

## 8 Dealing with the Past in Bosnia – Herzegovina: Challenges for the Future and the Role of External Actors

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### 8.1 Introduction

The 1992-1995 war in Bosnia and Herzegovina (BiH) resulted in financial and human costs that completely devastated the country. During the war, more than one half of the country's population was forced from its homes, of which 1.3 million were internally displaced, ca. 500,000 became refugees in neighboring countries, and some 700,000 fled to Western European countries.<sup>96</sup> Over 100,000 people died and around 20,000 are still recorded as missing. Gross violations of international humanitarian law occurred, including murder, rape, torture and mass expulsion. The ICTY Appeals Chamber unanimously ruled that an act of genocide occurred in Srebrenica in July 2005 when some 8,000 Bosniak men and boys were killed.

The 1995 General Framework Agreement for Peace in Bosnia and Herzegovina, better known as the Dayton Agreement (DA), which ended the war in BiH, established a complex state and political structure. BiH comprises two relatively autonomous entities along ethnic lines: Republika Srpska and the Federation of Bosnia and Herzegovina, itself further divided between Bosniak- and Croat-controlled areas. The tasks related to civilian implementation were divided between different international organizations, including the Office of the High Representative (OHR), the Organization for Security and Cooperation in Europe (OSCE), the UN Mission in Bosnia–Herzegovina (UNMIBH), and the UN High Commissioner for Refugees (UNHCR). The International Criminal Tribunal for the former Yugoslavia (ICTY) was established by the UN Security Council in 1993, well before the DA was signed.

Nationalist parties continue to dominate. Economic development as well as political and social reforms have been very slow. Some progress has been made in returning refugees. The economy continues to be weak and unemployment very high. Although the prospect of future EU membership has been opened and the European Commission acknowledged that BiH has made progress, there is a long list of conditions set to be fulfilled. Currently, however, BiH has practically come to a standstill in its EU accession process.

Before addressing the issues related to the process of dealing with the past in BiH, it is necessary to list the causes of the conflict and deficiencies of the Dayton Agreement, as both are directly linked to challenges and obstacles for the current and future initiatives for dealing with the past.

### 8.2 Causes of the Conflict

The violent breakup of Yugoslavia was not inevitable and might have been avoided. Yet, a number of structural factors that emerged and persisted in the period after World War II and that were never addressed by the regime, provided a fertile ground for conflict escalation in the second half of the 1980s and for wars in the 1990s. The main causes of the conflict can be defined as follows:

<sup>96</sup> Statistics drawn from the Norwegian Refugee Council/Global IDP Project "Profile of Internal Displacement: Bosnia and Herzegovina. Compilation of the Information available in the Global IDP Database of the Norwegian Refugee Council (as of 24 March, 2005)" p. 13, cited in Marie-Janine Calic 2005: *Ethic Cleansing and War Crimes, 1991-1995. The Scholars' Initiative Confronting the Yugoslav Controversies*. Scholar's Initiative Team Four. Available at: [http://www.salzburgseminar.org/ihjr/si/si/Team\\_4\\_Full\\_Text\\_Report.pdf](http://www.salzburgseminar.org/ihjr/si/si/Team_4_Full_Text_Report.pdf)

- Lack of democratic and legitimate political institutions as well as of democratic procedures to resolve state and political issues at stake in a peaceful and political procedure;
- Economic deterioration during the 1980s, making a large part of the population receptive to populist political leaders promising quick solutions for problems;
- Persistence of irreconcilable national and historical narratives and unresolved grievances from World War II helped to sustain separate identities while, on the other hand, a shared identity that would be broadly accepted had never really been established;
- Aggressive nationalism and populism, which employed unresolved grievances for ethnic homogenization and for the formation of exclusive ethnic identities.

