



# FACTS AND NARRATIVES ABOUT THE PROBLEMS OF PROPERTY RIGHTS OF SERBS IN KOSOVO FROM 2013 – MEDIA REPORTING IN SERBIAN AND ALBANIAN LANGUAGE

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# **Facts and narratives about the problems of property rights of Serbs in Kosovo from 2013 – media reporting in Serbian and Albanian language**

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## **INTRODUCTION**

One of the inevitable issues in the dialogue between Belgrade and Pristina is certainly the issue of private property of Serbs in Kosovo. Many believe that this is actually one of the most significant points that would greatly improve the dialogue and normalization of relations between the two sides. However, both sides are fixed at completely opposite ends, and therefore the solution to this issue is not in sight. One constant that is present is the media coverage related to the negotiations, but also the (dis)interest in conveying information related to the property rights of individuals.

The focus of the analysis is on the period from 2013 to 2022, where we will try to determine the key points of media narratives by categorizing the media headlines. At the beginning of 2013, the First Agreement on the principles of management of the normalization of relations, i.e. the Brussels Agreement, was signed. However, the issue of property was raised earlier, in 2011, with the signing of the Cadastre Agreement, but this did not lead to the improvement of relations between the two parties, but only to the incomplete implementation of that agreement.

Through this analysis, we intend to address the problem of exercising property rights of Serbs in Kosovo. Through the media prism, not including printed editions, we will try to show to what extent the media in Serbian and Albanian languages (do not) contribute to exercising of the property rights of Serbs in Kosovo, but also to the normalization of relations and the progress of the negotiation process. By analyzing over 50 media titles, we will try to show what kind of narrative is being formed in relation to the problem of exercising property rights.

## **FACTS**

In 1999, the cadastral documentation from the territory of Kosovo was transferred to the territory of central Serbia, and after the declaration of independence in 2008, the cadastral documentation from the 60s was used in the territory of Kosovo, which was then further supplemented. After the signing of the Cadastre Agreement in 2011, as part of the negotiations between Belgrade and Pristina, the first steps were taken in returning and supplementing the cadastre books. However, the process of fulfilling the points of the agreement was suspended over time, while the parties accused each other, and it is concluded that the main problem is the (lack of) political will to implement the agreement.

On the territory of Kosovo, there are over 70,000 cases of usurped property of both Serbs and non-Albanians<sup>1</sup>. According to the Kosovo Agency for Property Comparison and Verification, by 2007, “42,749 seized structures were registered on the territory of Kosovo, of which 96.84 percent or 41,399 usurped properties belonged to Serbs.”<sup>2</sup>

In addition, there is a very present systemic obstruction of the proceedings themselves, from non-appearance of litigants, postponement of proceedings, excessively long duration of the proceedings, imposition of large court fees which the litigants (mainly Kosovo Serb returnees initiating proceedings for the exercise of property rights) cannot afford, disappearance of the cases in courts and the impossibility of finding them, through the lack of translators who would translate the documentation necessary for the procedure, to false documents and powers of attorney signed and issued by people who had already passed away for many years at that time.

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<sup>1</sup> Beta, „Advokat: Na Kosovu 70.000 slučajeva uzurpirane imovine“, *Danas*, 08.11.2021.

<sup>2</sup> Filip Rudić & Serbeze Haxhijaj, „Ukradeni domovi: Borba za povraćaj uzurpirane imovine na Kosovu“, *BIRN*, 29.05.2018.

All this represents deep systemic obstacles for both Serbs and non-Albanians from the territory of Kosovo who want to exercise their property rights.

## **ANALYSIS OF MEDIA TITLES IN SERBIAN**

A search of dozens of Internet sites found more than 50 media titles of Serbian media that reported on the problem of property issues of Serbs in Kosovo during the specified time. It is important to emphasize that in this text the titles will be brought directly, that is, copied in the same form in which they are available on the websites.

Depending on the media source, two main narratives run through these headlines. Primarily, there is a neutral tone that presents certain facts or conveys official statements in the title. It can be called a neutral narrative. The most common phrase used in these titles is *usurped property*.

