

## **Final Program Accomplishments & Lessons Learned Report to**

### **U.S. Agency for International Development**

#### **“Supporting Rule of Law through Establishment of Mediation Services in Kosova” Grant No. 167-A-00-00-00104-00**

#### **Partners for Democratic Change**

**September 2000 – September 2003**

---

This report provides an overview of accomplishments and lessons learned from Partners for Democratic Change’s three-year program, “Supporting Rule of Law through Establishment of Mediation Services in Kosova.” Partners worked to make the Center’s mediation service an integral part of the development of rule of law in Kosovo by addressing issues and emotions that courts cannot handle, providing people with an alternative to a decision between the courts or vigilante justice, and creating space for the development of a respect for the official justice system over time. By infusing existing tradition with modern ideas, Partners has created a distinctly Kosovar model of mediation, which, in the short-term, prevents and mitigates violence in the post-war province, and in the long-term, works to build a culture of peaceful conflict management.

During the three-year grant program, Partners pursued its overall goal of strengthening Kosovo’s rule of law system through the provision of modern mediation skills and services by a neutral, sustainable local institution. Specific objectives included:

- Establish a neutral and sustainable local institution, Partners-Kosova, that houses mediation services, disseminates conflict resolution skills, and implements a range of complementary change and conflict management programs throughout the province
- Build a mediation service within Partners-Kosova that provides peaceful, efficient, inexpensive and sustainable conflict resolution services to diverse constituents on a range of disputes, including neighborhood, property, family, commercial, and municipal.
- Implement a province-wide outreach campaign that educates diverse constituencies about mediation and peaceful conflict resolution and builds local support for the service
- Cultivate relationships and cooperation between Partners-Kosova’s mediation service and other local and international institutions working to resolve disputes and develop the rule of law within Kosovo
- Develop a cadre of 15-20 local Kosovar mediators, external to Partners-Kosova, trained in the skills to create a safe negotiating environment and mediate a broad range of disputes

- Disseminate mediation skills through training programs to prepare local leaders and citizens to peacefully address conflict and reduce its potential for violence in Kosovo
- Institutionalize mediation in Kosovo through promoting public policies that legitimate and support the use of mediation in Kosovo's developing legal code and law system
- Pursue sustainability of mediation service and Partners-Kosova beyond the grant period through diverse income sources, including grants and contracts

The following Program Accomplishments section demonstrates that Partners has met and, in many cases, exceeded these expectations.

## **I. Program Accomplishments**

Over the three years of the grant period, Partners for Democratic Change (Partners) and Partners Center for Conflict Management-Kosova (Partners-Kosova) reached a range of accomplishments through its program:

### **A. Organizational Development**

Partners and Partners-Kosova staff have worked together to establish Partners-Kosova as a strong, sustainable institution. Partners-Kosova is an independent, registered NGO with a statute and Board of Directors guiding its activities, appropriate management and financial management systems, seven full-time staff, and professional office space. Staff has received trainings and training-for-trainers from other Partners' Centers, as well as Partners' US-based staff, in mediation skills, mediation service provision, organizational and financial management, and numerous other topics. Partners' staff provides continuous on-site and remote consulting to Partners-Kosova in order to improve its organizational and program management, fundraising, staffing, outreach, financial management, strategic plans, and service delivery. In addition, Partners-Kosova actively participates in *Partners for Democratic Change International (PDCI)*, the network of Partners Centers that facilitates information and resource sharing, and provides a plethora of capacity building opportunities.

Partners' relationship with Partners-Kosova and the organizations' joint commitment to providing mediation services in Kosovo will continue well beyond the grant period. In addition to its membership in PDCI, Partners has integrated Partners-Kosova into several regional programs, both to support sustainability and to strengthen linkages throughout Southeastern and Central/Eastern Europe. Through contracts and grants, including Partners' Strengthening Local Democracy in the Stability Pact Region, Partners-Kosova is well poised to broaden its work throughout the Balkans and beyond.