### 8.3 The Dayton Peace Accords and their Main Deficiencies

The Dayton Agreement (DA) met with quite a high level of enthusiasm from the international community, being regarded as a great example of successful international policy. Although it was soon quite obvious that the Agreement was not a good one and that there was a lack of will on the part of the local political elite in BiH, Croatia, and Serbia to implement it, the international community continued to congratulate itself on the “peace” in BiH. The main deficiencies directly linked to the process of dealing with the past in a post-war period, which most of the experts and civil society actors throughout the area of the former Yugoslavia identified at the outset, can be briefly summed up as follows:

The Agreement was negotiated with, and signed by, the then presidents of BiH, Croatia and Serbia – political leaders who bear the highest responsibility for the policies that led to the wars. DA strongly promoted these leaders as ‘factors of stability and peace’ in the region. It must be noted here that one of them (Slobodan Milosevic) was indicted and tried by the ICTY, while ICTY investigations of the other two (Franjo Tudjman and Alija Izetbegovic) were well advanced and indictments were about to be issued at the times of their deaths.

The DA represents a typical example of power-sharing negotiations among the top political leaders without any involvement of a broader spectrum of other relevant politicians and players. There was also no public dialogue on the DA after it was signed. Civil society was put in a powerless position with regard to influencing the DA’s implementation.

The DA failed to address the core socio-political issues behind the conflict. On the contrary, some of them have been incorporated into the DA as the basic principles of the constitutional framework. The DA practically laid the groundwork for the partition of BiH along ethnic lines – from the state structure down to all spheres of political and social life. Still today, the DA represents the key obstacle to making BiH a self-sustainable and fully functional country.

The way in which Serbia and Croatia were embedded in the DA has proven to be highly counter-productive. Instead of signing separate agreements to settle the inter-state conflicts of Serbia, Croatia, and BiH, the DA involved the two neighboring countries as signatories of the agreement to settle BiH’s intra-state conflicts. Namely, signatories on behalf of Bosnia’s Serbs and Croats were not their respective political representatives but the presidents of Serbia and Croatia. This granted Serbia’s and Croatia’s state leadership the status of guarantors for the settlement of the intra-Bosnian conflict. Both have seriously misused this position for years and interfered in Bosnian affairs.

## 8.4 Achievements in the Post-Dayton Period and Major Current Obstacles

The Dayton Agreement did not contain a comprehensive set of policies and measures related to dealing with the past. As a consequence, the efforts undertaken so far have been sporadic, unsystematic, and incomplete. While some progress has been achieved with regard to retributive justice and vetting, truth-seeking and reparations have so far been largely neglected.

### Main Achievements

The results of the ICTY's work have certainly been the key achievement. They have made a substantial impact in BiH, in particular in the Federation. Recently, the cooperation between the Tribunal and the government of the Republika Srpska has been improving. The ruling of the Appeals Chamber that the massacre in Srebrenica was an act of genocide represents a milestone in its work and should be a strong factor in combating still-existing denials of crimes and widespread impunity.

BiH has experienced a very comprehensive vetting process. Around 24,000 police officers were vetted between 1999 and 2002, and the appointments of some 1,000 judges were screened between 2002 and 2004. In spite of a couple of shortcomings, the process was an important step in re-establishing the trust of BiH citizens in their state institutions.

Two important initiatives with regard to truth-finding efforts have been undertaken. The first one is the report of the Commission for Investigation of the Events in and around Srebrenica between the 10th and 19th of July, 1995 (Srebrenica Commission), which was established by the National Assembly of the Republika Srpska (RS). It explicitly states that on July 10–19, 1995, several thousand Bosniaks were "liquidated" and the perpetrators and others "undertook measures to cover up the crime" by moving bodies away from the killing site.<sup>97</sup> Unfortunately, the Commission was established under pressure from the OHR and was heavily obstructed by the RS's authorities, which undermined its possible reconciliation impact. The second is the report entitled "Population Losses in Bosnia–Herzegovina 1991-95", written by the Research and Documentation Center in Sarajevo, which provided accurate data on the number of victims during the war in BiH.<sup>98</sup> Although it met with mixed public reactions, predominantly negative, the report does represent an important step forward in demystifying the politicized 'truths' that emerged.

### Major Obstacles

There have been no real changes in the regimes in the post-Yugoslav countries. The political leaders who authored the policies that led to the wars and who have largely been responsible for the atrocities and human rights abuses are basically still in power. The "new elite", that in some cases came to power, are pursuing the same nationalistic ideology (e.g. the Alliance of Independent Social Democrats won the October 2006 elections in Republika Srpska playing on a strong nationalist card).

