



forumZFD

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25

**YEARS AFTER:
DEALING
WITH THE PAST
IN KOSOVO**

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25 Years After...

For 25 years, forumZFD has maintained its presence in Kosovo, supporting initiatives in non-violent conflict transformation. During this period, forumZFD has emphasized a holistic approach to dealing with the violent past in Kosovo and the region, while fostering peace, reconciliation, and social cohesion throughout Kosovo and the broader Western Balkans.

Through forumZFD's work, we acknowledge that the wounds from the period leading up to the Kosovo war of 1998/1999, and the armed conflict itself, run deep, still affecting the individual and collective psyche of the people, as well as the landscape and societal dynamics of Kosovo across both public and private spheres. Now, 25 years later, Kosovo continues to grapple with the complexities of addressing its violent past, the challenges of reconciliation and transitional justice, and the traumatic stories and experiences of survivors and victims of the violent conflict.

Efforts to deal with the past and promote reconciliation in Kosovo have long been confronted by an ever-changing socio-political environment and the constantly evolving discourses. These efforts have often lacked a consistent and coherent approach to dealing with the past, reconciliation processes, and memorialization efforts. However, the recent initiatives to revitalize the Truth and Reconciliation Commission and the adoption of a National Strategy on Transitional Justice present a window of opportunity to implement a comprehensive approach to dealing with the past and reconciliation in Kosovo. This approach must include diverse societal groups and communities, academia, civil society, the international community, and other relevant stakeholders.

Through this research, forumZFD, in cooperation with its partners and the research team, seeks to contribute a fact-based review of the current status, achievements, obstacles, and future perspectives in the ongoing discussions about the processes of dealing with the past in Kosovo. This paper explores the challenges of reconciliation and recovery, focusing on how Kosovo has navigated memory, justice, and societal rebuilding over the past quarter century, and aims to establish a platform for discussion and exchange.

The goal of this paper is to add fact-based, community-oriented research to the complex discussions on dealing with the past in Kosovo and the region. Such research can play a pivotal role in Kosovo's efforts to address its past by fostering a deeper understanding of historical events through verifiable evidence and local perspectives. Grounded in facts, this approach helps establish an accurate record of past injustices, countering misinformation and biased narratives. Direct involvement of communities in these discussions ensures that the diverse experiences of those affected are acknowledged, allowing for more inclusive and representative processes of truth-telling and reconciliation. By integrating local voices and factual accuracy, this research can build trust, promote healing, and lay the foundation for sustainable peace.

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2. Introduction

The war in Kosovo ended 25 years ago on June 11, 1999, leading to an extensive period of internationally led state- and institution-building and the independence of Kosovo in 2008. While independence remains contested and not universally recognized,¹ the overall effort to build functioning institutions has been considered a success. However, relations between the Albanian and Serbian communities in Kosovo, and between Serbia and Kosovo, remain fraught with substantial differences that have proven hard to bridge. The war itself, the decade of repression against Albanians prior to the war, as well as the violence that occurred after the war in 1999 and the unrest in 2004, when large groups of Albanian rioters targeted Serbian communities and Serb cultural heritage in Kosovo, remain subject to diametrically opposed interpretations. However, the chasm in how the past and the present position of Kosovo is viewed is not static. There have been several periods of both rapprochement and heightened tensions during the past 25 years. After the initial successes of the Belgrade-Prishtina Dialogue in the period between 2011 and 2014, there appeared a prospect of a more sustained dialogue between politicians and societies. Lately, tensions have increased, and more antagonistic narratives have prevailed.

Dealing with the Past, which includes complex processes of societal, political, and cultural reflection and dialogue about war, gross human rights violations, mass violence and war crimes committed and their effects on the respective societies, are stymied by the direct link between the war and the present. These are pertinent in relations between Serbia and Kosovo, where the divergent views of the past directly affect the narratives, discourses, and claims made today. Furthermore, the past also has a bearing on domestic politics. The actions of the Kosovo Liberation Army are celebrated in Kosovo. In contrast, in Serbia, the Yugoslav Army and Serbian police, as well as paramilitary units, are glorified, leaving little space for critical reflection. Furthermore, key politicians were themselves in office or active during the war, rendering a critical debate on war-time more challenging.

