

Special Report

EU Urged to Boost Balkan Reconciliation Efforts

Observers say the union must do more to promote lasting peace in region.

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Observers say the union must do more to promote lasting peace in region.

By Simon Jennings in The Hague

Though the European Union has played an important role in bringing justice to thousands of victims of the wars in the former Yugoslavia, observers warn that the bloc is falling short in terms of fostering wider reconciliation and stability in the region.

The EU strategy of conditioning the progress of ex-Yugoslav countries towards joining the union on their cooperation with the International Criminal Tribunal for the former Yugoslavia, ICTY, has been a primary tool in making sure the perpetrators of war crimes face trial and victims see justice.

This so-called “Hague conditionality” policy has been key to securing the arrest of suspects, as well as the handover of documentary evidence needed to aid prosecutions at the court, at which a total of 161 individuals suspected of war crimes have been charged and 60 convicted.

“The EU is actually [an] institution which has really contributed [to justice] in the sense of putting ‘Hague conditionality’ in political criteria which really contributed to arresting those indicted by the international tribunal,” said Vesna Terselic, head of the non-government organisation Documenta, which monitors war crimes trials in Croatia.

But while the EU has served to engage a number of important actors through the ICTY process – including regional judicial structures, non-government organisations and the media – observers say that it still has much to do in other areas of transitional justice.

MORE SUPPORT FOR LOCAL TRIALS

Brussels has funded programmes to enhance cooperation between war crimes prosecutors in the region and the ICTY, and provided funds to organisations such as Documenta for monitoring war crimes trials, while at the same time showing its backing for war crimes convictions through regular statements in the media.

However, faltering political will across the region to deal with perpetrators of atrocities means the bloc needs to push for a renewed emphasis on war crimes investigations, extradition of war crimes suspects, as well as witness protection, say observers.

“Investigation of war crimes [in the region] still need to be intensified,” said Terselic. “One would expect the investigations [which have taken place so far] to go deeper and touch more crimes.”

Regional war crimes courts only came onto the EU’s radar relatively recently, and to bring the trials up to international standards and ensure a thorough job is done, the bloc needs to use its leverage, say observers.

“For intensifying investigations and the continuation of prosecutions, political will is essential,” said Terselic. “The EU...should use its political power to make sure there is no doubt about political will.”

War crimes courts are operating with varying degrees of effectiveness across the region but appear to be weakest in Serbia, where the political will to secure convictions is lacking due to public ambivalence about Belgrade’s real role in the wars.

“I don’t think that the EU has considered domestic prosecutions as a priority,” Dorothee Marotine, head of the International Centre for Transitional Justice’s Balkans programme, told IWPR.

“It is not putting enough emphasis on complementarity to the ICTY in Serbia,” she said referring to the establishment of war crimes courts in Serbia, Bosnia and Croatia to take over the work of the Hague tribunal as it prepares to close.

Pierre Mirel, the European Commission, EC, director for enlargement in the Western Balkans, explained that his office holds regular meetings with all the countries in the region at which war crimes trials are discussed as part of criteria for each individual country’s accession to the bloc.

“At these meetings, we don’t just focus on [the] ICTY. We look at the overall strategy and efforts made to investigate, prosecute the [suspected] war criminals, not just before the ICTY in The Hague but more widely.”

Mirel also points out that the EU is providing financial backing to war crimes courts in Sarajevo, Zagreb and Belgrade as part of their journey towards membership of the bloc.

“These monies are used for preparing the countries for accession,” he said. “And that includes the large amount

of funding for supporting judiciary reform including war crime trials.”

“We are pushing very strongly for [war] crimes prosecutions and trials,” he added, explaining that problems such as inadequate witness protection was one the bloc has also actively criticised.

Extradition of war crimes suspects was also a problem, says Mirel, however, he explained that current legislation across the region did not allow the EU to enforce the practice.

In Bosnia, there is also concern about the mixed performance of the country’s judicial organs.

Observers have praised courts in the Federation and the war crimes branch of the Court of Bosnia Hercegovina in Sarajevo, which has made steady progress with 38 prosecutions since its inception in 2005.

“[These courts] have surpassed in many ways the performance of the [Hague] tribunal in delivering swift, effective, meaningful justice to some very important perpetrators,” Robert Donia, a historian on the former Yugoslavia, told IWPR.

