

Reconciliation in the Western Balkans



Aspen Western Balkans Initiative
Engagement for Progress and Stability

Aspen Institute  Germany

clusivity **Peace** Dialog Youth Sustainability Transformation U
standing Solidarity **Justice** Collaboration Freedom Media Int
on **History** Education Stabilization Rhetoric **Narratives** Diver
olerance Development Efforts Mediation Interpretation Equalit
unal Trust Remembrance **Past** Awareness Resilience Norma
on Progress Dialogue Engagement Inclusivity Democracy Em

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The Aspen Institute Germany, in cooperation with the Ministry of Foreign Affairs of Bosnia and Herzegovina, hosted the conference “Reconciliation in the Western Balkans” in Sarajevo in October 2024. Aspen Germany’s regional conferences aim to foster connections and collaboration among experts from various fields, creating new opportunities for engagement and partnership across the Western Balkans. The conferences are accompanied by publications which compile the expertise of various experts.

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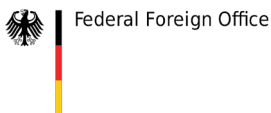
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Table of Contents

5	Foreword by Dr. Niels von Redecker
6	Executive Summary
10	The EU and Reconciliation in the Western Balkans – Successes and Failure in the Promotion of Reconciliation <i>Christina Eva Griessler</i>
20	Legislative Debates and Transitional Justice in the Western Balkans <i>Denisa Kostovicova, Ivor Sokolić, Lanabi La Lova</i>
30	Reconciliation and Justice in the Western Balkans <i>Stefanie Kappler, Jasmin Ramović</i>
42	Breaking the Cycle: Strategies for Countering Divisive Narratives in the Western Balkans <i>Una Hajdari</i>
53	History Education in the Western Balkans – A Tool for Reconciliation or Further Division? <i>Bojana Dujković-Blagojević</i>
64	Youth and Reconciliation: The New Generations’ Struggle for Peace and Justice <i>Sofija Todorović</i>
74	List of Abbreviations

Foreword

Reconciliation remains a pressing and unresolved challenge in the Western Balkans. Despite repeated commitments by the international community and governments in the region, substantial progress has been lacking in the public discourse: Nationalist and divisive rhetorics among political leaders in the Western Balkans have exacerbated, often exploited to serve narrow political interests. Hate speech, fake news, and historical relativism and revisionism deepen polarization within societies and between countries, perpetuate the suffering of victims and their families and pose a serious threat to the region's peaceful development and its aspirations for EU integration. They also undermine stability across the entire region.

Addressing this multiple challenge requires persistence over decades, a good moral compass, and continuous, inclusive dialogues at all levels – within the region itself and in partnership with international actors. Sustained efforts for multiperspectivity are key to bridge divides and foster some societal coherence. The European Union's enlargement policy and multilateral support initiatives like the Berlin Process are vital frameworks to advance reconciliation with their emphasis on goodneighborly relations, democratic standards and the rule of law.

But the wish for a peaceful future and good neighborliness can at best be nourished and sustained from partners outside, it cannot be imposed. This has to come from within. This publication offers insightful regional contributions on a wide range of topics in the context of reconciliation – including remembrance, transnational justice, youth, education, media, and EU enlargement.

The preceding conference was part of the two-year project “Aspen Western Balkans Initiative: Commitment to Progress and Stability.” It brought together various experts from the Western Balkans. Their professionalism, personal commitment, dedication, and endurance is striking. Some were denigrated, arrested and even beaten up for their reconciliation ac-

tivities – but not stopped. Keep up the good spirit – You are my heroes!

A big thank you goes to the Aspen Institute Germany for a successful year of cooperation, which consisted of the coordination of various events, including the “Reconciliation in the Western Balkans” conference in Sarajevo. Stormy-Annika and Tina – you and your dedicated team were wonderful hosts and organizers, care-takers and ice-breakers, tour guides and showmasters, role models, motivators and visionaries – well done!

But most importantly: You assembled a group of spirited minds from all over the region and created a lively atmosphere where everyone felt comfortable to share their insights, opinions, observations and expertise on challenging topics. Please remain committed to the region – I look forward to our future cooperation.



Dr. Niels von Redecker
Head of Division 209 Western Balkans
German Federal Foreign Office

Executive Summary

Stormy-Annika Mildner, Tina Bories, Saskia Fry¹

Reconciliation is a vital pathway for fostering peace and stability in the Western Balkans (WB), a region shaped by complex histories and enduring ethnic divides. As the region works to move beyond past conflicts and strengthen its institutions, reconciliation supports cohesion and resilience within and across borders. Regional cooperation, supported by international organizations such as the European Union (EU), plays a central role in promoting reconciliation by supporting political reform, economic cooperation, and the integration of the Western Balkans into broader European structures. This journey also plays an essential role in progressing toward EU membership, aligning the region with shared values of good neighborly relations, democratic principles, and the rule of law.

In this light, the Aspen Institute Germany, in cooperation with the Ministry of Foreign Affairs of Bosnia and Herzegovina, hosted the conference “Reconciliation in the Western Balkans” in Sarajevo in October 2024. Aspen Germany’s regional conferences aim to foster connections and collaboration among experts from various fields, creating new opportunities for engagement and partnership across the Western Balkans. The conferences are accompanied by publications which compile the expertise of various experts. This endeavour is part of the project “Aspen Western Balkans Initiative: Engagement for Progress and Stability”, running from April 2023 to December 2024. The objectives of the project are to promote dialogue and cooperation in the region, develop concrete recommendations, and draw public attention to the enlargement and reform process.

Several key take-aways can be derived from the discussions during the conference and the publication.²

Key Take-Aways

1. Reconciliation is far from concluded in the Western Balkans. Rather, many old wounds are still wide open.

Reconciliation in the Western Balkans remains an ongoing and deeply complex challenge, shaped by the unresolved legacies of conflict and entrenched ethnic and political divisions. Historical grievances, compounded by insufficient transitional justice mechanisms and limited acknowledgment of past atrocities, continue to hinder progress. Political leaders often exploit nationalist narratives to deepen divides, obstructing efforts to build trust and cohesion.

International and local initiatives have made strides toward justice and reconciliation. The International Criminal Tribunal for the former Yugoslavia (ICTY) established key precedents for accountability, while local justice initiatives have sought to address community-specific needs and foster participation in the reconciliation process. However, these efforts alone are insufficient. The task of bridging divergent narratives and fostering a shared understanding of history requires creating spaces for open dialogue that acknowledge the region’s complex and multifaceted past.

Lessons from post-war Germany’s reconciliation with France and Poland illustrate the transformative potential of educational and cultural exchanges. However, the Western Balkans’ reconciliation process, involving multiple actors with distinct grievances, demands a tailored, multi-layered approach. This must combine grassroots initiatives with sustained support from international actors, such as the EU, to integrate justice mechanisms, promote empathy, and address structural inequalities.

1 Saskia Fry is a Berlin-based freelance journalist and copywriter specializing in human rights, with a focus on gender-based issues, refugee rights, and supply chain ethics. Throughout this project Saskia Fry served as rapporteur, documenting discussions and proofreading the academic papers included in this report.

2 These key take-aways do not necessarily reflect the views of the Aspen Institute Germany or the German Federal Foreign Office.

The EU's current emphasis on functional cooperation, while beneficial for economic and regional stability, risks sidelining deeper reconciliation needs. To regain trust and foster genuine progress, the EU must adopt a more consistent and comprehensive strategy that incorporates transitional justice, penalizes divisive rhetoric, and supports civil society efforts. Achieving sustainable peace requires coordinated action at all levels to transform the region's legacy of division into one of unity and mutual respect.

2. Divisive narratives and disinformation are severe stumbling blocks to reconciliation.

Divisive narratives and disinformation pose significant obstacles to reconciliation in the Western Balkans, deepening mistrust and reinforcing societal divides. Traditional and social media platforms often amplify biased reporting, glorify war criminals, and perpetuate stereotypes, creating an environment where mistrust thrives. Politicians and public figures frequently exploit these narratives for political gain, further polarizing communities and undermining efforts to build a cohesive and inclusive society.

The challenges posed by disinformation are exacerbated by the lack of regulation and transparency in media ownership as well as the widespread use of social media to spread hate speech and polarizing content. Fact-checking organizations and media literacy programs have emerged as important tools to counter disinformation, but their impact remains limited due to insufficient funding and inadequate reach across the region. These gaps allow divisive narratives to flourish unchecked, undermining reconciliation efforts at both local and regional levels.

Media can act as both a barrier and a potential enabler of reconciliation. Biased and fact-distorting media influence exacerbates tensions, with disinformation campaigns eroding trust between ethnic groups and communities. Although independent outlets and fact-checking organizations are vital for promoting constructive dialogue and combating harmful narratives, they face significant operational challenges. Without adequate support, their abil-

ity to foster informed and balanced discourse remains constrained.

To address these issues, a multi-faceted approach is necessary. The EU and other international actors must advocate for greater transparency in media ownership and the regulation of biased content. This includes supporting independent journalism and fostering an environment where fact-based reporting can thrive. Additionally, investments in education programs that promote critical thinking and media literacy are essential to equip citizens with the tools to recognize and challenge disinformation.

Reconciliation cannot progress without tackling the pervasive influence of divisive narratives. By combining regulatory frameworks, educational initiatives, and support for independent media, stakeholders can create a more informed and resilient society, paving the way for genuine reconciliation in the Western Balkans.

3. Education and history teaching could be powerful tools for reconciliation – but, so far, they have failed.

Education and history teaching hold immense potential to foster reconciliation in the Western Balkans, but existing systems often fall short, reinforcing divisions rather than bridging them. Curricula frequently reflect nationalistic perspectives, avoiding critical analysis of shared histories or recent conflicts. This approach, combined with the segregation of students along ethnic and linguistic lines, perpetuates mistrust and limits opportunities for interethnic understanding. The rigidity of educational frameworks and the lack of resources further hinder teachers' ability to address sensitive historical topics effectively.

Teachers are often undertrained and unsupported when it comes to handling controversial or divisive issues in the classroom. Preventing them from helping people to develop the critical thinking skills necessary to engage with complex historical narratives and to foster reconciliation.

Regional initiatives, such as joint history projects and cross-border education programs, have demon-

strated the potential for education to serve as a unifying force. These efforts promote dialogue and mutual understanding, yet their impact remains constrained by insufficient funding and lack of institutional backing.

To unlock the potential of education as a tool for reconciliation, substantial reforms are needed. These include the development of inclusive curricula that reflect multiple perspectives, robust teacher training programs to equip educators with the tools to handle sensitive subjects, and investment in cross-border educational collaborations. Greater emphasis on fostering critical thinking and empathy in the classroom can help future generations move beyond entrenched divisions.

By prioritizing education as a pillar of reconciliation, stakeholders can create a foundation for sustainable peace in the region. A coordinated effort involving local governments, international organizations, and civil society is essential to ensure that schools become spaces for dialogue, understanding, and the cultivation of a shared vision for the future.

4. Youth play a key role in reconciliation as conflicts are passed from one generation to the next.

Youth are critical to reconciliation in the Western Balkans, as they hold the potential to break cycles of conflict and build a more inclusive and cohesive society. However, they often inherit divisive narratives and prejudices from their families and communities, perpetuating mistrust and limiting opportunities for unity. Programs such as student exchanges, cultural initiatives, and youth reconciliation workshops have demonstrated the potential to foster dialogue and understanding among young people. These initiatives encourage critical thinking, empathy, and collaboration, laying the groundwork for long-term peace.

Despite their promise, youth-focused reconciliation efforts face numerous challenges. Limited funding, political resistance, and the marginalization of youth voices in policy-making often undermine their impact. Rural and marginalized communities, in particular, struggle to access such programs,

leaving many young people without opportunities to engage in reconciliation efforts. Moreover, youth initiatives frequently lack inclusivity, with insufficient representation of young women and minority groups.

The role of international organizations and regional initiatives, such as the Regional Youth Cooperation Office (RYCO) and Erasmus programs, are essential in overcoming these barriers. Expanding funding for youth programs and ensuring their equitable distribution can enhance their reach and impact. Gender- and minority-sensitive reconciliation programs are particularly important to address the unique challenges faced by young women and to recognize their contributions as agents of change. Integrating mental health support into youth initiatives can also help young people process the lingering trauma of conflict, enabling them to engage constructively in reconciliation efforts.

By prioritizing youth engagement and empowering diverse voices, stakeholders can harness the potential of younger generations to transform the region's legacy of division into one of understanding and mutual respect. Greater collaboration between civil society, regional initiatives, and international actors is vital to creating the conditions for youth to lead reconciliation efforts effectively and inclusively.

5. The EU's prioritization of functional cooperation among the WB is not sufficient to foster reconciliation.

The EU's emphasis on functional cooperation, including economic integration and infrastructure development, has been a cornerstone of its enlargement policy in the Western Balkans. While this approach has contributed to regional stability and prosperity, it has not adequately addressed the deeper political and social divides that underpin tensions in the region. Focusing on functional cooperation alone risks sidestepping critical reconciliation processes, including addressing historical grievances and fostering societal trust.

Perceptions of EU inconsistency, including double standards and uneven application of accession criteria, have eroded trust in its role as a credible pro-

moter of reconciliation. For example, perceived softer stances on issues of justice and reconciliation in EU member states like Croatia contrast with stricter demands placed on Western Balkan candidates. This perceived imbalance undermines the EU's ability to act as an impartial broker and weakens its influence in encouraging reconciliation efforts.

To regain credibility and foster genuine progress, the EU must adopt a more comprehensive strategy that goes beyond functional cooperation. Transitional justice mechanisms should be more firmly integrated into the enlargement process, alongside efforts to acknowledge past atrocities and support civil society initiatives. Strengthening these pillars can help address the deep-seated mistrust that fuels divisions across the region.

Political will is critical to the success of this approach. Both the EU and Western Balkan governments must demonstrate a stronger commitment to reconciliation as a fundamental element of the enlargement process. This includes penalizing divisive rhetoric, promoting inclusive dialogue, and supporting grassroots initiatives that foster inter-ethnic understanding. A holistic and balanced EU strategy, aligned with local reconciliation efforts, can ensure that reconciliation becomes an integral part of the region's path toward EU membership and long-term stability.

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We look forward to continuing our engagement on the Western Balkans in the coming years and hope that this publication will provide valuable new insights.



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The EU and Reconciliation in the Western Balkans – Successes and Failure in the Promotion of Reconciliation

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As part of the European Union (EU) integration process, the EU has asked the countries of the Western Balkans to aim for reconciliation with their neighbors. This focus on reconciliation is evident in the frequent references found in official reports and strategies. The EU urges countries in the region to address the legacies of conflicts stemming from the 1990s and to solve open bilateral disputes. However, explicit guidelines for reconciliation initiatives in the region are missing, and conflicts have not disappeared, despite the countries' engagement in the accession process. After more than 20 years, the EU has accepted that reconciliation has not been pursued by political elites in the region. Consequently, its focus has shifted from reconciliation to promoting functional regional cooperation such as in infrastructural and economic areas. However, reconciliation remains important and requires a combination of top-down and bottom-up approaches, including various actors at different levels of society. Without the support of the political elites, the EU has to focus on Civil Society Organizations (CSO), which makes a coherent policy on reconciliation more difficult.

EU Enlargement and Reconciliation

Setting the Stage

The EU's philosophy of dealing with conflict and overcoming political antagonisms is based on its own experience of successful regional cooperation and integration after World War II. European countries founded supranational institutions, decided on common policies, and fostered closer cooperation. This approach presumes that active cross-border cooperation fosters understanding among the countries' elites. Building on that momentum, politicians would address the more difficult issues of the prevailing conflict legacies. This is a rather idealistic perspective but was successful for the EU's founding members. Dealing with the past, finding common ground, and fostering cooperation became the EU's founding myth. But why has that philosophy not worked for the Western Balkan countries?

From the beginning of the EU's engagement with the countries of the Western Balkans, including through the Stabilization and Association Process (SAP) established in 1999, regional cooperation, good neighborly relations, and reconciliation were listed as policy objectives. Moreover, the EU was willing to take an active part in supporting activities to foster reconciliation: "The EU places high priority in initiatives and activities aiming at reconciling for the future, through overcoming legacies of the past, which are obstacles to normalization and democratic development."¹

The EU's strategies and reports are full of references to reconciliation, emphasizing the importance of the issue for the EU accession process. Still, explicit guidance on what the EU expects from the countries has been missing. Within the EU, the assumption persisted that the legacies of war would disappear once the countries were engaged in the accession process. After more than 20 years, the

¹ European Council, General Affairs and External Relations. 2518th Council Meeting, 10369/03 (Presse 166), June 16, 2003, https://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/gena/76201.pdf (accessed August 26, 2024).

EU has accepted that reconciliation is no longer a priority for political elites in the region.

Consequently, the EU has shifted its approach from dominantly focusing on political leadership to encompassing a broader societal level. With this, it also plays tribute to failures in the EU accession process as well as to the prevailing domestic environment in the Western Balkan countries.

During the political liberalization period after 2000, which brought pro-EU, conciliatory politicians into leadership positions, several reconciliation initiatives occurred at the political level, although this period was unfortunately relatively short. After the effects of the financial crisis (2008-2010) hit the region, more conservative politicians took office since the mid-2010s, which led to a decline of reconciliation activities on the political level. Nationalism had never disappeared completely and was easily reinstated by these more conservative politicians to mobilize their electorate. Reconciliation has not been their priority. Meanwhile, Civil Society Organizations (CSOs) have been working on the ground in their respective countries and on the regional level to establish the facts of the wars, address the traumas of societies, and start to rebuild trust and tolerance. However, they have not been receiving the government's support. While reconciliation requires a joint approach of top-down and bottom-up processes, it has become apparent that it is currently not supported by the political elite.

The EU's conditionality has failed to push local politicians to deliver on reconciliation. The opposite can be observed: While the topic of reconciliation is sidelined by the political elites in the region, the EU ignores this fact and constantly tries to appease these political leaders, rather than pushing them for more engagement in the matter. Regional

cooperation – which should bring about tolerance – was institutionalized in the form of regional organization, regular political meetings, and related regional activities. However, regional cooperation activities are more successful in “hard issues” of infrastructure and economic cooperation, whereas reconciliation has not been directly addressed and is no longer a priority.² This holds true for all Western Balkan Six (WB6) countries.

What issues have been standing at the center of reconciliation efforts in the WB6?

Albania

In Albania, reconciliation activities, as envisioned by civil society groups and temporarily supported by the Organization for Security and Co-operation in Europe (OSCE), were meant to address the legacies of the communist regime. Albania was only indirectly affected by the Kosovo war when refugees arrived onto its territory and support was required, which the United Nations (UN) and North Atlantic Treaty Organization NATO provided.³

Bosnia and Herzegovina

In Bosnia and Herzegovina (BiH), commemoration and remembrance of the victims of the war have been central to dealing with the traumatic past. CSOs have been very active in this area and have received international support. Due to the state's political structure and the physical separation of its people – a result of the war – it is difficult to commemorate all victims together.⁴

Kosovo

Kosovo separated from Serbia by force, but Serbia still objects to Kosovo's independence. Reconciliation between the Serb minority and the Albanian majority cannot take place if Serbia incites conflict by mobilizing the Serb minority against the state of Kosovo.⁵

2 Philippe Perchoc and Velina Lilyanova, Reconciliation in the Western Balkans. The Difficulty of Emulating the EU Model, European Parliament, Members' Research Service PE 637.964, April 2019, 5, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/637964/EPRS_BRI\(2019\)637964_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/637964/EPRS_BRI(2019)637964_EN.pdf) (accessed October 18, 2024).

3 Ruki Kondaj, “Management of Refugee Crisis in Albania during the 1999 Kosovo Conflict,” in: Public Health and Peace, Croatian Medical Journal, 43, no. 2, 2002, 190-194.

4 RFE/RL's Balkan Service, “Bosnia Again Divided Over Srebrenica Commemoration,” in: Radio Free Europe / Radio Liberty, July 11, 2024, <https://www.rferl.org/a/bosnia-srebrenica-genocide-serbs-massacre/33030521.html> (accessed October 18, 2024).

5 Xhorxhina Bami and Milica Stojanovic, “Belgrade-Backed Kosovo Serb Party to Boycott Local Elections,” in: BalkanInsight, November 15, 2022, <https://balkaninsight.com/2022/11/15/belgrade-backed-kosovo-serb-party-to-boycott-local-elections/> (accessed October 18, 2024).

Montenegro

As part of Yugoslavia, Montenegro was directly involved in the wars in Croatia and BiH under the leadership of Serbia, playing an infamous role in the shelling of Dubrovnik on December 6, 1991. After its independence from Serbia in 2006, which was achieved amicably (with the EU as a mediator), the political elites in Montenegro distanced themselves from the 1990s regime of Serbian president Slobodan Milošević. The government also made efforts to reconcile with its neighbors by issuing public apologies for its role in the war.⁶

North Macedonia

North Macedonia escaped the Yugoslav succession wars, declaring independence in the fall of 1991 and enjoying a peaceful separation, but fought its own internal conflict between ethnic Albanian and Slav Macedonians. The 2001 Ohrid Agreement addressed many of the structural disadvantages of the Albanian Macedonians.⁷

Serbia

Serbia is presently not able to address the past legacies of the wars. Nationalism and narratives of Serbian victimhood have recently come to the forefront, which make any serious attempt to support reconciliation futile. This poses a considerable problem as without Serbia there cannot be reconciliation in the region.

The Road Towards Reconciliation

Mechanisms and Instruments

Before discussing the EU's reconciliation initiatives, the meaning of the term reconciliation requires an explanation. What is understood by reconciliation and how is it achieved?

Reconciliation is the last step after a longer process of conflict de-escalation and the installation of a con-

flict settlement. There are several meanings of reconciliation. In general, its focus is on how to deal with the past and how to reconcile with “the enemy.” It also requires reconciling different perspectives on past events and finding a common narrative to describe what actually happened during the wars. Reconciliation is meant to bridge contradicting positions and opinions, potentially triggering a shift in a person's attitude and position. The process also depends on personal connections across all levels of society, which should contribute to trust and understanding and enable people to reflect on the more difficult times in the past.⁸ Reconciliation is seen as a central aspect of peace building: “It consolidates peace, breaks the cycle of violence and strengthens newly established or reintroduced democratic institutions.”⁹ The main objective of reconciliation is to rebuild relationships between people, communities, and countries which were destroyed by war, and to create a secure environment for everyone to live peacefully next to each other.

For reconciliation to take hold in society, some strategies and methods are required. In the 1990s, transitional justice became a standard method to deal with unresolved issues within post-conflict societies. There are three layers to transitional justice:

- Retributive justice: The past is addressed and perpetrators are held accountable for their crimes before a court. This approach is centered on the perpetrator: it aims to serve justice and to individualize criminal acts.
- Restorative justice: This approach focuses on the victims and attempts to rectify some of the experienced injustices, providing reparations and facilitating remembering and truth-seeking activities.
- Distributive justice: Disadvantage, discrimination, and exclusion are often institutionalized in society and in the socio-political structures of the state. These structures have to be reformed

6 Dragutin Hedl, “Montenegro and Croatia Move Closer. Montenegro's Apology For Its Bombardment of Croatia Has Underpinned a Rapprochement Between The Two Countries,” in: Institute of War and Peace Reporting, July 4, 2000, <https://iwpr.net/global-voices/montenegro-and-croatia-move-closer> (accessed October 18, 2024).

7 Dejan Marolov, “Understanding the Ohrid Framework Agreement,” in: Civic and Uncivic Values in Macedonia: Value Transformation, Education and Media, London: Palgrave Macmillan UK, 2013, 134-154.

8 Oliver Ramsbotham, et al., Contemporary Conflict Resolution. The Prevention, Management and Transformation of Deadly Conflicts, Cambridge: Polity Press, 2012, 246-247.

9 Luc Huyse, “The Process of Reconciliations,” in: David Bloomfield, Teresa Barnes and Luc Huyse (eds.), Reconciliation After Violent Conflict: A Handbook, Stockholm: International IDEA, 2003, 19-33.

to foster equality, fairness, and the ability to fully participate in public life.¹⁰

In the context of the EU enlargement process, the retributive justice approach was more or less successfully pursued while the ICTY was in charge. With the handing over of open cases to the national prosecution offices in the respective states, the conviction rates remain low, and rather minor rated cases are pursued, which enables justice evasion for high-level perpetrators. However, it has to be noted that the EU has put pressure on the countries to implement war crimes strategies and has assisted in matters of war crimes prosecution.

The EU – together with the international community – wanted to set an example in the Western Balkans and pushed the countries to extradite suspected war criminals to the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague. The ICTY prosecuted individuals who had committed war crimes and crimes against humanity. The work of the ICTY was seen by the international community as important to ensure that the facts of crimes were established and that individuals were sentenced for their crimes. The guilt lay with the individual, who committed the crimes, not with an entire nation or ethnic group.¹¹

The requirement to cooperate with the ICTY was clearly communicated by the EU, as it was included as a precondition for moving forward on the path of EU accession. Nonetheless, the extradition of people considered war heroes at home was often not done voluntarily by the respective governments. During the first half of the 2000s, the EU still had the ability to apply its soft power to convince countries to comply with the requests by the ICTY. In this regard, the policy was successful, as the alleged war criminals ended up before the court, but it was hugely unpopular in the countries of the region. The EU was blamed for this unpopular measure, and the ICTY failed to communicate the pur-

pose of the task and how it contributed to reconciliation. The judgements were ultimately seen as political and anti-Serbian.¹²

The restorative approach of transitional justice aims to reconcile victims and perpetrators by bringing them together and to allow the victim to tell her or his story to the perpetrator. The victim has agency. Truth and reconciliation tribunals are a tool to facilitate these encounters. Other forms of restorative justice include conflict mediation processes between individuals or smaller groups, establishment of museums and sites for commemoration, declaration of special remembrance days, and, if possible, compensation for the loss of property.

The EU correctly realized that it has to work with CSOs to keep the issue of reconciliation alive in the region. For example, the regional networks of RECOM and the Inman Initiative are financially supported by the EU. Reconciliation cannot be imposed from outside but has to emerge from within societies; hence, a bottom-up approach is the logical way to proceed. Still, CSOs need support from the state, which is in some instances lacking.

Moreover, in 2009, the EU Parliament officially declared July 11 the European Commemorative Day for the victims of the Srebrenica genocide. Hence, the EU annually commemorates the victims in various ceremonies on this date. The EU also supported the UN resolution for a memorial day of the Srebrenica genocide (International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica). This transmits an unequivocal message that any denial of war atrocities is internationally not acceptable. Political leaders are expected to commemorate the victims of war and to work closely together to restore trust and tolerance between people who once fought each other.

Distributive justice requires a political will for political reforms. To establish a peaceful society, the

10 George Kasapas, “An Introduction to the Concept of Transitional Justice: Western Balkans and EU Conditionality,” in: UNISCI Discussion Papers, no. 18, October 2008, 56-75, https://www.files.ethz.ch/isn/96703/disc_18_full_issue.pdf (accessed October 18, 2024).

11 Luc Huyse, “Justice,” in: David Bloomfield, Teresa Barnes, Luc Huyse, eds., *Reconciliation after Violent Conflict. A Handbook*, Stockholm: Institute for Democracy and Electoral Assistance, 2003.

12 United Nations International Residual Mechanism for Criminal Tribunals, *War Crimes Opinion Poll Discussed in Serbia*, February 28, 2012, <https://www.icty.org/en/outreach/activities/war-crimes-opinion-poll-discussed-serbia> (accessed October 18, 2024).

state must ensure that all citizens have the same rights and obligations in society. The state should be a neutral facilitator, implementing anti-discrimination policies and providing equal access to services. In cases of identity conflicts, states should consider introducing legislation to strengthen cultural and minority rights and enhance the political participation of minority groups. In this regard, official acknowledgement and appreciation by the state of the specific cultural needs can be an important step toward satisfying some of the social disadvantages.

The term transitional justice was used in the 2018 EU enlargement strategy, which stated: “The process of transitional justice is incomplete,” but the EU Commission pledged to “further extend support to reconciliation initiatives, including those that address transitional justice.”¹³ Furthermore, the concept was mentioned in the flagship project launched in the same year: “This will include support to transitional justice, missing persons and increased cooperation in education, culture, youth and sport, and expanding the scope of the Regional Youth Cooperation Office.”¹⁴ Otherwise, the term is not frequently found in the EU enlargement reports, which suggests that the EU’s efforts are less aimed towards transitional justice initiatives, but rather at regional functional cooperation activities. Once again, there is a lack of a clear, visible, and focused approach to addressing reconciliation.

As reconciliation has a forward-looking dimension, educational reforms are essential to prepare young people to navigate diversity in society. Inclusive history curricula provide an understanding of past events. However, governments are often reluctant to tackle educational reforms and prefer to maintain a national perspective on history as it legitimizes their policies. The EU has supported inclusive policies and emphasizes youth exchange initiatives, such as the Regional Youth Cooperation Office (RYCO).

The EU’s Reconciliation Approach

Regional Cooperation and Reconciliation

Supporting reconciliation in a post-conflict society is a daring task. Although the EU has provided means and expertise to reconciliation projects in the region, it can only assist in the matter and cannot pressurize political actors or people to reconcile. What seems to be missing is the visibility of reconciliation as an important objective in the frame of EU-accession. This may be explained by a lack of a coherent strategy and fragmentation of reconciliation efforts, due to the support for various smaller civil society projects on the ground. The focus currently lies on projects in the area of restorative justice, encompassing a wide range of activities that are difficult to mainstream as they address specific needs for a small group of people.

Regional cooperation is considered to be important in the area of economic cooperation, the dismantling of trade obstacles, the improvement of infrastructure, and the creation of a regional market. These activities should lead to economic development and consequently provide the basis for an increase of prosperity, which will contribute to reconciliation efforts in the region. Hence, the focus to address high-level politicians was replaced by trying to improve the economic situation, which affects the entire population and creates opportunities for young people.

The Berlin Process has occasionally addressed conflict issues during its ten years of existence. In Vienna in 2015, the Declaration on Regional Cooperation and the Solution of Bilateral Disputes and a Declaration to establish RYCO was signed.¹⁵ In London in 2018, in addition to the aborted state support for the RECOM-Initiative, three relevant declarations were signed: A Joint Declaration on Regional Cooperation and Good Neighborly Relations, a Joint Declaration on Missing Persons and a

13 European Commission, A Credible Enlargement Perspective For and Enhanced EU Engagement with the Western Balkans, February 6, 2018, Strasbourg, 7, 15, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52018DC0065> (accessed November 4, 2024).

