

SUPPORTING RECONCILIATION PROCESSES IN THE WESTERN BALKANS

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INTRODUCTION AND KEY RECOMMENDATIONS

In recent years, reconciliation seems to have all but disappeared from the political agendas in the Western Balkans (WB). The international community has brought the topic forward several times and commitments have been made by governments of the region. However, substantial progress in this regard is lacking. On the contrary, nationalist, revisionist, and divisive rhetoric from politicians and other public figures in the Western Balkans is on the rise again, often employed to serve vested political interests. This not only leads to an increasingly polarized societal climate within and between the countries of the region, but also adds to the pain of the victims of the war and their families. The recently re-emerged discussions about changing borders in the Western Balkans are further adding to these rising tensions.

This worrying development deserves special attention at the regional and international level. Not only does it represent a major stumbling block for the peaceful development of the Western Balkan countries and their respective EU aspirations, but it also bears the risk of destabilizing the entire region. For these reasons, continuous dialogue on all levels both within the region and with international stakeholders is necessary to jointly address this challenge and to find ways to support reconciliation processes and inter-societal dialogue.

To contribute to this effort, the Aspen Institute Germany organized a closed-door virtual expert workshop and stakeholder meeting entitled “Supporting Reconciliation Processes in the Western Balkans,” kindly supported by the German Federal Foreign Office, in March 2021. At this event, we gathered more than 40 experts from the Western Balkan Six countries and Croatia, including members of NGOs working on reconciliation in the region, journalists, youth representatives, academics, artists, as well as representatives of international organizations and officials from the EU and its member states. The aim of the event was to jointly elaborate and discuss multi-perspective ideas and policy recommendations on how a genuine process of reconciliation can be revitalized and further supported, both from within the region and also externally.

The following recommendations were developed over the course of the workshop in the areas of: transitional justice; history, research, and education; public discourse and media; as well as the role of civil society and NGOs. Please note that this summary only provides a collection of the points raised by workshop participants. They do not reflect Aspen Germany’s position on the issues addressed.

Key Recommendations: Transitional Justice

- Stronger and publicly voiced external pressure to promote transitional justice is needed due to the lack of political will, ineffective and politicized judicial institutions, and the politicization of criminal proceedings in public discourses in the region. A concerted approach is needed, combining external pressure with bottom-up initiatives and local ownership.
- Zero tolerance for hate speech, the denial of war crimes, and glorification of war criminals by political leaders of countries aspiring for membership in the EU needs to be imposed through EU conditionality, including withholding financial, political, and operational support to (potential) candidate states by European institutions and member states.
- The term “transitional justice” does not resonate anymore. Transitional justice was focused on criminal justice for too long, neglecting the non-judicial dimensions of transitional justice, such as reparations (both material but also symbolic), truth-seeking, memorialization, as well as reforming institutions and providing guarantees of non-recurrence. The term “dealing with the past/facing the past” better grasps this broader concept of transitional justice.
- The EU should reframe its strategic approach to transitional justice and reconciliation, with monitoring provisions and the application of strict conditionality to all dimensions of transitional justice, including the non-judicial elements; in this context, transitional justice should be a key component of Chapter 23.

- The EU should implement a new framework to measure progress in transitional justice, not solely focusing on number of indictments. Furthermore, monitoring mechanisms regarding transitional justice should be implemented with direct public communications by EU officials on events/acts not conducive to transitional justice. EU public prosecutors should be integrated into the domestic judicial systems.
- The EU should more actively share its experience in peace-building and transitional justice with the region.
- Cross-border cooperation and coordination in prosecuting war crimes needs to be improved, resolving challenges such as differing national legal frameworks, non-admissibility of transferred evidence, parallel or overlapping investigations, conflicts of jurisdiction, lack of mutual extradition, etc.
- Individual victims and witnesses need to be protected more effectively (prior to, during, and after trials) and publicly recognized and supported, including by local leaders.
- Special attention should be given to the issue of social justice, as the economic costs of the war are often neglected, with socio-economic cleavages often running along the lines of the former parties in the war.
- The general public needs to be better informed about transitional justice, war crimes, and the issue of missing persons. Judicial findings need to be shared with a wider and diverse audience and need to be curated in a user-friendly manner to be comprehensible also to laypersons.
- More attention should be given to a victim-centered approach and to the harm that has been done to individuals and society as a whole. Currently war criminals are at the center of attention.
- To promote multi-perspective memory work, online platforms for victims could be established to let them share their stories. Memory work should also be opened up to specific groups of victims, i.e., women, children, marginalized groups, minorities.
- Joint commemorations as well as engaging and working with war veterans is important; media presence at such activities/events could help amplify their impact.
- In this regard, the international community can play an important role: together with local NGOs they could organize joint commemoration events, thereby increasing the pressure on local politicians to attend.
- Several actors in the region need to be involved in the effort to achieve transitional justice, such as the UN, OSCE, but also Russia, as it plays an important role for interethnic dialogue and reconciliation.

Key Recommendations: History, Research, and Education

- Research on war victims and crimes needs to be prioritized on the political agenda in and for the region, as data collection is a “weapon” against the manipulation of the past. Increased funding is needed for interdisciplinary and multi-perspective historical research and for the joint elaboration of clear methodologies for research and historical documentation. In this context, capacity building for research is needed, including younger researchers and academics.
- Access to unbiased data/facts needs to be ensured: facts established by (international) courts can be regarded as unbiased information and therefore need to be made publicly available. However, courts are limited in their capacities, therefore research needs to be institutionalized and conducted on a large scale.
- Historical documents as well as court-established facts must be properly archived and made available for researchers; digitalization is needed in this regard to make documents accessible.

- Exchange and cooperation between universities and academic institutions across the region must be strengthened in the areas of history and research, also including research institutions in EU-member states such as Croatia, in order to collect regionally dispersed data.
- In this regard, the RECOM initiative, the regional commission seeking to document all victims of the wars without ethnic borders, should be further strengthened. RECOM needs more funding in order to establish close cooperation with academic institutions in Southeast Europe and the EU.
- The academic community should join forces with NGOs in the endeavor of intensifying unbiased research and documentation on victims.
- More profound research on victims is needed, including long-term consequences of the war, which are affecting social justice and equality.
- In terms of history and research one should consider the entire Southeast European region, not focus solely on the Western Balkans Six, as this excludes the former post-Yugoslav countries Croatia and Slovenia and hampers a joint region-wide approach to reconciliation.
- To support reconciliation, the educational sector should be very high on the political agenda for the region and the EU. As formal education is a top-down process, pressure on governments is crucial to achieve progress in this area. The EU should therefore include elements of reconciliation and education as key conditions in the EU accession process.
- In education and teaching, funding should be increased for multilateral, regional initiatives (e.g., Joint History Project of the Center for Democracy and Reconciliation in Southeast Europe; Council of Europe's Observatory of History Teaching).
- Multi-perspective approaches to textbooks are important; different interpretations of history must be looked at and explained, furthermore, the recent past needs to be covered as well, as current history books often end in 1991. The history of World War II also needs to be addressed in an unbiased manner, as undifferentiated interpretations of World War II serve as a basis to justify events of the 1990s.
- Capacity building and intercultural trainings for teachers should be intensified as currently they are oftentimes not trained or even afraid to teach sensitive historical topics and critical views of the past; teachers also need to be provided with alternative teaching materials, as biased interpretations of the past prevail in official textbooks.
- Students must be confronted with differing historical narratives and the views of "others"; the current right to education in one's own mother-tongue results in separated classes in some countries and has the potential to further add to the teaching of different narratives.
- There is a need to reach out to younger generations as agents of change: the mobility of younger students (high schools) needs to be increased; approaches should consider drafting alternative textbooks, not exclusively about history, in the language of the younger generation.
- Transitional justice and related topics should be introduced in university curricula across the region. Especially law students should be educated about transitional justice. Furthermore, war crimes prosecutors should give lectures at universities and schools.
- Informal education of youth but also of adults is crucial in order to complement formal education, which is often one-sided.

