² On the 17 and 18 March 2004 violent riots broke out in Kosovo. There were over 500 houses and many churches destroyed. In total 19 persons were killed and 950 injured. Furthermore over 4000 person became IDPs as a result of the riots.

³ Given the history of Kosovo Serbs and Kosovo Albanians there are questions as to whether the process is integration, reintegration or co-existence.

⁴ Some human rights advocates argue that displaced persons have a human right to return to their places of origin and should not need the approval of the existing community. CSSP agrees with this position, but

For most observers, a cursory glance of Kosovo indicates that physical returns are almost non-existing, despite ongoing projects. Moreover, the process seems very convoluted and bureaucratic, and evictions of illegal occupants are happening very slowly. The few MROs visited by CSSP were working under difficult conditions, a lack of material support and a politically difficult environment. Moreover, the Ministry for Communities and Returns has not met expectations. This has created much dissatisfaction among all sides. However, there are some successful return projects and awareness is increasing on the possibilities for return. More importantly, the ORC is working on improving and strengthening the mechanisms and addressing the shortcoming.

One area where CSSP sees difficulties is the assessment of a “genuine” desire for return. This assessment is needed in order for the process of reconstruction to be initiated. There is criticism that many potential returnees either sell their reconstructed housing units or do not return once the reconstruction is completed. At the moment, there is not enough information on the ratio of reconstructed housing units and the number of those units which are sold or uninhabited after reconstruction to determine the validity of this criticism. However, there are some indications that such results do occur. Part of the reason can be attributed to the insecurity surrounding the future of Kosovo. At the moment most Kosovo Serbs are between parallel societies awaiting the outcome of final status negotiations, and their “genuine” desire for return can only be assessed once this issue is resolved. From their perspective, the choices are starkly different depending on the outcome. Either they will live in a society where they are theoretically in the majority with the support of Serbia or they will be a minority in a new and culturally different state. Given the past history between Kosovo Albanians and Kosovo Serbs, the choice is difficult to make. The choice between staying and leaving is further compounded by the mixed messages received, including the international community, but more importantly from the government in Belgrade, which at the moment is their main support network.

An example of the difficult return decisions to be made can be witnessed in the case of returns to the village of Svinjar / Svinjarë. This municipality suffered in the March 2004 riots. The houses of approximately 128 Kosovo Serb families have been reconstructed; yet only one fourth have returned. Organizations working on returns are frustrated by the refusal of the IDPs to return, due to a lack of auxiliary buildings, especially as their current living conditions are substandard (no water or sewage). Some argue that there might be ulterior motives for not returning and that much more cannot be done. However, the fear factor should not be underestimated.

In conclusion, CSSP is of the opinion that the role of the Serbian government is the key to improving the situation of returnees and IDPs. As long as it is not constructive and it continues to apply pressure on the Kosovo Serb population to boycott, there will be no substantial progress in return. In addition, as long as Kosovo Serbs do not act independently from the Serbian government, their claims and issues will not be

past experience shows that resistant communities only make reintegration more difficult and increase the possibility that returnees will become displaced again.

addressed in a serious manner by the Albanian majority. Kosovo Serb leaders must do more to make decisions in their own right and interest.

Recommendations on the Return Process

- There needs to be a direct link between the Ministry for Communities and Return and municipal return officers. This link is not immediately apparent and there are indications that the Ministry is avoiding strengthening its connection to the existing structures.⁵
- The material support for MROs must be increased if they are to address significantly the returnees' needs and positively influence municipal structures.⁶
- The positions of the MROs should be expanded to a "municipal return office" that informs returnees of their rights, possibilities and support agencies working in the area. It should distribute information, undertake public awareness campaigns and serve as an information resource centre (using both languages of Kosovo).
- It is essential that municipal return officers are able to communicate with both the returning and majority populations in their own languages. In cases where the MROs do not speak both languages, interpreters must be made permanently available for them. Returnees should feel that this is their main point of contact regarding all return, reconstruction and reintegration questions.⁷

