

Briefing

Political Trends & Dynamics

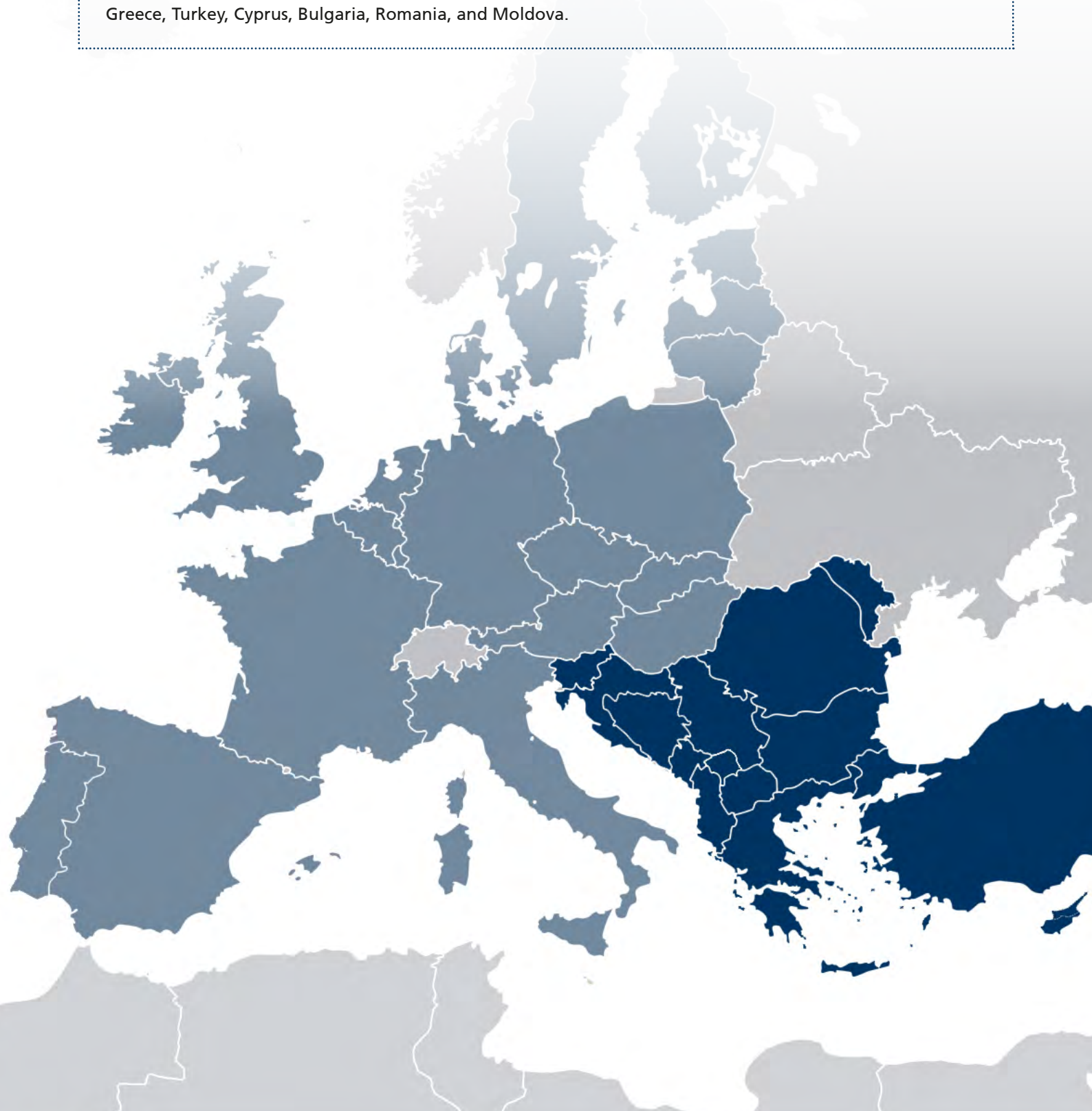
Beyond Reconciliation in Southeastern Europe

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Political Trends & Dynamics in Southeast Europe

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Peace and stability initiatives represent a decades-long cornerstone of the Friedrich-Ebert-Stiftung's work in southeastern Europe. Recent events have only reaffirmed the centrality of Southeast European stability within the broader continental security paradigm. Both democratization and socio-economic justice are intrinsic aspects of a larger progressive peace policy in the region, but so too are consistent threat assessments and efforts to prevent conflict before it erupts. Dialogue SOE aims to broaden the discourse on peace and stability in southeastern Europe and to counter the securitization of prevalent narratives by providing regular analysis that involves a comprehensive understanding of human security, including structural sources of conflict. The briefings cover fourteen countries in southeastern Europe: the seven post-Yugoslav countries and Albania, Greece, Turkey, Cyprus, Bulgaria, Romania, and Moldova.



Editorial

Jasmin Mujanović & Alida Vračić

Almost three decades ago, at a time when the rest of Europe was revelling in the peaceful conclusion of the Cold War, the former Yugoslavia imploded into a frenzy of internecine warfare and the consequences still weigh on the region. Yet while the war was still raging, on 25 May 1993, the UN Security Council established the International Criminal Tribunal for the Former Yugoslavia (ICTY) with an authority to prosecute and try individuals on four categories of offences: grave breaches of the 1949 Geneva Conventions, violations of the laws or customs of war, genocide and crimes against humanity in (the now former) Yugoslavia. Although the process to deal with and determine the scope of the horror that engulfed the country began relatively early on, many would argue it has been slow to produce results. The ICTY was the first such international court established since the Nuremberg and Tokyo Trials. Others have since followed, but none with the scope and breadth of the ICTY. Today, more than twenty years since the court was first established and its first verdicts handed out (in 1996), the Tribunal has delivered its final decisions. One key question is whether the ICTY has delivered a meaningful contribution to the Western Balkans' substantive reconciliation efforts.

Doubtlessly, the court has contributed massively to establishing a coherent and informed legal and historical record of the conflicts that tore the region apart in the 1990s. Yet, at the political level, its verdicts have been mired in controversy and, at least in Serbia, widely rejected as illegitimate and anti-Serb. Most recently, softer but similar refrains have been heard from nationalist politicians in Croatia, and to a lesser extent from Bosnia and Kosovo, at times when the court has ruled against "their" indictees. Popular perceptions of the court's validity and the merits of its findings likewise follow familiar political and social cleavages.

