



CSSProject for Integrative Mediation

Trip Report

Kosovo

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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. 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.

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Table of Contents

INTRODUCTION.....	1
MINISTRY FOR RETURNS AND COMMUNITIES	2
FERIZAJ / UROŠEVAC AND ŠTRPCE / SHTËRPCË	3
FOLLOW-UP OF JOINT CONCLUSIONS OF 5 APRIL 2006	3
OBSERVATIONS IN ŠTRPCE / SHTËRPCË.....	3
OBSERVATIONS IN FERIZAJ / UROŠEVAC.....	6
MEDIATION ISSUES	8
RAHOVEC / ORAHOVAC	9
OBSERVATIONS.....	9
MEDIATION ISSUES	10
ASSESSMENT OF KLINË / KLINA.....	11
SELECTION PROCESS.....	11
KLINË / KLINA BACKGROUND INFORMATION	12
RECOMMENDATIONS.....	13
APPENDICES	15
JOINT CONCLUSIONS IN SHTËRPCË / ŠTRPCE RETURN BETWEEN FERIZAJ / UROŠEVAC AND SHTËRPCË / ŠTRPCE	16
JOINT CONCLUSIONS RAHOVEC / ORAHOVAC.....	18

Introduction

In the second half of 2006, all political life was overshadowed by the status negotiations. All persons in Kosovo seemed anxious about the impending final decision on the future status of Kosovo. Many are wondering how it will affect their daily life. In the meantime, they are mostly preoccupied with seasonal activities, such as cutting firewood, winterization, etc. One main problem that occurs at this time is the worries over electrical supply. Despite international oversight of the energy sector, many municipalities have power shortages and some municipalities have little or no power because agreements have not been reached with local political leaders. Moreover, it has become noticeable that little progress will be achieved until final status is announced, despite the increasing efforts by international representatives to encourage and prod local leaders.

In addition, it is visible that the United Nations Mission to Kosovo (UNMIK) has started preparations for its closure and the handover of responsibility to local authorities and other agencies. The closure of UNMIK, the impending announcement by UN Special Envoy Marti Ahtisaari, and the lack of clear progress in 2006 have served to further fuel the anxieties in Kosovo. There are many challenges surrounding the future handover, and it is questionable whether local authorities have the capacity to take over responsibility in a few months. For example there are many UNMIK imposed structures and policies that need reform which will have to be dealt with yet again in 2007, such as the dysfunctional Mediation and Communities Committees, the Kosovo Property Agency, the return process etc.¹

With the changing of structure of the international community in Kosovo, there will be a commensurate decrease in the number of international staff. In other cities with similar transitions, such as Sarajevo, the change had a noticeable impact, especially in the commercial sector as local purchasing power may dramatically decrease as international staff begins to leave the region.

Against this backdrop, CSSP visited Kosovo in September 2006. The trip focused on assessing and consolidating the already initiated mediation processes started in Ferizaj / Uroševac, Štrpce / Shtërpçë and Rahovec / Orahovac. Furthermore, the team visited the municipality of Klinë / Klina to gather information whether integrative mediation could help local leaders overcome ethnic division and conflict. Throughout the entire trip CSSP tried to gain a better understanding of the possible effects at the local level of the

¹ An international interlocutor when asked for the reason for the rather complicated return structure on the municipal level explained that the different bodies were introduced one after the other to fix the problems of the previous one.

imminent decisions being taken at the international level regarding the future status of Kosovo could.²

The following report describes the situation in Kosovo as encountered by CSSP during its trip from the 3 - 9 September 2006, including observations and follow-ups from previous trips to the region. The majority of the meetings focused on Ferizaj / Uroševac, Štrpce / Shtërpçë and Rahovec / Orahovac, though more general meetings also took place with the high representatives of UNMIK, OSCE embassies and the Kosovo government. All views expressed in this report draw on all of these meetings, however, exclusively reflect CSSP's own assessment. The CSSP team during this trip consisted of Dr. Juan Diaz, Bernd Burwitz, Javor Pobric, Oliver Knabe as well as Adem Kollari and Granit Ahmeti as translators.

Ministry for Returns and Communities

CSSP visited the Ministry for Returns and Communities (MRC).³ The MRC consists of 116 administrative staff members, two deputy ministers and five advisors on interethnic relations, communities, returns, social and economic issues. The organisational structure, which has three external offices, was being reviewed because the ministry is facing serious charges of misuse of funds and is being criticized for the results of its work from both the International Community and local representatives. The Minister was replaced in November 2006 and it is hoped that in 2007 the Ministry will produce results. With the changing of the Minister, there may well be structural changes.