Overall, the efforts of Dealing with the Past in Kosovo have been modest. International efforts in the field of Transitional Justice and Dealing with the Past have mostly focused on judicial approaches, esp. the International Criminal Tribunal for the former Yugoslavia (ICTY) and the Kosovo Specialist Chambers (KSC), which have not significantly advanced Dealing with the Past processes. Government efforts and state institutions have been limited, and often beholden to changes in the government and political contestation. Different Kosovo governments have pursued several different initiatives, but they often ended with that respective government and lacked inclusive structures.

¹ Over 100 countries have recognized Kosovo. In the case of some recognitions, it is unclear whether they have been withdrawn due to lobbying by Serbia. Among the non-recognizers are 5 EU member states (Cyprus, Greece, Romania, Slovakia, Spain), as well as Russia and China.

This has left civil society as the primary actor in advancing issues pertaining to Transitional Justice and Dealing with the Past. Efforts by Civil Society Organisations (CSOs) in Kosovo and across the region have focused on a more holistic approach to Dealing with the Past and have been important in documenting the war crimes and other contested aspects of history, and facilitating dialogue over it, but they have had limited success in initiating a broad societal process to Deal with the Past. After receiving considerable resources in the 2000s, international support for such initiatives has mostly subsided.

Today, there has been a significant rise of historical revisionism in Serbia with new nationalist narratives and myths founded on the Kosovo war emerging. Similarly, in Kosovo, there is little space for a critical examination of the war. Finally, the continued tensions between Serbia and Kosovo result in a situation where questions of statehood and relations both between the two countries, and between Albanians and Serbs within Kosovo, remain fraught with the risk of politicization and polarization, and reduce societal space for a self-critical discussion of the past.

This research takes the 25th anniversary of the end of the war in Kosovo as a starting point to reflect on the efforts taken in Dealing with the Past. The quarter of a century constitutes an important period to reflect on past efforts and examine the current reality in Kosovo in its regional context. Thus, the policy brief seeks to answer the question of what efforts have been undertaken to promote Dealing with the Past processes in Kosovo and what challenges they have faced. This allows for both an assessment of where Kosovo stands in this regard today and what can be done by the key actors, such as governments and international organizations, as well as civil society organisations, to improve and promote these processes. This research has been commissioned by the forumZFD office in Kosovo, which has been active since 1999, promoting various activities related to Dealing with the Past.

3. Research Methodology

This research offers a thorough examination of the current state of Dealing with the Past in Kosovo, highlighting core challenges and proposing critical policy options for advancing reconciliation and Dealing with the Past efforts. The research is anchored in a series of 12 in-depth interviews conducted with a diverse group of stakeholders, including observers, officials, and activists directly involved in this area of work. These interviews provide invaluable qualitative insights into the complexities of dealing with Kosovo's contentious past.

In addition to the qualitative data gathered through interviews, the paper draws upon an extensive review of complementary materials. These include reports from relevant organizations, and national and international surveys, that offer both historical context and con-

temporary perspectives on the issue. The triangulation of these diverse sources allows for a more nuanced understanding of the ongoing efforts and obstacles in addressing Dealing with the Past in Kosovo.

This research is designed to provide a concise synthesis of the findings, with a focus on actionable policy recommendations for the Kosovo government, European Union and International Organisations, and Civil Society. However, it is also accompanied by a more detailed background paper that delves deeper into the analysis, offering a robust examination of the underlying dynamics at play. The background paper serves as an essential companion to this brief, providing policymakers, scholars, and practitioners with a comprehensive resource for understanding and engaging with the challenges of Dealing with the Past in Kosovo.

4. Background

Transitional Justice consists of multiple pillars, including criminal prosecutions, truth-seeking, reparations, memorialization, and guarantees of non-recurrence. In Kosovo, criminal prosecutions have been the primary focus, and other elements such as truth-seeking and reparations remain under-addressed. Justice and truth-seeking are often considered the most vital aspects of Dealing with the Past. According to Swisspeace's 2016 definition, Dealing with the Past includes four key pillars: 1) the right to know, 2) the right to justice, 3) the right to reparations, and 4) the guarantee of non-recurrence. Transitional Justice tends to prioritize the right to know and the right to justice through legal and institutional means, and is less concerned with prevention and often pays less attention to informal processes beyond legal and institutional remedies.²

. Reconciliation is generally seen because of Transitional Justice, which emphasizes remembering rather than forgetting the past. In Kosovo, efforts have predominantly concentrated on the right to justice via criminal prosecutions, with the other pillars receiving comparatively less attention.

