



Verein für
Integrative Mediation e.V.

Assessment Report

Kosovo

June 2008



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

Integrative Mediation Bringing Local Leaders Together

CSSProject for Integrative Mediation (CSSP e.V.) is a registered non-profit association based in Berlin, Germany. It was founded on 16 June 2006 in Berlin and has ten founding members. Its purpose is to improve inter-ethnic communication and cooperation, and the implementation of peace initiatives to resolve local conflicts through Integrative Mediation. It also promotes efforts to support the development of democratic processes as a tool to overcome conflicts. The organization is fully funded on a yearly basis by the German Foreign Ministry and the Bundestag through the Stability Pact for South Eastern Europe and has its offices in Berlin. In 2006 and 2007 part of its activities were also sponsored by the Austrian Development Agency (ADA).

The origin of CSSP e.V. lies in the implementation of the lessons learned from ten years of work of the International Mediator in Bosnia and Herzegovina (1995 – 2004), Dr. Christian Schwarz-Schilling. As International Mediator, he placed a particular emphasis on increasing dialogue. Through review, critique and the evolution of his extensive experience as a mediator, the methodology of Integrative Mediation was developed. It brings together several elements of conflict resolution at the local level in a comprehensive approach. Integrative Mediation is the core of CSSP e.V.

CSSP e.V. seeks to empower local individuals through tailored mediation processes. This includes providing local individuals with professional training in mediation, negotiation and problem solving techniques and skills, as well as offering expertise and assistance in resolving their conflicts. At the same time CSSP e.V. tries to strengthen professional mediation in its target areas to increase capacity and provide credible alternatives to conflict. The CSSP team firmly believes in and strives for building peace from the bottom up and strengthening a community's capacity to overcome its internal disagreements and to create a fertile ground for democratic (political, economic, and social) development.

The comprehensive approach to mediation includes various levels of responsibility, multiple actors, and a variety of techniques, drawing on classical mediation and developing holistic and decentralized processes. It combines five different core elements: Mediation, Consultation, Professional Training, Advocacy, and Research & Analysis. The elements are combined in various forms and situations to develop a holistic and individual process.

CSSP e.V. assists local actors to develop initiatives and to implement confidence-building measures which apply to their specific needs and circumstances. Overall, Integrative Mediation endeavors to bring the general and hierarchical process of conflict resolution down to the local level by focusing on joint meetings, dialogue, confidence-building and experience sharing.

CSSP e.V. does not seek to replace or remove ownership of the peace process. Instead, Integrative Mediation complements the work of those already in the field. The main aim is to leave decisions and solutions in the hands of local actors.

TABLE OF CONTENTS

INTRODUCTION.....	1
POLITICAL SITUATION	1
KOSOVO SERBS – MORE DIALOGUE AND SUPPORT IS NEEDED.....	3
INTERNALLY DISPLACED PEOPLE FACE UNCERTAIN FUTURE.....	6
GENDER – ALL STAKEHOLDERS MUST BE INVOLVED.....	8
MEDIATION AS A CONFLICT RESOLUTION MECHANISM.....	10
CONCLUSIONS AND RECOMMENDATIONS	12

Introduction

February 2008 changed the political situation in Kosovo by creating a new country and leaving the region in a state of adaptation and fluctuation. The declaration of independence on 17 February 2008 affected every person at all levels of society and politics. On the one hand, Kosovo Albanians rejoiced at finally having resolved the status issue. There was a sense of justification for the sacrifices made during the long and sometimes violent struggle. On the other hand, Kosovo Serbs were distraught over the events they had been repeatedly told by the Serbian government would never happen. They were left uncertain over their future and had become overnight an ethnic minority in a foreign country. The months following the declaration have been consumed with reorienting Kosovo to its new reality and dealing with the political and social challenges created by independence.