Participation of Kosovo Serbs in Self-Government

The participation of Kosovo Serbs in institutions at all levels is problematic for the concept of multiethnic coexistence. Currently there is a general feeling in the Kosovo Serb community that their needs cannot be addressed through the existing structures and that without freedom of movement they will continue to boycott the institutions. The result has been ad hoc participation when the need arises or when there is something important to gain. In some situations Kosovo Serbs are receiving two salaries, one from Belgrade and one from the Kosovo budget. Despite this arrangement, participation is not assured nor is it always constructive. There are cases where Kosovo Serbs are receiving salaries from the Kosovo budget for work that is not being done. In some municipalities, they do not go to work for fear of being attacked and have negotiated the possibility of attending work once or twice a week. The problem with this sort of arrangement is that it creates double standards and possible resentment.

⁵ The Ministry was unable to meet the CSSP team during its visit to Kosovo.

⁶ In the municipalities CSSP visited, these officers were working in rudimentary conditions with little or no support.

⁷ At the moment it is CSSP's initial observation that this void is being filled by the "Office of Communities". However, this office should focus more on systematic development of communities and not individual cases.

The problem with a general boycott, ad hoc participation, and double salaries is that in the medium to long-term it hurts the Kosovo Serbs more than it benefits them. Kosovo Serbs are missing out on important developments in local institutions and their late entry into these institutions will delay their overall development prospects. In addition, the perception of unjustified special treatment is not useful for any minority as it usually results in resentment in the wider society and discourages interethnic relations. Secondly it does not serve the goals the government of Serbia and Montenegro in its future negotiations over Kosovo's status or European Union membership. The basic political and philosophical underpinning of the European Union is participatory democracy. By supporting the boycotting of the institutions, the government in Belgrade is indirectly rejecting the democratic spirit of the European Union, further complicating its relationship with the rest of Europe. Successful negotiations on the future status of Kosovo can only be brought about if the Kosovo Serbs demonstrate their claims to Kosovo by participating in the institutions. Their lack of participation is indirectly leading to the disappearance of Serb language and culture in the institutions, further making the goal of co-existence more difficult.

Strengthening Local Self-government

The key to long-term peace in Kosovo seems to be a mixture of local self-government, community rights and integration into regional structures. Part of strengthening local self-government has been the incorporation of community and mediation commission to deal with existing and potential conflicts. In the last few months much effort has been invested into assessing the effectiveness of these committees. They are mandated by UNMIK Regulation 2000/45 which dictates the law on local self government. Since 2000 there have been several negative assessments of the committees, mainly related to the lack of implementation, work and influence. The committees were developed to give minority communities some degree of influence in the local self- government process without giving them an outright "national interest veto".⁸ However, most committees either are non-functioning or dysfunctional. Every municipality has a different perspective of what they committees should do despite receiving detailed in instruction and training. There are a few exceptions and the international organizations are struggling to understand why the committees work in some places, but not in most.

The main problem with these committees is that they are highly developed conflict resolution mechanisms. The theoretical and legal framework originates in western democracies with long traditions of debate, deliberation and democratic decision-making processes. In addition, to give these mechanisms legal force, political ties have been introduced which are similar to parliamentary democratic structures. In general, it can be said that the mechanisms have been thought through and revised to give communities

⁸ Examples from Bosnia and Herzegovina show that granting a "national veto right" to an ethnic group can be easily exploited to bring governing processes to a grinding halt. This blocks progress until demands are met, often unrelated to the veto right. Originally the national veto right in Bosnia and Herzegovina was supposed to be limited to areas of national interest, e.g. culture, language and history, but it soon became clear that any issue can be interpreted in cultural terms. The veto right has become synonymous with "blackmail". As a result it was avoid at all cost in Kosovo's legal framework.

serious and strong possibilities to influence the local democratic procedures, if they are used effectively.