Still, as scholars of genocide and atrocities have observed, some of the court's decisions have been problematic. The largely arbitrary refusal to extend the "genocide" label to the entirety of the Milosevic regime's activities in Bosnia, beyond the events in Srebrenica, for instance, or, indeed, the contradictory decisions concerning Belgrade's role in the wars in Bosnia and Croatia as a whole. The Gotovina and Perisic acquittals have also raised questions about the court's decision-making, and their findings in these regards stand largely at odds with the scholarly consensus on the guilt of these individuals, and the broader political projects they aimed to realize.

At the same time, the mainstream narratives of the political elites in the region are still deeply grounded by the early nineties and until now, the conversations about the past have been greatly controlled and often misused by them. To come to terms with a past is never easy. Responses by the leadership in Serbia and Croatia to ICTY indictments (including the Croatian Prime Minister's statement of support for six Bosnian Croat indictees after the stunning in-court suicide of indicted war criminal Slobodan Praljak) have underlined the apparent lack of commitment both to transitional justice processes and any reconciliation it could garner.

Understanding the complexity of the task, civil society organizations spread an impressive network of the activities aimed at transitional justice that embedded hard facts and open talks and in many instances have been more successful than the political elites. The Regional Commission for the Establishment of the Facts about the War Crimes and other Violations of Human Rights Committed in the Territory of the Former Yugoslavia, or RECOM, has been massively influential in bringing together civil society with the common goal of reconciliation. A recent RECOM policy brief¹, "Reconciliation through the Berlin Process: the Role of RECOM," argues that reconciliation should be embedded as a precondition of the Berlin Process, as it is crucial to the security, cooperation, and economic agenda of the Process as well as of greater Euro-Atlantic integration.

1 <http://wb6.info/documents/reconciliation-berlin-process-role-recom/>

How reconciliation will continue to be sought after the official end of transitional justice processes at The Hague remains to be seen. One of the crucial questions now, especially with regard to the region's future, is how the legacy of the court and its decisions can be used to help facilitate the ongoing process of reconciliation in the former Yugoslavia, and what effect it's had to date. The contributions in this edition shed light on this concern, especially with regard to the ongoing contest over the ICTY's role in the collective memory and political discourse of the Western Balkans. Clearly, while the court's doors have now closed, its impact will continue to be widely felt.

Serbia, the ICTY, and Reconciliation: Welcome to the Era of Quiet Pride

Refik Hodžić

Serbian Prime Minister Ana Brnabić caused a furious storm in a teacup when, in advance of her recent meeting with the ICTY President Carmelo Agius, she stated, "The tribunal has not contributed to reconciliation in the region, but instead it has contributed to the straining of relations." [T1] She fortified this statement with some recycled phrases about the ICTY's bias as resulting in Serbia "faring the worst at the ICTY."

The anger and disappointment by a good number of activists from Serbia and the region directed at Ms. Brnabić comes probably from the sense of betrayal of her image as a progressive liberal. But her statement was nothing unusual for a Serbian Prime Minister. Not only does her rhetoric essentially parrot the line used by successive Serbian governments since the end of the war, the actions of her government are far more worrying that the point attacked by activists – that the Tribunal did not contribute to the reconciliation process in the region. This is in fact true.

The Tribunal did not contribute to a reconciliation process in former Yugoslavia not because the Tribunal was "biased", as Ms. Brnabić and her predecessors claimed, but simply because such a process never existed. The Serbian PM's subsequent boilerplate phrasing that "Serbia is committed to reconciliation in the region" is nothing but a blatant lie. Plain and simple, what the Serbian government is doing is eons removed from reconciliation. Instead, its actions are far closer to legitimization of policies that have employed crimes against humanity and genocide in the pursuit of political goals and the conquering of territory. By saying this, I do not intend to absolve political leadership of Croatia or Bosnia and Herzegovina of responsibility for pursuing similar agendas with different degrees of fervour, but there is little doubt that Serbia leads the way on this front.

To explain my assertion, let me first unpack the meaning of the concept of reconciliation in a transitional justice context such as former Yugoslavia. To make it easier for those who will judge my arguments through the lens of my name, let me say that I do so from a perspective of a Bosnian from Prijedor who lives with the daily realities of the Serbia's approach to reconciliation. I claim no "objectivity" in the matter.

What Reconciliation?

Let's start at the beginning. In order to make genocide in Srebrenica thinkable; to make the murder of 102 children in Prijedor an acceptable element of asserting control over the municipality, to weaponize mass rape in the effort of clearing the Drina valley of its Bosniak population in pursuit of a strategic goal of erasing border between Serbia and RS, to raise the scale of the extermination of non-Serbs from more than 40 municipalities in BiH to hundreds of thousands of killed, imprisoned, deported and plundered, and, most importantly, to normalize such a widespread campaign of violence as something acceptable and necessary for the "freedom" of Bosnian Serbs, the bonds that underpinned the coexistence of different ethnic groups in BiH had to be destroyed.

The common understanding of belonging to one community of citizens was indeed obliterated in the name of the ethnic cause through relentless dehumanization. Such dehumanization targeting Bosniaks, for example, was perpetrated in the public sphere¹ and portrayed neighbours, workmates, best friends, as "an ancient enemy of Serb people" and traitors to the "ancestral faith." In this propaganda effort², which laid the ground for the subsequent campaign of extermination from territories claimed for the new Serb state west of Drina, in the eyes of the majority of Serbs Bosniaks were reduced to vermin, a

1 <http://www.cjc-online.ca/index.php/journal/article/view/934/840>

2 <http://www.icty.org/x/cases/brdanin/tjug/en/brd-tj040901e.pdf>

problem that needed to be resolved. Once such dehumanization cemented³, those who committed the most heinous crimes, like the murder of children in Prijedor, could not be seen as criminals. Instead, they were regarded as martyrs doing the dirtiest of jobs imaginable for the good of the nation. These were not monsters, but heroes, who outside this titanic struggle for the national cause would not hurt a fly.⁴ They were personifications of the new reality in which the relationships between Serbs and Bosniaks were destroyed and the notion of a community was redefined to exclude anyone outside your ethnic group.

“In the aftermath of such massive violence,” writes Paul Seils in his recent paper⁵ on reconciliation in transitional justice contexts, “victims struggle to coexist with perpetrators or to trust the state. Reconciliation – a process of building or repairing these relationships – is seen as both an aim and a contribution of transitional justice in such societies.” While insisting on the decisive role of each specific context in shaping the process or reconciliation, Seils identifies four types: individual, interpersonal, institutional and socio-political – that which focuses on relations between groups – social, political, ethnic, religious, or other – in divided societies. Although there is ample material to examine the rise and fall of hopes for different types of reconciliation processes in the former Yugoslavia, it is the socio-political reconciliation that is of most relevance to this brief test of Serbian government’s commitment to reconciliation, considering the nature of the conflict and the post-conflict dynamics.