There is no process in place to establish a broadly accepted and officially acknowledged truth based on facts. The political leadership continues to block the process of facing the recent past and instead forges parallel truths along ethnic lines, largely based on myths. It defines its 'own' side as exclusively that of the victim and the 'other' as that of the perpetrator.

<sup>97</sup> The Commission for Investigation of the Events in and around Srebrenica between the 10th and 19th of July, 1995 2004: The Events in and around Srebrenica between the 10th and 19th of July, 1995. Republika Srpska. BiH. Available at: <http://www.vladars.net/pdf/srebrenicajun2004engl.pdf>

<sup>98</sup> Research and Documentation Center 2007: Human Losses in Bosnia and Herzegovina 1991-95. Available at: [http://www.idc.org.ba/presentation/research\\_results.htm](http://www.idc.org.ba/presentation/research_results.htm)

Antagonistic truths are perpetuated in the educational systems, while the most influential media are still state-controlled and represent powerful promoters of such truths.

The exceptionally high demand for justice on behalf of the victims remains largely unfulfilled. Local courts, which should bring to trial hundreds of direct perpetrators and lower-ranking officers, are still unable to completely fulfill their tasks due to the high politicization, corruption, inefficiency, and insufficient competencies to prosecute war crime cases.

State institutions that were the most involved in atrocities and human rights abuses – military, police, and intelligence services – have, for the most part, not been reformed. In spite of a broad vetting process in police structures, there are still a number of persons who are responsible for, or were directly involved in, atrocities and human rights abuses among those of mid- and lower-rank as well as ordinary staff.

There is little trust in the ICTY and its ability to deliver justice, especially in the Republika Srpska where it is widely perceived as biased and anti-Serb.<sup>99</sup>

## 8.5 Lessons Learned and Key Challenges for the Future

### The ICTY and Local Trials

The attention of the international community has been focused for too long and almost exclusively on the ICTY, while the BiH's judicial system has been largely neglected. Reform and capacity-building of the country's judiciary in order to be able to process war crime cases started almost ten years after the war had ended. It was actually put on the agenda in the context of the ICTY 'completion strategy' and the transfer of some mid-level cases to the local courts, specifically to the recently established War Crimes Chamber of the State Court of BiH. However, there are many more cases to be processed than have been transferred by the ICTY. There are 846 cases that, according to the 1996 Rome Agreement, have been reviewed by the ICTY and selected as those that provide sufficient evidence according to international standards to issue an indictment against the suspect.<sup>100</sup> The cases are mainly linked to lower-level perpetrators.

There has been criticism by some international and local NGOs that the Chamber "appears to be based on short-term planning aiming to effect the quickest and cheapest possible withdrawal of the international community [from the ICTY]",<sup>101</sup> that the international community is focused predominately on the Chamber, that international funding is being directed almost exclusively to the Chamber, and that donors as well as local authorities are less interested in funding trials of lower-level perpetrators.<sup>102</sup> Hence, the BiH judiciary is still faced with an enormous challenge: Who will try the hundreds of perpetrators, whose just sentences are vital to improving the trust in justice among the victims and within what time frame? The BiH judiciary cannot respond to this challenge without the backing of the BiH's authorities and the international community. Another NGO criticism focuses

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<sup>99</sup> According to a comprehensive survey conducted in 2002, trust in the ICTY is at 51 percent in the Federation and only 4 percent in the RS. See: International IDEA 2002: South East Europe Public Agenda Survey. Available at: [www.idea.int/press/pr20020404.htm](http://www.idea.int/press/pr20020404.htm)

<sup>100</sup> Natascha Zupan: "Facing the Past and Transitional Justice in Countries of Former Yugoslavia" In: Martina Fischer, ed. 2006: Op.cit., 329.

<sup>101</sup> Amnesty International 2003: Bosnia and Herzegovina: Shelving Justice — War Crimes Prosecutions in Paralysis. AI Index: EUR 63/018/2003 (12 November 2003). Available at: <http://web.amnesty.org/library/Index/ENGEUR630182003>

<sup>102</sup> Mark Freeman 2004: Bosnia and Herzegovina: Selected Developments in Transitional Justice. New York: International Center for Transitional Justice. Available at: <http://www.ictj.org/images/content/1/1/113.pdf>

on the procedure by which the Chamber has been set up, advocating for greater victim participation. This shortcoming imposes a considerable challenge for the Chamber's credibility, most of all among the victims.