In the case of Kosovo, the discussion

about Dealing with the Past is accepted to refer to the war between March 1998 and June 1999. However, defining the scope of such efforts is inherently political, and there are important events before and after the war that merit inclusion in such a process. These include the decade before the war, marked by the repression of Kosovo's autonomy in 1988/89, the direct rule of Kosovo by Serbia, and the marginalization of Albanians during that period. It also includes the violence directed against Serbs and other non-majority groups after the end of the war in June 1999, as well as the unrest in 2004.

The concepts of Dealing with the Past, Transitional Justice, and Reconciliation were introduced mainly by the international community after the 1999 war in Kosovo. The Ahtisaari Plan proposed to the UN in 2007, offering Kosovo conditional independence, was put forward by the former Finnish president, as the status of Kosovo "has become a major obstacle to ...inter-ethnic reconciliation."³ The EU has also emphasized the importance of Dealing with the Past, including within the Belgrade-Prishtina Dialogue it has facilitated since 2011.

Dealing with the Past in Kosovo has

²Priscilla Hayner, *Transitional Justice in Peace Processes*, UN, October 2023, <https://peacemaker.un.org/sites/peacemaker.un.org/files/SG-GuidanceNote-Peace-Processes-digital.pdf>

³Report of the Special Envoy of the Secretary-General on Kosovo's future status, UN Security Council, 26.3.2007, S/2007/168, <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Kosovo%20S2007%20168.pdf>

primarily focused on international and hybrid courts. The most important was the ICTY, established by the UN Security Council in 1993 and active until 2017. The latest hybrid court for Kosovo is the Kosovo Specialist Chambers (KSC), established in 2017 by an international agreement and ratified by the Kosovo Assembly.

The court's mandate and jurisdiction include "crimes against humanity, war crimes and other crimes under Kosovo law, which were commenced or committed in Kosovo between 1 January 1998 and 31 December 2000 by or against

citizens of Kosovo or the Federal Republic of Yugoslavia."⁴ In addition, domestic courts have focused on cases of war crimes.

Other efforts have, by comparison, been less comprehensive and impactful than the more extensive efforts led by court-driven investigations. There have been numerous efforts by CSOs in Kosovo and across the region to document and memorialize war crimes and to facilitate dialogue between the Albanian and Serbian communities in Kosovo and between Serbia and Kosovo. International donors have supported these efforts over the years, with Government efforts being more limited.

5. Current Situation

Despite two decades of efforts, albeit scattered and without a clear agenda, Dealing with the Past initiatives have not yet become either ingrained or locally driven. Additionally, the extensive politicization of the process continues to hinder the already limited progress achieved by the internationally supported projects, mainly implemented through track two diplomacy through CSOs. As such, in the past decades, civil society has been at the forefront of efforts, both locally and regionally, employing a bottom-up approach by amplifying the stories of individuals (mostly those who experienced trauma during the war, the survivors of sexual violence and torture, and also families and relatives of missing and forcibly disappeared persons) and simultaneously advocating for governmental commitment to enabling a conducive environment for Dealing with the Past by providing the first contribution on documentation of crimes committed during the war. According to the interlocutors, some of these meetings supporting Dealing with the Past efforts were facilitated by Albanian and Serbian activists and involved bringing together people from different communities.

a. Politicization and Centralization of Dealing with the Past

One critical obstacle to ensuring an effective process of Dealing with the Past is the politicization of the process. This politicization has transformed the handling of Dealing with the Past into a matter of

party politics, heavily influenced by the narratives of political parties and leaders in power. With each change in the government, the process underwent a reset, with the new political parties and leaders assuming direct leadership. The political competition to shape the process, exacerbated by events within the Belgrade-Prishtina Dialogue, has transformed the process of Dealing with the Past into a political bargaining tool frequently wielded during political campaigns.

The initial attempt to formalize a strategy regarding Dealing with the Past and Transitional Justice occurred during Kosovo's period of supervised independence under the auspices of the International Civilian Office (ICO). This aspect was one of the preconditions for Kosovo's transition out of supervised independence. The Ministry of Justice led the working group, comprising stakeholders from different sectors, including civil society. The group ceased to work silently, leaving almost no legacy behind. Further efforts to develop this strategy commenced in 2011, and after multiple discontinuations, a working group set up the Kurti government finally began work in 2021. The Strategy for Transitional Justice has eventually been completed and adopted earlier this year.

