

## **Reconciliation in Kosovo: A Few Steps Taken, a Long Road Ahead**

Lars Burema\*

*European Centre for Minority Issues Kosovo*

The article focuses on reconciliation between the Serb and Albanian communities in Kosovo. It explains that in northern Kosovo the necessary pre-conditions for reconciliation have not been met; there has essentially been no resolution of the conflict and the parties show no willingness to engage each other in dialogue. Instead, in southern Kosovo both Albanian and Serb communities are far more willing to engage in a form of non-violent co-existence. However, the article argues that reconciliation requires more than non-violent co-existence, most notably progress in dealing with the past and the establishment of a form of civic trust between the parties. Progress in these areas has been limited: communities continue to view the past in conflicting ways and live separate from one another with low levels of inter-ethnic trust. This is exacerbated by the lack of political agreement on the status of Kosovo and seriously impedes deeper progress towards reconciliation in southern Kosovo.

**Keywords:** Kosovo, reconciliation, transitional justice, co-existence, trust

### **1. Introduction**

It has been over a decade since the 1999 conflict in Kosovo, which is estimated to have cost around 10,000 lives (Judah, 2008: 91), with around 3,000 Albanians and 800 Serbs and Roma subject to enforced disappearances and abductions (Amnesty International, 2009: 3). A staggering 848,100 Albanians were expelled from the country and many more were internally displaced, while an estimated 180,000 Serbs and Roma left Kosovo in the immediate aftermath of the bombing campaign by the North Atlantic Treaty Organization (NATO) (UNHCR, 1999: 11). Since then, unprecedented international attention and funds have gone into “solving” the dispute in order to prevent a repetition of past mistakes in Europe’s backyard. Efforts have been made to reconcile the conflicting parties and thus to break the cycle of violence and hatred. This article analyzes both the difficulties, and possible opportunities, of

---

\* Project Manager, European Centre for Minority Issues Kosovo. Email: [burema@ecmikosovo.org](mailto:burema@ecmikosovo.org)

the reconciliation process between the ethnic Serb and ethnic Albanian communities in Kosovo.

Reconciliation is a much-used term, with few authors agreeing on exactly what the concept constitutes. Some argue that ‘non-lethal coexistence’ – a negative peace characterized by the absence of violence – is sufficient for reconciliation (Mendelhoff, 2004: 365). Others claim that reconciliation requires the establishment of deeper relations involving mutual trust (Bar-Tal and Bennink, 2004: 15), or even forgiveness (see Tutu, 1999). This article argues that reconciliation requires more than peaceful coexistence, which is insufficient for building the relations necessary to prevent a continuation of old hatreds, but does not necessarily require the establishment of harmonious relations and forgiveness. Forgiveness may be desirable, but its achievability is questionable; moreover, serious moral questions arise when demanding that victims of atrocities forgive the perpetrators (Andrieu, 2010: 14–15). It also deserves highlighting that pluralist democracies, while requiring a sense of civic trust among citizens, also actively nurture constructive dialogue between a plurality of opinions; they require ‘a commitment to being at the table’ (Eck, 2006), without necessarily agreeing with one another. Taking these factors into consideration, this article borrows from Kora Andrieu, who argues that the goal of the reconciliation process is ‘to establish the conditions for peaceful dialogue mechanisms that would promote trust while encouraging reasonable disagreement’ (Andrieu, 2010: 24). The establishment of such conditions would include a backward-looking element – including agreements on basic truths, reparations and the exercise of some form of transitional justice, or “dealing with the past”, as well as a forward-looking element – the changing of relationships towards the building of a sense of civic trust between communities, including a basic agreement on the norms and values by which the state should operate.

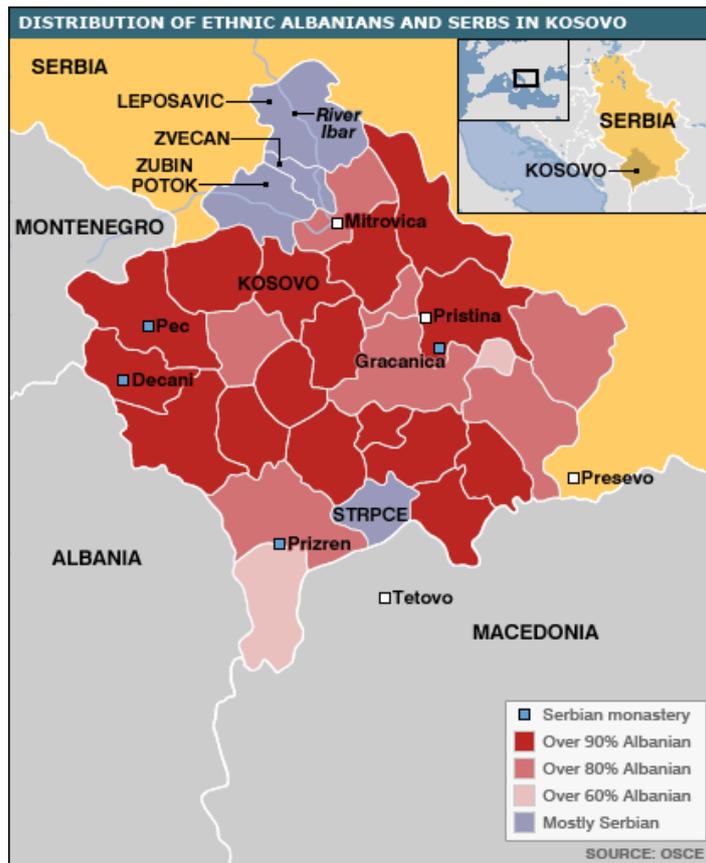
The article is divided into two main sections. First, it analyzes whether the precondition for reconciliation – the above cited ‘commitment to being at the table’ – has been met, and argues that this is not the case in the predominantly Serb-inhabited northern part of Kosovo, as opposed to the Albanian-majority southern part of Kosovo. Second, it looks in more depth at reconciliation in southern Kosovo and assesses to what extent progress has been made in deepening reconciliation beyond non-violent coexistence. Specifically it analyzes progress both in dealing with the past and in establishing basic trust and dialogue between communities.