The Communities Committees have a negative reputation among minority representatives because of their lack of effectiveness. Most feel that the committees cannot achieve their goals. Committee members have been given some basic training in the work of these committees. However, these trainings have not been sufficient to fill the gap between the existing lack of organizational skills in the local population and the complex goals of the committee. A cursory glance of existing training indicates that training has been ad hoc and often ineffective. Part of the problem is that training is given by various organizations which do not always coordinate their work. Moreover, the training usually included only a few members of a given committee.⁹ The result has been that the committees function very differently in each municipality and most local actors are unhappy with the results. The committees focus too much on individual cases and local self-interest and not enough on “community” problems. This problem is further aggravated by a lack of the organizational support for the committees. There is no organizational system in place to ensure that committee work is properly carried forward in the process by other municipal structures. For example, there are deficiencies in filing, processing, tracking, implementation and follow-up.

If the Communities Committee of a municipality is dysfunctional there is little opportunity for the Mediation Committee, as it serves as an appeals body to the former. The mechanism that was developed is, at this stage in the democratic development process, too complex and highly structured to meet the needs of local communities. It assumes that the committee can fulfil the role of neutral third party assisting conflict parties to resolve their problems. However, neither committee members nor the committee as a whole is neutral. In addition, the mandate of the Mediation Committees might be too narrow. At the moment, it can only deal with cases referred to it by the Communities Committee. Therefore, its ability to act as a mediator in the community is limited.

There are some Mediation Committees that have sought to fill a mediation need in society by dealing with individual cases. However, this form of mediation is not foreseen in the regulation and therefore is interpreted as being “in violation” of UNMIK 2000/45, albeit tolerated by the international community. In general this development is positive and should not be discouraged. If the law does not allow for this type of mediation, it should be amended to include mediation that is as inclusive as possible. Investigations of systematic violations begin with the resolution of individual cases.

Even if all the members of a committee understand their work, there are other problems related to training and support that hinder the process. For example, members of the Mediation Committees lack serious mediation skills and the type of mediation envisioned by the mechanism requires logistical support not available at the present time. Moreover, there are serious concerns about the over politicization of the committee by including municipal assembly members in the committees.

⁹ There are some indications that organizations will be offering renewed training.

Recommendations for Communities Committees

- Training must be provided for committees as a whole and not just for individuals. This training must also include consensus-building and team-building. The training must include learning to work with each other, communication, and delegation of work. Moreover, the training needs to provide instructions on maximizing the potential of committees and improving their monitoring role.
- Communities Committees need to have support staffs that ensure proper processing, research and follow-up of committee decisions.
- These committees are the main mechanism that allows minorities to influence municipal governments throughout Kosovo. UNMIK should strengthen its consultative role and play an active part in assisting committees with their work. Such intensive assistance in the early stages will ensure that maximum potential of the committees is used.

Recommendations for Mediation Committees

- Before UNMIK issues new instructions on the committees, a revision of the entire process should be undertaken. The process needs to be simplified, made more flexible, and must focus on meeting the needs of each local community.
- It is essential that the process remains legally linked to the political institutions but the political influence in selecting membership must be reduced. One might consider ideas to insulate the committee from political pressure.
- It is important to introduce a system of “checks and balances” to ensure that all activities and results of the committees are procedurally processed according to the law.
- The Mediation Committees need to receive standardized training that ensures mediation skills, consensus-building, and non-political behaviour.
- Given the amount of work that is needed to bring these committees to the level of awareness envisioned by the legal framework, the main organizations involved in this sort of training should come together to discuss a unified training curriculum and division of tasks.

- The mandate of the Mediation Committees should be reconsidered to allow the committees to act independently. They should be able to address additional requests by other actors in the municipalities. Such a mandate could include referrals by any institution or organization, committee resolutions highlighting the potential for conflict, and recommendations by the committee to the municipal institutions to prevent conflict.
- It is essential that at the very least, the chairpersons of the committee be given a strictly neutral role with no voting rights, no political affiliation, and appropriate mediation training.
- The law on mediation is about to be adopted and a Mediators Association will be formed in the coming months. This process needs to be speeded up and concluded and the Mediators Association should be integrated in training and assistance projects that seek to strengthen the Mediation Committees.