A similarly protracted process was undertaken to re-establish the War Crimes Institute as a part of this national strategy. The Institute, first founded in 2011 under Prime Minister Hashim Thaçi operated for seven years before being closed in 2018 by the government led by Ramush Haradinaj, and the idea to reinstate it came

in 2020 during Albin Kurti's first term in government. Finally re-established in 2023 its main goal is to "find, document, and archive facts about crimes committed during the war in Kosovo."

A similar fate followed the Truth and Reconciliation Commission, established by former President Hashim Thaçi in 2017. This mechanism stopped its activities in 2020 following his resignation and indictment by the KSC, despite nearing the finalisation of its statute, and demonstrating progress with a diverse membership. The group had been inactive under the presidency of Vjosa Osmani, but in August 2024, the President announced the establishment of the Presidential Commission for Truth and Reconciliation under her leadership.⁵

The Transitional Justice Strategy, supported by the presidency, provides the foundation for establishing this 'Presidential Commission for Truth and Reconciliation.' Although details remain unclear, the president's team has confirmed that the legal team is drafting an act to define further the commission's mandate, duties, responsibilities, and full name, which will align with the mandate outlined in the strategy. This commission is expected to work on Dealing with the Past and promote reconciliation among communities during the remaining years of President Osmani's term, which ends in 2026. Civil society activists have expressed concerns about the over-politicisation of the process and

remain sceptical about the inclusion of Kosovo Serbs. Additionally, it is uncertain whether this new mechanism will build upon the work of the previous Truth and Reconciliation Commission established by Thaçi or if it will be an entirely new initiative, as has often been the case with past reconciliation efforts in Kosovo. The Kosovo Government views the process, finalisation and adoption of the Strategy on Transitional Justice as a success resulting from extensive consultations with the Albanian and Serbian communities. However, there has been extensive criticism from civil society activists working in this area, and many of them have chosen to disengage from the process, citing the government's lack of a genuine and meaningful approach towards civil society. There are also significant concerns about the centralization and politicization of the process by ultimately placing it under the ownership of the Office of the Prime Minister, increasing the risk of party-political influence and lack of continuity in the event of a change in government. It is also unclear to what extent the Serbian community has been genuinely included, and by excluding the 2004 unrest in Kosovo from the timeframe, there is a real risk of the strategy painting a one-sided narrative of Dealing with the Past; a decision also criticized by civil society.

b. The Right to Justice and the Right to Know as the Key Aspects of Dealing with the Past

As outlined above, according to Swis-

⁵ <https://balkaninsight.com/2024/08/27/scepticism-surrounds-revived-truth-and-reconciliation-initiative-in-kosovo/> (September 1, 2024)

speace 2016, *Dealing with the Past* processes encompass four pillars; 1) the right to know, 2) the right to justice, 3) the right to reparations, and 4) the guarantee of non-recurrence. While criminal prosecutions have received significant attention, other aspects, such as the right to know and the right to reparations, have not been adequately addressed in Kosovo. Justice and truth-seeking are often heralded as the most crucial components of *Dealing with the Past*.

Despite it being the main work focus, there is significant dissatisfaction with the right to justice pillar in Kosovo, with the existence of hybrid courts viewed as a significant obstacle to developing local capacities for effectively handling war crimes. The ICTY has been criticized for not holding Serbia accountable for war crimes in Kosovo as anticipated, and disappointment with the Serbian courts' ability to address these cases has added complexity to the situation.

The KSC tries war crimes, crimes against humanity, and other crimes under Kosovo law that took place between 1998 and 2000 and was established on top of already existing Transitional Justice efforts, formulation of a Strategy on Transitional Justice and the work of the Truth and Reconciliation Commission (see above). The establishment of the court was supported by the majority of Kosovo's Members of Parliament, but has led to diminished motivation of the government to pursue and address justice related processes as part of *Dealing with the Past* process.

Beyond *Dealing with the Past* through

the justice pillar, Prime Minister Kurti has pledged to sue Serbia for genocide. This intention was first expressed by the former Speaker of Parliament, Kadri Veseli, and Kurti's commitment has been reinforced by President Vjosa Osmani, who has actively supported this initiative, mainly through public statements and online platforms.

