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*View over the Balkan Peninsula
Поглед над Балканите*

SERB-ALBANIAN RECONCILIATION IN THE CONTEXT OF THE EU-LED BELGRADE – PRISTINA DIALOGUE AND THE PROBLEM OF MISSING PERSONS: AN ASSESSMENT

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Abstract. This article examines the prospects for Serb-Albanian reconciliation in the context of the EU-facilitated Belgrade-Pristina Dialogue and focuses in particular on the unresolved issue of missing persons from the Kosovo conflict (1998 – 2000). While the Dialogue, launched under EU mediation in 2010, has produced a number of technical and political agreements aimed at normalizing relations, its contribution to genuine reconciliation remains limited. More than two decades after the end of the conflict and seventeen years after Kosovo's declaration of independence, progress in addressing the legacy of war crimes, ensuring justice for victims, and clarifying the fate of missing persons has been insufficient. Drawing on theoretical approaches to reconciliation and transitional justice, the article argues that sustainable normalization cannot be achieved solely through diplomatic arrangements or de facto recognition formulas. Instead, reconciliation requires truth-seeking, accountability, acknowledgment of suffering, and meaningful engagement with victims' families. Although recent agreements, including the 2023 Declaration on Missing Persons, have revived expectations, persistent political mistrust and divergent narratives continue to obstruct implementation. The study concludes that without tangible progress on justice and the resolution of missing persons cases, the normalization process will remain fragile and reconciliation between Kosovo and Serbia incomplete.

Keywords: Serbia-Kosovo relations; EU-mediated Dialogue; reconciliation; missing persons; transitional justice; Western Balkans.

Introduction

Given the importance attached to the question of promoting regional stability and cooperation in the Western Balkan region, the EU has actively sought after

2010 to promote the normalization of relations between Belgrade and Pristina, a difficult act, given the nature of the Belgrade-Pristina conflict. By November 2018, when the Belgrade-Pristina Dialogue was initially halted, the process was positive at large: Belgrade and Pristina had covered a big distance since 2008, sitting at the same table and discussing ways of normalizing their bilateral relations; with the agreements reached through the Dialogue being important for all people of Kosovo. However, the Dialogue went into an impasse and it was only in March 2023 that a new agreement generated expectations for an important breakthrough. Parallel to the diplomatic process between the two sides, there is a broader issue concerning the causes of Serbian-Albanian reconciliation and an ongoing discussion of what the Dialogue has actually contributed to it. More than 26 years following NATO's intervention and 17 years following Kosovo's declaration of independence, there is more than enough evidence that reconciliation between the two sides has made little progress.

A brief overview of the Belgrade-Pristina Dialogue

As it is well known, on 9 September 2010, following the adoption of UN General Assembly Resolution 64/298, Belgrade and Pristina officially entered into the so-called Brussels dialogue under EU mediation. The dialogue, aiming at the normalization of relations between the two sides, initially concentrated on technical issues: during the first phase of the Dialogue, between March 2011 and February 2012, 9 rounds of talks were held that produced agreements on seven issues, ranging from Freedom of Movement and Integrated Border management to Regional Representation and Cooperation (Christidis 2016, pp. 455 – 463)

Talks between Belgrade and Pristina were repeated in October 2012, this time on a political level, with direct talks between the two prime ministers, moving on more difficult issues and in particular on “North Kosovo”. The high-level political talks continued intensively until March 2014, producing agreements on issues such as telecommunications and Energy. They also led to the signing, on 19 April 2013, of the so-called “First Agreement of Principles Governing the Normalization of Relations”. The 15-point document included agreement on issues such as the Formation of the Association or Community of Serb Majority Municipalities, merging Serbian police structures in North Kosovo with the Kosovo Police, integration of the judiciary and an agreement of the two parties not to block each other in their EU paths (Christidis 2016, pp. 455 – 463).