Field Visits

In the first half of 2005, the CSSP team visited Kosovo three times as part of its assessment process.¹⁰ The process sought to develop mediation criteria, a formula for determining municipal visits, and an internal team strategy. The team felt that among the various issues to consider, it was important to have the following criteria:

- Recommendation by a local or international institution
- A sizable minority having complaints
- Non-functioning or dysfunctional municipal institutions
- Returnee or IDP population seeking to return
- Potential escalation of ethnic tensions

With these criteria in mind, the team reduced the initial target municipalities to the municipalities of Ferizaj / Uroševac, Kamenicë / Kamenica, Lipjan / Lipljan, Rahovec / Orahovac, Strpce / Shtërpçë, and Zvečan / Zvečan. The information visits to each municipality followed a similar pattern. Meetings were held with the official municipal representatives: President, Additional Deputy President, CEO, Return Officer, Chairperson of Mediation Commission, and Chairperson of Communities Committee. In addition, the team met with representatives of the minority population and conducted on-site visits to the minority enclaves or return sites. The main subjects during meetings included assessments of the return environment, level of interethnic relations, participation of minorities in municipal structures, functioning of community and Mediation Committees, security, and freedom of movement.

¹⁰ The team was in Kosovo in January, March and June.

In general there seems to be a perceptual gap between majority and minority communities. Majority communities tend to assess their municipalities as progressing and democratic, while the minority population feels isolated and threatened. This is true for the Albanians in Serb majority areas and Serbs in Albanian majority areas. The minority communities are further divided among linguistic and cultural affinities, such as the Roma-Serb or the Ashkali-Albanian communities. For example, the language each minority community speaks determines to some extent their perception of the local situation. Another common problem is the general sense that municipal politics are determined outside of the municipalities. It appears to the CSSP team that independent decision making is very weak and many decisions require external approval either in Belgrade or Prishtinë / Pristina.

Another major problem is a general feeling of malaise regarding the future. The problems for the municipalities are overwhelming and the funding is limited. Finding creative solutions to solve the gap between the lack of funding and needed reforms might be beyond the capacity of municipal leaders. Nevertheless, the CSSP team sees much room for mediation to assist in finding concrete steps to overcome conflicts. The following pages include the results of CSSP's specific visits to municipalities in June 2005.

Zvečan / Zveçan

Observations and Recommendations

In April 2005 the CSSP team concluded that the development and reintegration possibilities of the local Albanian community was not very good. Their participation and influence in municipal structures has been limited. Moreover, there was a stark contrast in the way each side viewed the situation. The reasons for the current problems can be attributed to the relative sizes in population, a lack of skills and capacities of the Kosovo Albanian representatives, and the relative distance of the Albanian villages to the town center. Out of a current population of over 16,000 there are only approximately 600 Kosovo Albanians, mostly elderly living in three small villages in the hills surrounding Zvečan / Zveçan; and they have only just begun to participate in municipal structures.

More problematic for the municipal leaders, however, are the poor living conditions of the Roma and Serb IDPs in the municipality. Specifically the problem of the Roma in Zvečan / Zveçan is the focus of many international and local organizations. Since 1999, they have been housed on a property that is contaminated by lead poisoning and the World Health Organization has demanded their removal and treatment. The Roma until now have resisted moves to any property other than their place of origin, the Roma Mahala in Mitrovicë / Mitrovica. The Roma are not allowed to remain in their present camp in Zvečan / Zveçan. Their presence is creating an undue burden on all communities, further aggravating tensions.