Key Recommendations: Public Discourse and Media

- The public discourse on reconciliation should not be limited to the Western Balkans region, but must be regarded as an all-European issue.
- Regulatory institutions for the prosecution of hate speech are needed; hate-speech and war crime denials must be penalized. Especially hate speech by public officials from the region must be strongly and publicly criticized by the EU, as – if unchallenged – their office/position gives additional legitimization to their divisive rhetoric.
- Address the younger political generation that will come to power in the coming years by working with young politicians on reconciliation issues.
- Create a regional exchange program for young journalists to foster multi-perspective reporting and to involve them in the regional reconciliation process.
- Support existing CSOs, media, and artistic groups in their work on reconciliation with strategic, long-term grants to develop new and creative approaches to dealing with the past and to reach a wider audience.
- Support regional networking of different groups in diverse coalitions and networks and support exchanges and joint actions of artists and journalists from the region, such as residency and exchange programs to foster the creation of common regional narratives.
- Support the production of alternative critical narratives through art and new media forms, by designing special funding schemes with local foundations dedicated to the support of artists and cultural professionals willing to engage in the critical rethinking of the regional past.
- Develop specific joint grant programs with Western Balkan (WB) governments (WB plus EU, or bilateral) to support (self)critical content and projects that contribute to the building of a culture of accountability and thus can contribute to reconciliation.
- Promote the creation and translation of content where people from different backgrounds can learn about each other's lives, including books, news outlets, movies, popular culture content, etc.
- Support the development of continuous and sustainable public distribution mechanisms so that developed art and media products can be seen in all WB countries, encouraging and supporting artistic and cultural mobility across the region.
- Support and protect critical intellectuals and public figures from retaliation and persecution through strong, unambiguous, and public support from the EU, acknowledging their importance and the importance of their work. Additionally, establish a support mechanism for endangered public figures/activists facing security risks due to their engagement and work.
- Establish a regional reconciliation award for institutions, media, and individuals who contribute to dealing with the past and reconciliation to promote good practices where they exist.
- Support the development of TV/radio shows (as traditional media play an important role in WB) as well as new media content that fosters reconciliation and peace.
- Employ different media formats to especially target younger people and to make information easily accessible. For instance, promote diverse kinds of art that have the potential of reaching young people across ethnic lines (e.g., hip hop music, podcasts). Involve social media influencers and use their outreach and platforms to promote reconciliation.

Key Recommendations: Civil Society and NGOs

- Political support for local civil society organizations (CSOs) dealing with the past is crucial. The EU along with other international actors should thus more actively support CSOs and pressure governments to provide institutional support. Local CSOs must also be protected from attacks and accusations of being “traitors” for critically dealing with the past.
- Communication channels between CSOs and different levels of government and international organizations are very important. This could be achieved through thematic working groups engaging with relevant public institutions to provide civil society expertise and contributions while strengthening accountability and transparency.
- CSOs need to be supported with long-term funding in order to be able to generate a long-term impact.
- More capacity building for NGOs dealing with the past is needed to strengthen their advocacy and public outreach. Furthermore, they should be provided with access to information/data for investigations and research.
- Coordination, cooperation, and exchange between NGOs dealing with the past across the region – including EU members of the former Yugoslavia – should be strengthened. This could be done through online networking platforms as well as physical networking events. Already existing regional initiatives such as RYCO (Regional Youth Cooperation Office), RECOM, and YIHR (Youth Initiative for Human Rights) should be strengthened. In this regard, language barriers must be taken into account.
- Croatia (along with Slovenia) should actively participate in all regional programs; EU membership should be an advantage, not an obstacle, to participating in politically and financially supported regional cooperation initiatives of CSOs. Therefore, funding programs for reconciliation should be accessible for CSOs working in Croatia and Slovenia as well.
- Halt transgenerational hatred through revised, enhanced, and regional truth-telling initiatives to be conducted, for and by, youth CSOs and actors (“Youth and Truth”).
- Decentralization of civil society efforts toward reconciliation is needed: local actors should engage in smaller cities, communities, and villages as well.
- Reconciliation initiatives need to be based on local ownership (bottom-up approach) and need to be inclusive, engaging also marginalized communities such as Roma, the Jewish community, etc. It would be advisable to install a special EU envoy for antiziganism to increase the attention for Roma, including in the reconciliation process.
- Engage religious leaders and communities as well as the private sector to support reconciliation at the national and grassroots levels, thereby providing additional focus and encouragement for reconciliation and potentially also alternative financial sources.
- Invest in social entrepreneurship, ideally cross-regionally, to bring together people from different (ethnic) backgrounds and create platforms for civil society cooperation outside of official channels.
- Technical assistance can also be instrumental in promoting reconciliation: international donors should pay attention in their development assistance to bringing together different groups (municipalities, interest groups etc. from different ethnic backgrounds) to jointly work on technical issues of common interest.

The papers contained in this volume were developed by selected experts based on the ideas and recommendations voiced in the workshop discussions. We would like to express our sincere gratitude to the authors for their important contributions, to all workshop participants for sharing their views, and to the German Federal Foreign Office for the kind support of the event and of the project.

SUPPORTING RECONCILIATION PROCESSES IN THE WESTERN BALKANS

The Need for a New Approach to Transitional Justice in the Western Balkans

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This paper reflects the discussions and presentations made at the Aspen Institute Germany's workshop on reconciliation in the Western Balkans. It outlines the current state of affairs and proposes policy recommendations to relaunch reconciliation initiatives through transitional justice mechanisms in the Western Balkans.

Almost three decades after the cessation of violence in the Western Balkans, divisive narratives and ethnic-centric interpretations of the past continue to hinder reconciliation and the full consolidation of peace. Historical revisionism, public vindication and glorification of convicted war criminals, and hate speech are commonplace in public and political discourse. Across the region, politically sponsored impunity has superseded efforts to strengthen the rule of law and has dismantled transitional justice efforts.

Contentious narratives regarding victimhood and perpetrators ("our victims, your war criminals") have replaced the critically important acknowledgment of the criminal acts committed by one ethnic group, to exclusively attribute crimes to the other. In this regard, the denial of crimes has become commonplace posing a dehumanizing effect on the survivors and the victims – denying the victims recognition and justice.

Judicial institutions in the Western Balkans are increasingly ineffective and subject to political interference when prosecuting war crimes. Corruption and a system of clientelism obstruct genuine reform efforts and the modest reforms made in past years have been rolled back to a large extent.

The space for civil society organizations and independent media is diminishing. Truth-telling initiatives are routinely attacked and accused of being foreign agents aiming to discredit political regimes.

Transitional Justice

Transitional Justice (TJ) refers to "the full set of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuse, in order to secure accountability, serve justice and achieve reconciliation".¹ Transitional Justice recognizes two transformational goals: to deliver justice for victims and to reinforce peace, democracy, and reconciliation.

To achieve these goals, TJ mechanisms need to combine elements of judicial and non-judicial processes including prosecutions, truth-seeking, reparations, memorialization, as well as a range of initiatives aimed at reforming institutions and providing guarantees of non-recurrence. It is important to note that many practitioners and academics in the Western Balkans generally prefer to use the term "facing the past" rather than "Transitional Justice" as it translates better linguistically (*suočavanje sa prošlošću* – verbatim from the local languages) and provides a stronger definition of intent – to face or address past events. Whereas, Transitional Justice (or *tranzicijska Pravda*) has very strong "justice" connotations. "Facing the past" is also favored because "Transitional Justice" is usually understood as limited to criminal prosecutions which are often portrayed by political elites as biased or against their particular ethnic group.

