



## **CRAFTING STRATEGIES FOR NEGOTIATION**

**Burg Schlaining, Austria  
December 15 - 18, 2003**

### **FINAL REPORT**

Kosovo is a small region in the central Balkans that is currently under the jurisdiction of the United Nations Interim Administration in Kosovo (UNMIK). Since the end of NATO's engagement in the region in 1999, the main task of the international community has been to "promote the establishment of substantial autonomy and self-government in Kosovo" and to "facilitate a political process to determine Kosovo's future status". Until 2003 the focus of UNMIK's efforts in Kosovo was on the establishment of a local government, which was created through the constitutional framework in 2001. The resulting Kosovar Provisional Institutions of Self-Government (PISG) gave Kosovar leaders jurisdiction over 10 domestically oriented ministries. At the same time the constitutional framework maintained UNMIK as the ultimate authority in the region with exclusive control over foreign, security, rule of law and property issues.

Since the summer of 2003, UNMIK has been addressing the more difficult task of initiating discussions between representatives of Serbia/Montenegro and Kosovo on Kosovo's future status in the region. A first pre-negotiation meeting was held in October 2003 and had mixed results. On the one hand the meeting was not officially endorsed by the Provisional Institutions of Self-Government because Kosovar leaders did not feel prepared to initiate discussions. As a result, only a part of the PISG leadership was represented at this first meeting. On the other hand the event led to the establishment of a clearer roadmap and timetable for how Kosovars' status will be decided. This roadmap consists of a set of

eight standards that are designed to help measure progress toward sustainable democratic governance in Kosovo. They are: 1) functioning democratic institutions, 2) establishment of rule of law, 3) freedom of movement, 4) return and reintegration of all of Kosovo's inhabitants, 5) development of a market economy, 6) full property rights for all citizens, 7) dialogue and normalized relations with Belgrade and 8) reduction and transformation of the Kosovo Protection Corps (TKP) in accordance with its mandate. These standards will be assessed by members of the international community during the summer of 2005. A decision on initiating real talks about Kosovo's status in the region is directly linked to achievement of these standards.

Most observers of the region agree that the unresolved status of Kosovo remains one of the biggest challenges for the Balkans – one that, if left unaddressed, could destabilize the entire region. But as of the winter of 2003 it appeared that serious dialogue between Kosovo and Serbia/Montenegro would be unlikely in the next year. Preparations leading up to the first meeting between Serb and Kosovar representatives in Austria in October 2003 demonstrated that Kosovar leaders are divided on how to approach discussions with Serbia and many feel they need better internal communication before such a dialogue can be launched. Elections in Serbia in December 2003 showed the Serbian political elite to be similarly divided on the question of future relations with Kosovo. In fact, the elections increased the power of hard-liners in Serbia and brought a minority led government to power,

making the political climate in Serbia fragile and uncertain for the foreseeable future. In addition, even though the international community officially launched the *standards before status* policy in November 2003, in reality it remains divided about when final status discussions should really begin, and there is no clear roadmap beyond the summer of 2005.

The current political stalemate presents the Provisional Institutions of Self-Government (PISG) in Kosovo with a unique opportunity to use the time to create and develop joint strategies in preparation for future negotiations with Serbia/Montenegro. In an attempt to build on existing efforts of the PISG to prepare for technical talks with Serbia/Montenegro and the United Nations, the Project on Justice in Times of Transition of Harvard University inaugurated a multifaceted program entitled *Crafting Strategies for Negotiation* on December 15 – 18, 2003 at Burg Schlaining in Austria. The initiative seeks to provide on-going support and capacity building to PISG representatives as they prepare to meet the standards laid out by the international community and begin a dialogue with Serbia and the UN about their future status in the region. The Project intends with this program to apply its methodology of exposing leaders in one country to lessons learned by counterparts in similar negotiations in other contexts in order to:

- provide on-going assistance to the new Kosovar government throughout the course of the technical talks and beyond, helping to facilitate more regular communication among all PISG members.
- strengthen the capacity of members of the PISG and their staff to acquire skills that will help them develop consensus, negotiate terms, and manage Kosovo's future relationship with the UN and Serbia/Montenegro.