The same cannot be said for courts in Bosnia’s Serb-run entity, Republika Srpska, where there is less political will to prosecute war crimes.

“In Republika Srpska, we have six district courts. They have an obligation to prosecute war crimes as well,” said Branko Todorovic, president of the Helsinki Committee in Republika Srpska.

“What’s expected from the EU is to actively follow and monitor judicial reform in BiH [Bosnia and Hercegovina] and the work of the judiciary.”

Mirel told IWPR that the EU had implemented a “twinning” system, whereby judges and prosecutors from EU countries have taken up posts in the Western Balkans in order to improve the performance of judiciaries across the region.

Also, in a programme funded by the international community, including the EU, foreign judges have been appointed to the Bosnian state court since 2002 to deal with cases of organised crime and more recently war crimes trials.

As the ICTY nears closure and trials are increasingly being held in the region, observers are hoping for a more comprehensive prosecutorial strategy from states, led by the EU, to ensure that more cases are processed.

“If the judiciary does not recognise in the attitude of the political class a genuine commitment to war crimes prosecutions, [and] investigations, then prosecutors [and] judges find it too comfortable and convenient not to do

too much themselves,” Bogdan Ivanisevic, a consultant for the International Centre for Transitional Justice in Belgrade, told IWPR.

In Bosnia, there is also a pressing need to address tensions along ethnic lines that have continued to simmer since the war and act as a barrier to the public’s perception of courts as legitimate institutions.

Typically, an ethnic group may well be suspicious of a court trying a member of its own community.

So, a court in Bosnia’s predominantly Bosnian Muslim and Croat federation trying suspects from Republika Srpska may provoke misgivings among Bosnian Serbs about its underlying motives.

According to Ugo Vlasisavljevic, a philosophy and sociology professor at Sarajevo University, the EU, along with other international bodies, has a role to play in helping to overcome such distrust.

“I expect a very energetic reaction from the [EU’s] High Representative or [other] authorities of the international community to give more legitimacy to these institutions,” he said.

Vlasisavljevic, for instance, would like to see the international community preserve the mandates of foreign judges – which regional politicians have accused of being influenced by international pressures – as he believes their presence in Bosnian courts helps underscore their legitimacy.

BEYOND WAR CRIMES TRIALS

There is a need, say observers, for the EU to approach reconciliation and a coming to terms with past conflicts in a way that also goes beyond war crimes trials.

They must also address the ongoing ethnic divide which is part of daily life in the region and is affecting stability there, they say.

“There doesn’t seem to be a recognisable, actual EU policy on transitional justice other than ICTY conditionality and more recently, to some extent, on the issue of domestic war crimes prosecutions,” said Ivanisevic.

Ethnic divisions still prevalent 14 years after the war go far deeper than those that can be mended by justice alone, and more must be done to encourage debate and help people face up to the past, say observers.

“Each group sees itself as the victim and the other [as] evil. The politics is [conducted] along these lines,” Elazar Barkan, Director of the Institute for Historical Justice and Reconciliation, told IWPR.

“The politics is primarily ethnic – you can barely talk to anybody without them giving a litany of the way they have been abused by the other [ethnic group] in the region.”

Observers note that while Serbia must shoulder a great deal of responsibility for the atrocities of the Bosnian and Croatian wars of the early Nineties, as well as the 1999 conflict in Kosovo, other countries in the region are reluctant to accept their part in the abuses due to their own sense of victimisation.

They say that citizens in Bosnia, Croatia and Kosovo are blinded by their feelings towards Serbia as the main transgressor when it comes to accepting that their people also committed war crimes.

Some observers say that the necessary dialogue about the conflict that could help bridge ethnic divides and trigger a shared understanding of the region’s conflicts has so far been absent in the EU’s approach to the Balkans.

According to the EC, it is actively supporting transitional justice efforts in the region through its procedure for accession to the bloc, known as the Stabilisation and Association Agreement.

“[Reconciliation] is part of the Stabilisation and Association process that was established in 2000 that includes [the] prosecution of war criminals, whether before the ICTY or locally, support [for the] return of refugees, good neighbourly relations, [and] regional cooperation. All these elements... should lead to reconciliation,” said Mirel.

Meanwhile, critics of the Hague tribunal blame a lack of a comprehensive strategy to engage people in the former Yugoslavia in the justice process, particularly in its early years, for contributing to the nationalistic feeling and misrepresentation of what went on in the war that remains prevalent across the region today.