At the local level the effects of the Ministry, communication and cooperation, are often not seen or felt. In some cases, they attend Municipal Working Groups on Return. However, based on the information received, the role of the MRC was not clear to most people and that the ministry was not actively present in the field.⁴ This is problematic for both Kosovo and international stakeholders. The Ministry in the local communities should be one of the main actors and links to the central level. Its representatives should be meeting and talking to local leaders about the ministry's strategy, working on building trust, ensuring the transparency needed for individuals to make the decision on return. Very importantly, it can provide support for local leaders to make the often unpopular decisions in favour of return. On the other hand, in order for the Ministry to successfully adapt its strategy to the local conditions, it needs accurate and up-to-date insight into the problems municipalities are facing. While its representatives confirm that

² The report will be published on the CSSP-website.

³ The originally agreed meeting with Minister Petkovic could not take place due to an unexpected meeting of the government. CSSP met instead the advisor for interethnic relationships and the permanent secretary.

⁴ During its visits to various municipalities, CSSP asked local politicians, IDP representatives, employees of the municipalities as well as international representatives on the ground about the role and activities of the MRC in their daily work, especially in regard to the return process.

they are out in the field, it was not visible in the three municipalities where CSSP is active.

In September, CSSP met with the MRC Secretary to the Minister and Advisor on Interethnic Relations Branislav Grbic, who is now the new Minister. At that time it was suggested that the institution should show more presence in the field. Furthermore, CSSP invited the ministry to send representatives to the Joint Meetings in Štrpce / Shtërpçë and Rahovec / Orahovac in order to raise its awareness of local problems. Unfortunately, the Ministry did not use this opportunity to get a better insight into current return issues and to address the involved IDPs in Štrpce / Shtërpçë. Given the new changes, CSSP will reinitiate its dialogue with the MRC and the new Minister in order to provide an outside and grassroots perspective of the return situation.

Ferizaj / Uroševac and Štrpce / Shtërpçë

Follow-up of Joint Conclusions of 5 April 2006

There has been some progress in the cooperation between the two municipalities since the first joint meeting in September 2005. Since the last joint meetings in April 2006, the Joint Task Force consisting of the Municipal Return Officers (MROs) has met on a regular basis. The problem of transportation for the MRO of Štrpce / Shtërpçë was addressed and the Deputy Municipal President of Ferizaj / Uroševac provided a car for her transport to attend the meetings of the Municipal Working Group on Return. Also, IDPs from Štrpce / Shtërpçë have been integrated into the Municipal Working Group on Return in Ferizaj / Uroševac. However, no return between the two municipalities has taken place to this date. Each blames the other for the obstruction. More importantly they cannot agree on a joint list of persons wishing to return. There seems to be serious difficulties in the relationship between the MROs. Both argue that they are doing their best but somehow cooperation is not very productive. Moreover, it still not clear which persons wish to return, where they live, and in what condition are their houses. This information is basic and despite of the municipal working group that includes international and local representatives this information cannot be established.

Observations in Štrpce / Shtërpçë

At the moment politicians in Štrpce / Shtërpçë are awaiting the results of the status negotiations and political activity has come to a halt. Everyone is apprehensive about the decision made at the negotiations in Vienna that they expect to be taken very soon. Otherwise, preparations for the winter season have begun with people collecting fire wood to be ready for power cuts in the coming months. Also, local economic development is affected by the decision to put the privatisation project for the local ski

resort on hold because of the political implications this might have. The privatisation process will only be resumed if an official request is made by the municipal assembly to the KPA.

Work of the Municipality

CSSP noted that the Municipal President (MP) and his Additional Deputy still do not cooperate enough with the local leaders and the wider community of Štrpce / Shtërpçë. There is a lack of overall communication where vital information is not forwarded and joint actions to address municipal issues are not developed. It is also unclear, whether the current MP will run for office again or step down, which would open the possibility for more cooperation. At the central level Štrpce / Shtërpçë is not well represented.

Besides, Štrpce / Shtërpçë is in a difficult financial situation. Like all other municipalities it has to decrease the number of staff considerably: In September, 13 out of 84 employees have to be laid off from the payroll, and local leaders are faced with the difficult decision of who to keep and who to let go, especially considering the high levels of unemployment. The collection of taxes is also not functioning properly. Štrpce / Shtërpçë needs to raise at least 12,000 EUR of property tax by the end of 2006 in order to receive a 100,000 EUR grant. Unfortunately, so far only about 4,000 EUR have been raised.