Further bilateral talks at the prime ministerial level were held in February 2015, resulting in the signing of the so-called Implementation Agreement on Justice. A few months later, in August 2015, the Prime Ministers of Serbia and Kosovo signed in Brussels four new agreements (on the establishment of the Association/Community of Serb majority municipalities; on Energy; on Telecommunications; and on Freedom of Movement on the Mitrovica Bridge). Following August 2015,

the two sides held no rounds of talks that resulted in any substantive agreement. Rather, they were consumed by more talks on achieving implementation of the agreements already reached, most notably on the establishment of the Association or Community of Serb Majority Municipalities. The dialogue was temporarily stopped, when following the assassination of the Kosovo Serb politician Oliver Ivanović, on 16 December 2017, Belgrade withdrew from it.

Belgrade returned to the Dialogue at the end of February 2018. However, the restart of the Dialogue proved short-lived, particularly following the formation of the new Kosovo government under Ramush Haradinaj that Belgrade accused of war crimes. During 2018, any political dialogue between Belgrade and Pristina would take place between the Presidents of Kosovo, Hashim Thaçi, and Serbia, Aleksandar Vučić. The two Presidents would meet twice and even begin discussing the idea of “border corrections” between Kosovo and Serbia as part of a final agreement between the two states. At the end of November 2018, the Dialogue had essentially stopped, following the decision of Belgrade to withdraw from it as a response to the imposition of 100% tariffs on the import of Serb products by the Kosovo government (Χρηστίδης 2022).

A climate of mutual recriminations over actions that the other side was adopting – like the constant efforts by Belgrade to block Kosovo from joining international organizations or Pristina’s decision to raise taxes on Serb imports by 100% – destroyed any semblance of trust into the process leading to its paralysis. Russia’s invasion of Ukraine in February 2022 re-energized European diplomatic efforts, as there was concern that Russia would seek to take advantage of open issues to generate tension in the Western Balkans. In February 2023, in Brussels, the European Council endorsed a French-German Proposal “on the path to normalization” between Kosovo and Serbia. A month later in Ohrid, North Macedonia, Belgrade and Prishtina, gave their verbal approval to the agreement and to an implementation annex. Modeled after the 1972 Basic Treaty between the Federal Republic of Germany and the German Democratic Republic, the proposal calls for Serbia to recognize Kosovo’s *de facto* but not *de jure* independence. Serbia would end its derecognition campaign and allow Kosovo to enter international organizations, recognizing documents issued by Kosovo, while Serbia and Kosovo would establish permanent representations at each other’s seats of government. At the same time, the proposal calls for the implementation of all agreements reached by the two parties in the past, in particular the agreement concerning the establishment of an association of Serb-majority municipalities in Kosovo.

However, divergent views on sequencing, i.e. which article of the agreement should be implemented first - the *de facto* recognition of Kosovo’s independent status or the establishment of the association of Serb-majority municipalities, delayed implementation of the agreement, causing further complications. In April 2023, Serbs boycotted en masse the local elections in North Kosovo. As a result of

the boycott, candidates from ethnic Albanian political parties were elected mayors of all four municipalities in North Kosovo. Despite the absence of a clear mandate and calls from both the EU and the United States not to do so, Kosovo's Prime Minister Albin Kurti encouraged the new mayors to take office and dispatched special police units to protect them as they moved into their offices. After a short period of de-escalation, tensions flared up again in September 2023, when a group of about 30 gunmen clashed with police in North Kosovo and barricaded themselves inside a Serbian Orthodox monastery, resulting in a siege that killed one police officer and three armed Kosovo Serbs. At the beginning of 2024, new tension was ignited in North Kosovo following the decision by the Kosovo government to impose a ban on the use of the Serbian dinar, cutting off Belgrade's ability to finance the remaining institutions in North Kosovo and most residents' access to pensions and other benefits. Furthermore, in February, the Kosovo government raided Serbian villages across its southern territories and confiscated Serbian dinars from local post offices, while in May 2024, Kosovo Police shut down six Serbian banks in four Serb-majority municipalities (Isufi 20 May 2024).