## **2. Laying the foundations for reconciliation**

If reconciliation is about establishing mechanisms for peaceful dialogue and building trust between communities, then the first step must be the cessation of conflict and an agreement on the basic rules within which such a dialogue will take place. Preferably, such an agreement should be formalized through an official conflict settlement.

In the case of Kosovo an official settlement is lacking. The closest forms of official conflict settlement instruments are the United Nations Security Council Resolution 1244 and Martti Ahtisaari's 2007 Comprehensive Proposal for the Kosovo Status Settlement (Ahtisaari Proposal). The latter is accepted and implemented by Kosovo, but rejected by Serbia, while interpretation of the former is fiercely contested: Kosovo argues that it supports its unilateral declaration of independence of 17 February 2008, while Serbia believes it reaffirms that Kosovo is an integral part of the territory of the Serbian state.

However, although a formal diplomatic settlement might be desirable and more sustainable, it is also necessary to take into account the informal understanding between communities. To what extent have the Serb and Albanian communities in Kosovo agreed on the basic ground rules for reconciliation? Before entering this discussion, it must first be clarified that Kosovo is hardly a single homogenous entity. For a small country of under two million inhabitants, there are considerable regional divergences, the greatest being the difference between Kosovo north of the river Ibar (hereafter: northern Kosovo<sup>1</sup>), inhabited for the vast majority by ethnic Serbs, and the larger territory south of the river Ibar (hereafter: southern Kosovo), inhabited for the vast majority by ethnic Albanians.<sup>2</sup> While in southern Kosovo state institutions are generally able to exercise their authority without serious impediment, in northern Kosovo the Kosovo state plays a negligible role and institutions run by the Serbian state are effectively in control.<sup>3</sup>



Source: <http://news.bbc.co.uk/2/hi/europe/7249034.stm> (17 February 2008)

These different realities in two parts of Kosovo have resulted in significantly different attitudes of both Serb and Albanian communities in each region, with considerable consequences for reconciliation. Although the situations in northern and southern Kosovo are intrinsically linked, in considering the preconditions for reconciliation they warrant separate discussions.

### ***2.1 Northern Kosovo: a conflict unresolved***

Much more than the rest of Kosovo, northern Kosovo remains a disputed territory. While the Kosovo government considers northern Kosovo a fundamental part of its territory, the Serb community in northern Kosovo unanimously rejects the independence of Kosovo and thus the authority of the Kosovo government.<sup>4</sup> This is a situation that has prevailed since 1999, when, during the NATO bombing, Serbian security forces expelled the majority of the Albanian population living in northern Mitrovicë/Mitrovica.<sup>5</sup> Since then the return of Albanians and Albanian-led institutions has been opposed; the return of Albanians in the aftermath of the 1999 conflict was

actively resisted by a Serb paramilitary force called the “Bridge Watchers”<sup>6</sup>, and the United Nation Mission in Kosovo (UNMIK) was only allowed to operate in northern Kosovo when it was agreed that almost its entire administration would be run by Serbs. The change in the ethnic composition of both northern and southern Mitrovicë/Mitrovica was further exacerbated when, following a new eruption of violence in 2000, a large part of the remaining Albanian community in northern Kosovo fled south. This was also the case when, following the 2004 riots, most of the remaining Serbs in southern Mitrovicë/Mitrovica fled north (International Crisis Group (ICG) 2005: 2–5). The large numbers of people forced to leave their homes on both sides, and the resulting resentment of these people (including due to the political manipulation of this situation), are additional hurdles to reconciliation.

Between 2004 and 2011, there were regular violent incidents as the Serb community struggled to resist any incursion by Albanian-led institutions or international organizations perceived to support the independence of Kosovo. On 25 July 2011, conflicting views on northern Kosovo again resulted in a serious confrontation, when the Kosovo government sent special police units to take control of two customs posts between Kosovo and Serbia in northern Kosovo. In response, members of the local Serb community set up roadblocks to block the movement of these police units and clashes ensued which resulted in the death of one Kosovo Albanian police officer (BBC, 27 July 2011). The European Union Rule of Law Mission (EULEX) responded by airlifting Kosovo officials to the customs posts, while NATO’s peacekeeping troops in Kosovo (KFOR) attempted to dismantle the barricades. The ensuing confrontations resulted in a highly volatile situation, involving regular and sometimes violent incidents between elements of the Serb community, KFOR troops and Albanian community members, including a confrontation on 10 November 2011 which resulted in the death of one Serb (ICG 2012a: 2).

Although the situation has calmed down, it should be clear that the “struggle” for northern Kosovo is still ongoing. Both parties continue to push for their own solution: the local Serb community and their political structures are fighting to ensure that northern Kosovo remains a part of the Serbian state, while the Kosovo government, with the support of the majority of the Kosovo Albanian community, is fighting for the diametrically opposed goal of effectively integrating the territory into an independent Kosovo. As such, the most basic precondition for reconciliation – the

cessation of conflict and a basic agreement on the need for non-violent coexistence – is clearly missing in northern Kosovo. While the status of this part of Kosovo remains disputed by the majority of its inhabitants, there is little prospect of reconciliation.

## ***2.2 Southern Kosovo: a fragile and divided coexistence***

The situation in southern Kosovo differs fundamentally from northern Kosovo. Although southern Kosovo is also affected by the lack of international agreement on the status of Kosovo, more and more Serbs from this region are coming to understand that the reality of Kosovo independence cannot realistically be reversed, regardless of personal opinion or preference. Thus, while in northern Kosovo the Serb community still retains the belief that they can stave off an independent Kosovo, in southern Kosovo this viewpoint is increasingly less prevalent. In southern Kosovo, Serbs live in fragmented and isolated communities, often far from the Serbian border, and surrounded by an Albanian majority and the strong presence of the Kosovo state. Kosovo institutions are also increasingly influential in Serb-majority areas, with institutions of the Republic of Serbia exercising progressively less authority (ICG, 2012a: 3–4).