Ski Resort Brezovica

The ski resort of Brezovica is the biggest employer in Štrpce / Shtërpçë and renown throughout the region. It has the potential of becoming a stable source of income through the tourist industry. The process of privatisation is on hold for the time being unless the municipality of Štrpce / Shtërpçë demands to resume it. The company has incurred a large debt with KEK. The last season was less successful than the previous ones due to the unreliable supply of electricity. The majority of employees at the resort are Kosovo Serbs. They are afraid that privatisation could lead to a massive layoff and a possible replacement by Kosovo Albanian staff. They prefer therefore an international investor. Regardless, in order for the resort to become a flourishing source of economic development, the current staff would require professional training and the possibility to increase their level of education.

The ecological conditions of the ski resort area and the national park Sharr are very important for Štrpce / Shtërpçë and the surrounding municipalities. The grassland and rivers are widely polluted with waste and illegal woodcutting takes place. People living in the area have poor access to public services, like sewage systems, and live in basic housing, like trailers. This issue affects all four municipalities and all communities

involved. It does provide an opportunity for inter-municipality and inter-ethnic cooperation.⁵

Electricity

The disastrous supply of electrical energy during the last winter has had a grave effect on the municipalities. Even the municipality building was without electricity for more than a week while outside temperature fell well below ten degrees centigrade. There have been attempts by both the MP and the Additional Deputy President to address the problem but so far they have remained unsuccessful: The Kosovo Parliament and UNMIK were informed of the situation and talks with KEK were held. Yet, there has been no concrete outcome. Offers from KEK and the MP have only been made verbally.

There seems to be a massive chaos of information, lack of will to work on the problem and political consideration at plan in this issue to the detriment of local residents. Moreover, everyone seems to be using official excuses to hide behind the more difficult issue that underlie the problem. It is the impression of CSSP that it is essential to examine how the needs of all parties involved in the issue of electricity for Štrpce / Shtërpçë can be met satisfactorily. There is an interest by local politicians from all sides to resolve the issue. However, the main question as to the role the Serbian electricity company will play continues to be ignored. CSSP will seek more clarity on the issue.

Return to Štrpce / Shtërpçë

Most Kosovo Albanians who wanted to return have come back to Štrpce / Shtërpçë.⁶ According to international observers from the OSCE and UNMIK, the minorities in Štrpce / Shtërpçë are generally treated well. Nevertheless, there are structures like the fire brigades that still consist only of Kosovo Serb members. The Kosovo Albanians complain that they are not adequately represented in the staff of the municipality.

The municipal working group on return did not meet in July and August and the Municipal President did not seem keen on the idea of having to chair the meeting in future. The reason for this inactivity, besides the usual summer break, was that the participation stipends were not paid. The MRO lack any type of material or resource support from the municipality for her work. She lacks data on previous reconstruction efforts that were carried out by a German NGO. She was unable to verify which beneficiaries were already supported in the past. A systematic handover of data from

⁵ The local NGO Natural Fresh is currently trying to bring the local stakeholders to the negotiating table to address the problems in the National Park.

⁶ Around 50 people still have not returned.

international NGOs to the municipal authorities did not take place and has created obstacles.⁷

While, the MCR has one field office in Štrpce / Shtërpçë, neither local interlocutors nor representatives of the MCR were able to explain clearly the role and tasks of its field staff.⁸

Observations in Ferizaj / Uroševac

Coming from Štrpce / Shtërpçë, the difference between the remote municipality with a predominantly elderly population in the south-east and the crowded streets of Ferizaj / Uroševac was blatant. Where in Štrpce / Shtërpçë it is difficult to find an open kiosk in the late afternoon, Ferizaj / Uroševac is busy and there are many construction projects throughout the town.

Return to Ferizaj / Uroševac

Currently around 350 IDPs live in collective centres in the municipality of Štrpce / Shtërpçë. Approximately half of them are from Ferizaj / Uroševac. The MRO of Ferizaj / Uroševac has put a lot of efforts into improving the conditions for return to Ferizaj / Uroševac. Still, her influence is limited due to lack of resources and competencies.

Preparations are currently taking place for the return of Kosovo Serb IDPs from Serbia proper. The contacts to the IDPs are channelled by the Danish Refugee Council (DRC). One suggestion would be for the municipality to consider if communication should go directly to the IDPs and their representative in Serbia, thereby giving the IDPs more responsibility and ownership and using the DRC more as a service provider. Furthermore, in other parts of the return process municipalities depend on international NGOs with limited or no influence on their donor policy e.g. regarding reconstruction for return.

There has been no return from IDPs in Štrpce / Shtërpçë to Ferizaj / Uroševac town centre to this date, except for the case of a Kosovo Serb mother who returned with her daughter. It was reported that she could not access her property and is therefore forced to live in her sister's apartment.