In this context CSSP made three assessment visits to Kosovo in February and March 2008. The trips focused on monitoring the changes in CSSP target municipalities and to offer assistance to the local leaders during this emotional transition. In addition, the trip focused on preparations for two CSSP interactive professional trainings scheduled for April 2008: 1) gender aspect of return in the municipality of Ferizaj / Uroševac and 2) municipal strategic planning in Rahovec / Orahovac. During the three trips, CSSP visited the municipalities of Rahovec / Orahovac, Ferizaj / Uroševac, Štrpce / Shtërpçë, Obiliq / Obilić and held meetings with international and government representatives in Prishtinë / Priština. The findings from the consultations are presented below.

Political Situation

The impending declaration of independence dominated municipal activities and other local issues were given a low priority or postponed. For example, in many municipalities, the newly elected mayors had not yet appointed the board of directors, constituted the different committees, or selected the minority representatives. Furthermore, the local leaders' focus on the imminent declaration diverted their attention from the period post-independence and strategic plans for the different departments were not developed. Therefore, the probability that the process of forming the municipal government and developing municipal work plans will be delayed is very high and has the potential of increasing medium-term instability.

Although the central level took great care to reassure the minority communities that they would be protected after the declaration of independence and would be an

integral part of an independent Kosovo, the municipal leadership in some municipalities lagged behind restoring confidence in their minority communities. In some municipalities, the mayor had not met with local Kosovo Serb leaders since the November 2007 elections and had not visited the surrounding enclaves in years. This lack of communication between the leadership of the ethnic communities could have had disastrous consequences and CSSP encouraged the mayor to contact his Kosovo Serb colleagues to inform them about independence activities and personally assure their safety. In some municipalities, especially in Ferizaj / Uroševac, the Kosovo Albanian mayor did reach out to the returnee communities, which was highly appreciated and valued by the returnees.

The Kosovo Serb minority reacted differently to the impending declaration of independence. In Kosovo Serb majority municipalities¹ like Štrpce / Shtërpçë, the situation prior to independence seemed calm. The municipal leadership, put in place for six months or pending certification of results following new elections by an executive decision of the SRSG², was certain the declaration would change the political dynamics of their municipality. Since the municipal institutions in Štrpce / Shtërpçë are predominantly filled by Kosovo Serbs and most of the positions reserved for the ethnic minority had not been filled yet, the declaration of independence did not have a direct impact. Indirectly, the leadership said they would not recognize the declaration and instead were strengthening ties to Serbia. Frequent trips to Serbia by the mayor and other municipal officials reinforced this strategy.

In municipalities where Kosovo Serbs do not make up the majority of the population, they seemed resigned to the fact that independence was going to happen and were anxious about the consequences this would bring for their community. They realized that any Serbian policy to protect Kosovo Serbs was focused only on Kosovo Serbs living in the northern part of Kosovo or those in Kosovo Serb-majority municipalities. If the Kosovo Serbs in Kosovo Albanian-majority municipalities were to prosper, they recognized that they would have to cooperate with the Kosovo Albanian leadership. However, the lack of information about the upcoming events worried them. Furthermore, uncertainty was increased due to the failure in some municipalities to have the municipal positions reserved for ethnic minorities filled and the communities and mediation committees formed.

¹ In the three municipalities north of the Ibar River (Leposavić / Leposaviq, Zubin Potok, and Zvečan / Zvečan) where Kosovo Serbs make up a majority of the population, the effects of the declaration of independence caused a violent reaction. Since CSSP does not have projects in these municipalities, the analysis of Kosovo-Serb majority municipalities will focus on Štrpce / Shtërpçë.

² See UNMIK Executive Decision No. 2007/64 from 18 December 2007

Currently, Kosovo is experiencing a decisive period that will determine its future development as a country. Decisions taken by local and central level leadership will set the tone for interethnic cooperation. Below, four issues of concern facing Kosovo that came out of the information gathered by CSSP are further elaborated.

Kosovo Serbs – more dialogue and support is needed

The time pre- and post-independence has proven difficult for Kosovo Serbs.³ Particularly in municipalities where they do not constitute the majority, Kosovo Serbs are facing a precarious situation. Besides dealing with high unemployment, limited assistance beyond humanitarian support, and the perception of a lack of freedom of movement, they are being forced to choose between loyalty to Serbia or Kosovo. On the one hand leaders in Belgrade order them not to cooperate with the Kosovo institutions. On the other hand, they are not in a situation where they can rely on Serbia to take care of their immediate needs, as in Northern Kosovo. As a result they have very little room for independent decision-making and are forced to ‘walk on a tightrope’ trying to do what is best for their community in their municipality. Increasingly, the Kosovo Serb community is becoming polarized between those who strictly abide by orders from leaders in Belgrade and those who are willing to cooperate with Prishtinë / Priština.