### **B. Mediation Services**

Partners and Partners-Kosova successfully established a professional mediation service that resolves a range of local disputes, including neighborhood, property, family, business, employment, minor criminal cases and blood feuds. The impact of the mediation service has

been far-reaching, preventing minor disputes from escalating into violence, mitigating threats against extended families, providing a neutral venue that people trust and respect, and addressing issues and emotions that the province’s court system cannot handle. Further, Partners and Partners-Kosova have developed a uniquely “modernized” Kosovar form of mediation that integrates traditional models of dispute resolution with current theory and skills (refer, Section II, for further discussion). To accomplish this goal, the Center has worked closely with traditional community institutions, such as Reconciliation Councils, as well as recently created structures by UNMIK, such as the Municipal Mediation Committees and Municipal Committees of Communities. In many cases, Partners-Kosova provided capacity building trainings to representatives from these UNMIK committees, who lacked the organizational and conflict management skills to implement their mandates, thereby contributing to modern mediation systems in municipalities across the province.

In addition, Partners and Partners-Kosova developed a sophisticated information management system to monitor and evaluate program impact. These databases managed the tremendous influx of data and enabled Partners-Kosova to analyze the effect of mediation through various frames, including the number of individuals impacted, types of cases, geographic location, and referral sources. Over time, Partners-Kosova will also be able to use this information to more effectively target its education and outreach efforts. In addition, Partners-Kosova solicits and analyzes information from cases mediated by external mediators trained by the Center; its information systems thus provide a comprehensive picture of mediation efforts across the province, not only cases resolved by the Center.

During the three years of the grant period, Partners-Kosova and its network of external mediators received 224 total disputes, impacting 6,231 people. The following table breaks down Partners-Kosova’s cases, as of September 30, 2003:

<b>Case Status</b>	<b>Number of Cases</b>
<b>Open Cases:</b>	
Intake in progress	45
Mediation sessions in progress	33
<b>Closed Cases:</b>	
Resolved with settlement	32
Mediation resulted in no outcome	2
Mediation resulted in de-escalation	0
Single party session with no outcome	22
Single party session with de-escalation	3
<b>Total Cases:</b>	<b>137</b>

Partners-Kosova has maintained an impressive 94% success rate of mediated cases. The nature of the disputes include the following categories:

- Family 25%
- Property 22%
- Blood Feud 21%
- Community 21%

- Business 9%
- Minor Criminal Offense 2%

Further, the Center has cultivated a diverse constituency, with 61% of cases from rural areas, 31% from urban, and 8% from mixed locales. Disputes have also originated from a range of cities and villages:

- Prishtina 34%
- Podujeva/Besiane 25%
- Prizren 17%
- Drenas 11%
- Theranda 5%
- Ferizaj 3%
- Gjilan 1%
- Obiliq 1%
- Shtime 1%
- Lypjan 1%
- Other 1%

### C. Network of Mediators & Referral Sources

Partners and Partners-Kosova developed a province-wide network of professional mediators and referral sources to pursue several goals: (1) to increase the number of trained mediators working in diverse site organizations in which they can utilize their mediation skills within their professional responsibilities, (2) to facilitate the referral of disputes to Partners-Kosova that cannot be mediated in site organizations, and (3) to further disseminate knowledge of mediation skills that individuals can use in both their personal and professional lives. During the grant period, Partners-Kosova trained approximately 170 people in mediation skills.