Discussions at the inaugural meeting of the *Crafting Strategies for Negotiation* program at Burg Schlaining, Austria were substantive and productive. The December meeting sought to:

- provide the Kosovar leadership in the PISG with a more nuanced and broader understanding of the issues that need to be considered as members prepare to negotiate Kosovo's status in the region.
- expose Kosovar leaders in the PISG to the experiences of their counterparts in South Africa, Northern Ireland, Chile, the Republic of Ireland and the Middle East, and the lessons negotiators learned in managing talks in those contexts.
- provide an informal setting in which PISG members could assemble to discuss current negotiation efforts among themselves and thereby give them an opportunity to identify their own needs.

Given the infrequency of direct communication and contact among the senior leadership in Kosovo, their joint attendance at the event was in itself a major accomplishment. The meeting not only afforded participants the possibility of listening to the experiences of negotiators in other contexts, but it also gave PISG leaders ample opportunity to discuss their situation among themselves and with the distinguished international speakers. In addition, the meeting concluded with universal agreement among the PISG leaders that much remains to be done to create a favorable environment for fruitful talks on Kosovo's future status. Participants from Kosovo agreed that making progress toward the standards laid out by UNMIK and the EU will contribute to this goal, but in order to favorably impress the Security Council which will make the ultimate decision on Kosovo's final status, additional efforts need to be developed that create a broad support base among a variety of international actors. In addition, the leadership needs to find mechanisms to discuss the most difficult issues on a regular basis and their staff working in preparation for technical talks require substantial capacity building and support. Leaders also agreed that mechanisms need to be found to ensure the regular participation of all parties in the political process and expressed interest in further programming led by the Project to facilitate regular engagement of all PISG representatives.

### Conference Participants

The *Crafting Strategies for Negotiation* meeting was co-chaired by **Ambassador Wolfgang Petritsch**, Permanent Representative of Austria to the United Nations in Geneva, and **Thomas Hammarberg**, Secretary General of the Olof Palme International Centre. **Ambassador William Walker**, former head of the OSCE Verification Commission in Kosovo, and **Professor Brian Mandell**, Lecturer at the Kennedy School of Government, Harvard University, assisted in the facilitation of discussions.

Fifteen key members of the Provisional Institutions of Self-Government in Kosovo attended the meeting, including representatives of PISG minority parties. Of particular importance at this historic meeting was the full participation of the five senior Kosovar leaders:

- **Ibrahim Rugova**, President of Kosovo
- **Bajram Rexhepi**, Prime Minister of Kosovo
- **Nexhat Daci**, Speaker of the PISG Parliament
- **Hashim Thaqi**, President of the Democratic Party of Kosovo
- **Ramush Haradinaj**, President of the Alliance for the Future of Kosovo

They were joined by 10 other members of the PISG:

- **Sabri Hamiti**, Chief of the Democratic League of Kosovo Parliamentary Group
- **Kole Berisha**, Vice-President of the Democratic League of Kosovo
- **Hajredin Kuqi**, Vice-President of Democratic Party of Kosovo
- **Naim Maloku**, Vice-President of the Alliance for the Future of Kosovo
- **Skender Hyseni**, Chief Political Advisor to President Rugova
- **Ramush Tahiri**, Chief Political Advisor to the President of Parliament

- **Illir Dugolli**, Chief Political Adviser to the Prime Minister
- **Sadik Idrizi**, Member of the Party of Democratic Action and spokesperson for the Other Communities Group in the PISG
- **Mahir Yagcilar**, President of the Turkish Democratic Party of Kosovo and Member of the Other Communities Group in the PISG
- **Faik Marolli**, Member of the Ashkali Albanian Democratic Party of Kosovo and Chairperson of the Other Communities Group in the PISG

**Mr. Dragisa Krstovic**, the President of Coalition Return (Koalicija Povratak, a Serbian parliamentary group in the PISG), and **Mr. Milorad Todorovic**, a member of the Democratic Party of Serbia in the PISG, were invited to the meeting but unfortunately were unable to attend.