The ICTY outreach program began its work in late 1999, six years after the tribunal itself had been established. However, the primary target has been judiciaries in the countries of the former Yugoslavia and their capacity-building in order to be able to legally process war crime cases. Work with media and non-governmental organizations has started only recently. The communication component has been very weak, almost non-existent. This is an important shortcoming, which has contributed significantly to the general lack of trust in, and support for, the ICTY among the local population. It also considerably reduces the ICTY's longer-term social impact and its possible contribution to reconciliation. Unfortunately, the War Crimes Chamber of the State Court of BiH seems to under-estimate the importance of the outreach program, and in particular its communication.<sup>103</sup> This is particularly worrying, as communication is essential for sustaining support for the trials and "demonstrating accountability and the rule of law in action."<sup>104</sup>

The last, but not the least important point refers to the ICTY archives. Apart from certain proceedings and, in particular, testimonies of protected witnesses, the ICTY possesses a vast amount of material on various issues that has been researched by teams of highly competent international experts. Unfortunately, most of it has not yet been made available for public use. The issue should be more seriously addressed within the 'completion strategy'. Publishing these documents might be one of the ICTY's most powerful outreach mechanisms for a variety of potential users (media, scholars, students, movie-makers, etc.) and for the possibility of their affecting a large segment of society in many faceted ways.

### **Restorative Justice and Empowerment of Victims**

The work of the ICTY with its emphasis on retributive justice has been clearly prioritized. Accordingly, dealing with the past and transitional justice efforts have been focused on perpetrators and crimes. On the other hand, victims have been marginalized and neglected. Their needs, until now, have been almost solely addressed by grass-root projects on micro-community levels, the majority of which can be considered as psychological support and trauma-healing work. Macro- and more structural approaches in dealing with the past have so far largely failed to include policies aimed at addressing the enormous needs of victims, most of all in terms of justice and reparation. As a consequence, victimization is still wide-spread, with thousands of victims bearing emotions of deep hurt and unresolved traumas that lead to their closure towards the past and, often enough, the reluctance to deal with it.<sup>105</sup>

Work focused on psychological support and personal and group trauma should be complemented by broad, state-sponsored compensation programs. Inclusion of victims' associations in designing such programs is indispensable. The prompt and mostly negative reaction of victim groups to the Human Rights Chamber's decision that compensation for the Srebrenica case was to be paid to the

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<sup>103</sup> For more details, see the report from the 3rd meeting of the Courts' Reporters Association in BiH available at: [www.birn.eu.com/bih/news001.php](http://www.birn.eu.com/bih/news001.php) The Association drafted a number of recommendations for concrete and cost-effective communication activities that can be set up in a relatively short period.

<sup>104</sup> Paul van Zyl 2006: The Challenge of Criminal Justice: Lessons Learned from International, Hybrid, and Domestic Trials. In: Mò Bleeker ed. 2006: Dealing with the Past and Transitional Justice: Creating Conditions for Peace, Human Rights and the Rule of Law. Conference Paper 1/2006 of the Swiss Federal Department of Foreign Affairs, Political Division IV. Dealing with the Past – Series. p. 23.

<sup>105</sup> Paul Stubbs 2003: Dealing with the Past in Bosnia and Herzegovina, Croatia, and Serbia & Montenegro. Post-Yugoslav Countries Program. Regional Synthesis Report. Zagreb: Quaker Peace and Social Witness. Available at: [http://paulstubbs.pbwiki.com/ff/stubbs\\_dealingwiththepast.pdf](http://paulstubbs.pbwiki.com/ff/stubbs_dealingwiththepast.pdf)

Foundation of the Srebrenica-Potocari Memorial and Cemetery and not to the victims themselves clearly indicates that future reparation programs must ensure victims' participation in order for them to be successful.