Kosovo Serb IDPs currently living in Štrpce / Shtërpçë show an interest in return, but make their decision dependent on the granting of demands that cannot be fully met by the municipality of Ferizaj / Uroševac like the full reconstruction of a completely

⁷ See Recommendations

⁸ According to the MCR, there are currently three field offices of the Ministry: Štrpce / Shtërpçë, Kamenicë / Kamenica and Rahovec / Orahovac. MCR is currently reviewing the field office structure.

destroyed house including its household equipment. Some IDPs seem not be able to acknowledge that they have actually reconciled with the idea of living in Štrpce / Shtërpçë. On the other hand, those who would like to be proactive and for example find employment in Ferizaj / Uroševac are not supported by their fellow IDPs and have to not only overcome their personal worries but also the group consensus that return is not possible at the moment. Nevertheless, some IDPs have shown interest in employment opportunities in the municipality of Ferizaj / Uroševac. However, they complained that they are not adequately informed about vacancies for minorities. The Deputy Municipal President of Ferizaj / Uroševac stated at the joint meeting that all legal regulations were met and that in this specific case, a Kosovo Serb from another village was offered the position.

In general, the IDP community in Štrpce / Shtërpçë demands a group return and does not accept individual return. Nevertheless, IDPs from Štrpce / Shtërpçë made use of the opportunity to see their property in a recent short visit to Ferizaj / Uroševac. They were concerned because the massive presence of police and KFOR gave them the impression that the security situation remains unstable.

According to the MP of Ferizaj / Uroševac several houses of IDPs have been prepared for return but are not used by their owners. This vacancy of buildings leads to renewed illegal occupations. CSSP told the IDPs present at a meeting prior to the joint meeting that it is of the impression that organised return as a group is a false hope and that individual decisions have to be taken. CSSP realized that there is not a joint stance on return among the IDPs and that some would prefer to stay in Štrpce / Shtërpçë while others are making earnest efforts to explore their possibilities for return.

IDPs have repeatedly made complains about falsified housing documents. The legal procedure to reclaim property takes several months. The problem of missing cadastral registers makes this process even more difficult.⁹

It is the impression of the CSSP-Team that Kosovo Serb IDPs could profit from an exchange of experience with Kosovo Serb returnees from other parts of Kosovo. Talking to people of the same language, the same ethnic background that were in the same situation but made steps that Kosovo Serbs from Štrpce / Shtërpçë have not yet taken can open new perspectives for IDPs who live isolated in Štrpce / Shtërpçë. Therefore, CSSP offered to facilitate an “experience exchange” between returnees from the municipality of Klinë / Klina who have returned to the town centre and the IDPs in

⁹ The cadastral registers and other official documentation from most Kosovo municipalities were taken out of Kosovo when Serbian security forces withdrew from Kosovo in June 1999.

Shtërpçë / Štrpce.¹⁰ During the joint meeting in Štrpce / Shtërpçë, the MP of Ferizaj / Uroševac invited the IDPs to visit the village of Talinoc / Talinovac and meet with returnees there. He offered to accompany the IDPs from Štrpce / Shtërpçë on that visit, a gesture that was welcomed by their side.

On the side of the receiving community of Ferizaj / Uroševac there seems to be a lack of understanding of the importance of gestures and symbols. The municipality does provide factual support for return, but still needs to put more effort into making the potential returnees feel welcomed.

Mediation Issues

The joint meeting took place in the municipal building in Štrpce / Shtërpçë. A delegation from Ferizaj / Uroševac attended and was headed by the MP and his Deputy including the MRO and other staff. The meeting was hosted by the MP of Štrpce / Shtërpçë and the Additional Deputy President. The Štrpce / Shtërpçë MRO as well as a group of interested IDPs and the IDP speaker were present as well. Lively discussions took place in an open atmosphere. Everybody refrained from provocative statements.¹¹

The dialogue between Štrpce / Shtërpçë and Ferizaj / Uroševac has improved considerably since the last Joint Meeting of representatives from the two municipalities and IDPs from Ferizaj / Uroševac in Štrpce / Shtërpçë.¹²

During the April joint meeting it was agreed to form a task force for inter-municipal returns consisting of the two MROs and other officials. The taskforce has met four times since and started to discuss joint issues such as the consolidated list of potential returnees. The list is still not finished, but the IDP representative present at the September joint meeting agreed to meet the Ferizaj / Uroševac MRO in September to compare the current lists.

Additionally the problem of transport for the MRO of Štrpce / Shtërpçë was resolved according to the agreement in April. The Deputy Municipal President provided his car in case the MRO wanted to travel to Ferizaj / Uroševac to attend work group meetings. IDPs from Štrpce / Shtërpçë have been integrated in the Municipal Work Groups in Ferizaj / Uroševac. However, they often raise the issue that it should be the responsibility of Štrpce / Shtërpçë municipality to ensure their return officer has the necessary transportation.