Participants from Kosovo were joined by distinguished politicians and negotiators from Northern Ireland, the Republic of Ireland, Israel/Palestine, South Africa and Chile. Speakers from these countries and regions included:

- **John Biehl**, Advisor to the Government of Costa Rica during the Central American Peace Accords in 1987 and former Secretary General of the Presidency of Chile
- **Ismail Ebrahim Ebrahim**, Political Advisor to the Deputy President of South Africa and senior African National Congress participant in the multi-party negotiations in South Africa
- **David Ervine**, Senior Negotiator in the talks leading to the 1998 Good Friday Agreement and Chief Spokesman of the Progressive Unionist Party in Northern Ireland
- **Pini Meidan**, former Foreign Policy Advisor and senior negotiator for Israeli Prime Minister Ehud Barak in the 2002 Camp David talks

- **Roelf Meyer**, former Chief Negotiator for the De Klerk Government and former Minister of Constitutional Affairs of South Africa
- **Albert Reynolds**, former Prime Minister of the Republic of Ireland and key participant in the Northern Ireland peace process

- *Dealing with Multiple Parties and Interests*
- *Managing Public Expectations*

Panels were designed to include an hour for presentations from international speakers and an hour for discussion. In addition, sessions for minority members of the PISG were held separately from those for the Albanian members in order to allow each group time to explore “lessons learned” most relevant to their own situation. International speakers joined discussions in both rooms.

### **Conference Methodology**

The *Crafting Strategies for Negotiation* initiative was organized at the request of Kosovar Prime Minister **Bajram Rexhepi** and was endorsed by several international leaders, including former US President **William Jefferson Clinton**. Since the initiative seeks directly to address the needs of the PISG members, the meeting was planned and organized in close consultation with senior members of the PISG as well as with the **Kosovar Institute for Policy Research and Development (KIPRED)** in Pristina.

In order to address the needs of the meeting participants the structure of the conference was revised in the course of the actual meeting. In the end, only two sessions were held with the majority and minority participants in separate groups. In addition, the senior leadership of Kosovo added a private session with Roelf Meyer, Ambassador Petritsch and organizers of the program during which specific plans for moving the negotiation process forward were formulated. These were then presented to the entire group for discussion.

In order to accommodate the interests and needs of the PISG representatives, the Project developed a tentative agenda, but emphasized from the beginning that adjustments could be made by the participants in the course of the meeting. Under the initial plan of the conference there were five panels scheduled, each one of which was designed to highlight and encourage analysis of a particular stage of the negotiation process. The selection of the panel topics took into consideration the unique situation of the Kosovar PISG members and the specific set of challenges they are likely to face in the course of a negotiation process with Serbia/Montenegro and the UN. The five panel topics were:

Finally, it should be noted that the Project faced a significant number of almost insurmountable challenges in planning and orchestrating the meeting because of sensitivities growing out of the talks between Serbia/Montenegro and the new government of Kosovo that were initiated in the fall of 2003. The approval of the event by ranking members of institutions such as the United Nations Mission in Kosovo, the European Union, the Department of Peace Keeping Operations at the UN, the Organization for Security and Cooperation in Europe and the governments of Austria, the United Kingdom and the United States had to be secured in order to enable the participation of all invited members of the PISG. In addition, the controversial past of some of the Kosovar leaders forced the Project to change the location of the meeting four times in order to ensure their participation.

- *Preparing for Negotiations: Developing a Vision for the Future*
- *Mapping the Negotiation Process and Building Capacity*
- *Facing the Other Side: Building an Effective Negotiation Relationship*

**Preparing for Negotiations:  
Developing a Vision for the Future**

The first panel, entitled *Preparing for Negotiations: Developing a Vision for the Future*, was facilitated by Professor **Brian Mandell**. The goal of this session was to emphasize the importance of an articulated vision for negotiations and to assess whether such a vision has been formulated in Kosovo. The panel discussion began with presentations by **Roelf Meyer**, former Chief Negotiator for the De Klerk Government, and **Albert Reynolds**, former Prime Minister of the Republic of Ireland, who presented key lessons on negotiation from their respective experiences in South Africa and Ireland.

In South Africa, as **Roelf Meyer** described, the negotiations underwent several transformations, and it was only after the complete breakdown of the talks that both sides came to a common vision for the future. This breakdown was constructive because it forced the white minority to accept a paradigm shift in which they let go of their primary goal - a guarantee of equal rights for the white minority - and shifted their emphasis to achieving individual rights for all citizens. In addition, Mr. Meyer explained that a key to the success of the negotiations was the recognition on both sides that the negotiations were a *process* and that keeping this process alive was as important as the content of what was discussed at the meetings. This vision to establish “peace through negotiations” meant that during difficult periods when negotiators could not agree on anything, they still set dates for the next meetings. Negotiators also used practical negotiation tools such as the development of target dates and the establishment of subcommittees to keep the discussion going and to bring a broader range of people into the negotiation process. According to Mr. Meyer, the principle of inclusivity, the development of consensus on each side and the mutual acceptance and ownership of decisions by both parties were also central to the success of negotiations in South Africa.