The situation in the six municipalities in southern Kosovo where the Serb community makes up the majority provides some telling insights in this respect.<sup>7</sup> Most of these municipalities were established in 2009 and 2010, in line with the Ahtisaari Proposal. They are mostly run by local Serb community members, and have allowed the Kosovo government to create civil service jobs for the local Serb community and allocate considerable funding to these areas. Although these municipalities remain underdeveloped and many problems persist, the Kosovo government has succeeded in having a visible positive impact in these areas, while in contrast the influence of Serbia's municipal structures has gradually but substantially decreased (ICG, 2012b: 13). Significantly, voter turnout in these municipalities, in both Kosovo's 2009 municipal elections and 2010 parliamentary elections, increased considerably compared to previous elections (Deda, 2009); it has led to the appointment of Kosovo Serbs from those areas to a number of senior central level government posts. Conversely, in May 2012, Kosovo was excluded when the Serbian government organized local elections throughout Serbia.<sup>8</sup>

This local reality of a retreating Serbian government from southern Kosovo is further supported by broader political developments, notably, the exclusion of the territory of Kosovo from Serbia's Stabilisation and Association Agreement with the European Union (EU)<sup>9</sup>; and strong statements from influential European politicians such as German Chancellor Angela Merkel, who has consistently called on Serbia to dismantle their institutions in Kosovo (SETimes, 29 August 2011). Consequently, it has become increasingly clear to the Serb community in southern Kosovo that, while they might strongly disagree with the independence of Kosovo, this reality can be neither avoided nor changed.

This awareness has led to increased willingness on the part of a significant proportion of the Serb community in southern Kosovo to engage in peaceful and pragmatic engagement with Kosovo institutions, which in turn has created greater potential for reconciliation than in northern Kosovo. It should be noted that the prospect of independence has also increased the willingness of the Albanian community to compromise. For example, Kosovo has incorporated far-reaching minority rights protection into its institutional and legislative system, sometimes against the will of large parts of the Albanian community.<sup>10</sup> In short, in southern Kosovo both Serbs and Albanians, to a far greater extent than in northern Kosovo, are ready to engage in peaceful coexistence and express disagreements through non-violent means.

### **3. The reconciliation process in (southern) Kosovo**

The previous section sought to illustrate that, while the most basic conditions for reconciliation (cessation of active conflict and the agreement, formal or informal, on which to base non-violent relations) have not been met in northern Kosovo, they have been met in southern Kosovo. This section moves on to analyze whether this has led to any deeper progress towards reconciliation in southern Kosovo. It considers reconciliation from both its backward- and forward-looking aspects: dealing with the past and the redefinition of relationships between communities built on civic trust and peaceful dialogue.

### *3.1 Dealing with the past*

As explained by David Bloomfield (2003: 12), managing a divided past lies at the core of reconciliation. However, in Kosovo there has been no comprehensive approach to this issue. In the aftermath of the conflict, the focus of the international and Albanian community was primarily on state-building and stability rather than reconciliation (Marshall and Inglis, 2009: 142), while the focus of the Serb community was on retaining Kosovo as part of Serbia. This has left both Kosovo Serbs and Kosovo Albanians with a number of unresolved grievances that are impeding reconciliation. This section discusses some of the main challenges for both communities in dealing with the past, including the large number of missing persons, the inadequate prosecution of war crimes, and competing and incompatible historical narratives.

When discussing reconciliation, the issue of missing persons is often among the first and most pressing concerns raised by both Serb and Albanian communities.<sup>11</sup> According to Amnesty International, more than 3,000 Albanians and 800 Serbs and members of other minority communities were victims of “enforced disappearances and abductions”, with over 1,900 bodies still missing (Amnesty International, 2009: 84). As Janine Clark argued in the case of Bosnia and Herzegovina, a lack of information on missing persons causes affected families and friends to remain ‘locked in the past’ and ‘unable to move on with their lives’, thus contributing to interethnic tensions and impeding reconciliation (Clark, 2010: 430).

Another issue at the centre of the reconciliation process is access to justice.<sup>12</sup> In Kosovo, the prosecution of war crimes committed by both sides during the conflict has been severely neglected. To date, the International Criminal Tribunal for the former Yugoslavia (ICTY) has found just seven people guilty of war crimes committed in relation to the Kosovo conflict, while Serbia, through its Special War Crimes Chamber at Belgrade District Court, has delivered seven final judgements on war crimes in Kosovo (Amnesty International, 2012: 9–10). In Kosovo, justice has for the most part been the responsibility of the international community. Prior to the 2008 declaration of independence, the Kosovo court system fell under the authority of UNMIK, which completed just 40 war crime cases between 1999 and December 2008. Since 2008, executive responsibility for prosecuting war crimes has been taken over by EULEX, which inherited 1,187 war crime cases from UNMIK. By April 2012

EULEX had closed 300 cases, resulting in the prosecution of 20 cases by the Special Prosecution Office of the Republic of Kosovo, with a further 76 under investigation (Amnesty International, 2012: 16–19).

There are a number of reasons behind this low number of war crimes trials, including a general absence of rule of law in the aftermath of the conflict: as Serbs fled Kosovo in large numbers, the administration of Kosovo which they had managed ‘vanished’ (Judah, 2008: 93), and with it disappeared general law and order. Moreover, problems with witness protection have long plagued war crimes prosecution in relation to the Kosovo conflict: the UN High Commissioner for Human Rights named problems with witness protection as being among its ‘long-standing concerns’ (UN News Centre, 30 September 2011), while Amnesty International has called it ‘woefully inadequate’ (2009: 5). Finally, a fair share of the responsibility for inadequate transitional justice lies with the international community in general and particularly with UNMIK, which carried the primary responsibility for the justice sector for most of the post-conflict period. Although successful in other areas, it failed to ‘develop any coherent strategy for the justice sector’, resulting in ‘significant damage [...] done to UNMIK’s attempt to foster reconciliation and engender respect for the rule of law’ (Marshall and Inglis, 2003: 96–97). Although EULEX has developed a better record, their impact has remained limited and, according to Amnesty International, ‘hundreds of crimes under international law remain to be investigated’ (Amnesty International, 2009: 5).