14 European Commission, Six New Flagship Initiatives to Support the Transformation of the Western Balkans, May 16, 2018, https://commission.europa.eu/document/a5b30430-96fa-4b7c-bd17-d698553e34b0_en (accessed August 28, 2024).

15 Western Balkans Summit Vienna 2015, Final Declaration by the Chair of the Vienna Western Balkans Summit, August 27, 2015. https://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Chairman_s_Conclusions_Western_Balkans_Summit.pdf (accessed November 4, 2024).

Joint Declaration on War Crimes.¹⁶ At the 2021 summit in Berlin, the Western Balkan Youth Forum was convened to discuss reconciliation and peace building in the Western Balkans.¹⁷ The issue of reconciliation was part of the Berlin Process, but later on it was moved to the agenda of the Youth Forum and somehow disappeared from the main political forum. Although the Berlin Process is considered as an accompanying process to EU integration, not all EU member states are participating in it. The EU has identified reconciliation as one of her flagship projects in 2018, but it has not developed a coherent strategy. Apart from its involvement in the Berlin Process – where reconciliations issues were moved to CSO-level – and the EU accession process, the EU has only pushed for reconciliation efforts across the entire region strategically and consistently on a political level in the case of the ICTY. Previously, in the 1990s, the EU provided assistance to establish regional political platforms for political leaders to meet and discuss issues, such as the Stability Pact for South East Europe and the Regional Cooperation Council. The South-Eastern European Cooperation Process (SEECPP) was established by the countries of the region to demonstrate their willingness for more regional cooperation. Despite these institutional provisions and the facilitation of talks and dialog, successes on the political level might have been superficial or linked to certain political actors.

The EU has now run out of ideas on how to address the issue of reconciliation in the Western Balkans. The only regional approach to address these issues took place with the launch of RYCO and the EU's activities within the Berlin Process. RECOM was let down in 2018 when the countries of the Western Balkan region were unable to express support for this regional initiative. The EU missed a significant opportunity to collaborate with the network of civ-

il society organizations to maintain RECOM. Doing so could have established the EU as a clear supporter of reconciliation and a peacebuilder.

Transitional Justice in the Western Balkans

Reconciliation Initiatives within the EU Enlargement Process

With regional cooperation as a prerequisite for EU accession, the EU expected that the challenging issue of reconciliation would eventually be tackled. Moreover, in 2018, reconciliation became a part of one of the EU's flagship projects, the "Initiative to support reconciliation and good neighborly relations."¹⁸ Still, no further improvement on the issue was achieved, and as a consequence, reconciliation seems to have slipped down on the EU's accession agenda. This shifted the focus of regional cooperation toward "non-political" or more functional cooperation, such as the Connectivity Agenda of the Berlin Process, instead of looking at the legacies of the wars and dealing with the past.¹⁹ The closing declaration of the 2023 Berlin Process Summit (Tirana) called for strengthening regional youth exchange, mobility, and cultural programs as part of peacebuilding.²⁰ The objective of the Civil Society Forum of the Berlin Process was to provide a platform for civil society organization to address regional challenges. At the meeting in Tirana 2023, it called on the EU for concrete programs and stressed the importance of supporting grassroots activities in the area of reconciliation.²¹

The following part addresses developments on the issue of reconciliation in the individual countries.

Albania

Albania's communist past requires more attention than it currently receives, as an estimated six thou-

16 Western Balkans Summit London 2018, Declaration on Regional Cooperation and Good Neighbourly Relations, July 10, 2018, https://assets.publishing.service.gov.uk/media/5b45ad3eed915d39deab9483/180710_WBS_Joint_Declarations.pdf (accessed November 4, 2024).

17 The Berlin Process – 2021, Youth Forum, June 29, 2021, <https://www.berlinprocess.de/en/the-berlin-process-2021> (accessed November 4, 2024).

18 European Commission, Six New Flagship Initiatives to Support the Transformation of the Western Balkans, May 16, 2018, https://commission.europa.eu/document/a5b30430-96fa-4b7c-bd17-d698553e34b0_en (accessed August 28, 2024).

19 Christina Griessler, "The Berlin Process. Bringing the Western Balkan Region Closer to the European Union," in: *Comparative Southeast European Studies*, 68, no. 1, 2020, 23, <https://doi.org/10.1515/soeu-2020-0001> (accessed October 18, 2024).

20 Berlin Process, Chair's Conclusions, October 17, 2023, https://www.berlinprocess.de/uploads/documents/chairs-conclusions-2023_1714043445.pdf (accessed August 28, 2024).

21 Civil Society Forum, The Road to CSF Tirana 2023, November 1, 2023, Tirana, 13, no. 26, 112, <https://wb-csf.eu/docs/The-Road-to-CSF-Tirana-2023.pdf> (accessed August 28, 2024).

sand missing persons remain unaccounted for and the injustices of the communist regime have not been sufficiently addressed. The OSCE has been assisting with the implementation of transitional justice projects for some time. Meanwhile, a master's program on transitional justice was established at the University in Tirana, along with a Centre for Justice and Transformation. Recently, the government renewed efforts to find the estimated 6,000 missing persons who fell victim to the communist regime by teaming up with the International Commission on Missing Persons (ICMP).²²

Bosnia and Herzegovina

BiH's war atrocities took place in the area of Republika Srpska, e.g. Prijedor, Srebrenica, and Zepa. Commemorations occasionally take place with unease. An important restorative justice activity is the search and identification of bodies and their official reburial at the cemetery of the Memorial Centre in Srebrenica. Exhibitions and museums throughout the country document the events of the war and remember its darkest moments, such as the Museum of Crimes against Humanity and Genocide in Sarajevo.²³

CSOs like the Mothers of Srebrenica, the *Igman* Initiative,²⁴ and the Research and Documentation Center BiH are advocating for justice and reconciliation.²⁵ The international community is providing funds for reconciliation activities and to rebuild relations between communities.

Kosovo

Kosovo faced its past when the former Kosovo Liberation Army (KLA) fighters and politicians were called before the Tribunal in The Hague to be tried for alleged war crimes.²⁶ In 2018, a "Truth and Reconciliation Commission" was envisaged; however, nothing came of it. Recently, a new attempt was made by President Vjosa Osmani.²⁷ Kosovo also actively supported the regional RECOM network. The EU invests in cultural projects to facilitate the appreciation of all cultures in Kosovo.²⁸

Since 2011, the EU has acted as a mediator to normalize the relationship between Kosovo and Serbia, working to resolve bilateral disputes and address the minority status of the Serbian community in Kosovo. In 2013 and 2015, agreements were mediated with the help of the EU which de-escalated the situation between the two countries, however the 2015 agreement was not implemented by Kosovo. High hopes existed for the Ohrid meeting in 2023, which ended in a verbal agreement that was not signed.²⁹

Montenegro

Montenegro, as part of Yugoslavia, fought alongside Serbia in the wars of the 1990s apart from the Kosovo war. Hence, war crimes were committed by Montenegrins. Then President Milo Đukanović apologized in 2000 for Montenegro's part in shelling Dubrovnik in 1991.³⁰ Another apology was issued in 2023 by then President Jakov Milatović to

22 International Commission on Missing Persons (ICMP), Albania, Missing Persons from the Communist Era: A Needs Assessment, March 2, 2021, <https://www.icmp.int/wp-content/uploads/2021/03/icmp-gr-wb-152-6-W-doc-albania-missing-persons-from-the-communist-era-a-needs-assessment.pdf> (accessed September 2, 2024).

23 Aleksandra Tolj, "Sarajevo Museum of Crimes Against Humanity Opens," in: *BalkanInsight*, July 22, 2016,

<https://balkaninsight.com/2016/07/22/sarajevo-crimes-against-humanity-museum-opens-07-22-2016/> (accessed October 18, 2024).

24 The Mothers of Srebrenica is an advocacy and activist groups to fight for justice for victims killed during the war. It was founded in 2002 by Hatidža Mehmedovic, a woman who had lost her husband and two of her sons at the Srebrenica massacre. The organization even sued the Netherlands for not protecting the UN Safe Areas, which were placed under the responsibility of the Dutch UN-troops. As the Dutch Supreme Court established a partial failure of the Dutch UN-troops, the Netherlands started to pay reparations to the relatives of the victims.

25 The Igman Initiative was established in 2000 and consists largely of a network of CSO, which is organized by four main organizations in Serbia, Croatia, Montenegro, and BiH.

26 Among the persons summoned before the *Kosovo* Specialist Chambers and Specialist Prosecutor's Office in The Hague were former President and Prime Minister Hasim Taçi in 2020 and former Prime Minister Ramush Haradinaj in 2019. Both of them resigned from their political positions before facing the trial in The Hague.

27 Serbeze Haxhiqaj, "Scepticism Surrounds Revived Truth and Reconciliation Initiative in Kosovo," in: *BalkanInsight*, August 27, 2024, <https://balkaninsight.com/2024/08/27/scepticism-surrounds-revived-truth-and-reconciliation-initiative-in-kosovo/> (accessed August 28, 2024).

28 European Union External Action, EU Support for Cultural Heritage Promotes Reconciliation and Stability in Kosovo, September 15, 2017, https://www.eeas.europa.eu/node/32248_en (accessed August 28, 2024).

29 Ivana Sekularac, "Serbia Wants to Normalize Ties with Kosovo but Will Not Sign Any Agreement," in: *Reuters*, March 19, 2023, <https://www.reuters.com/world/europe/serbia-wants-normalise-ties-with-kosovo-will-not-sign-any-agreement-2023-03-19/> (accessed October 18, 2024).

30 Nick Thorpe, "Đukanovic "Sorry" for Dubrovnic Bombing," in: *BBC News*, June 25, 2000, <http://news.bbc.co.uk/2/hi/europe/805024.stm> (accessed August 28, 2024).

the families of the Bosniaks killed during the deportation from Herceg Novi in 1992.³¹ CSOs in the country are participating in the RECOM initiative.

North Macedonia

North Macedonia is a multi-ethnic country, but in 2001 tensions arose with the Albanian community and ended in armed conflict. The EU and the United States mediated between the armed Albanians and the government. Constitutional changes were agreed to foster inclusiveness and respect of cultural differences and needs of the Albanians. The EU also helped negotiate a peaceful transition of political power in 2016 which facilitated a de-escalation of the country's charged political climate.³²

Serbia

In Serbia, then President Vojislav Koštunica established a Truth and Reconciliation Commission in March 2001. However, failing to deliver, it was dissolved in 2003.³³ Later, President Boris Tadić met with his Croatian counterpart Ivo Josipović for remembrance events and made a public apology for atrocities committed by Serbians during the war.³⁴ In 2010, the Serbian parliament condemned and issued an apology for the mass killings in Srebrenica, but did not refer to it as a genocide. The declaration was controversial, but finally passed to accommodate the wishes of the EU and to fulfill the preconditions for Serbia to progress with its EU accession. While this apology was interpreted as a milestone internationally, it was mostly the result of international and internal pressures on Serbian politicians to make a reconciliatory gesture.³⁵ Serbia also fulfilled the requirement of cooperation with the ICTY, even though it was unpopular.

CSOs are still trying to bring topics of reconciliation to the broader public. The EU is active in supporting CSOs, but it looks like a very fragmented

approach and the focus should be in supporting strong CSO networks.

Conclusion and Recommendations

Reconciliation is confronted with several difficulties:

1. Disinterest on the political level in the region;
2. The EU's lack of power to push for more reconciliation activities;
3. Varying activities by CSOs, which require the EU's political and financial support, which makes it more difficult for the EU to implement a coherent strategy.

The EU's main contribution to reconciliation in the Western Balkan is raising awareness and taking a stance against denial of war crimes, due to the work with the ICTY. During the short-lasting "Western Balkan Spring" in the early 2000s, local politicians tried to establish good neighborly relations, issued apologies for committed war atrocities, and even attended commemoration events together. At the time, the EU's credibility was still high, and countries were eager to join the EU. The EU was unambiguous that countries needed to solve bilateral disputes in advance of accession. Now, with the EU's loss of credibility, countries cannot be convinced to follow through with reforms. The current problems are the result of weak EU conditionality, strong national political leaders, and no specific programs to foster reconciliation.

Over the years, the EU has – together with other international organizations – politically and financially supported various CSOs and relevant activities. It also supported regional youth exchange programs and projects focusing on young people. In the end reconciliation has to come from within societies, whereby the political leaders should be

31 Sarajevo Times, "President of Montenegro Apologized to the Families of Those Killed during the Deportation of Bosniaks in 1992," in: Sarajevo Times, August 31, 2024, <https://sarajevotimes.com/president-of-montenegro-apologized-to-the-families-of-those-killed-during-the-deportation-of-bosniaks-in-1992/> (accessed August 28, 2024).

32 Sinisa Jakov Marusic, "Hahn Brokers Deal Ending Crisis in Macedonia," in: BalkanInsight, July 15, 2015, <https://balkaninsight.com/2015/07/15/macedonia-warring-leaders-struck-crisis-deal/> (accessed October, 18, 2024).

33 Nenad Dimitrijevic, "Serbia After the Criminal Past: What Went Wrong and What Should be Done," in: The International Journal of Transitional Justice, Vol. 2, 2008, 5–22, here 18.

34 Breffini O'Rourke, "Serbian President Apologizes on Visit to Croatian Massacre Memorial," in: Radio Free Europe/Liberty Radio, November 4, 2010, https://www.rferl.org/a/Serb_President_Visiting_Croat_Atrocities_Site/2210210.html (accessed August 30, 2024).

35 Jasna Dragović-Soso, "Apologising for Srebrenica: The Declaration of the Serbian Parliament, the European Union and the Politics of Compromise," in: East European Politics, 28, no. 2, May 2012, 163-179.

role models. The EU's strategy of regional cooperation has not led to the anticipated spill-over effect triggering reconciliation. It seems that the EU has given up working with the political leaders on reconciliation. Moreover, reconciliation is not as extensively mentioned in the 2023 EU process report as it was some years ago.³⁶ CSOs will have to continue their struggle to achieve a positive environment for reconciliation on their own.

This is an attempt to make recommendations and provide some ideas, despite the rather unfavorable political climate and the various areas where initiative is required for reconciliation to take hold in society.

Governments Western Balkans (National Level)

- **Maintaining good neighborly relations:** Governments of the Western Balkan region have to maintain good bilateral relations on the political level. This requires regular mutual intergovernmental visits to discuss bilateral issues and to suggest initiatives for cross-border cooperation. The setting up of a parliamentary group with members of each other's assembly could also initiate closer political cooperation.
- **Taking a stand against war crime denial:** Governments in the region should punish the denial of war crimes by law. The legal frameworks of the countries need to be adopted accordingly and convictions have to be followed through. The EU, its member states, and the International Criminal Court has the expertise to assist in this matter.
- **School reforms:** School curricula should include a chapter on conflict dynamics to teach young people about the role of polarization and nationalism in societies. Other aspects of the curricula, e.g., regional history and social-political relations, could be jointly designed and/or updated to include various perspectives.³⁷ In BiH and North Macedonia, pupils should have the opportunity to be taught together indifferent of their ethnic background. EU funding should

be directed towards schools that are integrative and have students and staff from different ethnic and religious backgrounds. Reconciliation starts with the younger generation, but physical separation is hindering this process.

- **Government sponsored youth initiatives:** Schools should partner with other schools in the region and support an exchange program of pupils as part of their curricula. The government should set up a system for easier exchange of pupils, and the education ministries should work more closely with regional youth organizations, such as RYCO.

Civil Society Western Balkans (National Level)

- **Maintaining the established networks:** CSOs in the region have the difficult task of advocating for state support of reconciliation activities in their respective countries. The RECOM initiative proved that a common approach within the region can create a certain momentum. CSOs need to continue pushing the topic into the public area and onto the government's agenda. The EU is already providing some financial support for these activities but should make a long-term commitment to support these activities financially to enable the CSO to maintain these activities for a longer period of time, which will increase its impact on society.
- **Raising awareness of the importance of reconciliation:** CSOs should work together on awareness campaigns to explain to the broader public why addressing the legacies of the war is necessary and useful. The EU should provide some funding and some practical media support for such a campaign.
- **Focus on youth:** CSOs should continue and intensify their work with young people in the region. The new generation is not burdened by the past and can more easily reach out to others. A lighthouse project, which could serve as example for others, is the Youth Initiative for Human Rights (YIHR).

36 European Commission, 2023 Communication on EU Enlargement Policy, November 8, 2023, Brussels, 2, no. 15, https://neighbourhood-enlargement.ec.europa.eu/2023-communication-eu-enlargement-policy_en (accessed September 27, 2024).

37 Initiatives on creating a regional curriculum were attempted before (e.g. CDRSEE, the Centre for Democracy and Reconciliation in Southeast Europe), but often it was the individual decision of the teacher to use it.

Regional Level

- **Networking and exchange:** A regular, institutionalized regional conference on reconciliation should facilitate the exchange of information among those working on reconciliation.
- **Regional commemoration event:** A public event should be organized in the countries affected by the wars to commemorate all war victims together.

EU

- **Renew focus on reconciliation:** The EU should renew its focus on reconciliation and provide clear guidelines on what is expected from the governments in the region. The focus on reconciliation needs to be more prominent and a regular topic at summit meetings. The political leaders in the region need to be confronted with this aspect constantly, otherwise the topic is pushed aside and forgotten.
- **Make reconciliation efforts more visible:** The EU's reconciliation efforts need to be more public, as this conveys the message to different state holders, that, first, the EU supports reconciliation activities and, second, that reconciliation remains an important issue for the EU.
- **Maintain the funding of CSOs:** To achieve progress on reconciliation in the region, it is essential that the EU keeps funding CSOs and provides them with political support. The EU should revive the RECOM initiative and work with the already established networks of CSOs to develop a regional strategy on reconciliation and peacebuilding.
- **Learn from transitional justice:** The EU should engage with experts on the issue of peacebuilding and reconciliation to develop new approaches to support the countries of the Western Balkans.
- **Focus on youth:** The EU should continue to support youth initiatives such as RYCO, YIHR, and other similar projects.

Reconciliation has to come from within the societies affected by the traumatic wars. For this to happen simultaneous bottom-up and a top-down approaches are needed. Ultimately, the EU's role is limited to providing support and assistance to tackle the legacies of the past.

Legislative Debates and Transitional Justice in the Western Balkans

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National parliaments play an important role in the public discourse on the contentious past and in implementing transitional justice through legislative activity. Rather than fostering meaningful discussions about transitional justice, which are critical for deliberation of policy, the parliaments in the Western Balkans (WB) have often modelled and legitimized polarizing discourses. Members of Parliament (MPs) commonly use parliaments for nationalist grandstanding that relies on ethno-centric discourse. This has impacted transitional justice laws, often resulting in laws that provide inadequate redress for past wrongs. Consequently, rifts between communities – both within countries and across borders – have deepened. At the same time, victims on all sides remain dissatisfied, feeling exploited by politicians. Moreover, efforts by liberal civil society and its human-rights-oriented discourse are marginalized and suppressed. Nonetheless, respectful and empathetic dialogue about transitional justice between former antagonists in the WB is possible. Sustained support from external actors, such as the European Union, during democratization and peacebuilding is crucial for fostering a deliberative culture in parliaments and supporting constructive exchanges in the regions' civil society.

The Polarization of Public Discourse on Transitional Justice

Setting the Stage

The Western Balkans (WB) comprises two distinct contexts of transitional justice.¹ First, in the countries of the former Yugoslavia, transitional justice initiatives address the legacy of violence that accompanied Yugoslavia's violent dissolution in the 1990s and early 2000s. In these countries, inter-ethnic violence that occurred during World War II, and the transgressions of the former Yugoslavia's Communist regime are also part of a broader set of historical grievances.² Second, in neighboring Albania, which avoided violent conflict after the fall of communism, transitional justice efforts are mainly focused on the

legacy of Enver Hoxha's repressive Communist regime.

In both contexts, domestic actors – including public institutions and Civil Society Organisations (CSOs) – have spearheaded efforts to seek redress for human rights violations. In the former Yugoslav countries, the 2003 announcement of the closure of the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague began shifting the responsibility for transitional justice to national institutions to deliver justice for past wrongs. When laying the grounds for a range of transitional justice instruments, such as war crimes trials, truth commissions, and reparations, the actions and inactions of national institutions and politicians contributed to deepening societal divisions, both across and

1 The authors acknowledge the funding by the European Research Council (ERC) Consolidator Grant "Justice Interactions and Peacebuilding: From Static to Dynamic Discourses across National, Ethnic, Gender and Age Groups" (JUSTINT), no. 772354, which supported the research on which the authors draw in this paper.

2 Jelena Đureinović, *The Politics of Memory of the Second World War in Contemporary Serbia: Collaboration, Resistance and Retribution*, Routledge, 2019.

within ethnic communities. These divisions are reflected in the polarized public discourse surrounding transitional justice. Moreover, polarization has been intensifying in the decades since the violence ended. Polarization also occurs along intra-ethnic lines and has a regional dimension that contributes to tensions between states.

Polarization in the region is characterized by three key features. First, in the context of a diminished rule of law and democratic backsliding, minority communities are unable to fully exercise their rights. Political discourse is framed through an ethnic lens, further deepening divisions between communities. Second, civil society has been marginalized, limiting citizens' exposure to a variety of discourses. Few alternatives exist beyond the dominant ethnicized and politicized ones. Third, impunity for war crimes has become normalized due to state inaction, a weakened civil society, and discourses of denial.

Transitional Justice from the Top

Analysis of Policy Responses

Governments and national parliaments in the Western Balkans have contributed to divisions both within and between ethnic communities. One reason is legislation that human rights organizations and international observers deem inadequate for providing redress for past wrongs or acknowledging all victims. Meanwhile, parliamentary deliberations on transitional justice policies have been marked by ethno-centric discourses and the politicization of conflicts and past wrongs. Parliaments have been purveying and modeling divisive discourses that permeate the media and societies at large. These discourses demean the victims and divide communities. At the same time, they dismiss and even stigmatize the views of human

rights advocates, particularly when these advocates challenge war crimes denial and present alternative, respectful and empathetic discourses toward victims from other communities.

Albania

In Albania, seeking justice for human rights violations committed by one of the most repressive Communist regimes has spanned the spectrum from retributive to restorative transitional justice mechanisms. However, a relative lack of debate about transitional justice in the context of Albania's unconsolidated democracy has affected the adoption and implementation of policies related to the totalitarian repression.³ The near-absolute monopoly of power held by the current regime has allowed it to retain a strong influence over significant segments of the population, stunting the development of a political culture that would encourage dialogue on transitional justice.⁴ Over time, this has ossified the transitional justice debate, with opposing sides – divided along intra-ethnic lines – adopting progressively extreme stances.⁵

Legislative activity has been intense since 1991, with the adoption of laws on lustration, access to the files of the notorious secret service Sigurimi, private property rights, the status and compensation of political prisoners, and genocide (paving way for the trials of the perpetrators from the Communist regime), among others. However, many of these transitional justice laws, intended as a “correction” for the wrongs of the previous regime, required revision because they either provided inadequate redress for the legacy of abuse or directly reflected political interests.⁶ Consequently, Albania has undergone a process of “transitioning into legalization without transformation,” that is, without a comprehensive, critical and effective approach to the difficult past.⁷ The discourse of the political elites con-

3 Ilir Kalemaj, “Transitional Justice and Democratic Consolidation in Post-Communist Eastern Europe: Romania and Albania,” in: *Transitional Justice in Albania*, OSCE/Konrad Adenauer Stiftung, January 2020, 54-75, 70, <https://www.osce.org/presence-in-albania/445090> (accessed September 11, 2024).

4 Ibid.

5 Ines Stasa and Arian Dedej, “Transitional Justice as a Tool for Polarization in Albania,” in: *European Journal of Economic, Law and Social Sciences*, 7, no. 3, October 2023, 13-21, 17.

6 Romina Kali, “The Effects of Property Laws on the Process of Restitution and Compensation in Post-Communist Albania Under the Framework of Transitional Justice,” in: *Transitional Justice in Albania*, OSCE/Konrad Adenauer Stiftung, January 2020, 7, <https://www.osce.org/presence-in-albania/445090> (accessed September 11, 2024).

7 Ines Stasa, “Transitional Justice in Post-Communist Societies—The Case Study of Albania,” in: Anja Mihr, ed., *Between Peace and Conflict in the East and the West: Studies on Transformation and Development in the OSCE Region*, Cham: Springer, August 2021, 247-258, 253.

cerning transitional justice explains their actions – or rather, their inaction. For example, some 6,000 victims of the previous regime are believed to be missing and are unaccounted for.⁸ For politicians of all hues, transitional justice discourse has prioritized the status quo and stability, rather than human rights, leading to the marginalization and politicization of transitional justice. In contrast, civil society has supported victims, for whom justice, compensation, and recognition remain pressing needs.⁹

Bosnia and Herzegovina

Debates on transitional justice and the legacy of conflict in Bosnia and Herzegovina (BiH), much like the country's complex administrative structures, mirror its ethnic and administrative divisions. The existence of entity parliaments in Republika Srpska and the Federation of BiH, alongside the state-level parliament, has provided parallel platforms for legislative activity. The complexities of these structures are reflected in multiple approaches and uneven legislation that recognizes different categories of civilian victims (including missing persons and victims of specific human rights violations, such as sexual and gender-based violence) and compensates war veterans.¹⁰ At the same time, parliaments remain sites of ethnic polarization, entrenching divisions within and between government levels. This polarization was evident in the denial of the Srebrenica genocide. The government of Republika Srpska, led by Milorad Dodik, has spearheaded policies that socially legitimize genocide denial, from founding research institutes to shaping educational content. Efforts by the state-level parliament to address the “culture” of denial have failed due to the lack of cross-ethnic consensus, provoking the then outgoing interna-

tional High Representative for BiH, Valentin Inzko, to amend the state's Criminal Code and criminalize genocide denial in 2021.¹¹ Previously, the debates in the state parliament of BiH had exposed the fissures between representatives of different ethnic groups, with Serb representatives not only challenging the classification of the Srebrenica massacre as genocide but also questioning whether it occurred at all.¹² The result is heightened inter-ethnic polarization, persistent low-level tensions (exacerbated by the calls for the secession of Republika Srpska), frequent government crises, and divisive rhetoric from all sides. In this polarized context, non-aligned individuals or groups struggle to be heard, limiting the capacity for inter-ethnic cooperation, especially in transitional justice.¹³

Kosovo

Kosovo's transitional justice landscape is characterized by a host of practices, including hybrid war crimes trials. One notable government initiative was the law re-establishing the War Crimes Research Institute, with the goal of documenting and archiving evidence of war crimes committed during the Kosovo war. It revealed that the Kosovo government overlooked the need to acknowledge war crimes affecting all of Kosovo's communities. This is illustrated by its initial proposal for the Institute to document war crimes committed between January 1, 1998, and June 20, 1999, the end date of hostilities. This would have excluded human rights violations primarily targeting non-Albanians, but also perceived Albanian collaborators that took place after June 20, 1999.¹⁴ Under international pressure, the date was changed to December 31, 2000, to include these victims.¹⁵ Nonetheless, criticism from Kosovo's civil society

8 Bledar Abdurrahmani and Tidita Abdurrahmani, “Truth Revelation Instruments in Post-Communist Albania: Transitional Justice Non-Feasance in Investigating Communist Crimes and the Fate of Missing Persons,” in: *Access to Justice in Eastern Europe*, 7, no. 2, 2024, 10-38, 12.

9 Islam Jusufi et al., “An Analysis of Public Discourse on Albania's Transitional Justice System,” in: Innocent Chilwa (ed.), *Discourse and Conflict: Analysing Text and Talk of Conflict, Hate and Peace-building*, Palgrave Macmillan, September 2021, 413-438, 433-434.

10 Jessie Barton Hronešová, “The Law Comes First?: The Dynamics of Victims' Redress in Bosnia and Herzegovina,” in: *Southeast European and Black Sea Studies*, 23, no. 1, June 2022, 19-39, 24-25.

11 Olivera Simic, “Celebrating” Srebrenica Genocide: Impunity and Indoctrination as Contributing Factors to the Glorification of Mass Atrocities,” in: *Journal of Genocide Research*, February 2024, 1-19, 8, <https://doi.org/10.1080/14623528.2024.2308326> (accessed October 20, 2024).

12 Michal Mochtak, *War Narratives in Post-Conflict Societies. Keeping the Past Alive in the Former Yugoslavia*, Abingdon: Routledge, 2024, Chapter 4, Endless war: conflicting war legacies in Bosnia-Herzegovina.

13 Ibid.

14 Dafina Lata, “Re-establishing the War Crimes Research Institute in Kosovo,” in: *Kosovo 2.0*, October 20, 2023, <https://kosovotwopointzero.com> (accessed October 24, 2024).