**Albert Reynolds**, who played a key role in initiating the *Downing Street Declaration* which

led to the dialogue that resulted in the *Good Friday Agreement*, described how he came to recognize the need for change in Ireland and how he went about creating this change. As Mr. Reynolds explained, when he took office in 1992, the tourism industry in Ireland was declining and the country’s economy was in a downward spiral. It was clear to him that something urgently needed to be done, and that the growing violence on the island was directly contributing to the increasingly negative economic and social situation. At the same time, Mr. Reynolds said he recognized that the cooperation of the Irish Republican Army (from whom everyone had distanced themselves due to its role in instigating the violence) was central to the establishment of peace. In order to change the public dialogue about the violence Mr. Reynolds repeatedly asked the public “Who is afraid of peace?” and successfully shifted the debate from one focused on the question of reunification to one emphasizing the need for peace. At the same time he set out to gain the trust of the IRA in order to bring them to the negotiation table. Symbolic gestures, such as allowing the IRA leaders to formulate the first paragraphs of the Downing Street Declaration to demonstrate that their interests truly would be protected, were helpful to gaining their trust. Similarly, the issuance of a visa for Gerry Adams to visit the United States made an important contribution toward convincing the IRA to come to the negotiation table.

Before the discussion was opened up to the floor, **David Ervine**, Senior Negotiator in the talks leading to the 1998 Northern Ireland *Good Friday Agreement* and former unionist paramilitary member, and **Pini Meidan**, former Foreign Policy Advisor and Senior Negotiator for Israeli Prime Minister Ehud Barak in the 2002 Camp David Talks, commented on what Mr. Meyer and Mr. Reynolds had said. **David Ervine** remarked that the key lesson of Northern Ireland is the importance of creating and maintaining a unified vision for the future that is accepted by all communities. Before the Good Friday Agreement was established Mr. Ervine was a member of a loyalist paramilitary organization. As he recounted, it was very difficult for his community

to accept the changes proposed by the Agreement and its members were dismayed and afraid when the IRA laid down their weapons. The difficulty his community faced was coming to terms with the fact that they were the ones who would have to change. Many politicians in Northern Ireland continued to appeal to people's fears – telling them what they wanted to hear about the other side - rather than offering an alternative vision. This made the process of acceptance more difficult and during the height of general support for the Agreement it only received 54% support from Mr. Ervine's community. Similarly, according to *Pini Meidan*, one of the fundamental problems in Israel has been that Israeli and Palestinian negotiators are too afraid to define the endgame and as a result are not able to sell it successfully to their publics. There is a fear of losing face and as a result negotiators are continuously seeking a solution that allows them to retain dignity. In order to find honorable solutions however, all sides must be considered and careful thought must be given to when and how to sell a proposed solution to the affected population as well as to the international community.

The discussion that followed helped familiarize the international speakers with the particular challenges faced in Kosovo. As *President Rugova* explained, they have a vision for Kosovo, one that establishes a democratic and independent state with EU membership, diplomatic relations with the United States and prosperous economic development. President Rugova also pointed out that equal rights have already been granted to minority groups. *Prime Minister Rexhepi* added that while UN Resolution 1244 had been unclear about a time-table for final status, the recent proclamation made on behalf of the Contact Group by US Under Secretary of State for Political Affairs Marc Grossman has established 2005 as the date at which the standards set by the international community will be reviewed. The PISG is working on meeting these standards and, he felt, as long as there was the political will on the part of the international community to accept them, the standards would be assessed positively. *Dr. Daci* and *Prime Minister*

*Rexhepi* acknowledged that Serb minority members face difficulties in Kosovo, but they also emphasized that the PISG is working on improving conditions for the Serb minority. At the same time they pointed out that in order to improve their situation in Kosovo the Serb minority itself must make important decisions about their own allegiances (i.e. Serb minority members should not assume that they can hold office both in Kosovo and Serbia as some of them do at present).

### *Mapping the Negotiation Process and Building Capacity*

*Ambassador Wolfgang Petritsch* chaired the second panel discussion entitled *Mapping the Negotiation Process and Building Capacity*. The panel began with presentations by *Roelf Meyer*, former Chief Negotiator for the De Klerk Government, and *Pini Meidan*, Senior Negotiator for Israeli Prime Minister Ehud Barak at the 2002 Camp David Talks. This panel was particularly relevant to PISG members, many of which felt frustrated at the preparations leading up to the October 2003 pre-negotiation discussions that held with Serbia in Vienna.