¹⁰ The meeting was scheduled for 21 September but was cancelled one day in advance for security reasons: Four Kosovo Serbs were injured on 19 September when explosives were thrown into a house.

¹¹ In the last joint meeting a comment on status made the IDPs leave the mediation.

¹² See Appendix: Conclusions from Joint Meeting

The IDPs in Shtërpçë / Štrpce have asked for the Municipality of Ferizaj / Uroševac to develop an action plan on how they will implement the return strategy. Apart from serving as a planning tool for the municipality the plan would give IDPs an insight into how Ferizaj / Uroševac foresee the return process to develop. There was a lack of clarity on what such a plan might look like. Therefore CSSP offered some assistance with this task and developed an action plan template. Other requests from the IDPs, for example regarding court cases, were not under the authority of the MP or the Municipal Assembly.

After the September joint meeting, CSSP is convinced that the status decision should be made before a review of the cooperation between Štrpce / Shtërpçë und Ferizaj / Uroševac should take place. It was agreed that another meeting would take place in early spring 2007. By that time, the overall conditions for IDPs will be clearer and IDPs will be in a better position to make decisions regarding their future place of residence.

Rahovec / Orahovac

Observations

At the time of the CSSP's trip, the municipality had to make some crucial decisions regarding minority representation:

Approximately, 17 Kosovo Serb staff of the Municipal Communities Office (MCO) had resigned after the Serbian government declared through the Co-ordinating Centre for Kosovo that Serbian employees of Kosovo institutions would lose their pension rights if they continued to work for their current employer.

Therefore, the municipality had to choose new people for the MCO. Unfortunately, the make-up of the existing panel for the selection of municipal staff is not aligned with the current legal requirements, because it was elected before those regulations came into force. It lacks representation of women and minorities. UNMIK already expressed its concerns about the panel composition. The municipality decided therefore first to elect the head of the MCO - who was supposed to be from a minority - who would then be part of the election panel for the rest of the vacancies.

Still, the Kosovo Serb community was not formally involved in the selection of a single key functionary for the municipality. After consultations with CSSP the MP assured that the Additional Municipal President¹³ would be able to attend the panel session and that his opinion of the candidates would be considered as if he was formally part of the

panel. The other option, to reconstitute the panel, was abandoned because it would have meant a loss of time and the MCO would remain non-functioning even longer.

Institutions

The Communities Office has been working only rudimentarily since the 17 members quit and some social cases were not dealt with. A rather positive development is that now more Kosovo Serbs go to the city centre to withdraw their pension from the local banks. So, more interaction between the communities is taking place. Until now, one member of the Communities Office withdrew the money for most pensioners. The committee is dysfunctional and it seems that no local or international representative is very interested in its proper functioning.

The Municipal Working Group on Return took a summer break in August. Less than half of its members are actively involved in its work. The Communities Committee has experienced an organisational crisis since the unexpected death of the Kosovo Albanian Deputy Chair of the Committee earlier this year. The Kosovo Serb Chairperson has not called any meeting since. He wants more support from the municipality both practically and politically. Per diems were not paid, which weakened the already inactive Committee even more. Some Committee members were not able to participate because of professional obligations.

The Mediation Committee¹⁴ depends on cases that are referred from the Communities Committee. An inactive Communities Committee therefore means automatically the stagnation of the Mediation Committee.

Mediation Issues

The Joint Meeting was attended by key leaders of the municipality including the MP and the Additional Deputy President. The meeting was held in a constructive atmosphere and the prospect of coming together again in October for a joint Problem Solving Workshop to discuss municipal issues in greater detail and receive additional training on negotiation was welcomed by all sides.

The participants agreed that some of the issues addressed in the joint conclusions from April 2006 have been resolved: There is agreement on the restoration of the Serbian-Orthodox graveyard. Translation equipment has been bought and installed which enables consecutive translation of meetings like the September joint meeting.

¹³ The Additional Deputy President is always a minority representative

¹⁴ The Mediation Committee deals with alleged human rights violations by the municipality

The question of the resignation of the 17 employees was a major issue throughout the visit to Rahovec / Orahovac and during the joint meeting. It was very helpful that the CSSP-visit coincided with this sudden development. After consultations with CSSP an agreement on the process to fill the vacancies was reached. However, afterwards Kosovo Serbs from Velika Hoca expressed their dissatisfaction with the candidates.

The second major issue was how to reactivate both the Communities and the Mediation Committee. It was agreed to review the membership of the Communities Committee. CSSP's suggestion to involve the Municipal Assembly as the decision-making body by presenting a report on the issue was supported by all sides.

The joint meeting showed both the willingness to cooperate on all sides but also the need to strengthen and encourage people like the Head of the Communities Committee in order to reactivate the institution itself. It also became clear that the Kosovo Serb representatives in Rahovec / Orahovac are not united and pursue different interests even though they are although smaller in number than in other municipalities.