Transitional Justice is certainly not new to the Western Balkans. As early as 1993, the United Nations established the International Criminal Tribunal for the former Yugoslavia (ICTY), which was mandated to prosecute persons responsible for violating international human rights law in the territory of the former Yugoslavia. In the past 25 years, numerous projects were implemented to foster reconciliation. However, war crimes prosecutions have dominated the political

¹ United Nations Security Council, "The Rule of Law in Conflict and Post-Conflict Societies. Report of the Secretary -General" (New York: August 23, 2004), p.4, <https://www.un.org/ruleoflaw/files/2004%20report.pdf> (accessed May 10, 2021).

engagement in the Western Balkans, discounting to a large extent all other TJ processes and mechanisms. This point was strongly reflected in the discussion and contributions by participants in the Aspen Workshop. Many highlighted the urgent and strategic importance of replicating the same level of political resolve and funding that drives the processing of war crimes by the ICTY and national courts to support non-judicial elements of transitional justice in the Western Balkans.

The argument is therefore that war crimes prosecutions alone are insufficient to bring about reconciliation. Discussants stressed the need to complement prosecutions and court rulings with truth-telling, education, and public acknowledgment of past events and crimes from a victim-centered approach. In other words, to describe the harm to individuals and society and not only the criminal acts of individuals.

Prosecutions

Accountability for war crimes, together with resolving the fate of the missing persons, remain a critical precondition for genuine reconciliation and the restoration of social cohesion and trust. These are the deep foundations of coherent socio-economic development in the Western Balkans. Failure to resolve these issues will further contribute to grievances, lack of trust, ethnic polarization, and the risk of radicalization of youth along ethnic and political lines. Across the region institutional policies and/or legislation are in place, with some degree of differences between them, and the governments have repeatedly expressed their commitment to upholding accountability for war crimes, resolving cases of missing persons, and working toward better neighborly and inter-ethnic relations. Still, numerous challenges remain, including, but not limited to, a lack of sufficient political will to genuinely meet commitments and obligations from legal frameworks and strategies.

Another aspect is the lack of consistent and effective regional cooperation. As perpetrators, victims, witnesses, and evidence are usually dispersed in two or more countries or jurisdictions of the region, cross-border (regional) co-operation is critical in the vast majority of war crimes cases. This alone represents a huge challenge for

witnesses and judicial authorities to work free from political interference and pressure when prosecuting persons portrayed as heroes by a particular ethnic group or politicians.

Furthermore, witnesses, victims, and other participants in the judicial process are under extreme pressure due to the increasing glorification of war criminals and the widespread denial of crimes. In this regard, witness protection and support, prior to, during, and after trials is essential for the successful adjudication of war crimes cases. This must include public support for witnesses to participate in judicial processes from political leaders as a legal and moral obligation. Witnesses and victims deserve the glory for they are the true heroes.

Other obstacles include: differences in national legal frameworks, policies, and practices, especially concerning admissibility of transferred evidence; parallel or overlapping investigation, conflicts of jurisdictions, and lack of coordination in case processing; no mutual extradition of nationals charged with war crimes (except between Serbia and Montenegro); often slow processing of requests for assistance by ministries of justice; and political interference in the cooperation process.

In the opinion of the experts, these challenges are the result of a lack of true political will and as such, not insurmountable. However, from a TJ perspective, prosecutions alone are not enough, particularly if the findings of the courts and established facts are ignored, trivialized, or denied in public and political discourse.

Truth-Telling

TJ holds that individual victims and the society at large have the right to know the truth about what happened and that states have the responsibility to share all available information related to crimes and human rights violations. This notion has strong support in international law in relation to war crimes and the responsibility of states to address the issue of missing persons.² The adjudication of war crimes by the ICTY and national courts has provided a basic foundation for truth-telling through adjudicated facts.

² Protocol I of the Geneva Convention states the right of families to know the fate and whereabouts of their relatives and establishes the obligations to be fulfilled by each party to the conflict. In addition, the UN Convention on the Protection of all Persons from Enforced Disappearances establishes, the right of victims to know the circumstances of enforced disappearances.

However, judicial findings are extremely complex for laypersons to fully comprehend and need to be curated in a user-friendly manner and shared with a wider and diverse audience. Currently, very little is known or understood by the general public regarding war crimes. Civil society organizations (CSOs) from across the region have worked tirelessly to establish a regional truth commission (RECOM) that would be mandated to present the facts about human rights violations committed during the conflict in the former Yugoslavia. However, while this approach remains ongoing, regional CSOs have realigned their efforts to provide a bottom-up approach by presenting available facts and stories related to the fate of the conflict's victims on virtual and in public forums.

As a critical component of the transitional justice and peace-building processes, truth-telling and the presentation of facts will help to break the transfer of ethnic division and intolerance to younger generations. Fact-finding initiatives and research by competent and independent actors are particularly important as behind all these facts there is protracted human suffering. Grassroots initiatives such as RECOM continue to have an important role in fostering a culture of memory and reconciliation.

The discussants stressed that, while vision and determination by political leadership remains essential and a decisive factor for lasting peace and reconciliation, civil society organizations should not wait for political engagement and redouble their efforts to establish and publicize the facts.

Reparations

Reparations serve to acknowledge the legal obligation of a state or individual(s) or group to repair the consequences of violations – either because it directly committed them, or it failed to prevent them. They also express to victims and society more generally that the state is committed to addressing the root causes of past violations and ensuring they do not happen again. As per the discussion, reparations in the Western Balkans are a particular challenge mainly due to the highly selective and ethnic-based considerations where, for example, civilian victims of the war are largely ignored and preference for reparations is given to war veterans. Rather than recognizing that an individual is a victim of a human right violation, reparations are routinely used to support only

individuals belonging to that same ethnic group to make political statements.

Thereby, reparations often serve to further ethnic division rather than facilitate reconciliation among different groups. The lack of transparency and discrimination in the area of reparations provides clear evidence of the power that systems of impunity have to undermine progress in transitional justice in the Western Balkans.

Memorialization

Over the past three decades, an unprecedented number of monuments have been constructed throughout the Western Balkans related to conflicts in the 1990s. Governmental policies are ineffective or absent throughout the region with the vast majority of monuments (or events and performances) commemorating fallen fighters, conflict victims, historical heroes, and in some cases controversial individuals considered to be war criminals by other ethnic or political groups. Commemorations are therefore highly selective and promote divisive views of history and the brutal nature of other ethnic groups. As described by one of the discussants, commemorations are often designed to “shame and blame” – not to commemorate.

Addressing this issue is critical, as the memories of the recent conflicts remain vivid in minds of victims and survivors. Allowing the current situation to continue reinforces the division between ethnic and political groups hampering reconciliation and social cohesion at all levels.

Institutional Reforms and Guarantees of Non-Recurrence

Reforming state institutions that were involved in or failed to prevent violations of human rights are a critical element of TJ to support guarantees of non-recurrence. Institutional reform aims to prevent the recurrence of atrocities by equipping institutions to protect fundamental human rights and to function according to democratic principles. However, institutional reforms in the WB are mostly technical and structural in nature without addressing the legacy of the conflict.