*Roelf Meyer* focused his second presentation on how both parties in South Africa prepared for negotiations. As he explained, it was a two-track process. On the one hand participants in the negotiations focused on meeting the objectives that were driving the negotiations. This required creating as much consensus as possible among negotiators on both sides. On the other hand in mapping the negotiation process negotiators had to consider political realities and possible reactions on the part of internal and external observers. Roelf Meyer reminded the participants at the meeting that the international community had played a major role in helping to bring about the breakdown of the apartheid system and emphasized that the ANC in particular was very effective in building constructive international support for its cause. Mr. Meyer also made an important comment that addressed a question raised during the first panel, namely that

an effective tool for bringing minority members with conflicting loyalties into the discussion was to agree to establish *sufficient consensus* as opposed to full agreement on significant points raised during the negotiation process.

**Pini Meidan** agreed that mapping the fears, expectations and interests of all sides before beginning the negotiation process is vital to achieving one's goals. His experience also underlined the need to consider both the perspective of the general public and the potential reaction of the international community. As he explained, it is important for leaders involved in negotiations to begin by mapping their own interests, to work together to formulate a unified position and to jointly develop a plan that lays out how they will achieve their goals. Mr. Meidan also emphasized that it's important to be creative about how different international actors can help achieve agreed upon goals and suggested that sometimes it may be useful to engage intermediary international actors in support of one's efforts.

**John Biehl**, who acted as official respondent to Mr. Meyer and Mr. Meidan, stated that the best way to build credibility with the international community is to shake up the way one routinely conducts politics. In his experience, it is up to the government and political leaders to establish consensus and create credibility. In Chile, for example, where the challenge was to end a tradition of authoritarian governance and a culture of coups, building consensus among parties and institutionalizing political party platforms were vital steps toward recovering credibility with the international community.

In much of the discussion that followed, PISG members reflected on the panel presentations in light of their recent experiences with preparations for the for a first meeting with Serb representatives in Vienna in October. The event was controversial because it was primarily driven by international institutions such as the UN and the EU and was not endorsed by the Kosovar

parliament. **Mr. Hashim Thaqi** indicated that he felt the events preceding the October Vienna meeting showed that they had successfully achieved freedom of speech in Kosovo but not yet attained freedom of action. The Kosovar parliament had not endorsed the event precisely because members felt the PISG leadership was not ready for such a dialogue, having lacked the opportunity to discuss parameters for such a meeting among themselves or separately with the Kosovar Serb minority leaders in the parliament. **Mr. Thaqi** and **Prime Minister Rexhepi** emphasized the urgent need for such a dialogue. **Mr. Skendar Hyseni** and **Dr. Nexhat Daci** on the other hand did not feel that the Vienna meeting was a complete failure because the recent proclamation by US Under Secretary of State for Political Affairs Grossman setting 2005 as the date for assessment of the standards resulted from that meeting. Nonetheless they acknowledged that there was a need for more preparation and that the Kosovar leadership needs to do a better job of getting the international community on its side.

The Kosovar participants also reacted with great interest to the principle of *sufficient consensus* used in South Africa and the ANC's efforts to develop credibility with the international community. During the closing discussion **Mr. Ismail Ebrahim Ebrahim** elaborated on the ANC's experience. As he explained, the international community was skeptical of their capacity to govern and many were worried about how they would treat the white minority. For this reason a significant effort was made by the ANC to demonstrate that it had trustworthy and capable leaders. Symbolic gestures, such as Nelson Mandela's prison letter to President Botha, and the publication of an official document entitled "Ready to Govern" that outlined the ANC's future plans for South Africa helped to gain the trust of the international community. In addition, the ANC developed a successful strategy to mobilize support among students and other constituents in the United States and Europe, who in turn put pressure on their governments to end their support of Apartheid.

### *Dealing with Multiple Parties and Interests*

The final panel discussion, entitled *Dealing with Multiple Parties and Interests*, was moderated by **Wendy Luers**, Co-Founder of the Project on Justice in Times of Transition of Harvard University and presentations were made by **Mr. Ismail Ebrahim Ebrahim**, the Political Advisor to the Deputy President of South Africa and senior African National Congress participant in the multi-party negotiations in South Africa, and **Mr. David Ervine** Senior Negotiator in the talks leading to the 1998 Good Friday Agreement and Chief Spokesman of the Progressive Unionist Party in Northern Ireland. The panel discussion built on the previous points raised and further articulated the importance of consensus and broad based support as negotiations proceed.