These judicial failings have had serious consequences for the reconciliation process. They have left both communities with a sense that many of the atrocities committed during the conflict have gone unpunished and resulted in a feeling on both sides that, in the prosecution of war crimes, the “other side” was accorded preferential treatment. The Serb community points to the low number of Albanians convicted for war crimes committed against Serbs, and the failure to convict high profile politicians, such as former Minister of Transport Fatmir Limaj (acquitted by the ICTY in November 2005 and now on retrial in a Kosovo court run by EULEX) and former Prime Minister Ramush Haradinaj (acquitted by the ICTY on 29 November 2012) (see for example KPAN, 21 March 2012). A typical example is the sentencing of (Serb) Zoran Kolić to 14 years of imprisonment for war crimes by the Kosovo District Court of Prishtinë/Priština on 11 May 2012, which was immediately followed by

---

protests by elements of the local Serb community against the verdict, which they perceived as “victors’ justice” (Tanjug, 14 May 2012).<sup>13</sup>

Similarly, a common complaint from the Albanian community is that excessive attention is paid to the prosecution of Albanians, while the majority of war crimes committed against Albanians remain unsolved. This is regarded as an attempt by international actors to maintain neutrality or balance, which in their eyes is nonsensical given their perception of the 1999 conflict as a “just” war in which the vast majority of crimes were committed by Serbs against Albanians. For example, former Kosovo Liberation Army (KLA) commander, Fatmir Limaj, following his acquittal from charges of war crimes by a Kosovo Court on 2 May 2012, stated that this proved that the war had been a ‘a just and clean fight’ (BBC, 2 May 2012). These attitudes reflect a wider argument whereby both communities compete for the status of the “real” and only victim, not just in relation to the 1999 conflict, but with regard to history more generally (Zdrabković, 2005: 94–106). As such, neither community is willing to recognize the significance of the other’s suffering and the status of victim is used as a mechanism for (reflecting Marie Smyth’s observations on Northern Ireland) justifying any violence on their part and ‘escaping guilt, shame, or responsibility’ (Smyth, 2001:127).

Although the impact of effective transitional justice is limited and should not be seen as a panacea for reconciliation, it can play a role in establishing facts about the past and contribute to move away from a climate of communal guilt and towards the ‘individualisation of guilt’ (Andrieu, 2010: 9). The lack of progress in this area – besides creating an environment of impunity – has helped sustain views of community members on both sides who deny or minimize atrocities committed by their “side”, while viewing the entire “other” community as collectively responsible for crimes committed by their “side”.

These opposing views of the conflict, and of the crimes committed during it, are reflected in a broader disparity between the two communities’ views of the past, briefly referred to earlier. Reconciliation does not necessarily have to lead to one truth, as reasonable disagreement is part and parcel of any democracy, but it should also not give in to the ‘postmodern danger’ of accepting any account of the past; a minimum of common language or norm is required (Andrieu, 2010: 23–24). However, although both communities certainly share similarities in culture and history, today there is a general focus within both communities on amplifying

difference and downplaying similarities (Zdrabković, 2005: 94–106). The Serbian government and the majority of its population have long argued that Kosovo is central to their culture and history, and an indivisible part of the Serbian state. The Albanian community, for its part, believes that it was always unjust for an Albanian majority to be ruled by a Serb minority and that the Serbian state lost any right to Kosovo when Slobodan Milošević abolished its autonomous status in 1987 and began a campaign of ethnic cleansing in 1999 (Judah, 2008: 18–29).

These different perceptions of history are exacerbated by the fact that currently Albanian and Serb children are taught in separate educational systems. The Albanian community is taught the Kosovo curriculum in schools managed by the Kosovo state, while the Serb community is taught the Serbian curriculum in schools managed by the Serbian state. Not only does this mean that children of the two communities never come into contact with each other, but they are also taught fundamentally different and in many ways irreconcilable views of history (Gashi, 2012). Furthermore, currently neither community, within their school system, has the opportunity to learn the other's language, leaving a whole new generation without a common language, except sometimes English.

The outstanding issues regarding the past – inadequate justice, a lack of information on missing persons and mutually antagonistic views of the past – are considerable obstacles to the reconciliation process; if the past remains divided there is little hope of building a shared future. The above section has shown that there is little to suggest that improvements in these areas can be expected in the near future. International and local justice has been inadequate for 12 years and war crimes cases only become harder to solve as time goes by, as '[v]ictims, witnesses, and evidence may all become less available or accessible over time' (OSCE Kosovo, 2010: 6). Additionally, new generations of Serbs and Albanians are taught irreconcilable versions of the past, with no indication that either Serbia or Kosovo will modify their approach to history. As a consequence Kosovo's past remains deeply disputed and unresolved. Although the Kosovo government has announced the establishment of an interministerial working group on reconciliation and dealing with the past,<sup>14</sup> and a number of civil society organizations throughout former Yugoslavia have initiated a regional reconciliation initiative called REKOM,<sup>15</sup> it remains to be seen what concrete results these initiatives will deliver.

### **3.2 Building trust**

The previous section sought to highlight serious failures in overcoming the divided past that continue to affect relations between communities in Kosovo today. However, although dealing with the past is often the most challenging and sensitive step in the reconciliation process, it is not the only aspect of the reconciliation process. Reconciliation also involves a more forward-looking process—the change in the relationship between communities from a state of conflict to civic trust and democratic dialogue. The establishment of such positive relations requires both “horizontal” trust among citizens and [...] “vertical” trust between citizens and their institutions’ (De Greiff, 2007: 8). This section examines both levels of trust, looking first at the trust in Kosovo political leaders and institutions, and then assessing the state of interethnic relations, using as indicators the rate of interethnic incidents, freedom of movement, political participation and the returns process.

According to de Greiff (2007: 8), trusting an institution amounts to ‘knowing that its constitutive rules, values and norms are shared by participants and that they regard them as binding’. In Kosovo, little such trust exists. Many of Kosovo’s most prominent ethnic Albanian political leaders played an active role in the 1999 conflict as members of the KLA, and some have been accused, if not convicted, of war crimes. They are thus immediately suspect to most Serbs. Perhaps the most obvious example is the extreme distrust felt for Kosovo Prime Minister Hashim Thaçi: in 2010 the Swiss prosecutor Dick Marty presented a report to the Council of Europe implying that many former KLA figures, including Thaçi, had been involved in systematic organized crime, including organ trafficking (Marty, 2010), which further worsened his already negative image among the Serb community. Additionally, Serbs in Kosovo are often disillusioned with their own leaders in Kosovo institutions, due to allegations of corruption and cronyism and their limited impact on central level politics and governance (ICG, 2012b: 4–8).