As such, critical policies are lacking in areas such as memorialization, reparations, and truth-telling

leaving space for nationalist ideologies to infiltrate cultural and political debates and discourses. These ideologies are openly promoted by mainstream politicians today in Western Balkan states, claiming absolute victimhood for their ethnic group and blaming the other for past abuses. Finally, and of the utmost concern, is that education has been shaped by ethnic interpretations of the past. With history taught along the lines of nationalist narratives in nearly all Western Balkan states, the educational sector as a guarantor for the nonrecurrence is seriously challenged and will most certainly promote transgenerational hatred.

The EU and Transitional Justice

In its 2018 Communication on a Credible Enlargement Strategy, the EU not only took note of the negative trends in the region, but also committed itself institutionally to a reengaged approach to transitional justice as part of its flagship initiatives on rule of law and fundamental rights.

The key focus of the new strategy was to foster good neighborly relations capable of countering long-standing ethnic disputes. The strategy set out six ‘flagship initiatives’, which are areas of common interest to both the EU and the Western Balkans, i.e., the rule of law; security and migration; socio-economic development; transport and energy connectivity; the digital agenda; and reconciliation and good neighborly relations.³

In this regard, all countries of the Western Balkans needed to unequivocally commit, in both word and deed, to overcome the legacy of the past by achieving reconciliation and solving open issues, in particular border disputes, well before accession to the European Union.

The causes of the limited overall progress in addressing the legacy of the past can be grouped within two paradigms: first, the lack of consistency in the approach by international actors to support TJ and second, the absence of effective countermeasures to divisive narratives, hate speech, and back-sliding in the rule of law. Incorporating “conditionality” to “stop the erosion”, as described in the Aspen Germany

workshop, and to support TJ is critical as the current reform and monitoring instrument, the *acquis communautaire*, does not include criteria and standards for addressing the legacy of the conflict. Simply appealing to the political will of the leaders to deal with the very political elements that keep them in power is not effective.

Key Recommendations

Based on these considerations, the following policy recommendations have been put forward to reinvigorate reconciliation and dealing with the past in the Western Balkans region.

- Impose a “zero tolerance” for hate speech, denial of war crimes, and glorification of war criminals by political leaders of countries aspiring for membership in the EU through EU conditionality. This would include withholding financial, political, and operational support to (potential) candidate states by European institutions and member states.
- Impunity for war crimes must be effectively challenged by international actors, both publicly and informally, in bilateral meetings at all levels including by resident diplomats in the Western Balkans and in bilateral meetings in member state capitals.
- Reframe EU’s strategic approach to transitional justice. This approach needs to be holistic and should include monitoring provisions and conditionality similar to those implemented for war crimes prosecutions.
- Develop and implement monitoring mechanisms and direct communication regarding TJ in real-time. EU delegations should be equipped to monitor and support transitional justice processes and relevant political developments in the field in a transparent, local engagement. This means that EU diplomats and representatives, including heads of delegations, need to actively promote EU values and policies and react to incidents or trends not conducive to these values.

³ European Commission, “Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A credible enlargement perspective for and enhanced EU engagement with the Western Balkans”, COM (2018) 65, (Strasbourg: February 6, 2018), https://ec.europa.eu/info/sites/default/files/communication-credible-enlargement-perspective-western-balkans_en.pdf (accessed May 10, 2021).

- Share EU experience as a TJ actor in the Western Balkans. The EU has considerable experience in peacebuilding, crisis management, and development, all of which are areas that interconnect with transitional justice.
- “Youth and Truth” – Urgent need to halt transgenerational hatred through revised, enhanced, and regional truth-telling initiatives to be conducted for and by youth CSOs and actors.
- Engage religious leaders and communities to support reconciliation at the national and grassroots levels. Religion plays an important role in the WB. Religious leaders are influential in both the political and social spheres and have a broad influence in society. With their involvement in local communities and their standing as moral leaders, they are key TJ stakeholders.

The Importance of History, Research, and Education in the Reconciliation Process

Nataša Kandić

Founder of the Humanitarian Law Center,
President of the Humanitarian Law Center Kosovo
Board

Research and truth-seeking on war crimes along with the documentation of all victims is of crucial importance for the reconciliation process in the Western Balkans. Only a common understanding and acknowledgement of the past can serve as protection against the manipulation of history by nationalistic forces. However, at the moment, own-victim-centered and biased narratives prevail in public discourses throughout the Western Balkans, supported by politicians who profit from a polarized societal climate and inter-ethnic tensions. This lack of political will to deal with the past due to vested interests combined with an already polarized political climate requires external engagement to reinvigorate reconciliation processes in the region.

The Importance of Research and Access to Unbiased Information: the RECOM Initiative

Effective opposition to false depictions of past events, denial of crimes, and the celebration of those convicted of crimes committed during the wars of the 1990s requires a strong information infrastructure. Research, the establishment of facts, and access to this kind of information is crucial to fight one-sided historical narratives.

In this context, it is of utmost importance to generate unbiased data and information – where court-established facts are of greatest significance. Creating a publicly accessible collection of court-established facts and involving social sciences faculties and students from across the region in empirical research on human losses could reduce the informational voids that are being filled by propaganda and hate speech.

Furthermore, research endeavors focused on events of the past should be institutionalized and based on intraregional cooperation. This will provide the research with the necessary legitimization to be

accepted as unbiased. Connecting academic institutions (e.g., universities, faculties) and nongovernmental organizations (NGOs) to document victims is key to reconciliation as they can compile a joint regional list of victims that no one will dispute.

The RECOM Initiative, aiming to establish a regional commission for the establishment of facts about war crimes and other serious violations of human rights committed in the former Yugoslavia between January 1, 1991 and December 31, 2001, is a case in point. The RECOM Initiative has gained significant public support due to its regional character and its bottom-up approach to the discussion on the mandate of the interstate regional commission tasked with keeping records of all victims and the circumstances of each individual death/disappearance. The initiative has successfully brought together different actors: ordinary citizens, victims, victims associations, associations of former combatants, veterans, lawyers, intellectuals, artists, religious leaders, young people, and leading NGOs for human rights and democracy, which has led to verbal support from political leaders who have pledged to jointly found RECOM.

However, as the 2018 summit of the Berlin Process in London grew nearer, where the heads of governments were supposed to sign the decision to found RECOM, the leaders of several countries backed out of the regional approach, with only the Montenegrin government publicly presenting the signed decision to participate in the founding of RECOM. Another attempt to reinvigorate the RECOM process in the run-up to the Poznan summit failed, as a lack of clear EU commitment and pressure resulted in failure to unify the regional leaders around the idea to create a joint list of victims. This informal support from the EU was partly due to Croatia's dual role: as a member of the EU and a member of the former Yugoslavia which did not support regional reconciliation in the Balkans. This has shown that the RECOM Initiative and other civilian regional undertakings driven by valuable local ownership cannot be successful in promoting regional reconciliation without external support.

What is necessary is a change in the EU's position toward reconciliation and the RECOM Initiative, with a need for the European Commission (EC) and EU members to provide unreserved support for the task of establishing facts. More than 5,000

testimonies from the ICTY archive, which are being kept by the International Residual Mechanism for Criminal Tribunals, must be made available to the RECOM Reconciliation Network and other promoters of reconciliation in the region. It is equally important for the RECOM Reconciliation Network to establish cooperation and networks with academic institutions across the region, including Croatia, in order to create a complete list of all the victims of the 1990s wars.

The Role of Education and Academia in the Reconciliation Process

Educating students about the past in the Western Balkans is conducted according to curricula approved by educational institutions, which are based on the official interpretation of events. Teachers have very little space available to them for critical thinking. Oftentimes education is not used for a critical review of political narratives, because teachers are not sufficiently aware or do not have access to unbiased information, such as court facts or findings of empirical and historical studies. Furthermore, textbooks oftentimes contain one-sided, nationalistic views about the past. One should also bear in mind that a significant number of teachers hold nationalist views regarding the wars of the 1990s, which additionally impedes the role of education in reconciliation.