**Mr. Ebrahim Ebrahim** opened his presentation by stressing the importance of inclusivity and emphasized that this was the most successful element of the ANC's negotiation strategy. In order to create broad consensus the ANC held a national conference to which they invited 94 different organizations. The goal was to assemble a broad coalition of diverse groups and representatives not only to discuss their goal of a free South Africa, but to articulate how this freedom should look. Only once they had established a "patriotic front" and created consensus on what kind of country they wanted, did they initiate negotiations with the white minority government. According to Mr. Ebrahim Ebrahim, transcending party politics was essential to successfully negotiating multiple interests.

**Mr. Ervine** agreed with Mr. Ebrahim Ebrahim's points and commented on how different communities were brought into the discussion in Northern Ireland. To begin with, Mr. Ervine explained, elections were held in which all parties which achieved a certain threshold earned a stake in the negotiation process. The elections also served to define and manage relationships within the negotiation process, and in this context Mr. Ervine mentioned that in Northern Ireland larger parties had great influence on shaping issues, but some of the smaller parties played an important

role in breaking ground on some of the issues that the larger parties refused to address. At the same time, it was Mr. Ervine's experience as part of a community that did not feel that its voice was being heard, that ownership and inclusion are difficult to achieve in a situation in which opinions vary vastly. In fact, establishing inclusion across the board remains a challenge in Northern Ireland.

During the discussion that followed Kosovoar leaders were curious to learn more about reconciliation efforts in South Africa and to know whether victims of violence still regularly seek revenge. As they explained, Serbs in Kosovo have equal rights on paper, but not in everyday life. The Kosovoar leaders expressed great interest in hearing more about how reconciliation was achieved and what sorts of issues a society like South Africa faces now, despite their success in addressing the difficult issue of reconciliation.

### *Minority Panel Discussions*

Two separate panel discussions specially designed to address the needs of the minority representatives of the PISG were held parallel to the sessions already described. These panel discussions were moderated by **Wendy Luers**, Co-Founder of the Project on Justice in Times of Transition, and **Professor Brian Mandell** of the Kennedy School of Government. Each of the international speakers in attendance participated in the special sessions for the minority representatives and contributed based on his respective experience.

The sessions with the minority members of the PISG began with brief presentations by each of the minority representatives in which they described their communities and the position of their respective communities in relation to the upcoming negotiations. Representatives of all three communities present (Turkish, Bosniak and Roma) emphasized the importance of maintaining their cultural identity within a future Kosovo. They also expressed frustration with the fact that the Serb minority refuses to acknowledge the possibility of the establishment of a Kosovoar state

and the fact that the smaller minority parties are excluded from most decision-making *vis a vis* the future negotiation process.

**Mr. David Ervine** reminded the minority representatives that democracies are judged by how they treat their minorities and that they are currently at an advantage because the international community is very concerned about minority interests in Kosovo. In his experience minority representatives are more likely to have an influential place at the negotiation table if they work together. He acknowledged that cultural and religious issues often dominate the concerns of minorities, but emphasized the importance of keeping these interests separate from the task of building a nation. Mr. Ervine also commented that minority representatives in Northern Ireland found it important to be strategic and to find dissenters within the majority with whom to work on creating conditions in their favor. One practical tool used effectively for these purposes in Northern Ireland was the party position paper. Such papers facilitated the definition of points of contention and the finding of common ground.

**Roelf Meyer** emphasized the need for minority representatives to remain part of the negotiation process (regardless of Kosovar Serbs' actions and tactics) and to keep themselves positioned as part of the larger negotiation effort. In South Africa, the minority found itself in a better negotiation position when discussions were not focused on its position as a minority, but rather on the conditions of minority members as individuals. Both **Albert Reynolds** and **John Biehl** shared experiences with the group that underlined the need to be well organized and to speak with a unified voice as this only enhances the position of minority groups in negotiation efforts.

Finally, **Professor Brian Mandell** offered the minority representatives specific tools and strategies to consider as they approach the negotiation effort. The negotiation checklist he presented included: articulating and defining interests, identifying possible barriers to the talks, identifying allies and adversaries, figuring out the

sequence in which to raise minority issues and organizing them in a fashion that builds momentum, analyzing why talks break down when they do, and developing a strategy for handling the media and the public in order to make allies out of them.