In June 2024, near the end of his term as High Representative for Foreign Affairs, Josep Borell lamented that the European Proposal "*remains unimplemented one year after it was agreed,*" resulting in a "*huge lost opportunity for both parties*" (European External Action Service (EEAS), 2024). The absence of significant steps toward the normalization of relations between Belgrade and Prishtina has many repercussions: it prevents both from advancing their EU accession processes, it is a significant factor in regional instability, a hurdle to closer and more effective regional economic cooperation, and a contributor to the power vacuums that create opportunities for criminal networks to exploit the region as an avenue for illegal activities.

How is reconciliation achieved in a post-conflict environment?

Reconciliation is "among the most daunting long-term challenges peace builders face" a United States Peace Institute paper characteristically stated in 2015 (McKone: 5). According to John Paul Lederach and Andrew Rigby, American professors and experts on peace-building, "*reconciliation is when the truth about the past, mercy to perpetrators, justice for victims and mutual need for well-being and time come together*" (McKone: 5). For Ernesto Verdeja, who specializes on peace studies, mutual respect for divided peoples underpins the essence of reconciliation, whereby political, civil societal and individual forces build this respect by disseminating the truth of the past, holding perpetrators accountable, acknowledging victim's suffering and upholding the rule of law" (McKone:5). While according to Jose Zalaguet, a jurist who worked at Chile's Truth and Reconciliation Commission, following the reestablishment of democracy in Chile, for reconciliation to take place there are some fundamental steps that have to be taken: "*First, all sides*

have to recognize what crimes they have committed; Secondly, once they recognize them, there must be remorse, i.e. to acknowledge that the perpetration of such crimes was wrong. Then, there must be forgiveness. And only then, the door can open for reconciliation” (Cited in Surroi: 110 – 111).

The legacy of the Kosovo conflict, a conflict terminated more than 25 years ago, with little justice done to the victims

How many people died during the Kosovo conflict? According to the most exhausting available report, compiled and published by two NGOs – the Belgrade-based Humanitarian Law Centre and the Humanitarian Law Centre Kosovo – between January 1998 and 31 December 2000, 13,517 people were killed or went missing: 8,661 Kosovo Albanian civilians, 1,797 Serbs and 447 Roma, Bosniaks and other non-Albanians. The rest of those registered were fighters. In total, 10,415 Albanians, 2,197 Serbs, 528 Roma, Bosniaks and other non-Albanians died or went missing. The research was based “on the statements of witnesses and family members (given to researchers from the Humanitarian Law Centre and Humanitarian Law Centre Kosovo), as well as on data from court documents, forensic reports, armed forces records, NGOs and media reports, war diaries and other documents” (Domanović 10 December 2014). By the summer of 2024, the fate of around 1,595 missing persons during the conflict in Kosovo still remained to be clarified (Kurtić, Tesija and Isufi 30 August 2024).

Among families of victims and missing people in Kosovo, both ethnic Albanian and Serb, there has been an overwhelming sense that justice hasn’t been done, that the truth of what happened to their loved ones hasn’t been found, that the people responsible for crimes committed haven’t been punished (Morina 27 February 2018). As Agron Limani, who lost his father, brother, and an uncle, together with 109 other civilians in the village of Krusha e Vogel, on 26 March 1999, put it: “*We cannot talk about reconciliation while graves are still open. Let’s first shed light on the crimes, find our people and put justice in place*” (Haxhijaj 27 June 2018). Or for Silvana Marinković who lost her husband in June 1999 in the eastern Kosovo town of Gjilan: “*Nineteen years have gone by and very little has changed... They do not want to open up the issue of missing persons in the dialogue... It is difficult for everybody until the remains of those who are missing are found and the perpetrators are brought to justice*” (Haxhijaj 27 June 2018). In other words, the past remains an open wound for many in Kosovo and outside, Albanians and Serbs alike, obstructing any meaningful reconciliation