Partners-Kosova built the capacity of external mediators through trainings by staff and international mediation experts from Partners for Democratic Change International (PDCI). Targeted organizations include:

- International Organization for Migration’s Anti-Trafficking Program
- American Refugee Committee
- Kosova Bar Association Legal Aid project members
- Municipal Mediation Committees in Drenas, Fushë Kosova, Lipjan, Shtime, Podujeva
- Reconciliation Council in Prizren
- Department of Justice’s Victim Assistance Unit
- University of Prishtina, Faculty of Law
- Various local NGOs, including the Council for the Defense of Human Rights and Freedoms, Norma, Kodi, Women Association, and others

Following capacity building activities, Partners-Kosova maintained ongoing relationships with the external mediators, particularly the members of Municipal Mediation Committees and Reconciliation Councils in municipalities across Kosovo. Center staff regularly traveled to the

municipalities to meet with these mediators and assess how their mediation skills are being implemented, identify needs for additional training and support, and frequently observe and/or co-mediate cases. Partners-Kosova's close relationships with these external mediators and institutions contributed to the development of the uniquely modern Kosovar form of mediation, as well as the public's acceptance of mediation and the municipal mediation council structure created by UNMIK (refer, Section II, for further discussion).

As of September 30, 2003, external mediators have reported a total of 60 cases resolved, impacting 2,459 people. In reality, this number is likely much higher, as not all cases have been reported back to Partners-Kosova.

#### **D. Education & Outreach Campaign**

Throughout the grant period, Partners and Partners-Kosova promoted mediation and built awareness of its efficacy as a conflict resolution process. These efforts included meeting with a range of local and international institutions, both to develop referral mechanisms for potential cases and also to generally strengthen support for mediation. Partners-Kosova held meetings and conducted presentations with numerous organizations, including:

- Municipal governments across Kosovo
- Reconciliation Councils across Kosovo
- Ministry of Labor and Social Welfare
- Ministry of Justice's Victim Assistance and Support Unit
- Military Police Headquarters, Prishtina Region
- Kosova Police Service Training Department
- Kosova Protection Corps Training Department
- Municipal Court of Prishtina
- Kosovo Bar Association
- University of Prishtina, Faculty of Law
- Women's Association for Legal Aid Rahovec
- United Nations Youth Department
- Mercy Corps International
- American Refugee Committee
- International Organization for Migration
- International Research & Exchanges Board (IREX)
- Mental Disability Rights International

Partners-Kosova also participated in several conferences and seminars that allowed staff to promote the organizational mission and disseminate information about its programs. The Center Director, Ms. Shukrie Gashi, presented at a UNIFEM-organized conference on gender equality in Prishtina, promoted mediation at an American Refugee Committee conference, served as a moderator in a Regional Conference on Domestic Violence against Women and Children (organized by the Center for the Protection of Women and Children), and attended a U.S. Department of State International Visitor Program entitled "Combating Violence Against Women."

Further, Partners-Kosova reached out to local and international media and received attention for its mediation services and other initiatives. Radio Television Kosova and Koha Ditore newspaper both covered a high profile mediation case and resolution, while the Center's mediation public policy seminar was covered by Radio and TV Prishtina, Radio and TV 21, Radio-Dugagjini, and Radio-Kosova. Ms. Gashi has also been interviewed on several occasions by RTV 21, RTK, and Radio-Kosova. Through all of these opportunities, staff discussed the benefits of mediation and sought to build wide support for its work.

### **E. Public Policy Promotion**

Partners and Partners-Kosova have advanced a public policy initiative aimed at legitimizing mediation in Kosovo through the passage of new legislation, a key to institutionalizing and regularizing the provision of mediation services in the province. With the support of Partners' U.S. based staff, Partners-Kosova drafted a model mediation statute, and then worked with a range of stakeholders to refine the document and identify appropriate areas in the legal code for inclusion in mediation provision. The Center convened conferences and public policy advisory groups to solicit feedback on the draft statute, including representatives from the Prime Minister's office, judges, attorneys, mayors, professors, human rights activists, and local and international NGO leaders. Partners-Kosova then drafted a preliminary statute, and reconvened experts for additional input.

Partners-Kosova now has the committed support of stakeholders from diverse sectors and institutions, and is currently integrating all feedback and finalizing a proposed mediation statute, which it will then present to the Kosovo Assembly. The Center has met with the Head of the Legal Department of the Prime Minister's Cabinet to begin discussions on the mediation statute with the office of the Prime Minister.