What could commitment to socio-political reconciliation look like in the context of Serbia’s relationship with its neighbours – including Bosnians, and, more specifically, Bosniaks? The key notion in the above definition is that of acknowledgment. If Serbia was indeed committed to reconciliation in the region, as PM Brnabić claims, it would clearly demonstrate its readiness to acknowledge crimes committed by its institutions and those they supported. Such acknowledgement would not be merely reduced to caricature apologies or appearances in Srebrenica (that can do more harm than good whether they are disingenuous like Boris Tadić’s conditional apology or Aleksandar Vučić’s circus in Potočari). Instead, it would take place in key arenas like the Serbian public media, where the shift from denial to acknowledgment must happen, considering the destructive role of mainstream Serbian media in the process of dehumanization of non-Serbs. If the commitment to acknowledgment was genuine, the government would address the continuing revisionism and hate-mongering that permeates Serbia’s education system. Lastly, a telling sign of the commitment to reconciliation would be manifested in the support for memorialization of and reparations for victims of these crimes. I am still deeply convinced that this is not only a moral imperative for Serbia, but also a matter of political pragmatism⁶, and would surely trigger a positive response and an increased support for reconciliation among Bosnians.

What Role for the ICTY?

What would be the role of the ICTY in such a process? At a minimum, the Tribunal could contribute the mountains of evidence gathered to date and countless facts about crimes committed by Serbian institutions and its proxies that have been established in the Hague courtrooms beyond a reasonable doubt. It is this contribution that ICTY’s last president, Carmel Agius spoke about recently⁷ when he said: “We are closing the door, but we are giving you a large collection of determined facts. We are giving you the truth about what happened. We are not offering reconciliation, because it has not been the mandate of this court to do it.” This is indeed a departure from the vision of the Tribunal’s first president, Antonio Cassese, who believed⁸ that the ICTY would be a vehicle of a lasting peace and reconciliation because it would determine the guilt of individuals and thus prevent the apportioning of collective responsibility to entire groups.

3 <http://www.icty.org/x/cases/stakic/tjug/en/stak-tj030731e.pdf>

4 For a more articulate presentation of this phenomenon, see Slavenka Drakulić’s book of the same name.

5 <https://www.ictj.org/publication/reconciliation-transitional-justice>

6 <https://www.ictj.org/news/karadzic-bosnia-herzegovina-criminal-justice>

7 <http://www.balkaninsight.com/en/article/hague-tribunal-president-we-offered-truth-not-reconciliation--06-21-2017>

8 http://www.icty.org/x/file/About/Reports%20and%20Publications/AnnualReports/annual_report_1994_en.pdf

However, the late Professor Cassese could not have foreseen that in more than two decades after the war there would be no political will in Serbia to fully break with the ideology which employed genocide as a strategic tool. Except for that brief period of Đinđić's rule and the immediate aftermath of his death, the political commitment has never been to reconciliation but to the narrative personified in perpetrators indicted by the ICTY.

This commitment has materialized in various forms, from the active involvement of Serbian institutions in hiding and shielding of fugitives, to the institutional support to indictees once they were brought before ICTY judges, to the obstruction of justice in cases of those who interfered with witnesses, to now full rehabilitation of those convicted of most serious crimes against humanity.

Some will claim that the reason for the tight grip maintained over its institution by the former and current iterations of its State Intelligence. Some will see that there is a clear ideological commitment to various interpretations of the "Greater Serbia" project connecting its post-war leaders from Milošević, to Koštunica, to Nikolić and now Vučić. Be that as it may, the fact is that Serbia has never accepted Tribunal-offered individualization of responsibility for crimes its officials committed during the wars it led against its neighbours. Instead it sought ways to minimize these crimes, then deny and justify them, and ultimately to legitimize them. It has always been about the battle for dominance of narratives about the past, the battle for legitimization of political projects of which the war criminals were mere implementers on the ground.

It's the Narrative, Stupid

Hence the relentless effort of subsequent Serbian governments at undermining the ICTY's work on amassing evidence and establishing facts about the crimes. The epistemological shift in which facts will not matter had to be maintained, and for this, the source of facts about the systemic crimes of Serbian institutions had to be delegitimized.

It did not matter that the procedure at the ICTY is painfully exhaustive precisely to make sure that the rights of the accused are protected beyond any measure afforded by a national court, and far outweigh the rights of the victims. It did not matter that proceedings were as transparent as any anywhere in the world. It did not matter that there has never been a shred of evidence to support the idea that ICTY was biased against any ethnic group. What mattered is to ensure that by framing the ICTY as anti-Serb because of the number of ethnic Serb indictees (which can be explained very simply: Serbs fought all their neighbours in Croatia, Bosnia and Herzegovina and Kosovo, and even if the crimes committed were not of the systematic nature – which they were – the laws of proportionality state they will be the most numerous groups represented in the dock. At the same time, Serbian authorities refused for years to cooperate with the ICTY in cases where Serbs were victims, thus sabotaging a series of investigations that could have resulted in members of other ethnic groups being indicted.

The consequences of the epistemic breach Serbia suffered in the late 80s and early 90s, which resulted in the tectonic shift away from institutions and facts towards messiahs and myths, permeate its politics and attitudes towards neighbours to this date. The ICTY has long offered hope that the way back was possible. But the reality of Serbia under Aleksandar Vučić and Ana Brnabić testify to the opposite.

Despite Brnabić' proclamations, Serbia is demonstrating that it is all but done with war crimes trials⁹ of Serb perpetrators. The fact is that its judiciary was never prepared to conduct cases which would lead up the chain of command to reveal the degree of participation of Serbian institutions in crimes. That is how we ended up with cases like the "Scorpions" – a regular unit of the Serbian State Intelligence – which in the indictment of Serbian War Crimes Prosecutor looked like an NGO that crossed the Drina River to commit crimes without the knowledge or involvement of any law enforcement agency in the country. But even if flawed, at least there were some cases. Today, under Brnabić, things are far worse.