The lack of trust in Kosovo’s political leaders is matched by a lack of faith in Kosovo institutions, based on the perceived lack of genuine political will to protect the rights of the Serb community. The full and effective implementation of the extensive legislative and institutional system in Kosovo for the protection and promotion of the rights and interests of minority communities remains a long way off.<sup>16</sup> Little has been done on key issues such as language rights and media

representation. For example, although the Serbian and Albanian languages are accorded equal official status on paper, in reality it is difficult to access public institutions and information in Serbian (European Commission, 2011: 103). This supports the existing feeling among the Serb community that the Albanian leadership, while willing to pass legislation and create institutions to protect minority rights, does so only under pressure from international actors without genuine political commitment to ensuring that these laws are fully implemented or that the institutions function effectively. It is telling that according to the United Nations Development Programme 95.6% of Kosovo Serbs were dissatisfied with Kosovo's political direction (UNDP, 2012: 11).

Most concerning in relation to institutional trust remains the lack of a mutually agreed resolution to the issue of Kosovo's final status. This lack of agreement on the constitutive rules perpetuates a feeling of insecurity among both communities regarding their future and exacerbates mistrust; as long as the status remains unresolved, the two institutional frameworks – Kosovo's and Serbia's – will continue to function in parallel to one another, reinforcing the separation of the two communities. This also reinforces an antagonistic relationship between the two communities, by which they compete against one another for opposite goals in what is perceived to be a zero-sum game. As such, the issue of status forms an important spoiler for the establishment of interethnic trust and impedes the willingness of communities to address the other issues discussed in this article. For example, interethnic security incidents in northern Kosovo, often related to disputes over the status of the area, regularly lead to a spike in ethnic tensions across the whole of Kosovo, and further damage relations between Albanians and Serbs. They thereby frustrate or even reverse any progress that is made toward reconciliation, including in southern Kosovo.

In relation to "horizontal" trust between communities, it should be noted that interethnic relations in southern Kosovo have seen some gradual but significant improvements. For example, there has been a steady decline in interethnic incidents and an improvement in the freedom of movement of the Serb community (European Commission, 2010: 20; Di Lellio, 2009: 13). Until a few years ago, most Serb-inhabited areas had to be protected by NATO troops and Serb community members felt unsafe to travel freely outside Serb-populated areas; for example, only in 2007 did buses start driving without UN emblems and unescorted (Di Lellio, 2009: 13–16).

Today, both Serbs and Albanians shop in the big shopping malls between Prishtinë/Priština and Gračanica/Graçanicë, and even in the shopping areas on the border between north and south Kosovo. This is an indication not only of improved freedom of movement, but also of increased cooperation on economic or business matters, which, although limited, seems to be more developed than cooperation in other areas (ICG, 2012b: 21). At the same time, a number of Serbs work in Prishtinë/Priština both for international organizations and the Kosovo administration, a marked improvement on the situation only a few years ago. Another positive indicator is increased Serb participation in Kosovo elections, which signifies an increase in the willingness of the Serb community to take part in the Kosovo political system (Deda, 2009: 11).

Although these improvements should not be underestimated, they should also not be exaggerated. Following the violent incidents in northern Kosovo in July 2011, interethnic incidents also increased in southern Kosovo (European Commission, 2011: 19; UNDP, 2012: 21–22), showing both how vulnerable interethnic relations were and how the situation in northern Kosovo affected the situation in the rest of Kosovo. Serbs and Albanians in Kosovo still live, for the most part, separately from one another. They live in geographically distinct areas, make use of different health and education systems, and watch different television stations; while Albanians watch predominantly the Kosovo media, the Serb community uses Belgrade-based media as its main source of information. Moreover, although the security situations has improved, many Serbs still feel unsafe in Albanian-inhabited areas, especially those that were particularly affected by the conflict, such as Gjakovë/Đakovica and Suharekë/Suva Reka.

Perhaps one of the most telling indicators on interethnic relations and the reconciliation process in Kosovo today is the returns process. For this process to be sustainable, it requires willingness on the part of victims, and the receiving community as a whole, to allow the “other” community back into their neighbourhoods. As such it reveals much about the level of trust between communities and the willingness of both communities to live together and rebuild relations.

Both the 1999 conflict and the March 2004 riots, when at least 550 (mainly Serb) houses and 27 churches and monasteries were burnt (Human Rights Watch, 2004: 2), resulted in the mass displacement of people from all ethnicities, with around

228,000 refugees and displaced persons (DPs) remaining in Kosovo and Serbia, according to the Office of the United Nations High Commissioner for Refugees (UNHCR) (UNHCR, 2012).<sup>17</sup> However, there are significant regional variations in the number of DPs, reflecting differences in the intensity of the conflict as well as differences between urban and rural areas; while Serbs left almost all urban areas, a significant number of rural Serbs remain in Kosovo (European Stability Initiative, 2004: 2).

The return of the Serb community to southern Kosovo has been plagued by severe challenges.<sup>18</sup> Today, 12 years after the conflict, many displaced Serbs have made a new life in their place of displacement and no longer want to return to a Kosovo where they see little future for themselves and their children. Moreover, receiving communities in a number of areas across Kosovo actively impede the right of Serbs to return, often basing this resistance on allegations of unresolved war crimes or property disputes, revealing much about the level of interethnic trust. In the most serious cases, violence and intimidation has been used to discourage potential returnees.<sup>19</sup>

The returns process also reveals considerable discrepancies in the rate of return between regions in Kosovo. Areas that saw more intense fighting and related atrocities generally have significantly lower return rates and – it can be inferred – lower levels of interethnic trust. The municipality of Gjakovë/Đakovica is a good example: before 1999 there was a small but significant Serb community in this municipality; however, both the town of Gjakovë/Đakovica and the surrounding villages saw some of the most intense violence against Albanian civilians during the 1999 conflict<sup>20</sup> and, to date, almost no Serbs have returned to this municipality.<sup>21</sup> Until recently, the administration showed ‘little will towards supporting returns’ (OSCE Kosovo, November 2010: 8).<sup>22</sup> Conversely, the municipality of Gjilan/Gnjilane – as well as other municipalities in eastern Kosovo – which had a more sizeable Serb population before the conflict but was less affected by the violence, has had greater success in the returns process and is ‘generally supportive of returns’ (OSCE Kosovo, November 2010: 13). This is reflective of a wider reality in Kosovo where the possibilities for reconciliation not only differ significantly between northern and southern Kosovo, but where interethnic trust varies significantly between different areas of southern Kosovo, depending on the widely divergent experiences of the conflict.