Two key factors contributed to the public policy initiative requiring more time than originally conceived. First, the complex Kosovar political situation translates into frequently changing attentions and concerns. Thus, Partners-Kosova's staff often faced difficulties when various stakeholders delayed their contributions to the initiative due to competing priorities and shifting areas of focus. Second, Partners and Partners-Kosova found that a longer period of time was necessary to build support for mediation among various stakeholders. Legal professionals, judges, and others were originally suspicious of mediation because they supported the development of the court system, and feared the mediation systems might weaken the courts' standing. As a result, Partners and Partners-Kosova committed more time to relationship building and earning their confidence that mediation complements, and in fact strengthens, the court system.

### **F. Sustainability**

Partners and Partners-Kosova have made significant progress toward the Center's sustainability during the grant period. Partners-Kosova has successfully diversified its income sources by generating fee-for-service contracts as well as additional grant-based fundraising. Thus far, Partners-Kosova has secured grants from the Open Society Institute's Local Government Initiative and the U.S. Offices in Prishtina for its initiatives. Partners-Kosova has also secured

and fulfilled many contracts to provide mediation training to various organizations, thereby simultaneously disseminating skills and strengthening sustainability.

In addition, Partners has implemented a holistic strategy to build Partners-Kosova with a mission to broadly promote change and conflict management skills and services. Thus, several ongoing programs complement its mediation services, including local government capacity building and women's leadership initiatives; through these programs, Partners-Kosova has expanded its mediation education and outreach activities to include new audiences and potential clients. All of the Center's programs are closely integrated and focused on disseminating Partners' core expertise of change and conflict management skills to multiple constituencies and sectors. Sustainability is an ongoing pursuit, and Partners continues to work with Partners-Kosova to diversify its portfolio of programs and income sources, and build long-term sustainability within a challenging economic environment.

## **II. Lessons Learned: Successes & Challenges**

During the three years of the grant period, Partners and Partners-Kosova have continually monitored and evaluated the progress of their program. Working in a post-war environment is extremely difficult and posed unique challenges; in response, Partners developed creative strategies to adapt and effectively implement its program. In general, there were several challenges throughout the program's implementation.

First, the effects of years of repression, conflict, and war on the Kosovar population has an unmistakable impact on their openness to and readiness for conflict resolution projects. Partners' model of working exclusively through local staff was the best strategy for dealing with this issue, as they were able to generate realistic ideas and strategies for achieving the goals of the program.

Second, the province's weakened infrastructure created difficult or impossible travel and communications outside of Prishtina, thus complicating efforts to contact disputants for mediation sessions or recruit participants for trainings. Partners-Kosova staff have responded by spending a great deal of time traveling out to the municipalities in order to meet with potential disputants, participants in trainings, referral sources, and others. This face-to-face interaction also served to build trust among the people with whom Partners-Kosova worked.

Third, building a mediation service with an initial focus on resolving violent and potentially violent disputes is quite challenging. Under more normal circumstances, mediation services begin with less charged cases and gradually grow into more complex and severe issues. In contrast, from the beginning Partners-Kosova's service resolved blood feuds and disputes that had quickly escalated into bloodshed and violence. Further, the large numbers of people involved in each dispute, which often involved entire families or clans, meant that each mediation actually required a complex process for working with multiple parties, rather than a straightforward two-party session. Partners-Kosova staff and mediators quickly developed their unique model of Kosovar mediation, which was better able to respond to these serious conflicts by melding strategies from traditional and modern approaches.