CSSP works in Rahovec / Orahovac and Obiliq / Obilić, two municipalities where Kosovo Serbs are in the minority and live in enclaves around the town centre. In both municipalities, there are a few Kosovo Serbs who participate in the municipal structures and want to represent the interests of their community in the local government. They feel that the only way they can help their community is by working with the institutions. There is a sense of disillusionment with Serbia due to the lack of assistance and support the local Kosovo Serb community has received. After the 2007 elections, Serbian ministers visited the enclaves and demonstrated a lack of knowledge of the situation of the Kosovo Serbs in the region. This encouraged some Kosovo Serbs to become more active in the municipal government and put Belgrade’s orders second. However, these individuals face a series of problems.

(1) Political Representation

Since the overwhelming majority of Kosovo Serbs boycotted the November 2007 elections, they do not have representatives in municipal assemblies in areas where

³ Currently, CSSP has projects in the area of Kosovo south of the Ibar River, so assessments made in this report will be applicable to that area and does not include the Kosovo Serb majority north of the country.

they are in the minority, as in Rahovec / Orahovac and Obiliq / Obilić. This severely limits their possibility for participation in local government because the highest position for ethnic minorities, the second Vice-Chairperson of the Assembly, has to be filled by an elected member of the assembly. The mayors of Rahovec / Orahovac and Obiliq / Obilić have resolved this issue in two different ways in order to give the ethnic minority community a voice in their municipalities. In Rahovec / Orahovac the mayor disregarded the official regulation⁴ and allowed the Kosovo Serb community to elect a representative who was subsequently appointed as Vice-Chairperson. However, funding for this position was not secured in the budget for the municipality. Therefore, whether this position is sustainable is uncertain.⁵ In Obiliq / Obilić, Kosovo Serb unofficial leaders negotiated with the mayor and received a majority of seats in the Communities Committee, which is not in accordance with committee regulations which foresee equal representation of all communities. As a result there are five Kosovo Serbs, one Kosovo Albanian, one Ashkali, one Roma, and one Egyptian representative.⁶

Throughout Kosovo the issue of representation after the November 2007 elections is a major concern. On the one hand there is a need to give a legitimate voice to the Kosovo Serb population. On the other hand the Kosovo Serbs boycotted the elections, limiting their own representation possibilities in a democratic system. Therefore, any appointment is a concession given not earned, indirectly rewarding the act of boycotting and in some cases, such as in Štrpce / Shtërpçë, manipulating the real voting results.⁷ It is in the interest of the international community, the Kosovo government and the Serbian government to work together to legitimize and legalize local solutions to each unique local situation.

(2) Low Level of Participation

Due to the low number of Kosovo Serbs who are willing to work with the Kosovo institutions, those who do cooperate are often overburdened. In Obiliq / Obilić, one Kosovo Serb has become the representative of his community on every committee, commission, or working group. Also in Rahovec / Orahovac there are only three or four Kosovo Serbs who are included in every activity in order to speak for their

⁴ See UNMIK Regulation 2007/30 "Amending UNMIK Regulation No. 2000/45 on Self-Government of Municipalities in Kosovo", p. 10.

⁵ At the time of writing, the funding question was not resolved but the elected Kosovo Serb representative did take over the position of second Vice-Chairperson.

⁶ At the point of writing, this communities committee was not yet officially constituted.

⁷ See UNMIK Executive Decision 2007/64 "On the Provisional Establishment of Municipal Government in Štrpce / Shtërpçë" published 18 December, 2007.

community. This situation tends to overburden individuals and also limits the diversity of representation of an ethnic group. Measures need to be taken to expand the number of Kosovo Serbs who are willing and able to participate in local political institutions and to support these individuals. Currently cooperation is not rewarded. On the contrary cooperation is seen by Kosovo Serbs as a threat to their long-term existence, especially as they receive threats from Serbia if they cooperate.

