



REPORT

SOUTH EASTERN EUROPEAN MEDIATION FORUM CONFERENCE ON INTER-ETHNIC MEDIATION

Podgorica, November 23, 2007





TABLE OF CONTENTS

INTRODUCTION.....	3
OPENING RECEPTION	4
PRESENTATIONS.....	4
DR. CHRISTIAN SCHWARZ-SCHILLING	4
STEINAR BRYN.....	5
DR. JUAN DIAZ.....	6
SMILJKA GAVRIĆ	6
PANEL DISCUSSION.....	7
RASIM GJOKA - ALBANIA.....	7
SONJA STANIĆ - CROATIA	7
SHUKRIJE GASHI - KOSOVO.....	8
DRAGANA ĆUK MILANKOV - SERBIA.....	8
SIMONA MLAKAR - SLOVENIA	9
IVANA GAJOVIĆ - MONTENEGRO.....	9
HIGHLIGHTS AND CONCLUSIONS	10
CLOSING	11



Introduction

The Second Regional Conference for Mediation in South Eastern Europe was held in Podgorica, Montenegro, on 23 November, 2007. The conference was organized by the South Eastern European Mediation Forum (SEEMF) with support from the Nansen Dialogue Centre Montenegro, and sponsored by the CSSProject for Integrative Mediation (CSSP) from Germany.

SEEMF is a regional network that supports mediators from the region of South Eastern Europe (the former Yugoslavia and Albania) and promotes the development of mediation as a conflict resolution tool. SEEMF members organize a variety of activities that strengthen local mediation capacities and provide opportunities for information and experience exchange. The main aim of SEEMF is to enhance regional cooperation through sharing of practical experience among mediators and mediators associations and organizations in South Eastern Europe in order to expand the role of mediation in this region. SEEMF is sponsored by CSSP e.V., a German NGO funded by the German Foreign Ministry through the Stability Pact for South Eastern Europe.

This year's conference focused on interethnic mediation and participants were professionals in mediation from the countries of the Western Balkans including Slovenia. Special efforts were made to make the participation of representatives from all SEEMF countries/regions possible. Due to the weather conditions, representatives from the Former Yugoslav Republic of Macedonia were unable to attend. Translation of all presentations and discussions was available in B/C/S (Bosnian, Croatian and Serbian) and English. A combination of panel discussions and individual presentations all focused on interethnic mediation in the region made up the conference agenda.

The organizers of the conferences wish to express their gratitude to Florent Hajrizi (Partners Kosova), Svetlana Katnic, Eva Maria Malisius (CSSP), and Brigitta von Messling (CSSP) for their dedication and hard work throughout the conference. Their contribution ensured the success of the event.



Opening Reception

The conference was opened with an official reception on Thursday evening, November 22, 2007. Many Montenegrin and international representatives were present and demonstrated their support for mediation in the region. Dr. Christian Schwarz-Schilling, Honorary President of CSSP and International Mediator for Bosnia and Herzegovina (1995-2004), welcomed the distinguished guests and the mediators who had come from all over the region to participate in the conference. Attendance included the Ambassadors from the countries of the former Yugoslavia, Norway, and Germany. In addition, representatives from the office of the Prime Minister and the President of Montenegro were present.

Presentations

The Conference was opened by the conference host **Ms. Ivana Gajović, Chairperson of SEEMF for 2007** and Project Coordinator of the Nansen Dialogue Centre Montenegro and Dr. Juan Diaz, Director and Chairperson of CSSP e.V. Ms Gajovic welcomed the participants, introduced the SEEMF network, and gave an overview of the conference schedule. Both the Secretary of the Ministry of Justice, **Mr. Srđan Spajić**, and the President of the Association of Mediators of Montenegro, **Mr. Zoran Pažin**, gave welcoming remarks and set the tone for the event. They reiterated their support for the use of mediation in Montenegro and for the expansion of the SEEMF network, and encouraged the participants to continue with their efforts to promote this method of conflict resolution.

After the welcoming remarks, the key speakers, Dr. Christian Schwarz-Schilling, and Mr. Steinar Bryn, Senior Advisor for the Nansen Dialogue Network, gave presentations on their experiences in interethnic mediation and dialogue in the region.