The Humanitarian Law Centre (HLC) Kosovo has organized informal education in secondary schools, in cooperation with the ICTY Outreach Program and with support from the Ministry of Science and Education, based on court facts and HLC empirical research. This has shown that there is a large gap in education while at the same time there is the need for and interest by students to know what happened in their local community. The lectures that were part of this informal education were the only opportunity for students to learn what happened to previous generations who lived in their communities before the war.

Increasing the participation in informal education, through lectures based on court facts, research results, and the mechanisms of transitional justice would reduce the threat of growing political radicalization of young people. Thereby, education could become an important part of the reconciliation process. However, the fact that the ICTY Outreach Program has failed to gain institutional support for the presentation of court

facts in secondary schools in any other country, with the exception of Kosovo, indicates the necessity of education on court-established facts, for both teachers and students, to become one of the priorities of European integration, which the EC should insist upon.

Academia also plays an important role in the reconciliation process. Academic institutions, especially national academies of science in the region, are the main promoters of nationalist interests and values, tailored to the ruling parties. However, there are some universities, especially in Croatia, that have maintained their autonomy and distance from the government. Professors from these universities frequently make public statements, discussing and opposing revisionist narratives, most commonly pertaining to the Second World War. These actors should be supported in strengthening their regional networks.

A New Position is Crucial – Reconciliation with External Support

For years the EC has held the position that reconciliation cannot be imposed, but rather that it depends on the political maturity of politicians. However, the views of local politicians are not moving in that direction: Serbia will acknowledge other victims if the neighboring countries acknowledge Serbian victims and the genocide in Jasenovac; Croatia is prepared to take part in the reconciliation provided that Serbia admits aggression and provides information on the missing Croats. The BiH Federation is demanding a law be passed banning the denial of the genocide in Srebrenica, whereas nationalist political groups are demanding that the “genocidal creation” of Republika Srpska be abolished. Republika Srpska refuses to take part in the reconciliation based on court-established facts and ICTY judgements and has therefore formed the International Commission for Investigating Srebrenica and Serb Suffering. Judging from its recently published report, this commission is addressing the historical context of the injustice towards the Serbs. Kosovo is demanding that Serbia apologize for crimes and pay reparations, while Montenegro is not holding war crimes trials, but consistently expressing its willingness to contribute to regional reconciliation. North Macedonia has the same position. Slovenia’s official position is that its armed forces did not commit war crimes, nor did they take part in the regional conflict, and therefore it has no grounds to

address the past of other peoples. The picture of “political maturity” for reconciliation is rounded off by the position of the Kosovo institutions, public, and civil society that the work of the Kosovo Specialist Chambers is controversial because it tries only one side in the conflict, and consequently recommends shifting the focus to truth-telling, collecting documentation, research, and reparations.

With the current stances of political leaders, it seems a difficult task to return to the years of “political maturity” (2010–2015), when Croatia was the leader in regional reconciliation, and the other countries were prepared to collaborate regionally toward achieving justice for the victims and reconciliation through other mechanisms, primarily the founding of RECOM.

With crimes being denied and the convicted celebrated throughout the region, with no local politicians who have the strength to step away from the ethnic perspective, civil society is currently the only segment of society taking a different approach to confront the lies and distorted interpretation of the past. In a situation where there is a lack of interest among institutions and media, even civil initiatives do not have the capacity to effectively establish unbiased facts about the past and distribute this information without external support from the European Union.

From Declarative to Essential Reconciliation Through a Shift in Public Discourse and Media

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The process of reconciliation and the establishment of good neighborly relations represents a crucial precondition for the European future of the Western Balkans region. However, in public discourse this idea of “closing a chapter” is most often understood not as a necessary step towards sustainable peace in the region, but rather as something that needs to be done in order to fulfill formal preconditions for European integration. Regional cooperation and peaceful relations thus become a sort of “necessary evil” to be accepted by countries of the Western Balkan region in order to secure EU membership rather than a pivotal building block of a peaceful future for the entire region.

The future of the region cannot be built on hate speech. You cannot describe your neighbors with racist, pejorative, criminal, and false adjectives in the morning, and in the afternoon cooperate with them in the framework of regional programs. Leaders and officials cannot use derogatory, nationalistic, or fabricated narratives in public speech, and at the same time publicly advocate for the rule of law and human rights. Simply, you cannot.

Countering Hate-Speech in Public Discourse and Media

A clear line must be drawn between what may and may not be stated in public – not to restrict the freedom of speech – but because these statements undermine the dignity of others and all those who are perceived as different. Western Balkan societies as a whole, but particularly individuals in positions of power, need to set up a clear boundary, a precious red line of unacceptable speech that must be strongly defended in the public sphere.

This is a key message that should be strongly, loudly, and publicly advocated for in the Western Balkans, but particularly from an external, European perspective as local politicians fail in

their responsibilities to do this. Even though this message is often clearly communicated by the EU in bilateral meetings with politicians, this is not enough as the public is already polarized. It is important that EU leaders understand that they are operating within a highly irrational struggle, not based on facts or law, but based on the decades-long media manipulation, false news, a strong influence of historical and nationalistic meta-narratives, and other forces which were created and inherited from those who started the war in the former Yugoslavia. It is therefore crucial to push for restrictions on racist and nationalistic content and to penalize hate speech more actively.

There needs to be a clear understanding of the central role and profound influence of the media and public figures in creating the atmosphere that led to the heinous crimes in the Balkans. For reconciliation to be fully integrated in the regional societies’ development today, 30 years after the war, it is necessary that particularly the media become carriers of different narratives that promote and support reconciliation, intercultural understanding, and dialogue.

In terms of social networks and the impact of new media on the public discourse on reconciliation, it is extremely important to use existing content and “translate” it into forms that are more accessible to younger generations. This does not mean a literal adaptation, but a professional, innovative, and meaningful transformation of existing facts and narratives into forms that are digitally available. The current pandemic has shown what an important role this content can and should play, particularly in the dissemination of information to various target groups in the wider region, generating greater support to regional reconciliation processes among general audiences.

Supporting Public Figures as Actors of Change

Creating common public narratives, through stories, joint actions, and an empathetic perspective is of profound importance in creating the public space and social and political atmospheres that foster reconciliation. Therefore, a public atmosphere inclined toward reconciliation must be a key goal of all actors involved, from European and regional politicians, public officials, decisionmakers, but also representatives of the media, religious and cultural communities, civil society, and other communities all of whom must

be engaged and clearly support the effort through their individual and collective actions.

In this context, it is necessary to maintain a bottom-up approach by continuing unambiguous, structural, and sustainable support to various civil society public figures who advocate, create the necessary conditions for, and contribute to reconciliation. The reconciliation process needs to be supported from within the region, bolstered by the willingness of all regional governments. In this regard, it is very important to encourage innovative and cross-sectoral approaches to reconciliation by supporting even stronger, more numerous and deeper exchanges, especially between young people, professionals in various fields, representatives of traditional and new media, and public opinion makers. Such an approach could help to build a broad coalition of public figures that promote reconciliation.

In this more innovative approach, various professional exchanges, trainings, peer-to-peer learnings, and joint collaborative projects on issues that concern the everyday life of people living in the region play the most important role. Cross-sectoral cooperation between human rights groups and organizations, governmental institutions, cultural, educational, and artistic institutions, and the private sector from all countries of the region, along with the special involvement of traditional and new media, including influencers, is especially important. Furthermore, it is important to avoid the “echo chamber” trap, so often seen in many similar actions, and give stronger support to approaches involving and targeting diverse, less established actors as well as the younger generations who represent the future of the reconciliation processes.