The considerable obstacles to the returns process demonstrate the persistent unwillingness on the part of both communities in many areas to accept members of the other community back into their neighbourhoods. This not only clearly illustrates the serious problems with reconciliation in Kosovo, but shows how unresolved issues of alleged war crimes and missing persons continue to directly affect trust between the communities today. In the context of interethnic trust, Kosovo can thus be seen to have made limited progress in the area of reconciliation. On the one hand, the Serb community still by and large distrusts Kosovo leaders and institutions, although participation in Kosovo's public and political life is increasing. On the other hand, relations directly between communities have improved, although they remain fragile.

#### **4. Conclusion**

This article has argued that before reconciliation can take place there needs to be a cessation of conflict and an agreement between the Serb and Albanian communities on the basic rules of dialogue. However, in relation to northern Kosovo, both Kosovo Serbs and Albanians are still struggling, sometimes through violent means, to enforce their opposing views on the status of the territory and have given little sign of a willingness to engage in dialogue with each other. Consequently, it is still too early to speak about reconciliation in relation to northern Kosovo.

Conversely, in southern Kosovo Serbs and Albanians have established a form of non-violent coexistence, where Serbs feel increasingly safe to move around the territory and engage progressively more with Kosovo institutions. Considering the extremely complex, sensitive and long-term nature of reconciliation, this progress in southern Kosovo should not be underestimated. However, the article contends that coexistence in southern Kosovo, while without significant violence, also occurs without interaction: it is coexistence built on separation. As such, it cannot be considered anything but the very beginning of a reconciliation process. A deepening of relations between the two communities is required for reconciliation to work towards its goals of establishing mechanisms of dialogue and strengthening civil trust. Here, southern Kosovo, with its considerably regional discrepancies, faces considerable obstacles both in the backward-looking element of reconciliation – dealing with the past – and its forward-looking element – the building of trust. Of particular concern are: the lack of progress in transitional justice, for which the

international community bears considerably responsibility; the contrasting and mutually antagonistic views of the past; the lack of interethnic trust today, as revealed by the troubled returns process and the lack of trust by Kosovo Serbs in Kosovo's institutions and leaders; and, the unresolved status of Kosovo, which continues to function as a spoiler in the reconciliation process and exacerbates tensions between communities. If substantive progress towards reconciliation is to be achieved, it is not sufficient to rely on the passage of time. The existing shortcomings identified in this article must be recognized and addressed to enable deeper and more sustainable relations between Serbs and Albanians in Kosovo.

### Notes

1. Northern Kosovo consists of the following municipalities: Northern Mitrovicë/Mitrovica, Zubin Potok, Zvečan/Zveçan and Leposavić/Leposaviq.
2. All references to "Serbs" and "Albanians" in this article describe ethnic Serbs and ethnic Albanians residing in the territory of Kosovo, respectively.
3. In Kosovo institutions that are directly financed and managed by the Kosovo state operate in parallel to institutions that are directly financed and managed by the Serbian state. Both sets of institutions do not recognize the authority of the "other" institutions. For a comprehensive analysis of the situation in northern Kosovo see, for example, the ICG 2011 report, *North Kosovo: Dual Sovereignty in Practice* (ICG, 2011).
4. On February 14, 2012, a referendum was held in northern Kosovo on whether or not to recognize the Kosovo government. 99% of the voters voted against acceptance of Kosovo institutions.
5. The municipalities of Zubin Potok, Zvečan/Zveçan and Leposavić/Leposaviq were already predominantly Serb.
6. The name "Bridge Watchers" comes from the fact that the members of this group, established in 1999, would gather in a cafe in northern Mitrovicë/Mitrovica overlooking the main bridge that divides the northern and southern parts of the town.
7. Ranilug/Ranillug, Klokot/Killokot, Štrpce/Shtërpçë, Gračanica/Gračanicë, Parteš/Partesh and Novo Brdo/Novobërdë
8. Local elections were organized in two municipalities in northern Kosovo (Zvečan/Zveçan and Zubin Potok) although these elections were organized without the consent of Belgrade. Parliamentary and presidential elections were organized throughout Kosovo, but were not organized directly by Serbian institutions; they were instead facilitated by the OSCE.
9. Moreover, while citizens of Serbia could travel through the EU Schengen zone without a visa from 19 December 2009, residents of Kosovo could not.
10. The political party Vetëvendosje ("Self-Determination") has organized a number of campaigns against such compromises, particularly the decentralization process, and has received support from large parts of the Albanian community.
11. On 15 May 2012, following protests, the Kosovo Assembly refused to revoke a motion conditioning dialogue with Belgrade on the provision by Serbia of information on missing persons, while one month earlier Borislav Stefanović, head of the Belgrade team in the ongoing negotiations between Belgrade and Prishtinë/Priština, highlighted the issue of missing persons as one of the main issues that should be resolved between Serbia and Kosovo.