Those Kosovo Serbs who choose to participate in the municipal structures are pressured from those within their community who remain strictly loyal to Belgrade. There are rumors of lists of 'collaborators' being sent to Belgrade and informing Serbian officials of who works with the Kosovo institutions. Possible consequences supposedly range from the loss of employment of a family member, revoking the rights to study at a Serbian university, not receiving a Serbian passport, to being excluded from the Serbian financial support for which other Kosovo Serbs are eligible. These rumors are commonly accepted by many Kosovo Serbs and they increase the fear of working with the Prishtinë / Priština government. Although there is no evidence to substantiate these claims, the rumors are enough to create hesitation and trepidation in the Kosovo Serb community. As a result, interethnic cooperation suffers.

In the uncertain environment that the whole of Kosovo finds itself in at the moment, Kosovo Serbs are in the most precarious situation. They are faced with the choice of trusting Belgrade, Prishtinë / Priština, or the international community, all three of which have not always fulfilled their promises. It is important at this point to increase the dialogue with those Kosovo Serbs who want to participate and take the risk in the current political climate to represent their community. Kosovo Serbs have to be reassured so that they can further integrate into the social, economic and political systems of Kosovo. Innovative incentives for cooperation have to be developed for the Kosovo Serb community and confidence-building measures should be created to improve relations among the ethnic groups. The structures to promote interethnic communication, such as the communities committee, have to be supported and made functional, especially with appropriate financial resources. Only then, can Kosovo Serbs, along with the other ethnic communities, better represent their interests and ensure that they will play an active role in shaping the future of the country.

Internally Displaced People face uncertain future

The Internally Displaced People (IDP) are among the most vulnerable population group in Kosovo. Nine years after the war, many of them continue to live in collective centers, temporary homes or shelters and most remain uncertain about the future. In Štrpce / Shtërpçë, one of two majority Kosovo Serb municipalities south of the Ibar River, there is a large group of IDPs from different municipalities, but especially from neighboring Ferizaj / Uroševac, now populated by a majority of Kosovo Albanians. CSSP has been working with the Štrpce / Shtërpçë IDPs since 2005 and has supported their work through bilateral and joint meetings, consultations, advocating their concerns at the central level and with the appropriate international organizations, as well as through trainings specifically designed to provide a platform for their issues of concern and develop options on how to resolve them.

Through CSSP's work with the IDPs, it appears that the Štrpce / Shtërpçë IDPs are facing a major problem: although they have received a lot of assistance from a variety of organizations – local and international - they have not been able to organize themselves as a coherent group with one voice and specific interests. Therefore, they are unable to clearly articulate their interests at platforms such as the Municipal Working Groups on Return. Although they have an elected representative, the lack of an IDP association or other organizational structures makes it difficult for the group to jointly develop a consistent strategy to reach their goals. Much information is not passed from the representative to the group and responsibilities are not shared but remain with one or two persons. The uncertain political situation seems to inhibit pro-activity from the side of the IDPs. Unsure of what the future holds, they choose to obey Serbia's orders not to cooperate with Kosovo institutions. Consequently, they are unable to formally create an association since they would have to register it with Kosovo institutions in Prishtinë / Priština. The IDPs inability to clearly define their interests and goals as a group has also become an obstacle when projects to aid the IDPs are developed. International donor associations have voiced their frustration with the Štrpce / Shtërpçë IDPs for their lack of commitment and reliability. CSSP has continuously encouraged the IDPs to determine their interests and develop creative options on how to improve their standard of living. However, the unstable political environment creates obstacles to long-term planning.