Over the three years of the program, Partners and Partners-Kosova have developed a set of lessons learned:

***Core conflict management skills can be adapted to create a unique, locally relevant model of mediation***

Through their history, Albanian Kosovars have developed a tradition of third-party dispute resolution, historically through community elders, and more recently through Reconciliation Councils. Though this tradition resembled arbitration more closely than mediation, its positive effect was that people were open to the idea of a third party interlocutor. On the less positive side, it also meant that disputants were accustomed to receiving a decision by an elder or Council, rather than being more actively involved in the creation of the agreement. This tradition served as a foundation upon which Partners introduced “modern” dispute resolution skills, which focus on the mediator as a neutral who helps the disputants craft their own mutually-agreeable solution. In the early stages of its mediation services, Partners-Kosova built on this strong foundation to gain legitimacy with disputants and Reconciliation Council members, and then began building up the more “modern” focus of neutrality and active disputant participation.

During three years of service delivery, Partners-Kosova has observed that disputants and mediators are increasingly responsive to the mediation approach it offers. The hybrid between traditional and modern mediation continues to gain legitimacy in the minds of service users and providers. Significantly, constituents have especially welcomed the fact that the mediation offered by Partners-Kosova places primary importance on the shared interests of the individuals to create a mutually acceptable solution. According to feedback, this is a positive change from the traditional Kosovar model, which was less focused on meeting the needs of the individual, and concentrated more on imposing the expectations of the community.

In addition, the diversity of Partners-Kosova’s service users indicates that the program’s success is not specific to one ethnic/national group. Constituents have included ethnic Albanians, Serbs, Americans, British, French, Turks, Goranis, Bosnians, and Roma. Though this is a strong beginning, Partners and Partners-Kosova will continue to strengthen the breadth and depth of its reach to all communities in Kosovo.

***A partnership between an international NGO and local autonomous organization is an effective implementation strategy***

Since Partners founded Partners-Kosova in 2000 as an officially registered local organization, it has fostered a collaborative relationship between the organizations. Through this synergistic relationship, Partners and Partners-Kosova cooperate to build organizational capacity, develop organizational mechanisms and protocols, and co-manage programs. Partners’ staff provides consultancy on sustainability, strategic planning, financial management, program evaluation and experience from 15 years of implementing similar programs in over 40 countries. Meanwhile, Partners-Kosova contributes expertise in analyzing the local environment and implementing projects in a way that responds to local needs. The combination is powerful, and is built on the best of international and local knowledge and skills. As we move into the future, a strong relationship will continue based on a shared commitment to a common mission and a desire to cooperatively respond to new and emerging needs in Kosovo and internationally.



Further, Partners-Kosova has benefited from its integration into Partners for Democratic Change International (PDCI), the international network of local Centers and Partners offices in the U.S. that facilitates the exchange of knowledge and materials. Through PDCI, a range of experts from Partners' Centers visited Prishtina to conduct trainings and provide consultation, while Partners-Kosova staff also traveled to other Centers for capacity building opportunities. Through these activities and regular PDCI meetings, Partners-Kosova shared lessons learned, cross-fertilized skills, participated in cooperative programs, and built strong linkages for future collaboration across the Balkans as well as farther afield.

***Dispute resolution services are best housed in a local, sustainable organization that is neutral and works in concert with other institutions***

Partners and Partners-Kosova placed considerable emphasis from the beginning to build the Center as a neutral institution. The Center was able to carve out an effective niche among civil society groups by developing a trustworthy reputation as the most knowledgeable provider of mediation training and services in Kosovo. This neutrality was critical to assure constituents that they will receive impartial services, which are difficult to find in such a divisive region as post-war Kosovo. Further, many people do not trust the government enough to allow it to be the exclusive arbiter of justice--therefore, families often still desire revenge in order to protect their honor, even if jail time was sentenced and served. Partners-Kosova's neutrality provided a new space to avoid these situations.

In addition, Partners realized that Partners-Kosova could not be the sole retainer of conflict resolution skills. Thus, while simultaneously developing its own capacity, the Center widely disseminated mediation skills and encouraged professionals to incorporate mediation into their own organizations, and has established an informal network of organizations that practice mediation. In this role, Partners-Kosova has remained as a constant presence to ensure standards of quality and sustainable activity, and serves as the "glue" that holds mediation efforts together from across the province.