12. For more information on transitional justice in general, see for example Teitel, 2003, 2005. For information on transitional justice in the Balkans, see for example Lamont, 2010; and Peskin 2008. For information specifically on transitional justice in Kosovo, see for example KIPRED, 2008.
13. For a description of the case see HLC, 2012.
14. International Civilian Office (ICO). 'ICO welcomes the Establishment of the Inter-ministerial Working Group on Dealing with the Past and Reconciliation'. June 04, 2012. [http://www.ico-kos.org/data/Image/WK\\_DWPR.pdf](http://www.ico-kos.org/data/Image/WK_DWPR.pdf). Retrieved: Dec. 19, 2012.
15. The 'Regional Commission for establishing the Facts about War Crimes and other Gross Violations of Human Rights committed on the Territory of the former Yugoslavia'. Official website at <http://www.zarekom.org>. Retrieved: Dec.19, 2012.
16. See, for example, Resolution CM/ResCMN(2011)14 of the Committee of Ministers of the Council of Europe on the Implementation of the Framework Convention for the Protection of National Minorities in Kosovo, 6 July 2011.
17. Over the course of the conflict, an estimated 848,100 Albanians and over 180,000 minority community members, including Serbs, fled Kosovo (UNHCR, 1999: 11). At the same time, a large number from both communities were internally displaced within Kosovo (UNHCR, 2012).
18. The issue of returns is somewhat less pertinent for the Albanian community, given that most Albanians returned to Kosovo by the year 2000 (UNHCR, 2000). Nevertheless, in 2010 an estimated 7,291 Albanians were still displaced (UNHCR, 2010), mainly from northern Kosovo, with little hope of returning in the near future given that attempts by the Kosovo government to rebuild their houses were consistently met with fierce resistance by some members of the local Serb population (ICG, 2011: 12).
19. For example, in May 2012 Serb families in the municipality of Klinë/Klina received flyers from the so-called "People's Army of Albanians" calling them 'criminals' and demanding that they move out of Kosovo. Later that month two houses of Serb returnees in that same municipality were the subject of alleged arson attempts (B92, 23-05-2012 & KPAN, 21-05-2012).
20. Hundreds of Albanian civilians were abducted and subsequently killed in the Meja/Meje massacre, hundreds more people were killed in the Gjakovë/Đakovica town, its old market was burnt down and the majority of its population expelled (Human Rights Watch, 2001: 211–241).
21. According to the 2010 census results there are no Serbs living in the Gjakovë/Đakovica municipality. <http://esk.rks-gov.net/rekos2011/>. Retrieved: Dec. 19, 2012.
22. Recently, the situation has improved, with a successful go-and-see visit by six displaced Serbs to Gjakovë/Đakovica on 20 December 2011. However, whether this initial visit will deliver concrete results remains to be seen. (OSCE Kosovo, 2012: 25)

## References

- Andrieu, K. 'Transitional Justice: A New Discipline in Human Rights'. *Online Encyclopaedia of Mass Violence*, January 18, 2010.
- Amnesty International. *Burying the Past: 10 Years of Impunity for Enforced Disappearances and Abductions in Kosovo*. London: Amnesty International, 2009.
- \_\_\_\_\_. *Kosovo: Time for EULEX to Prioritize War Crimes*. London: Amnesty International, 2012.
- B92. 'Belgrade Ready to Continue Dialogue with Priština'. April 17, 2012. <http://www.b92.net/eng/news/politics->

- [article.php?yyyy=2012&mm=04&dd=17&nav\\_id=79810](#). Retrieved: Jun. 11, 2012.
- \_\_\_\_\_. 'Kosovo: Zapaljene Kuće Povratnika'. May 23, 2012. [http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=05&dd=23&nav\\_category=640&nav\\_id=611840](http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=05&dd=23&nav_category=640&nav_id=611840). Retrieved: Jun. 11, 2012.
- BalkanInsight. 'Kosovo: Families of Missing Persons Protest', *BalkanInsight*. May, 15 2012. <http://www.balkaninsight.com/en/article/kosovo-families-of-missing-persons-protest>. Retrieved: Jun. 11, 2012.
- Bar-Tal, D. and G. H. Bennink. 'The Nature of Reconciliation as an Outcome and a Process'. In: *From Conflict Resolution to Reconciliation*, ed. Y. Bar-Simon-Tov, 11–38. Oxford: Oxford University Press, 2004.
- BBC. 'Kosovo Court Acquits Ex-rebel KLA Leader and Aides'. May 2, 2012. <http://www.bbc.co.uk/news/world-europe-17926150>. Retrieved: Jun. 11, 2012.
- \_\_\_\_\_. 'Kosovo Tense after Deadly Clash on Serbian Border'. July 27, 2011. <http://www.bbc.co.uk/news/world-europe-14303165>. Retrieved: Jun. 11, 2012.
- Bloomfield, D. 'On Good Terms: Clarifying Reconciliation'. *Berghof Report* 14 (2006).
- \_\_\_\_\_. 'Reconciliation: An Introduction'. In *Reconciliation After Violent Conflict: A Handbook*, eds. D. Bloomfield and T. Barnes and L. Huyse. Stockholm: International Institute for Democracy and Electoral Assistance, 2003.
- Clark, J.N. 'Missing Persons, Reconciliation and the View from Below: A Case Study of Bosnia-Herzegovina'. *Southeast European and Black Sea Studies* 10(4) (2010): 425–442.
- De Greiff, P. 'The Role of Apologies in National Reconciliation Processes: On Making Trustworthy Institutions Trusted'. In *The Age of Apology: Facing Up to the Past*, eds. M Gibney et al., 120–136, Philadelphia: University of Pennsylvania Press, 2007.
- Deda, I. *Decentralization in Kosovo I: Municipal Elections and the Serb Participation*. Prishtina: Kosovar Institute for Policy Research and Development (KIPRED), 2009.
- Di Lellio, A. *Freedom of Movement Report*. United Nations Development Programme (UNDP), 2009.
- Eck, D.L. *On Common Ground: World Religions in America*. New York: Columbia University Press, 2006.
- Ejupi, B. and S. Qavdarbasha. *Kosovo National Elections 2010: Overview and Trends*. Prishtina: KIPRED, 2011.
- European Commission (EC), 'Commission Staff Working Paper Kosovo: 2010 Progress Report'. November 9, 2010.
- \_\_\_\_\_. 'Commission Staff Working Paper Kosovo: 2011 Progress Report'. November 12, 2011.
- European Stability Initiative (ESI). *The Lausanne Principle. Multiethnicity, Territory and the Future of Kosovo's Serbs*. Berlin/Prishtina: ESI, 2004.
- Gashi, S. *Kosova 1912-2000: In the History Textbooks of Kosova, Albania and Serbia*. Kosovar Association for Human and Children's Rights (KAHCR) and Kosovo Education Centre (KEC), 2012.
- Human Rights Watch (HRW). *Under Orders: War Crimes in Kosovo*. HRW, 2001.
- \_\_\_\_\_. *Failure to Protect*. HRW, 2004.