Until recently, this was a major problem because the municipality of Mitrovicë / Mitrovica was not being cooperative in this matter. However, a solution was found and agreed by all sides and a donor conference was held to raise the \$8 million needed to resettle the Roma. Unfortunately out of the needed amount only \$1 million has been raised. The lack of funds presents challenges to the international community's policies in Kosovo. It sends the wrong signals to all potential returnees. In the overall scheme of return \$8 million is not much. If the funds cannot be raised for this project, which will ensure that 100 families (800 persons) are resettled, what should other families expect when they return? Despite the problems, there are international organizations/actors complaining that returns are not happening. While this is generally true, the lack of funds is a very serious credibility problem for the international community.

In addition to the Roma issue, the Serb IDPs from Svinjar / Svinjarë, displaced in the March 2004 incidents, are currently living in Zvečan / Zveçan in substandard conditions. Currently they are housed in an unfinished building, which has no water or sanitation system. The Municipal President is not willing to evict them and tensions between various Kosovo Serb IDPs, the Kosovo Albanians and the Roma while not at a boiling point are rising. The IDPs would ideally like to remain where they are. They hope that the municipality will resolve their problem by finishing the building and letting them stay there. However, this does not seem likely at the moment.

Their temporary accommodation in the municipalities is also applying financial pressure on the municipality. IDP representatives from Svinjar / Svinjarë argue that while their homes were repaired, their ability to sustain themselves is limited, especially since no secondary buildings for their animals have been built. Some IDPs argue that their homes were poorly built and are not suitable for rehabilitation. The situation has become a stalemate.

Lastly, CSSP is concerned that there is a gap in perspective between the Albanian and Serb representatives in the municipality. Serb representatives believe that the relationship and communication is good. On the other hand the Albanian representatives feel shut out of the municipal social and political processes. In addition, as the democratization process continues the municipality will have to make hard choices affecting various groups and further increasing the possibility of conflict among these groups. The following are specific observations and recommendations drawn from the field visit:

Observations for Zvečan / Zveçan

- The Albanian representatives were integrated into the municipal structures very late due to various political complications and local conflicts. Therefore they lack political representation in the municipal assembly and are unable to properly articulate their needs to the municipal institutions. This lack of representation is causing frustration and blocking substantial progress.
- The only source of influence for the Kosovo Albanian community is through the Communities Office, Communities Committee, and Mediation Committee. However, these committees are not functioning efficiently, and the Kosovo Albanian representatives working in these bodies lack the necessary skills and training to do their work professionally. Therefore, the Albanian representatives have *de facto* no influence.
- The representatives in the Communities Office have little training in organizational and management skills and they are unable to present their needs in ways that can be effectively addressed. They often neither have the experience nor understanding of how procedures work. As a result there are many lost opportunities leading to disappointment.
- Most training for municipal leaders have been concluded; however, OSCE informed CSSP of a new training program for the communities and Mediation Committee members. The problem, however, is that most training involve select individuals and not committees as a whole. It is doubtful that one or two members can initiate positive change in the way the committees operate.

- There is no clear definition of what reconstruction rights returnees have and when do IDPs stop having the status of IDPs. If IDPs have expressed a wish to return and their homes have been reconstructed meeting all required standards, do they have the right to remain as IDPs if they refuse to return? These are questions that remain unanswered.

Recommendations for Zvečan / Zveçan

- The international community should invest much more in developing specialized training for municipal representatives. Specifically, training should be given to each committee as a whole to develop group dynamics. Training for representatives of the Communities Office should also be developed to focus on team management, identification of systematic problems, and problem-solving skills.
- The successful and immediate resettlement of the Roma to Mitrovicë / Mitrovica would be a very positive signal. Funding for this resettlement should receive the highest priority and attention of the donor community.
- A task force composed of internationals, IDPs, and municipal representatives should investigate the claims of the Serb IDPs from Svinjar / Svinjarë whose houses have been reconstructed. The findings should be made public. If the findings prove that the houses were properly reconstructed, the mayor is committed to calling for their return to Svinjar / Svinjarë.
- It is essential that more efforts are made to bring the various groups to the table to discuss the available alternatives and solutions before problems become crises. Round table discussion with concrete mediation should be incorporated in the early stages to ensure a higher quality of dialogue.
- States seeking to deport Roma, such as in Western Europe, because the situation in Kosovo has improved should review their deportation policies. It is important to ensure that potential deportees have somewhere to go and will not end up in an IDP camp. This is especially true for states that are not participating in the reconstruction efforts for those deportees.

