

Democratic Transition and Multi-Ethnicity: Opportunities and Challenges for Bosnia and Herzegovina and Its Southeast European Neighbours

Predrag Jureković (Ed.)

Study Group Information



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**Democratic Transition and Multi-Ethnicity:
Opportunities and Challenges for
Bosnia and Herzegovina and Its Southeast
European Neighbours**

**43rd Workshop of the PfP Consortium Study Group
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Foreword

Predrag Jureković

This volume is composed of articles from the 43rd workshop of the Study Group “Regional Stability in South East Europe”. The workshop was conducted in Sarajevo, Bosnia and Herzegovina, from 22 to 25 September, 2022. Under the overarching title “Democratic Transition and Multi-Ethnicity – Opportunities and Challenges for Bosnia and Herzegovina and its Southeast European Neighbours” experts from the South East European region and other parts of Europe, international organizations and major stake holder nations met under the umbrella of the PfP Consortium of Defence Academies and Security Studies Institutes and the Austrian Ministry of Defence, represented through its National Defence Academy and the Directorate General for Defence Policy. The workshop was conducted in cooperation with the partner institute Centre for Security Studies BH (CSS BH) from Sarajevo.

In the multi-ethnic and multi-religious societies of South East Europe, political processes and the difficult consolidation of democratic and rule-of-law institutions are significantly influenced or in some cases even determined by ethnic issues. In particular, political parties with mainly ethnic identification portray a civic society as a threat to the existence of their national community. This is particularly true in Bosnia and Herzegovina (BH), where the difficult balancing act between respecting the rights of all BH citizens and emphasizing the special rights of the “constituent peoples” continues to generate permanent political crises 27 years after the signing of the Dayton Peace Accord and affects the functionality of this multi-ethnic state.

Focusing on the opportunities for an interethnic balance in the complex democratic processes in South East Europe’s multi-ethnic and multi-religious societies is not only a challenge for BH that in the last few years has gone through its most serious political crisis since the end of the war. In BH’s regional neighborhood, too, the way in which the rights of ethnic groups are dealt with influences political reform processes and also the pace of the respective country’s integration into the European Union.

What are the specific experiences and approaches of Southeast European post-war societies in dealing with the challenges as multi-ethnic and multi-religious countries? Has the respective state concept to multi-ethnicity contributed to an interethnic balance and thus enabled democratic reform processes, or have ethnic and/or religious identity issues become a permanent obstacle to political and economic upswing and also hinder EU integration? How much does the fact that the majority of Southeast European countries are members of NATO influence interethnic cooperation and regional security development? How can EU rapprochement and NATO membership be used to improve interethnic relations? What positive role models exist that show that in the security, political, economic and social spheres, South East Europe could evolve from a region of conflict to a model region for ethnic and religious coexistence?

These are some of the key questions that the authors of this Study Group Information address in their contributions. In the first part of this publication, three authors analyze the political and societal challenges in regard to multi-ethnicity and democratic processes in Bosnia and Herzegovina. This is followed in the second part by contributions from authors based in North Macedonia, Albania, Montenegro, Kosovo and Serbia, who work out the specificities of their respective countries in terms of multi-ethnicity and their connections with regional consolidation issues. This is followed in part III by two contributions containing views from Bulgaria and Greece on questions of identity with North Macedonia that have already been resolved politically or are still open. Part IV addresses the preconditions and role models for a better co-existence in the multiethnic societies of the Western Balkans. In this context, the ambivalent role of religious actors and the great importance of shared narratives about the past are highlighted. The recommendations of the Study Group members are summarized at the end of this publication, in part V.

The editor would like to express his thanks to all authors who contributed papers to this volume of the Study Group Information. He is pleased to present the valued readers the analyses and recommendations and would appreciate if this Study Group Information could contribute to generate positive ideas for supporting the still challenging processes of consolidating peace in South East Europe. Special thanks go to Sara Milena Schachinger, who supported this publication as facilitating editor.

Abstract

Dealing constructively with the multi-ethnic and multi-religious character of Southeastern Europe, in particular the Western Balkans, remains one of the key challenges for regional consolidation several decades after the end of the war. This central question influences both the development of democracy and the rule of law within individual states and the sometimes conflict-ridden bilateral relations between the Western Balkan states.

As the contributions of the authors of this Study Group Information also show, in many cases the nationalistic instrumentalization of open ethnic issues by political actors still dominates instead of highlighting the positive possibilities of Southeastern Europe as a region of multi-ethnic and multi-religious coexistence. Key factors for a positive trend reversal remain incentives to integrate into the political, economic and security structures of the West. Furthermore, in this context, the role of the young generation in overcoming negative narratives of past wars and remaining conflicts through shared narratives and European perspectives is becoming increasingly important.

**PART I: Bosnia and Herzegovina –
Current Challenges in Regard to Multi-Ethnicity
and Democratic Processes**

Nationalism, Populism or Pure Pragmatism?