Dr. Christian Schwarz-Schilling

Dr. Schwarz-Schilling has a vast experience in mediation in the international context. Additionally, he is able to analyse the contributions of mediation from two perspectives, having worked both at the grassroots as a mediator and at the top decision-making level as a High Representative for Bosnia and Herzegovina from February 2006 to June 2007. In his presentation he emphasized four aspects of particularly interethnic mediation. First, he pointed out that for a mediation process to be successful, there has to be a certain **level of trust between the mediator and the**



disputing parties. The mediator should make all efforts to build this trust and strengthen it throughout the process. Second, the **goodwill of all parties involved** has to exist. If this goodwill disappears, the mediators can take a variety of measures to create incentives for participation in the mediation process, although sometimes breaking off the process for a while is the best option. Every mediation process requires a high level of patience on the part of the mediator because no process runs smoothly and obstacles are always encountered on the way.

Another aspect is the **importance of the “bottom-up” approach.** Interethnic mediation is an effective conflict resolution and peace-building tool because it works at the local level. Any peace process that is designed at the top level, has to be implemented at the local level. Therefore, interethnic mediation should be an integral part of any post-conflict peace-building strategy.

The last aspect Dr. Schwarz-Schilling pointed out is the necessity for **mediators to advise local decision-makers.** Due to the constant interaction with the local population and the extensive knowledge mediators gain of the local conflict dynamics, they are in a very good position to give policy suggestions. They can also promote certain policies among the local population. Mediators should therefore be aware of the key role they can and should play in the peace-building process.

Steinar Bryn

Mr. Bryn outlined the concept of dialogue from the perspective and practice of the Nansen Dialogue Network. He highlighted the lasting need for **dialogue instead of debate.** According to Mr. Bryn, in dialogue we listen to other people in order to better understand their experiences, while in debate we concentrate only on weak arguments in order to use them against the other party. From this perspective, Mr. Bryn stated that **more dialogue is needed all over the world.**

Drawing conclusions from the experience of Nansen Dialogue Centres in the region of the Western Balkans, he said that **a lot can be done even in only one day.** You can bring people together and let them talk and listen to each other for the first time. If you practice this kind of exchange between opposite parties, you realize that **there is no single truth, but many perspectives on the same truth.** To have conflict and create propaganda you have to stop communication between different cultures. Propaganda is a one-sided perspective of the truth.



Dr. Juan Diaz

Dr. Juan Diaz, Director of CSSP, presented the methodology of **Integrative Mediation** when conducting an interethnic mediation process and elaborated on **lessons learned** of CSSP's work in the region of the Western Balkans. He pointed out that mediators have to be especially sensitive when it comes to interethnic mediation because of the sensitivity of the issues discussed. Therefore, extra skills have to be learned and the support network for mediators in the region has to be strengthened.

Dr. Diaz also pointed out obstacles that a mediator can encounter in an interethnic mediation process and discussed ways to recognize and overcome them. He placed a lot of emphasis **on trust between the conflict parties and the mediator** and stated that confidence building measures have to be incorporated throughout the mediation process.

Interethnic mediation **ties together many different relationship spheres** and Dr. Diaz noted that a mediator has to be aware of all the various factors that play a role in the conflict. Only then can the appropriate actors be invited to the table and actual agreements be made.

Smiljka Gavrić

Ms. Gavrić presented her **ideas for improving and strengthening of the SEEMF network**. She outlined several main objectives, such as **promoting mediation as a profession**. Only when mediation is recognized as a profession will the work of mediators in the region be valued more. She also emphasized that SEEMF needs to continue looking for ways to develop and grow, and provide more **opportunities to exchange professional experience**. One of the strengths of SEEMF is that its members have many different experiences in mediation and therefore they can learn from each other and support each other across regional boundaries.

- Transfer of knowledge to mediators in each country
- Connecting with similar groups in Europe

In order to realize these objectives, Ms. Gavrić suggested the creation of a **SEEMF Group of Professional Mediators**. According to her, this would result in a higher quality of mediation services and allow a better response to the needs of professional mediators.