Ferizaj / Uroševac

Observations and Recommendations

During CSSP's first field visit to Strpce / Shtërpçë, the team was asked by Ms. Spomenka Kojadinovic, the Municipal Return Officer (MRO), to assist the IDPs in Strpce / Shtërpçë with their request to return to Ferizaj / Uroševac. In a letter dated 31 March 2005, the IDPs requested seven conditions for their return including temporary accommodation in Ferizaj / Uroševac, return and reconstruction, a bus line connecting the return site with Strpce / Shtërpçë, a plan for sustainability of return, security assurances, assistance with illegal construction on their property and the resolution of court cases related to the plundering of their homes. According to the 1991 census there were over 8,000 Kosovo Serbs in Ferizaj / Uroševac but according to the OSCE municipal profile in 1999, there were very few Kosovo Serbs left. In comparison, the Ashkali/Roma population in 1999 was 4,700. Moreover, the total population of the municipality has increased from approximately 95,000 to 143,000.

The current request refers to approximately 1,400 Kosovo Serb IDPs living in collective centres in Strpce / Shtërpçë. There is a genuine fear among the Kosovo Serb population that prevents them from returning to individual homes scattered around the municipality. On the other hand, the Albanian majority is resistant to creating ethnic enclaves that did not exist before the conflict. Creating collective centres is not a viable option for the municipality. Moreover, in the past, collective centres have not proven to be an effective method of providing returnees with a productive and positive perspective for return. Most of them have been shut down in the end leaving all sides dissatisfied with the living conditions and the burden they place on local structures.

While the MRO in Ferizaj / Uroševac was aware of the desire of the Kosovo Serb IDPs wish to return, there seems to be some problem with the request and implementation of a successful return plan. In the view of the municipality, the IDPs have not come forward with concrete names of families ready to return. There are also some discrepancies between what the IDPs have requested (small enclave style return) and the perspective of the municipal leaders in Ferizaj / Uroševac (integration in the wider community). In order to better understand the Kosovo Serb issues, the CSSP team visited two of the few returnees in the town centre and was shocked to see the very poor conditions in which they live. More shocking is that they are the only two Kosovo Serbs working in the Communities Office and the Mediation Committee, and one is the uncle of the current Minister for Communities and Return. The following are observations and recommendations from the meetings held in Ferizaj / Uroševac.

Observations for Ferizaj / Uroševac

- While one does not expect preferential treatment to be given to the Kosovo Serbs working in the municipal institutions, how they are treated is symbolic to other potential returnees. The poor living conditions of two Kosovo Serbs who work in the existing structures is an indication of what one can expect if they return.

- A bus line connecting Kosovo Serbs to Strpce / Shtërpçë has a dual purpose. First, is a psychological connection to the larger Kosovo Serb community in Strpce / Shtërpçë; and secondly, customers like to shop in stores providing their cultural and linguistic needs. For the Kosovo Serbs of Ferizaj / Uroševac this is still not possible and therefore they must be able to travel to fulfil this need.
- The bus line was started, but it was stopped because it was not being used and was not cost efficient. However, it is possible that at that time, the circumstances were not ripe for such an undertaking. Moreover, it will take some time before the bus line will be cost effective. The issue was raised by CSSP with the UNMIK return officer who agreed to look into the matter and discuss it with his counterpart in Strpce / Shtërpçë.
- At the moment evictions of currently occupied property are moving forward very slowly. There are also cases of evictions that have not been successful and are still awaiting full repossession. Moreover, there is not enough information as to why these cases have not been completed. The lack of eviction has created doubt and frustration in the minority population. The problem is further aggravated because there is a general doubt that even if these persons are evicted the owner will not return. A vicious circle has developed starting with the demand for eviction and ending with the refusal to repossess.