Ivana Korajlić

The direct link between state capture, the level of systemic corruption and democracy backsliding has been established and proven a long time ago. All the relevant research, including Transparency International Corruption Perception Index¹ has been for years pointing to causal relation between the level of corruption and democratic and human rights standards. This has been particularly visible across the countries in the Western Balkans, which have been for years described as state capture and hybrid regimes,² where the interests of few capture all the state's institutions, resources and decision-making processes, while this contributes to strengthening authoritarian tendencies of leaders who will use all means at their disposal to stay in power and keep their grip on the benefits it provides. Including inciting ethnic divisions, calling on inter-ethnic conflict, separatism and even calls to arms and war.

The underlying rationale of this approach lies in the so called perverse and reverse accountability: perverse, since these regimes operate on a framework where political elite amasses power and wealth by siphoning public resources, leaving the losses and negative consequences to be borne by disenfranchised citizens,³ and reverse in a sense that in such partitocracies elected leaders are not accountable to the citizens, but the citizens are supposed to account to political parties and elites, since their livelihood (jobs, security, position) depends on the will of these parties, as they decide who will be employed, appointed, contracted or taxed across all sectors.

In a power sharing system such as Bosnia and Herzegovina, with not only complex constitutional structure, but representation and decision-making processes along ethnic lines, with embedded veto powers based on so called "vital national interests" or "legitimate representation", state capture is

¹ <https://www.transparency.org/en/cpi/2021>.

² <https://europeanwesternbalkans.com/2022/04/20/freedom-house-western-balkan-countries-remain-hybrid-regimes-decline-for-serbia-and-bih/>.

³ <https://ti-bih.org/wp-content/uploads/2020/06/The-rule-of-the-cartel.pdf>.

brought to a whole new level. Not only the “ethnic leaders” hold even more power as they establish themselves as the sole representatives of their “peoples” and not citizens, but these veto powers are used for their own political, personal or financial interests, be it for leverage and control, for simply disrupting relevant processes and reforms, or for adoption of tailor-made laws that directly provide gain or protection to themselves and their peers. Moreover, maintaining these perceived divisions, enables them easier control of the people or any checks and balances system, thus also the position to maintain the status quo perpetually.

This – combined with the international community’s primal fear of any new potential conflict, and with this a susceptibility to threats of secession, violence or dissolution of the country, which leads to various concessions and sometimes appeasement of these ethno-nationalist leaders and groups – leads to a constant mash-up of stabilocracy and radicalization, or a stabilo-radical environment.

In this sense, it is not surprising that local elites (ab)use even the most important reform processes, such as e.g. implementation of priorities within the EU and NATO integration process, or election and constitutional reform, for their own gain. Or that the issues of ethnic representation or nationalism are being used as a pretext for enabling even further control of the oversight institutions or disguising corruption and personal gain.

This can be seen across a wide array of practices. On one hand, we have proposals of most important rule of law and anti-corruption legislation that lead to even further backslide, and all this under the pretext of demanding ethnic representation (meaning actually political-party control), and all within the “EU reform process”.⁴ On the other hand, we have constant calls for and even direct initiatives of withdrawing competences from the state-level government to entity or cantonal level, all under the disguise of protecting national/ethnic interests, but with actual desire to establish more control over the institutions and, in some cases, even avoid prosecution by not

⁴ <https://detektor.ba/2020/10/16/obesmisljanje-prijedloga-zakona-o-sukobu-interesa-sporni-amandmani-za-gori-zakon-od-postojeceg/>.

recognizing the authority or delegitimization of the institutions who are investigating, sanctioning or simply refuse access to these leaders.⁵

And finally, in the latest example of changes to election legislation, under the disguise of protecting citizens rights and enabling their “legitimate representation”, we see pure capture of highest legislative bodies, grabs for the control of one, single political party and ensuring not only that it stays in power for decades, but also to be in a position to have permanent veto power. In this last example, the final touch was given by parts of the international community, i.e. High Representative who, despite major public outrage and objections, imposed the decision to amend the Election Law and the Constitution of FBiH on the very election day, and who was in this endeavour supported by the US and UK.⁶

To be clear, it is not to say that the ethno-nationalist leaders do not have grandiose territorial tendencies (often supported by the neighbouring countries) and the wish to rule their own sovereign countries, or that they do not harbour true animosity towards “others” which they publicly portray.

However, these motives are more often than not used as a mimicry for their true underlying interests, that have more to do with establishing direct control over a certain institution or a process (or even of all the institutions and processes), blocking decisions or reforms that might affect individual personal interests (especially those targeted at establishing accountability, disclosure, or messing with the culture of impunity), or simply for distraction purposes. Namely, the divide and rule approach has not only been effective for diverting the responsibility and shifting blame, but it has been crucial in curbing citizens’ dissatisfaction with issues pertaining to their livelihood (economy, jobs, corruption) through fabricating fear. This also enables avoiding any meaningful organization on behalf of citizens or collective action across sectors and regions, as it leads to polarization and ethnic homogenization, especially since the approach also includes portraying all critics as traitors.