While some argue about Kosovo's technical and procedural limitations in suing Serbia through international legal mechanisms, the government has taken initial steps, such as establishing the War Crimes Institute to strengthen truth-seeking initiatives, adopting the National Strategy on Transitional Justice, and most currently the announcement of the commencement of the work of the newly formed Truth and Reconciliation Commission. Specifically, the War Crimes Institute is tasked with documenting war crimes as a preparatory measure towards fulfilling the commitment to sue Serbia for genocide.

c. Dealing with the Past through the Belgrade-Prishtina Dialogue

The Belgrade-Prishtina Dialogue has been ongoing since 2011 and aims both to address technical issues between the two countries, and facilitate the normalization of relations, which in effect has meant the resolution of the dispute over Kosovo's independence. One of the most contentious issues within the Dialogue revolves around the demand from both the public and the opposition (led by Albin Kurti until 2020), to incorporate *Dealing with the Past* into the Belgrade-Prishtina Dialogue negotiation process.

The Belgrade-Prishtina Dialogue has had a dual impact on efforts to deal with the past. Firstly, it externalized the processes. As the Kosovo government struggled to develop a comprehensive internal strategy, the focus shifted towards Serbia, creating the narrative and perception that Kosovo's engagement in the Dialogue was only possible upon Serbia's apology and responsibility for the crimes committed in the 1990s. While this element is crucial, the unwillingness of Serbia and its government to deal with the past, as well as events and actions such as irredentism, and the denial of crimes committed during the wars in the former Yugoslavia, continue to have a detrimental impact, further contributing to the polarization of relations and affecting the establishment of any internal comprehensive and holistic process in Kosovo.

Secondly, the Dialogue with Serbia shapes Kosovo's internal dynamics and capacity to navigate internal affairs. The limited tangible outcomes of the Dialogue, coupled with concern over the security situation on the ground in Northern Kosovo and the decision of the Serbs in this area to leave the Kosovo security institutions, have perpetuated one-sided wartime narratives in the public discourse. This is exacerbating the already existing societal divisions, and has eroded the, albeit limited, results and efforts achieved outside the Belgrade-Prishtina Dialogue, mostly by CSOs, in more than two decades of work

d. Securitization and Polarization between Communities vis-à-vis Dealing with the Past

Since the end of the war, Serbia has continued to exercise influence in Kosovo through its proxy political party, Srpska Lista, disrupting the participation of Serbs in public life, and has also financed and operated schools, a university, and health care institutions, primarily in the North of Kosovo. This means that societal polarization is also engrained institutionally, with Serbs having little or no incentive to integrate fully into Kosovo. The planned Association of Serb-majority Municipalities (ASM), which would enable the integration of Serbia-funded schools and health care institutions into the Kosovo framework, has not yet been established, further hindering the institutional rapprochement between communities.

During 2023, these existing issues were significantly exacerbated by a series of incidents across the North of Kosovo, resulting in increased tensions between Albanian and Serb communities and the securitization of the Belgrade-Prishtina Dialogue. These issues began with Serbs resigning from institutions in the North, culminating a paramilitary attack in Banjska, and a build-up of Serbian military at the border, and marked a negative turning point, disrupting the already strained cooperation between Serbian and Albanian organizations. Ongoing concerns over

security and safety have hindered participation in reconciliation activities and projects in Serbian majority areas and other parts of Kosovo, and highlighted the risk of a return to violence. It also raised questions about Serbian willingness to support or at least condone the use of force, as the main leader of the attack was a high-ranking Kosovo Serb politician and close ally of Serbian President Vučić.

e. Dealing with the Past as mainly a civil society-driven process

While the focus of Kosovo's governments over the last 25 years has primarily been on developing strategies for Dealing with the Past, the efforts of civil society have played a crucial role in taking action; fostering societal cohesion and implement-

ing projects with a focus on Dealing with the Past processes and memorialisation. Civil society initiatives have extended beyond internal projects to include bilateral efforts with Serbia and regional initiatives, adding further complexity. However, civil society faces limitations stemming from capacity constraints, limited resources, and limited access to public information, and the government institutions and actors. Additionally, populist narratives propagated by governments in both countries have posed challenges to civil society initiatives.

6. Opportunities and Risks

One critical opportunity the interviewees highlighted is the possibility of a **breakthrough in the Belgrade-Prishtina Dialogue**, despite the fact that the Dialogue has mainly been an obstacle to efforts to Dealing with the Past and a factor exacerbating polarizing narratives on the ground. Implementing some elements of the Dialogue addressing Dealing with the Past, such as the focus on the remaining missing persons, which has already been extensively agreed upon, could be an opportunity to highlight achievements of the Dialogue and would create a conducive environment for the process to take a more positive trajectory.