While the court was established in 1993, and was indicting top military and political brass by 1995, outreach offices in the region were only established five or six years later.

“If there’s one thing the ICTY was short of [it] was public relations,” said Barkan, noting that each ethnic group in the region has grown to see the court in its own terms and as unfairly targeting their own people.

According to ICTY spokeswoman, Nerma Jelacic, the court is proud of its outreach programme and bringing its work closer to the region. She notes that the court has had a “profound impact” on the establishment of the rule of law in the former Yugoslavia.

“The tribunal has provided an outstanding model [for outreach], that we note with satisfaction is emulated by other international, as well as hybrid and national war crimes courts,” said Jelacic.

But notwithstanding war crimes prosecutions and related awareness campaigns, observers say more needs to be done to move the region forward.

“There has to be something else, there has to be another complement to [war crimes trials] that gets people past what they’re thinking about the war right now and gets them to reconcile,” said David Schwendiman, chief prosecutor at the Bosnian war crimes court in Sarajevo, noting that genuine reconciliation remains an ambitious goal.

“I think you’re going to get people to a point where they’re willing to move on.”

According to Sonja Biserko, president of the Belgrade Helsinki Committee, the legal findings and sentences handed down at the ICTY have not been supported by the necessary engagement with societies in the Balkans.



“Each group sees itself as the victim and the other [as] evil. The politics is done along these lines,” Elazar Barkan told IWPR.

“Nobody asks ‘what is the background, what is the chronology, what is the context [of the war]?’ If you don’t do something like that, people won’t know how the [break-up] of Yugoslavia started,” said Biserko.

“[The history of the war] is so deeply rooted it is not just about the crimes. I think people have to understand why it happened and this is what is missing all the time.”

The effect of this has been that people in the region fail to see the positive work done by the court, and often treat its judgements as pronouncements on their nation’s guilt for the war’s atrocities, say observers.

“The Hague doesn’t seem to be serving the people of the Balkans. [To them] it seems [in] opposition to people in the Balkans,” said Barkan. “[For example,] from the Serb perspective, it seems more of a revenge against the Serbs.”

The tribunal says that negative reaction to the court’s work is only to be expected.

“It should surprise few observers that certain politicians and elites are critical given that the court has investigated and prosecuted the most senior politicians, military, police and paramilitary officials from across the region,” said Jelacic. “Ideological hostility towards the tribunal is to be expected. Many persons thought they had got away with murder. They did not.”

LIMITATIONS OF CRIMINAL PROSECUTIONS

But concerning any lack of engagement with the region's communities, it is not the ICTY – a body designed to bring war criminals to justice rather than reconciliation to the Balkans – that is necessarily to blame.

“War crimes trials serve a limited function in what they're supposed to do. They're supposed to focus on the guilt or innocence of a particular individual,” explained Neil Kritz of the United States Institute of Peace.

“That's different from exploring the broader social [and] societal dynamics involved in the kind of atrocities that occurred [that pitted] neighbour against neighbour.”

According to Kritz, it is not appropriate for a criminal court to engage the wider players needed to facilitate reconciliation, such as the media, religious leaders, the educational system, or political parties.

“That's been a problem up until now – creating expectations [of international courts] that are simply unrealistic and quite simply unfair,” said Kritz.

While the court exists to try suspects, rather than to provide a full factual account of the war, a lack of the latter has made it hard for the region to move on solely on the basis of the facts that have been legally established during trials.

In February 2007, the International Court of Justice in The Hague found that genocide took place at Srebrenica in July 1995, yet Serbia was not found directly accountable, leaving the question of ultimate responsibility unanswered.

“It has to be clear who is responsible for genocide. Genocide doesn't happen overnight [without any planning],” said Biserko.

“Without some sort of context and some sort of common understanding of what happened, there won't be progress in the region on the level of reconciliation.”

Beyond handing out justice to individual perpetrators of war crimes, the international community has been criticised for focusing on the physical, rather than social reconstruction of societies in the Western Balkans.

Since the war, millions of euro of international money has been spent on supporting the return of refugees, reinstating tenants' rights and rebuilding houses in Croatia and Bosnia, but observers say resources have been lacking when it comes to fostering social cohesion between ethnicities, for example, in Bosnia, where a tripartite presidency represents separate Bosniak, Croat and Serb communities.