⁵ <https://balkans.aljazeera.net/news/balkan/2022/2/8/ti-usvajanje-zakona-o-vstv-u-rs-usmjereno-na-stvaranje-privatne-drzave>.

⁶ <https://www.klix.ba/vijesti/bih/analiza-dw-a-christian-schmidt-je-pod-lupom-hdz-ovi-lobisti-zele-treci-entitet/221016065>.

Of course, this approach is not an invention of Bosnia and Herzegovina's politicians and is and has been used across the world, across history and across different political and country set-ups. However, BiH's unique constitutional set-up and power sharing system – not only including local “players” – presents an ideal ground for this type of approach.⁷

This can also be seen through negotiations about distribution of most important positions within ministries, agencies, and control of the sectors, especially for the state level government and the institutions. Even if we put aside the fact that all differences are at once forgotten at the moment when the ruling parties sit at the table to bid on the preferred positions, it is hard to forget too many instances where a) the process of government formation would be blocked for more than a year and then unblocked the same day when the biggest corruption investigation at the time had been transferred to lower-level jurisdiction, where it would ultimately be dropped,⁸ or b) parties who constantly build their platform on the protection of statehood, from those who deny it or have secessionist intentions, once they are actually in position to show this “patriotism”, are ready to give the controlling packages to the same secessionists in return for a couple of desired mandates or positions in selected agencies. In the same way, we have seen too many artificial crises created for the purpose of providing excuse for disruption or blockades of the parliament in order to avoid specific decisions and reforms being adopted, while the blockades would be suddenly paused when additional funds are to be allocated or someone's appointment needs to be confirmed.

This perfectly goes in line with the omnipresent practice of informal decision-making outside of institutions, which is unfortunately a pattern that even the international community, who has for years been preaching about the importance of transparency and inclusivity of decision-making processed, has succumbed to. It has never been more visible as in the past two years how even the international actors who have been crucial in maintaining peace and minimum democratic standards in the country, have become either played by, manipulated or pressured to start using the same undemocratic mechanisms or local leaders' modus operandi. At the end, standards are lowered and red lines almost disappear during this bargaining for the bare

⁷ <https://ti-bih.org/wp-content/uploads/2020/06/The-rule-of-the-cartel.pdf>.

⁸ <https://www.dw.com/bs/otkud-odjednom-dogovor-lidera/a-15635470>.

minimum of effort or consensus with local leaders, one “side’s” interests are bargained against the others and legitimacy is given not only to disruptive actors, but to uninstitutional decision-making processes. This can in the long run have detrimental consequences, in terms of more space for manipulation and blackmail for the sake of stability, but also complete loss of trust and hope in anyone’s good intentions.

Finally, in a country where one can threaten and actually has means to block the implementation of elections, thus questioning the most important democratic mechanism, or can just rig the rules to go in their favour without actually having to win the majority of votes, it is clear that everything is subjected to the core need of several kleptocrats to stay in power, no matter what the price of this power is for citizens.

Are Ethnic Parties a Challenge to Democracy in Bosnia and Herzegovina?

Damir Kapidžić

Introduction

When discussing political challenges in Bosnia and Herzegovina (BiH) it is impossible not to mention the role of political parties. More specifically, the role of ethnic parties that both shape and are a product of the institutionalized political system of the country needs to be examined. A frequently debated question is whether BiH political parties, but ethnic parties in particular, are a challenge to democracy in BiH. However, it is worth revisiting these debates both considering recent changes to the party system in BiH, different structural circumstances in the country, as well as a changing international environment in Europe and worldwide. In order to make sense of how political parties came to be a challenge to democracy we first need to look back into past developments, because the current situation is not new. In fact, we have already been here several times throughout the history of BiH, both before and after Dayton.

In political science, we usually think of ethnicity as a sort of shortcut to making political decisions, especially on voting (Birnie, 2007). It guides political processes in a way that creates spheres of inclusion and exclusion, either you are in, or you are out. Other forms of identity do that as well, but ethnicity is “sticky” (Chandra, 2012), and it is very difficult to change on an individual level, almost impossible on a collective level. As such ethnicity is very much exclusive and, through elections, can result in a much-polarized form of political decision making. This is what we see not just in BiH but in every democracy and non-democracy where ethnic identity plays an important political role.

The first section of this reflection piece will give some background on the issue, based on published academic research. The second section will delve deeper into the mechanisms used by parties to remain in power and why it is difficult to expect sudden or drastic change to ethnic politics in BiH. The

conclusion will reflect on the effects of a changing domestic and international environment.

The Segmented Party System

The party system of BiH has always reflected the societal divisions in the country and the current dominance of ethnic parties is nothing new. We have already been here before, for example in 1908 during Austrian Hungarian times, when the first Bosnian Parliament was formed. It was not democratic and only had a consultative role, but membership was divided along religious lines. The parliament had reserved seats for Catholics, Orthodox Christians, and Muslims, in addition to Jews. The first parties that contested to fill these seats were formed along ethno-religious lines to gain support of their electorate and segment of society. Ethnic parties became more relevant during the democratic phase of interwar Yugoslavia from 1918 to 1938 as they joined governments of the period. During this time, through workers' mobilization and protests, workers and socialist parties established themselves by focusing on cross-cutting aspect of ethnic politics. This completed the picture of the BiH party system which now also had a multi-ethnic aspect in politics, as an addition to the three ethnic ones (Kapidžić, 2017).