9 <http://www.balkaninsight.com/en/article/report-highlights-serbia-s-shortcomings-in-prosecuting-war-crimes-05-18-2017>

War crimes trials are simply collapsing, and the tentacles of “guardians of the narrative” have penetrated as far as some key institutions tasked with areas crucial to war crimes prosecutions including witness protection.¹⁰

At the same time, Brnabić’s government is demonstrating its commitment to reconciliation by proclaiming that the “time of shame is over and the era of quiet pride has begun.” This painfully honest statement by the Minister of Defence¹¹ Aleksandar Vulin has marked the declaration of victory in the war of narratives. “We were told for too long to be ashamed of our war heroes [convicted of war crimes],” thundered Vulin at the recent celebration of the Day of the 3rd Army, “but not any longer.” His words were followed swiftly by concrete action. General Vladimir Lazarević, convicted of crimes against humanity for atrocities his forces committed against Kosovo Albanians, was swiftly appointed to teach at Serbia’s top military academy. Asked to comment on this, PM Brnabić tersely retorted that this could be seen as a mere drop of water in a sea of abominations committed by others in the region.

This case best illustrated how idealistic professor Cassese was when he hoped that individualization of guilt will help reconciliation. What Lazarević’s appointment was meant to relate was precisely the opposite – yes, he did commit these crimes, but he did not do so in his own name, he was a soldier who acted in the service of a greater cause, a cause that justifies any crime.

The devil always hides in the detail. No exception here. The second part of the original statement by Ms. Brnabić about ICTY not contributing to reconciliation said that “Serbia fared the worst at the ICTY.” If one needed the proof that the current Serbian government is not in fact committed to reconciliation – and that this has nothing to do with the ICTY but with the continued attachment to the political idea which employed genocide as a tool – one should look no further than this seemingly vacuous phrase. It implies that the majority of those indicted by the ICTY come from Serbia and that is why Serbia fared the worst.

This, in fact, is not true. The vast majority of ICTY indictees come from Bosnia and Herzegovina, as the majority of crimes were committed there. Among them, the majority of perpetrators come from one of BiH’s entities – Republika Srpska, as the vast majority of civilian victims were killed on its territory. The problem is that Ms. Brnabić, just as many in her position before her, while firmly committed to expelling the ICTY to irrelevance and ushering the new era of “quiet pride,” continues to see this territory as part of Serbia, as the spoils of war for the national cause.

10 <http://www.hlc-rdc.org/wp-content/uploads/2016/07/2016-Progress-Report-Humanitarian-Law-Center-Contribution-web.pdf>

11 <https://www.yahoo.com/news/serbias-defense-minister-praises-convicted-war-criminal-182024908.html>

View from Academia: The Politics of Silence and Denial

Nenad Dimitrijević

1. Dilemmas and Strategies

After a prolonged period of systemic mass atrocities, a new proto-democratic political regime is confronted with the question of the right attitude to the past. Dilemmas that are brought up by this question span legal, practical-political and moral considerations. An empirical overview of transitions from criminal regimes reveals different strategies of mastering the past. Answers are sought between the poles of the policy of oblivion and the policy of an open and multidimensional confrontation with the crime.

In the following, I will explore two political strategies that try to minimize the relevance of criminal legacies in the transitional period. The first one comprises a family of practical political approaches that accept the fact of crime, only to proceed with the claim that transitional justice should be avoided: books should be closed, and society should focus on a forward-looking democratic transition. This strategy is explained and justified by referring to the complexity of the post-criminal context. I will identify four arguments of this approach: vulnerability of democracy, protection of the core of collective identity, unjust imposition of collective guilt, and unmasterable burden. The second strategy simply refuses to acknowledge the past events as wrong. It provides an ex-post facto justification of the old regime, its actions, and the prevailing popular attitudes. The text concludes with a short critical overview: it explicates the claim that the offered strategies are wrong.

2. Politics of Silence

Vulnerability of Democracy

This approach departs from an empirical insight: a new regime is confronted with multiple problems that burden the transitional process with new and often mutually contradictory political, economic, and cultural imperatives. This is followed by a statement that claims both analytical and normative validity: in a transitional context, the demand to deal systematically with the legacies of crime would only divert attention from pivotal issues of transformation. We would be stuck with the painful questions to which there is no conclusive answer. This would further deepen already thorny social, political, ideological divisions. In short, separate dealing with the consequences of the past should be avoided as a practice that is dangerous for a new democracy. Overcoming the old divisions can be achieved only by putting faith in democratic mechanisms. By practicing democracy, we achieve two principal past-related goals. First, democratic institutions and practices effectively dismantle the structural legacies of the past. Second, the practice of democracy promotes new values (equality, inclusion, respect, tolerance), which make the old ideology and system of values obsolete. Spain (1977) exemplifies the consensual decision not to address past wrongs. Closure in Uruguay was achieved after five years (1984–1989) of bitter disputes between supporters of criminal trials and supporters of amnesty – the issue was resolved in favour of amnesty, through the 1989 referendum.¹

Protection of the Collective Identity

This argument says that, instead of looking into what was bad in our recent past, we need to reach out to what has always been good in our history. Only silence makes it possible to re-construct a fundamental continuity with the better past and its genuine traditions and values. The re-appropriation of this

¹ N. Dimitrijević, "Accountability Mechanisms", in L. Stan and N. Nedelsky (eds.), *Encyclopedia of Transitional Justice*, Vol. 1 (Cambridge, MA.: Cambridge University Press, 2013), 8.

better past is in turn capable of integrating our political and group loyalties with democratic patterns. This process of restoration assumes the tacit agreement to exclude the recent disturbing sequence from the national culture. The argument was raised in the famous German *Historikertreit*, in the mid-1980s. Jürgen Habermas insisted that German culture and politics after WWII ought to depart from the legacy of Auschwitz, as the symbolic formative point of the German democratic identity. His critics (most notably Michael Stürmer) argued that Habermas' insistence on reflection imposes an artificial cultural project that can only be realized at a high social and political cost.²

Injustice

The claim of injustice argues that dealing with the past requires people to confront past wrongs not because they themselves committed them, but because they belong to the involuntary group in whose name the crime was committed. Inflicting this duty on the whole society and all its members leads to imposing a sense of collective guilt. Consequences are likely to be devastating: the people who are expected to interiorize new democratic values are made hostages of the detrimental past, burdened with the mark of guilty subjects. The argument was used in Serbia in 2002, in polemics between the weekly *Vreme* and lawyer Srđa Popović. The journalists of *Vreme* argued that "readiness to accuse a whole nation for crime amounts to a totalitarian thinking".³ The same reasoning was also used by the German chancellor Konrad Adenauer in his attack on the policy of denazification.⁴