“This lack of social reconstruction is actually the main thing in keeping this division of the country in the conscience of [the] people,” said Todorovic.

The European Commission for Enlargement itself has expressed concern about the divisions formed along ethnic lines in Bosnia and the barriers these present to the reforms required to enter the EU.

“The role played by ethnic identity in politics hampers the functioning of the democratic institutions and the country's overall governance,” it stated in its October 2008 report on Bosnia's advancement towards meeting EU accession criteria.

The absence of wider reconciliation methods in the face of prolonged ethnic divisions – from the corridors of parliament to the school classroom – has contributed to a radicalisation of the population, say observers.



Iavor Rangelov says the EU should further engage in background checks within Bosnia's security sector.

Divisions among today's youth suggest an ominous future, especially in Bosnia.

“The younger generation in the region is growing up at least as divided – if not more so – [as] their parents and with less of an ability to understand the other side,” said Kritz.

“They are learning different versions of reality that happened only a few years ago. And that does not lead to reconciliation; that leads to future resentment and conflict.”

Critics of the EU and the international community's approach point to a failure to formulate a wider strategy to meet the reconciliatory needs of societies in the region following the war.

Mirel said that the EU could possibly have engaged earlier in setting up war crimes courts in parts of the region such as Serbia where justice for war-time atrocities has met with the strongest resistance.

“Maybe the EU should have done more, earlier, in Serbia. I don't know,” said Mirel. “I can't judge what kind of opportunities were or were not used or seized [earlier].”

People from all sides of the conflicts are still trying to establish facts about the war; account for the estimated 17,000 people still registered as missing; seek financial reparations for victims' families; and bring some sort of emotional closure for survivors.

Iavor Rangelov, of the Centre for Global Governance at the London School of Economics, says it is vital for the EU to listen to people's demands for such processes to take place because local people expect the bloc to help them address these issues.

If the EU fails to do this, "the local population will eventually develop the same cynical approach towards the EU that they often have in terms of their national governments", said Rangelov.

David Hudson, head of the political, economic, and trade section at the EC delegation in Croatia, acknowledged that, up to now, the success of the EU's approach has been more on bringing those that committed crimes to justice, than on generating an understanding of the war and using it to progress towards reconciliation.

"When you look at the [Western Balkans] region, the developments that have taken place, cooperation with the ICTY, in terms of domestic war crimes trials, this has largely been as a result of the pressure of the European Union in conjunction with the ICTY," said Hudson.

"Where we have done less is on the other pillar, which is in seeking reconciliation and using justice to achieve reconciliation."

According to Hudson, the wider task of achieving reconciliation belongs primarily to communities across the former Yugoslavia, with the EU offering support.

"It is virtually impossible to reconcile communities within a country or within a region when you are not of that country or of that region. That kind of reconciliation really can only come from inside the region itself," he said.

"What we as a European Union can do is facilitate and support those in the region who wish to support that kind of process and we do that through a number of different mechanisms."

PSYCHOLOGICAL WOUNDS

Currently, the EU provides grant schemes through the European Instrument for Democracy and Human Rights, which recently earmarked 600,000 euro to monitor war crimes trials and 400,000 euro for community-based reconciliation projects in Croatia.

However, critics say that this process has only come about recently and has not gone far enough.

Todorovic notes the existence of various EU grants available for non-government organisations in the region, but says they are largely directed at achieving the bloc's standard accession goals rather than at healing psychological wounds from the war.

"Most of these instruments available for [non-government organisations] are dealing with the rule of law and democracy but not addressing in particular transitional justice or confrontation with the past [conflict]," said Todorovic.

Hudson partially acknowledges the EU shortfall in this area where meeting social needs has lost out to other targets, such as those of economic development.

"Our focus tends to be on what are European Union competencies – economics would be key," he said. "The social side of things...is something where we are very much less well developed [and] have less experience in handling."

Hudson explains that the EU is focused on bringing people in the region together through shared interests.

He says that focusing on common ground rather than on differences between the ethnic groups of the region has helped the reconciliation process.

"If you focus on the more polarised issues, you are less likely to make progress in terms of promoting dialogue between communities than you are if you start looking at the issues of commonality," he said.

Hudson points to initiatives in areas such as culture, tourism, energy, and transport, where people have come together for a common purpose, adding that the strategy is "to try and promote a real reconciliation of people simply through their day-to-day cooperation".