All of these ethno-political divisions resurfaced in the first multi-party elections in 1990, following four and a half decades of one-party socialist rule. The parties that were formed established themselves as national movements that represented Catholic Croats, Orthodox Serbs, and Muslim Bosniaks, in addition to reformed communist parties running on a social-democratic, multi-ethnic platform (Bieber, 2006). A coalition of three ethnic parties representing the three peoples of BiH, the SDA (Party of Democratic Action), HDZ BiH (Croat Democratic Union BiH), and SDS (Serb Democratic Party) won the vote in these founding elections and formed the government, with leadership positions divided among them along ethnic lines. It was also these three parties that led the country into war just over a year later. In this sense we see that ethnicity has been a shortcut to establishing political representation in BiH for a very long time. It is idealistic to think that it will cease to be relevant in the short term, or that it can easily be substituted with a more inclusive civic identity. Instead, realistically, it is more important to find a balance between these two.

An empirical analysis of elections for the House of Representatives of the BiH Parliament between 1996 and 2018, covering 22 years and eight electoral cycles, shows that there is very strong consistency of voting within ethnic party blocs. The results go beyond a simple correlation of census numbers and electoral outcomes but include an analysis of how blocks of ethnic parties retain votes from election to election. The closure of voting between blocks of ethnic parties shows that voters almost exclusively vote for parties that represent their ethnic identity, with a small share of voters supporting multiethnic parties. They do vote for different parties but just if they represent the same ethnic group, and they never give their vote to parties that cater to a different ethnic group. What we end up with is a party system in BiH that is divided into 3 ½ party subsystems (Kapidžić & Komar, 2022). Three main party subsystems each represent the three main ethnic groups, and voters usually vote only for parties that represent their ethnicity. There are also multi-ethnic parties that cater to a smaller group of voters where there is partial mobility and overlap with the Bosniak electorate and party subsystem. On the other hand, the Serb and Croat party subsystems are essentially closed, and competition only occurs within them. These party subsystems are very much established, complete, and with active competition that occurs within them (Kapidžić, 2017). So, whatever we might hear or see in the public arena and during electoral campaigning, whether these are Serb, Bosniak or Croat politicians fighting against each other or cooperating, they are still only competing for voters of their ethnic group. They do not seek to gain cross-ethnic votes or establish an inclusive national agenda, and instead only compete to be the best representatives or agents of their ethnic group and protect ethnic interests and agendas.

Electoral Capture through Illiberal Politics

BiH functions as a consociational democracy, with extensive ethnic power-sharing, even if the level and quality of democratic rule is questionable. The constitution of the country, which is part of the Dayton Peace Agreement that ended the Bosnian War in 1995, includes all four key elements of a consociation. Power-sharing is institutionalized through proportional representation of ethnic divisions in the parliament, ethnic veto in legislative decision-making, a grand coalition of ethnic parties in the executive government, and forms of ethnic territorial autonomy at the subnational level. All of these institutionalized elements of the BiH political system are geared towards

strengthening the role of parties that claim to be the champions of one of three separate ethnic interests. Working together, the ethnic parties are supposed to find room for common policies and agreement on how to govern BiH. That is the ideal version but it neglects an important prerequisite that is clearly lacking, namely the willingness to cooperate on joint interests. Parties in BiH and their leaders have never developed an interest to pursue common goals and an agenda that strengthens and improves the quality of governance in BiH.

The main interest of political parties in BiH is to exploit the political system to gain power and control the ability to direct resource distribution, especially economic resources. This is especially relevant as the country was and still is shaped by various forms of transition; economic, democratic, societal, state-building and peace related transitions. The ongoing process of keeping governing institutions weak and fragmented benefits the leading parties of the three ethnic party subsystems and allows them to capture bits and pieces of the state for their own purposes, be they individual enrichment or party dominance or both. By relying on illiberal politics, which are sets of policies enacted by political parties in government with the aim to remain in power indefinitely, these parties essentially undermine democracy (Kapidžić & Stojarová, 2022). State weaknesses in transition is not just a problem of BiH but relates to more broader issues of democratic transition in throughout the post-Communist Eastern European region. Three common traits can be identified that are common across all countries but find their specific expression in BiH.