Unmasterable Burden

The position advanced here claims to rely on social psychology: yearning for normalcy is one of the most powerful human inclinations. If, after traumatic events of the recent past, people were required to internalize the knowledge and explicate their feelings towards the criminal past, they would likely crash under the pressure of disturbing memories. After the atrocities people are simply "not ready" to face the facts. If confronted with external pressure to deal with the past, their most usual reaction would be defensive self-victimization. This would further damage their ability to achieve individual autonomy and, consequently, to become citizens capable of meeting the requirements of democratic transition. In Germany, this argument was advanced both from the right (Hermann Lübke) and left (Antonia Grunenberg).⁵ In Serbia, it was used in the mentioned 2002 dispute: "Losses and wounds are still fresh and the need for the defense of human dignity makes it impossible for the majority to face the facts (...) People and the whole society need time and space to breathe, to start a normal life (...) Only afterwards it will be possible to face the facts."⁶

3. "We did Nothing Wrong": Politics of Denial

This is the strategy of denial of past wrongs, based on the normative and institutional continuity with old regime and its ideology. In Serbia, it unfolded through the calls for a defence of national identity and dignity, minimization or complete denial of the war crimes committed by the old regime, insisting on the balance of "our possible responsibility for war;" and "responsibility of the other side", and a further affirmation of the old stereotype about the Serbian nation as a victim. The normative stance behind the victorious practical-political attitude to the recent past in Serbia is the

² E. Piper (ed.), *Forever in the Shadow of Hitler? Original Documents of the Historikertreit* (New Jersey: Humanities Press, 1994), 16.

³ O. Milosavljević (ur.), *Tačka razlaza* (Beograd: Helsinški odbor za ljudska prava u Srbiji, 2003), 21–22.

⁴ "Erste Regierungserklärung von Bundeskanzler Adenauer," 20. September 1949, Konrad-Adenauer-Stiftung. Available at http://www.kas.de/publikationen/2001/820_dokument.html

⁵ Hermann Lübke, *Ich entschuldige mich. Das neue politische Bußritual* (Berlin: Siedler, 2001), 41–42; Antonia Grunenberg, *Die Lust an der Schuld. Von der Macht der Vergangenheit über die Gegenwart* (Berlin: Rowohlt, 2001), 111–119.

⁶ Milosavljević (ur.), op. cit., 60–61.

assumption that Serbs did not commit crimes: even if their actions caused harm and suffering, they are politically and morally justifiable. A look at Serbia today shows that political, social and cultural dynamics in this country have been decisively shaped by the political and cultural denial of the facts of crime.⁷

4. A Critique

The political strategy of silence is wrong on at least three important counts. First, its argument of the vulnerability of democracy offers an essentially idealistic comprehension of the relationship between the past, the present, and the future. Analytically, the recent atrocities form legacies that influence the way we live today. The character and magnitude of those legacies are such that they cannot be wilfully erased from collective memory, nor disassociated from the present. In a normative perspective, collective crimes ought not to be forgotten. The fact that it was possible for such things to happen outlines the range of necessary paths of dealing with the past. We have to reflect on past atrocities, and we have to condemn them. This is not a moralistic stance that would depart from a metaphysical perspective of an abstract moral truth, to end up with posing unmasterable demands on ordinary people. Rather, this is the minimum requirement of practical morality – without meeting it, a post-criminal society will remain caught in the past.

Second, the politics of silence does injustice to victims and their communities. There is something deeply troubling and wrong in an indifference to the recent sinister past on part of those individuals who share their group and communal identities with perpetrators of mass crimes. To argue that such a past does not matter, comes down to arguing that suffering of victims does not matter either.

Third, this strategy exculpates individuals who should not be exculpated. The regime change cannot possibly turn those who until yesterday voluntarily supported killing into decent persons. After the change, most bystanders remain caught in the same malady that defined them during the crime: call it a lost sense of justice.

These and related problems question the viability of silence. Democratic transition is shaped by the continuity between the discredited past, post-regime change condition, and the preferred democratic future. After the breakdown of a criminal regime, the new elites should start exercising their powers in a manner of a careful reflection on the condition created by recent wrongs. Our preference for creating a decent society cannot be achieved by looking forward only. In order to be able to conceptualize a democratic future, our practical-political strategies must depart from a critical normative appropriation of the past.

As regards the politics of denial, the Serbian case demonstrates its gloomy effects. Society is deeply divided in consequence of the war, atrocities, and the political and cultural misuse of their perception. The wall of silence and denial built around the recent past only maintains the political and cultural condition in which there are too many people who are either incapable or not ready to distinguish between right and wrong. The line between truth and lies about the past is unclear, and lies are thus easily translated into a manipulative political discourse. Instead of recognizing the true victims of the crimes, Serbia has preserved the old narrative of self-victimization, which continues to serve as a repository of the right-wing political options, from the Serbian version of liberal nationalism to the Serbian version of street fascism.

⁷ Examples range from the official political attitudes, “scientific arguments”, to dominant popular perceptions. See e.g. Deklaracija o pomirenju DS i SPS, “*Politika Daily*, October 21, 2008, available at <http://www.politika.rs/scd/clanak/59971/>; Diane Orentlicher, *Shrinking the Space for Denial: The Impact of the ICTY in Serbia* (Belgrade: Center for Transitional Processes, 2008), 37; Aleksandar Pavić, “Was the “Srebrenica Genocide” a Hoax?”, available at <http://www.wnd.com/2007/05/41373/>

The background of the entire page is a blue-tinted photograph. It shows a concrete wall with a dove in flight in the upper left and a large, stylized peace symbol graffiti in the lower right. The dove is white with a black outline and is flying towards the right. The peace symbol is also white with a black outline and is surrounded by small black dots. The overall tone is somber and contemplative.

POLITICAL TRENDS & DYNAMICS

OVERVIEW

THE AIM OF THIS SECTION IS TO BROADEN THE DISCOURSE ON PEACE AND STABILITY IN SOUTHEAST EUROPE AND TO PROVIDE ANALYSIS THAT INVOLVES A COMPREHENSIVE UNDERSTANDING OF HUMAN SECURITY, INCLUDING STRUCTURAL SOURCES OF CONFLICT. THE BRIEFINGS COVER FOURTEEN COUNTRIES IN SOUTHEASTERN EUROPE: THE SEVEN POST-YUGOSLAV COUNTRIES AND ALBANIA, GREECE, TURKEY, CYPRUS, BULGARIA, ROMANIA, AND MOLDOVA.

Over the past two months, dealing with the past was a theme which strongly shaped the tone of political, societal and diplomatic discussions, particularly as the ICTY handed down key sentences – one in the case against Bosnian Serb wartime general Ratko Mladic and the other against a group of Bosnian Croat wartime leaders. With these two sentences, the Hague Tribunal essentially brought its work to an end, paving the way for its closure. This, in and of itself, is something of a momentous event for the Balkans, given that the Tribunal has been the focal point of not just efforts to deal with the past and bring justice to the victims of the wars of the 1990s in the former Yugoslavia, but also a factor which has profoundly shaped political life and societal debates in the countries which emerged from Yugoslavia.