*They are building on the Serb property in Klina*<sup>3</sup>

*State Department: Property and return problems in Kosovo*<sup>4</sup>

*Fight for usurped property in Kosovo and Metohija a difficult and painful process*<sup>5</sup>

*Usurped property in Kosovo and Metohija, a Sisyphean task for legal teams*<sup>6</sup>

Most of these headlines are written by journalists from state media companies such as Radio Television of Serbia or Radio Television of Vojvodina. These titles do not bring or impose a tone with which a potential reader/listener might approach the text/video itself.

The second narrative is the one expressing aggressiveness and sensationalism. The most common phrase used is *stolen property*. In addition, violence is also present in such headlines, as well as calling

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<sup>3</sup> Dragana Zečević, Novosti, 11.08.2017.

<sup>4</sup> Jugpress, 13.04.2022.

<sup>5</sup> Milica Stojanović, RTV, 24.04.2021.

<sup>6</sup> RTS, 05.06.2018.



Albanians Shqiptars, thus increasing the distance and widening the gap of otherness, increasing and strengthening the division between “us” and “them”. This narrative can be called negative.

*DIRTY SHQIPTAR GAME: Robbing Serbian houses and then asking for ransom*<sup>7</sup>

*SERBIAN WOMAN FIGHTING FOR HER PROPERTY IN PRISTINA FOR 20 YEARS: Kaqusha Jashari basking in my apartment for two decades*<sup>8</sup>

*Albanians beaten up a Serbian because of property*<sup>9</sup>

*UNPRECEDENTED ROBBERY: Usurped property of Serbs in Kosovo and Metohija worth several billion euro*<sup>10</sup>

In addition to this, it is important to see that the media are reporting about the same news with two almost different titles. What best illustrates the dichotomy of the preceding narrative phrases are the following three headlines:

*Accusing UNMIK and OSCE for usurpation of the land*<sup>11</sup>

*UNMIK and OEBS stole a Serb's land*<sup>12</sup>

*OUTRAGEOUS! UNMIK and OEBS stole a Serb's land*<sup>13</sup>

It is entirely the same text that was written by BETA and that these three media published on their websites. The content of each of them is identical, however, the very tone of the headlines of these texts causes them to be

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<sup>7</sup> Pravda, 17.07.2018.

<sup>8</sup> Dragana Zečević, Novosti, 16.06.2019.

<sup>9</sup> BETA, B92, 20.03.2018.

<sup>10</sup> Novosti, 09.06.2018.

<sup>11</sup> Beta, RTV, 20.07.2016.

<sup>12</sup> Alo, 20.07.2016.

<sup>13</sup> Srbija Danas 21.07.2016.

read in a completely different manner and from a completely different starting point.

Another interesting thing that can be seen is, if you look at the headlines of the same media, in this case Novosti, you can clearly see how the headlines and consequently the narratives that are served to the readers change over time. Examples from this medium are given in both the first and second group of narratives, and the approach and change from 2017 to 2018 is clearly visible.

As already noted in the first part of this paper, the fact we have is that there are 70,000 cases that have a property problem of some kind. The attitude of “packaging” media headlines into a negative narrative can potentially be understandable. However, what is striking up to this point is the absence of any form of positive narrative regarding this topic. Therefore, there are no reports on examples of good practice, property restitution, but only on situations that describe the difficulties faced by Kosovo Serbs. Among all the media titles that were found during the research, only the following could fall under this category:

*THE FIRST AND SO FAR THE ONLY: Serbian woman has won over Kosovo in the property battle!*<sup>14</sup>

This example is not a true positive narrative as such but could even be classified as a negative one based on the tone and phrases used. This is somewhat understandable if you take into account the source that published this - Telegraf, as a media that borders on the tabloid.