But what steps have been taken among Kosovo and Serbia to establish the truth about what happened in the 1990s in Kosovo or to provide justice to the victims of unlawful violence? In 2007, the Comprehensive Proposal for the Kosovo Status Settlement (*known as the Ahtisaari Plan*) included an obligation to undertake transitional justice initiatives to deal with the past, and promote reconciliation; an

obligation that was incorporated into the Kosovo Constitution upon independence in 2008 (United Nations Development Program 2017, p. 5). In 2012, the so-called *International Civilian Office* – which was established in 2008 in order to supervise Kosovo’s independence for a limited period – announced its commitment to work with the Kosovo Government to adopt a strategy supporting reconciliation and dealing with the past. Following this declaration, a series of workshops were held with government staff and civil society members in early 2012, followed by an international conference on 22 May 2012, where the Minister of Justice announced the intention to form an Inter-Ministerial Working Group on Dealing with the Past and Reconciliation (IMWG DwPR), formalized by government decision on 4 June 2012. The purpose of the Inter-Ministerial Working Group was to:

“... deal with gross human rights violations and serious violations of international humanitarian law in the past in Kosovo, including the last war and the transition period, taking into consideration the views of all communities in Kosovo in order to promote reconciliation and lasting peace, inter alia, by ensuring accountability, serving justice, providing remedies to victims, facilitating truth-seeking...” (United Nations Development Program 2017: 7)

In 2014, the Inter-Ministerial Working Group developed and approved a Work Plan for Drafting the National Strategy on Transitional Justice in Kosovo 2015 – 2017, and even established four sub-groups on the right to know, the right to justice, reparations, and guarantees for non-recurrence. However, the working groups did not actually produce any work... In February 2017 Hashim Thaçi, the President of Kosovo announced the establishment of a Commission for Truth and Reconciliation, stating that “*It is true that we are late, but we are the first in the Balkans, therefore I wish for Kosovo to serve as an example to the others... (on one hand the Commission) will not be a replacement of the dialogue between Kosova and Serbia, but will help to reach new reconciliation agreements between the states... (and on the other) it will be a supportive mechanism of internal dialogue among the communities in Kosova on the painful past – so as to create a strong foundation for reconciliation*” (quoted at Surroi: 108). In other words, for Thaçi the Commission would not only assist internal reconciliation in Kosovo, but also between Kosovo and Serbia. However, by June 2018, there was still “no clarity yet about what exactly the Commission aims to achieve, while questions (had been) raised if Kosovo Serbs, who have a different conflict narrative from the country’s Albanians, would be involved in the process...” (Haxhijaj 27 June 2018).

By 2017, the Kosovo authorities still had not produced any official report on the number of people who died or the properties damaged. As the known Kosovar author and journalist Veton Surroi pointed out in 2017 “*the state has no knowledge, therefore no historical memory of the war; the state has no idea what happened*” (Surroi: 79). None of the elected governments in Kosovo had actually raised, since the declaration of independence, the issue of legal responsibility for actions during

that period or earlier (and in particular following the abrogation of Kosovo's autonomy by Belgrade in 1989, that was followed by the imposition of harsh measures on the province), for human losses or material, as a result of unlawful actions by the Serb authorities or armed groups, including the Kosovo Liberation Army. Only the International Criminal Tribunal for the Former Yugoslavia (ICTY) secured some convictions of Serbs; while five whole years after Kosovo's parliament announced the establishment of a Kosovo Specialist Chambers (and Prosecutor's Office) in order to try former Kosovo Liberation Army members for alleged wartime and post-war crimes, its chief prosecutor Jack Smith announced just on 24 February 2020 its intention to initiate proceedings (Ristic 24 February 2020).