15 Council of Europe, *Memorandum Following the Commissioner's Mission to Kosovo* from 30 May to 3 June 2022*, CommDH(2022)26, October 18, 2022, 5, <https://rm.coe.int/memorandum-on-kosovo-following-a-mission-to-the-country-from-30-may-to-1680a88e42> (accessed October 24, 2024).

regarding the politicization of transitional justice – arising from the decision to set up the Institute as an agency within the Prime Minister’s office – was dismissed.¹⁶ Similarly, the President’s office of Kosovo has thus far ignored calls from civil society to establish an independent truth and reconciliation commission, with the buy-in of all communities in Kosovo. Instead, it has been pressing on with the creation of the “Presidential Commission for Truth and Reconciliation.”¹⁷ The result is a deeply polarized debate among Kosovo’s communities about transitional justice. Moreover, civil society groups are often aligned with an ethnic group or political party, making it difficult for them to engage in dialogue with those who do not share their ethnic or political affiliation.¹⁸

Montenegro

In Montenegro, which saw its first change of government since the war in 2022, the record on transitional justice remains mixed. Debates about transitional justice are limited, and when they do occur, they often involve a significant regional dimension, primarily tied to Montenegro’s relations with Serbia and the EU. Transitional justice discourses are used to either appease or oppose regional actors. While action to prosecute Montenegro’s citizens involved in human rights violations in neighboring BiH, Kosovo, and within Montenegro itself has been lagging, the country has nonetheless made a radical departure in tackling war crimes denial. The new government took steps to acknowledge the Srebrenica genocide, voting in April 2024 to support the United Nations (UN) resolution on its commemoration as a gesture of empathy and reconciliation. The vote, supported by a large coalition of Montenegrin Non-Governmental

Organisations (NGOs), triggered two days of street protests in Montenegro’s capital, with protesters accusing the government of treason. These protests were backed by neighboring Serbia, whose leadership continues to deny the genocide in Srebrenica. Despite opposition, the vote was followed by a symbolic minute of silence at the opening of the Montenegrin government’s meeting on July 11, 2024, commemorating the Srebrenica genocide.¹⁹ In spite of the contention caused by Montenegro’s government position, the government demonstrated how national institutions can lead from the top in “shrinking the space for denial.”²⁰

North Macedonia

The 2001 conflict in North Macedonia was the last of the conflicts in the former Yugoslavia, leading to post-hoc adjustments in the international approach to transitional justice. The ICTY’s mandate was extended to apply to North Macedonia, which subsequently transferred four cases to the ICTY. North Macedonia stands out in the former Yugoslavia for adopting an amnesty and as well as for a very limited number of war crimes trials.²¹ The country’s parliament played a key role in passing and amending legislation that sanctioned impunity through amnesty with a 2002 law. It was part of reforms introduced by the Ohrid Framework Agreement (OFA) that ended the conflict. Initially, the law granted amnesty to all members of armed forces suspected of war crimes during Macedonia’s conflict, except for crimes under the ICTY’s jurisdiction.²² In 2008, the ICTY transferred Macedonia’s cases back to North Macedonia. These cases were later used as a bargaining chip in negotiating the inter-ethnic coalition. Following the initiative of Albanian parties, the two ethnic parties –

16 Dafina Lata, “Re-establishing the War Crimes Research Institute in Kosovo,” in: Kosovo 2.0, October 20, 2023, <https://kosovotwopointzero.com> (accessed October 24, 2024).

17 Serbeze Haxhijaj, “Scepticism Surrounds Revived Truth and Reconciliation Initiative in Kosovo,” in: BIRN, August 27, 2024, <https://balkaninsight.com/2024/08/27/scepticism-surrounds-revived-truth-and-reconciliation-initiative-in-kosovo/> (accessed November 10, 2024).

18 Caroline Nowak, Finding a Shared Truth and Justice in Kosovo, International Centre for Transitional Justice, 2023, <https://www.ictj.org/latest-news/finding-shared-truth-and-justice-kosovo> (accessed September 11, 2024).

19 Al Jazeera, “Sjednica Vlade Crne Gore počela minutom šutnje za Srebrenicu,” in: Al Jazeera, July 11, 2024, <https://balkans.aljazeera.net/news/2024/7/11/sjednica-vlade-crne-gore-pocela-minutom-sutnje-za-srebrenicu> (accessed October 24, 2024).

20 Diana F. Orentlicher, Shrinking the Space for Denial. The Impact of the ICTY in Serbia, Open Society Justice Initiative, May 2008, https://www.justiceinitiative.org/uploads/a0be82c5-aa8a-4bcd-9d23-bcef4d94f93c/serbia_20080501.pdf (accessed October 24, 2024).

21 Two members of the Macedonian state security services were prosecuted, see: Ljubomir D. Frčkovski, “Reconciliation and Transitional Justice in Macedonia, Ten Years Later,” in: Mediterranean Journal of Social Sciences, 2, no. 3, September 2011, 43-51, 46. The status of a limited number of subsequent trials is frozen or unknown, see: Biljana Volchevska and Irena Zdravkova, “How North Macedonia Traded Justice for Peace,” in: BIRN, December 24, 2020, <https://balkaninsight.com/2020/12/24/how-north-macedonia-traded-justice-for-peace/> (accessed October 24, 2024).

22 Elmina Kulasic, Transitional Justice in Macedonia and its Relations with Democracy, EU Policy Briefs, Center for Research and Policy Making, Konrad Adenauer Stiftung, December 2012, 4, https://www.kas.de/c/document_library/get_file?uuid=4d3c7161-04e9-5b97-453d-fb9d208cdd29&groupId=252038 (accessed October 24, 2024).

the Macedonian VMRO-DPMNE and the Albanian DUI (Democratic Union for Integration) – expedited the amendment to the amnesty law in the national parliament in 2011. The amendment paved the way for amnesty to be applied to the war crimes cases transferred from the ICTY.²³ The interethnic government coalition used the amnesty to promote hollow rhetoric of reconciliation. Consequently, the lack of justice deepened grievances among Macedonian and Albanian victims and eroded trust in institutions.²⁴ The dominant ethnic and political groups have effectively marginalized civil society voices calling for a transitional justice process to address the 2001 conflict. This reflects the broader situation in the country, where ruling parties abuse state resources and use divisive and hostile rhetoric to achieve political aims, primarily to rally their ethnic base and further divide communities.²⁵

Serbia

In Serbia, legislative activity has mainly focused on cooperating with the ICTY, providing support for Serbs indicted by the international tribunal, and establishing the legal framework for domestic war crimes trials, following the ICTY's closure strategy announced in 2003. Analyses have shown a poor quality of debate in the Serbian parliament, illustrated by Members of Parliament (MPs) diversionary tactics. Instead of focusing on draft laws related to transitional justice, parliamentary deliberations typically deviate from the topic. MPs use the parliament as a public platform to promote their political views on conflict and justice, often framed in ethno-centric nationalist terms.²⁶ Opportunities to voice alternative, human rights-oriented positions have been limited. A similar pattern emerged in the parliamentary debates on the Srebrenica Declaration in 2010, which brought the discourse of denial into the Serbian parliament. Over time, under the helm of President Aleksandar Vučić, in power since 2012, the denial of the Srebrenica genocide became

Serbia's official policy, both nationally and internationally. Since the fall of Slobodan Milošević in 2001, the Serbian parliament has provided a public stage for the denial of war crimes committed by Serbs, including contesting and minimizing of the suffering of non-Serb victims. MPs from nationalist parties of the Milošević era (or their successor parties), along with representatives of newly formed right-wing parties, have employed various methods of denial, including “open, covert and hardly recognizable ones.”²⁷ In addition to undermining the legitimacy of transitional justice, the poor quality of these debates, marked by frequent violations of parliamentary protocols, has enabled the adoption of laws that advance nationalist agendas. This refers both to efforts to address the legacy of violence from the Yugoslav wars and to laws enabling the controversial rehabilitation of World War II-era historical figures, which some view as a revival of Greater Serbian ideology.

Region without Regional Cooperation

Analysis of Regional Transitional Justice Cooperation

Regional cooperation on transitional justice issues in the Western Balkans is fragmented and sporadic. Formal and informal cooperation between states in this policy area is poorly developed, as the conflicts are deeply embedded in nation- and state-building projects. Cooperation with the perceived “Other” is often difficult to justify to domestic audiences. However, regional cooperation within civil society is much more active, though constrained by the marginalization these groups face in their respective countries.

Bilateral and multilateral parliamentary cooperation is well established in the region.²⁸ Friendship groups between parliaments regularly serve to advance bilateral interests and deepen cooperation.

23 Sandra Orlović, *Tranziciona pravda u postjugoslovenskim zemljama. Izveštaj za 2010-2011. Godinu*, Humanitarian Law Center, December 2011, 5-6, <http://www.hlc-rdc.org/wp-content/uploads/2013/03/Tranziciona-pravda-u-postjugoslovenskim-zemljama-izveštaj-za-2010-2011.pdf> (accessed October 24, 2024).

24 Volchevska and Zdravkova, 2020.

25 Denisa Kostovicova, *Reconciliation by Stealth. How People Talk About War Crimes*, Ithaca: Cornell University Press, 2023, 21-24.

26 Denisa Kostovicova, Ivor Sokolić, and Lanabi La Lova, “‘I Say, You Say’: Normative Distortion of Transitional Justice in the Serbian Parliament,” in: *British International Studies Conference (BISA) 2024 Conference: Whose International Studies?*, 6 June 2024.

27 Sofija Mandić, *U krugu negacije – Godine parlamentarnog (ne)suočavanja sa lošom prošlošću – Slučaj Srbija*, Beograd: Edicija Reč, 2023, 268.

28 Dijana Mitrović, “Parliamentary Diplomacy in the Western Balkans,” in: *The German Marshall Fund of the United States*, November 22, 2021, https://www.gmfus.org/news/parliamentary-diplomacy-western-balkans#footnoteref7_6leopp4 (accessed September 12, 2024).

However, these groups rarely address issues related to transitional justice. In fact, transitional justice topics sometimes even prevent such cooperation. For example, since BiH and Serbia do not recognize Kosovo, they have no official contact with Kosovan legislators.²⁹ Cooperation between parliaments is possible through various international and regional parliamentary bodies (such as interparliamentary organizations), although they tend to avoid sensitive transitional justice issues.

More direct cooperation on transitional justice occurs in the legal sphere, where states have adopted protocols enabling the exchange of war crimes cases, investigations, and related documents, starting in 2013.³⁰ This involves BiH, Croatia, and Serbia. However, due to a lack of political will, few cases have been exchanged, and numerous suspects have never been arrested. Instead, cooperation is largely symbolic – a recurring pattern in the region. Politicians often make symbolic gestures using transitional justice to appeal to their domestic audiences, but little progress is made in terms of actual policy or legal proceedings. For example, Montenegrin officials have attended or laid wreaths at various commemorations for mass atrocities in the region, including Srebrenica, while making little progress on war crimes proceedings in the country.³¹

Regional cooperation has been much more vibrant in civil society, including on the topics addressing the difficult legacies of wars. Notable projects include the Igman Initiative (Igmanska inicijativa),³² the Regional Youth Cooperation Office (RYCO),³³ the Initiative for RECOM,³⁴ among others. Most notable is RECOM, a regional initiative aimed at establishing a commission to document human rights violations committed during the conflicts of the 1990s.³⁵ RECOM successfully brought together

various human rights NGOs, war veterans' associations, and victims' associations. Although it fell short of its ultimate goal of establishing a regional commission due to a lack of political support, RECOM facilitated extensive discussions about transitional justice across the region from 2006 to 2011.³⁶ Presently, it operates as a regional reconciliation network, fostering cross-border dialogue and debate. Additionally, numerous smaller initiatives exist in the realms of culture and arts. For example, the “Mirëdita, dobar dan” festival brings together people from Kosovo and Serbia to engage in discussions on art, culture, and advocacy, aiming to foster cooperation and peacebuilding.³⁷ The extent of regional activity among civil society groups, despite a challenging environment, demonstrates a strong appetite for regional cooperation on transitional justice issues.

However, this effort is hindered by a lack of political will at the state level in the region. Divisive and nationalist narratives are easy means for political actors to boost domestic popularity, thereby reducing the potential for regional cooperation. Ethnic and national neighbors are frequently portrayed as existential threats. The result is political parties that focus on appealing to a single ethnic group and a tendency to frame all issues as security issues (for example, Milorad Dodik's frequent calls for secession of Republika Srpska). This dynamic makes it difficult to initiate meaningful and impactful cooperation in the region.

Justice without Politics

Analysis of the Cooperation with the EU

The EU has been instrumental in promoting transitional justice across the Western Balkans, albeit with different approaches that reflect diverse lega-

29 Ibid.

30 Erna Mackic, “Poor Cooperation Leaves Balkan War Crime Suspects at Large,” in: Balkan Insight, October 1, 2018, <https://balkaninsight.com/2018/10/01/poor-cooperation-leaves-balkan-war-crime-suspects-at-large-09-26-2018/> (accessed September 12, 2024).

31 Samir Kajosevic, “Montenegro: New Government, but no Progress on War Crime Probes,” in: Balkan Insight, December 29, 2021, <https://balkaninsight.com/2021/12/29/montenegro-new-government-but-no-progress-on-war-crime-probes> (accessed September 12, 2024).

32 See: Igman-initiative, <https://www.igman-initiative.org/> (accessed October 24, 2024).

33 See: Regional Youth Cooperation Office, <https://www.rycowb.org/> (accessed October 24, 2024).

34 See: RECOM Reconciliation Network, <https://www.recom.link/en/> (accessed October 24, 2024).

35 RECOM Reconciliation Network, About RECOM, <https://www.recom.link/en/> (accessed October 24, 2024).

36 See: Kostovicova, 2023, 26-32.

37 Mirëdita, dobar dan, About, <https://mireditadobardan.com/en/home/> (accessed October 24, 2024). Also see: Orli Fridman, “Peace Formation from Below: The “Mirëdita, Dobardan!” Festival as an Alternative to Everyday Nationalism,” in: Nations and Nationalism 2020, 26, 447-460.

cies of human rights violations in the former Yugoslav countries and Albania. In the former – and arguably more complex – case, where the legacy of Communism was intertwined with the legacy of conflict, the EU implemented the ICTY conditionality policy. The progress of former Yugoslav countries emerging from the wars of Yugoslavia’s dissolution was made conditional upon their cooperation with the ICTY.³⁸ This policy introduced transitional justice to post-Yugoslav societies at a time when post-conflict elites were eager to bury the past. It also encouraged local civil societies in their efforts to initiate critical discussions about responsibility for war crimes.

However, the effects of the EU’s approach to transitional justice in the Balkans have been mixed. Cooperation with the ICTY facilitated Croatia’s accession to the EU in 2013. In other Western Balkan countries, transitional justice has remained politicized, with some victims feeling exploited by national elites and used for political point scoring, while others feel wronged due to the lack of recognition of their suffering. This has revealed the main limitation of the ICTY conditionality: its technical approach. Cooperation, focused on the extradition of war crimes suspects, failed to lead to broader societal processes of reckoning and reconciliation.³⁹ Furthermore, ethnic elites made efforts to delegitimize the international court and its judgments, such as Serb elites in Serbia and Republika Srpska dismissing the genocide verdicts for Srebrenica. Following the closure of the ICTY, the work of the Kosovo Specialist Chambers has been met with similar skepticism in Kosovo.⁴⁰

The EU’s involvement in transitional justice in the Western Balkans coincided with the evolution of its

own transitional justice policy, which has been fragmented across different EU institutions.⁴¹ To address this issue, the EU introduced its Policy Framework on Support to Transitional Justice.⁴² Broadly speaking, the EU’s approach follows two policy tracks. One track, led by the European Commission, focuses on promoting of human rights, development, democracy, justice, freedom, and security. The other, led by the Council, operates specifically through the Common Foreign and Security policy, where transitional justice is embedded in peacebuilding and security-oriented tasks such as disarmament, demobilization, and reintegration.⁴³

The EU has become a key international actor in promoting transitional justice in the region. It has provided significant financial support by funding various civil society initiatives and supporting broader democratization and rule of law reforms. It has also provided normative guidance through annual progress reports for individual countries, which have highlighted inadequate and delayed reforms. The EU has focused on monitoring the countries’ transformations in light of their adoption of *acquis communautaire* and their preparedness for EU accession. However, the EU has often refrained from calling out or sanctioning actions that violate European values, such as the repression of human rights activists and the persistent promotion of genocide denial. This is despite addressing these issues in its reports. Similarly, the EU chose not to politically support RECOM’s initiative at the London Summit of the Berlin Process, which sought to establish an interstate commission to document war crimes and human rights violations in the former Yugoslavia. Hence, the EU has often not followed up on its commitment to transitional justice with political action, which would have required openly

38 Peter J. Verovšek, “A Burgeoning Community of Justice? The European Union as a Promoter of Transitional Justice,” in: *International Journal of Transitional Justice*, 15, no. 2, July 2021, 351-369, 362.

39 For a nuanced evaluation of the ICTY see: James Gow et al. (eds), *Prosecuting War Crimes. Lessons and Legacies of the International Criminal Tribunal for the Former Yugoslavia*, Oxfordshire: Routledge, 2014.

40 Aidan Hehir, “Lessons Learned? The Kosovo Specialist Chambers’ Lack of Local Legitimacy and Its Implications,” in: *Human Rights Review*, 20, July 2019, 267-287.

41 Katy A. Crossley-Frolick, “The European Union and Transitional Justice: Human Rights and Post-conflict Reconciliation in Europe and Beyond,” in: *Contemporary Readings in Law and Social Justice*, 3, no. 1, April 2011, 33-57, 38-47.

42 European Parliament, *The EU’s Policy Framework on Support to Transitional Justice*, https://www.europarl.europa.eu/meetdocs/2014_2019/documents/dand/dv/40_eupolicy_frmwrk_suptrans_justice_/40_eupolicy_frmwrk_suptrans_justice_en.pdf (accessed October 24, 2024).

43 Council of the European Union, *Council Conclusions on the Integrated Approach to External Conflicts and Crises*, 5413/18, January 22, 2018, <https://data.consilium.europa.eu/doc/document/ST-5413-2018-INIT/en/pdf> (accessed October 24, 2024).

confronting actors that undermine transitional justice in the region.⁴⁴

Conclusion and Recommendations

The contestation of transitional justice, which has resulted in the impunity of many war crimes perpetrators and the demeaning of victims of human rights abuses throughout the Western Balkans, is evident in the public spheres of these countries. The role of national institutions, particularly governments and parliaments, is crucial for post-conflict recovery and reconciliation between former adversaries. Not only do they shape transitional justice policy, but parliamentary debates on transitional justice also set the tone for the broader societies. The eyes of the local publics are “directed onto [them] as “a mirror of power”,⁴⁵ modeling norms deemed acceptable. In the Western Balkans, parliaments have played a pernicious role. Rather than fostering meaningful discussions about transitional justice, they have been co-opted to promote nationalist narratives.

At the same time, research shows that a different kind of debate about the legacy of war crimes and human rights abuse is possible both across and within communities in different public fora. The top-down polarization in Western Balkan countries is not always replicated at the societal level. For example, participants in interethnic discussions on transitional justice, facilitated by RECOM, have

engaged with one another respectfully and empathetically, especially when interacting with members of opposing groups.⁴⁶

Debates about the legacy of war crimes are facilitated through in-depth exchanges across ethnic lines, where perspectives on the difficult past are negotiated and revised.⁴⁷ Research also shows that dialogue needs to occur in spaces that are conducive to open discussion, where participants feel empowered to engage in the process of transitional justice.⁴⁸ More broadly, activities involving contact between different groups involved in discussing the legacies of violence and transitional justice can yield positive outcomes for intergroup relations.⁴⁹ Although this process can be slow, it demonstrates that debates about transitional justice do not always have to polarize the interlocutors.

The ability of liberal civil society initiatives to promote transitional justice and interethnic reconciliation has often been overlooked, as has the potential of parliamentary debates. The public nature of parliamentary activity, especially when addressing conflict and transitional justice issues, makes these debates susceptible to legislative speech being used for grandstanding rather than substantive policy deliberation.⁵⁰ However, closer analysis of parliamentarians’ language also reveals how female parliamentarians can make their voices heard and advocate for redress for conflict victims, including victims of sex-

44 Denisa Kostovicova, “Sitting on the Fence: How the London Summit Exposed the Inertia in the EU’s Reconciliation Policy for the Western Balkans,” in: EUROPP: European Politics and Policy Blog, July 20, 2018, <https://blogs.lse.ac.uk/europpblog/2018/07/20/sitting-on-the-fence-how-the-london-summit-exposed-the-inertia-in-the-eus-reconciliation-policy-for-the-western-balkans/> (accessed October 24, 2024).

45 Slaviša Orlović, Jelena Lončar, Damir Banović and Zlatko Vujović, “Concluding Remarks,” in: Slaviša Orlović (ed.), *Comparative Analysis of Democratic Performances of the Parliaments of Serbia, Bosnia and Herzegovina and Montenegro*, Belgrade, Sarajevo, Podgorica: University of Belgrade, Faculty of Political Sciences, Centre for Democracy; Sarajevo Open Centre, Faculty of Political Science; University of Montenegro, 2012, 279-303, 303.

46 Kostovicova, 2023, 67-89.

47 Ivor Sokolić et al., “Inter- and Intra-Ethnic Dialogues on War-time Violence and Its Legacies,” in: JUSTINT Policy Paper, London School of Economics and Political Science, October 2023, <https://www.lse.ac.uk/european-institute/Assets/Documents/Research/JUSTINT-Policy-Paper-Inter-and-Intra-ethnic-Dialogues.pdf> (accessed September 19, 2024).

48 Ivor Sokolić, “Claims to Ignorance as a Form of Participation in Transitional Justice,” in: *Cooperation & Conflict*, 58, no. 1, May 2023, 102-128, 118.

49 Ivor Sokolić, “Kiss, Don’t Tell: Obstacles to Inter-ethnic Dating in Bosnia-Herzegovina and How They Are Overcome,” in: *Identities: Global Studies in Culture and Power*, 30, No. 6, October 2022, 805-822, 806; Ivor Sokolić and Denisa Kostovicova, *Reconciliation as Activity: Opportunities for Action*, London School of Economics and Political Science and Centre for Research, Documentation and Publication (CRDP), <https://artreconciliation.org/wp-content/uploads/sites/181/2018/07/Reconciliation-as-Activity-Opportunities-for-Action.pdf> <https://www.lse.ac.uk/european-institute/Assets/Documents/Research/JUSTINT-Policy-Paper-Inter-and-Intra-ethnic-Dialogues.pdf> (accessed 19 September, 2024).

50 Denisa Kostovicova and Lanabi La Lova, “Grandstanding Instead of Deliberative Policy-making: Transitional Justice, Publicness and Parliamentary Questions in the Croatian Parliament,” in: *Journal of Intervention and Statebuilding*, July 2024, 1-22, <https://doi.org/10.1080/17502977.2024.2362001> (accessed November 10, 2024).

ual and gender-based violence.⁵¹ This is despite women's underrepresentation and marginalization in the WB parliaments.⁵² Although it is particularly challenging to hold constructive debates on transitional justice in parliaments, attention must be given to how parliamentary engagement can be facilitated to promote the acknowledgement of victims, both in law and in discourse.

Governments of the Western Balkans (National Level)

- **Increase deliberative capacity of parliaments:** WB governments should increase the capacity for deliberation in parliaments and specifically dedicate resources and organize programs for training MPs, addressing the low quality of deliberation in parliaments. The training should focus on assisting parliamentarians in using the floor to express policy-related arguments more effectively, which also applies to the formulation of parliamentary questions. This will enhance parliamentarians' ability to influence policy.
- **Encourage monitoring and compliance:** WB governments should encourage monitoring and compliance with parliamentary codes of conduct, such as adhering to allocated speaking time and minimizing interruptions. The procedural aspects of parliamentary debates are critically linked to their quality, as they help prevent the waste of valuable parliamentary time on grandstanding rather than focusing on policy deliberation.
- **Pay attention to gender equality:** WB governments should pay particular attention to gender, specifically women's representation and participation in parliaments, including their ability to contribute to debates. Women are underrepresented in all parliaments in the Western Balkans compared to men. However, this does not mean that they cannot influence policy. Research has shown that women can have a significant impact on policy, particularly in areas of specific interest to them. Efforts must be intensified to ensure that women are not marginalized. Their voices

should be amplified through equal distribution of speaking opportunities given to male and female MPs. Additionally, women should be made aware of how they are confronted with adversarial norms of discourse they face in parliaments, enabling them to participate more effectively.

- **Collaborate with CSOs:** The governments of the WB should collaborate with civil society in various fora for policy exchange and be responsive to constructive proposals coming from CSOs, rather than using these as “window dressing.” To this end, the WB governments should proactively initiate policy-exchange fora, particularly on various aspects of transitional justice.

Civil Society Western Balkans (National Level)

- **Build capacity for monitoring:** Civil society should focus on building its capacity and training to better monitor the formulation and implementation of transitional justice policy (e.g., parliamentary activity, domestic trials). Civil society, in its various forms – human rights NGOs, think tanks, associations and even groups of citizens – in the Western Balkans has made a key contribution to transitional justice by confronting impunity, challenging ethno-centric narratives of conflict, and documenting human rights violations, among other efforts. However, its capacity to monitor the more “technical” aspects of transitional justice, such as policy-specific issues and their codification in law, remains limited.
- **Foster intergroup dialogue:** Civil society should focus on extending its activities related to fostering intergroup contact and dialogue on the topic of transitional justice within and across countries, bringing these discussions closer to ordinary people. Efforts should also be made to reach beyond the “usual” circles, such as fellow civil society organizations frequently represented in these dialogues. To this end, civil society should aim to involve the education system,

51 Denisa Kostovicova and Vesna Popovski, “Women’s Discursive Agency in Transitional Justice Policy-making: A Feminist Institutional Approach,” in: *Review of International Studies*, 49, no. 4, August 2023, 721-740; Denisa Kostovicova, “Discursive Interaction and Agency in Transitional Justice: A Conversation Analysis Perspective,” in: *Journal of Intervention and Statebuilding*, May 2024, 1-21, <https://doi.org/10.1080/17502977.2024.2362002> (accessed November 10, 2024).

52 Jelena Lončar, “Autocratic Genderwashing: Gender-Equality Reforms in Serbia,” in: *Politics and Governance* 12, 2024, <https://doi.org/10.17645/pag.8204> (accessed November 10, 2024); Amila Ždralović, Zlatiborka Popov-Momčinović, Zarfa Hrnjić, Žene u bh. institucijama marionete zakonske kvote, Sarajevo: Fondacija Cure, 2018.

where possible, and build on innovative approaches to familiarize the students with multiple perspectives on conflict.

- **Build regional networks:** CSOs should build on their regional networks and relationships, especially among youth, not necessarily focused on transitional justice, to facilitate positive spill-over effects from cross-group contact and exchange. Similarly, the benefits of existing cultural events that critically engage with war legacies should be leveraged to provide an alternative transitional justice infrastructure. This should include exploring more effective media communication strategies through alternative sources, such as social media and podcasts. A broader dissemination of opportunities for critical, civil and multi-perspective discussions and debates about war legacies would help address narrow ethno-centric discourses.
- **Connect with European and global CSOs:** Civil society should take a more proactive approach in reaching out to and connecting with European and global civil society networks for knowledge exchange, including joint funding bids for transitional justice-related projects. Building transnational networks can enhance the capacity of civil society in numerous ways. These efforts can facilitate learning from counterparts working on addressing the legacy of human rights violations in different contexts. Importantly, they can also lay the foundations for upgrading collaboration and submitting competitive bids for the projects when opportunities arise. This will help overcome “ad-hocism” in current practice, which has disadvantaged local NGOs.

EU

- **Fund CSOs:** The EU should fund Civil Society Organizations working in the field of transitional justice to address the lack of local sources of financial support for these activities. Although the EU is a key funder and supporter of civil society in the WB region, human rights organizations often not only compete amongst themselves for limited funds but also have to alter the focus of their activities based on funders’ priorities. While reform imperatives in the WB are vast and equally pressing in different ways, the EU should recognize that supporting the diffi-

cult work of coming to terms with the wartime past requires special attention, dedication, and longer-term funding horizons. Moreover, addressing issues related to war legacies can have positive effects on other reform areas, given that the post-conflict and post-Communist transformation in the WB are intertwined.

- **Address repression of human rights advocates:** The EU should be more forthright and responsive in addressing the repression of civil society activists and journalists. It must be vocal when representatives of WB governments violate human rights of their opponents. This support is essential for the EU to maintain its legitimacy in the region, especially given the diminishing support for EU integration in some parts of the WB.
- **Facilitate government-CSO exchange:** The EU needs to facilitate government-civil society exchanges on transitional justice. It should lead by example, demonstrating good practices within the EU on a range of policy issues, including addressing difficult legacies. Additionally, it should encourage initiatives by EU Member States to share good practice. The EU must also remain cautious about the WB states paying lip service to consultations with CSOs.
- **Support democratic parliamentary culture:** The EU should support both WB governments and civil society in developing a democratic parliamentary culture and fostering policy deliberation through education programs aimed at MPs. Particular attention should be paid to gender and female parliamentarians’ ability to influence policy-making. The EU should establish fora for the exchange of practices and experiences with MPs from both the European Parliament and from EU member states that have addressed a range of gender equality issues, such as representation, office holding, and participation in parliamentary speeches and questions. This would familiarize female parliamentarians with gender equality issues that transcend the WB region, while also helping them to better understand the challenges specific to the region. These efforts would further provide opportunities for women from different parties and countries to connect and collaborate on addressing adverse effects of polarization and partisanship in the WB parliaments.

Reconciliation and Justice in the Western Balkans

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Reconciliation efforts in the Western Balkans are under increasing strain. The full-scale invasion of Ukraine has exposed the volatility of an already fragile and largely externally imposed process, with violent clashes and a resurgence of nationalism across the region. Indeed, the need to deal with a complicated and violent past has often been marginalized in favor of a simpler, more linear, and future-oriented approach to reconciliation. In this process, the voices of those at the receiving end of policies have remained sidelined, and relationships have polarized further. Peace processes across the region have also had limited success in reaching out to those most affected by the violence of the past and present and have often remained limited to technical interventions rather than meaningful transformation. Thus, there is a need to explore spaces in which difficult conversations concerning lingering injustices can be addressed. These spaces should involve not only national and international actors (including the European Union), but also regional organizations and networks that have organically emerged and represent the voices of victims and survivors of violence. Reconciliation is a long-term and often uncomfortable process, but to have a tangible impact on the everyday lives of communities, it requires more just, sustainable and inclusive solutions than the current quick fixes.

Global Tensions and the Struggles of the Western Balkans

Setting the Stage

Reconciliation in the Western Balkans has been and remains a challenge in the aftermath of various layers of historical violence. A decade of war has left deep divisions across societies in the region, which continue to have negative impacts on both high-level politics and people's everyday lives. At the same time, reconciliation has long been considered an insular task, confined to an individual country or the region as a whole. However, the politics of the Western Balkans and its different states are intrinsically entangled with global dynamics.¹ The concerns of some Western Balkan states regarding the threat of Russia's invasion of Ukraine have highlighted the region's vulnerability to global politics, not least as a result of strategic alliances with

both East and West. Such vulnerability is exacerbated by the precarious nature of the economic system, historically marked by the rapid transition from a socialist system to one now largely privatized, with high levels of unemployment.² The European Union (EU) has become one of the key international players in this complex political and economic landscape. Such influence is particularly pronounced in its enlargement policies and their associated conditionalities. At the same time, emphasizing its "ironclad friendship" with Serbia, the Chinese government has considerably increased its investment and trade across the Western Balkans over the last decade.³

Problematically, Russia has also been mobilizing its influence in the region for geopolitical gains. At the same time, the EU has sent mixed messages to individual countries in the region, specifically

1 Stefanie Kappler, *Mnemonic Peace: Art, Memory and the Curation of Entangled Histories of Violence*, University of Michigan Press, forthcoming.