The Role of Arts and Culture: Creating Alternative Public Narratives

One of the groups that has played a significant role in reconciliation processes in previous years, bringing many issues to the public sphere that are important for reaching sustainable peace in the region, is the artistic community. Although often seen as controversial in public discourse, their initiatives are able to create alternative narratives in the public space, in contrast with those that are nationalistic, negative, or contrary to the policy of reconciliation. In this regard, it is important to note that although there is little room and readiness for symbolic reconciliation actions in the region, this

type of artistic content and action initiated by independent projects does not hesitate to name things and call for accountability. In doing so, they significantly contribute to the normalization and creation of new relationships in reconciliation.

Throughout the region, key actors from the artistic and cultural community, including artists, producers, directors, writers, actors, and musicians, have created content and stories that brought reconciliation closer to the general public in the region. Such examples might be found in films such as *Load* by Ognjen Glavonić, *Quo Vadis Aida?* by Jasmila Žbanić and *A Good Wife* by Mirjana Karanović. Similar efforts are found across various artistic disciplines. There have been several regional theatrical co-productions, established within institutional and civil society frameworks, with the goal of exploring regional reconciliation and re-establishing a unique cultural space across the region (e.g., Heartefact Foundation Grants Program, Qendra Multimedia Reconnection Program and Modul Memory Program of MESS Theatre Festival in Sarajevo).

Moreover, cultural and artistic initiatives focused on reconciliation have the potential to encourage countries in the dual position of being both an EU member state and part of the region to deal with their past. This is particularly the case with Croatia considering its slow and insufficient institutional approach to the dealing with the past despite participation in the majority of these regional initiatives focused on reconciliation processes. Considering all of the connections that Croatia has to the region, from language to a shared cultural and socio-political heritage, these artistic initiatives represent fruitful platforms for a potential greater inclusion of Croatia in regional processes regardless of its EU membership.

Furthermore, art provides an opportunity to create a common European narrative in the Balkans that includes reconciliation. Armed conflicts in the Balkans must be understood as a part of the collective European heritage and not only as belonging to Europe’s resident alien. Along this line, the broader support of Europe as a whole for reconciliation processes in the region contributes to the deconstruction of a long-lasting dichotomy between “European” and “Balkan.”

Due to the lack of wide support for these kinds of initiatives, they are often seen as uncoordinated, individual attempts based on enthusiasm by

particular actors, with only limited wider public influence. For this reason, it is necessary to include the support for artistic actions in the broadest sense within the EU policies of reconciliation toward the Western Balkans. This is important to foster a critical, long-term, and comprehensive approach that encourages joint artistic contributions of existing actors to the reconciliation process. Therefore, a strong focus is needed on new creative groups, with stronger, and more unequivocal support for artistic and cultural projects and programs that promote a critical re-thinking of the past, with particular support for those who discover controversial, hidden, or forgotten topics and bring them to wider audiences. Of special importance for creating alternative narratives on the regional level are initiatives based on intensive cross-border exchange and “people-to-people” connections. The creation of such alternative public narratives is one of the key elements of the reconciliation process and its long-lasting influence on sustainable peace in the region of the Balkans.

Only a small number of local foundations support programs that focus on “inappropriate” and critical themes. Providing a specific source of funding and support for the distribution of such programs would be essential. Several countries have already included support for these actors in their development assistance, recognizing them as one of the key elements in the fight for reconciliation and their contribution to the normalization of relations in the Balkans. However, these funding efforts must be increased. Not only should such critical narratives be structurally, strategically, and sustainably supported, but it is also necessary to foster a safe environment for those who create these critical narratives. Currently, many artists face public stigmatization and retaliation, such as being described as traitors and/or national enemies by mainstream nationalistic public figures and intellectuals.

Furthermore, even greater support is necessary for programs that not only address the regional past, but also overcome language barriers. Measures involving southern non-Slavic-speaking countries are particularly needed, especially regarding Kosovo where the language barrier is an additional obstacle in establishing communication and normalization between societies.

A rather important point to note with these newer approaches is that we must take care not to create “parallel” worlds. Without the clear and explicit

involvement of state apparatuses and structures in this process, we cannot talk about change. We need countries in the process of European integration to accept their obligation and create mechanisms through which both institutions and citizens can develop and present such ventures.

However, there are several obstacles in this process which can be traced back to the fact that at the institutional level, there is no will, understanding, or clear indication that these types of critical content and projects are crucial for the process of European integration, reconciliation, and for the democratization of regional societies. As long as the authorities edit artistic and public narratives for propaganda, there is no room for serious progress. The Western Balkan countries must understand that initiatives and projects promoting a critical re-examination of their own roles are a key requirement for long-lasting peace and stability in the region rather than hostile actions.

The Importance of Symbolic Gestures

In addition to the creation of alternative narratives, symbolic gestures of reconciliation by public figures are crucial, as they help reconciliation become mainstream. In this way, such gestures are a part of broader, popular culture that plays a significant role in mending broken ties. When speaking about the role of the mainstream culture, for instance sports and well-known athletes may play important roles in building greater understanding in the region. Public display of friendship and good relations between sportsmen from different countries can sometimes have more influence on their fans than more developed educational programs for regional relations. However, one should be mindful that these athletes are exposed to various attacks from hooligans, right-wingers, and other suspicious groups associated with sports clubs that are often the culprits of hate speech and anti-European behavior. Therefore, international coalition-building of public figures that are actively promoting reconciliation should be strengthened.

In supporting reconciliation processes, public recognition of those who lead these processes at the local level is important. One should for instance consider specifically designated awards to organizations or individuals whose work supports reconciliation processes, and the acknowledgment of these actors by including them in official

agendas of EU visits to the Balkan countries. Such symbolic gestures generate greater visibility and influence for local promoters of reconciliation in the region and provide them with much needed legitimization among local decision-makers as well as the general public.

Media frequently attack on their front pages supporters of regional cooperation with pejorative terms and stereotypical descriptions to discredit those who dare to criticize government actions which are harmful to peaceful regional relations. In doing so, media do not deal with the criticism but rather diminish the person that stands behind it, attacking them based on gender, or sexual, or ethnic identity (most commonly). Personal security of these rare, unofficial spokespeople of regional reconciliation is further threatened as personal or private data is often “leaked” to the public (via various tabloids) during court investigations. It is therefore important that the EU work with regional governments to increase the safety of these public figures and show public support for them.

Key Recommendations

Considering the crucial role of the public discourse and media for reconciliation efforts in the region, it is therefore of great importance to:

- Support anti-hate speech initiatives, including legal and public actions of different actors locally to fight this practice;
- Support existing CSOs, media, and artistic groups in their support for reconciliation with strategic, long-term grants to develop new and creative approaches to dealing with the past and to reach a wider audience;
- Support regional networking of different groups in diverse coalitions and networks and support exchanges and joint actions of artists and journalists from the region, such as residency and exchange programs to foster the creation of common regional narratives, etc.;
- Support the production of alternative critical narratives through art and new media forms, through specially designed funding schemes with local foundations dedicated to the support of artists and cultural professionals willing to engage in the critical rethinking of the regional past;

- Promote the translation and creation of content where people can learn about each other’s lives, including books, news outlets, movies, and popular culture content;
- Develop and support specific schemes for the development of TV/radio shows (as traditional media play an important role in WB) as well as new media content that fosters reconciliation and peace;
- Support the development of continuous and sustainable distribution mechanisms so that developed art and media products can be seen in all WB countries, encouraging and supporting artistic and cultural mobility across the region.;
- Develop specific joint grants programs with WB governments (WB plus EU, or bilateral) to support (self)critical content and projects that contribute to the building of accountability culture and can contribute to reconciliation;
- Establish a regional reconciliation award for institutions, media, and individuals who contribute to dealing with the past and reconciliation to promote good practices where they exist;
- Support and protect critical intellectuals and public figures from retaliation and persecution through strong and unambiguous support from the EU, acknowledging their importance and the importance of their work. Additionally, establish a support mechanism for endangered actors facing security risks due to their engagement and work.