Developments at the beginning of 2023 raised expectations of a breakthrough in the case of missing persons. On 18 March 2023, as part of the so-called Ohrid Annex of the agreement between Serbia's President Aleksandar Vučić and Kosovo's Prime Minister Albin Kurti "on the normalization of relations between Kosovo and Serbia", the two parties agreed "to endorse the Declaration on Missing Persons, as negotiated under the EU-facilitated Dialogue, as a matter of urgency" (Implementation Annex 18 March 2023). On 2 May 2023, the two leaders adopted a Declaration on Missing Persons, emphasizing "the importance of resolving the fate of the remaining Missing Persons to bring closure to the suffering of their loved ones and to foster lasting reconciliation and peace". The two leaders agreed to "ensure full implementation of respective commitments in the field of Missing Persons; to closely cooperate on identifying burial sites and follow-up on the excavations; to ensure full access to reliable and accurate information that helps to locate and identify the remaining Missing Persons within the timeframe 1 January 1998 - 31 December 2000; to make available all domestic and international documentation of significance in determining the fate of the remaining Missing Persons; to use satellite data, LIDAR (Light Detection and Ranging) and other advanced technology in detecting mass graves; to enable and encourage active engagement of families of Missing Persons in the process of identifying their fates; to adequately ensure the rights and address the needs of the families of Missing Persons; to establish and work together through a *Joint Commission* chaired by the European Union and observed by the International Committee of the Red Cross (ICRC) with the aim of supporting the effort to resolve the fate of the remaining Missing Persons; to monitor and support the work and the progress made by the Working Group on Missing Persons through the Joint Commission. In this context, the parties will review and update the Terms of Reference and General framework of the Working Group" (Declaration 2 May 2023).

However, once more, it became clear that cooperation between Pristina and Belgrade on the issue of missing persons would not advance smoothly. On 30 August 2024, Bosnia and Herzegovina, Croatia and Kosovo marked International Missing Persons Day on Friday, "reminding the public of the fate of more than

10,000 people whose bodies have never been found following the violent breakup of Yugoslavia” (Kurtić, Tesija and Isufi 30 August 2024). Prime Minister Albin Kurti joined families of missing persons to lay flowers at a memorial dedicated to the missing in the city center requesting that the wartime archives of the Yugoslav Army’s 37th Brigade be opened: “*We are excavating in 13 locations in Kosovo, but it will be smoother and easier when this archive is opened... We call on the international community... to pressure Serbia to open this archive because the truth lies there*” (Kurtić, Tesija and Isufi, 30 August 2024).

On 17 December 2024, the chief negotiators of Serbia and Kosovo, Petar Petković and Besnik Bislimi, reached an agreement in Brussels to implement the declaration on missing persons adopted back in 2023, by establishing a joint working group. Petković said the two sides have agreed on “a joint commission, which will provide support to the working group chaired, as before, by the International Committee of the Red Cross”, while Bislimi described the agreement as “positive news”. “We hope this will also reflect positive intent in the work of the Joint Commission, because if it does not produce results on the ground, it is useless,” Bislimi said (Euroactive 18 December 2024).

Conclusion

Kosovo entered the Brussels-led dialogue in 2010, ignoring the need to address the issue of justice. As Veton Surroi has pointed out “*since 2010, Kosova has been sitting around the same negotiating table with representatives of the country that doesn’t admit that crimes against humanity occurred in Kosova... The government, its intellectual elites, never contemplated whether they were giving up justice...*” (Surroi 2017, 67, 102-103). It has been a position that has suited Serbia well, where its political class has been, at large, unwilling to deal with the 1990s. The dominant narrative in Serbian society about what happened in the 1990s in ex-Yugoslavia is that Serbia was never at war: Slovenia waged a secession war from Yugoslavia in 1991; what happened in Croatia and Bosnia-Herzegovina in 1992 – 1995 is seen as “*civil wars where the Serb people defended themselves against attempted genocide*”; while in Kosovo-Metohia Serbia suffered aggression both from Albanian terrorists and NATO (Surroi 2017, p. 54) Any attempts by Belgrade to establish the facts about what really happened during the four wars have been short-lived and unsuccessful. Thus, following the fall of Slobodan Milošević, Vojislav Kostunica, the new President of the Federal Republic of Yugoslavia, announced the creation of the Commission for Truth and Reconciliation. The commission formally began its work in February 2002, with a three-year mandate to complete its investigation and submit a report. Kostunica’s Commission came to an end simultaneously with the end of the Federal Republic of Yugoslavia, and though the State Union of Serbia and Montenegro succeeded the Federal Republic of Yugoslavia, the commission ceased to exist, regardless of whether it had failed to produce any work... (Cited

in: Surroi, pp. 107-108). However, as long as the fate of the missing persons is not adequately resolved, the question of justice would remain open, undermining all efforts for a meaningful and lasting reconciliation between Kosovo and Serbia.

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