The EC acknowledges that war crimes prosecutions alone are not enough to bring about reconciliation and says it actively supports mechanisms for reconciliation within the region as it cannot make it happen from the outside.

"You cannot force people to reconcile," said Mirel. "You can plead for it, you can issue statements, you can deliver speeches but you cannot force people to do so."

Mirel also says that the bloc is addressing social divisions, as opposed to only physical ones, by supporting non-government organisations in the region which are seeking to establish a factual account of the war.

"We are first of all supporting those non-government organisations which are trying...to seek the truth and tell truth," he said.

Without the facts of the war first being established, it is difficult to address the further concerns such as reparations and reconciliation, he said.

"For that to happen, one needs first and foremost to have the truth be told. This is why we are supporting those...trying to tell the truth. I think that's a prerequisite before moving further."

The EU is providing financial support for the Research and Documentation Centre, RDC, in Sarajevo and Documenta in Zagreb. RDC is engaged in gathering facts and accounts of the war in order to establish an overall narrative while Documenta monitors war crimes trials in Croatia.

“What is important is non-government organisations should contribute and do contribute to reconciliation,” said Mirel. “We are supporting financially these non-government organisations to help them in their work because it’s not enough to have war crimes [prosecutions] taking place. Reconciliation is far more and goes beyond that and non-government organisations have a role to play.”

Observers believe that the EU is well placed to help develop this process towards reconciliation.

“The EU is... in a privileged position in that it can require some things, either formally as conditions for membership or less [formally], but in an important way in communication with these prospective members,” said Ivanisevic.

However, Mirel explains that the bloc is not yet at the point where it can harness this leverage to the maximum, particularly in Bosnia and Serbia which have only just set out on the road to accession, the Stabilisation and Association process.

“The real leverage comes when we start accession negotiations. Before that, there is a Stabilisation [and] Association process, and good neighbourly relations [and] reconciliation are important issues under this process, but the real leverage starts when we start with the accession negotiations,” he said. “Then there are some requirements from EU legislation that have to be fulfilled, [on] human rights and [the] judiciary.”

BLOOD ON THEIR HANDS

Observers have also voiced concern that politicians and officials suspected of involvement in war crimes or human rights violations committed during the Yugoslav conflicts of the Nineties continue to serve the public today.

“There are credible allegations that a number of those individuals [suspected of involvement in war crimes] are still present either in the government, very visible top echelons of the government, or more likely at this stage, in less visible but still important branches such as the judiciary, police, [and] the army,” said Ivanisevic. Vojislav Seselj, the ultra-nationalist head of the Serbian Radical Party in Belgrade, continued to be an active figure in Serbian politics after the war, until he was indicted by the ICTY in 2003 for war crimes and crimes against humanity.

He is currently on trial for murder and persecution allegedly committed to expel non-Serbs from parts of Bosnia and Croatia. Even from his prison cell in The Hague, he continues to run the party that has led denials of the Serb-perpetrated atrocities during the Balkan wars.

“There was no forbidding of political activities of certain parties [following the war],” said Biserko. “[Politicians] came back to the political scene of Serbia, [and] they [can] blame and criticise everyone legitimately because nobody ever pointed out what they [allegedly] did.”

This had the effect of legitimising a culture of denial and non-accountability for war crimes that is prevalent in Serbia today and could have been prevented had the EU intervened earlier, said Biserko.

However, Mirel says that there was a balance to maintain when it came to EU intervention in the region. Deeper involvement from the bloc may have discouraged those not in favour of war crimes prosecutions from engaging with the EU, he said.

“If the EU at the time had taken a tougher stance maybe it would have alienated a large part of the population and some political parties and Serbia would not be now anchored into the EU process,” said Mirel.

“We have to find the right balance between pushing [for prosecutions and other forms of transitional justice] but not going too far towards alienating a part of the population that is still not convinced that this [justice process] is what will happen.”

Politicians and officials suspected of war crimes who continue to hold office have served to undermine society’s trust in its public institutions and its ability to move towards any common understanding of the past.

Some ongoing work is being done to address this.

In July 2007, the Republika Srpska interior ministry suspended 36 policemen and an investigation was undertaken by the Bosnian state war crimes prosecutor into their involvement in atrocities in Srebrenica in July 1995. Investigations have since been terminated in connection with 19 of the officers – one has been indicted by the court while 16 remain pending.