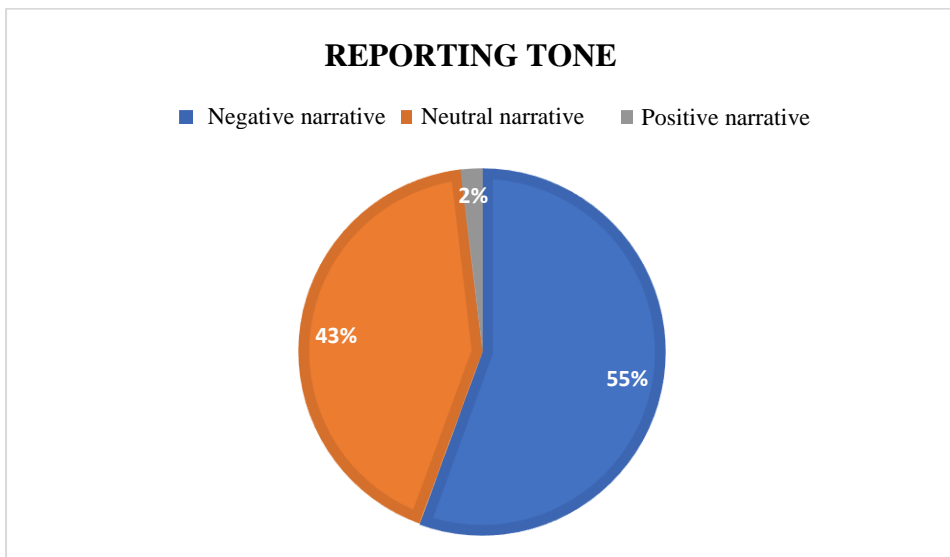
Furthermore, another thing to emphasize is that the news is from 2014. If we take into account all the facts that claimants face every day during the court proceedings, they have in order to recover their property, statistically speaking, it is more than possible to expect that more people have exercised this type of right. This further tells us that there is a disinterest

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<sup>14</sup> Telegraf, 12.06.2014.

of the media in dealing with examples of good practice i.e., the successful realization of these rights.

The only broadcasting and making a topic of these problems is the one on the national frequency of Radio Television of Serbia. However, the space available for this is very narrow. The program “The right to tomorrow”, which deals with the problem of property issues of Serbs in Kosovo, is broadcast on the second channel of the national television, every two weeks, and thus have a reduced availability, giving the impression that it is marginal. Furthermore, there is the problem of not broadcasting that show in Kosovo, as well as the problem of the language barrier, because the show is in Serbian, therefore a large part of potential viewers with Albanian as the primary language remain deprived of information about the problems faced by Kosovo Serbs. It should be noted that this show as such belongs to a neutral or sometimes a positive narrative.



Media reporting related to the very problem of property issues of Kosovo Serbs and non-Albanians represents a significant niche, which perhaps in the television sense has been monopolized (perhaps rightfully so) by the national service. This is one of the very important issues for the negotiations between Belgrade and Pristina, but also for the process of

normalization and the easier everyday life of citizens. From the chart above, it can be seen that the general media coverage of the Serbian media is mostly with a negative narrative. This does not highlight the positive things, which are almost non-existent, but further creates a deeper gap and ethnic distance. In this way, it does not contribute to the process of normalization and improvement of relations between Belgrade and Pristina, but also to the attempt to facilitate the daily life of people in the territory of Kosovo.

## **THE INTENSITY OF REPORTING**

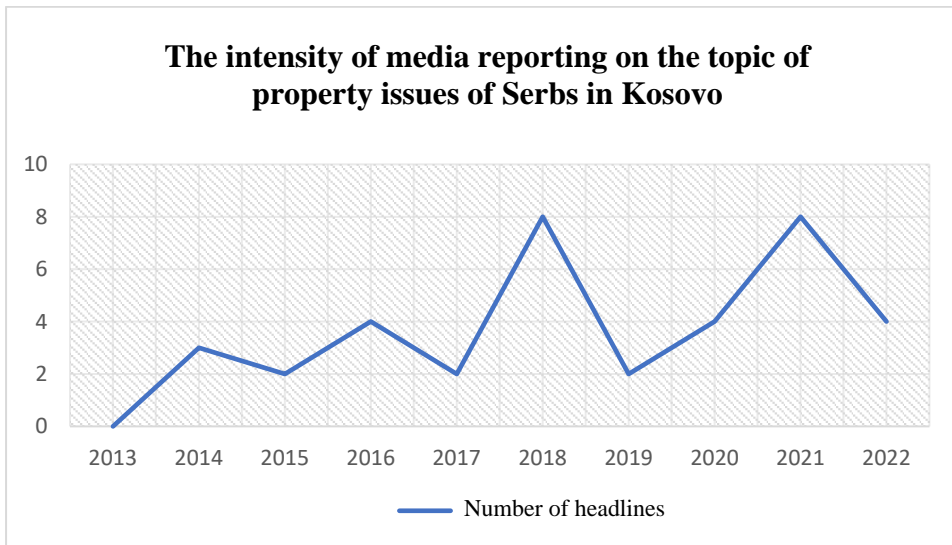
By reviewing the intensity of the research, we can see how the media's interest in this topic has changed over the years. This can give us significant information about the media participation in the formation of the narrative.