Although the Belgrade-Prishtina Dialogue is viewed as a crucial component for fostering reconciliation, a significant risk is involved. Reconciliation efforts have to include extensive bottom-up processes, but at the same time rely heavily on a prolonged and complex political process driven by Albanian and Serbian elites who have thus far shown limited willingness to advance it and create the environment needed for these bottom-up processes. In addition, when the ongoing Dialogue has been halted or has broken down, the potential for tensions both within Kosovo and between Kosovo and Serbia has significantly increased, and hindering societal rapprochement and has the potential to destroy reconciliation efforts on the local, national and regional level.

- 14 The development and adoption of the **Governmental Strategy on Transitional Justice** presents a unique opportunity

as it marks a first step towards enhanced collaboration between institutions, civil society actors, and international actors, including donors, by providing a framework for financial and other support to implement different activities working towards shared objectives. However, as outlined above, there is also a critical risk here, due to challenges and concerns about the strategy development process, the ownership of such a complex area within one office (the Prime Minister) and the fact that the strategy seeks to establish a unified narrative, which can exclude narratives of under-represented communities.

Despite significant challenges, **civil society** offers a promising platform to shift the narrative and foster internal cohesion concerning Dealing with the Past. Although experiencing a decline in resources and funding, existing capacities provide a sturdy foundation to engage with communities using a bottom-up approach, facilitating people-to-people communication. This can involve sharing experiences and bridging communication gaps between Albanians and Serbs and other non-majority communities in Kosovo. While civil society has demonstrated resilience and commitment to advancing this agenda, there have been cases where governmental narratives and internal polarization have posed immense obstacles to their work. Moreover, there is a risk that, due to the complexity of the situation and shrinking spaces for independent funding, some Serbian and Albanian civil society organizations may align with their government's attitude, further entrenching existing polarization.

In addition to opportunities for more sustained and substantial efforts in Transitional Justice and Dealing with the Past, there are **considerable risks**. The violence in Banjska, as well as overall tensions in the North of Kosovo, highlights the continued risk of clashes and violence. Sabre-rattling and threats by Serbia, as well as contentious policies of the Kosovo government, have **worsened the security situation**. Such tensions make Dealing with the Past more difficult, as they polarize, reinforce existing antagonisms, and empower political leaders with little interest in Dealing with the Past. The **Belgrade-Prishtina Dialogue** has dominated Dealing with the Past efforts and shaped Kosovo and Serbia's domestic and external politics more broadly. Despite some advances in the Dialogue, there are few indicators that it will successfully normalize relations in the foreseeable future. Thus, it risks overshadowing and constraining efforts to deal with the past.

The EU **has been unable to offer a transformative incentive** to Kosovo and Serbia to shift their domestic rhetoric. Despite renewed interest and support for EU enlargement since the beginning of the Russian-Ukrainian war in 2022—Kosovo submitted its membership application in 2022—there is little indication that the EU will be a transformative actor, as was anticipated in the first decade after the end of the war in Kosovo.

As outlined above, **changes in the government** in Kosovo have also meant that earlier efforts and initiatives are often

cut short and that there has been little continuity. This trend will likely continue and thus might disrupt ongoing or future efforts.

Over the past quarter century since the end of the war, Dealing with the Past in Kosovo has been pursued inconsistently and often piecemeal, and overall, there is little likelihood of a significant shift towards more effective Dealing with the Past in the current political and social environment. Despite declarations and statements by international officials and governments in Kosovo, there have been no holistic, comprehensive, and inclusive efforts to address the past. In addition, the rise of historical revisionism, authoritarian tendencies, and the emphasis on ethno-nationalistic narratives in the region, means narratives and events discussing the wars and conflicts of the violent dissolution of Yugoslavia remain as controversial and contested topic as two decades ago. The combination of neglect, and the past being beholden to the present and its political (ab)use is a continued risk. Preventing this situation from declining further should be seen as an incentive for the Kosovo government, civil society and the EU to invest more sustained efforts into Dealing with the Past.