2 Branka Likić-Brborić, "Globalisation, Governance and the Political Economy of Transition," in: Carl-Ulrik Schierup, ed., *Scramble for the Balkans: Nationalism, Globalism and the Political Economy of Reconstruction*, Basingstoke: Macmillan, 1999, 171-200, here: 189 f.

3 Nils Resare and Wawa Wang, "China's Investment in the Balkans: A Decade of Discontent," in: *The Diplomat*, May 9, 2024, <https://thediplomat.com/2024/05/chinas-investment-in-the-balkans-a-decade-of-discontent/> (accessed November 4, 2024).

about accession. As a result, EU skepticism and right-wing politics have gained momentum, thus undermining moderate voices and granular attempts at reconciliation. One could thus argue that many of the current political frictions in the Western Balkans, and the associated obstacles to reconciliation (often stemming from nationalist or right-wing politics), are at least partially transnationally conditioned. These issues may result from inequalities created by the rapid transition to a capitalist economy, often linked to corruption produced by the intersection of neoliberalism, privatization, and the persistence of war-time structures.⁴ They also directly result from the lack of regional and cross-national engagement with a violent and contested past, where many wounds remain open and memories of violence are still prominent in the political arena and in people's everyday lives.

Importantly, many prevailing obstacles to reconciliation are practical in nature. For example, the ethnonational divisions created by recent wars across the region have led to physical segregation: new micro-states, segregated sub-state structures, divided infrastructures, public services limited to particular groups, and restrictions on cross-ethnic and cross-national mobility and communication.⁵ In cases such as Bosnia and Herzegovina (BiH) or Kosovo, even educational institutions are segregated, limiting interaction between different ethnic groups. In the absence of cross-ethnic institutions and infrastructures, many young people rarely meet “the other,” and memories of older generations, who may have more positive memories of peaceful cohabitation in former Yugoslavia, are increasingly forgotten.⁶

The predominant focus on interethnic reconciliation by major peacebuilding initiatives further complicates the situation. These initiatives have some-

times excluded those who do not belong (or want to belong) to a particular ethnic group. In BiH, the infamous Sejdić-Finci case, which challenges the de facto exclusion of minorities from certain public positions under a system introduced by the Dayton Peace Agreement of 1995, is a notable example. In this court case, the European Court of Human Rights ruled that the de facto exclusion of minorities from high-level political offices in BiH stood in violation of the European Convention on Human Rights.⁷ Such exclusive processes and institutions can be found throughout the region, affecting the setup of political institutions, limiting the opportunities for moderate political discourse, and influencing media reporting and the mobilization of divided cultural heritage in fractured communities.⁸ In this, the replaying of ethnonational divisions, which were further cemented during the wars of the 1990s, distracts from the need to focus on how citizens and residents experience the legacies of violence in their everyday lives. These experiences may be shaped by ethnic belonging, but also by factors that include gender, class, generation, and so on.⁹ These factors offer crucial vehicles for exploring the commonalities that cut across categories of identification yet remain largely underexplored for peacebuilding purposes.

Importantly, environmental activism has recently emerged as one of these commonalities, also gaining traction in peacebuilding circles. Additionally, artists are creating pathways for shared experiences through projects exploring cultural heritage and recent history. The region's youth organizations are also working hard to promote collaboration among various countries in the Western Balkans. Media platforms like the Balkan Investigative Reporting Network (BIRN), which have a strong grassroots foundation, play an important role in providing critical coverage of political and social challenges in

4 Michael Pugh, “Oligarchy and Economic Legacy in Bosnia and Herzegovina,” in: *Peacebuilding*, 5, no. 3, 2016, 223–238.

5 Annika Björkdahl and Stefanie Kappler, *Peacebuilding and Spatial Transformation. Peace, Space and Place*, Routledge, 2017.

6 Jasmin Ramović, “Lessons Learned from Self-Management for Economies in Post-Conflict Societies of the Former Yugoslavia,” in: *Civil Wars*, 20, no. 2, 2018, 171–192, here: 172 and 174.

7 For more details see *Case of Sejdić and Finci v. Bosnia and Herzegovina*, European Court of Human Rights, <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-96491%22%7D> (accessed October 14, 2024).

8 Stefanie Kappler and Johanna Mannergren Selimovic, *Working with the Cultural Heritage of Conflict for Peacebuilding. Lessons Learned from the Western Balkans*, EPLO Civil Society Dialogue Network Discussion Paper No. 16, 2021, https://eplo.org/wp-content/uploads/2021/11/EPLO_CSDN_Discussion_Paper_Cultural_Heritage_Peacebuilding.pdf (accessed October 7, 2024).

9 Johanna Mannergren, Annika Björkdahl, Susanne Buckley-Zistel, Stefanie Kappler, and Timothy Williams, *Peace and the Politics of Memory*, Manchester: Manchester University Press, 2021, here: 70.

the region. They thus enhance efforts toward reconciliation. Indeed, reconciliation efforts have been at their best when growing from local and regional activism and when they respond to calls for justice and just forms of reconciliation. Such reconciliation accounts for historical injustices at local, national, regional and international levels and provides judicial, social and material forms of redress to those most severely affected by past and present forms of violence.

Fragile Reconciliation and Rising Nationalism

Analysis of Policy Responses

Overall, post-war relationships throughout the region have been characterized by fragility and ethnic divisions. There is little political or economic incentive for change but instead an increasingly concerning retreat into nationalist politics – not unlike those seen across Western Europe. As a result, policy responses to the challenge of reconciliation are often shaped by nationalistic policies. Problematically, this status-quo orientation of political action has created spaces for corruption to emerge, with political favors frequently extended to members of patronage networks.

Albania

While Albania was not directly caught up in the wars of the 1990s, its transition from a rigid communist system to a democratic polity has been fraught with difficulties. The country still holds a strategically significant position in the region, largely due to its strong ties with Albanians in North Macedonia and Kosovo. Tensions have occasionally flared when officials from Kosovo and Albania have discussed the idea of unification.¹⁰ Recently, however, Prime Minister Edi Rama has been fostering closer relations with Serbian President Aleksandar Vučić, particularly in relation to the “Open Balkans” initiative. This has not been

well-received by the opposition in Albania or the leadership in Kosovo, creating a divide between the two countries and intensifying the underlying friction between Prime Minister Edi Rama and Prime Minister Albin Kurti regarding which of the two leaders best represents Albanians in the region.¹¹

In terms of its judicial system, Albanian courts have been accused of a lack of funding as well as vulnerability to corruption and patronage, which create further obstacles to the provision of justice to its citizens.¹² Given Albania’s ambitions with respect to EU accession, the country has been working towards the implementation of wide-ranging judicial reforms to satisfy the EU’s demands in this area.

Bosnia and Herzegovina

In BiH, relationships between the different national groups (“Bosniaks,” “Serbs,” and “Croats”, as well as those that the constitution refers to as “Others”) remain tense. In Republika Srpska, an entity created after the war of the 1990s that now predominantly hosts members of the Bosnian Serb community, there is limited interest in engaging with the atrocities of the 1990s, and dialogue between the different entities of the Bosnian state is limited. The Dayton Peace Agreement itself represents a major stumbling block concerning reconciliation, as it engrains ethnic identities in the constitution and public life. This makes it difficult for actors resisting this ethnic logic to be heard and represented publicly. Changing the status quo has become virtually impossible, with the international community ensuring the implementation of the constitution as it is (most notably through the Office of the High Representative (OHR) and the institution’s “Bonn Powers”), while simultaneously demanding political change.¹³ Ultimately, the change that the countries part of the PIC (Peace Implementation Council) are asking for is constrained within the boundaries of the Dayton Peace Agreement. The

10 Darko Janjevic, “Albania and Kosovo Could Have ‘Single President,’” in: Deutsche Welle, February 19, 2018, <https://www.dw.com/en/albanias-edi-rama-floats-joint-president-idea-in-kosovo/a-42642058> (accessed October 7, 2024).

11 Mentor Beqa, “Rama-Kurti Feud Reveals Deeper Rift Between Albania and Kosovo,” in: Balkan Insight, July 19, 2023, <https://balkaninsight.com/2023/07/19/rama-kurti-feud-reveals-deeper-rift-between-albania-and-kosovo/> (accessed October 7, 2024).

12 SELDI.net, “Judiciary in the Western Balkans: The Long Road from Political Dependence Towards EU Standards,” Policy Brief No. 12, December 2020, 6, <https://seldi.net/wp-content/uploads/2020/12/Policy-brief-The-Judiciary-in-Anticorruption.pdf> (accessed November 4, 2024).

13 The “Bonn Powers” enable the OHR to intervene into Bosnian domestic legislation when it is deemed to contravene the peace agreement and to remove politicians from office when they are deemed to obstruct the peace process.

latter forecloses more structural forms of transformation that challenge the ethnic organization of the state itself, including its judicial structures and processes.

The International Criminal Tribunal for the former Yugoslavia (ICTY) played an important role in addressing war crimes committed in the region, especially in BiH. The establishment of the Court of BiH, particularly its chamber for war crimes, enabled the transfer of cases from the ICTY to this court. The International Court of Justice has acknowledged the atrocities in Srebrenica in 1995 as genocide, and several ICTY rulings have also classified certain related war crimes as part of this genocide.¹⁴ Despite this, and the hundreds of war crime convictions rendered by both the ICTY and the Court of BiH, many war criminals are still celebrated as heroes within their ethnic groups, while officials from Republika Srpska frequently deny the genocide. In 2021, the High Representative's imposition of amendments to the country's criminal code to ban the denial of genocide and the glorification of war criminals sparked significant backlash from Republika Srpska officials, resulting in a serious political crisis.¹⁵

These dilemmas are difficult for local, regional and international actors alike to navigate, with wartime divisions being continuously reproduced through the administrative structures of the state. What is more, there are few spaces in which the transnational complicity in the 1990s war can be explored. Instead, there is a lingering dissatisfaction with the international community that risks escalating any time.¹⁶ The dire economic situation of BiH, and the associated brain drain among young people, further complicate an already difficult political situation.¹⁷

Kosovo

Since the 1990s war, which eventually led to Kosovo's declaration of independence in 2008, political relationships – particularly between Kosovo Albanians and Kosovo Serbs – have remained tense, fueled by the proxy powers of Serbia and Albania. Reescalation of violence continues to occur, for instance due to the 2022 ban on Serbian number plates, local elections in 2023, and violent clashes in the same year between Serbian paramilitaries and Kosovar police forces.¹⁸ The ongoing tensions partly result from Kosovo Albanians having long been a suppressed minority but now holding institutional power in the Kosovar state. This shift has often been to the detriment of the Kosovo Serbs, who are largely confined to the northern part of the country. Such spatial segregation, complicated by language differences, has kept attempts at cross-ethnic reconciliation marginal at best.

Moreover, tensions between Kosovo's government and the Serbian minority persist, as do those between the Kurti government and the powerful Quint states. Disputes continue regarding whether/how Serbia should de facto recognize Kosovo's statehood and whether/how the Kurti government should demilitarize the North, given the rising tensions across the country and region.

At the same time, the fact that Kosovo is a relatively young state means that many of its judicial structures remain underdeveloped. A report by the Organization for Security and Co-operation in Europe (OSCE) from 2024 found that, while notable progress has recently been made to tackle organized crime and corruption systematically, more remains to be done to increase the transparency, consistency and efficiency of judicial processes.¹⁹ Importantly, the judiciary has

14 Alice Cazzoli, "Judicial Reform and Reconciliation in Bosnia and Herzegovina," in: Post Conflict Research Center, March 30, 2023, <https://p-crc.org/2023/03/30/judicial-reform-and-reconciliation-in-bosnia-and-herzegovina/> (accessed November 5, 2024).

15 Admir Muslimović, "Bosnia: Serb Leaders Intensify Political Crisis After Genocide Denial Ban," in: Balkan Insight, December 24, 2021, <https://balkaninsight.com/2021/12/24/bosnia-serb-leaders-intensify-political-crisis-after-genocide-denial-ban/> (accessed November 5, 2024).

16 Daniela Lai, "Transitional Justice and Its Discontents: Socioeconomic Justice in Bosnia and Herzegovina and the Limits of International Intervention," in: *Journal of Intervention and Statebuilding*, 10, no. 3, 2016, 361–381.

17 Borjan Jovanovski, "Brain Drain in Western Balkans Spikes Amid Absence of Opportunities," in: euronews, September 21, 2024, <https://www.euronews.com/my-europe/2024/09/16/brain-drain-in-western-balkans-spikes-amid-absence-of-opportunities#:~:text=The%20Western%20Balkan%20countries%20are,report%20in%20the%20player%20above> (accessed October 14, 2024).

18 More details on the recent escalation and attempts at de-escalation can be found here: International Crisis Group, "Northern Kosovo: Asserting Sovereignty amid Divided Loyalties," in: International Crisis Group, April 2, 2024, <https://www.crisisgroup.org/europe-central-asia/balkans/kosovo/269-northern-kosovo-asserting-sovereignty-amid-divided-loyalties> (accessed October 14, 2024).

19 OSCE Mission in Kosovo, "Kosovo's Judiciary to Treat Organized Crime and Corruption Cases more Vigorously, OSCE Mission report says," in: OSCE, June 5, 2024, <https://www.osce.org/mission-in-kosovo/570273> (accessed November 4, 2024).

not been unaffected by the escalation of violence in recent years. Indeed, the dispute about the Serbian number plates ended up leading to the resignation of Kosovo Serb staff (judges, prosecutors, and administrators) from Kosovo's judicial institutions. This incident was a significant setback after the previous successful integration of Kosovo Serb judicial staff in Kosovo's state institutions.

Montenegro

For some time, Montenegro was at the forefront of Euro-Atlantic integration, albeit largely due to the controversial leadership of Milo Đukanović. His disputes with the Serbian Orthodox Church caused a split in the country's politics, with segments supported by the Vučić government in Serbia. This led to heightened political tensions in the country, including a resurgence of nationalism and even some violent incidents.²⁰ While the recent change of government seems to have brought some temporary calm, the inclusion of pro-Serbian and pro-Russian parties raises questions about the long-term stability of Montenegrin politics and society. Tensions have risen again between Croatia and Montenegro after the Montenegrin parliament approved a resolution condemning the war crimes committed by Croatian fascists at the Jasenovac concentration camp during World War II.²¹ Nonetheless, Montenegro maintains a relatively close relationship with the EU and has, among other things, implemented a reform program of its judicial system between 2016 and 2019 under the auspices of the EU's "Horizontal Facility for the Western Balkans and Turkey." This reform program was primarily geared toward increasing mechanisms of accountability within the system.²²

North Macedonia

North Macedonia recently made headlines due to its long-standing dispute with Greece over the

claim to the name "Macedonia." In 2018, the Prespa Agreement, signed by both parties, resolved this dispute by officially naming the country the "Republic of North Macedonia."²³ The long-standing nature of this conflict had overshadowed relationships with the EU, as has the sometimes-ambivalent relationship with Bulgaria, linked to common historical, linguistic and cultural reference points between both countries. Citizens of North Macedonia are increasingly frustrated by the EU's lack of recognition on the country's efforts toward EU accession. The EU itself has critiqued a lack of impartiality among the country's judges, partially resulting from the connection of some office-holders with party politics and an associated lack of transparency among appointment procedures.²⁴

Serbia

Serbia has made modest advances in addressing historical issues, primarily through the extradition of war criminals who have been living within its territory. However, this progress experienced a significant setback following Aleksandar Vučić's rise to power in 2012. Vučić's administration has been characterized by a revisionist approach to history in the educational system, alongside the media and cinematic glorification of the Chetnik movement.²⁵ Furthermore, Vučić's governance is distinguished by near-total media control, utilizing a network of tabloids to conduct smear campaigns against dissenting voices. This environment has resulted in a fragmented opposition, effectively eliminating any substantial challenge to his authority in the foreseeable future. The elections of 2023 were also marred by numerous irregularities, leading the European Parliament to adopt a resolution that demanded an international investigation into purported electoral fraud. Despite this, the EU continues to maintain a robust partnership with the regime under Vučić,

20 Una Hajdari, "Montenegro Rocked by Violent Clashes Over Church Independence," in: Politico, September 5, 2021, <https://www.politico.eu/article/montenegro-violent-clashes-church-independence/> (accessed October 7, 2024).

21 Borislav Visnjic, "Croatia Bans Three Top Montenegrin Officials Over Jasenovac Resolution," in: BalkanInsight, July 25, 2024, <https://balkaninsight.com/2024/07/25/croatia-bans-three-top-montenegrin-officials-over-jasenovac-resolution/> (accessed October 14, 2024).

22 European Committee on Legal Co-operation, "Accountability of the Judicial System in Montenegro," European Committee on Legal Co-operation, <https://www.coe.int/en/web/cdcj/co-operation-projects/judicial-accountability-montenegro> (accessed November 5, 2024).

23 United Nations Treaty Collection, Final Agreement for the Settlement of the Differences as Described in the United Nations Security Council Resolutions 817 (1993) and 845 (1993), the Termination of the Interim Accord of 1995, and the Establishment of a Strategic Partnership Between the Parties, <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280544ac1> (accessed October 14, 2024).

24 SELDI.net, 2020.

25 Aleksandra Vrbica, "EURACTIV INTERVJU: Prof. dr Dubravka Stojanović o reviziji istorije i 'dežurnim krivcima,'" in: EURACTIV, September 14, 2023, <https://euractiv.mondo.rs/drustvo/a3689/Dubravka-Stojanovic-o-reviziji-istorije.html> (accessed October 7, 2024).

even in light of Serbia's refusal to comply with EU sanctions imposed on Russia and Vučić's "geopolitical chess game," through which he has been said to mobilize Europe, China, and Russia for domestic purposes.²⁶ Furthermore, Vučić's campaign against the United Nations Srebrenica Resolution, combined with repeated calls from influential Serbian politicians for the establishment of a "Serbian World," and ongoing interference in the political affairs of BiH, Montenegro, and Kosovo, create additional obstacles to achieving reconciliation in the region.²⁷ Such developments are somewhat in tension with the establishment of the "War Crimes Chamber of the Belgrade District Court" and a "War Crimes Prosecutor's Office," which have been in existence since 2003 in an effort to continue the work of the ICTY at national level. 2015 saw the introduction of a "War Crimes Investigation Service." However, low levels of indictments have raised questions about the extent to which such measures are merely a tool to respond to the EU's accession demands rather than a genuine commitment to addressing past crimes.²⁸

Regional Cooperation Drives Balkan Progress

Analysis of Regional Cooperation

Regional cooperation has sometimes stemmed from historical alliances, often facilitated by references to shared ethnicity or culture, and at times has been enabled by external pressures. The EU, in particular, has emphasized the need for regional cooperation as part of the accession negotiations with individual states. Financial and ideational support for projects,

such as the Initiative for RECOM (aimed at both reconciliation and accounting for war crimes committed in the former Yugoslavia during the 1990s), has been central to the EU's push for regional cooperation. While there has already been remarkable progress made with regard to regional judicial cooperation in the field of organized crime and terrorism through the inception of the Western Balkans Criminal Justice Project (WBCJ) in 2023, more remains to be done in terms of dealing with war crimes on a regional level.²⁹ Indeed, a 2024 meeting of law practitioners from the region, organized by United Nations Development Programme (UNDP) and funded by the EU, emphasized the urgent need for more regional cooperation in an attempt to deal with the violent past(s) of the region. The EU used this meeting to re-emphasize the importance of dealing with war crimes as part of its enlargement strategy.³⁰ Such judicial reform processes are supported by other organizations, such as the European Judicial Training Network, which, as part of their EU-funded Western Balkans II Project, has recently been engaging in capacity-building and training programs directed at national judiciaries in the region.³¹ At the same time, more remains to be done to establish a just and legitimate process in which the multiple layers of atrocities that have shaped the region, and sometimes triggered the (re)escalation of violence, can be dealt with. To date, the political challenges that RECOM has faced have been illustrative of the difficulties of bringing truth and reconciliation under one common umbrella.³²

Such difficulties arise in contexts where the respective judicial systems have, at least partially, failed

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- 26 Roberto Belloni and Jasmin Ramović, "Serbia and the Contestation of Sanctions Against Russia," in: *Global Perspectives on Sanctions*, Edinburgh University Press, forthcoming. See also Engjellushe Morina, "How to Deal With a Problem Like Serbia's Vučić And His Rampant Nationalism?," in: *EU Observer*, June 20, 2024, <https://euobserver.com/eu-and-the-world/ar7ce2ba26> (accessed October 7, 2024). Matthew Katznitschnig and Una Hajddari, "Aleksandar Vučić Has a Clear Strategy in his Geopolitical Chess Game," in: *Politico*, September 30, 2024, <https://www.politico.eu/article/aleksandar-vucic-diplomacy-a-la-carte-serbia-china-russia-west/> (accessed October 15, 2024).
- 27 Igor Bandović, "Serbian World" – A Threat to European Integration and Stability of the Western Balkans," in: *REUNIR*, <https://reunir-horizon.eu/serbian-world-a-threat-to-european-integration-and-stability-of-the-western-balkans/> (accessed October 14, 2024).
- 28 Massimo Moratti, "Is War Crimes Prosecution in Serbia Just 'Ticking Boxes'?", in: *Justice Info*, January 6, 2023, <https://www.justiceinfo.net/en/110881-war-crimes-prosecution-serbia-just-ticking-boxes.html> (accessed November 4, 2024).
- 29 Eurojust, *Launch of New Project to Enhance Judicial Cooperation Within and With the Western Balkans*, May 15, 2023, <https://www.eurojust.europa.eu/news/launch-new-project-enhance-judicial-cooperation-within-and-western-balkans> (accessed October 14, 2024).
- 30 UNDP/Duško Miljanić, *Regional Cooperation Among the Judiciaries Important for the Prosperity of the Western Balkans*, UNDP, April 16, 2024, <https://www.undp.org/montenegro/news/regional-cooperation-among-judiciaries-important-prosperity-western-balkans> (accessed October 14, 2024).
- 31 European Judicial Training Network, *Western Balkans II Project*, European Judicial Training Network, February 13, 2024, <https://ejtn.eu/news/western-balkans-ii-project/> (accessed October 14, 2024).
- 32 Philippe Perchoc and Velina Lilyanova, *Reconciliation in the Western Balkans. The Difficulty of Emulating the EU Model*, European Parliamentary Research Service, April 2019, 1-8, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/637964/EPRS_BRI\(2019\)637964_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/637964/EPRS_BRI(2019)637964_EN.pdf) (accessed October 14, 2024).

to play a meaningful role in addressing the past and confronting the legacies of historical violence. Indeed, a report published by SELDI.net in 2020 found that both the application and the perception of the judiciary in the region are generally negative, shaped by corruption, ethnic quotas, and a general lack of transparency.³³ This is coupled with limited progress in holding war criminals accountable, with many continuing to enjoy impunity, particularly where governments and state structures are reluctant to deal with their own complicity or support of war crimes.³⁴ It is for these reasons that a number of recent policy interventions in the Western Balkans have targeted judicial reform and training. Prominent examples include the Council of Europe’s “HFII – Initiative for Legal Certainty in the Western Balkans” and training provided by the Western Balkans Criminal Justice Project. Indeed, many of these initiatives locate themselves at the regional level, dealing with transnational challenges to justice and reconciliation, which range from the prosecution of war criminals to organized crime.

In principle, regional cooperation enjoys remarkable support among the Balkan population. According to the most recent Balkan Barometer results, a remarkable 82 percent of participants expressed their support, recognizing also its positive impact on the economy.³⁵ This is the highest rating since the index was established in 2015, showing a steady improvement over time. Furthermore, 59 percent of businesses in the Western Balkans believe that better cooperation is important for their business. This is encouraging, particularly given that trade in the region remains limited, even with the enlarged Central European Free Trade Agreement (CEFTA), signed in 2006, and various bilateral free trade agreements, which have proven

to be more effective in Central and Eastern Europe.³⁶ It is surprising that the EU is not playing a more significant role in fostering cooperation, given that it is the primary trading partner in the Western Balkans.³⁷ To some extent, this issue is addressed in Pillar 1 of the Growth Plan for the Western Balkans. However, it lacks detail in terms of outlining how the common regional market would be established.³⁸

At the same time, the World Bank is providing policy advice and support for increased regional economic integration as a means to strengthen economic success and prosperity within the Western Balkans. However, such initiatives often lack connection with ordinary citizens and residents, whose economic priorities tend to focus on more immediate concerns, like alleviating poverty and improving access to healthcare and other public services.

Arguably, some of the most successful initiatives concerning regional cooperation are rooted in the work of civil society and grassroots organizations. One such example is the above-mentioned Balkan Investigative Reporting Network (BIRN), operating region-wide and providing critical analysis of politics and society across the region. BIRN is highly efficient in reporting on war crimes and their legacies, making it an integral part in the search for justice-based reconciliation. Other examples include the youth camps organized by Cultural Heritage Without Borders in Kosovo, which bring young people from across the region together while supporting their skills development. Another example is the Mostar Street Art Festival, featuring not only local and international art, but also regional artists who travel to the largely divided city of Mostar, BiH, to work on their installations.

33 SELDI.net, 2020.

34 Admir Muslimovic, “Why Bosnia Can’t Stop War Crime Suspects from Fleeing,” in: Balkan Transitional Justice, August 12, 2021, <https://balkaninsight.com/2021/08/12/why-bosnia-cant-stop-war-crime-suspects-from-fleeing/> (accessed November 5, 2024).

35 Regional Cooperation Council, Balkan Barometer 2024, Regional Cooperation Council, 2024, <https://www.rcc.int/balkanbarometer/infographics> (accessed October 7, 2024).

36 Gezim Jusufi and Bashkim Bellaqa, “Trade Barriers and Exports between Western Balkan Countries,” in: Naše gospodarstvo/Our Economy, December 2019, 65, no. 4, 72–80, here: 76.

37 Oleg Levitin and Peter Sanfey, Regional Cooperation in the Western Balkans, European Bank for Reconstruction and Development, February 2018, 1–10, here: 7, <https://www.ebrd.com/documents/eapa/western-balkans-summit-2018-paper.pdf> (accessed October 15, 2024).

38 Branimir Jovanović, “The EU’s New Growth Plan for the Western Balkans: Solid Foundations but Shaky Details,” in: Wiener Institut für Internationale Wirtschaftvergleiche, March 18, 2024, <https://wiiw.ac.at/the-eu-s-new-growth-plan-for-the-western-balkans-solid-foundations-but-shaky-details-n-622.html>, (accessed November 4, 2024).

Environmental activism has gained significant momentum in the region's political landscape in recent years. A key example is the success of several environmental organizations in BiH, which effectively led to the enactment of legislation in the Federation of BiH prohibiting the construction of small dams.³⁹ What started as a few local communities resisting the dams' construction has now transformed into a regional coalition of organizations tackling these issues. Throughout BiH and the wider region, similar resistance movements have emerged, leading to the creation of the "Balkan Rivers Network," dedicated to opposing the destruction caused by small dams.⁴⁰ Such initiatives and movements bring people from across the region together, independent of their national or ethnic belonging. They build relationships, which make blanket forms of demonization of "the other" less likely and may even serve as steppingstones for longer-term dialogue and exchange.

In the realm of education, it is worth highlighting the "Joint History Project," launched by the Center for Democracy and Reconciliation (CDRSEE). The CDRSEE seek to facilitate learning that transcends history perspectives limited to one's ethnic group, instead encouraging familiarization with different angles and perspectives. This has involved teacher training and the production of teaching materials. Another noteworthy initiative is the work of the Western Balkans branch of forumZFD, a German-based International Non-Governmental Organization (INGO) which has long focused on aspects that relate to "dealing with the past" and the associated challenges in the region as a whole.

Other promising approaches to reconciliation are cultural heritage projects. These initiatives bring youth from across the region together to explore shared heritage and provide protective measures to ensure the safety of each community's most central heritage elements. This has also been a key focus of the Organization for Security and Co-operation in Europe (OSCE) in Kosovo.

Despite the significant role civil society initiatives play in regional cooperation, much of the EU's focus remains on working with national governments, which are often less engaged in such efforts. In some cases, governments are even involved in escalating tensions with neighboring countries. That said, there are some regional initiatives initiated by the countries of the Western Balkans. One notable example is the Regional Youth Cooperation Office (RYCO), founded in 2016 with its headquarters in Tirana. RYCO's mission is to explicitly promote reconciliation through diverse youth exchange programs, such as school exchanges and the support for cultural activism across the region.⁴¹

A notable aspect of these initiatives is that they are often initiated by actors outside the region and thus linked to external pressure. They sometimes reflect power asymmetries, for instance, the EU pushing for regional cooperation as part of its accession conditionalities, and less frequently result from an organic process that has its origins from within the Western Balkans. The above-mentioned cross-regional environmental activism appears as an exception to this, yet potentially one that could trigger new forms of solidarity and cooperation. Rather than the explicit end goal of this activism, reconciliation could be a desirable by-product of these newly formed alliances.

Challenges in EU-Western Balkans Relations

Analysis of the Cooperation with the EU

As outlined above, the relationship between the Western Balkans and the EU has been shaped by a degree of ambivalence. On the one hand, many of the countries in the Western Balkans have striven to become members of the EU and sought support, funding and guidance from it. Indeed, a range of local organizations have benefitted from EU funding and employment opportunities that have arisen, directly or indirectly, from the EU's presence in the region. On the other hand, the embedded inequality in

39 World Wide Fund For Nature (WWF), "WWF pozdravlja odluku Doma Naroda Parlamenta Federacije BiH kojom na snagu stupa zabrana izgradnje malih hidroelektrana," in: WWF, July 8, 2022, <https://www.wwf.mg/?7059441/WWF-pozdravlja-odluku-Doma-naroda-Parlamenta-Federacije-BiH-kojom-na-snagu-stupa-zabrana-izgradnje-malih-hidroelektrana> (accessed October 7, 2024).

40 Save the Blue Heart of Europe, A Campaign for the Protection of Balkan Rivers, <https://www.balkanrivers.net/en>, (accessed October 7, 2024).