At the beginning of 2013, it was noticeable that there was no direct reporting related to the property issues of Serbs in Kosovo. This can be interpreted in two ways. Primarily, it seems that the media were not interested in this topic. All search results pointed almost exclusively to news related to the Brussels dialogue and the signing of the Brussels Agreement, and almost all interest in the negotiations between Belgrade and Pristina was based on the signing of this agreement. One gets the impression that this topic was sacrificed for the sake of the success and promotion of the Brussels Agreement.

A big jump in media announcements related to property rights in 2018 could potentially be due to the fact that in that year an internal dialogue was conducted on the issue of Kosovo itself. In addition, in the same year, taxes of 100% were introduced on goods from Serbia entering the territory of Kosovo.

The growth of interest in this topic in 2020 can be interpreted by the signing of the Washington documents, which restarted the negotiations between Belgrade and Pristina and thus put this topic in the focus of the media.

In 2021, 5 of the 8 texts that brought this topic to life this topic were written after the events and the mini-crisis related to car plates, after the meeting of the negotiators and the signing of the Agreement regarding car plates.



Taking into account all the above-mentioned examples, it can be concluded that an external impulse to the media is necessary, which would somehow remind them that there are actually still relevant topics related to Kosovo, not necessarily closely related to the negotiation process, i.e., the official meetings.

## **RECOMMENDATIONS**

It is necessary to have a more frequent exchange of journalists from central Serbia and Kosovo, in order to exchange experiences, but also to reduce the ethnic distance, which would significantly affect the way they work.

It is necessary to establish a mixed journalistic editorial office, which would potentially publish a monthly newsletter where headlines would be displayed, which would be checked in a way to determine to what extent they contain fake news, and with a kind of narrative check, so that this content would be equally accessible to both Kosovo Serbs and Kosovo Albanians.

Media portals should make available the archives of the online articles they publish. In this way, they would strengthen their media credibility, while significantly helping researchers who follow these types of reporting.

The reporting of journalists should not be based solely on the sensationalism of the headlines and the motivation for more clicks and visits to the page.

It is necessary to insist on this topic through media reporting, because one of the main keys to the progress of the dialogue between Belgrade and Pristina is the successful resolution of the issue of property rights.

It is necessary for the media to report in more detail on legal remedies and existing obstructions to the exercise of property rights, but also on examples of good practice.

## **REPORTING OF THE MEDIA IN ALBANIAN LANGUAGE**

In the period from April to September, the research was very challenging because of the topic it covered. Although there are many media in Kosovo, including social media sites, portals, etc. (but excluding previously

published papers), the result was below expectations. There were very few or no reports of property owned by members of the Serb community. In the absence of reporting, it seemed that the problems of non-majority communities were not important to the media in Kosovo. Research in the field showed different information and in various meetings it was revealed that the Serb community faced and still faces numerous problems related to their property. The perceived problems were different, but the most mentioned problem was that the courts take too much time to render judgments and process cases.

Access to media page archives was not efficient. The reasons for this can be different, but below are just some of them:

- Technical reason – the media often changed the page or changed the page menu. Certain new pages do not have an archive in their menu, so there is no access to all previously published articles, which prevents viewers and researchers from accessing articles written in the previous period, or at least makes access difficult. This happens more often with larger media (e.g., Kohavision, Klan Kosova, Kosova Press, etc.), while some of the media have published their reports and episodes on the YouTube channel and thus provided access to saved published articles and news that can be read and/or download. The entire research can be seen in the research table with information about the media and topics.
- The language factor - one of the key reasons why the media in Kosovo did not publish articles or news about the property issues of the Serb minority in Kosovo, for the reason that they DO NOT SPEAK the language of the non-majority communities. The fact is that many journalists do not know Serbian language, and they mostly speak Albanian or are bilingual, which means they know Albanian and/or English. English is considered a problem in the understanding of the Serb community in Kosovo because their language, or Serbian language, is one of the official languages in use in Kosovo and they have the right to request material in their

native language. It is not only the Serb population that is affected by this problem, but there are also Bosniaks, Croats, Montenegrins and Roma who speak practically the same language with minor differences. In addition, it should be emphasized that the entire translation process takes a long time. Let's imagine how a TV story for a trilingual person is created: conceptualization in Albanian, realized in English and translated into Serbian, the whole process is long, and besides, it is often not related to the original story or has some changes that could change the whole article and have different meaning than expected.