Protesters stand outside the court in The Hague, as they wait for the verdict on former Bosnian military chief Ratko Mladic



In one of the most high-profile cases before the ICTY, on November 22 the Tribunal found Bosnian Serb military leader Ratko Mladic guilty of some of the worst atrocities in Europe since World War II, convicting him of presiding over genocide committed against Bosniaks in Srebrenica, war crimes and crimes against humanity during the Bosnian war. Mladic was sentenced to life imprisonment. Aside from genocide in Srebrenica in 1995, he was found convicted of the extermination and persecution of Bosniaks and Croats across the country – though charges of genocide in six other areas of Bosnia were rejected, terrorising the population of Sarajevo through shelling and sniper attacks and ordering the taking and use of UN peacekeepers as

hostages. For Mladic's victims and their families, the verdict provided justice for the crimes committed and was widely welcomed. Some, however, lamented the fact that Mladic was not convicted of genocide in other areas of Bosnia as well.

Yet the verdict also brought to the surface deep divisions within Bosnia and the region when it comes to how the past is seen. Bosnian Serb politicians in particular reacted angrily to the verdict, arguing that it was yet another example of the Tribunal's anti-Serb bias and, in different ways, repeating the message that Mladic was a hero who defended his own people and saved them from atrocities. In Serbia itself, the verdict was welcomed by human rights campaigners, but condemned by right-wingers. Meanwhile, Serbian President Aleksandar Vucic sought to avoid endorsing the verdict (and by so doing antagonise the Serbian right) yet also avoided criticising the verdict (which would doubtless have antagonised the international community and rights campaigners). Instead, Vucic took the line that Serbia should look to the future, while noting that unpunished crimes against Serbs could not diminish those committed by Serb forces. A similar message was echoed by Serbian Prime Minister Ana Brnabic.

A relative of a Srebrenica victim of crimes committed during the 1992–1995 Bosnian War holds a magazine as she awaits the verdict on former Bosnian military chief Ratko Mladic.



A week after the Mladic sentence, the ICTY handed down another momentous verdict, rejecting the appeal of six Bosnian Croat political and military wartime leaders – Jadranko Prlic, Bruno Stojic, Slobodan Praljak, Milivoj Petko-

vic, Valentin Coric and Berislav Pusic – and confirming the original sentences against them which ranged from 25 years to 10 years in prison. The men were found guilty of war crimes and crimes against humanity committed against Bosniaks during the war. However, the Tribunal also ruled that Croatian President Franjo Tudjman and other senior Croatian officials had, along with the Bosnian Croat leadership, been part of a “joint criminal enterprise” which had sought to create a “Greater Croatia”. Moreover, the Court also ruled that Croatia, through the Bosnian Croat armed forces, held under occupation eight Bosnian municipalities which were part of the self-proclaimed wartime statelet of Herzeg-Bosna.

Director/writer Avdo Huseinovic shows a photograph of a high-ranking soldier from the Greek Volunteer Guards with Ratko Mladic in Srebrenica. Photo: Anadolu.



As with the Mladic sentence, the verdict against the Bosnian Croat leadership generated very divided reactions. Bosniak leaders and victims associations welcomed the ruling, arguing that it had helped to serve justice. On the other hand, Bosnian Croat leaders firmly rejected the verdict as unjust, with Bosnian Croat leader Dragan Covic calling it a crime against the Croats of Bosnia. In Croatia, the part of the ruling relating to the joint criminal enterprise between Croatian and the Bosnian Croats was met with rejection across most of the political spectrum. Prime Minister Andrej Plenkovic argued that it was in contradiction to the historical truth and facts, while Croatian President Kolinda Grabar-Kitarovic maintained that Croatia had not attacked anyone during the Bosnian war. Most shocking was the reaction of one of the convict-

ed, Slobodan Praljak, who, rejecting his 20 year sentence, disrupted the reading of the sentence when he stood up and swallowed poison in the courtroom; Praljak died shortly thereafter.

As the curtain began to come down on the ICTY with the handing down of these sentences, a new curtain began to be raised on the Kosovo Special Court, which became operational during the course of 2017. The Court's mandate is to prosecute crimes either committed or commenced in Kosovo between 1 January 1998 and 31 December 2000. Significantly, such a mandate will allow it to prosecute crimes suspected of having been committed by members of the Kosovo Liberation Army (KLA) in Albania. Opposition to the Kosovo Special Court runs deep among most Kosovo Albanians, which see it as being directed against the KLA and its war for independence, something that was forced on Kosovo by its international allies. As such, once it begins to raise indictments and trials get under way, it will doubtless assume a similar role to that of the ICTY in the political and societal debates of both Kosovo and Serbia.

Croatian Former General Slobodan Praljak drinking a small bottle of liquid claimed to be poison after judges reconfirmed his 20-year prison sentence during a Yugoslav War Crimes Tribunal in The Hague, Netherlands on November 29, 2017. Photo: ICTY.



ELECTIONS

The previous two months were marked by an almost unusual absence of high-profile elections in the region. In **Kosovo**, the first round of local elections was held on October 22, with voters going to the polls to elect local mayors and representatives in 38 municipalities. Given that in

only half of municipalities' mayors were elected in the first round of voting, a second round of voting was held on November 19 in the remaining 19 municipalities. Of the major parties, the biggest loser was the Democratic Party of Kosovo (PDK) which won only 5 municipalities, half the number it won in previous elections, and losing key strongholds such as Prizren. Vetevendosje increased the number of municipalities in which its mayoral candidates won from one to three, including an extremely narrow victory in the capital Pristina, though its success was arguably weaker than expected. Perhaps the biggest winner was the League of Democratic Kosovo (LDK), which made an unexpected political comeback and won a total of 8 municipalities contrary to most expectations.

Macedonia also held local elections across the country, seen as a crucial test of support for the ruling Social Democrats (SDSM), as well as for the recently ousted VMRO-DPMNE opposition. The first round of voting was held on October 15, while second-round run-offs were held two weeks later. In the end, the SDSM won a resounding victory, securing power in 57 out of 81 municipalities in the country. By contrast, the once mighty VMRO-DPMNE maintained power in only 5 municipalities. On the Albanian end of the political spectrum, the Democratic Union for Integration (DUI) maintained its dominance, winning 11 municipalities. The SDSM's strong performance will help increase the ruling party's leverage over its smaller coalition partners at the national level and could yet encourage the SDSM to seek an early Parliamentary election next year, in order to increase its Parliamentary majority.