To improve the situation of the IDPs in Štrpce / Shtërpçë, confidence-building projects should be developed. Currently, in their own words, 'they don't know who to trust'. Štrpce / Shtërpçë is located in the rural south of Kosovo near the border with FYROM and the inhabitants of the municipality are isolated. On a daily basis, they

listen to Serbian radio, watch Serbian television, read Serbian newspapers, and rarely leave the municipality. Hence, there is an increasing gap between events and developments in Kosovo and the IDPs' perception. For example, in February 2008, they were aware that the declaration of independence by the Kosovo government would be made. However, they were shocked by the actions that followed the declaration. To their disbelief, key countries around the world began to recognize the new state only days after the declaration. The IDPs had been under the impression that the declaration would not be accepted by anyone and measures would be taken immediately to reverse it. They were also convinced that the Serbian government would send troops and restore its authority if the Prishtinë / Priština government would declare independence. The IDPs believed the Serbian government would cut off electric supply, telephone lines, and close the borders, causing an economic, political and social crisis if the Prishtinë / Priština government would declare independence. According to them, the inhabitants of Štrpce / Shtërpçë would continue to receive supplies via armored convoys sent from the north to the enclave. None of this took place. Hence the IDPs feel betrayed and disillusioned by the Serbian government and are confused about how to proceed. The discrepancy between the one-sided news they receive in the municipality and the actual developments in Kosovo leads them to be easily manipulated by different interest groups.

In this confusion, it is difficult for the IDPs to define their interests and be proactive. The recent changes in the political environment have even caused many of them to be unsure whether they want to return to their original home in Kosovo or relocate directly to Serbia. This stagnation is likely to continue while the legality of the declaration is questioned and Serbian politicians reiterate their aim to regain sovereignty over Kosovo. For the development of Kosovo and for the improvement of the lives of the IDPs, it is important that the return process is invigorated. The inability of the IDPs to create a strategy for return and actively represent their interests is increasingly diminishing their influence. As donors and organizations become discouraged in working with them and they continue to receive information only from Serbian news sources, they run the risk of not being aware of developments and missing valuable chances to move their return process forward. It is important to strengthen the dialogue with the IDPs so that they do not become more isolated and can make informed decisions. Measures should be taken to support them to determine their interests and develop a common strategy to reach their goals and encourage them to be more pro-active.

Gender – all stakeholders must be involved

In preparation for a CSSP training with the municipality of Ferizaj / Uroševac in April 2008 that focused on raising awareness of the gender aspect of return, CSSP met several international and national experts on the issue of gender in Kosovo in February 2008. The meetings demonstrated that although a variety of programs to promote gender awareness in Kosovo society exist, there continues to be a need to expand these initiatives. Many projects have focused solely on women, which has reinforced the view that gender only concerns “women’s issues”. The women working in the municipalities are often very knowledgeable about their rights and have attended many trainings about the importance of gender awareness. However, though it is important to empower women, this process needs to be accompanied by activities that focus on the men of the society. Since men still hold the majority of the decision-making positions in the country, it is vital to have them understand the necessity for gender equality. To achieve successful results, all stakeholders to the issue have to be involved in developing strategies on how to increase gender awareness and improve conditions for men and women in society.

It is also important to be aware of the gender aspect in such issues as return. Men and women face distinct challenges and needs when returning to their former homes. Often men return first and try to provide the basic needs for the rest of their family to follow. However, sustainable return is achieved only when women and children return as well. For women to return, personal safety has to be ensured and basic infrastructure, such as health and educational facilities, must exist. When working on such post-conflict issues such as return, the gender aspect has to be recognized and integrated into all activities.

Legally, Kosovo is very progressive regarding gender equality and the Law on Gender Equality in Kosovo⁸ was adopted in 2004 and goes into great detail of how gender equality will be ensured. Also UN Resolution 1325 that protects the rights of women in conflict is widely known, at least among civil society leaders. However, when one NGO leader asked during the public debate on the constitution why it is not clearly stated that 30% of the parliamentarians should be women, she received hate mail for suggesting such a clause. This demonstrates how the idea of gender equality exists more on paper and has not yet been internalized or accepted by most leaders. Most women in Kosovo who are not involved in civil society or politics are not aware of their rights or do not trust that they will actually be enforced. More

⁸ See Law No. 2004/2 of the Assembly of Kosovo

efforts must be made to inform women what their rights are and how to demand them. As long as gender equality and awareness is an issue predominantly promoted by civil society organization, progress will be slow. The government has to play an active role in making this issue a priority on all levels and ensuring that laws are accurately implemented. This can be done by strengthening those institutions that already exist to

According to the Law on Gender Equality⁹, every municipality in Kosovo is legally bound to have a gender officer and create an Office of Gender Affairs. While most municipalities have been willing to appoint a Gender Officer, no municipality has established a full office. Gender officers are supposed to review all decisions made by the Municipal Assembly prior to their adoption to assess whether gender has been taken into consideration. Yet, this rarely happens and gender officers often have no budget, internet access, or administrative support. Therefore, their ability to fulfill their responsibility is restricted and in some cases limited to public relations events on 8 March (International Women's Day).