According to Ivanisevic, refugees forced to flee during the war fear returning to areas where those alleged to have perpetrated war crimes, for example, the police, still serve.

“It discourages somebody who left his or her home in [the] Nineties, [making them] less likely to return to that place if those responsible for their departure in the first place are still roaming the streets in uniform,” said Ivanisevic.

And the fact that people with alleged connections to past atrocities continue to serve in the judiciary leads to mistrust in public institutions and also obstructs the necessary reforms demanded by the EU.

“It is unlikely that individuals with such a background are committed to investigating and prosecuting suspected war criminals, which means a number of crimes may remain unpunished because of the presence of such individuals,” said Ivanisevic.

The arrest of former Bosnian Serb president Radovan Karadzic in Belgrade in July 2008, following 13 years on the run, coincided with a change of leadership within the Serbian state security agency, the BIA.

In Bosnia, the process of weeding out from public office anyone implicated in atrocities of the past is "absolutely crucial" to enable the necessary reform of the security sector that would bring the country closer to EU standards, said Rangelov.

"The issue of vetting is not resolved in Bosnia and there is a role for the EU to raise that issue in the context of the broader enlargement framework."

Previous attempts by the international community to tackle vetting – such as that conducted by the United Nations International Police Task Force in 2002 – have been criticised for falling short.

“In some cases, there were allegations that people had been dismissed without proper evidence while, in other cases, obvious candidates for vetting have remained embedded within the security sector,” said Rangelov.

The UN declined to comment on the effectiveness of its 2002 certification programme but noted “the improvement in legal standards and practices for the recruitment and selection of police officers within Bosnia and Hercegovina since the termination of the UN operation there”.

MONITORING POLICE REFORM

According to Rangelov, while the EU has insisted on a police reform in Bosnia by including it in its accession criteria, it has largely neglected vetting or background check strategies.

Rangelov argues that while the EU Special Representative, EUSR, in the country has engaged with the police reform process, this involvement could be strengthened by reopening the issue of police certification and addressing the shortcomings of past efforts for vetting.

"It is not just a matter of including [police reform] in negotiations with... Bosnia," said Rangelov. "It's a matter of the EU taking a proactive approach, given that the EU

Special Representative is also the High Representative of the international community in charge of implementing the Dayton framework."

The Office of the High Representative, OHR, possesses executive powers in Bosnia, however, vetting procedures currently fall under the mandate of the Bosnian authorities, leaving both the High Representative and EUSR with a monitoring role.

"OHR maintains a role with regard to the implementation of the law on police officials through monitoring of implementation, but the implementation itself has to come from the authorities in Bosnia and Hercegovina," said Oleg Milisic, a spokesman for OHR.

However, if the OHR considers it necessary, it has the powers to intervene in the Bosnian authorities' work on the issue of vetting.

"Intervention at some future point may not be excluded," said Milisic. "The High Representative still has all the powers of his mandate at his disposal [to engage in internal affairs] although we do not speculate as to when and in which cases he would choose to use them."

According to EUSR, while it has a role – together with the local governments in Bosnia – in formulating the country's political priorities, it is now at the stage of monitoring the police reform process, including vetting, as it is implemented by the Bosnian authorities.

"The Laws on Police Officials – in force everywhere since the beginning of 2004 – regulate recruitment and employment standards for all police officials. Also, Bosnia and Hercegovina possesses sufficiently developed judicial institutions to investigate and prosecute persons suspected of criminal activities including, if the case so warranted, current and former police," said Eldar Subasic, a spokesman for EUSR.

Asked if vetting was currently a concern for EUSR, Subasic said it was, "in so far as we continue to monitor the implementation of relevant police legislation".

The EC also explained that background checks fall under the remit of the Bosnian authorities while the commission monitors their work in light of the bloc's requirements for accession.

“We have little [remit] in the area of police, and vetting procedures are not part of it. Nonetheless, rule of law implementation will be assessed at every stage of the European integration process. If Bosnia and Hercegovina is not able to respond to expectations, it will be up to Bosnia and Hercegovina to address the causes of the deficiencies – be it police vetting or any other – with or without support from the EU [or the] international community,” Dita Kudelova, who deals with police issues at the EC, told IWPR.