In the meantime, **Serbia** was gripped by rumours that the ruling Serbian Progressive Party would call yet another early Parliamentary election in early 2018, which would coincide with the Belgrade city elections. Such rumours were mainly stoked by the ruling party itself, which argued, with little real basis, that the opposition was provoking an early election. Yet the rumours were put to an abrupt halt on November 18, when the SNS decided that there would be no early Parliamentary elections after all. Many analysts warned that the party and its leader, Aleksandar Vucic, could change their minds again easily. Others suggested that Vucic had been

forced to abandon early election plans by foreign diplomats demanding that progress in normalising relations with Kosovo should be made before any early elections were held.

GOVERNMENT STABILITY

Across the region, governments remained largely stable, even if in a few countries there were rumours of reshuffles and moderate turbulence. In **Romania**, the Social Democratic Party (SDP)-led government survived an impeachment vote on November 23 which had been initiated by the opposition after the National Anti-Corruption Directorate froze the assets of SDP leader Liviu Dragnea as part of an investigation into the embezzlement of EU funds. Just over a month earlier, Prime Minister Mihai Tudose had forced the resignation of three government ministers who faced allegations of wrongdoing. In **Bosnia**, after Bakir Izetbegovic, the Bosniak member of the Bosnian Presidency, declared in an interview that war could be waged against the Republika Srpska (RS) entity should it opt for independence, as well as that Bosnia should recognize Kosovo's independence, the RS ruling party, the SNSD, called on Bosnian Serb representatives in the central government (also its political opponents in RS) to leave the Bosnian government. However, a fresh crisis was avoided after the Serbian Democratic Party (SDS) and its allies rejected such calls.

PROTESTS

Displays of "people power" were yet again to be seen in **Romania** during November, as ordinary citizens gathered to protest over a new justice bill. Many observers within Romania, as well as the EU, have warned that the bill's aim is to curtail the independence of the country's prosecutors and judiciary. Thousands of protesters gathered across the country on November 5 to voice their opposition to the new bill. On November 26, another huge protest, attended by around 45,000 people was held in the capital Bucharest against the bill's adoption. Numerous other, smaller protests took place during October and November, directed either against the current government or sparked by issues relating to corruption.

Meanwhile, in **Macedonia**, police arrested former police chief Mitko Cavkov and several MPs from the opposition VMRO-DPMNE on November 28 over their involvement in the storming of the Macedonian Parliament's building on April 27. They are suspected of having been involved in the incident in which around 100 people were injured and MPs from the (then opposition) SDSM physically assaulted as part of what was seen as an attempt by the VMRO-DPMNE to cling to power. While this was seen as a positive development and attempt to prosecute the abuses of the former ruling party in Macedonia, more sinister actions took place in **Serbia**, where the Ministry of Interior suddenly decided to press charges against four individuals who, it claims, were organizers of the "Protests Against Dictatorship", sparked by claims of fraud in April's Presidential elections. The Protest Against Dictatorship group argued that the charges were an attempt to intimidate all those considering protesting against the government in the future. With the prospect of elections in 2018, such arguments did not sound unfounded.

BILATERAL RELATIONS

One of the longest running bilateral disputes in the region, between **Greece** and **Macedonia** over the latter's name, showed some signs of moving in the direction of resolution during the last two months. In mid-November, US diplomat Mathew Nimetz scheduled a fresh round of talks on the issue for December 11–12 in Brussels, a good sign that there was new room for progress. Analysts noted changing geopolitical winds favouring the resolution of the dispute, most prominently the desire in Washington and some European capitals to see Macedonia enter NATO, currently blocked by Greece over the name dispute, as part of the wider efforts to contain Russian influence in south-east Europe. Yet the window of opportunity must be exploited quickly – in 2019 both Greece and Macedonia face national elections and any deal must be struck well before then.

Various small signs of deepening ties between **Albania** and **Kosovo**, with the prospect of more of the same, could be seen recently, raising eyebrows in the region. At the end of September,

the Prime Ministers of Albania and Kosovo, Edi Rama and Ramush Haradinaj, met to discuss the easing of border controls along their mutual border, as well as other areas of cooperation, including their mutual path towards the EU. On October 7, Rama revealed the appointment of 33 vice-ministers in his government, four of them Kosovar Albanians. Observers saw a clear political message regarding Rama's regional ambitions in the move. Finally, on November 27 a number of cooperation agreements were signed, including those on establishing joint cultural centres for the Albanian diaspora.

No improvement in relations between **Kosovo** and **Serbia** was visible however. Indeed, a strange spat engulfed Belgrade and Pristina as it seemingly emerged that Surinam had revoked its recognition of Kosovo, while Belgrade later claimed that other countries, such as Guinea Bissau, which Kosovo claims has recognized its independence, may in fact not have done so. All of this served to overshadow the implementation of an agreement on unifying Kosovo's justice system by integrating Serbian judges into it, a rare recent positive step in the process of normalising relations between Belgrade and Pristina.

Meanwhile, **Montenegro** snubbed the hopes of the **Kosovo** government that their mutually agreed border demarcation deal could be sent for international arbitration. While Montenegro has ratified the border demarcation agreement, attempts to do so in Kosovo were shelved after violent protests against ratification in September 2016. Yet ratification of the agreement is a condition for Kosovo to secure EU visa liberalization. The current government in Pristina is looking into ways to revise the deal, including arbitration, arguing that Kosovo was wrongly deprived of territory along the border. Montenegro's Foreign Minister Srdjan Darmanovic said that the border demarcation agreement was a done deal for his country.

SECURITY

Amid the nearing collapse of the **Islamic State in Iraq and Syria (ISIS)**, governments across the region appear to be paying more attention to the security threat posed by returning ISIS fighters.

At the second Regional Conference on Fighting Terrorism and Preventing Violent Extremism organized on November 30 by the Regional Cooperation Council (RCC), participants emphasised the need for regional cooperation in neutralising the threat from returning fighters. Estimates placed the total number of individuals from the region who had left to fight in Iraq and Syria at around 1000, of which it is estimated that 200 have died, 300 have returned while 400 are still in Syria or Iraq. On October 18, **Bosnian** Security Minister Dragan Mektic warned, following a meeting with Interpol's Secretary-General Jürgen Stock, of the threat that returning Bosnian ISIS fighters could pose to his own country. A month later, **Kosovo** media reported on the new draft strategy against terrorism which identified the problem of returning ISIS fighters as the next biggest security threat facing Kosovo. The same strategy also identified the risk of potential terrorists posing as migrants and infiltrating countries in the region. The good news at least was that there were few known new departures of young men leaving the region to join conflicts in the Middle East, allowing authorities in countries such as Bosnia to refocus their scarce resources from preventing the trickle of Islamist recruits to deradicalisation programs at home.