Furthermore, the role of gender officers is currently undergoing major revisions. With the creation of new Human Rights Units (HRU), the responsibilities of the gender officer fall under the tasks of this unit, which deals with the monitoring of human rights compliance as well as promoting gender rights, minority rights, rights for persons with disabilities, child rights, anti-trafficking in humans, anti-discrimination, and equal opportunity. This has a major effect on the Agency for Gender Equality (AGE) in the Office of the Prime Minister, which is the agency to which all gender officers at the municipal and ministerial level report. Due to the new change, gender officers no longer report to AGE but to the Office of the Prime Minister's Office of Advisory Office of Good Governance, Human Rights, Equal Opportunity and Gender. Hence, AGE will begin to lose its influence at the local and ministerial levels and its purpose will have to be redefined. In February, first dismissals of gender officers at the ministerial level took place because their responsibility overlapped with the duties of the newly created HRUs. In this case, it is important that the creation of new institutions does not undermine the already existing ones and options have to be developed to strengthen both institutions.

To increase gender awareness, CSSP consistently works with male and female key leaders in the municipalities on issues of gender, anti-discrimination and equal opportunity. Additionally, at the local and central levels, CSSP lobbies with officials to reinforce the importance of supporting the institutions in place that promote gender

⁹ See Article 4.15 of the Law on Gender Equality

issues. In April 2008, CSSP dedicated a training specifically on the gender aspect of return in order to highlight this topic and raise municipal officials' and local leaders' awareness of it.¹⁰ All people working on the return process have to know about the gender-specific needs of the return populations in order to increase the chances for successful and sustainable return.

Mediation as a Conflict Resolution Mechanism

Since 2005, CSSP has been advocating at the central level and with international organizations present in Kosovo that mediation as a conflict resolution mechanism needs to be given a legal framework. While the process of drafting a law on mediation was initiated, it came to a halt in 2006. Early 2008 the draft law on mediation was revised and endorsed by parliament as a draft law on 17 April 2008. This is a major accomplishment for the promotion of Alternative Dispute Resolution (ADR) mechanisms in the region. Kosovo was the last region of the former Yugoslavia to pass a law on mediation and legally regulate mediation and recognize it as a conflict resolution mechanism.

With the legal framework almost in place, the applicability of mediation in different types of conflicts should be explored. Due to its reconciliatory aspect, mediation can play a vital role in the peacebuilding process in post-conflict societies. It has been effectively used in resolving typical conflict issues in the post-conflict environment, such as property disputes, community disagreements, returning displaced people and even implementing rights. Mediation was originally foreseen in the mandate of the Housing and Property Directorate (HPD) but was not further developed and therefore played no major role in resolving property disputes. Additionally, applying mediation in such disputes would lead to a decrease in the judicial backlog. For example, currently the Kosovo Property Agency (KPA) has registered thousands of property claims. Besides requiring many resources to process these claims, decisions made on claims often are very difficult to actually implement.

In a mediation process, conflict parties are brought together to jointly find a solution that is suitable and acceptable to both. This ensures a higher success rate when it comes to the actual implementation of the agreement. Furthermore, a mediation process aims to rebuilding relationships and bringing conflict parties closer. Therefore, it can be a valuable resource in the post-conflict environment when relationships among the population are often strained or broken. Additionally, the

¹⁰ For a complete report on the conclusions from the April 2008 Training, please consult the CSSP Report "Gender and Equal Opportunity in the Return Process" on www.cssproject.org

costs of a mediation process are significantly lower and often speedier than those of a penal process. For these reasons, it would be beneficial to develop options with the appropriate national and international stakeholders and experts on how mediation can be integrated into the property dispute resolution system.