Assessment of Klinë / Klina

Selection Process

During the informational trip in April 2005 CSSP had visited six municipalities in order to assess if and where integrative mediation could make a difference to the peace process at the local level.¹⁵ Two of them, Štrpce / Shtërpçë and Rahovec / Orahovac, were later chosen for mediation by CSSP.

The criteria for selection were:

- Recommendation by local or international official
- Functioning municipal government
- Presence of returnees
- Political or social importance
- Inter-ethnic conflicts
- Potential for co-existence

In the meantime, CSSP has continuously asked local and international experts for names of municipalities that could profit from external mediation. Klinë / Klina was mentioned repeatedly. Therefore, the current trip included a visit to the municipality of Klinë / Klina in order to assess the possibilities and needs for Integrative Mediation. Meetings were held with the UNMIK representative in Pejë / Peć as well as with the local OSCE office in Klinë / Klina and the MRO.

¹⁵ For details on the selection process see CSSP, Kosovo Strategy Paper 05/2005, www.cssproject.org

Klinë / Klina Background Information

Klinë / Klina has an estimated 55,000 inhabitants.¹⁶ The biggest minority communities are the Roma, Ashkali, and Egyptians with approximately 1.800 inhabitants. The vast majority of Kosovo Serbs (of an estimated 10,000 in January 1999) remain living in Serbia proper.

Klinë / Klina has often been named a return success story.¹⁷ Here, the first organized return of Kosovo Serbs happened in 2003, and also the first return to a city centre took place in February 2005.¹⁸ The political will and practical action of the local leadership to create an atmosphere for return and the authenticity of local leaders who spoke out for return although some of them lost close family members during the war were highlighted as positive factors for return. New accommodations were also provided for people who had occupied the property of returnees. The integration of the MCO in the “security group” was a proven success. Additionally, other local leaders were actively involved in the return process such as IDP representatives from all villages who attended Municipal Work Group-meetings on a regular basis. Factors that are regarded as an obstacle for return in Klinë / Klina were the following that could be more or less applied to the general situation for return in Kosovo:

1. The lack of adequate education in native language and the refusal of the Serbian government to accept school reports and other certificates from the Kosovo education system.
2. The lack of funding for approved concept papers.¹⁹
3. The difficult economic situation. High levels of unemployment²⁰.
4. The poor clear-up rate in murder cases.
5. Lack of support from the MCR
6. Unresolved disputes around the illegal use of land.²¹

The Coordinating Committee for Kosovo of the Serbian government seems not to be very active in Klinë / Klina. In general, the situation in Klinë / Klina remains fragile: a number of murder cases remain unresolved, and atrocities against people and property of returnees continue.

¹⁶ Figures according to OSCE Municipal Profile: OSCE Mission in Kosovo, 05/2006, Municipal Profile Klinë / Klina, www.osce.org

¹⁷ “Klinë/Klina has successfully shown what can be done and how it should be done.”, said PDSRSG Shook shortly after CSSP had visited the municipality. (UNMIK Press Release UNMIK/PR/1578, 8 September 2006) A few days after his visit the house of a Serb returnee was mined: B92: Minirana kuća Srbina, 12 September 2006, <http://www.b92.net>

¹⁸ Members of the RAE communities started returned before 2003.

¹⁹ Concept Papers are proposals for projects supporting return. After approval by the MWG they are forwarded to the Central Review Mechanism (CRM) and should then receive funding.

²⁰ Only 4 of the Serbian returnees have regular jobs.

²¹ CSSP was invited by OSCE to give a presentation on mediation at a seminar on illegal landuse

Recommendations

Based on the field trip the following are recommendation should be considered for further discussion and development:

To UNMIK/Kosovo PISG

1. The MRO is the main person involved in returns. However, in Kosovo, they are under-funded, under-resourced, overworked, and have little power to do anything independently. Experience in other countries demonstrate that a municipal return offices can be greatly improved by ensuring that the authority of the MRO is expanded and the office becomes a “one-stop-shop” for return issues of IDPs. ***The role and mandate of municipal return officers should be reviewed and reformed.***
2. In general the return process is very complex and does not seem to achieve the goals of return very efficiently. The process needs to be simplified and the focus needs to be on physical return transparent mechanism and legal deadlines. ***Specifically the work of the Kosovo Property Agency needs to be significantly reviewed and improved, specifically in the area of transparency, outreach, and implementation.***
3. Given that much mediation is taking place in the property rights area, it would be advisable to develop official mediation mechanisms with appropriate training. ***The Kosovo Property Agency should be given a mandate to develop ADR mechanism to resolve cases which are appropriate.***
4. Approving concept papers beyond the means available to the government fosters false hopes and increase dissatisfaction with the process. ***There needs to be more transparency in financing of returns and reconstruction. Concept papers should only be approved if there are funds available.***