Civil Society as a Key Factor in Reconciliation

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The role of civil society organizations (CSOs) in all countries, not just those recovering from conflict, is to act as a corrective to public institutions where CSOs supplement the activities, policies, and programs of the public and private sector.

The transition of the Western Balkans from socialist/communist to democratic societies required that civil society organizations act not only as corrective but sometimes as the primary force behind the introduction of contemporary values and processes. The reconciliation process, a key aspect in rebuilding post-war societies, has been one of the focus areas of CSOs in the region.

In the area of reconciliation however, it was not enough to be a corrective for existing or newly introduced policies and activities of public institutions, since domestic and regional policies, activities, or intentions for reconciliation were virtually non-existent. Under these circumstances, CSOs, with the support of international institutions, have been the main drivers of the reconciliation process throughout the region in the post-war era.

The work of CSOs is crucial for reconciliation as it challenges the dominant mono-ethnic narratives persistently propagated by state institutions and media. CSOs play a key role in opening people's minds, introducing interethnic dialogue as a basis for reconciliation, and building trust in communities, leading to greater respect, empathy, understanding, and resilience. Their role and impact have been immense in bringing people

together to rebuild bridges and restore some of the social fabric destroyed by the war.

Citizens must be provided with opportunities to connect on a human level by sharing their stories and listening to each other's stories which enhance empathy and offer common ground. Ethnic division can only be challenged with a people-to-people approach, focused not on politics, but the individual. When people are able to listen to others, respect and acknowledge each other's narratives about their sufferings and experiences, lasting reconciliation can happen.

Civil society organizations have not only served as bridge-builders and mediators, but they have also been active in researching and documenting the victims and committed war crimes. Their efforts aim to create a collective memory that is inclusive and victim-centered, while also pushing for institutional reforms needed for accession to the European Union. CSO efforts have also contributed to greater interaction between youth on the regional level. These relationships serve as excellent foundations for strengthening regional cooperation in the EU integration process. However, despite their key role in the reconciliation process, CSOs dealing with the past are facing major challenges in their present daily work.

Challenges for CSO Work on Reconciliation

With nationalistic parties and politics currently in power in most countries of the region, reconciliation is a subject left out of the political agenda. *Divide et impera* politics are tried and tested tactics of local politicians when even buying social peace is not enough to secure electoral victory. As a consequence, the role of public institutions in the process of reconciliation is once again virtually nonexistent, and the state of the reconciliation process is left to CSOs to manage as they can with limited resources.

Furthermore, the role and the interest of the international community in reconciliation in the Western Balkans has diminished. This manifests itself in the fact that reconciliation – including the acceptance of war crimes verdicts and facts – no longer represents any kind of precondition for receiving external support for political and economic processes or for membership in international bodies.

Civil society's work in the process of reconciliation, which itself is a long-term process, is prolonged by this lack of sustained institutional support, both nationally and internationally. Under these challenging circumstances a long-term and society-wide impact of CSO activities is hard to achieve. Results of reconciliation activities are more noticeable on an individual level with individual participants of CSO activities rising as changemakers in their local communities or families, but this limited progress cannot keep pace with the growing strength of revived nationalism (which has active institutional backing).

More often than not, the reconciliation efforts of CSOs remain single and isolated attempts, lacking a more comprehensive and coordinated approach, despite existing solidarity and networking initiatives. Furthermore, regionally coordinated approaches and cross-border cooperation (extended to all post-Yugoslav countries) are rendered difficult by geographically limited programs as well as language barriers.

Civil society is also restricted in its capacity to make political demands and maintain presence in the public discourse. Firstly, a relatively small number of CSOs specialize in the sensitive issue of reconciliation. Additionally, those who deal with the past in their work at the local level are often sidelined, silenced, or directly attacked. Their voices of cooperation, solidarity, and reconciliation, and their calls for normalizing relationships at the individual and societal level are drowned out by the overwhelming noise of ethno-nationalists.

Finally, CSOs active in reconciliation face difficult financial situations. Without means and options for local sources of financing (such as local donors, businesses, and government institutions) CSOs are dependent on external sources of financing. This in turn makes them vulnerable to defamations, such as the labeling of their activities as "foreign influence on domestic issues" and people working for such causes as "foreign mercenaries." Such labeling can cause harm to these organizations' relationships with donors, resulting in decreased funding for reconciliation work. Such targeting, often done by right wing domestic groups, is discriminatory and represents a violation of applicable law and of CSO representatives' rights, often endangering their mental, emotional, and physical wellbeing.

Recommendations: How to Strengthen the Role of CSOs in Reconciliation

In order to address these challenges to the work of CSOs and to strengthen their role in the reconciliation process, it is necessary to take the following actions.

First, there is a strong need for the political support of CSOs that promote reconciliation, by local and regional policy and decision makers and by the international community. The international community needs to take a more proactive role in the process of reconciliation (again) by supporting the CSOs willing to engage further in this process as well as pressing local decision makers to undertake comprehensive legislative, educational, and strategic measures regarding reconciliation as the basis of the region's future. Moreover, the international community should take a more proactive role in helping to peacefully resolve the numerous bilateral issues that exist between Western Balkan countries.

Additionally, CSOs must be supported in their work with long-term funding so they might work consistently and sustainably to achieve the intended impact. It is necessary to ensure that CSOs' work in the area of reconciliation (which by itself demands long-term efforts) is not limited by the length of project funding, but rather supported with a safe financial foundation.

There is also a need for better cooperation, exchange, knowledge sharing, and coordination of activities and initiatives that are dealing with the past, between non-governmental organizations, associations of war victims, associations of war veterans, experts, and other individuals. It is important to create more networking opportunities for CSOs to come together and exchange, introduce, or expand existing capacity building. This could be done through online networking platforms as well as physical networking events.

As it is crucial for CSOs to coordinate among each other, it is also of profound importance to create communication channels with different levels of government and international organizations. This could be achieved through thematic working groups engaging with relevant public institutions to provide civil society expertise and contributions while strengthening accountability and transparency.

It is the role of the state to provide a meaningful platform for the engagement of all relevant actors, including civil society, who advocate for reconciliation processes and all specific actions within. The role of the international community is to put additional political pressure on local governments to act on and provide meaningful platforms for reconciliation.

In addition, increased civil society coordination on the regional level is necessary to make reconciliation efforts more effective. By strengthening and supporting the existing joint networks such as RYCO (Regional Youth Cooperation Office), the RECOM initiative, and the regional network of the Youth Initiative for Human Rights (YIHR), one could expand the possibilities for a stronger impact of the civil society sector, in this case specifically on the area of reconciliation.

Collaboration of non-governmental organizations at the regional level must also be actively promoted in the media. The media should turn their reports into the promotion of truth and tolerance in order to achieve greater peace at the regional level.

It is also important to approach reconciliation policies with a clear political goal and awareness that the condition for achieving peace and reconciliation in post-Yugoslav countries is closely linked to the regional context and to socio-economic conditions as economic decline in the Western Balkans has always helped nationalistic forces gain traction. Croatia's membership in the European Union should not separate the country from regional affiliation and identity. Cooperation between all post-Yugoslav countries (including both EU and non-EU member countries) affected by war, suffering, and destruction, as well as the processes of post-war recovery and transition in the scope of transitional justice mechanisms, must be recognized as a priority of the European Union's political agenda.