Interethnic mediation can also be a valuable skill for leaders working in the multi-ethnic environment of Kosovo. Currently, only a few people in the country possess the skills and experience to carry out a complete interethnic mediation process and resolve interethnic disputes. People have experience in facilitating interethnic dialogue and are relying on the 'learning by doing' method of acquiring new skills. Interethnic mediation goes beyond interethnic dialogue because it incorporates problem-solving and mediation skills. It is important to strengthen the local skills in interethnic mediation so that conflicts between the different communities can be resolved peacefully. The ability to deal with the cross-cultural aspects of a dispute constructively is an essential part of the peacebuilding process of a country. In order to promote the use of mediation as a conflict resolution mechanism and encourage the exploration of its applicability in diverse types of disputes, mediation needs the endorsement of the political institutions. Hence, the process to adopt the Law on Mediation should be carried out efficiently in Parliament so that the institutions it foresees, like the Mediation Committee, can be established.¹¹ The sooner the formal structures that enable the use of mediation are formed, the sooner this ADR can be applied in the diverse types of disputes.

¹¹ According to Article 17 of the Draft Law on Mediation, a Mediation Committee shall be established by the Ministry of Justice.

Conclusions and Recommendations

The next years in Kosovo will determine if it establishes a multiethnic democratic state integrated in a peaceful Balkan region. Much of the challenges that lie ahead concern the implementation of already adopted laws and ensuring that the institutions are strengthened at the municipal and central levels. Specific efforts need to be made to reach out to the minority population and encourage their involvement in all spheres of society. From its assessment visits to the region in the spring of 2008, CSSP draws several conclusions and makes the following recommendations:

1. It is essential that the municipal communities committee are strengthened and supported so they can be a platform where all communities can voice their concerns and discuss issues important to them. By opening the channels of communication and supporting interethnic dialogue through the municipal structures, trust is built among the communities and conflicts can be resolved before they destabilize the municipality. Therefore, communities committees and mediation committees need to be given adequate political, financial and administrative resources to carry out their legal mandate.
2. Those Kosovo Serbs who have chosen to participate in the municipal structures have to be supported. Incentives for participation should be created to encourage more Kosovo Serbs to integrate into the local political structures.
3. Kosovo Serb IDPs living in Kosovo Serb majority areas often are isolated and therefore easily manipulated. Constant communication and experience exchange with individuals and organizations from other areas of the country will enhance their ability to make informed decisions about their future. There need to be more targeted projects that build confidence among all communities.
4. To promote gender equality in Kosovo, all stakeholders, both men and women, have to be included in gender awareness activities, like trainings or seminars. Furthermore, it is important to move beyond raising awareness and focus on the practical implementation of laws and regulations that protect the rights of all genders and prohibit discrimination.
5. Regarding the return process, measures have to be taken to emphasize the aspect of gender in this issue. Women and men have distinct needs and face different challenges when deciding to return. Viable options have to be

developed to address these needs and integrate them into all activities that involve the issue of return. Return policies need to be gender sensitive.

6. The creation of Human Rights Units cannot be at the expense of the goals set for gender equality. Reforms and adjustments have to be carefully considered in order not to undermine already existing structures and create overlapping areas of responsibility. The constant changing or reforming of existing legal mechanisms creates uncertainty. In order to fulfill their responsibilities, gender officers must be given appropriate financial and administrative resources.
7. The role of mediation as a conflict resolution mechanism can be applied to a variety of fields, ranging from property disputes to disagreements in schools. Therefore, it is advisable that the Law on Mediation is passed and the Mediation Committee is established efficiently so that the different types of mediation can be explored in the Kosovo context and supported by the appropriate institutions.
8. Mediation can play an important role in resolving property disputes and help relieve the judicial backlog that exists in the Kosovo court system. Especially when dealing with a typical post-conflict issue like property disputes, mediation can help rebuild relationships between conflict parties and find practical solutions that are easily implemented. The responsible institutions should strengthen the role of mediation in property disputes, especially in the implementation phase.