41 Regional Youth Cooperation Office, <https://www.rycowb.org> (accessed October 14, 2024).

this relationship has risked souring political relations, especially with the EU having sought to “cure” problems in the Western Balkans from the outside, with limited accountability of its own contributions to the violence.⁴² For instance, the approach pursued by the international community in the immediate aftermath of the war in BiH has been shaped by a top-down approach to peace. Unfortunately, this has not been conducive to resolving ethnic divisions in the long run, as the war-time divisions were effectively enshrined in the peace agreement. Meanwhile, the EU itself has recognized “that reconciliation cannot be imposed from the outside but needs to be owned and driven by the region.”⁴³

Indeed, the EU has made reconciliation central to its engagement with the region, and, as part of the new enlargement strategy of 2018, has made it a prerequisite for accession. What is problematic in this context, however, is that reconciliation risks becoming interpreted as a future-oriented process. This perspective may neglect the need to address violent pasts and could subordinate the pursuit of justice to the (superficial) resumption of dialogue and cooperation with individuals and groups potentially complicit with or implicated in former war crimes.⁴⁴ Indeed, when EU officials have referred to reconciliation, they have tended to focus on reconciliation as a forward-looking exercise focused on expected future integration into wider EU structures, rather than a process that delivers justice in the face of past injustices.⁴⁵

This is despite the fact that several EU member states have historically played a role in some violent episodes in the region. Examples include (arguably controversial) discussions around Germany’s role in the breakup of Yugoslavia, the influence of Bulgaria and Greece regarding tensions with North

Macedonia, and the failure of the United Nations (UN) peacekeeping force Dutchbat to protect the civilians in Srebrenica, for whom they were supposed to provide a “safe haven.” There have been virtually no fora or spaces where such issues have been discussed, leading to an absence of safe spaces in which transnational historical injustices could have been addressed.⁴⁶

Instead, many Western Balkans states’ relationships with the EU are characterized by disappointment concerning the slow progress of accession negotiations, which seem to have accelerated recently due to pressures from Russia’s war of aggression against Ukraine. European states have also been concerned about the “Balkan route” and the associated flows of refugees hailing from further afield, travelling through the Balkans on their way to Western Europe. The EU’s internal tensions, particularly articulated in the recognition and non-recognition of Kosovo, or in Croatia’s objection to the Jasenovac Resolution of Montenegro, respectively, further complicate the situation. What is more, the unequal implementation of accession criteria and conditionalities, some of which are shaped by the bilateral tensions with individual EU member states and countries of the Western Balkans, have caused frustration among states that feel that the accession process needs to be more transparent and fairer.⁴⁷

In this political ecosystem, many EU member states, and the states of the Western Balkans region, unfortunately share a resurgence of nationalistic policies. These challenges may be best tackled through measures of transnational solidarity rather than in each state alone. This is particularly important given the complex entanglement of political conditions among the Western Balkans states, both mutually and in their relationship with European

42 Kappler, forthcoming.

43 Webalkans, EU in Action, Reconciliation, <https://webalkans.eu/en/themes/regional-cooperation/reconciliation/> (accessed October 14, 2024).

44 Michael Rothberg, *The Implicated Subject. Beyond Victims and Perpetrators*, Stanford: Stanford University Press, 2019. For Rothberg, implicated subjects are people who are not necessarily directly guilty (in a legal / criminal sense) for specific forms of violence, but either benefit from it or inherit the legacies of guilt trans-generationally.

45 See, for instance, Ursula von der Leyen, “Mission Letter to Marta Kos,” September 17, 2024, https://commission.europa.eu/document/download/1a2d0ad0-270d-441b-98c8-b6be364d8272_en?filename=Mission%20letter%20-%20KOS.pdf (accessed November 4, 2024).

46 Stefanie Kappler, “Everyday Legitimacy in Post-Conflict Spaces. The Creation of Social Legitimacy in Bosnia-Herzegovina’s Cultural Arenas,” in: *Journal of Intervention and Statebuilding*, 7, no. 1, July 2012, 11-28, here: 17.

47 See also Tefta Kelmendi, “Separate to Integrate: EU Enlargement and The Trouble with Bilateral Disputes,” in: *European Council on Foreign Relations*, April 8, 2024, <https://ecfr.eu/article/separate-to-integrate-eu-enlargement-and-the-trouble-with-bilateral-disputes/> (accessed November 4, 2024).

politics. Unless addressed with care, such entanglements can unintentionally reproduce poverty and inequality, a sense of insecurity, a tendency to retreat into the alleged safety of in-groups, and an overall disappointment with the inability of high politics to improve the everyday lives of citizens and residents.

Where the EU has attempted to engage with regional judiciaries, it has primarily focused on promoting the rule of law. While yielding some demonstrable successes in terms of impacting on legislative processes and strengthening the efficiency of the local judiciaries, a special report by the European Court of Auditors found that such successes were often limited to operational and technical advances.⁴⁸ Furthermore, they fail to achieve a more profound transformation of rule of law-related practices in the Western Balkans.

The EU's influence has perhaps been most positively received as a result of its 2012 directive “establishing minimum standards on the rights, support and protection of victims of crime.” The UNDP has specifically praised not only this directive, but also neighboring Croatia's implementation of such victim-centered services, including specialized services directly working with those most traumatized by various forms of violence in the past and present.⁴⁹ It therefore becomes clear that reconciliation initiatives tend to be most successful when they are able to address the needs of those most severely harmed by a violent past, when victims and survivors receive support and reparative measures, and when policy interventions are very specifically calibrated to the region, state, or community in question.

Conclusion and Recommendations

Reconciliation has been a challenge for many of the Western Balkan countries in the face of ever-growing tensions among ethnic groups, rooted in the

wars of the 1990s. These tensions are further exacerbated by economic hardship, nationalist politics, and geopolitical power games. The strong presence of international actors across the region has yielded only limited benefits, and, at times, even intensified tensions among different groups.

Some of the disappointment with processes of reconciliation among local populations stems from a sense of powerlessness, perceiving reconciliation as a cosmetic exercise rather than a substantial transformation of the status quo with tangible benefits for communities. Indeed, discussions about reparative measures in response to war crimes have frequently been sidelined, and questions of justice or “just peace” are often subordinated to geopolitical considerations. Attempts at “dealing with the past” have thus often been led by smaller grassroots organizations, yet these efforts have had limited impact on national and international politics across the region. Problematically, most of the developed policy solutions have tended to be status-quo oriented due to existing political and legal constraints. It therefore seems essential to devise new ways of thinking outside the existing political box. Artists have perhaps been most successful at uncovering alternative perspectives and actions. Many are connected across the region and beyond through their political activism and curatorial networks, making them valuable conversation partners for politicians and organizations alike. For example, Bosnian artist Šejla Kamerić has created powerful and politically influential artwork that demonstrates creative ways of engaging with unresolved issues of the past, accountability, and memory in the face of war crimes, inspiring political activism in the region and beyond. Engaging with the work of this and other artists can thus be inspirational for actors at all levels.⁵⁰

Based on our analysis above, the following recommendations are provided:

48 European Court of Auditors, EU Support for The Rule of Law in the Western Balkans: Despite Efforts, Fundamental Problems Persist, European Court of Auditors, 2022, 1-52, here: 47-51, https://www.eca.europa.eu/Lists/ECADocuments/SR22_01/SR_ROL-Balkans_EN.pdf (accessed October 14, 2024).

49 Aleksandra Ivanković and Biljana Cvetanovska Gugovska, “New Power for Victims' Rights Comes with Regional Cooperation,” in: UNDP, August 29, 2024, <https://www.undp.org/eurasia/blog/new-power-victims-rights-comes-regional-cooperation> (accessed October 14, 2024).

50 Birte Vogel, Stefanie Kappler, and Oliver P. Richmond, *The Art of Peace Formation. Arts-based Social Movements, Opportunities and Blockages*, Edinburgh: Edinburgh University Press, 2024.

Governments Western Balkans (National Level)

- **Set up national working groups to deal with war crimes:** Between 2026 and 2030, national governments should establish working groups, which should, in dialog with victims' associations, embark on research to discuss their respective host state's responsibility for and accountability in relation to war crimes. These working groups should draw up an initial report outlining the respective government's approach to accountability and justice in relation to their own past. Difficulties emerging during the course of this process should be resolved in discussion with the respective partner working groups in neighboring states. This will be a first step in increasing transparency and establishing a point from which more ambitious efforts for dealing with the past can be built as a next step.
- **Establish a mechanism to deal with war crimes:** Between 2030 and 2035, governments should initiate a mechanism that focuses on dealing with their own war crimes in dialogue with victim and survivor groups. Likely obstacles to this include a reluctance of governments to engage with this sensitive process, the reluctance of victim and survivor groups to engage, and the risk of the mechanism serving as a vehicle for the whitewashing of perpetrators or even propaganda. To mitigate these risks, the associated political process should be guided by a checklist of evidence and provide a central role for independent external advisors. Ideally, it should be developed and fine-tuned in collaboration with existing organizations that are trusted by a variety of national and ethnic groups.
- **Review history curricula across schools:** Between 2025 and 2028, a review of history curricula across schools should be undertaken. Particular attention should be given to identifying discriminatory content and to creating spaces that allow for interethnic dialogue. Reports of existing curricula should be produced and shared with governments across the region to identify shared issue areas and best practice.

- **Desegregate schools:** By 2030, governments should have rendered primary and secondary education inclusive by implementing international court decisions to desegregate schools. Particularly in states where the education system is decentralized, there is a risk of local authorities not complying with this process. There are also challenges linked to the lack of funding and the lack of trained teachers to deliver on this ambition. Therefore, reforms would benefit from (financial) incentivization and guidance in terms of available grants⁵¹). It would also be useful if ongoing teacher training was provided, which can be based on existing resources (e.g., existing web-based training).⁵² Specifically, resources developed in the region itself would be beneficial for more inclusive and just forms of education.

Civil Society Western Balkans (National Level)

- **Continue to emphasize the transgenerational relevance of civil society work:** Civil society actors are already working towards and would benefit from continuing to emphasize the transgenerational relevance of their project work. Although some participants may be skeptical toward such changes, it would be beneficial for civil society actors to identify venues with a clear track record of transgenerational work (such as the OKC Abrašević in Mostar).
- **Formalize links with other civil society actors:** Continuing existing best practice, civil society actors should continue to link up with similar groups from across the region as much as possible. Where possible, such links should be formalized to enable smooth communication, collaborative funding proposals, and efficient joint action. While some forms of collaboration may be inexpensive and require limited mobility, other, more intensive cooperation projects would benefit from EU funding that specifically deals with regional cooperation (such as the Fund for Regional Cooperation, The Western Balkans Enterprise Development & Innovation Facility (WB EDIF)).

51 For example eufundingportal.eu, EU Grants for Small Businesses-Education Grants, <https://eufundingportal.eu/tag/education/> (accessed October 12, 2024).

52 For example DEPA, Decolonising Education for Peace Africa, <https://www.decolonising-education-for-peace-africa.org/resources> (accessed October 12, 2024).

Regional Level

- **Formalize educational and curriculum reform processes:** Between 2028 and 2035, a regional working group should be set up to develop proposals for a curriculum reform process that efficiently deals with contested versions of history and provides mechanisms through which regionally-shared histories can be studied, taught, and fact-checked by the students. Curriculum materials should be developed in conversation with victim associations, artists, memory organizations, and existing civil society groups concerned with reconciliation and education. Possible difficulties with this process may be expected at local government level where the implementation of new curriculum materials may encounter logistical and political difficulties. Therefore, local government representatives should be consulted and involved throughout the process.
- **Engage with the emerging jurisprudence around guarantees of non-recurrence:** In an effort to channel lessons learned from a violent past into possibilities of reconciliation, state courts in the region should engage with the emerging jurisprudence around transitional justice and, specifically “guarantees of non-recurrence” (GNRs).⁵³ This emerging body of judicial norms has increasingly become victim-centered and seeks to prevent the recurrence of past atrocities. Measures related to the implementation of GNRs should not be seen as quick fixes, but rather as an ongoing process aimed not only at restitution but also at the prevention of violence.

EU

- **Set up a working group to deal with EU involvement in the violent past of the region:** To set a positive example for dealing with violent pasts, between 2025 and 2035, the EU itself should set up a working group that deals with EU complicity with or implication in violence and wars. Again, the collecting of evidence and oral histories can be turned into teaching materials. While similar challenges as outlined above may arise relating to the contestation and sustainability of

such a process, these can be mitigated by the use of existing EU protocols to ensure unbiased investigation. Victims and survivors should be included in such a group (e.g., The Mothers of Srebrenica).

- **Set up a task force to improve economic cooperation in the region:** Between 2026 and 2031, the EU should set up a task force made of representatives of chambers of commerce from different EU countries, EU delegations in WB6 countries, local chambers of commerce, and trade unions to address barriers for the establishment of the common regional market. Obstacles include a potential lack of political will on the part of EU member states and conflicts around the financing and recruitment to the body. Therefore, clear indicators of how regional cooperation in the economy can be beneficial for WB6 countries should be offered. This will ensure that the process is driven by best practices from the EU in terms of benefits for businesses and workers to ensure equal and equitable participation in the task force.
- **Strengthen the voice of workers in policy development and formulation:** Finally, on an ongoing basis, the EU should strengthen the voice of workers in the policy-making process and involve workers in consultation processes throughout the region. Workers have arguably felt the transition from a socialist to a neoliberal economy most intensely and are therefore well-placed to engage in broader discussions around economic and transitional justice. Indeed, since there is evidence that the workplace may be a crucial arena to promote improved inter-ethnic relations, strengthening workers’ voices can, directly or indirectly, be conducive to reconciliation.⁵⁴

⁵³ Maja Davidovic, The Law of ‘Never Again’: Transitional Justice and the Transformation of the Norm of Non-Recurrence, in: *International Journal of Transitional Justice* 15, Issue 2, July 2021, 386–406.

⁵⁴ Ramović, 2018.

Breaking the Cycle: Strategies for Countering Divisive Narratives in the Western Balkans

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Trying to crack the tangled web of narratives that animate and fire up the Balkan region is a task that usually provides minimal rewards and maximum frustration. Outside observers are quick to reduce the divisions in the region to some sort of quasi-genetic and quasi-temperamental predetermination toward “hating each other.” This is often manifested, especially during the breakup of Yugoslavia in the 1990s, through the notion of “perpetual warfare.”

The Western Balkans are at a critical juncture, facing a growing threat from hate speech and divisive narratives that undermine both regional security and democratic progress, as well as the wider efforts at long-term reconciliation. These issues are deeply entrenched and fuel sociopolitical instability. While institutional actors are tasked with investigating and prosecuting these harmful narratives, their efforts are crippled by political limitations and external pressures, leading to inconsistent enforcement.

Non-governmental actors and independent journalists, though vital in the fight, are underfunded, politically targeted, and at personal risk. The European Union, despite its pivotal role in shaping legal reforms and promoting judicial independence, has struggled to act decisively, further emboldening nationalist forces. Urgent, unified efforts are needed to counter these dangerous trends before they irreversibly damage the region’s future. Western Balkan governments must enforce anti-discrimination laws, strengthen media accountability, promote multilingualism, develop civic education, and curb nationalism in politics. Civil society should partner with institutions, expand grassroots anti-hate initiatives, and support victims of discrimination. Regionally, stronger advocacy networks, a reconciliation forum, shared media standards, and a hate speech early-warning system are essential.

How 20th Century Legacies Shaped Modern Balkan Divisions

Setting the Stage

Most analyses on Balkan narratives only go as far back as the 1990s or 1980s. However, it is worth considering that the root causes of today’s divisions stem from mistakes and unresolved problems during the nation-building period of the earlier 20th century, particularly following World War II.¹ Here, the region does not differ significantly from Western Europe in terms of the problems it faced. Both

consisted of a growing working class wanting more rights and protections, newly determined national borders that did not neatly reflect the ethnic composition of the countries, and increased voting and political rights for wide swathes of the population. Many of these challenges, while stemming from seemingly old debates, continue to fuel the majority of the divisive narratives, not only within the countries but also with their closest neighbors.

During World War I and the interwar period, Albania formed a cohesive identity but was threatened

¹ Pål Kolstø (ed), *Strategies of Symbolic Nation-building in South Eastern Europe*, Ashgate Publishing, Ltd., Mar 28, 2014, 2-4, <https://www.hf.uio.no/ilos/forskning/prosjekter/nation-balkan/dokumenter/symbolic-nation-building-in-w-balkan-states.pdf> (accessed October 25, 2024).

by expansionist claims, most notably from Mussolini's fascist Italy, which annexed the country. The partisan resistance that ousted Italian and German occupiers allowed Albania to begin shaping its identity post-World War II.

Enver Hoxha, fearing division from neighboring Yugoslavia and Greece, forcibly suppressed any dissent, outlawing religion and punishing opposition with forced labor or execution. While the collapse of communism brought democratic reforms, it left Albania's population confused, with deep deference to ruling elites.² Protest movements have since been easily quashed or absorbed, reflecting a lingering acceptance of divisive narratives from those in power.

The complete distrust in media, which served solely as propaganda vehicles for most of the 20th century, continues to be influenced by ruling parties. This situation has stripped independent journalists of the power to foster meaningful change or debate outside of two or three urban centers in the country. Average people are unlikely to publicly voice their opposition to ruling elites or local powerholders, having been raised or influenced by their parents relaying horror stories of the fate of dissidents in the country.³

The country's main internal divisions are manifested through the north-south divide. The northern part of the country is predominantly Muslim and Catholic, while the south is more Orthodox and Muslim. However, religion plays a minimal role in these divisions, apart from local opposition fostered by neighbors, which is most dominant in pro-Greek areas in the south. These divisions are also manifested through the country's two main political parties: the Socialist Party of Albania (PS) and the Democratic Party of Albania (PD).

Yugoslav socialism, much like the Albanian model, was built on the premise that the south Slavic nations had united for liberation during World War II.

The federation encouraged its various ethnic and religious groups to set aside their differences in language and culture in pursuit of a shared identity.

In contrast to Albania, Yugoslavia was more open to its neighbors and engaged with Europe and the West. It boasted a relatively free press within the confines of state socialism, fostering a vibrant and diverse arts and culture scene. However, as state socialism began to become more moderate in the 1980s, the prevailing narratives did not shift toward liberalism or free-market economic ideas like those in non-communist Europe. Instead, the loudest voices highlighted ethnic, national and religious differences, a theme that persists in the mainstream political rhetoric to this day.⁴

People began to prioritize their identities as Serbs, Croats, Albanians, or Bosniaks over their roles as workers, lawyers, scientists, or artists, revisiting unresolved historical issues and rediscovering nationalist sentiments, which ultimately culminated in armed conflict.⁵

The complex interplay of history, nationhood, and identity in the Western Balkans has led to unresolved grievances and nationalist sentiments resurfacing in mainstream society, overshadowing the shared experiences and common struggles of the past.

This revival of ethnic identities – Serb, Croat, Albanian, and Bosniak – has not only deepened societal divides but also transformed personal identities into sources of conflict, making it increasingly challenging for individuals to transcend historical animosities and embrace a collective future. Ultimately, these entrenched narratives inhibit meaningful dialogue and hinder the reconciliation process necessary for lasting peace.

With each passing year, as the idea of living in a common and shared society becomes more distant

2 Genti Margariti, *The Process of Democratization and Role of Elites in Albania*, University of Tirana, May 5, 2016, 14-16 https://www.researchgate.net/publication/370522114_The_process_of_democratization_and_role_of_elites_in_Albania (accessed October 25, 2024).

3 Ibid.

4 Antonije Tot, *Nationalism in the Contemporary Political Landscape in Serbia (2017-2021)*, Instituto Universitário de Lisboa, November 2021, 1-6, https://repositorio.iscte-iul.pt/bitstream/10071/24989/1/master_antonije_tot.pdf (accessed October 25, 2024).

5 Ibid.

and untenable, the opportunity for genuine dialogue diminishes. This is especially the case as younger generations inherit the animosities of the past without the context needed for understanding.

The importance of addressing these issues is amplified by the region's strategic significance to Europe. Failure to achieve reconciliation risks the resurgence of violence – perhaps not on the scale of the conflicts in the 1990s, but certainly at a worrying level – and also jeopardizes the Western Balkans' aspirations for integration into the EU in the near future.

Good Laws, Low Impact – The Struggle to Fully Foster Reconciliation *Analysis of Policy Responses*

Officially, all the countries in this report have anti-discrimination laws and bodies meant to target hate speech and intolerant rhetoric, which is the biggest barrier to effective reconciliation efforts. They also have media regulatory bodies that target disinformation and unethical journalistic practices.

While all countries in the region have enacted these laws, their inconsistent application reveals a troubling reality. Often, public outrage sparks only sporadic policy changes, rather than a proactive approach to dismantling divisive narratives.

This reactive stance undermines the effectiveness of institutions tasked with promoting tolerance and understanding. As a result, groups perpetuating hate speech and disinformation continue to operate with impunity, reinforcing societal divisions and complicating the region's aspirations for EU accession.

Independent public broadcasters are essential for fostering unbiased, inclusive narratives that support reconciliation in the Western Balkans. To ensure their autonomy and credibility, financing should come from transparent, public funding models, free from political interference, perhaps sup-

plemented by grants from international organizations or groups.

Albania

In 2010, Albania enacted a comprehensive anti-discrimination law aimed at prohibiting narratives that discriminate based on race, ethnicity, sexual orientation, language, politics, or religion.

Alongside this, a commissioner was appointed to handle related complaints, particularly addressing hate speech during football matches, sexist attacks, and violence against the LGBTQIA+ community. However, the law has been criticized for failing to recognize same-sex unions, leaving LGBTQIA+ individuals vulnerable to discrimination in housing and family planning.⁶

While targeted discrimination against ethnic or religious groups is not widespread in Albania, the Roma minority continues to face persistent prejudice, reflecting broader regional trends.

Discriminatory narratives often focus on migrant and refugee communities, particularly following Albania's acceptance of Afghan and Syrian individuals. Moreover, the Albanian Media Council and the Audiovisual Council work to combat media violations, including fake news and hate speech. However, these bodies can only recommend content removal or corrections, which may lack the authority needed to effect significant change.⁷

Without robust enforcement and comprehensive protections, marginalized communities remain at risk and divisive narratives persist, complicating Albania's path toward a more inclusive society.

Bosnia and Herzegovina

In Bosnia and Herzegovina (BiH), post-conflict reconciliation is hampered by a political system entrenched in ethnic divisions, fostering pervasive divisive narratives in public discourse and media. The country lacks a specific hate speech law; instead, various existing laws—such as the Law on

6 Dorentina Hysa and Kristina Lani, Raport Monitorimi per Gjuhen e Urrejtes ne Shqiperi, Reporting Diversity Network 2.0, Instituti Shqiptar i Medias, July 2022, <https://www.reportingdiversity.org/wp-content/uploads/2022/07/Raport-Monitorimi-pe%CC%88r-gjuhe%CC%88n-e-urrejtes-ne%CC%88-Shqipe%CC%88ri.pdf> (accessed October 24, 2024).

7 Ibid.

the Prohibition of Discrimination and the Law on Freedom of Religion—regulate these issues. Notably, the 2021 ban on genocide denial, particularly regarding the Srebrenica Genocide, aims to counteract one of the most damaging forms of hate speech, often propagated by nationalist politicians.

Despite these legal frameworks, implementation is weak. Survivors and citizens invoking the genocide denial ban frequently find that freedom of expression laws take precedence, especially in the Republika Srpska entity, where local laws can override state-level protections. The Ministry of Human Rights and Refugees, alongside the Ombudsman, is tasked with monitoring such cases, but the effectiveness of these mechanisms is limited.⁸

The Organization for Security and Co-operation in Europe (OSCE) regularly reports on hate speech and divisive narratives, emphasizing that while incidents are documented, judicial follow-ups and actual convictions are alarmingly low.

Additionally, the Press and Online Media Council addresses complaints about media content violating ethical standards, yet the prevalence of fake news and offensive narratives continues to undermine reconciliation efforts.

Media freedom and diversity of expression is crucial for BiH to effectively challenge divisive narratives and support voices promoting unity. An independent press fosters open dialogue, creating space for reconciliation and understanding across communities.

Kosovo

The Criminal Code of Kosovo classifies the incitement of hatred as a “criminal offense against the constitutional order and security of the Republic of Kosovo,” explicitly labeling it as “incitement of divisions and intolerance.” This includes fostering hostility toward individuals based on their national-

ity, race, religion, or ethnicity. The Ombudsman’s office is tasked with addressing ethnically and racially motivated attacks and assisting victims in navigating the legal system.

A recent survey by the non-governmental organization (NGO) Casa revealed a concerning lack of trust between Kosovo Albanians and Serbs, with 57.6 percent of Serb respondents and 52.6 percent of Albanian respondents believing that the two groups will “never be able to trust each other again.”⁹ The survey identified high levels of hate speech, one-sided narratives from political leaders, ongoing political tensions in the Pristina-Belgrade dialogue, rampant nationalism, and a failure to acknowledge victims from the opposing side as key factors contributing to this distrust.

Compounding these issues is the language barrier that persists between the two communities. Unlike in other former Yugoslav states, where local languages are mutually intelligible, the number of people fluent in both Albanian and Serbian has drastically declined since the conflict. Although Kosovo recognizes both Albanian and Serbian as official languages, the insufficient presence of Serbian speakers in public administration means many Serbs cannot access services in their native language.

Additionally, the educational systems fail to adequately teach Serbian to Kosovo Albanian children, while Serbian-run schools for the minority community lack provisions for Albanian instruction. This language divide also permeates media coverage, where Kosovo Serb journalists face significant obstacles in interviewing officials or ordinary citizens. While the Press Council and the Association of Journalists of Kosovo are supposed to protect both communities’ journalists, contentious issues—such as how Serbian-language outlets should refer to Kosovo—often stall progress, resulting in Serb journalists aligning more closely with the Association of Journalists of Serbia’s Kosovo branch rather

8 Maja Nikolic, “Srebrenica Genocide Denials Rise Amid Lack of Prosecutions: Report,” in: Balkan Insight, September 20, 2024, <https://balkaninsight.com/2024/09/20/srebrenica-genocide-denials-rise-amid-lack-of-prosecutions-report/> (accessed October 25, 2024).

9 Boban Simic and Ognjen Gogic, Trust Index – The Study on the State of Ethnic Relations in Kosovo, Barabar Centre, September 2024, https://ngocasa.org/wp-content/uploads/2024/09/Trust-Index_ENG.pdf (accessed October 24, 2024).

than collaborating with their Albanian counterparts.¹⁰

Kosovo is currently in the throes of a complex debate about reforming its public broadcaster to enhance its independence and ensure the proper representation of all community voices and political sides in the country, which could prove essential to media fostering reconciliation narratives.

Montenegro

While the main dividing line in Montenegro is between the ethnic Montenegrins (as well as the Bosniak, Croat, and Albanian minorities) on one side and the Serbian ethnic group on the other, these tensions were largely manageable ahead of the 2020 elections in the country.

The issue of the autocephaly, or recognized independence of the Montenegrin Orthodox Church (MOC), has been a point of contention for years. However, it truly escalated after a move in late 2019 by the former president of the country, Milo Đukanović, to formally take over some property of the Serbian Orthodox Church (SOC) and grant it to the MOC. This launched a series of nationwide protests that led to narratives denying the existence of the Montenegrin state, ethnicity, calls for a greater role of Serbia within Montenegro, and the rehashing of other Serbian nationalist talking points related to Kosovo and BiH.¹¹

Since then, divisive narratives have become prevalent in the Montenegrin public space. While hate speech and discriminatory language are punishable under the Law on the Prohibition of Discrimination, the Law on Public Order and Peace, and the Law on Media, which punishes news outlets for producing, sharing, or promoting hateful content, Civil Society Organizations (CSOs) report that the police rarely follow through with the punishments. The law foresees a fine of up to 8,000 EUR for news outlets or platforms that promote

hateful content, but actual fines have been limited.¹²

The Montenegrin is one of the rare parliaments in the region that has attempted to pass legislation against the “promotion of nationalist and fascist imagery” and against the formation of groups promoting the World War II-era nationalist Ravna Gora or Chetnik movement.¹³

North Macedonia

The legal framework for dealing with divisive narratives in North Macedonia includes several laws. In 2018, the government established a National Coordination Body to monitor discrimination and the implementation of laws, bylaws, and strategic documents in this area.

Most of the divisive narratives in North Macedonia occur along the split between the two main ethnic groups in the country, ethnic Macedonians, and Macedonian Albanians, as well as the extensive targeting of the Roma community. This includes the spread of negative stereotypes, hate, and xenophobia. Unlike Kosovo, there is less of a language divide between Macedonian and Albanian communities, with the latter learning to speak the language in schools in most communities.

While most of the divisive rhetoric is spread on social media and in statements by politicians, there are significant attempts by independent media outlets to combat the phenomenon.

The Network for Combating Hate Speech in the Media was created by the Council for Media Ethics of Macedonia and includes a network of organizations, such as journalists and their professional organs, regulatory bodies, and NGOs involved in human rights issues. A key component of this network is the declaration on combating hate speech, which emphasizes the need to curb the spread of hate speech in public discourse, promote ethical and

10 Empirical research by the author of this study, based on the on-the-ground experience of journalists who cover both communities.

11 Associated Press, “Montenegro Adopts Law on Religious Rights Amid Protests by pro-Serbs,” in: AP, December 27, 2019, https://www.voanews.com/a/europe_montenegro-adopts-law-religious-rights-amid-protests-pro-serbs/6181703.html (accessed October 25, 2024).

12 Aneta Durovic, “Nekažnjeni govor mržnje na mrežama u Crnoj Gori,” in: Radio Slobodna Evropa, March 30, 2022, <https://www.slobodnaevropa.org/a/govor-mrznje-crna-gora-drustvene-mreze/31778194.html> (accessed October 25, 2024).

13 Radio Television of Montenegro RTCG, “MARKOVIĆ ODLUČIO, MUP zabranio Ravnogorski pokret,” in: RTCG, May 5, 2016, <https://rtcg.me/vijesti/drustvo/128151/mup-zabranio-ravnogorski-pokret.html> (accessed October 24, 2024).

professional standards in journalism, and educate the public about the dangers associated with hate speech.¹⁴

Additionally, the Declaration emphasizes the commitment of its members to collaboratively monitor the effectiveness of national legal measures in curbing hate speech. It also stresses the importance of raising public awareness regarding the harmful effects of hate speech, as well as advocating for independent, ethical journalism that rejects discriminatory language, prejudice, and incitement of hatred or violence.

Bulgaria's veto on North Macedonia's EU integration, due to historical disputes, has fueled divisive rhetoric in both countries. Official Sofia's denial of the Macedonian language and identity has deepened tensions, obstructing reconciliation efforts. This standoff strains regional relations and hinders EU aspirations for the Western Balkans.