Another important challenge is the inclusion of victim groups and associations in initiatives carried out by other civil society actors, most of all human rights organizations. Cooperation has so far been punctual and sporadic. There is a lack of mutual understanding and trust. While the victims groups regard NGOs focusing on human rights as elitist, exclusive and distanced from their problems and needs, they are often seen by others as politically manipulated and not rarely nationalist oriented.

### **Establishing Truth**

Together with the restoration of justice, truth-seeking efforts and society's acknowledgement of the abuses play a key role. The latter has a particularly important healing and peace-building effect. Creating shared memories can contribute to a shared frame of reference in divided societies. A preventive effect is also achieved by establishing the facts and identifying perpetrators of crimes and human rights abuses and the structures in which and through which the violent acts were committed.<sup>106</sup> Many civil society activists see a potential danger in different interpretations of the past, and conflicting official accounts becoming the seeds of future tensions in the region. Against this background, dealing with the past is seen as vital for a genuine sustainable peace in BiH and the region.

However, it is extremely difficult to establish a truth in BiH that is accepted by all former parties to the conflict. Even if it concerns mere facts. For example, the number of victims continues to be a matter of controversial debate on all sides, and figures presented often appear to be politicized. The example of the data on human losses recently published by the Research and Documentation Center in Sarajevo shows that challenging the inflated figures with hard data is not enough to demystify one important segment of the recent past and establish truth based on the facts. A key challenge for the growing community of domestic actors involved in fact-finding and truth-seeking efforts is how to translate facts and well-founded accounts into a narrative that is likely to be commonly shared by all sides in a still deeply divided society.

Furthermore, considering the intense feelings of victimization by large sections of the Bosniak population, there is a certain tension between 'collective guilt' often ascribed to Serbs and individual stories of victims who are Serbs. How much space actually exists across ethnic boundaries for mutual empathy and solidarity among the victims in BiH? Is there a readiness and ability to hear and acknowledge the suffering of the 'other'? If the intended aim of truth-seeking efforts is to rebuild mutual trust, proper answers to such questions are crucial. Unfortunately, there is no reliable research data in this respect.

Many NGOs and civil society groups emphasize the crucial role which the educational system and the mass media could play. Yet, civil society's capacity and knowledge to outreach to these sections remains rather limited.

Generally speaking, research, analysis, and the compiling of documentation on war crimes and human rights abuses has so far been the most successful type of truth-seeking efforts undertaken by a few NGOs in BiH, Croatia, and Serbia. However, most of the documentation has been used for the

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<sup>106</sup> Sylvia Servaes, Natascha Zupan 2006: For the Sake of Peace ... Transitional Justice as a Field of Development-oriented Peace Work. In: Susanne Reiff, ed.: Briefing Paper 4 (12/2005). Bonn: Working Group on Development and Peace. Available at: <http://www.frient.de/materialien/detaildoc.asp?id=237>

work of these NGOs themselves and, so far, very little has been made available for public use. On the other hand, there is a vast need on behalf of journalists, the media and some scholars to access this data. Making the data bases accessible to interested individuals and organizations can be one of the most important efforts in achieving an extensive outreach and making a substantial impact on the general public.

### **Truth and Reconciliation Commission**

Based on experience in other countries, there are two major lessons learned that are relevant for the initiative to establish a Truth and Reconciliation Commission (TRC) in BiH.

First of all, the initiative has so far failed to generate broad interest from civil society groups and general public support, in particular among the victims' associations and grass-root organizations in rural areas. The group of NGOs that launched it has largely been perceived as 'elitist' and 'exclusivist' by a large spectrum of other civil society actors. Although these critics have been present for some time, the initiators have not undertaken appropriate measures to address them. To push the draft law through parliament, the creation of a broad civil society coalition and a well-designed campaign focused on the TRC issue seems crucial.

Secondly, bearing in mind that the authorities on both BiH and entity levels are still dominated by nationalist parties and have proven highly reluctant to address the legacy of the recent past, there is the risk that the parliaments would fail to implement the TRC's recommendations in spite of its success. This would inevitably lead to a crisis of legitimacy for the TRC and an increased sense of re-victimization for those who suffered from the atrocities and human rights abuses.