Serbia found itself hosting two important meetings between US and Russian officials on October 7 and November 13. Kurt Volker, the US representative for Ukraine, met with his Russian counterpart, Vladislav Surkov, to discuss how implementation of the 2015 Minsk Agreements could be catalysed. For many supporters of Serbia's foreign policy balancing act between East and West, the meetings had echoes of Belgrade's role as a neutral ground during the Cold War. Yet Serbian government hopes of maintaining this delicate balancing act were unsettled by a stark warning from US Deputy Assistant Secretary for European and Eurasian Affairs Hoyt Brian Yee, who warned that Serbia cannot continue to "sit on two chairs" while addressing an Economic Summit in Belgrade on October 23. The message caused consternation within the Serbian government.

In **Montenegro**, just over a year since the alleged coup attempt to overthrow the government, key witness Sasa Sindjelic came before the Court

to offer his testimony. Sindjelic himself was allegedly one of the plotters, as well as supposedly the main link between them and two Russians – Eduard Shishmakov and Vladimir Popov. In his testimony before the Court, Sindjelic indeed accused the Russian administration of being behind the alleged coup, providing support and financing, all in order to stop Montenegro joining NATO. Sindjelic also repeated the claim that he was the link between the Shishmakov and Popov on the one hand and the plotters on the other. In an unexpected twist, Sindjelic also accused the leadership of the Democratic Front alliance, some of which are also on trial, of having betrayed him and the other members of his group.

Guest Commentary

Nidžara Ahmetašević

Journalist (Bosnia)

Reconciliation in the region is, sadly, still distant. Sometimes, it seems the process has not even begun, though it could have. In fact, it's difficult to distinguish whether anyone really desires reconciliation, or whether some other process is necessary to help people in the region to speak of the past differently and face what they've survived. For now, that discourse boils down to the shifting of blame and stories about "aggressors" and "victims", "us" and "them" – just like at the beginning of the wars.

We first must arrive at a situation where all of us can question what reconciliation means for us, and then decide whether we want it. The existing public discourse is contaminated by cheap politicization and inflammatory media language, which prevents every attempt at a deeper reflection of the past and the future – as well the present. Such reflection would lead to truly being able to get some answers. Here, the culture of memory, which is vital, is not developed. Rather, all attempts at fostering such a culture are suffocated, and so we lose all opportunities to truly arrive at reconciliation.

Of course, of all of this is hardest for people who survived the horrors of war, and who, because of this approach to memory, remain victims more than twenty years after the wars. They're treated as such by society, by the system, by politics. When "victims" become "survivors" – then we will be able to speak about reconciliation.

Raba Gjoshi

Freelance Researcher (Kosovo)

For the region, with a number of states emerging from the bloody wars following the dissolution of the former Yugoslavia, reconciliation remains one of the most fundamental issues to secure the basis of political and social stability. After establishing peace, the need for reconciliation has naturally followed. However, various reconciliation efforts have not necessarily produced the anticipated effects. Justice as one of the main preconditions of reconciliation remains extremely disputed throughout the territory of

the former Yugoslavia. Local perceptions of the justice brought primarily by the International Criminal Tribunal for the former Yugoslavia show a high level of social mistrust of international justice, while established facts continue to be contested by national politicians, institutional leaders, and consequently by societies as well.

Given the situation of highly divided societies, it is somewhat naïve to aim for reconciliation without having a minimal acknowledgment of the crimes committed. First and foremost, this is against human nature and in opposition to the principles of transitional justice. Therefore, the acknowledgment of crimes, apologies, and taking responsibility must be prerequisites for reconciliation. There is an undisputed necessity to engage in a social and political dialogue regarding the issues of the past. Otherwise, any future attempt – be it local or international – which embraces denial or omission of the recognition of crimes and reinforces the feeling of injustice and impunity will not benefit the reconciliation process and the future of the region.

Nemanja Stjepanović

Researcher, Humanitarian Law Centre (Serbia)

The region of former Yugoslavia has never been better poised to bring historical facts to light, and yet post-war reconciliation has never been more difficult. Maybe precisely because the truth is hard to bear and to face – and because regional politicians and media hinder the process more than anything.

Thanks to the ICTY, tens of thousands of military and police documents, session minutes and public records from meetings of politicians, and intercepted conversations were brought to light. The voices of thousands of victims, experts, and military/policy insiders were heard in court. We have literally thousands of courts-established facts about wartime events which cannot be objected to. On the other hand, thanks to civil society, we're finally close to having a comprehensive list of all the victims of the wars. This has never been seen before.

And what do we do with this? Mainly, we strive to ensure that nothing becomes public – pol-

iticians deliberately remain silent, the media peddle lies, social elites deny and justify war crimes, history is slowly but surely being rewritten based on myth rather than fact.

Reconciliation is important for the region's future. But what reconciliation must be based on facts and truth – or let it not happen at all. Because if we look at court-established facts, documents and testimonies, we will know not only what exactly happened, but how it happened, who were the victims, the perpetrators, the planners and the commanders, what was the role of state and entity leadership in perpetrating systematic crimes against civilians, including genocide, and what were their goals. This will help us to look at our historical fallacies and renounce them once and for all. Ideas about national delineations and territorial expansions must be erased. Bosnia and Herzegovina, for example, was the victim of such pretensions of its eastern and western neighbours from the east and west in the war, and continues to be in peacetime.

Even more paradoxically, a certain kind of reconciliation process has been happening for a while. It happens effortlessly and regardless of the facts, but it is based mostly on our basest similarities, such a fondness for loud and bad music. In particular, this reconciliation takes place at the level of "TV Pink" culture and turbo-folk, the common participation of representatives of various countries in the region reality shows and other obscure TV programs. To this, politicians add – let go of the past, look to the future. This is a sure path to ruin. A future with no consideration for past is the best way to repeat that past.

The Friedrich-Ebert-Stiftung in Southeast Europe

After more than two decades of engagement in southeastern Europe, the FES appreciates that the challenges and problems still facing this region can best be resolved through a shared regional framework. Our commitment to advancing our core interests in democratic consolidation, social and economic justice and peace through regional cooperation, has since 2015 been strengthened by establishing an infrastructure to coordinate the FES' regional work out of Sarajevo, Bosnia and Herzegovina: the Regional Dialogue Southeast Europe (Dialogue SOE).

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- Social Democratic Politics and Values
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