The first is a concentration of power in the executive over the legislative (Zakošek, 1997), which is a common trait in almost all Eastern Europe. Since the executive is dominated by ethnic power sharing and a form of ethnic veto, in BiH this translates into a concentration of power in the hands of ethnic parties. This essentially means that ethnic parties have the power to set the conditions of governance and define distribution of resources, while being able to block implementation of any decisions. As consent of all ethnic parties is needed on several issues, this can be translated into an implicit ethnic veto, which, together with the explicit legislative veto results in very few laws that get passed. The result is a lot of difficulties in basic governance of the country, including formation of government after elections. The second trait is a transition of political power into economic power where parties that

control the political power also control resource distribution, including privatization of state companies and procurement policies. In BiH this power is also divided along ethnic lines and benefits economic elites closely connected to ruling ethnic parties. A consequence we can see a strong reluctance to introduce checks and balances on public resources as well as controls and accountability into the process of resource distribution. This is also why it is so difficult to pass laws on procurement in BiH. The third trait, and this one is possibly the most important in BiH, is a transition of governance away from formal state institutions and into informal party-controlled structures. Basically, this means that decisions that should be made in parliament or in government institutions are taken within party structures. As a parliamentarian you are not going to consult your parliamentary group, but you are going to call your party boss on how you should vote. This party-oriented informality is present throughout the entire governance structure, including state owned enterprises which then must report to political parties and their leaders rather than to shareholders. Again, this is nothing new and can be found in different iterations in most countries of Eastern Europe. In BiH, however, the informality comes with a divisive ethnic element attached to it. The result is a reliance on illiberal politics, which is governance for the sake of maintaining an electoral advantage, that heavily rely on informal party structures. Maintaining an electoral advantage is the only thing that matters, no matter by which means, to assure that your ethnic group will always vote for your party.

General elections in BiH are scheduled for October 2nd, 2022, and the territorial dominance of ethnic parties is clearly visible. Campaigning is very much territorialized and throughout Sarajevo you do not see Croat party or Serb party posters. This is not their electorate, and they do not compete for the Sarajevan vote. Instead, you have mostly Bosniak and multi-ethnic party campaigns ongoing in this part of the country. Elsewhere, in different parts of the country, it is only Serb or only Croat campaigns that are visible. What you essentially end up with is the lack of a unifying message and campaign that tries to address all the citizens of the country. Political parties in BiH all very much try to address only one ethnic group. Their main means in making sure that they win is, however, a set of illiberal politics that are primarily enacted at the subnational level (Kapidžić, 2020). These include political control of media, especially public broadcast, a prevalence of patronage in state

owned enterprises and even restrictions to the freedom of assembly, such as with protests for justice and police accountability.

In addition to this there are no pre-electoral coalitions with parties from different ethnic party subsystems for the 2022 elections. Again, this is nothing new as there never were any coalitions or programmatic platforms that included parties of different ethnic groups prior to elections in the past 27 years. There have only been coalitions between parties of the same ethnic group, or at least competing for the same electorate. Any coalitions were merely post-electoral and concerned with dividing power to govern. There has never been any form of common program with parties of different ethnicity on how they envisage a common future for BiH. Therefore, the electoral aim, at the 2022 elections and prior to that, is to control the ethnic share of the vote to obtain the ethnic share of power. It is something that we have witnessed for the past 27 years since the conflict ended. This is also true for multi-ethnic parties, that supposedly try to address all citizens regardless of ethnicity, as they make no concrete effort to address Croat or Serb issues to capture this part of the electorate.

Conclusion

Does this mean that BiH would overcome its democratic challenges just if it was able to free itself from ethnic parties? The truth is a bit more complicated than that. While ethnic parties thrive on a polarized and segmented electorate, the real challenge is that they perpetuate bad governance and authoritarian politics. Unfortunately, ethnicity is entrenched in the BiH party system and there is no sign that this will change soon. What might change is a move towards more transparent, accountable and good governance. There are three major shifts in the national and international arena that can impact this. The first is a redefinition of security following the Russian invasion of Ukraine. Once more the Balkans are now seen through a security lens as not all countries are tied into EU and NATO structures. Especially Serbia and BiH, as non-NATO-affiliated countries are of concern. Apart from that all Western Balkan countries show significant economic and defensive vulnerabilities. The second is a stronger authoritarian political influence from abroad in the entire region. Authoritarian countries such as Turkey and China, but also competitive authoritarian Hungary all use different forms of

leverage to exert influence and to strengthen electoral prospects of like-minded authoritarian leaders in the Balkans. Russia has become a special case as it drifts towards totalitarianism and war. It can now use the influence it has over the energy sector in the Balkans to pressure political decisions in a way that is favourable only to Russia. We see that these and other countries aim to build stronger influence in the Balkans, strengthen their ties with local corrupt leaders, and attempt to shift politics away from democratic governance and accountability. What all of them alike fear the most is a democratic and transparent Balkans that can undermine any covert foreign influence. The third shift is demographic as we see a new generation entering professional life in BiH. People born since 1995, who some call the 'Dayton kids' are no longer just kid but full-fledged professional adults. They are now taking up positions of power and influence, but nobody has really ever asked them, what kind of country they want to live in? Or, what the future is that they envisage for BiH, and do they want the country as it is today or to create something different? Unfortunately, they are not discussing this among each other in an inclusive way, but only within the ethnic circles close to them. This generation is also emigrating in large numbers, but the ones who stay will get to shape BiH and how it will look in the future, after the generations that brought the country into war and fought against each other in the conflict are gone.