There remains concern that without fully undertaking the vetting process, there is a risk that the EU-driven reforms of Bosnia's public institutions would be compromised in the long term.

"As long as they remain embedded in the security sector, criminal elements would be in a position to block the effort for reform and transformation of state structures," said Rangelov.

Daniel Serwer, of the United States Peace Institute, also points out that obstructions to facing up to and facilitating an understanding of the past at state level do not just come from those with blood on their hands.

"We've got a number of leaders throughout the Balkans who oversaw no atrocities. Even among those most reluctant to acknowledge past crimes, there are those who did not commit any atrocities themselves," said Serwer.

According to Serwer, some politicians continue to use nationalist rhetoric as a means of garnering votes and because they fear a backlash from their own, partly unreformed, security services.

"Political elites know the facts but have not been willing to acknowledge them fully," he added, explaining that the EU is in a privileged position to apply the pressure for them to do so.

If the problem of denial and obstruction continues to go unchecked, it will present a barrier to carrying out reforms required by the EU.

"The EU is increasingly finding itself caught in a dynamic that they did not foresee, that the obstruction from within state structures and from the political elite that emerged out of the war is growing and is obstructing progress and stability in the region," said Rangelov.

Mirel acknowledges that such obstruction and division at state level is "a concern".

"We would wish the state actors to take that more seriously and go more quickly," he said.

"But at the same time, prosecutors are doing quite a good job, although slowly... It's not an easy job for them either. What is regrettable really is when you have some political parties openly criticising judicial decisions, that's really detrimental to the [reform] process."

THE FUTURE

Terselic is optimistic that the EU may be starting to listen to proposals from non-government organisations in the region which have initiated reconciliation activities at the grassroots level.

Her organisation, Documenta, is part of the recently launched RECOM – a regional commission for establishing the facts about war crimes and other serious human rights violations in the former Yugoslavia.

The initiative has brought together victims' groups and other non-government organisations to discuss the Balkans' conflicts in an effort to engage the region's political leaderships in dialogue about facing the events of the past.

Terselic is optimistic that the EU may provide funding for the project.

"Before the beginning of 2008, we hardly ever heard anything from the EU [on this initiative]," said Terselic.

"Since the beginning of 2008, the situation is developing in [the] direction of clear interest [from the bloc in our work]."

While Mirel explains that the EU values the work of such non-government organisations, he acknowledges that such groups face an uphill struggle against political parties who actively oppose their work and see them as betraying the country's interests.

Although their efforts in setting the ball rolling are commendable, non-government organisations are not enough to bring about reconciliation – what is really required is engagement from states, say observers.

If the region is to move forward in terms of true reconciliation, the starting point is acceptance by state structures of a common understanding of the past, says Biserko.

"Serbia is in [such] deep denial over its responsibility that [it] makes any reconciliation in the region impossible. [The] starting point is the acknowledgement of the state [of the role it played in the conflict]," she said.

"There has to be a common understanding of what has happened in the Nineties in order to initiate reconciliation in the region."

Without such a process, it is hard to tell where the region will end up as it makes slow progress on instituting the necessary reforms for admission into the EU.

Observers say that some communities appear closer to taking up arms than at any time since the Dayton peace agreement of 1995.

"We are currently witnessing a situation in BiH which is getting more radical and going in a negative direction," said Todorovic.

"Sometimes, many people have the feeling the country is closer to a new conflict than it is on the way to becoming 'normal' and closer to the EU."

Observers say the EU is in a prime position not only to put its weight behind non-government organisations that are seeking to establish facts relating to war-time events, but also to engage state leaders in order to reach a common understanding of past conflict at the national level.

“Emphasis coming from relevant EU representatives would certainly support such initiatives and make the governments in this part of the world take that issue more seriously,” said Ivanisevic.

“The EU is by far the most important organisation from the point of view of most of the political elite and the citizens of these countries.”

According to Biserko, the EU needs to further encourage regional leaders to pursue reconciliation before it is too late.

“It takes courage [from the] political class to take a lead, and also you need state institutions to deal with the issue and adopt certain criteria or certain values, then you can expect society will follow,” she said.

“[Establishing reconciliation in the Balkans] really is a European issue. They should deal with that; they should not sweep it under the carpet...because it may burst out somewhere else in a similar crisis [to that of the early Nineties].”

Simon Jennings is an IWPR reporter in The Hague.