Serbia

Formally, the Serbian legislation in power prohibits any form of discrimination, including "the prevention of any individual in the expression of his or her national, ethnic or cultural affiliation," incurring a possible fine or imprisonment for up to one year.¹⁵ However, the implementation of the law and its power to curb divisive narratives in public is limited.

Due to the heightened political tensions between Kosovo and Serbia, most of the hate speech in the public sphere in Serbia is directed at Albanians. Despite the Court of Appeals in Belgrade designating the use of the term "shiptar" (a derogatory word for Albanians that mocks the Albanian word for their nation) to be offensive in 2018, the word is commonly used in print, online, and audiovisual outlets in Serbia.

Hate speech is addressed in both the Law on Public Information and Media and the Law on Electronic Communications. The latter created the Regulatory Body for Electronic Media (REM) to prevent the broadcast of content that promotes discrimination, hatred, or violence based on race, religion, nationality, ethnicity, gender, or sexual orientation. While the law is well-written, REM has repeatedly failed to enforce it, allowing numerous violations to go unchecked.¹⁶

The Code of Journalists of Serbia also plays a key role in combating discrimination and hate speech in the media. The Press Council, an independent self-regulatory body, responds to breaches of this code, including incidents of hate speech. Although the Press Council is vital and generally effective, its efforts are insufficient in the current climate. Since it is a self-regulatory entity, its decisions lack legal authority, limiting its ability to enforce meaningful change.¹⁷

Reconciliation efforts face obstacles due to the limited public space and reach for independent media outlets. Coupled with frequent undemocratic election practices, this restricts diverse voices and hinders meaningful dialogue.

Lackluster Institutions Overburden Civil Society

Analysis of Regional Cooperation

As emphasized in the previous section, the primary institutional actors involved in combating hate speech and divisive narratives in the Western Balkans are the police and the judiciary. These are the only entities with the authority to punish public manifestations of this phenomenon.

Ironically, the organizations that monitor and respond to divisive narratives and hate speech are

14 Metamorphosis Network, The Network for Fight Against Hate Speech in Media in the Republic of Macedonia Has Been Formed, January 30, 2019, https://metamorphosis.org.mk/en/aktivnosti_arhiva/the-network-for-fight-against-hate-speech-in-media-in-the-republic-of-macedonia-has-been-formed/ (accessed October 25, 2024).

15 Sluzbeni Glasnik Republike Srbije, "Zakon o zabrani diskriminacije," 22/2009 and 52/2021, https://www.paragraf.rs/propisi/zakon_o_zabrani_diskriminacije.html (accessed October 25, 2024).

16 Iva Martinovic, "Članovi Regulatornog tela za medije u Srbiji odolevaju zakonu i kritikama," in: Radio Slobodna Evropa, September 26, 2024, <https://www.slobodnaevropa.org/a/rem-smena-srbija-zakon-mediji/33136405.html> (accessed October 25, 2024).

17 Ivana Kragulj, "Monitoring Saveta za štampu: Alo, Srpski Telegraf i Informer najviše kršili Kodeks novinara Srbije," in: Nezavisno Udruženje Novinara Srbije, February 13, 2024, <https://nuns.rs/monitoring-saveta-za-stampu-alo-srpski-telegraf-i-informer-najvise-krshili-kodeks-novinara-srbije/> (accessed October 25, 2024).

CSOs. However, they lack the power to enforce their findings or implement the results of their monitoring efforts.

The role of the civil society in combating hate speech largely centers on prevention and detection, while institutional actors tend to focus on formal responses and enforcement. Ideally, by aligning these efforts, the fight against hate speech in the Western Balkans could become significantly more effective, creating a comprehensive approach that addresses both proactive and reactive measures.

In reality, this is far from the situation. Civil society is often the target of political pressure from the ruling parties – most notably in Serbia, but the situation is far from ideal in the rest of the Western Balkan six.

As such, Non-Governmental Organizations (NGOs) often need to self-organize (i.e., be driven by their own initiative) and seek support from colleagues or aligned groups in the region to promote their work and maintain high visibility.

Notable examples of this include the RECOM initiative, founded by civil society actors to establish the facts about the victims and consequences of the conflicts in the region.¹⁸ It aims to promote the passage of legislation on transitional justice and to form reconciliation commissions. Another example is the Youth Initiative for Human Rights, which has continuously produced leading voices in combating hate speech, intolerance, and divisive narratives. Additionally, the Regional Youth Cooperation Office which organizes events such as summer camps, training sessions, and cultural events for younger generations throughout the entire region.

In the media sphere, there is the Safe Journalists platform, which brings together journalist associations from across the region to monitor and publicize attacks on the free press in a unified space. Organizations such as the Helsinki Committee and

Civil Rights Defenders also gather experts and monitors from the entire region who publish regular reports on divisive narratives and offer a comparative analysis of these problems. The Reporting Diversity platform also regularly covers the divisive narratives and allows people to anonymously report incidents of hate speech in the region.

However, while the work of these groups and many others is exemplary, their real impact in changing perceptions and shifting the tide is limited. Most of these groups are targeted by their governments as being akin to foreign agents and are presented as privileged members of society who receive large sums in exchange for their work as “traitors of their own nation.”¹⁹ Apart from independent and critical outlets, very few of which have platforms that reach the entire populations of these countries, media outlets do not promote their work widely.

The potential of civil society to increase the effectiveness of their work is large, especially if institutions are pressured into collaborating with them more closely and formalizing their cooperation.

A major challenge for these initiatives is ensuring the sustainability and reach of their work. While each initiative sparks positive change, the high cost and complexity of developing these programs often limit their long-term impact. To make these efforts last, CSOs need to think of (and be supported in) integrating their work into the formal institutional structures of their respective countries. A significant success, which has so far remained elusive and will likely continue to in the near future, is the push for the integration of their work into formal education systems, whether in schools, universities, or professional training programs.

18 Initiative for the establishment of a Regional Commission tasked with establishing the facts about all victims of war crimes and other serious human rights violations committed on the territory of the former Socialist Federal Republic of Yugoslavia in the period from January 1, 1991, to December 31, 2001.

19 Radio Television of Serbia RTS, “Ko obeležava novinare kao izdajnike,” in: Radio Television of Serbia RTS, April 18, 2019 <https://www.rts.rs/lat/vesti/drustvo/3494564/ko-obelezava-novinare-kao-izdajnike.html> (accessed October 25, 2024).

Is the EU a Powerful Ally or a Frustrating Bystander?

Analysis of the Cooperation with the EU

The EU is perhaps the only power capable of pressuring regional governments and local stakeholders to change their approach in tackling divisive narratives as well as pressuring institutions to investigate and follow up on related judicial proceedings. As the region's main export market, biggest investor, and closest collective ally, it certainly holds the largest power and influence over these countries.

However, contrary to widespread misconceptions, the EU is committed to maintaining the individual sovereignty of these countries and encouraging them to build their own capacities to combat corrosive elements within their societies. While this approach is arguably more productive and likely to lead to more long-term sustainable change, the EU can sometimes appear frustratingly uninvolved or uncommitted to promoting rapid change in the region.

The EU's approach to curbing hate speech and divisive narratives in the Balkans involves combining legal reforms, education, and grassroots initiatives to tackle the issue from multiple angles. One of the key strategies pushes countries to align with the EU Framework Decision on Combating Racism and Xenophobia, ensuring hate speech is criminalized and offenders can be prosecuted.²⁰

This legal alignment is complemented by wider judicial reform and the strengthening of the rule of law within each of the respective countries' accession paths, enabling them to better implement their own laws.

In North Macedonia, for instance, judicial improvements have helped address ethnic tensions over the usage of the Albanian language and provisions to

ensure education is offered in Albanian in municipalities where it is required by law.²¹

There is also a spillover effect from the EU's strong focus on legislation aimed at strengthening digital rights and maintaining thorough content moderation within its own member states and the Balkans. While an entirely satisfactory level of content moderation is still a faraway goal, countries in the region will benefit from the EU being one of the toughest bodies regulating content on Facebook, X, Instagram, and other platforms.

The EU finances a lot of CSOs and grassroots campaigns that advocate for tolerance and protect vulnerable groups and media outlets. It also provides these groups with a platform to connect with similar groups in member states and organizes visits or meetings with relevant bodies and committees within EU institutions.

There is also the flipside: illiberal EU members, like Hungary, influence the Balkans in ways that can promote divisive narratives rather than quell them, undermining regional stability by aligning with nationalist or authoritarian tendencies.²²

These EU members negatively influence the Balkans by supporting ethno-nationalism, undermining democratic values, and promoting divisive narratives. Prime Minister Viktor Orbán has forged close ties with nationalist leaders in Serbia and the entity of Republika Srpska. Hungary and Bulgaria also undermine the EU's ability to promote democratic governance in the Balkans by demonstrating that illiberal policies and weak rule of law can co-exist even within the EU. This signals to Balkan countries that reforms are not necessary for integration.

Bulgaria's historical dispute with North Macedonia delays the integration process and weakens the

20 Official Journal of the European Union, COUNCIL FRAMEWORK DECISION 2008/913/JHA of 28 November 2008 on Combating Certain Forms and Racism and Law, June 12, 2008, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008F0913> (accessed October 25, 2024).

21 Nen Si, "Macedonians Protest Against Albanian Language Law," in: Euronews Albania, September 10, 2024, <https://euronews.al/en/macedonians-protest-against-albanian-language-law/> (accessed October 25, 2024).

22 Balkan Investigative Reporting Network, "Report Details Orbán's Expanding Influence on Balkan, European Media," in: Balkan Insight, February 11, 2022, <https://balkaninsight.com/2022/02/11/report-details-orbans-expanding-influence-on-balkan-european-media/> (accessed November 11, 2024).

EU's leverage in the region. By collaborating with external actors like Russia, Hungary and Bulgaria also open the door for increased authoritarian influence in the Balkans, undermining regional stability and democratic progress.²³

Conclusion and Recommendations

The Western Balkans face a complex and multifaceted challenge in addressing hate speech and divisive narratives. As outlined in this report, these phenomena are not isolated incidents but rather part of a broader pattern of sociopolitical instability that threatens both regional security and democratic progress.

Tackling them requires a nuanced understanding of the actors involved, the existing institutional and societal responses, and the overarching geopolitical influences that shape the region's landscape.

The primary institutional actors in combating hate speech and divisive narratives need to investigate, prosecute, and punish those who propagate harmful narratives. Yet, their ability to act is hampered by various limitations, ranging from a lack of political will to external pressures that undermine their independence.

While these institutions have made some progress in aligning their legal frameworks with international standards, particularly under the influence of the EU, enforcement remains inconsistent and weak.

Civil society actors and independent news outlets are the unsung heroes on the frontline of combating divisive narratives. Despite their efforts, these groups face numerous obstacles, including political pressure, limited access to funding, and accusations of being "foreign agents" or "traitors."²⁴ This environment not only limits their effectiveness but also endangers the safety of activists and journalists. To counter these challenges, civil society must seek stronger regional and international alliances, advo-

cate for greater protection mechanisms, and work to ensure that their efforts are visible and recognized.

The EU, as the region's main economic partner and political ally, has a pivotal role in shaping the Western Balkans' approach to hate speech and divisive narratives. Through its accession process, the EU promotes legal reforms, judicial independence, and the alignment of national laws with European standards.

However, the EU's influence is not without its limitations. While it advocates for self-sufficiency and capacity building within the region, it is often criticized for its perceived lack of engagement or for being too slow to respond to crises. Furthermore, internal dynamics within the EU can undermine its ability to present a united front. These divisions weaken the EU's leverage and embolden nationalist actors in the Western Balkans.

Governments Western Balkans (National Level)

- **Strengthen and enforce anti-discrimination legislation:** Governments should ensure that existing anti-discrimination and anti-hate speech laws are effectively implemented and establish a dedicated body for monitoring and enforcing compliance.
- **Establish national frameworks for media accountability:** Regulatory bodies must rigorously oversee media outlets, punishing the spread of hate speech, misinformation, and unethical journalism. Governments should also support the creation of independent media councils.
- **Promote multilingualism in public administration:** In areas with multiple ethnic communities, governments should improve public services by ensuring that officials are fluent in the local languages. This will reduce ethnic tensions and promote inclusivity.
- **Develop civic education programs:** Governments should create educational campaigns that

23 Krassen Nikolov, "Bulgaria Says North Macedonia Risks EU Accession over Recent Statements," in: Euractiv, May 14, 2024, <https://www.euractiv.com/section/politics/news/bulgaria-says-north-macedonia-risks-eu-accession-over-recent-statements/>, (accessed October 25, 2024).

24 Antonio Prokscha, "Standing Up for Democracy: How Serbian Civil Society is Fighting for Survival," in: Insights, The German Marshall Fund of the United States, May 4, 2023, <https://www.gmfus.org/news/standing-democracy-how-serbian-civil-society-fighting-survival> (accessed October 25, 2024).

address historical narratives and promote tolerance, understanding, and social cohesion among different communities.

- **Combat nationalism in political discourse:** Governments should discourage the use of nationalistic and divisive rhetoric in political discourse, emphasizing constructive dialogue and shared interests among ethnic groups.

Civil Society Western Balkans (National Level)

- **Enhance collaboration with institutions:** CSOs should establish formal partnerships with police and judiciary bodies to ensure that their monitoring and advocacy work is integrated into official efforts to curb hate speech and disinformation.
- **Expand grassroots initiatives to counteract divisive narratives:** CSOs should develop community-based programs to address hate speech at the local level, focusing on engaging youth and vulnerable communities in promoting tolerance narratives.
- **Increase visibility and impact through strategic communications:** CSOs should develop comprehensive communication strategies to reach a broader audience, including social media campaigns and partnerships with influencers to reshape public discourse and promote tolerance.
- **Support victims of hate speech and discrimination:** Civil society should establish support networks and legal aid services for individuals and groups targeted by hate speech or discrimination. This includes offering psychological support, facilitating legal proceedings, and advocating for victim rights in public forums.

Regional Level

- **Strengthen regional networks for advocacy:** NGOs need to build on existing regional platforms (e.g., RECOM, Youth Initiative for Human Rights) to amplify civil society voices and create a cohesive regional approach to combat divisive narratives.
- **Establish a regional civil society forum on reconciliation and tolerance:** Civil society should form a permanent forum where organizations from the region can regularly meet to share best practices, coordinate activities, and develop

joint advocacy strategies. This would serve as a platform to strengthen regional cooperation and solidarity.

- **Advocate for regional media standards:** Civil society should work toward a shared regional code of ethics for media outlets and journalists that emphasizes unbiased reporting, ethical standards, and responsible journalism. This initiative should involve press councils, media organizations, and educational institutions from each country.
- **Create a regional early warning system for hate speech:** Civil society across the region should collaborate to set up a real-time early warning system that tracks and reports instances of hate speech and disinformation. This system should share information across borders to provide a comprehensive view of trends and coordinate responses, stopping it in its tracks before it spills across borders.

EU

- **Increase pressure on governments to implement reforms:** The EU should leverage its influence in the accession process to push for judicial and media reforms, ensuring that countries align with EU standards on hate speech, media regulation, and minority rights. It should openly criticize Balkan leaders when their rhetoric is divisive or hateful (and not only behind closed doors), thus sending a strong signal that such behavior is unacceptable.
- **Provide targeted support for independent media and civil society:** The EU should continue and expand funding for independent journalism, fact-checking initiatives, and civil society organizations that work to debunk disinformation and promote democratic values. If possible, the EU should consider funding independent and critical news outlets with institutional bulk funds for their reporting instead of project-based funds that narrow their scope.

- **Link EU funding to reforms in media and judicial sectors:** The EU should clearly tie funding and financial assistance to measurable progress in media independence, rule of law, and efforts against divisive narratives. This could involve creating a conditional funding mechanism where aid is contingent on concrete reforms in media regulation, judiciary independence, and the implementation of anti-discrimination policies. Such an approach would incentivize local stakeholders to prioritize reforms and align more closely with EU standards.
- **Implement a dedicated eu monitoring and response mechanism for hate speech and disinformation:** The EU should establish a specialized EU body or task force focused on monitoring hate speech and disinformation in the Western Balkans. This body should work closely with national governments, CSOs, and independent media outlets to provide rapid-response support, technical assistance, and training on combating disinformation and promoting fact-based narratives. It should also create regular, public reports on the state of media and public discourse in the region to maintain transparency and pressure for reform.

History Education in the Western Balkans – A Tool for Reconciliation or Further Division?

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History education in the post-conflict Western Balkans, where political instability and limited resources hinder effective reforms, faces a myriad of challenges. While crucial in shaping national identity, history education is often dominated by ethnocentric narratives that promote a one-sided interpretation of the past, particularly regarding the 1990s conflicts. In Bosnia and Herzegovina (BiH), Serbia, Montenegro, and North Macedonia, textbooks contribute to ethnic divisions by downplaying sensitive aspects of the wars. Teachers, many of whom are personally affected by these conflicts, struggle to engage in critical teaching due to a lack of support and societal pressures. Civil Society Organizations (CSOs) and intergovernmental bodies have attempted to introduce multi-perspective approaches, but these efforts are not yet widely adopted. While history education has the potential to promote reconciliation and mutual understanding, it is often used to reinforce nationalistic views, undermining its potential and leaving students unprepared for life beyond school. History teaching in the Western Balkans has a great potential to become a platform for reconciliation. This potential can be achieved by integrating multi-perspective teaching into curricula and by incorporating robust regional approaches into in-service training platforms. Another important measure could be the creation of regional learning and teaching materials on topics that are not presented in national curricula. This measure would be even more powerful if the materials were designed by cross-border consortia.

History Education in The Western Balkans – a Tool for Reconciliation or Further Division?

Setting the Stage

Shifting from one political system to another, along with the painful transition and armed conflicts in the region, has affected education in the Western Balkans like it has affected other elements of society. Transitioning from a violent past and trauma to a non-violent future is not an easy endeavor. In this context, education, and more significantly, history education, in newly independent states is of critical importance.

Numerous initiatives, programs, projects, and reforms have achieved considerable progress in terms

of legislative, policy and institutional development in the Western Balkans countries.¹ However, there is a bitter certainty that education is undergoing a never-ending reform process. There is also a significant gap between the rules, regulations, and plans, as well as their implementation in practice.² The successful implementation of such reforms is often influenced by institutional and financial support. The lack of qualitative and quantitative research on the effects of the measures taken in education is one of the main obstacles to obtaining an objective impression of their effectiveness. The results of the Programme for International Student Assessment (PISA) of the Organization for Economic Co-operation and Development (OECD) offer some valuable insights, and their availability is crucial for evaluating educational outcomes.³ These external

¹ Albania, Bosnia and Herzegovina, Kosovo, North Macedonia, Montenegro, and Serbia.

² European Commission and Hellen Skikos, Teacher Education and Training in the Western Balkans, Final Synthesis Report, October 20, 2013, <https://data.europa.eu/doi/10.2766/62097> (accessed September 12, 2024).

³ In 2018, all 6 WB countries participated in PISA. OECD, Education in the Western Balkans. Findings from PISA, December 2, 2020, <https://doi.org/10.1787/764847ff-en> (accessed September 13, 2024).

data suggest that educational systems are insufficiently preparing students for life beyond school. However, they say little on the issue of reconciliation. Thus, the role of history education in shaping both the past and the future of the region warrants further exploration.

History in countries of the Western Balkans, as in many other countries, has a special role in education. As a school subject, history pursues significant objectives. It aims to provide students with a humanistic education, developing historical awareness whilst acquiring and expanding knowledge, developing skills, and forming attitudes necessary for understanding the modern world. Additionally, history education is a field where pupils develop both individual and national identities. History's importance is evident when one listens to public debates about identity, belonging, lands, borders, national heroes, and more. Public figures, such as political and social leaders, are often seen invoking history to mobilize the masses.⁴ In post-conflict societies, history is omnipresent. This is demonstrated through gestures such as the erection of monuments, the almost daily organization of commemoration events, and the changing of street names in respect of certain figures.

Education and textbooks depend on political stability and economic well-being. Reforms are more easily implemented under stable political and economic conditions – both of which are lacking in the region. During periods of transition and crisis, societies tend to be more introverted, suspicious, and defensive, leaving history as a means of compensating for these traits. History education is largely a public and political issue.⁵ Educational authorities,

often short-term in scope, lack the will and capacity to implement substantial changes.

According to a 2023 Council of Europe report on Serbia, Albania, and North Macedonia, major obstacles to high quality teaching include the high frequency of educational reforms, insufficient resources, budget, and time allocated to history in the curriculum.⁶ Additionally, research by the European Commission (2013) indicates that initial teacher training, as well as the in-service teacher training provided by governmental institutions, fail to develop the competencies needed for new teachers to begin their careers without significant challenges.⁷ In general, this lack of substantial professional support and consistency in teachers development is a common issue across the Western Balkans. New curricula are frequently introduced, followed by new textbooks, and there is very limited professional development for teachers tasked with implementing these changes.⁸

However, in post-conflict societies, the role of history education is becoming more and more important. School history prepares students to navigate multiple political, ethnical, cultural and ideological interpretations of the past. This is especially important in places where the past is often both used and misused. On the other hand, the past has the potential to serve as a tool for reconciliation and developing mutual understanding among former opponents, although this is not currently the case in the Western Balkans. In this region, history education, textbooks, and curricula transform into a playground for creating good patriots. The primary aim is to emphasize the celebration of ethnic/national

4 A good overview of how history was used and abused in Yugoslavia 1980-2000 for division among nations in: Edin Radušić, *The Abuse of History That Led to the Last War in Bosnia and Herzegovina. A Framework for a Change of the Paradigm in the History Education in Schools in BiH*, Euroclio HIP BiH, 2015, <https://cliohipbih.ba/wp-content/uploads/2015/12/Final-ENG.pdf> (accessed September 17, 2024).

5 Augusta Dimou, *Udžbenici istorije u jugoistočnoj Evropi i suočavanje sa izazovima 21. Veka*. Forum za tranzicionu pravdu, 5, Fond za humanitarno pravo, 2015, 34-44. <https://de.scribd.com/document/503026821/Udžbenici-istorije-FHP> (accessed September 12, 2024).

6 Council of Europe, *OHTE General Report on the State of History Teaching in Europe*. Vol. 2, Observatory on History Education in Europe (OHTE), 2023, <https://rm.coe.int/2023-coe-oh-te-general-report-en-volume-2/1680b17531> (accessed September 12, 2024).

7 European Commission and Skikos, 2013.

8 The following papers provide a short overview of major challenges in education in the Western Balkan countries. For Kosovo: Ljuljeta Aliju, *Analiza kosovskog obrazovnog sistema*, Friedrich Ebert Stiftung <https://library.fes.de/pdf-files/bueros/kosovo/15186.pdf> (accessed September 12, 2024). For North Macedonia, Albania, and Kosovo: Rodoljub Jovanovic and Dea Maric, "Controversy in the Classroom: How History Teachers in the Western Balkans Approach Difficult Topics?," in: *Journal of Curriculum Studies*, 52, no. 5, October 2020, 636-653. For Serbia: Emina Hebib and Kristinka Ovesni, "Reformski procesi u oblasti školskog obrazovanja u Srbiji – pogled školskih pedagoga, [Reform in the area of school education of Serbia]," in: *Vaspitanje I Obrazovanje: časopis za pedagošku teoriju i praksu*, Godina XLIV, no. 3, 2019. Bosnia and Herzegovina Overview of Reforms and Challenges: Centar za politike i upravljanje, *Smjernice za bolje obrazovanje u BiH*, July 2019, <https://www.cpu.org.ba/media/37915/Smjernice-za-bolje-obrazovanje-u-BiH.pdf> (accessed September 18, 2024). Andrea Soldo (et. al), *Obrazovanje U BiH: Čemu (ne) Učimo Djecu? Analiza sadržaja udžbenika nacionalne grupe predmeta u osnovnim školama*, Mas Media Sarajevo and Fond otvoreno društvo BiH (ed) March 2017, <https://www.promente.org/downloads/cemuucimodjecu.pdf> (accessed September 19, 2024).

distinctiveness through the memory of former glory, sacrifices, and suffering, as well as portraying neighboring countries as the cause of historical grievances. The professional community (teacher trainers, teachers, historians, etc.) are rarely consulted about curricula and textbook production. Curricula development or improvement, together with textbook production, are mostly controlled by educational authorities.⁹

Challenges of Teaching Sensitive History: How the Wars of 1990s Are Taught

In post-conflict societies, history education plays a significant role in schools. The armed conflicts between 1991 and 2001 are interpreted in different and conflicting ways. Given the primary function of history education, political elites are imposing a master narrative and (re)inventing ethnic and political identities.

Interpretations of the recent war are completely different between countries. Thus, its official name varies in BiH, Croatia, and Serbia. There is no consensus in historiography and in public discourse about the causes and nature of the war, and the usage of the different terminology is problematic (if not offensive) for other(s) nations group(s).

War is constantly present in media and is often used by political elites to serve daily political purposes. Direct state interpretations of the recent past have often been “part of the effort to re-construct and reshape ethnic and political identities,” as pointed out in a report by various history associations, including the European Association of History Educa-

tors.¹⁰ Plurality in interpretations is not present. There is one state-approved official narrative, and any dissonant voices are not welcomed.

According to research, the most difficult topics to teach in BiH, Serbia, and Montenegro are “Yugoslav break-up / War in the 1990s.”¹¹

Bosnia and Herzegovina

In BiH there was a moratorium on the teaching of contemporary history which was lifted in 2018. The updated contemporary history textbooks and curricula now include the content about the 1992 to 1995 war. The diversity of approaches to interpreting the character of the war and the representations of war crimes and mass atrocities continues to deepen the divisions among school age children.¹² However, a mono-perspective approach and presentation of “our” single truth is a common characteristic of all history textbooks in BiH. Selective approaches to facts, such as one-sided, simplistic, black-and-white interpretations, self-victimizing, and heroic narratives, are inherent to all of the country’s history textbooks. The differences between the historical interpretations they convey reflect the divisions between ethnic communities in the country.¹³

Serbia

In Serbian history curricula and textbooks, the wars in Yugoslavia and its successor states are represented in an extremely reduced manner. History textbooks address this issue mainly through political, factual and chronological discourse, stressing the effects of the wars that afflicted Serbs (like military action “Storm” that initiated massive exodus of the Serbian population from Croatia), and particularly

9 Dea Maric and Rodoljub Jovanovic, *Teachers on Teaching. How Practitioners See the Current State and Future Developments in History Education Across the Western Balkans*, The Hague: EUROCLIO, 2017, <https://euroclio.eu/resource/31993-2/> (accessed September 17, 2024).

10 EuroClio, *Making Sense of the Past that Refuses to Pass. Recommendations for Responsible Teaching of the Wars in Yugoslavia and its Successor States*, 2018, https://euroclio.eu/wp-content/uploads/2016/12/Making-sense-of-the-past-that-refuses-to-pass_final-English.pdf (accessed September 18, 2024).

11 Rodoljub Jovanovic and Dea Maric, “Controversy in the Classroom. How History Teachers in the Western Balkans Approach Difficult Topics?,” in: *Journal of Curriculum Studies* 52, no. 5, 2020, 636-653.

12 Melisa Forić Plasto, “Podijeljena prošlost za podijeljenu budućnost!? Rat 1992-1995. u aktuelnim bosanskohercegovačkim udžbenicima historije,” in: *Journal of the Faculty of Philosophy in Sarajevo (History, History of Art, Archeology) / Radovi (Historija, Historija umjetnosti, Arheologija)*, no. 6, April 11, 231-257, https://ff.unsa.ba/subds/ejournals/index.php/radovihhua/article/view/33?fbclid=IwY2xjawFU325leHRuA2FibQIx-MAABHbZcd9rZhKF0zObQgOyrgJfnHFzCPm8Cj5NOugfs3ykWwKYsRfBwTvVVTQ_aem_X8HqrA6wUjILCXmEsmV7JQ (accessed September 16, 2024). Another research on the textbooks content and curricula in BiH on 1992-1995 period is: Heike Karge, *History Teaching Materials on 1992-1995 in Bosnia and Herzegovina. Building Trust or Deepening Divides?*, OSCE, 2022, <https://www.osce.org/files/f/documents/1/f/541980.pdf> (accessed September 18, 2024).

13 EuroClio, 2018.

the North Atlantic Treaty Organization (NATO) bombing of Serbia.¹⁴

Montenegro

In Montenegro, the dissolution of Yugoslavia was first introduced into the history curriculum in 2003. The textbooks provide a brief chronological overview of the event, offering only basic information about the conflict. However, they omit all discussions regarding the causes, the intensity of the wars, or the identities of victims and perpetrators. This limited portrayal remains in use today.¹⁵

Teaching the recent violent past poses significant challenges for history teachers, as the wars continue to dominate public discourse, with several public figures from that era still influential in society.

The aforementioned report by various history consortia on recommendations for responsible teaching of the wars in Yugoslavia and its successor states points out that teachers often “follow requirements of relevant history teaching programs that are often used for ethnic homogenization.”¹⁶ The report further highlights that “this is connected to the dismissal of historical inquiry and to the ignorance of contemporary approaches to teaching sensitive and controversial topics.”¹⁷ A further problem is the lack of preparedness for teachers, who often do not feel “competent, safe, or supported enough by the educational system, school milieu, or local communities to teach these topics in a way that includes critical thinking or open questions that would cross-examine dominant and contested interpretations.”¹⁸

Another aspect, not often taken into account by the research, are personal impediments by teachers. Almost every teacher over 30 years of age has their own relationship to and personal memories of the armed conflict. In BiH, there are former soldiers, refugees, and prisoners teaching history today. There is no record of any structured training designed to help these individuals address their trauma and teach history in a professional way.

History as a School Subject in Western Balkans Countries

Analysis of Policy Responses

Education systems in the Western Balkans are largely centralized, with ministries or educational institutes primarily responsible for planning, monitoring, and coordinating primary and secondary education. The functional democratization of schools, including the larger involvement of parents and students in decision-making processes, both in education generally and at the school level, remains very limited.

History is a mandatory subject across all Western Balkan countries. During the middle years of schooling, students typically receive four or five years, depending on the country, translating to one to two lessons per week. In most high schools, history remains mandatory, although vocational students are required to attend a limited number of lessons focused primarily on general history. In contrast, students of upper-secondary education attend three to four years of history.¹⁹

14 Ibid. A good overview of how Serbian textbook changes over time is: Dubravka Stojanović, *Prošlost dolazi. Promene u tumačenjima prošlosti u srpskim udžbenicima istorije 1913-2021*, Biblioteka XX vek, Beograd 2024.