To the Ministry for Communities and Return

1. Despite wide distribution of the manual on sustainable returns, the manual is not so much as a manual as a description of the process. ***It is essential that a manual, i.e. a “how to” book is developed with all official procedures and legal information.***

2. The role and image of the Ministry for Community and Returns is shattered. It has lost all credibility. ***The Ministry needs to be more pro-active in explaining its strategy to local leaders and show more field presence in order to get a better understanding of the situation on the ground. It also needs more transparency, accurate data and cooperation of the most important stakeholders.***

To Donors for Return Projects

1. It seems that the return process is led by the NGO sector and not by municipal leaders. The most obvious reason always raised is that the NGOs have the money. However, there seems to be enough evidence that the current process is not working to the benefit of the local communities. Many reconstructed houses remain empty or must be reconstructed again. ***It is essential to review the working relationship with local communities and the process of identifying beneficiaries.***
2. There seem to be many unofficial lists and no official list. ***It is essential that one official list be developed and certified as the return list. This should be done by the municipal return office. Any one not on the list should not be eligible for reconstruction.***
3. There seems to be no central returns database to ensure transparency and efficiency. Moreover, such a system is needed to avoid corruption. ***Official municipal lists should be centralized and all municipalities should have access to a database which include who received assistance, what did they receive, and where are they, and what is there current status. This database needs to be available for all seeking to work in the return process.***

Appendices

***Joint Conclusions in Shtërpcë / Štrpce
Return between
Ferizaj / Uroševac and Shtërpcë / Štrpce***

8 September 2006

Municipal leaders of the two municipalities and IDPs met together in the municipal assembly room in Shtërpcë / Štrpce to discuss the challenges to return. This is the third joint meeting since September 2005. The following are the results of the meeting:

1. All sides welcome the good efforts of the Municipal Presidents to come together. It is positive that the commitments made in the 5 April 2006 conclusions have been met, such as:
 - a. Providing transportation for the MRO of Shtërpcë / Štrpce to attend the Municipal Working Group on return in Ferizaj / Uroševac ;
 - b. Establishing a Joint Task Force on IDPs;
 - c. Integrating IDPs currently in Shtërpcë / Štrpce in the Municipal Working Group on Return in Ferizaj / Uroševac; and
 - d. Four meetings of the Joint Task Force since the April joint meeting.
2. Despite the good progress in dialogue, all sides are still dissatisfied with the lack of concrete outcomes in the process. On the one hand, physical returns to the town centre have not started and there are still reconstructed houses which remain vacant. On the other hand, IDPs have several concerns regarding the return process. If the return process to the town centre is to have a breakthrough, more will have to be done to meet the concerns of both sides.
3. CSSP will facilitate an “experience exchange” between returnees from the municipality of Klinë / Klina who have returned to the town centre and the IDPs in Shtërpcë / Štrpce.
4. All welcome the invitation by the Municipal President of Ferizaj / Uroševac to have the IDPs in Shtërpcë / Štrpce meet with returnees from villages in Ferizaj / Uroševac. The MROs will organize the event. One concern of IDPs is that this event does not become a media event and that it takes place in as normal and quiet an environment as possible.

5. The IDPs in Shtërpçë / Štrpce have asked for the Municipality of Ferizaj / Uroševac to develop an action plan on how they will implement the return strategy. CSSP will offer some assistance in this regard.
6. All agree that it is important to have a joint master list of all potential returnees to both municipalities. The Joint Task Force should have this list. The MRO and the IDP representative have agreed to meet in the week of 11 to 15 September 2006 to compare lists. The two MROs should agree to have one list.
7. The Joint Task Force should discuss the situation of urgent social or evicted cases to ensure humanitarian concerns are met.
8. The IDPs have serious concerns about return related issues. They have directly asked the Municipal President of Ferizaj / Uroševac to address four issues before the next meeting:
 - a. Development of an action plan that addresses their concerns;
 - b. Investigation of occupied property being used as businesses;
 - c. Report on status of cases pending before the municipal court which go unresolved; and
 - d. Clarification on requests made to the Communities Office and the Communities Committee that have not been answered.

While the Municipal President does not have authority to resolve all of the above issues, it would be a positive sign to address the concerns as much as possible. The MROs and the IDP Representative should facilitate all documentation necessary.