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Too Much Ethnic Diversity, Too Little National Unity? Ethno-Nationalism, Not the ‘Civic State’ as the Raison d’État in BiH? The Bosnian Dysfunctionality Conundrum¹

Michael Schmunk

The ‘Dark World’ is the most frequently used metaphoric term for Bosnia. Whenever someone in the Balkans with as much enthusiasm as ignorance talks about Bosnia, without wanting to call the country by its name, he says ‘the Dark World’. And his interlocutors will know exactly what he means, just as if he had said ‘Bosnia’.

Dževad Karahasan, Reports from the Dark World²

Bosnia is not simply a unique phenomenon in the totality of European experience: it also encapsulates the dilemma of the modern heritage of tradition, and its solution.

Rusmir Mahmutćehajić, Sarajevo Essays³

On ne change pas la société par décret.

Michel Crozier⁴

Introduction

Since my time as the German Ambassador to Bosnia and Herzegovina (BiH), from 2006 to 2008, not much has really changed for the better, politically-democratically, although I can identify some political improvements here and there. Worse though: this complicated and complex country, constitutionally and politically, has continued on its way to an “*Ethnopolis*”, perverting the

¹ This essay was finalized on 22 September, before the General Elections in BiH took place. The Postscript was added on 22 October, after the publication of the final results by the BiH Central Election Commission (CEC).

² Karahasan, Dževad: *Berichte aus der dunklen Welt*. Frankfurt a.M./Leipzig, 2007, p. 208 (translation from German into English by the author of this paper; original language: Bosnian).

³ Mahmutćehajić, Rusmir: *Sarajevo Essays. Politics, ideology, and tradition*. New York, NY 2003, p. ix.

⁴ Crozier, Michel: *On ne change pas la société par décret*. Paris, 1979.

ethnic-nationalist principles (constituent peoples; vital interests veto, entity veto, etc.) even further, thus rendering BiH closer and closer to complete dysfunctionality – a sad example of failed state- and nation-building. BiH has about 3.47 million inhabitants, thereof 3.37 million eligible voters (thereof around 70,000 registered abroad).⁵ According to the Dayton Accords, BiH is composed out of two equal, to a large extent autonomous “states” (named “entities”)⁶ in *one* country, and, further, it recognizes three equal “nations”. BiH has five presidents, 13 prime ministers, close to 200 ministers, and 13 parliaments – eating up a major part of the budget of the state and the entities and cantons. 7,258 candidates⁷ will run for office in the general elections on 2 October 2022 nationwide.

For more than two decades or so, I have been doing research about what could be done, what should be done to eventually optimize BiH’s political system, bringing it closer to European democratic values and human rights – preconditions for the country’s integration into the EU, one day. BiH’s state-building situation has been unique worldwide⁸ – apparently impossible and hopeless. This is mainly because Dayton provides BiH’s three major ethnic groups (Bosniaks, Serbs and Croats) not only with a unique plentitude of legislative and executive powers, but makes them at the same time, more or less, the *de facto* “owners” of the constitution,⁹ including the control over the procedures on how to change or amend the constitution. This political

⁵ <https://de.statista.com/statistik/daten/studie/383927/umfrage/gesamtbevoelkerung-von-bosnien-und-herzegowina/#:~:text=Die%20Gesamtbev%C3%B6lkerung%20von%20Bosnien%20und%20Herzegowina%20scrumpft%20oder,2022%20wird%20ein%20Wert%20von%203%2C47%20Millionen%20prognostiziert>.

⁶ The Federation of Bosnia and Herzegovina (FBiH) and the Republika Srpska (RS).

⁷ Figure quoted from: Pepke, Sven/Goebel, Bruno: Wahlen in Bosnien und Herzegovina. Länderbericht. Konrad-Adenauer-Stiftung, Sarajewo/Berlin 2022, p. 1; www.kas.de/de/web/bosnien-herzegowina.

⁸ The best and most critical description and analysis regarding the war and the the first years after the entry into force of the Dayton Peace Agreement can be found in: Schwarz-Schilling, Christian: Der verspielte Frieden in Bosnien. Europas Versagen auf dem Balkan. Freiburg i.B.,2020. Bosnian translation: Schwarz-Schilling, Christian: Prokockani mir u Bosni. Neuspjeh Evrope na Balkanu. Sarajevo, 2022.

⁹ The constitution is an annex (Annex IV) to The General Framework Agreement for Peace in Bosnia and Herzegovina, see OHR: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/001%20-%20Constitutions/BH/BH%20CONSTITUTION%20.pdf>.

(and also economic, social and cultural) dominance finds its drastic expression in the fact that the corresponding three main ethno-nationalistic parties, the Bosniak SDA, the Serb SNSD and the Croat HDZ BiH¹⁰ have been controlling the county since the end of the war in 1995. In their desperate struggle to end the bloodshed, both local, regional and international negotiators tried in Dayton to keep all three warring parties, the three major Bosnian ethnically defined “nations” in the boat, with a State constitution, that would give all three the impression of guaranteed equality, with mechanisms, quotas and vetos that would prevent for now and forever the domination of one ethnic “nation” over the others or the exclusion of one of these three “nations” from being part of this power sharing in all political bodies on state, entity, cantonal and municipal levels.