15 The study on the content of Montenegrin textbooks in the final grade of primary school and gymnasium: Centar za građansko obrazovanje, *Što skrivaju i otkrivaju crnogorski udžbenici o savremenoj istoriji Crne Gore?*, Podgorica, 2016, <https://media.cgo-ccce.org/2016/06/cgo-ccce-sto-skrivaju-i-otkrivaju-cg-udžbenici-o-savremenoj-istoriji-cg.pdf> (accessed September 18, 2024).

16 EuroClio, 2018, 5.

17 Ibid.

18 Ibid.

19 For Albania, North Macedonia and Serbia's input on mandatory courses in history: Council of Europe, 2023, 107. For Montenegro data is available at: Eurydice, *Crna Gora: Nastava i učenje o srednjem opštem obrazovanju*, Eurydice, <https://eurydice.eacea.ec.europa.eu/me/national-education-systems/montenegro/crna-goranastava-i-ucenje-u-srednjem-opstem-obrazovanju> (accessed October 21, 2014). For Bosnia and Herzegovina-education in Bosnian language: Kanton Sarajevo, *Ministarstvo za obrazovanje, nauku i mlade, Nastavni plan i program gimnazija*, https://mo.ks.gov.ba/sites/mo.ks.gov.ba/files/2024-06/nastvni_paln_i_program_opca_gimnazija.pdf (accessed on October 21, 2014). Education in Croatian language: Zavod za školstvo Mostar, *Kurikul nastavnog predmeta povijest za osnovne škole i gimnazije*, <http://zavod-skolstvo.ba/wp-content/uploads/2024/06/PREDMETNI-KURIKUL-Povijest.pdf> (accessed on October 21, 2014). Education in Serbian language: Republički pedagoški zavod Republike Srpske, *Nastavni plan i program za gimnaziju svi smjerovi*, <https://www.rpz-rs.org/888/rpz-rs/Nastavni/plan/za/gimnaziju,/svi/smjerovi>, (accessed October 21, 2014). In Kosovo history education for primary school: Republika e Kosovës, *Ministria e Arsimit dhe Shkencës, Predmenti Kurikulumi/Nastravni Progami, 2020*, <https://masht.rks-gov.net/predmetni-kurikulumi-nastavni-programi-deveti-rzred/> (accessed October 21, 2024).

The curricula often prescribe “not only the content, but also interpretations of certain aspects of common history,” reflecting an ethnocentric perspective of history.²⁰ Although the development of critical and creative thinking skills is a primary goal of history education, in reality, this practice remains mostly declarative in nature. The history curricula in these countries often hinder teaching strategies and approaches designed to promote critical insights into the past and help students to develop historical and critical thinking skills. All curricula are chronology based and typically prescribe teaching up until the year the country gained independence.

Despite achievements in terms of legislative and institutional development, implementation of the numerous reforms poses serious challenges. There is a great number of regulations, plans, rules, manuals, etc., and their insufficient implementation in practice frequently delays the impact of reforms. Rolling reforms have been inconsistent and overlapping. More often, they have been driven by international organizations through project-based interventions. However, after these projects end, the reforms are rarely integrated into the education system. In addition, reforms are seldom evaluated sufficiently due to a general lack of research and ex-ante reports.²¹

Research has also indicated that prospective educators are not developing the competencies necessary to teach sensitive and difficult topics effectively during initial teacher training. Furthermore, they often do not engage in teacher training at a sufficient level. Governmental bodies fail to provide adequate and continuous professional development for practicing teachers, leaving them inadequately equipped with the guidance needed to teach recent, difficult history.²²

Albania

In Albania, the organization of the history curriculum is chronological, thematic, and competence based.²³ Following a curricular reform, a special commission established by the Ministry of Education approves three textbooks per subject, including history, from which teachers may select one for their classes. Teachers also have the freedom to incorporate other materials. Content on the dissolution of Yugoslavia and 1990s wars is less of a contentious issue for the Albanian curricula than it is in some other countries of the Western Balkans and will not be further examined in this paper.

Bosnia and Herzegovina

In BiH, the education system is decentralized and follows the administrative division of the country. Administrative units of the country – two entities, The Republic of Srpska, Federation of BiH and District Brčko – have full authority on education. Furthermore, the Federation of BiH has ten cantons that are in control of education. Each of these levels has a ministry that defines curricula and approves textbooks for primary and secondary schools. There is no Ministry of Education at the state level. Instead, its competencies are within the Ministry of Civil Affairs. In 2008, the Agency for Preschool, Primary and Secondary Education was established at the level of BiH institutions, with its headquarters in Mostar, and two regional offices in Sarajevo and Banja Luka.²⁴ The agency aimed to establish standards of knowledge, evaluate achieved results, and develop common core curricula for preschool, primary and secondary education, as well as for other professions in the field of knowledge standards and quality assessment. These are determined by special laws and other regulations. However, a significant division of education is present following ethnonational principles. This results in three educational systems based on national identity and the language of in-

20 Augusta Dimou, “Transition” and the Politics of History Education in Southeast Europe, V&R unipress, 2009, 19

21 European Commission and Skikos, 2013.

22 Maric and Jovanovic, 2017.

23 Council of Europe, 2023, 5-9.

24 Agencija za predškolsko, osnovno i srednje obrazovanje, <https://aposo.gov.ba/sr/> (accessed September 17, 2024).

struction: Bosnian (related to Bosniaks), Serbian, and Croatian.²⁵

In 2018, the history curricula underwent changes (in Bosnian and Serbian languages), and topics related to the 1990s war were included. The mere announcement of this new content sparked strong discussions, debates, and even hate speech.²⁶ A similar indignation in the public discourse emerged in early September 2024, when minor changes in the curriculum for the ninth grade in the Republic of Srpska were announced.²⁷

In primary schools, textbooks remain one of the fundamental teaching aids for history instruction. In a way, they represent the basic source of knowledge for students, and their content conveys a certain type of absolute truth or canonized knowledge. Teachers in the Serbian program can use one textbook, approved by the ministry, while teachers in the Bosnian and Croatian programs have access to several textbooks and are required to select one approved by the ministers.

Kosovo

In 2011, Kosovo adopted new curricula for its primary schools, focusing on improvement of education. In the policy documents derived from reforms, efforts have focused on implementing new curricula, centered on student competencies, along with textbooks and the wider use of Information Tech-

nology (IT) in education.²⁸ However, analyses indicate that the successful implementation of new curricula, officially launched in 2020, requires constant in-service training for teachers, school directors, inspectors, and textbooks authors due to the required shift in teaching paradigms and assessment methods. This transition demands significant financial resources, posing challenges for the government.

The history education curriculum is chronology based, with textbooks approved by the Ministry of Education from which teachers can choose one.²⁹

The curricula for grade nine in Kosovo presents history from World War I until 2008. Due to the same language, Kosovo and Albania are closely related.

Beyond the historical context, several agreements on history teaching have been signed, reflecting the shared use of Albanian as the official language in both countries.³⁰

Montenegro

In Montenegro, history education is compulsory, and courses are competency-based. The history curriculum is chronologically organized. In the ninth grade of primary school, history classes are organized in the structure of one class per week.³¹ The focus is on highlighting how historical events shaped national history.

25 Melisa Forić Plasto, "Podijeljena prošlost za podijeljenu budućnost! Rat 1992-1995. u aktuelnim bosanskohercegovačkim udžbenicima historije," in: Journal of the Faculty of Philosophy in Sarajevo (History, History of Art, Archeology) / Radovi (Historija, Historija umjetnosti, Arheologija), 2019, 231-257, https://if.unsa.ba/subds/ejournals/index.php/radovihhua/article/view/33?fbclid=IwY2xjawFU325leHRuA2FibQ1xMAA_BHbZcd9rZhKF0zObQgOyrgJfnHFzCPm8Cj5NOugfs3ykWwKYsRfBwTvVVTQ_aem_X8HqrA6wUj1LCXmEsmV7JQ (accessed September 16, 2024).

26 Plasto, 2019.

27 Republički pedagoški zavod Republike Srpske, Nastavni programi od nacionalnog interesa, Nastavni program za predmet istorija, https://www.rpz-rs.org/sajt/doc/file/Novi_nastavni_programi/Redovna_nastava/2024/%D0%B8%D1%81%D1%82%D0%BE%D1%80%D0%B8%D1%98%D0%B0%20%D0%B7%D0%B0%209.%20%D1%80%D0%B0%D0%B7%D1%80%D0%B5%D0%B4..pdf (accessed September 16, 2024). Reactions in the media on changes in curricula: Anita Janković Rečević, Dragiša Vasić za 'Glas': U federalnim udžbenicima Srbi su apsolutno zlo," in: Glas Srpske, September 12, 2024, https://www.glassrpske.com/cir/novosti/vijesti_dana/dragisa-vasic-za-glas-u-federalnim-udzbenicima-srbi-su-apsolutno-zlo/541319 (accessed September 16, 2024). Selma Boračić Mršo, Nova veličanja ratnih zločinaca umjesto suočavanja s prošlošću u nastavnim planovima Republike Srpske, in: Detektor, September 11, 2024, <https://detektor.ba/2024/09/11/nova-velicanja-ratnih-zlocinaca-umjesto-suocavanja-s-prosloscu-u-nastavnim-planovima-republike-srpske/> (accessed October 21, 2024).

28 Strategy for Education 2017-2021: Ljuljeta Aliju, Analiza kosovskog obrazovnog sistema, Friedrich Ebert Stiftung, <https://library.fes.de/pdf-files/bueros/kosovo/15186.pdf> (accessed September 12, 2024).

29 Ministry of Education, Science, Technology and Innovation of Kosovo, Predmetni kurikulum za nastavni program – Deveti razred, <https://masht.rks.gov.net/predmetni-kurikulumi-nastavni-programi-deveti-razred/> (accessed September 30, 2024).

30 Çlirim Duro, Selim Bezeraj, and Alessandro Boccolini, Comparative Analysis of History Teaching in Albania and Kosovo: Council of Europe Recommendations for History 9, in: Journal of Social and Educational Research, 14, no. 2, 2024, <https://www.richtmann.org/journal/index.php/jesr/article/view/13739> (accessed September 30, 2024).

31 Vlada Crne Gore, Zavod za školstvo, Obavezni predmetni programi, Istorija <https://www.gov.me/clanak/programi> (accessed September 30, 2024).

Textbooks are approved by the National Council for Education of Montenegro, then printed and published by the Institute for Textbooks of Montenegro.

North Macedonia

In North Macedonia, history courses at the primary level are competency-based, whereas those at other levels are organized chronologically.³² History teachers are able to choose the methods and resources they use in their classes based on the needs of specific topics.

The most challenging part of educational reform is history education since it touches on the symbolic representation of the state. As the historical anthropologist and photographer Robert Pichler pointed out: “The ongoing production of historical myths is directly related to the aim of legitimizing political claims.”³³ The ethnic origins of both Macedonians and Albanians are among the most contested historical issues, a contention reflected in the history textbooks. Both ethnic communities are deeply engaged in the (re)definition of their respective national narratives, leaving no space to overcome the ethnocentric views on history. An open question persists regarding how ethnic Macedonians and Albanians can come closer, given that their history textbooks portray their respective nations as natural, homogeneous, and bounded entities that possess mutually exclusive identities, cultures, histories, and territories.³⁴

Serbia

In Serbia, history is a compulsory subject with the curricula being chronologically organized and

competence based.³⁵ Textbooks are written mainly by private entities and then evaluated by the Institute of Education Development based on their quality. The institute then makes recommendations to the Ministry of Education, which issues a catalogue of approved textbooks for each school year. This selection of textbooks is conducted at the school level, and the ministry does not license or check additional teaching materials or online resources that teachers might use.

Regional Efforts, Results, and Limitation of Joint Work in History Education

Analysis of Regional Cooperation

On the national level, numerous Non-Governmental Organizations (NGOs) have supported stakeholders in the field of history education. This is especially the case concerning the development of collaborative designs of teaching resources and providing in-service training opportunities for the professional development of teachers.

Organizations like the European Association of History Educators (EuroClio), which work together with their member associations from the Western Balkans, have provided teaching resources and numerous development opportunities.³⁶ EuroClio’s work in the region is focused on regional cooperation in the field of history education. This organization has invested large efforts in these countries, supporting the establishment of history teachers associations which evolved into organizations providing trainings for teachers and creating educative resources for their members and community.³⁷ It is important to mention that these associations often

32 Council of Europe, 2023, 85-89.

33 Robert Pichler, “Historiography and the Politics of Education in the Republic of Macedonia (1991–2008),” in: A. Dimou, ed., “Transition” and the Politics of History Education in Southeast Europe, V&R unipress, 2009, 219-251.

34 Ibid., 247.

35 Council of Europe, 2023, 101-107.

36 EuroClio, European Association of History Educators, <https://euroclio.eu/> (accessed October 1, 2024). Joint and regional educational resources developed through years are: EuroClio, Understanding a Shared Past. Learning for the Future, <https://euroclio.eu/resource/understanding-a-shared-past-learning-for-the-future-2/> (accessed September 30, 2024). EuroClio, Retelling the History, <https://euroclio.eu/resource/29742-2/> (accessed September 30, 2024). EuroClio, Ordinary People in an Extraordinary Country, <https://euroclio.eu/resource/ordinary-people-in-an-extraordinary-country-2/> (accessed September 30, 2024). EuroClio, Once Upon a Time... We Lived Together, <https://euroclio.eu/resource/29666-2/> (accessed September 30, 2024).

37 In Albania: Albanian Association of History Teachers, Youth and History (Shoqata Kombëta Re E Mësuesve E Të Historisë “Rinia Dhe Historia”). In Bosnia and Herzegovina: History Teachers’ Association in Bosnia and Herzegovina (EuroClio-HIP (Historija – Istorija – Povijest), <http://cliohipbih.ba/> (accessed September 30, 2024). In Kosovo: History Teachers’ Association of Kosovo (Shoqata e Mësimdhënësve të Historisë së Kosovës). In North Macedonia: History Teachers’ Association of Macedonia (Асоцијација на Наставници по Историја на Македонија (АНИМ)). In Montenegro: History Teachers Association of Montenegro (Udruženje profesora istorije Crne Gore). In Serbia: Association for Social History – EuroClio (Udruženje za društvenu istoriju), <https://udieuroclio.edu.rs/> (accessed September 30, 2024).

implement cross-border projects, demonstrating that a multi-perspective approach to history teaching, even on the most sensitive topics, is possible and yields excellent results. EuroClio has played a crucial role in the former Yugoslavia by promoting history education reforms that support reconciliation and mutual understanding. Through projects like “History that Connects”, the organization has co-developed multi-perspective resources and provided extensive teacher training to help educators address complex regional histories with sensitivity.³⁸ By building a network among history teachers, EuroClio encourages regional exchange and supports curricular reforms, fostering an educational environment that moves away from divisive narratives and contributes to peace and social cohesion.

The Center for Democracy and Reconciliation (CDRSEE), based in Thessaloniki, has brought together academic historians and educators to co-create alternative educational resources.³⁹ CDRSEE has been active in the Balkans with a mission to promote democratic values, peaceful coexistence, and regional cooperation. One of its most notable initiatives is the Joint History Project (JHP), which seeks to reform history education across the Western Balkans by developing multi-perspective teaching materials that provide a balanced view of historical events. This project produced a series of history workbooks that cover contentious periods, such as the Ottoman era, the Balkan Wars, World War II, and the Yugoslav Wars, aiming to present diverse perspectives and foster critical thinking among students. CDRSEE has also conducted numerous training programs for teachers, equipping them with tools to handle sensitive topics and encourage dialogue. Its work often involves collaboration with educators, historians, ministries, and international bodies, with a focus on reducing prejudice and promoting understanding across ethnic and national lines. The organization has thus contributed significantly to educational reform,

helping to shape a narrative of shared understanding and reconciliation in the Balkans.

Among others, Forum Ziviler Friedensdienst (forum ZFD), Centropa, and Memorial de la Shoah, have paved the way for a wider involvement of educators in developing peace education and a more thematic approach to history education (Holocaust education).

Intergovernmental organizations like the Council of Europe, United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations International Children’s Emergency Fund (UNICEF), and Organization for Security and Cooperation in Europe (OSCE), have also initiated a variety of programs. The mandates have included, among other priorities, the establishment of moratoria on history textbooks, advocacy of policies for integration of education, coordination of governmental stakeholders toward common standards for history curricula, and support for training and professional development of decision makers and practitioners.⁴⁰

The EU has been supporting higher education in the countries of the Western Balkans through cooperation programs such as Tempus, Erasmus Mundus, Jean Monnet, and Marie Curie, and technical assistance projects (IPA).⁴¹ The specific involvement of the EU in reforms or dealing with challenges to history teaching in the countries of the Western Balkans (in the forms of projects or grants to local organizations) has not been significant in the past. For example, in BiH, the OSCE Mission to BiH has had a significant role in reforming history education at the school level since the early 2000s.

Many of the regional initiatives have influenced the way teachers teach and provide important input to the competence-based education at the practical level. They have been the main trigger for (re)estab-

38 EuroClio, History That Connects, June 7, 2017, <https://euroclio.eu/projects/history-that-connects/> (accessed October 25, 2024).

39 The Center for Democracy and Reconciliation in Southeast Europe (CDRSEE) is a regional and impact-oriented NGO based in Thessaloniki that sought to foster democratic, pluralist and peaceful societies in Southeast Europe. Despite having produced some very successful projects, in 2019 the CDRSEE was forced to shut down due to a lack of funds. On the initiative of the European Fund for the Balkans (EFB), through the support for the creation and maintenance of this website, these books are again available to the public via: <https://www.jointhistory.net/index-eng.html> (accessed September 21, 2024).

40 Maric and Jovanovic, 2017.

41 European Commission and Skikos, 2013.

lishment of connections among the teaching community in the region. Networks of educators have been created and continue to cooperate even without input from abroad (as is the case of EuroClio). On the other hand, the good results of efforts by CSOs at the regional level (mostly in joint teaching materials developed within EuroClio and CDRSEE) have not been integrated into official history curricula in the countries of the Western Balkans or fully recognized as valuable teaching resources by national governments. The multiperspective approach in history education in the Western Balkans is still not integrated, despite the efforts and significant results of local organizations.

Conclusion and Recommendations

History education in the Western Balkans has a unique capacity to foster mutual understanding. This is evident in regional and international projects where educators are embracing transformative history teaching and creating educational resources. These resources, based on sound inquiry, have introduced innovative themes, such as everyday life and social and cultural history, and have challenged both teachers and students to reconsider different historical sources and perspectives. They encourage individuals to hear, observe, and engage with differing views concerning the same historical events.

Unfortunately, official history education in recent years has been used to mobilize individuals and heighten tensions between groups. Instead of supporting post-conflict transitions and reconciliation, history education is a part of “pre-military training.”⁴²

The most notable examples come from BiH. In 2015, the Association of History Educators in BiH conducted a study and development project, which concluded that: “History teaching since the bloody breakup in the early 1990s essentially became and stayed part of national (nationalistic) narratives and ideologies.” The report further underlines that, de-

spite changes in teaching plans and materials, “its homogenizing role was essentially getting stronger as old narratives first indirectly – and lately also directly – included the last war and ‘newly proved differences’ and mutual suffering.” As such, the “war was continued by (warring) histories.”⁴³

History education in the region has a potential to “disarm” societies in the Western Balkans and develop an agenda for reconciliation. School history education can be a transformative field for addressing memory and identity while empowering youth in the best interest of mutual respect. After 20 years of work in both formal and non-formal history education in the countries of the Western Balkans, there is a nucleus of educators who teach on the basis of multi-perspectivity and critical thinking. However, they are not recognized by national governments as drivers of change. Instead, they are facing suppression for confronting the dominant narrative. If sufficiently supported, these educators could inform their colleagues and students, spreading the idea of responsible history teaching for future generations in the region.

Cooperation among civil society in the Western Balkans in the field of history education has achieved significant work in this regard. However, it remains a source of sadness and disappointment that the results of such work are not more widely recognized by decision makers in the governments of this region.

Recommendations for future work in history education in the Western Balkans are oriented toward the following aspects:

Governments Western Balkans (National Level)

- **Empower teachers:** The region is facing a crisis with teachers, including low interest from youth in the teaching profession, low enrollment rates at teaching faculties, and an aging workforce in schools. In light of this, national governments should focus on empowering agents of change –

42 Rade Radovanovic, *Istorija nam je više predvojnička obuka nego nauka*, in *Danas* September 6 2013, <https://www.danas.rs/vesti/drustvo/istorija-nam-je-vise-predvojnicka-obuka-nego-nauka/> (accessed November 15, 2024).

43 Radušić, 2015.

investments in teachers and future teachers – and providing meaningful learning and training opportunities at the regional level. These efforts could influence the shift toward competence-based teaching and boost regional cooperation at the grassroots level. This should be done in close cooperation with pre-service teacher education providers, who can enhance the quality of the preparation phase for future teachers and civil society organizations at the national level, which can provide good-quality in-service teacher education programs. The region has faced a shortage of teachers in certain subjects (mathematics and physics) and providing meaningful training opportunities for teachers should be organized in a short period.

- **Shift the content of history teaching to universal values:** Overloaded curricula are not new. National governments and educational authorities in the countries should consider reducing content and slightly shifting towards less political history. All history curricula in the region are overloaded with political and military history, wars, strategies, and national heroes. Mostly all of them are mono perspective. By shifting the content to universal values (democracy, peace, solidarity, etc.) and cooperation among the people in the Western Balkans, it can highlight what we have in common, rather than what separates us.

Regional Level

- **Empower regional cooperation by empowering CSOs:** At the regional level, much has been done in the past by joint efforts of civil society organizations. Future work is jeopardized by fluctuating interest from donors and the availability of funds. In the future, regional cooperation in history education should be empowered. This could be achieved by strengthening regional cooperation and collaboration between civil society organizations and educators across the Western Balkans. This can help create and disseminate educational resources that emphasize shared history, cultural connections, and peaceful coexistence.

- **Support the creation of learning and teaching materials:** Another aspect of cooperation at the regional level should be support (from international and local donor communities) for the continuation of the joint creation of learning and teaching materials. This has been present in the region for almost 20 years. It is important to develop and share educational resources that offer innovative themes, such as cultural history and everyday life, providing alternative perspectives to traditional nationalistic narratives. Lastly, it is pivotal that these resources are made widely accessible to teachers and students and are offered in the official languages. This is a long-term commitment by civil society organizations in the Western Balkan countries and it has been endangered by a lack of funds in recent years.

Civil Society Western Balkans (National Level)

- **Focus on the integration of a multi-perspective:** With a new interest by the EU and the enlargement process, due diligence should be given to raising awareness of multiculturalism in the Western Balkans. In multicultural societies like the Western Balkans, it is necessary to learn to live together in peace, respect, and mutual understanding of cultural differences. Despite all the odds, history education in the Western Balkans has a great potential for change. In the years to come, the focus of democratic agents in the region should be on the integration of a multi-perspective approach into regular teaching processes. History education has a great potential to teach students about such examples from the past. The use of multi-perspective approaches also helps to distinguish topics and develop skills of respect, understanding, and tolerance.⁴⁴ This can be fostered through the availability of funds for CSOs aimed at improving education. The lack of funding schemes has had a strong negative impact on the results achieved so far, and that should not be repeated in the coming years. The EU should reconsider the establishment of funds for local organizations aimed at improving different

44 Melisa Forić and Plasto & Bojana Dujković – Blagojević, “Peace in History Education of Bosnia and Herzegovina,” in: Larisa Kasumagić – Kafedžić and Sara Clarke-Habibi, eds., *Peace Pedagogies in Bosnia and Herzegovina: Theory and Practice in Formal Education*, Springer, 2022, 163-187.

aspects of education in the region in the coming years.

EU

- **Foster regional cooperation:** The EU should focus more strongly on fostering and facilitating cross-border initiatives that encourage dialogue and cooperation among educators, students, and policy makers to address contested histories and foster mutual understanding in the WB.
- **Advocate for curricula that embrace multiple perspectives:** WB governments are slow in improving curricula development. The EU should advocate for curricula that embrace multiple perspectives, promote critical thinking, and challenge nationalist narratives that perpetuate divisions.
- **Prioritize reconciliation through education:** Fostering reconciliation through education should not be taken into consideration only occasionally. This should be among other priorities within the EU accession process. Encouraging projects that use history education as a tool for reconciliation, and helping students understand the complexities of the past while building a foundation for peaceful coexistence could be possible ways to foster reconciliation.
- **Provide sufficient funds:** Most importantly, the EU should provide funds, accessible to local organizations, that will work on the grassroots level and foster reconciliation through history education in the Western Balkan countries.

Youth and Reconciliation: The New Generations' Struggle for Peace and Justice

Sofija Todorović

Youth Initiative for Human Rights

When addressing mass human rights violations rooted in conflicts or totalitarian regimes, the primary goal is to ensure such atrocities never happen again by building a sustainable and peaceful future. Confronting the legacies of violence and oppression is essential for societies seeking to establish functioning democracies and deliver justice to victims. Young people are often viewed as vital drivers of democratization, empowered to actively shape the future. Yet, when it comes to reckoning with the past and confronting inherited hatreds, youth are frequently deemed too inexperienced to tackle such complex and weighty issues. This paradox positions young people at the heart of societal change while simultaneously excluding them from key political discussions that directly shape their future.

Context and Multi-Layer Challenges

Setting the Stage

Countries in the Western Balkans (WB6) share several common challenges, particularly concerning youth unemployment, the quality of educational systems, and the alarming trend of young people leaving their countries in search of better opportunities. However, in recent decades, many of the region's youth have refused to remain silent, instead speaking out for those whose voices are often marginalized.

One of the most pressing issues in WB6 countries is the lack of citizen participation in political life. Many citizens feel disconnected from political institutions and are demotivated to engage actively. This disengagement has a direct impact on the strength of democratic systems in the region, as there can be no strong, thriving democracy without active and engaged citizens.

The educational systems across the Western Balkans do little to equip young people with the knowl-

edge needed to understand the region's violent past or the consequences of totalitarian rule. Too often, educational institutions provide a one-sided, mono-ethnic narrative of historical events. This issue is particularly pronounced in Bosnia and Herzegovina (BiH), Serbia, Kosovo, Montenegro, and North Macedonia. In Albania, the critical examination of its communist past, which kept the country isolated for decades, remains largely absent from the curriculum.¹

The most recent thematic paper from the Council of Europe Commissioner for Human Rights, "Dealing with the Past for a Better Future," warns that the divisive, hate-driven narratives that fueled the wars of the 1990s in the Western Balkans are resurging.² The failure to fully confront the violent past continues to have devastating consequences for human rights, the rule of law, and the region's democratic prosperity. Official remembrance policies in the WB6 are often one-sided, focusing on honoring veterans and promoting nationalist narratives, while the suffering of victims from other ethnic groups is frequently overlooked.

1 European Fund for the Balkans, *The Joint History Books With a New Digital Home – The Homepage* www.jointhistory.net, Press, 2022, <https://balkanfund.org/regional-cooperation/the-joint-history-books-with-a-new-digital-home-the-homepage-www-jointhistory-net> (accessed November 18, 2024).

2 Council of Europe Commissioner for Human Rights, *Dealing with the Past for a Better Future. Resolute Efforts on Dealing with The Violent Past Are Required in the Region of the Former Yugoslavia*, Issue Paper, November 2023, <https://rm.coe.int/issue-paper-on-transitional-justice-dealing-with-the-past-for-a-better/1680ad5eb5> (accessed October 28, 2024).

The increasing normalization of denial and the relativization of crimes undermine societal efforts to confront and learn from the past. Simultaneously, revisionist rhetoric is deepening divisions within communities, making reconciliation more difficult. A fragmented and exclusionary culture of remembrance continues to perpetuate divisive narratives which obstruct the development of a shared historical understanding – an essential element for meaningful reconciliation.

Legal frameworks in the Western Balkans are often inconsistent and ineffective, undermining efforts for meaningful transitional justice. Political actors regularly exploit selective historical narratives to consolidate power, reinforcing cycles of violence and impunity instead of fostering accountability. The enduring sociocultural and socioeconomic scars from past conflicts have led to institutionalized segregation, restricted access to education, and a profound lack of trust between communities.³

The roots of many patterns of injustice and inequality can be traced and better understood through learning about the past. However, critical thinking is not being encouraged; instead, it is being stifled by state actions that send a clear message to young people: those who take a critical stance against dominant policies are unwelcome. This suppression not only hinders youth from questioning historical narratives but also limits their ability to challenge ongoing systems of inequality and injustice.⁴

Additionally, media coverage of past events is often shaped by propaganda, lacking accuracy and objectivity. In the digital world, where many young people seek information, false and manipulative content is rampant. Far-right narratives and disinformation flood online platforms, making it difficult for youth to discern fact from fiction. The critical skills needed to debunk these harmful theories and narratives

are still underdeveloped, leaving young people vulnerable to manipulation and misinformation.

Ongoing wars and shifts in the global political landscape further complicate the situation, as malign foreign influence increasingly targets youth. These influences are often subtle, making them difficult to trace and counter effectively. Young people, already vulnerable to misinformation, are now exposed to external forces that seek to manipulate their perspectives and undermine democratic values in the region.⁵

Tackling these interconnected challenges is critical to achieving sustainable peace and unity in the Western Balkans.

The Role of Youth in Shaping a Peaceful and Democratic Future

Analysis of Policy Responses

Political will and commitment must be prioritized to address these issues effectively. Not only is this essential for the region's long-term stability, but it is also crucial for meeting the European Union's accession criteria, which stress adherence to values of truth, justice, and inclusive social cohesion as prerequisites for future integration.

The absence of Croatia from established reconciliation mechanisms, such as the Regional Youth Cooperation Office (RYCO), leaves the process of reconciliation incomplete, excluding Croatian youth from this crucial endeavor. While North Macedonia, as a former Yugoslav Republic, shares certain historical connections to the dissolution of Yugoslavia, its experience with the wars and their aftermath differs distinctly from other countries in the region.

Albania was not part of Yugoslavia, unlike other WB6 countries, thus it was not part of the 1990s

3 Berlin Process Summit, Berlin Process Civil Society & Think Tank Forum 2024, Policy Recommendations, 2024, https://wb-csf.eu/docs/24114_ASPEN_SOG_GESAMTREPORT_INTERNET_241004.pdf.pdf? (accessed November 18, 2024).