9. The Municipal President of Shtërpçë / Štrpce has called on the Municipal President of Ferizaj / Uroševac to address the lack of employment of Serbs in municipal institutions. The municipal leaders of Ferizaj / Uroševac advertised for one position but no IDPs in Shtërpçë / Štrpce applied for the position. Both sides should make more efforts in this regard. This issue should be addressed by the appropriate institutions and included if possible in the future action plan. In addition, those IDPs willing to work in Ferizaj / Uroševac should express their interest more clearly.
10. A joint meeting will be organized in early spring 2007 to assess progress on the above issues.

Joint Conclusions Rahovec / Orahovac

8 September 2006

In an effort of continuous goodwill of cooperation the key leaders of the municipality of Rahovec / Orahovac came together to follow-up on previous joint meetings (9 September 2005 and 6 April 2006) and the problem-solving workshops (29 November – 4 December 2005 and 15 – 19 May 2006). The following are the conclusions of the joint meeting:

1. All agree that the joint meeting is a good opportunity to further discuss and focus on moving the communities in the municipality closer, and welcome the work of CSSP.
2. The Additional Deputy Municipal President has expressed that good progress has been made with the translation equipment in the municipality, and welcomes that the joint meeting can now take place in a conference room with simultaneous translation.
3. All welcome that the selection panel has agreed on a candidate for the position of the chairperson of the Municipal Community Office. According to UNMIK, the current interview panel of the municipality does not fulfil UNMIK regulations. The panel membership, e.g. gender and minority balance, should be addressed as soon as possible, such as the next Municipal Assembly session.
4. All agree that appropriate representation of the Serbian community in the municipal institutions is possible and necessary and that the collective resignation of 17 Serbs is unfortunate. The issue should be addressed and resolved as soon as possible to maintain momentum in the work of the municipality, such as continuing to improve services and administration to all communities.
5. It is important to fill the 17 vacancies of the resigned civil servants as soon as legally possible. It is also important that the Additional Deputy Municipal President plays a leading role in this process. He informed the participants of the joint meeting that he will be absent from the municipality for 35 to 40 days as of the 25 September 2006. It is essential that the process be completed as much as possible before he leaves.
6. A small task group will be formed, consisting of Teuta Jaha-Hoxha, Slaviša Kolašinac, Marian Jarić, Nahit Elshani, and Nazifa Hondozi, which will meet in

the week of 11 to 15 September 2006, to agree on the next immediate steps to resolve the situation on how to quickly secure that the vacant positions get filled.

7. One issue identified in respect to filling the vacant positions is that the former employees who resigned collectively from their positions continue to be on the municipal payroll. The CEO will write a letter to the Ministry of Finance to stop the payments, thus making the funds available for the new staff entering the services of the municipality. The Additional Deputy Municipal President suggests that the names replacing the civil servants will be named in the letter to the Ministry.
8. There is consensus that the work of the Communities Committee needs to be reactivated as it is considered an important committee for the municipality. The Chair of the Communities Committee suggested that it will be a positive step to review the membership of the committee and suggested replacing those members who do not wish to attend meetings. This suggestion was welcomed.
9. A report detailing the current situation of the Communities Committee will be prepared by the Chair, to be presented to both Deputy Municipal Presidents.
10. The Deputy Municipal Presidents will meet with the Chair of the Communities Committee to discuss the report and possible solutions on how to support the Communities Committee. Following this, the Municipal President will place the Communities Committee as a point on the agenda for the next Municipal Assembly meeting.
11. All agree that the Chair of the Communities Committee should observe all Municipal Assembly sessions and report back to the committee.
12. All agree that progress has been made with the six month plan for reintegration. A review will be done by the Board of Directors to assess the lessons learned by the previous plan in order to write a new plan. An emphasis will be placed on the return process to the city centre, an assessment of the work and support of NGOs, and economic cooperation.
13. All welcome the approval of the Austrian Development Agency funds for two more problem-solving workshops for the Municipality, and have expressed the benefits of the previous workshops. The Deputy Municipal President and Additional Deputy Municipal President will meet next week and jointly agree on a list of 20 participants for the next problem-solving workshop to be held from 13 – 17 November 2006. The list will represent a balance of communities and gender. The first preparatory meetings will be held on 17 to 22 September 2006.

Abbreviations

CCK	Co-ordination Center for Kosovo
DRC	Danish Refugee Council
IDP	Internally Displaced Person
KEK	Korporata Energjetike e Kosoves (Power Corporation of Kosovo)
KFOR	Kosovo Peacekeeping Force
KPA	Kosovo Property Agency
MCO	Municipal Communities Office
MCR	Ministry for Communities and Return
MRO	Municipal Return Officer
NGO	Non-governmental Organisation
OSCE	Organization for Security and Co-Operation in Europe
PISG	Provisional Institutions of Self-Governance
UNMIK	United Nations Interim Administration Mission in Kosovo