Recommendations Ferizaj / Uroševac

- There are still many unanswered questions that seem to get lost in the communication and bureaucratic processes. It is essential to have joint meetings with the stakeholders and decision-makers. These meetings should be focused on identifying concrete steps to be taken and prioritizing issues that need to be addressed. The offer of the CCSP team to the Municipal President and the MRO to hold a joint meeting with their counterparts from Strpce / Shtërpçë was accepted. A meeting will be set up for the first week in September 2005 with the participation of Dr. Christian Schwarz- Schilling, as Mediator.
- If returns to the town centre are to happen, first the municipal working return group will have to do more to ensure that the few returnees who live there have appropriate reconstruction. It is important to review the existing reconstruction complaints and to ensure that the one street where they currently live is turned into a model community. Such a move will serve to attract other returnees.
- The municipality should consider including a representative of the Strpce / Shtërpçë IDPs in the Communities Office and/or the Communities Committee to facilitate returns.

Rahovec / Orahovac

Observations and Recommendations

The municipality of Rahovec / Orahovac was not initially one of the target municipalities of the CSSP strategy. However, at the request of the Office of the President of Serbia, the team visited Velika Hoča / Hoçë e Madhe and upper Rahovec / Orahovac, where the Kosovo Serb enclave has been established. As a result of that visit, the CSSP team returned to Rahovec / Orahovac to meet with representatives working in the municipal structures and further assessed the possibilities of mediation activities. The first meeting produced mixed results. On the one hand, the Kosovo Serbs living in these two small enclaves (approximately 1,300), are heavily influenced by the government of Serbia and have taken a hard-line attitude towards reintegration, i.e. they will not leave their enclaves unescorted and return to the town centre is impossible until there is full “freedom of movement”, something they have not concretely defined in reasonable terms.

On the other hand, they live under a “siege mentality” and many individuals do not want to take any risks. The government of Serbia in their view is their only possible saviour in the worst case scenario. As long as final status negotiations are not complete and random acts of violence against minorities continue Kosovo-wide, this is understandable. A visit to the enclave is enough to demonstrate that their existence is one that can only further cement their views and is not conducive to reintegration. There are indications that the road to integration in this municipality will be more difficult than in other municipalities, especially as long as the government in Belgrade exercises its dominant influence over local politics.

The municipality is undertaking many initiatives to further assure the Kosovo Serb population that there is freedom of movement and that they are welcome to stay and participate in the life of the municipality. However, all efforts are of an official nature and very few Albanians are seen making private gestures or publicly calling for more tolerance in their own community. Kosovo Serbs have attended certain joint events but continue to argue that freedom of movement is not possible. They fear renewed attacks and are not willing to take the risk. The return of property continues to be a problem in the municipality and there seems to be general dissatisfaction with the process. The Kosovo Serb representatives sent a document to UNMIK detailing their demands regarding return and participation. The main complaints are the lack of freedom of movement, lack of return of property, and lack of integration. The document is specific and has concrete issues to be addressed. However, its complexity and overwhelming nature will make it difficult to implement immediately.

Observations for Rahovec / Orahovac

- The siege mentality in this municipality contributes greatly to the general political climate, and increases the reluctance of Kosovo Serbs to leave their enclaves. Moreover, the general environment in upper Rahovec / Orahovac is depressing. Despite assertions by Albanian leaders that they visit the enclave, CSSP is

doubtful that these visits are regular. It seems that Albanian visits are quiet and out of the public eye. Moreover, Albanians are not often enough seen on the town centre streets having a coffee with their Kosovo Serb friends.