Much of what was discussed in the course of the two panels was useful for the minority representatives, and they were very appreciative of the opportunity to learn from renowned international negotiation practitioners on this subject. They also acknowledged the need for capacity building among their representatives and welcomed an offer by Mr. Fritschenschlager, the head of the OSCE Democratization Department in Pristina, to provide capacity building help in preparation for the negotiations as well as for upcoming elections in Kosovo.

### **Conference Closing Discussion**

The final session brought all participants back together for a concluding discussion. Senior leaders of the PISG had held a separate meeting with Ambassador Petritsch, Roelf Meyer and Timothy Phillips, during which they developed a working plan on how to establish more favorable international and regional sentiment toward their goals and how to develop more capacity in preparation for future negotiations. During that meeting senior Kosovar participants requested that the original conference program be changed to allow a joint discussion of this plan so that participants could discuss the idea and formulate concrete steps to move things forward.

Timothy Phillips and Roelf Meyer presented an overview of the working plan to the group on the behalf of the senior leadership members who participated in the earlier discussion. The plan – still very loosely formulated - suggested the establishment of an inclusive and informal effort that would work parallel to the PISG effort to meet the standards laid out by the international community. This would primarily entail seeking advice and assistance from leaders in other transitional

contexts and developing relationships with them. The central goals of such an effort would be to build capacity internally and to create greater international awareness and a more favorable attitude toward Kosovo. The group discussed the proposal and adjourned the meeting after deciding that it was too early to make decisions about a concrete plan and that participants should be given time to consider how to approach the proposal.

At the end of this discussion **President Ibrahim Rugova** stated that the event had been refreshing and useful, and that he considered the meeting a success. **Mr. Hashim Thaqi** confirmed that Kosovo needs to gain the trust of the international community and that he hoped this meeting would initiate a fresh effort to cultivate new international relationships. Upon return to Kosovo **Dr. Nexhat Daci** commented to the Kosovar press: “Participation in this seminar was of dual importance to us. The first benefit was learning from participants from countries that have overcome problems and built their states, such as South Africa, and from countries such as Ireland where there are important lessons to be learned. The second benefit was that we were isolated for three days from our daily problems and all the leaders had excellent communication.”

### **Next Steps**

Much of the preparatory work for the initial *Crafting Strategies for Negotiation* program in Burg Schlaining, Austria involved securing the trust of the key members of the leadership in Kosovo. Our success in doing so gives us

encouragement that we have initiated what will hopefully be a productive relationship over the coming years. We are currently discussing possible follow-up activities with PISG representatives, among which are:

- Holding a separate meeting for Serb minority participants similar to the one offered in Burg Schlaining tailor designed to help them establish consensus and to better formulate their interests and needs.
- Organizing a working trip for senior PISG members to South Africa to help them learn more about the South African transition, in particular the ANC strategy in gaining international support for its transition and the South African experience in building a multi-ethnic society.
- Collaborating closely with representatives of the working groups focused on meeting the international standards and establishing a dialogue with Serbia to help them build capacity in preparation for upcoming negotiations.

Utilizing the Project’s methodology, we anticipate continuing our collaboration and improving the capacity of all PISG members to govern the region of Kosovo together. Such broad based participation is central both to the success of any future negotiations and for the establishment of a sustainable peace and democratic society in the region.

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This report was written by Ina Breuer, January 2004.

## The Project on Justice in Times of Transition

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The Project on Justice in Times of Transition is an inter-faculty initiative of Harvard University under the auspices of the Kennedy School of Government, the Harvard Law School, and the Faculty of Arts and Sciences. Originally founded in 1992 as part of the New York-based Foundation for a Civil Society, the Project assists states emerging from repression or conflict to engage in dialogue across national, ethnic, religious and ideological boundaries with the intention of preventing legacies of the past from jeopardizing their progress toward democracy and peace. The Crafting Strategies for Negotiation meeting was the 40<sup>th</sup> of the Project's distinct initiatives which have provided an extraordinary stimulus to pragmatic problem-solving by offering a broad spectrum of individuals exposure to international experiences in ending conflict, establishing peace, and building civil society. Among the countries and regions in which the Project has worked are South Africa, Northern Ireland, Central and Eastern Europe, and Central America.

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