Ms. Gavrić made a distinction between the academic and the practical approach to mediation, and proposed **further professionalisation and structuralisation of SEEMF**, in order to expand the use of mediation in the region.

Panel Discussion

Rasim Gjoka - Albania

Mr. Gjoka explained that Albania does not have high profile ethnic conflicts and therefore interethnic mediation has not been developed as much as in other countries in the region.

Nevertheless, Mr. Gjoka pointed out that Albania conducts preventive activities in order to diffuse any ethnic tensions before they can turn into a real conflict. He presented the work of the **Albanian Foundation for Conflict Resolution and Reconciliation of Disputes**. The foundation is very active in Albania and has put a lot of effort into measuring inter-ethnic relations. They created a group of experts to interview different communities in multi-community areas which found that **most conflicts were property conflicts and not ethnic conflicts**.

Overall, ethnic relations in minority populated areas of Albania are good. Communication between the majority and the minority populations is normal and no crisis cases have been identified so far.

Sonja Stanić - Croatia

Ms. Stanić gave an overview of the situation in Croatia in regards to the use of mediation. Croatia lacks systemic approach to interethnic mediation, yet, interethnic mediation is carried out in the field. In the society, there is a **strict line of divide that has remained from the war**. Mediation was used to start breaking down this dividing line and start the communication between the different ethnicities in order to facilitate return.

Ms. Stanic reiterated the words of Dr. Schwarz-Schilling when she emphasized the importance of the bottom-up approach. **The use of the bottom-up approach has strengthened the top-down policies during the return process**. Trust between neighbors was increased by Go-and-See and severed relationships began to heal. By working at the local level and promoting peacebuilding and reconciliation in the municipalities, mediators were able to create the groundwork for success.



From the experience of divided cities and villages in post-war Croatia, Ms. Stanić concluded that **“we have to look towards the future but we have to understand the past.** It is always the right time for mediation. **No mediation is the same; it is always a new and fresh process.”**

Shukrije Gashi - Kosovo

Ms. Gashi described mediation in **Kosovo**. According to her, the **current principles of mediation** are similar to the type of mediation used in the 1990s in Kosovo and influenced by the **traditional method** of the Kanun of Leka Dukagjini. Ms. Gashi has a long experience in mediation, before and after the war in Kosovo. Her organization, **Partners Kosova**, has been using many different types of mediation. They have 45 mediators, who settled more than 212 disputes. They have also been involved in the process of trying to draft a mediation law in Kosovo, which began in 2002.

Ms. Gashi emphasized the need for mediators to have self-initiative and go to the villages to talk to the local people. Although sometimes this is difficult to be accepted as a stranger or an outsider, efforts have to be made to understand the local situation. This requires a lot of patience and listening skills, and slowly a level of trust is built. This trust is very important because especially in the post-conflict environment, people are very suspicious and afraid to speak about their concerns.

Ms Gashi concluded that **“you have to be patient and listen to the people - you have to let them share their stories”**. Sometimes participants receive pressure from their communities not to cooperate and share their stories. However, **“you have to be perseverant in order to get all of the information and to find out the root of the problem.”**

Dragana Ćuk Milankov - Serbia

Ms. Ćuk Milankov is involved in school mediation in **Serbia**. She discussed mediation from the perspective of professional organizations. In her opinion **“it is important to integrate mediation into formal structures so that it can be sustainable and accepted.”**

Mediators have to be trained and prepared for their specific area of work, especially when they work with vulnerable groups, such as school drop-outs, homeless people, gang members, etc. They have to understand the reality, the rights, the problems of these groups of people. They have to know how to interact with these types of



people, many of who have experienced trauma. Additional training is necessary to work in this type of environment.

Ms. Ćuk Milankov emphasized that mediators have to reach out to vulnerable groups that are often not visible. Their problems and situation are frequently not known by the general public. Therefore, the mediator has to make the effort and go to the places where they find those people. She reiterates that **“Mediators have to be proactive.”**

In the long term perspective, tailor-made processes have to be created that fit the needs of the client/participants.

Simona Mlakar - Slovenia

Ms. Mlakar talked about the integration of minority groups in Slovenia. According to her, **language is very important when feeling integrated**. Ethnic groups should be able to communicate in their languages, and efforts have to be made to include minority languages as much as possible.