- While the Communities Committee meets regularly, it has not begun to focus on specific issues of concern in the wider community. Until recently, most of the decisions or actions taken have been more internal to the committee and less systematic. It is essential for the Communities Committee to improve its work and to serve as a “monitor” of the local democratization process. It also lacks the organizational capacity to develop proper resolutions to be archived and followed-up.
- There is a general dissatisfaction with Kosovo Serbs not attending their work in the municipal institutions and still receiving pay. The problem is aggravated by fear (Kosovo Serbs) and mistrust (Albanians). It is important that people are paid for work done and that double standards are not created.
- The issue of return of property is very important to the Kosovo Serbs, especially if they lived or owned businesses in the town centre. The lack of progress in this area has a negative influence on other cooperation spheres.

Recommendations for Rahovec / Orahovac

- It is essential to decouple the wider Kosovo problems from the inter-ethnic municipal issues. UNMIK should consider working with conflict resolution experts, skilled in communication, confidence-building and de-escalation, to work on a continuous basis with the Kosovo Serb community. With the help of these experts a dialogue between both sides with a detailed step-by-step plan should be developed. While some of the demands from the Kosovo Serb side might seem unrealistic to some, they should nevertheless be taken serious and used as a starting point for a dialogue.
- More media and municipal campaigns for tolerance should be made. The municipality should encourage its citizens to do more to reach out and overcome past differences.
- Complaints regarding the return of property should be investigated and prioritized. The process needs to be reviewed and improved, not only in this municipality but across Kosovo.
- The Communities Committee needs more training as a whole unit that enables them to work in a synergetic manner. Training in organizational behaviour, mediation and communication are essential for the success of the committee.

Conclusions on Kosovo in Summer 2005

The review of standards implementation and the upcoming negotiations regarding the future status of Kosovo have become the central issue in Kosovo for 2005. All work in the areas of return, integration, reconciliation, local self-government, and security are dependent on the outcome of those negotiations. If negotiations are to be taken serious, it can be assumed that regardless of the outcome of the negotiations, the democratic process in Kosovo will be significantly affected. In such a framework it is difficult for any organization to plan and execute a strategy beyond 2005. CSSP has the impression that many actors are taking a “wait and see” approach due to the insecurity of the local situation. The fact that bombs continue to explode, political leaders attacked, and minorities are harassed is not helping Kosovo. In such an environment, it is easy to lose track of the goals because the overarching goals seem impossible to attain.

It is important that during this period more attention be given to local issues and conflict resolution at the municipal level. The role of local community representatives and their mediation potential needs to be strengthened. In the absence of final status more efforts need to be made to separate local problems from the wider issues by identifying concrete steps that can be taken in each community to prevent escalation and encourage tolerance and coexistence. However, this goal requires more active engagement at a time when UNMIK is returning competencies to the local authorities.

Active engagement does not mean controlling and administering. However, it does mean awareness, training, consulting, and protecting vulnerable groups. More importantly, it means identifying where the problems are and fixing them. At the local level there are many problems with the participation of minorities in local self-government. The system established is very commendable and highly structured. However, it is not yet meeting expectation and more efforts need to be focused, in a coordinated way, on developing the long-term capacities of Communities Committees and Mediation Committees.

In regard to the return process the results have been mixed. On the one hand the existing return process is responsible for the few success stories in Kosovo. On the other had creatively, spontaneous return and rapid action are not very evident to the outside observer. Moreover, the process can be somewhat daunting to the potential returnee. It is important to develop a much more visible and flexible system that can meet varying needs. In this regard, return offices with information, assistance, and a point of contact in a visible and central location is a step in the right direction. A second essential step will be to strengthen the link between MROs and the Ministry for Communities and Return.

Lastly, it is essential that the post-conflict, state-building process includes domestic forms of mediation that are regulated by a mediation law and provide for mediation associations to be established. In this regard, mediation could include not only commercial mediation, but also community mediation and these organizations and individuals could serve as trainers and consultants to the wider Kosovo institutions. Until now there have only been discussions on commercial mediation. CSSP is working with local actors to seek wider and more active participation of the local mediators in the democratization process.