Dealing with the Past needs to be **broader than judicial approaches**, which have been at the forefront for 25 years. While the investigation and prosecution of war crimes is essential, it is only one part of Dealing with the Past and is insufficient if not embedded into broader processes. International and hybrid courts are espe-

cially ill-placed in shifting narratives. Nevertheless, decisions of the international and hybrid courts can have positive effects to foster community cohesion and improve relations on the ground, and build grounds for more cohesive and fundamental reconciliation efforts as the implementation of the Constitutional Court decision regarding returning 24 hectares of land to the Decani Monastery indicates. The implementation of these decisions can be used for further rapprochement efforts on local, national, and regional level.

The **Belgrade-Prishtina Dialogue** has become the only communication channel between the governments of Serbia and Kosovo. As a result, it is the conduit of tensions between the countries. Disputes over substantive issues and Serbia's op-

position to Kosovo's independence make Dealing with the Past more challenging. At the same time, the Dialogue is also the framework to address open issues about the past, including missing persons. The current format of the Dialogue, as it structurally excludes societies, has limited potential to facilitate Dealing with the Past processes and needs rethinking.

The **government of Kosovo** can initiate a more critical and self-reflective process to Deal with the Past within Kosovo, giving space to civil society, vulnerable groups, and marginalized communities. Essential is the recognition that there is no singular narrative of the past but that Dealing with the Past must document and acknowledge all past events, including crimes, and give space to multiple perspectives.

7. Policy Recommendations

Drawing on the findings of the research outlined above, the authors put forward to following policy recommendations:

For the Kosovo Government:

1. The government and the president can take the initial step of changing the polarizing narrative into one that acknowledges multiple perspectives and fosters a positive atmosphere between Albanian and Serb communities in Kosovo. Dealing with the Past and reconciliation necessitates a resilient and inclusive process in a safe environment. The public narrative holds significance; depoliticizing the narrative could result in a more inclusive and multi-perspective process for all communities.
2. Genuine engagement in the Belgrade-Prishtina Dialogue can also be an essential step for the Government of Kosovo. Investing political capital in implementing existing agreements, such as establishing the Association of Serb-majority Municipalities, is crucial as is providing essential support for the implementation of agreements on local and national level.
3. Implementing the Governmental Strategy on Transitional Justice and Reconciliation requires a robust approach that involves engaging with various stakeholders across multiple sectors. This process requires robust political and institutional cohesion and support for implementation on various levels and with different

actors. Therefore, the government should ensure intra-institutional collaboration and extensive engagement with civil society and the international community. Given the complex nature of this process, a multi-stakeholder approach is imperative.

For CSOs in Kosovo:

1. The contribution of CSOs has been essential in promoting the process of Dealing with the Past and reconciliation. Civil society groups, both among Albanians, Serbs, and other non-majority communities in Kosovo, as well as organizations in Serbia and Kosovo and at the regional level, should persist in their efforts, mainly focusing on **tracks two and three diplomacy**. This approach will help build and strengthen societal cohesion and foster people-to-people communication on this complex and sensitive subject.
2. CSOs should systematically **hold the government accountable for implementing the Governmental Strategy on Transitional Justice** and advocate for an inclusive approach throughout the process.
3. Despite the obstacles political elites pose at both bilateral and regional levels, civil society organizations should persist in collaborating with national and regional governments to advance this agenda. Efforts should be intensified to **revitalize regional initiatives on Dealing with the Past** and sustain these initiatives amid the challenging environment.

For the European Union (EU) and other International Actors:

1. The EU can provide direct assistance by addressing issues related to Dealing with the Past as an integral part of the Belgrade-Prishtina Dialogue. The EU should seek to support faster implementation of agreements in Kosovo. Additionally, the EU can exert more pressure on Serbia to collaborate, as the EU plays a crucial role in successfully addressing these complex issues.
2. The EU should take a more proactive role and wield significant political influence to facilitate a breakthrough in the Belgrade-Prishtina Dialogue, especially focusing on topics of Dealing with the Past in the negotiations. Recognized as the primary source of challenges impeding past and ongoing

efforts on various fronts, resolving issues such as Kosovo's recognition, especially among the five non-recognizers in the EU, will ultimately bring closure to Kosovo's political status and open avenues for addressing challenges of Transitional Justice, Dealing with the Past and Reconciliation more effectively.

3. The EU has a significant role as one of the primary donors in Kosovo and the broader region, to both government and civil society. Therefore, adopting a more organized and strategic approach to allocating financial aid and outlining objectives related to Dealing with the Past and reconciliation, and the advancement of the Strategy for Transitional Justice for these allocations, would significantly advance this agenda.

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Federal Ministry
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