- Humanitarian Law Centre (HLC), 'A Kosovo Serb Zoran Kolić Sentenced to 14 Years in Prison'. [http://hlc-kosovo.org/index.php?option=com\\_content&view=article&id=109%3Aa-kosovo-serb-zoran-koli-sentenced-to-14-years-in-prison&catid=36%3Ahome&lang=en](http://hlc-kosovo.org/index.php?option=com_content&view=article&id=109%3Aa-kosovo-serb-zoran-koli-sentenced-to-14-years-in-prison&catid=36%3Ahome&lang=en). Retrieved: Jun.11, 2012.
- International Crisis Group (ICG). 'Bridging Kosovo's Mitrovica Divide'. *Europe Report* 165 (2005).
- \_\_\_\_\_. 'North Kosovo: Dual Sovereignty in Practice'. *Europe Report* 211 (2011).
- \_\_\_\_\_. 'Kosovo and Serbia: A Little Goodwill Could Go a Long Way'. *Europe Report* 215 (2012a).
- \_\_\_\_\_. 'Setting Kosovo Free: Remaining Challenges'. *Europe Report* 218 (2012b).
- Jovanovic, I. 'Parallel Institutions a Sticking Point in Serbia's EU bid'. *SETimes.com*. August 29, 2011. [http://www.setimes.com/cocoon/setimes/xhtml/en\\_GB/features/setimes/features/2011/08/29/feature-02](http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2011/08/29/feature-02). Retrieved: Jun. 11, 2012.
- Judah, T. *Kosovo: What Everyone Needs to Know*. New York: Oxford University Press, 2008.
- Kabashaj, S. 'Kosovo Launches Truth and Reconciliation Initiative'. *SETimes.com*. June 02, 2012. [http://setimes.com/cocoon/setimes/xhtml/en\\_GB/features/setimes/features/2012/06/02/feature-02](http://setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2012/06/02/feature-02). Retrieved: Jun.11, 2012.
- Karadaku, L. and I. Jovanovic. 'Referendum Results: Voters Say "No" to Kosovo Institutions'. *SETimes.com*, February 16, 2012. [http://www.setimes.com/cocoon/setimes/xhtml/en\\_GB/features/setimes/features/2012/02/16/feature-01](http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2012/02/16/feature-01). Retrieved: Jun.11, 2012.
- KIPRED. *Transitional Justice in Kosovo: Discussion Paper*. 2008.
- Kosovo Policy Action Network (KPAN). 'Statements for Public: Overview of Events and Incidents in Kosovo during the First Two Weeks of May 2012'. May 21, 2012.
- Lamont, C. *International Criminal Justice and the Politics of Compliance*. Burlington, VT: Ashgate, 2010.
- Marshall, D. and S. Inglis. 'The Disempowerment of Human Rights-Based Justice in the United Nations Mission in Kosovo'. *Harvard Human Rights Journal* 16 (2003) 95–146.
- Marty, D. *Inhuman Treatment of People and Illicit Trafficking in Human Organs in Kosovo*. Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe, AS/Jur (2010) 46, December 12, 2010.
- Mendelhoff, D. 'Truth Seeking, Truth Telling, and Post Conflict Peacebuilding: Curb the Enthusiasm'. *International Studies Quarterly* 6(3) (2004) 266–291.
- Office of the United Nations High Commissioner for Refugees (UNHCR). '2012 UNHCR Country Operations Profile - Serbia (and Kosovo: SC Res. 1244)'. <http://www.unhcr.org/pages/49e48d9f6.html>. Retrieved: Jun. 11, 2012.
- \_\_\_\_\_. 'Kosovo Albanians in Asylum Countries: UNHCR Recommendations As Regards Return'. March 2000. <http://www.unhcr.org/refworld/category,POLICY,,,SRB,3ae6b33b14,0.html>. Retrieved: Jun. 11, 2012.
- \_\_\_\_\_. *Refugees* 3 (116) (1999).
- \_\_\_\_\_. Office of the Chief of Mission – Pristina, Kosovo. 'Statistical Overview: Update at end May 2010'. May 2010.

- Organization for Security and Co-operation in Europe (OSCE) Kosovo. *Kosovo's War Crimes Trials: An Assessment Ten Years On: 1999 – 2009*, May 2010.
- \_\_\_\_\_. *Municipal Responses to Displacement and Returns in Kosovo*. November 2010.
- \_\_\_\_\_. *An Assessment of the Voluntary Returns Process in Kosovo*. October 2012.
- Republic of Kosovo Ombudsperson Institution. *Tenth Annual Report*. July 11, 2012.
- Peskin, V. *International Justice in Rwanda and the Balkans: Virtual Trials and the Struggle for State Cooperation*. Cambridge: Cambridge University Press, 2008.
- Smyth, M. 'Putting the Past in its Place: Issues of Victimhood and Reconciliation in Northern Ireland's Peace Process.' In *Burying the Past: Making Peace and Doing Justice after Civil Conflict*, ed. Nigel Biggar, 107–130. Washington, DC: Georgetown University Press, 2001.
- Tanjug. 'Serbs Protest against Pristina's Ruling'. *Tanjug*, May 14, 2012. <http://www.tanjug.rs/news/43138/serbs-protest-against-pristinas-ruling.htm>, Retrieved: Jun. 11, 2012.
- Teitel, R.G. 'Transitional Justice Genealogy'. *Harvard Human Rights Journal* 16 (2003) 69–94.
- \_\_\_\_\_. *Transitional Justice*. New York: Oxford University Press, 2000.
- Tutu, D.M. *No Future Without Forgiveness*. New York: Doubleday, 1999.
- United Nations Development Programme (UNDP). *Public Pulse Report III*. March, 2012.
- UN News Centre. 'UN Urges Better Protection Programme after Kosovo War Crimes Witness Found Dead'. UN New Centre, September 30, 2011. <http://www.un.org/apps/news/story.asp?NewsID=39895&Cr=kosovo&Cr1>, Retrieved: Jun. 11, 2012.
- Zdravković, H. 'The Vernacular Discourses of Historical Victimage of Kosovo Serbs and Albanians'. *Balkanica* 36 (2005) 83–112.