Croatia, as the only EU member of these countries, bears the burden of responsibility to work more clearly and decisively on European Union values such as sustainable peace and reconciliation policies. At the same time, it is extremely important that Croatia actively participates in all regional programs and that its EU membership is an advantage, not an obstacle, to participating in politically and financially supported regional cooperation initiatives of CSOs. In that sense,

funding programs for reconciliation in the region of former Yugoslavia should be accessible for CSOs working in Croatia as well.

If reconciliation programs do not have a clear and sustainable regional component, key components of CSO work become more difficult if not impossible. This concerns specifically working with youth that did not face the effects of wars, as well as maintaining active advocacy pressures (on the national and regional level) to contribute to the creation of public policies and an atmosphere in a society that fosters values of peace, tolerance, and mutual understanding in the Western Balkans.

Furthermore, reconciliation processes should be inclusive and comprehensive to engage all communities (including minority groups such as Roma and the Jewish community) and should be based on a bottom-up approach. Meaningful reconciliation can only happen when it is driven by the local population. Local leadership and ownership are profoundly important for any substantive reconciliation effort. Therefore, grass-roots initiatives, in particular youth initiatives, should be supported and encouraged both by international institutions/organizations and by local actors (public and private). As important actors in local communities, the local business community and perhaps even the religious communities in Western Balkans countries (which still have enormous influence on society in their respective countries) should be actively included in reconciliation efforts by means of providing financial support and by providing additional focus and encouragement for reconciliation.

Hopefully, the decision- and policymakers at the international level (EU bodies, UN, and UN agencies) as well as international public and private donors will understand the need and necessity to further support the long-term reconciliation process, no matter how long it takes. Reconciliation is immeasurably valuable for the wellbeing of citizens and for a secure future of the Western Balkans as part of the European Union.

The reconciliation process will serve as a foundation for a better and more fair society in the future. If we do not invest in the process, the foundations on which we are building our societies will not be solid, leading to insecurity and instability. That is something that the citizens of the region and the international community must not allow ever again.

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Nataša Kandić is a human rights activist who has won over 20 international, regional, and national awards for human rights. She founded the Humanitarian Law Center (HLC) in 1992. The HLC’s research was integral to the war crimes prosecutions of the International Criminal Tribunal for the Former Yugoslavia (ICTY), particularly the “smoking gun” video linking Serbian military forces to the Srebrenica massacres. In the late 1990s, during the war in Kosovo, Nataša Kandić provided the outside world with information about human rights violations being committed by police and army of Republic of Serbia. Nataša Kandić was presented with the Martin Ennals award, a prestigious award for human rights defenders in 2000 and was chosen as one of 36 European heroes by the Time Magazine in 2003. She and the HLC received the Homo Homini award by the People in Need Foundation in 2004. In 2005, she was pronounced an Honorary Citizen of Sarajevo, and Slobodna Bosna magazine elected her Person of the Year in Bosnia and Herzegovina. She was ranked as one of the heroes of the past 60 years by Time Magazine in 2006 and became a member of the International Journal of Transitional Justice (Oxford University Journals) in 2007. The Kosovo Institute of Peace presented Nataša Kandić with ‘The Peace Award’ in November 2012, “for her extraordinary work and contribution for reconciliation among the nations in the Balkans”. In 2013, she was named the “Civil Rights Defender of the Year” and won the “Days of Sarajevo 2013” award, given by the Youth Initiative for Human Rights in Serbia, and received the “Hrant Dink” award from the Turkish “Hrant Dink Foundation.” She has been nominated for the Nobel Peace Prize in 2018.



Andrej Nosov is a theater director and human rights activist based in Belgrade and Amsterdam. He is currently Director of the Heartefact Fund (www.heartefact.org), a regional foundation working on arts and politics. He is Obama Leader Europe at the Obama Foundation, Regan Fascell Fellow of National Endowment for Democracy, and participant at DAS Theatre in Amsterdam. During almost twenty years of work in the area of dealing with the past in the Western Balkans, he established the Youth Initiative for Human Rights, produced more than twenty art works, and is especially focused on redefinition of models for transitional justice in the area of arts, media, and justice initiatives. Other special focus areas include Kosovo-Serbia relations, post conflict mechanisms for dealing with the past, and building a critical European perspective.



Fuad Avdagić (29) is project coordinator at the Youth Initiative for Human Rights in Bosnia and Herzegovina. Through work in various projects and program activities relating to the interethnic reconciliation process, he is acquainted with pressing societal issues in Bosnia and Herzegovina.



Marko Milosavljević (1991) is coordinator of the Transitional Justice program at the Youth Initiative for Human Rights Serbia. The focus of his work is education of young people on dealing with the war-time past in the Western Balkans, memory activism, and research of responsibility for war crimes, and activism against the glorification of war criminals. Marko is one of the authors of the publication and website “War in Serbia (1991-2001): It Did Happen” published by the Youth Initiative for Human Rights in Serbia.



Jelena Milutinović (1990) works as a Head of Development in the Youth Initiative for Human Rights Serbia having more than 10 years of experience in the non-profit sector. Jelena is highly skilled in non-profit organization management, working on organizational and strategic development, including capacity-building processes with a special focus on participation of young people in decision-making processes. She has a postgraduate diploma from the London Metropolitan University (United Kingdom) with a thesis on human rights education.



Marigona Shabiu joined the Youth Initiative for Human Rights – Kosovo (YIHR KS) in October 2017 in the position of Executive Director. Prior to joining YIHR KS, she founded a non-governmental organization called KAND-Center for Social and Cultural

Development, where she held the position of Executive Director for three years. Furthermore, while doing her graduate studies, she completed a three-month internship at the United Nations Headquarters in New York. Marigona has more than eight years of experience in the civil society sector working with different local and international NGOs. She is a certified educator on education for human rights with young people by the Council of Europe, while she has attended many training courses, conferences, seminars, and workshops in the field of human rights, dealing with the past, peace building, and social inclusion in Europe and Asia. Marigona holds a Master's Degree in Public Affairs with specializations in Non-profit Management and International Development from the Indiana University Bloomington.



Branka Vierda, holds a Master of Law degree. She works in the Youth Initiative for Human Rights – Croatia as a coordinator for the Justice Program and the Reconciliation Program since 2017. On top of her interest is transitional justice and constant

education in that field. For more than ten years she has worked and trained in the area of human rights. She organized and gave talks at a range of programs, panels, conferences, and workshops in the context of the politics and culture of memory and dealing with the past. She is also interested in the development of methods for stopping online and offline hate speech and hate crimes, especially those targeting ethnic minorities.



Aleksandra Vukčević graduated from the Law Faculty of the University of Montenegro. She is Program Director at the Youth Initiative for Human Rights office in Montenegro, a member of the NGO Civic Alliance, where she gained experience and

knowledge on war crimes in the former Yugoslavia, as well as on topics dealing with the past. Aleksandra coordinated regional and national projects in the areas of human and minority rights, youth rights, refugee rights, and asylum seekers. She is also engaged in providing free legal assistance to refugees in the process of obtaining asylum. Part of the work also involves visiting and monitoring the situation at the borders. She has been monitoring the situation regarding trafficking in human beings. She also worked on projects related to the use of minority languages in official use, participated in the writing of criminal charges for cases of grave human rights, and monitored media reporting on the EU integration process as well as closed institutions where prisoners were detained. Aleksandra is a member of the Working Group on Negotiation Chapter 24 since September 2019 as a representative of the NGO Civic Alliance, as well as of the interdepartmental team for monitoring the asylum policy.



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