In addition to these more general remarks, there is one specific point relevant to the TRC in BiH. The Draft of the Law on the TRC in BiH regulates the TRC's mandate to "examine, on the basis of the information obtained, events in Bosnia–Herzegovina and the Former Yugoslavia during the period from the elections of 19 November 1990 until the conclusion of the General Framework Agreement for Peace, signed on 14 December 1995" (Art. 6). Accordingly, the TRC's mandate with regard to truth-seeking is not limited to BiH, but is related to the former Yugoslavia. However, cooperation between the TRC and judicial and other agencies and organizations in other post-Yugoslav countries, especially in Croatia and Serbia, is not foreseen (Art. 8 and 9). If the TRC would be established according to these provisions, its work might have some negative impact on regional efforts of dealing with the past and reconciliation, as it can hardly be regarded as a truth-seeking mechanism that will be credible throughout the region.

### **Civil Society in BiH**

Civil society actors involved in dealing with the past in BiH suffer from the same difficulties as civil society groups in BiH suffer in general. According to research, the various efforts undertaken are quite disparate.<sup>107</sup> Most of the players are not linked to any one group. There is even a lack of basic information as to who is doing or planning what. The actors often see themselves primarily as competitors for the limited and diminishing donors' funds, rather than as partners committed to advancing the cause of dealing with the past. There are very few common projects, and when they exist, they are more frequently implemented with NGO(s) from neighboring countries rather than with those in BiH.

There is a mistrust and gap between civil society actors from urban areas on the one hand and rural areas on the other, and between the major players established on the national level and those with

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<sup>107</sup> Damir Huremovic 2003: Dealing with the Past. Country Report: Bosnia and Herzegovina. Post-Yugoslav Countries Program. Quaker Peace & Social Witness. (unpublished). See also: Paul Stubbs 2003: Op.cit.

grass-roots and local backgrounds. In both cases, the former are largely regarded as 'exclusivist' and 'elitist' and are often the subject of deep mistrust on the part of victims' groups and other small players.

There is also an especially deep gap between the role of NGO initiatives on the one hand and the victim and veteran organizations on the other. Even when working on projects directly focused on victims and veterans, NGOs tend to address individual beneficiaries directly and only rarely cooperate with the organizations that represent them. This significantly reduces their capacity to address the issues on a more structural level.

With this as a background, it is not surprising that there is little real coordination. Some joint initiatives do exist (e.g. Initiative for a TRC and certain others), but not across different sub-groups and civil society players. However, such coordination is necessary for successful work on political and structural issues.

While knowledge of general issues related to dealing with the past exists, very few actors are familiar with the different concepts and strategies. There is an ongoing confusion and debate among civil society groups as to whether the starting point for dealing with the past should be at the national or local level, and whether it should be focused on social structures or on individual attitudes and behaviors. Many rightly agree that those approaches and levels should be combined. However, they fail to accomplish it because the capacity for strategic planning and policy-making is largely missing.

Many actors think in terms of projects and lack the understanding for the issue as a whole. Therefore they are often unable to position their work within the on-going process as a whole. Linked to this is a strong tendency to overlap activities with other players instead of designing strategies for cooperation with them (many NGOs prefer producing TV productions of an amateur or PR quality, which do not meet professional standards for broadcasting to a larger audience, rather than cooperating with the media on such projects) and the inability to plan and subsequently achieve a significant outreach towards a broader public and substantial impact on the societal level.

Thus, it can be said that the civil society sector in general faces a number of structural and political challenges to its work, in particular those actors addressing painful and highly contested issues such as dealing with the past. The legacy of ethnic divide makes it difficult for civil society actors to cooperate on initiatives addressing the state-level institutions. In addition, BiH citizens are generally quite mistrustful of the activities run by civil society actors. Still, civil society organizations are the "only organizations which can take on the nationalist forces and whose activities transcend inter-ethnic boundaries and ethnic division."<sup>108</sup>

### **The Role of External Actors**

We can easily agree that initiatives to address the legacy of the recent past have to come from within Bosnian society, that they cannot, and should not, be imposed from the outside. National actors should take the lead in setting the agenda for the concrete aspects of the process that need to be addressed and in shaping approaches and policies for carrying it out as well as possible. However, external actors also have an important role to play.