Mostly “Ethno”, Hardly “Civitas”

1. The construction mistakes, the faulty design of the Dayton Constitution are well known – and recognized by both international and national drafters of that time.¹¹ They do not have to be enumerated and repeated here again. One should not forget, though: there were no evil intentions on the side of the international negotiation and guarantor powers. The central objective was: ending the bloodshed, providing the divided “peoples” and “ethnicities” with a basis for reconciliation and a political-economic basis for a sustainable future in peace, enabling BiH one day to join Euro-Atlantic institutions. The constitution, however, was constructed at the drawing board, a process open to flaws and technical errors. There was time pressure. On all sides. There was the risk that in the case of failure, fighting, for example for territorial advantages, could break out again. That probably was one of the central reasons for the unique overemphasis on these three “constituent peoples”,¹² at the same

¹⁰ SDA = Party of Democratic Action; SNSD = Alliance of Independent Social Democrats; HDZ BiH = Croatian Democratic Union of BiH.

¹¹ An overview of the political system of BiH can be found at: Gromes, Thorsten: Die Beschaffenheit des politischen Systems von Bosnien und Herzegowina. In: Flessenkemper, Tobias/Moll, Nicolas (Eds.): Das politische System Bosnien und Herzegowinas. Herausforderungen zwischen Dayton-Friedensabkommen und EU-Annäherung. Wiesbaden, 2018, pp. 59-76.

¹² The constitution of the State of Bosnia and Herzegovina says in the Preamble: “Bosniacs, Croats and Serbs as *constituent peoples* (along with Others), and citizens of Bosnia and

time the three unforgiving warring parties. The Dayton mantra was: Keep them apart by every means, constitutionally, legally, politically. The result however, has not been a classic federation, as the territorial-political-cultural construction principle.¹³ Instead of an attempt to “unify” the country, the will to “protect” and promote the ethnic population group to which one claims or confesses to belong to – and the will to exercise power, in order to dissociate one’s ethnic group (“nation”) from those of the two others has dominated. In combination with the constitutions of the two entities, each citizen living on the territory of the country internationally recognized as “Bosnia and Herzegovina”, has two citizenships and, at least, two identities: first, the citizenship of the entity to which he or she claims to belong to. If one has the citizenship of one of the two entities, one holds also the citizenship of the State of BiH, obviously in this order – at least most ethno-nationalists read the State constitution this way.¹⁴ In Germany, for example, a state with a federal structure of 16 Länder (federal states), there is only *one* citizenship: the German one (as in France, Italy, Sweden, etc.). A German, asked what citizenship he or she holds, will always answer: “I am German!”. What is the term though for a citizen of the country of Bosnia-Herzegovina? A “Bosnian-Herzegovinian”? This term has been used relatively rarely in BiH. People would rather answer: “I am a Serb from Bosnia and Herzegovina”, fewer would say: “a Bosnian Serb”. Obviously, the drafters of the BiH and of the entities’ constitutions put the citizenship of the entities above the State’s constitution, in between the lines, rather than saying this explicitly. Most people in BiH, however, see in their “belonging to an entity” a “belonging to an ethnically defined nation” (Bosniak; Serb; Croat). Only the multi-ethnic political parties see in the term “Bosnian” (“Bosnian-Herzegovinian”) the *primary* if not *the* “nationality” of a person who is a citizen of the country BiH. This has severe consequences for the understanding of the state in BiH. The Dayton constitution’s (and the ethno-nationalistic) understanding of the “constituent peoples” and

Herzegovina hereby determine that the Constitution of Bosnia and Herzegovina is as follows: (...).”

¹³ See, among others: Keil, Sören: Föderalismus in Bosnien und Herzegowina. In: Flessenkemper/Moll (Eds.), as in Fn. 11, pp. 77-90.

¹⁴ See Article I, No. 3 and 7a of the Constitution of Bosnia and Herzegovina.

of the “entities” (“entity voting”) does not leave much room for the development of an overall national feeling in BiH, for a “we, the people”.¹⁵ The overemphasis on BiH’s dominant three ethnic groups in the text of the Dayton constitution disallows the mentioning of an understanding of a “Bosnian *nationality*”. Even more so, Dayton does not counter the dominance of the group identity (“constituent peoples”) with an understanding of the belonging to a universal “nation” BiH (Bosnian nationality). Any constitutional barriers of this kind are missing. A constitutional hierarchy (state over entity) and a constitutionally prescribed balance do not exist. The central building block for a true Bosnian citizens’ society, a true Bosnian “civic-state”, is missing.