***A significant investment in outreach and educational efforts is necessary to build support and allow for skills to take root***

Outreach and education efforts are essential to the survival of a mediation service, especially at the beginning. From the start, Partners and Partners-Kosova placed tremendous emphasis on building knowledge of the mediation service among a wide group of organizations and individuals. This outreach had a number of goals—to generate case load, to build referral relationships, and to build understanding and support of the services being offered. Even though there was a precedent for third-party dispute resolution in Kosovo, Partners' model was a new service and thus constituents needed education and time to feel comfortable with bringing their disputes to the Center. Because of the particular situation in Kosovo, it was also important to liaise with other organizations, in order to ensure that the mediation service would complement, rather than compete with, existing efforts. Through these efforts, Partners built mutually beneficial relationships with key stakeholders, who in turn were receptive to Partners' skills and services.

***Quantitative data is insufficient as the sole indicator of success for dispute resolution services; qualitative information is also necessary to accurately measure impact***

Based on international standards, Partners-Kosova's caseload statistics are significant for the first three years of development. Although this data is undeniably a key indicator of success, behind each number lies a story that more fully illustrates impact. For example, the peaceful settlement of one property dispute in a small community can influence how neighbors manage future conflicts, thereby preventing new problems in the long-term. In blood feuds, disputes that seemingly involve two persons very quickly spiral out of control and can result in the deaths of family members and generation-long cycles of violence. The post-war realities and high inter-group tensions in the province translate into minor disputes quickly escalating into violence; mediation works to prevent this from happening.

Further, a long-term indicator of success for a mediation service is its ability not only to resolve individual disputes, but to effect lasting change in how people think of conflict. The stories behind the statistics of Partners' program indicate that the service is on its way to contributing to the long-term process of building a culture of democracy in Kosovo.

***In order to effect long-term democratic change, mediation and other peaceful conflict management processes must be legitimized by public policy***

The development of a culture of peaceful and effective conflict management takes considerable time, and introducing formal mediation services is just one step in this process. For Partners and Partners-Kosova's work to prove sustainable and meet long-term goals of democratic development, public policy is required that sanctions and legitimizes mediation as a dispute resolution process. This effort requires the involvement of a range of stakeholders, including the courts, legal professionals, community leaders, government officials, international actors, and NGO advocates. Because of this diversity of interests, building support among stakeholders for improved policy is a long process and can be subject to the individual whims of elected or appointed officials. This is critical, though, as democratic change will only happen in the long-term with this institutionalization.

### **III. Conclusion**

Over the three years of their grant, Partners and Partners-Kosova have successfully achieved the objectives of the "Supporting Rule of Law through Establishment of Mediation Services in Kosovo" program. Partners and Partners-Kosova have worked together to establish a professional mediation service, which is a trusted and respected provider of mediation, training, and education services across Kosovo. The Center has achieved impressive successes to date. Moving into the future, Partners and Partners-Kosova continue to pursue their mission of promoting a culture of change and conflict management in Kosovo. Partners-Kosova furthers these efforts through a number of initiatives in addition to mediation services, including local government capacity building programs, women and youth leadership programs, and facilitating complex community dialogues. Partners and Partners-Kosova also continue their close partnership both bilaterally and within the framework of the *Partners for Democratic International* network.

Partners and Partners-Kosova are grateful to USAID for the financial support which enabled us to develop these mediation services in Kosovo. The investment has already yielded returns for thousands of individuals whose lives have been improved through the resolution and prevention of violent and disruptive conflicts. The investment will continue to yield returns as Partners and Partners-Kosova continue to provide mediation services, and also begin to play a role in the resolution of complex multi-party community disputes that are arising out of Kosovo's economic and political development. This grant has enabled us to take the first step in an ongoing commitment to respond to the evolving needs of Kosovar society toward Kosovo's further democratic development.