More training is needed to build the skills of interethnic mediators. They have to be specialized because it is a certain very specific type of mediation, different from other types of mediation. As Ms Mlakar explained, there is a new vulnerable group in Slovenia - the former Yugoslav citizens. It is a new phenomenon in the country to have this group and mediators are trying to find ways to integrate them into Slovenian society. Currently, peer mediation is used to do this.

Ms Mlakar also pointed out that **mediation should be used at the beginning of a conflict and become a prevention tool so that existing problems do not develop into severe ethnic conflicts.**

Ivana Gajović - Montenegro

Ms Gajović presented the work and experience of Nansen Dialogue Centre Montenegro. She showed one episode of the series **“Living with otherness”** produced by NDC Montenegro and Hyde Park TV. The series is made up of several interviews of individuals of different gender, ethnicity, profession, and age, from different multiethnic towns and regions in Montenegro. The episode Ms Gajovic showed to the participants of the Conference was shot in Tuzi, a small place near Podgorica, populated by ethnic Albanians of two religions - Muslim and Catholic. The interviewed people were talking about **coexistence of different religions and**



ethnicities in their community, about the past and the present situation. The most impressive message that could be heard from the experience of ordinary people dealing with otherness in their everyday lives was extremely simple: **That it is not religion or ethnicity that creates conflicts among people, but rather political divisions and political parties.** But politics changes, people come and go, what remains as the only relevant criterion is simple: There are good and bad individuals, and that is all that matters.

During the discussions following each presentation, a number of common ideas, thoughts and conclusions were drawn, and participants agreed that they should be noted down and kept in mind in their future cooperation.

Highlights and Conclusions

- Mediators need to be perseverant and patient. They have to listen to all sides and try to get to the cause of the problem, not just deal with the symptoms.
- Space has to be given to dialogue and to listening to the conflict parties. Trying to understand their point of view and listening to their experiences allows not only the mediator but also the disputing parties to better understand the other's position and reality.
- Increased dialogue, communication and interaction between conflict parties breaks down stereotypes and propaganda. The more interaction there is, the less fabricated information is acceptable or believable.
- More training is needed in the region of the Western Balkans to prepare local mediators specifically for interethnic mediation.
- Mediation has a preventive aspect and should be used at the beginning of disputes, before they become severe conflicts. Policy-makers should be made aware of this quality of mediation so that they can support it before a conflict has become violent.
- Already when a conflict is still in full force, mediators should begin to think about how they can assist in rebuilding relations after the conflict.
- Every mediation case is unique. The mediation process has to be tailor-made to fit the 'client' or 'participant'. Mediation is not a 'one size fits all' profession.
- Mediators have to be proactive and approach the possible participants or vulnerable groups. They have to reach out, visit the villages, go out and talk to



the youth, etc. Sometimes they have to find the potential conflict issues and work on them before they become full-blown conflicts.

- Income-generating projects have to be integrated into the work of a mediator to make it sustainable. Mediators have to become more adept in making mediation a lucrative profession.
- Mediation is not a completely new concept in the region and has its root in tradition. Many countries in the Western Balkans have a rich tradition of mediation and this should be valued and recognized.
- Mediation should be integrated into the formal structures of the government so that it is sustainable and has the support of the official institutions. More efforts should be made in all countries to promote mediation as a serious tool for conflict resolution.
- Dialogue and Mediation are two methods that can mutually reinforce each other.
- In order to have a successful mediation you have to have the goodwill and the trust of the disputing parties.
- More efforts need to be made to lobby and fundraise for mediation at the international and EU levels.

Closing

The Second Regional SEEMF Conference for Mediation brought together mediators from all over the Western Balkans and gave them the opportunity to exchange ideas and experiences, learn new skills, and brainstorm future options for the profession of mediation. In order to strengthen the SEEMF network and promote mediation as a tool for conflict resolution and peace-building, these types of events are very important. SEEMF would like to thank the institutions who helped finance this conference, CSSP, the German Foreign Ministry, Nansen Dialogue Network Montenegro, and Save the Children, for their support.