- Lack of interest – the media have not expressed interest in publishing such stories or articles, or even using the information as short news. They are mainly focused on politics and politicians (probably daily), unemployment, education system, health system (mainly where there were corrupt situations), while the dialogue between Kosovo and Serbia is an important topic that is used or serves as breaking news. This is not surprising considering all the past events in the north of Kosovo and on the political scene in Pristina and the narrative that was used for their voters. In this aspect, for the media (also worldwide) “bad news is good news”, and the media often use this political crisis presenting it as of national importance, as a game changer or an opportunity to create better conditions for the future (visa liberalization). The issue of returnees to their estates is not perceived as good news and the media simply did not provide space for reporting on these issues. It is obvious that this type of problem continues, as there are fewer and fewer reports of it.

From the perspective of civil society activists, the issue of returnees to their estates is not a topic the media deal with. Kosovo has a lot of media registered as individual companies (according to the website of the Business Registration Agency in Kosovo, there are more than 30, while the primary and secondary fields of activity are: Internet advertising, web portals, news agencies and other information services). So, in this sense,



the most trusted media are national TV channels (companies with the national frequencies), followed by radio stations and finally web portals that are linked to social media pages. Research in the field showed that there are events on this topic, more precisely, there were many cases where Serb property was sold to Albanians and their cases were closed on legal grounds, and there were also cases where members of the non-majority community did not have the opportunity to exercise their constitutional rights and have many obstacles to return their property, house, apartment, etc. Bearing all this in mind, this research concludes that the media does not pay enough attention to the property issues that members of non-majority communities have had for years, and some of them for decades in Kosovo, and although the approach to solving these issues is multi-layered, the media should follow them and report about them because all citizens have equal rights and this topic deserves much more attention than the one that is being given to it at the moment.

## **RECOMMENDATION – CONTINUING THE RESEARCH WITH INSTITUTIONS**

In order to find the best way to solve the issue of returnees or displaced persons, we need to consider a different approach. One of the possible solutions would be to send each municipality an official request of returnees and displaced persons from their municipality. That would give us accurate data with real numbers about the property issues that each municipality has and how many of them have been resolved over time. This will give a clear picture of the status of returnees and how long it took them to exercise their right. Another option is to contact the court and ask about existing property cases and ask for information about cases that have been completed. Official information from the courts will help us have a clearer picture of cases and the situation regarding property rights. At the same time, it can be used as a double check of the information received from the municipality, and thus accurate data on current, solved, or possible cases (in the future) will be obtained.

This procedure takes time, up to two months, and taking into account the period of official response according to the law, then an additional month (or two) for the analysis of the responses of the municipalities and with that data, the preparation of a summary report on the position of non-majority property issues and the percentage of solutions begins.

With this method, we will have a much better picture of how many properties in Kosovo are owned by members of the Serb community. Also, it can show us how many properties changed owners in the previous period and what is the exact number of returnees who returned to live in Kosovo.

## **EXAMPLES TO BE CONSIDERED**

As an example, and at the same time a challenge related to court cases, we can mention old cases that never had a property settlement. There are still properties from the seventies of the last century, which were sold by Serbs, bought from Albanians, and vice versa, and there are still no documents of the owners due to the informality of the sellers. Such cases still occur in terms of the administrative competences of municipalities, in order to register the property in the name of the real owner. Although the government through the relevant ministry has eased the property registration criteria, there is still no solution. And although there is not a high percentage of these cases, they are still not solved and require the attention of both institutions and the media.

As another example that can be mentioned, ownership of land is disputed, which directly refers to local and central government. In this regard, many estates were built without a permit, which is why they are still in the process of expropriation, bearing in mind that there was informal construction in the eighties and nineties of the last century. After the 2000s, informality of hard structures continues, while the same process happened after the decentralization process, when new municipalities came to power (after 2012). Therefore, the land belongs to the state (local or central administration), and the construction belongs to the construction company. The result is construction without a permit. There are many cases where land ownership is not legally regulated, which creates a problem in the future for people who have bought apartments, offices or any other space built on that unsettled plot.

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