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<sup>108</sup> Ismet Sejfića : "From the 'Civil Sector' to Civil Society? Progress and Prospects. In: Martina Fisher, ed. 2006: Op.cit. 137.

Based on the achievements until now, the lessons learned, and the challenges outlined above, external actors should have the following issues in mind when working with the actors in BiH who are already playing an important role in the processes of dealing with the past.

From the perspective of donors and their interest in BiH, one can say that dealing with the past has become a priority at a rather late date, when most of the donors have significantly reduced funds allocated for Bosnia and are either in the exit phase or have pulled out. On the other hand, dealing with the past is quite a complex and rather slow process which demands a long-term commitment. In-depth analysis of the roots of conflict and the local context are essential for designing a proper strategy, an assessment of the relevance of internal partners and a selection of those with whom to work. In a situation of limited resources, there is an increased need for such an approach in order to achieve higher efficiency.

The ICTY will continue to depend on the political backing of powerful international players, most of all the EU, in securing cooperation from the states of the former Yugoslavia. However, there is a certain danger in the way that the 'stick and carrot' is being used – especially the latter – as it can undermine the efforts of domestic actors committed to dealing with the past and weaken prospects for justice and reconciliation. Governments in the region are applying a general pattern for accepting cooperation so that they can advance in the EU accession process, and not for the sake of justice and reconciliation. There are a number of examples to confirm this. Let me mention just one of the most recent: The EU applauded the accomplishments of the Serbian government with regard to its cooperation with the ICTY in 2005 and rewarded it with the start of negotiations on stabilization and the accession process. Indeed, a dozen persons who had been indicted were extradited. However, literally all of them were proclaimed as great "patriots" and even "heroes" by the government; their circumstances were praised as a sign of "high responsibility towards the Serb people"; all were accompanied to The Hague by various ministers and were sent off with pompous official ceremonies. It seems that the fact that such acts hurt and humiliated thousands of victims, especially in BiH, and diminished their hope that full justice would ever be achieved, was not seriously considered. Why is the cooperation with the ICTY one of criteria for accession to the EU, and not for the purpose of justice and reconciliation?

There is a certain imbalance in the support provided by external actors so far. There has been a focus on the socio-political and juridical aspects, while initiatives aimed at establishing the truth about what actually happened in the war have been neglected. As the issue is increasingly perceived by domestic actors as crucial for the process of dealing with the past, there is a growing community of various civil society players who are becoming involved in this particular field. There are also initiatives for regional cooperation and networking. External actors should use the momentum and increase support for the initiatives.

Only a few domestic players have managed to obtain external assistance. The lion's share goes to human rights groups and initiatives located in urban centers. External actors should reach out to a wide range of domestic actors that play, or could play, a role in dealing with the past. Recent surveys among activists dealing with the issue indicate the following actors as particularly worthy of being involved: victim groups and associations, churches and religious organizations, media and youth.

External actors play an indispensable role in supporting civil society groups involved in dealing with the past initiatives. In addition to providing funds, the following assistance is very much needed as well:

- Facilitation of links, trust-building, and coalitions among players to enable more effective and united action at country and regional levels. In particular, it will not be possible to integrate the victim organizations and veterans groups into broader civil society networks without the assistance of external actors. A comprehensive survey of victims' needs and expectations might serve as a good basis to facilitate their inclusion;
- Capacity building in strategic planning, policy thinking and advocacy;
- Technical assistance in developing a far-reaching strategy for campaigning and ways of generating greater involvement from a wider range of social actors;
- External supervision and evaluation so that future initiatives can be based on best practices and lessons learned;
- Exchange of expertise and experiences with actors in countries that have encountered similar challenges, in order to combine best practices and lessons learned from international experience with domestically-rooted initiatives;
- Technical assistance in solid and coherent project planning, in particular with regard to defining criteria and indicators for measuring achievements;
- Counseling and coaching in the outreach of projects and initiatives towards a general public, as well as in cooperation with the media.

Civil society actors should be strongly encouraged to work more on the political and structural levels – for example with political leaders, local authorities, school authorities, universities, and the like – in order to mainstream their dealing with past projects and initiatives.