4 Youth Initiative for Human Rights Serbia, Attitudes of Young people in Serbia about The Wars of The 1990s, 2023, <https://yihhr.rs/bhs/istrazivacki-izvestaj-stavovi-mladih-u-srbiji-o-ratovima-devedesetih/> (accessed November 18, 2024).

5 Directorate-General for Migration and Home Affairs, Online Radicalisation in the Western Balkans: Trends and Responses, August 2023, European Commission, August 29, 2023, https://home-affairs.ec.europa.eu/whats-new/publications/online-radicalisation-western-balkans-trends-and-responses-august-2023_en (accessed November 18, 2024).

conflicts. Its historical reckoning is primarily linked to the legacy of communism and repression under its totalitarian regime. As a result, Albania's engagement with transitional justice is focused less on the Yugoslav wars and more on confronting its own authoritarian past.

Young people from WB6 countries have much to learn from one another and can contribute significantly to the reconciliation process, offering unique perspectives shaped by their national contexts. Critical thinking is vital to this effort, as youth who challenge dominant narratives and address injustices and the root causes of violence must be recognized as essential contributors to the building of a peaceful future.

Albania

Albania continues to struggle with addressing the legacies of its communist past. While the country transitioned to a multiparty system in the 1990s and enshrined basic democratic rights into its constitution, the process of fully reckoning with its authoritarian history remains incomplete. During the dissolution of Yugoslavia, Albania's role was primarily linked to the war in Kosovo, rather than direct involvement in the regional conflicts. Relations between Serbia and Albania have long been marked by tensions, primarily due to the rights of Kosovo Albanians and, later, Albania's support for Kosovo's independence. Democracy in Albania is characterized by high political polarization, with corruption being a major issue, compounded by a persistent lack of media freedom.

Albanian youth are increasingly disengaged from politics, with low participation in political parties, either as members or activists. Simultaneously, the country faces a significant brain drain, as many young people seek opportunities abroad. Women's involvement in political and economic decision-making also remains notably restricted, highlighting the persistent gender imbalance in leadership roles.

Albania's approach to dealing with the past is shaped by its transition from a totalitarian communist regime to a democratic state. The country's official policies focus primarily on confronting the legacy of the dictatorship, addressing past human rights violations, and acknowledging the suffering of victims. The government has implemented initiatives such as the Institute for the Study of Communist Crimes, which aims to preserve historical memory and promote a truthful account of Albania's communist past.⁶ In terms of reconciliation, youth have been recognized as essential to the long-term process of healing and building a democratic future. However, youth engagement with the painful aspects of the past, particularly in terms of understanding the communist legacy, remains low, partly due to a lack of comprehensive historical education and awareness. In recent years, youth-led initiatives and Non-Governmental Organizations (NGOs) have begun to take a more prominent role in advocating for a broader and more inclusive approach to reconciliation, calling for greater participation in national discussions about the past.

Bosnia and Herzegovina

The war in BiH officially ended with the 1995 Dayton Peace Agreement, which continues to define the country's structure nearly 30 years later. Deeply divided between two entities and one district, the country faces numerous challenges. In some areas, youth still attend segregated schools, where students of different ethnicities are physically separated, attending classes in different parts of the same building. Education is also marked by division, particularly in the teaching of history, with conflicting narratives about the 1990s war. Despite international court rulings classifying the crimes committed in Srebrenica as genocide, denial of this genocide persists in the Republika Srpska entity, where it is ignored in the education system and denied by top political leaders.⁷

With over 100,000 victims and extensive destruction, the legacy of the war in BiH profoundly im-

6 Human Rights Center Antonio Papisca, *Dealing with the Past: Post-communist Transitional Justice in Albania*, Article, 2021, <https://unipd-centrodirtiumani.it/en/topics/dealing-with-the-past-post-communist-transitional-justice-in-albania> (accessed November 18, 2024).

7 United Nations International Residual Mechanism for Criminal Tribunals, *Srebrenica Genocide 1995*, <https://www.irmct.org/en/mip/features/srebrenica> (accessed November 18, 2024); Srebrenica Memorial Center, *Srebrenica Genocide Denial Report 2023*, July 2023, <https://srebrenicamemorial.org/bs/istrazivanja/srebrenica-genocide-denial-report-2023/18> (accessed November 18, 2024).

pacts the daily lives of its citizens. The consequences of the conflict continue to shape societal dynamics and individual experiences long after the fighting has ended.

The official policies of the BiH regarding the past are heavily influenced by the complexities of its post-war political landscape, where ethnic divisions remain entrenched. While the Dayton Agreement established a framework for peace and stability, it has often hindered efforts to address the legacies of the 1990s conflict. Official policies around dealing with the past focus on transitional justice, including war crimes trials and promoting national dialogue on reconciliation. However, these efforts have been inconsistent, with political leaders often using the past for ethnic-political gain.

The role of youth in reconciliation is critical, as young people represent the potential to bridge ethnic divides and build a more inclusive future. Programs focused on historical education, inter-ethnic dialogue, and fostering a culture of peace have been implemented, but youth remain divided along ethnic lines, with limited cross-group interaction. Increasing youth involvement in shaping narratives about the past and creating opportunities for shared memory-building is essential for long-term peace and societal cohesion.

Kosovo

The war in Kosovo began in 1998 and officially concluded with the Kumanovo Agreement, signed on June 9 in North Macedonia. The intervention of the North Atlantic Treaty Organization (NATO) in 1999 is commemorated in Kosovo as a pivotal moment that brought freedom to Kosovo Albanians. Following the war, violence persisted, primarily targeting the Serb population in Kosovo. Kosovo declared its independence in 2008, and subsequently, under European Union (EU) facilitation, dialogue with Serbia began to normalize relations, resulting in several key agreements.⁸

The process of dealing with the past is particularly crucial for Kosovo, where the legacy of the 1998-1999 conflict continues to affect societal relations. Efforts to address war crimes and promote reconciliation have been undertaken, including the establishment of the Specialist Chambers to investigate and prosecute alleged war crimes. However, these initiatives often encounter political resistance and societal divisions, making it essential for Kosovo to engage in open dialogue, education, and inclusive policies that foster a shared understanding of its history. Youth in Kosovo is key for building a cohesive society that acknowledges past injustices while promoting democratic values that will be vital for Kosovo's future stability and development.

In 2024, Kosovo adopted its Transitional Justice Strategy 2024-2034, which placed special emphasis on youth and gender sensitivity and exploring gender-based experiences to adequately address gender-based violations.⁹

Montenegro

Montenegro's involvement in the wars of the former Yugoslavia during the 1990s was marked by its alignment with Serbia, contributing to the complex geopolitical landscape of the region. As a part of the Federal Republic of Yugoslavia, Montenegro participated in the conflicts, which included the wars in Bosnia and Croatia, and later the Kosovo War in 1999. The war left a lasting impact on Montenegrin society and interethnic relations, particularly as the country sought to redefine its national identity following independence in 2006. In recent years, Montenegro has made notable strides in establishing democratic institutions, with a commitment to Euro-Atlantic integration and membership in NATO. However, the state of democracy remains fragile, as the country grapples with political polarization, corruption, and challenges to media freedom. The political landscape has been further complicated by the 2020 parliamentary elections, which saw a historic change in government, raising hopes for reform yet revealing deep societal divisions.

⁸ The Government of the Republic of Serbia, Brussels Agreement. First Agreement of Principles Governing the Normalization of Relations, April, 2013, <https://www.srbija.gov.rs/specijal/en/120394> (accessed November 18, 2024).

⁹ Republic of Kosovo Government, Republic of Kosovo Strategy on Transitional Justice 2024-2034, Official Document, June 2024, <https://kryeministri.rks-gov.net/wp-content/uploads/2024/06/STRATEGY-ON-TRANSITIONAL-JUSTICE-IN-REPUBLIC-OF-KOSOVO-2024-2034.pdf> (accessed November 18, 2024).

Continued engagement from civil society and international partners is essential for strengthening democratic practices and promoting a more inclusive political environment in Montenegro.

Montenegro has also made notable strides in addressing the past, especially in relation to the 1990s conflicts and its role within the former Yugoslavia. The government has adopted various transitional justice mechanisms, such as truth commissions and reparations programs, although challenges in fully addressing war crimes and the legacies of ethnic divisions remain. The official policies of the Montenegrin government on dealing with the past emphasize the importance of truth-telling, national healing, and promoting regional cooperation. Youth have been recognized as a key demographic in fostering long-term reconciliation. In recent years, youth initiatives have played a critical role in promoting dialogue, historical education, and peace-building. Despite this, youth engagement in political processes related to reconciliation remains limited, with many young people feeling disconnected from the national conversation on war crimes and historical accountability. Empowering youth in this process through education and active participation in public discourse is essential to overcoming the divides of the past.

North Macedonia

North Macedonia has made significant strides in its democratic development since gaining independence in 1991, yet challenges remain. The country faced a conflict in 2001, when ethnic Albanian groups engaged in armed clashes with government forces, highlighting underlying ethnic tensions. Since then, political reforms have aimed at strengthening democratic institutions and enhancing the rule of law. However, issues such as political polarization, corruption, and challenges to media freedom continue to pose obstacles. The 2017 political crisis, marked by a contentious transfer of power and widespread protests, underscored the fragility of its democratic processes. Despite these challenges, North Macedo-

nia's recent commitment to EU integration and the implementation of the Prespa Agreement – resolving its long-standing name dispute with Greece – signal a determination to advance democratic governance. Continued international support and a focus on civic engagement are crucial for consolidating democracy and fostering a more inclusive political environment in the country.¹⁰

North Macedonia has made significant efforts to address its past, particularly in the context of the 2001 armed conflict and its broader post-Yugoslav transitional period. The country's official policies focus on promoting peace, stability, and coexistence among its diverse ethnic groups, especially through the Ohrid Framework Agreement, which aims to improve inter-ethnic relations. The role of youth in this process is particularly emphasized, with young people being seen as the future of national unity and regional cooperation. The government has supported programs that integrate youth into reconciliation efforts, focusing on the importance of inclusive historical education, inter-ethnic dialogue, and active citizenship. While the youth have increasingly become involved in peace-building activities, their participation in policy-making on dealing with the past remains limited.

Serbia

Serbia has been described by many reputable organizations as a country with a hybrid democracy, marked by a continuous decline in democratic practices. At the national level, transitional justice mechanisms remain largely absent, with justice for past atrocities primarily delivered through international ad hoc tribunals. War crime trials have stagnated, with cases lacking effectiveness, leaving victims and witnesses disillusioned and distrustful of the judicial system.¹¹

Authoritarian tendencies in Serbia continue to grow, bolstered by the nationalist and chauvinistic rhetoric of institutional representatives. Ethnic tensions are consistently fueled by propaganda and

¹⁰ Freedom House, Nations in Transit 2024. North Macedonia, Report, 2024, <https://freedomhouse.org/country/north-macedonia/nations-transit/2024> (accessed November 18, 2024).

¹¹ Humanitarian Law Center, Report on War Crime Trials in Serbia for 2023, Report, 2023, https://www.hlc-rdc.org/wp-content/uploads/2024/05/Godisnji_izvestaj_o_sudjenjima_za_ratne_zlocine_u_Srbiji_tokom_2023.pdf (accessed November 18, 2024).

public displays from extreme groups, further deepening societal divisions. Serbia deems Kosovo's declaration of independence in 2008 as illegal; nonetheless, it formally participates in the process of normalizing relations with Kosovo.

Young activists attempting to address past hostilities and injustices frequently face attacks, both verbal and physical, while the state occasionally bans cultural and commemorative gatherings that challenge the official narrative.¹²

Efforts by local groups to establish an inclusive remembrance culture are often publicly condemned by those in power, labeled as acts against the state. Meanwhile, convicted war criminals are celebrated and politically promoted at state-organized events, glorified as heroes for future generations. The education system reinforces these narratives, offering a one-sided, mono-ethnic version of historical events.¹³

Historical revisionism concerning both the wars of the 1990s and World War II is widespread, with antifascism increasingly discredited. Denial of past atrocities is employed as a political strategy, used to stoke ethnic tensions and foster fear of neighboring countries, all in the pursuit of electoral gains.¹⁴

The persistent absence of policies aimed at strengthening reconciliation efforts, particularly those focused on promoting peace-building among youth, is further exacerbated by the adoption of laws that undermine this process. One such example is the Law on War Memorials (2018), which directly contradicts the goals of reconciliation. However, following the recent elections and the formation of a new government, a Ministry for Reconciliation, Regional Cooperation, and Societal Stability has been established in Serbia. It is still too early to assess the potential impact of this new ministry on the reconciliation process.¹⁵

The 2015-2025 National Youth Strategy highlights issues such as peer violence, aggression from sports fan groups, violence against LGBTQIA+ individuals, abuse in intimate relationships, intolerance toward minorities, and widespread weapon use. It is crucial to assess how young people in Serbia respect human rights, support gender equality, show tolerance, and engage in non-violent communication

Regional Cooperation: Key to Peace and Progress

Analysis of Regional Cooperation

Regional cooperation remains the most vital tool for addressing the challenges faced by the WB6 countries. One of the most significant youth-oriented initiatives supporting the reconciliation process is RYCO, established with the support of the European Union. Through its programs, RYCO empowers thousands of young people and schools to collaborate on reconciliation efforts. All WB6 countries actively participate in this mechanism, providing financial support and engagement. However, strained political relations among these countries often jeopardize RYCO's effectiveness rather than enabling a more supportive environment.

Cooperation among the Western Balkan countries is vital for delivering justice to victims, especially given that nearly 30 years have elapsed since the war in BiH ended. The prosecution of war crimes at the national level often faces delays due to insufficient collaboration among judicial institutions. Trials in absentia represent a troubling legal mechanism that some countries exploit to advance political agendas rather than fostering an environment conducive to fair and efficient trials. Some state archives remain closed and classified as state secrets, which directly hinders the establishment of certain facts regarding the crimes committed.

12 Forum ZFD, "Serbian Government Bans Cultural Festival 'Mirëdita, Dobar Dan!,'" in: forumZFD News, June 28, 2024, <https://www.forumzfd.de/en/serbian-government-bans-cultural-festival-miredita-dobar-dan> (accessed November 18, 2024).

13 YIHR Serbia, Analysis of "The Wars of the 1990s in History Textbooks in Serbia", Analysis, 2023, <https://yih.rs/bhs/analiza-ratovi-devedesetih-u-udzbencima-istorije-u-srbiji/> (accessed November 18, 2024).

14 YIHR Serbia, State of Denial, Serbia 2022 "Time of Silent Pride", Publication, 2023, <https://yih.rs/wp-content/uploads/2023/12/Stanje-poricanja-ENG.pdf> (accessed November 18, 2024).

15 Balkan Insight, "Serbian Law Says Memorials Must Commemorate 'Liberation Wars,'" in: Balkan Insight, June 29, 2018, <https://balkaninsight.com/2018/06/29/serbian-law-says-memorials-must-commemorate-liberation-wars-06-29-2018/> (accessed November 18, 2024).

The Initiative for RECOM serves as a compelling example of the necessity for cooperation among post-Yugoslav countries. This initiative calls for the joint establishment of a commission to uncover historical facts, primarily aimed at creating a comprehensive list of all victims, which is essential for the future of the entire region. The goal is to establish facts that are acceptable to all former warring parties. By the end of 2014, the initiative had garnered support from over 580,000 individuals across the former Yugoslavia, who signed in favor of establishing RECOM. However, the commission has never been established due to the political turmoil and lack of political will.¹⁶

Effective inter-state cooperation is essential for overcoming these challenges and ensuring accountability for past atrocities.

Inflammatory political rhetoric by representatives of institutions spurs tensions across the region and creates new barriers for enhancing cooperation among people and businesses.

The full potential of regional cooperation remains unfulfilled, with political will and a bold vision for a peaceful future serving as essential preconditions. In contrast, economic cooperation among the WB6 has significantly increased over the last decade; however, ongoing disputes between Kosovo and Serbia hinder economic trade, often stalling it for political reasons. This underscores the need for a more constructive approach to diplomacy and collaboration, which could unlock the benefits of both regional stability and economic growth.

The Growth Plan for the WB6 represents a crucial advancement, emphasizing the importance of the rule of law and fundamental democratic principles. The EU Commission has stated that upholding democratic mechanisms, maintaining the rule of

law, and respecting human rights are prerequisites for accessing the anticipated funds. A specific condition applies to Serbia and Kosovo, requiring them to engage constructively in normalizing their relations, including the implementation of all agreements made during the dialogue process.¹⁷

Youth mobility is crucial for fostering ongoing exchanges among young people in the WB6. However, BiH continues to impose visa requirements on citizens of Kosovo, hindering this important flow of interaction.¹⁸

Education remains one of the most important pillars where regional cooperation is needed in order to build generations of young people who are committed to peace. Empowering critical thinking and enhancing youth participation must be a common goal of WB6.

EU Struggling with Lack of Political Willingness in the Region

Analysis of the Cooperation with the EU

The Western Balkans are geographically situated within Europe, bordered by EU member states. It is undeniable that people in the WB region share heritage and history with the European Union, but also challenges and the future. The EU has maintained a strong commitment to the region for many years, dating back to the Thessaloniki European Council in 2003, which emphasized the importance of the Western Balkans as an integral part of the EU's future.¹⁹

For over two decades, the WB6 countries have struggled with the EU enlargement process due to insufficient reforms, bilateral disputes, and a lack of political will. Launched in 2014, the Berlin Process (BP) seeks to strengthen regional cooperation as a pathway to EU integration and enhance stability. A

16 Balkan Insight, Balkan Govts Dodge Signing Truth Commission Declaration, News, July 10, 2018, <https://balkaninsight.com/2018/07/10/west-balkans-states-not-signing-recom-declaration-07-09-2018/> (accessed November 18, 2024).

17 Directorate-General for Neighbourhood and Enlargement Negotiations, "Commission Approves Reform Agendas of Albania, Kosovo, Montenegro, North Macedonia and Serbia, Paving Way for Payments Under the Reform and Growth Facility," in: European Commission, October 23, 2024, https://neighbourhood-enlargement.ec.europa.eu/news/commission-approves-reform-agendas-albania-kosovo-montenegro-north-macedonia-and-serbia-paving-way-2024-10-23_en (accessed November 18, 2024).

18 Milica Stojanovic, "Kosovo to Abolish Visas for Bosnian Citizens from 2025," in: Balkan Insight, October 14, 2024, <https://balkaninsight.com/2024/10/14/kosovo-to-abolish-visas-for-bosnian-citizens-from-2025/> (accessed November 18, 2024).

19 European Commission, EU-Western Balkans Summit Thessaloniki, Press, June 21, 2003, https://ec.europa.eu/commission/presscorner/detail/en/pres_03_163 (accessed November 18, 2024).

core element of the BP is reconciliation, underscored in declarations from the Vienna Summit (2015) to the Berlin Declaration (2022) which stressed the importance of addressing past atrocities to achieve regional stability.²⁰

Initiatives like RYCO and the 2017 Trieste Declaration, which proposed the establishment of a RECOM, exemplify ongoing efforts towards reconciliation. The commitment was further reinforced at the 2018 London Summit, where 14 prime ministers endorsed declarations addressing missing persons and war crimes.²¹

On November 8, 2023, the EU Commission adopted the Growth Plan for the Western Balkans, designed to encourage enlargement partners in their preparations for EU membership by offering some benefits prior to full integration.²² This initiative aims to significantly accelerate the enlargement process and stimulate economic growth in the region. Recently, the EU Commission approved the Reform Agendas of Albania, Kosovo, Montenegro, North Macedonia, and Serbia, following a positive assessment from EU member states. In their ambitious Reform Agendas, these five governments committed to implementing socio-economic and fundamental reforms aimed at fostering growth and aligning with EU standards from 2024 to 2027. This pivotal step enables access to the EU's six billion EUR Reform and Growth Facility, with payments contingent upon the successful completion of agreed-upon reform measures.

Despite these initiatives and frameworks, there remains a significant gap in the effective implementation of reconciliation policies. Governments of the WB6 often struggle to demonstrate measurable progress, and citizens lack transparency regarding governmental commitments and actions in this critical area.

The EU has been actively involved in supporting reconciliation efforts in the Western Balkans through a variety of programs aimed at promoting youth and gender equality as key components of peace-building and social cohesion. These programs, such as Erasmus+, Youth in Action, and the European Instrument for Democracy and Human Rights (EIDHR), focus on empowering young people, particularly women and marginalized groups, to play an active role in reconciliation processes. The EU emphasizes the importance of integrating gender perspectives into peace-building, recognizing that women often bear the brunt of social, psychological and economic impacts of conflicts. Thus, their involvement is essential to sustainable peace. Gender-sensitive approaches are incorporated into EU-funded initiatives that aim to create platforms for dialogue, raise awareness about the legacies of conflict, and promote inclusive historical narratives.

The EU's approach to dealing with the past in the Western Balkans has faced significant criticism for its perceived lack of consistency, depth, and urgency. While the EU has supported transitional justice mechanisms, including war crimes trials and truth commissions, critics argue that it has not sufficiently addressed the root causes of conflict or the lasting societal divisions in the region. The EU's emphasis on stabilization and democratization often overshadows the need for comprehensive reconciliation, particularly with regard to the painful legacies of ethnic conflicts in countries like BiH, Kosovo, and Serbia. Furthermore, the EU's approach over the last decade has been focusing heavily on technical reforms and neglecting the social and cultural dimensions of reconciliation, such as promoting mutual understanding, inclusive historical education, and inter-ethnic dialogue.

Additionally, the EU's inconsistent support for victims of war crimes, particularly in relation to mar-

20 Directorate-General for Neighborhood and Enlargement Negotiations, "Western Balkan Summit in Vienna: A Further Step Towards Regional Cooperation and EU-Integration," in: European Commission, 2015, https://neighbourhood-enlargement.ec.europa.eu/news/western-balkan-summit-vienna-further-step-towards-regional-cooperation-and-eu-integration-2015-08-20_en (accessed November 18, 2024); RYCOWBORG, Berlin Declaration of the WB Youth Forum 2022: The Youth Calls for Democracy, Peace, and Sustainability, August 18, 2023, <https://www.rycowb.org/berlin-declaration-of-the-wb-youth-forum-2022-the-youth-calls-for-democracy-peace-and-sustainability/> (accessed November 18, 2024).

21 Berlin Process Summit, The Berlin Process – 2018, 2018, <https://www.berlinprocess.de/en/the-berlin-process-2018> (accessed November 18, 2024).

22 Directorate-General for Neighborhood and Enlargement Negotiations, 2023 Communication New Growth Plan for the Western Balkans, European Commission, November 7, 2023, https://neighbourhood-enlargement.ec.europa.eu/2023-communication-new-growth-plan-western-balkans_en (accessed November 18, 2024).

ginalized groups such as women and ethnic minorities, has been a source of frustration. This has led to a situation where youth, women, and civil society groups remain underrepresented in reconciliation processes, and the healing of the region's deep-rooted divisions remains a distant goal.

Conclusion and Recommendations

The United Nations Security Council Resolution on Youth, Peace and Security identifies five key pillars for action: participation, protection, prevention, partnerships, as well as disengagement and reintegration.²³ They urge member states to give young people a greater voice in decision-making at the local, national, regional, and international levels and to consider setting up mechanisms that would enable young people to participate meaningfully in peace processes.

In Europe, the importance of education in post-conflict societies for strengthening democracy is largely recognized and must be a priority for the WB6.

Governments Western Balkans (National Level)

- **Refrain from instigating smear campaigns:** The representatives of the governments of the WB6 must refrain from instigating smear campaigns and hate speech against young activists advocating for justice and coming to terms with the violent past and totalitarianism.
- **Enhance protection mechanisms:** The governments of the WB6 should enhance protection mechanisms of youth activists who are being subjected to online and offline attacks.
- **Take greater ownership:** The countries of the WB6 should take greater ownership of reconciliation initiatives by jointly enabling bilateral or multilateral state-sponsored initiatives/programs that increase youth mobility and facilitate exchanges focused on learning about the past.
- **Create an inclusive culture of remembrance:** All relevant institutions in the WB6 should contribute to an inclusive culture of remembrance by refraining from the misuse of commemorations

for political and nationalist purposes. This is reflected in the accompanying rhetoric at commemorative events, which often deepens existing conflicts and divisions and which is aimed exclusively at “enemies,” as well as through state commemoration of only those events battles, fallen fighters, and victims of “heroes.”

- **Enabling public spaces free of hate speech:** Ministries of information and media in the WB6 countries should work more toward enabling public spaces free from hate speech and hateful warmongering messages.
- **Empower critical thinking:** The government should work to establish links between the ministries of education in the WB6 region to assess the educational curricula, enable teacher exchanges, and empower critical thinking.
- **Recognize civil victims of war:** All WB6 countries should improve legal frameworks in order to enable recognition of the civil victims of wars and totalitarianism and reparations for the victims.
- **Shed light on marginalized victims:** Ministries of human rights in WB6 countries should insist on shedding light on marginalized victims such as Roma people who are rarely addressed.

Civil Society Western Balkans (National Level)

- **Enhance transfer of knowledge:** Civil society organizations (CSOs) should enhance transfer and exchange of knowledge from other post-conflict societies.
- **Support activists:** CSOs should support young activists by creating programs that boost their resilience, knowledge, and skills.
- **Enhance protection mechanisms:** CSOs should shed light on the importance of mental health among youth and provide youth activists with adequate support.
- **Advocate for a culture of remembrance:** CSOs should advocate for a more inclusive culture of remembrance.
- **Establish an activist fund:** CSOs should establish funds for legal support to activists.

23 United Nations, UN Security Council Resolution 2250 on Youth, Peace and Security, 2015, Resolution, <https://press.un.org/en/2015/sc12149.doc.htm> (accessed November 18, 2024).

- **Create safe spaces:** CSOs should create more safe spaces.

Regional Level

- **Enhance regional cooperation:** The governments of the WB and CSOs should enhance regional cooperation on establishing facts about the atrocities from the past.
- **Foster exchange of cooperation:** The governments of the WB should enhance the exchange of information on their search for missing persons.
- **Advocate for new regional initiatives:** CSOs should advocate for new regional initiatives (using RYCO as a positive example) that would empower critical thinking among youth and increase their ability to recognize propaganda, disinformation, and fake news.
- **Improve effectiveness of war crimes trials:** The governments of the WB should improve the effectiveness of war crimes trials and strengthen the guarantees of non-recurrence.

EU

- **Improve monitoring for peacebuilding commitments:** The EU should improve its monitoring of how the governments of the WB countries are dealing with the past and are upholding their commitments to peacebuilding and dedication towards building good neighborly relations.
- **Utilize the BP process:** The EU should use BP as a platform to support new regional initiatives that would foster peace and promote critical thinking among WB6 youth.
- **Monitor the rule of law:** The EU should closely monitor the rule of law and other fundamental preconditions for obtaining funds envisioned in the Growth Plan.
- **Increase support for peacebuilding:** The EU should increase support dedicated to peacebuilding, reconciliation, and dealing with the past.
- **Support exchange:** The EU should support exchange between the WB6 and other EU post conflict countries and stimulate mutual learning by sharing successful practices.

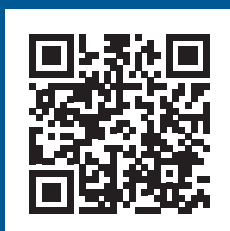
List of Abbreviations

BDB Consulting	Bojana Dujković-Blagojević Consulting	MOC	Montenegrin Orthodox Church
BP	Berlin Process	MP	Member of Parliament
BiH	Bosnia and Herzegovina	NATO	North Atlantic Treaty Organization
BIRN	Balkan Investigative Reporting Network	netPOL	Network for Political Communication
CDRSEE	Center for Democracy and Reconciliation in Southeast Europe	NGO	Non-Governmental Organization
CEFTA	Central European Free Trade Agreement	OECD	Organization for Economic Co-operation and Development
Centropa	The Central Europe Center for Research and Documentation	OFA	Ohrid Framework Agreement
CSO	Civil Society Organization	OHR	Office of the High Representative
GNRs	Guarantees of Non-recurrence	OKC Abrašević	Omladinski kulturni centar Abrašević
WB EDIF	Western Balkans Enterprise Development & Innovation Facility	OSCE	Organization for Security and Co-operation in Europe
DUI	Democratic Union for Integration	PD	Democratic Party of Albania
EIDHR	European Instrument for Democracy and Human Rights	PIC	Peace Implementation Council
EuroClio	European Association of History Educators	PISA	Programme for International Student Assessment
EuroClio HIP BiH	European Association of History Educators, History Teachers' Association in Bosnia and Herzegovina	PS	Socialist Party of Albania
forumZFD	Forum Ziviler Friedensdienst	REM	Regulatory Body for Electronic Media
ICMP	International Commission on Missing Persons	RYCO	Regional Youth Cooperation Office
ICTY	International Criminal Tribunal for the former Yugoslavia	SAP	Stabilization and Association Process
INGO	International Non-Governmental Organization	SEECF	South-Eastern European Cooperation Process
IPA	Instrument for Pre-accession Assistance	SOC	Serbian Orthodox Church
JHP	Joint History Project	UN	United Nations
KLA	Kosovo Liberation Army	UNDP	United Nations Development Programme
LGBTQIA+	Lesbian, Gay, Bisexual, Transgender, Queer, Intersexual and Asexual Many other terms (such as non-binary and pan-sexual) that people use to describe their experiences of their gender, sexuality and physiological sex characteristics (https://www.latrobe.edu.au/students/support/wellbeing/resource-hub/lgbtqiqa/what-lgbtqiqa-means)	UNESCO	United Nations Educational, Scientific and Cultural Organization
LSE	London School of Economics and Political Science	UNICEF	United Nations International Children's Emergency Fund
		WB	Western Balkans
		WBCJ	Western Balkans Criminal Justice
		WB6	Western Balkan Six
		YIHR	Youth Initiative for Human Rights

About the Aspen Institute Germany

The Aspen Institute Germany is an independent, non-partisan organization that promotes values-based leadership, constructive dialogue between conflicting parties, and transatlantic cooperation to strengthen a free and open society. Founded in 1974 in Berlin, the Institute has been bringing together decision-makers and experts from politics, business, academia, media, culture, and civil society for 50 years to address the challenges of our time.

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