Already in 2010, I published two essays on the topic and the question if, because of the ethnic fragmentation anchored in the constitution, the whole project “Dayton Bosnia” could fail. In the then yearbook of the German Council of Foreign Relations (DGAP), I noted: “State construction with extreme decentralization, three peoples, no central state, not much democracy. Could the overall project end up in a capitulation of the external state-builders?”¹⁶ In the other text,¹⁷ I spoke about Dayton’s “codified *ethnomania*” that had been aggravated by BiH nationalists in constitutional daily life.

Could it be that ethnic antagonism had become somehow *the* reason of state? Has there been something like a “bitter logic of the dividing” in Bosnian society? Simply, because “unitarism” and “centralism”, especially in the eyes of the ethno-nationalists, have been incompatible with the unique composition of Bosnia and Herzegovina, for now and for the future? Which would mean: *divide et impera* paradoxically has been the only way forward to keep the country together?

¹⁵ “We, the people of the United States of America (...)”: Constitution of the USA of 1787, first sentence of the preamble.

¹⁶ Schmunk, Michael: Ethnische Fragmentierung in Bosnien-Herzegowina. In: Braml, Josef/Risse, Thomas/Sandschneider, Eberhard (Eds.): Einsatz für den Frieden. Sicherheit und Entwicklung in Räumen begrenzter Staatlichkeit. Deutsche Gesellschaft für Auswärtige Politik. Jahrbuch Internationale Politik, Band 28, München, 2010, pp. 89-96.

¹⁷ Schmunk, Michael: Zu viel Vielfalt, zu wenig Einheit? Zum National- und Staatsverständnis in Bosnien und Herzegovina. In: Rathfelder, Erich/Bethke, Carl (Eds.): Bosnien im Fokus. Berlin/Tübingen, 2010, pp. 313-333.

And, of course, along with many others, I have been asking myself since if one should let things slide – or rather try time and again to “rescue” the country from its ethno-nationalist enemies from within?

2. Encouragingly, the central questions regarding the conflicting concepts of an ethnic state vs. a “civic-state” has been actively debated in the 2022 election campaign at least among intellectuals, liberal and social politicians, and in civic for a,¹⁸ of which we can find more and more, for example the “Council for the Implementation of the Declaration on Constitutional and Other Reforms of Bosnia and Herzegovina on its Path to the European Union”, an organization of many civic NGOs. Also, this debate has found its way into the campaign platforms, e.g. of multi-ethnic parties as the SDP¹⁹ and Naša Stranka.²⁰ The nationally and internationally widely praised “Resolution of the German Bundestag of 6 July 2022”²¹ referring to the deadlocked situation in Bosnia and Herzegovina advocates a “pluralistic citizens’ society” for BiH. It calls the Dayton Constitution in parts “undemocratic”, favoring discrimination, last but not least through corruption, criminality and clientelism.
3. However, I would caution against any euphoria for seeing the inherent EU principle of “one person, one vote” already at the BiH horizon. The concept of a civic state, a state, where the individual citizen counts, not the member of one of the three major ethnic groups, is practically not existent. Neither the concept of proportional representation, nor the idea

¹⁸ See e.g. Skupština Građana (skupstinagradjana.ba), as quoted from Wölfl, Adelheid: Bürgererrat. Wegweisende Vorschläge für Verfassungsreform in Bosnien-Herzegowina. In: Der Standard, Wien, 12.05.2022; see also Rathfelder, Erich: Nicht instrumentalisieren lassen. In Bosnien keimt eine zivile Bürgerbewegung auf. In: tageszeitung (taz), 29.07.2022, p. 12; <https://taz.de/Spannungen-in-Bosnien-und-Herzegowina/!5867516&SuchRahmen=Print/>.

¹⁹ SDP = Social Democratic Party.

²⁰ “Our Party, NS”.

²¹ Deutscher Bundestag: Antrag der Fraktionen SPD, Bündnis 90/Die Grünen und FDP: Bosnien und Herzegowina beim Aufbruch in eine bessere Zukunft unterstützen. Drucksache 20/2035, Berlin, 30.05.2022, <https://dserver.bundestag.de/btd/20/020/2002035.pdf>; Deutscher Bundestag: Beschlussempfehlung und Bericht des Auswärtigen Ausschusses zum Antrag der Fraktionen SPD, Bündnis 90/Die Grünen und FDP (Drucksache 20/2035). Drucksache 20/2651, Berlin, 06.07.2022, <https://dserver.bundestag.de/btd/20/026/2002651.pdf>.

of a deterritorialization of the political landscape in Bosnia. To get there would mean changing central parts of Dayton. Asked, how one could do this, with whom, in which format, etc., one does not get even an approximate, speculative answer.

Changes from outside, for instance in the way of a “Dayton II”, as occasionally mentioned, are neither realistic nor promising. Some speak or dream of a “color revolution” of the youth and of social-liberal groups that might force those changes. Some warn against a “violent revolution” of frustrated masses without perspectives – however, where are those to be found? Ultimately, the only reasonable and feasible way has to be from within: a sufficient majority in the House of Representatives – which brings us to the upcoming elections. Also, we must be aware that legal changes on paper will not be sufficient to de-block the society and to make it more functional. What is also needed – a change of mind, a preparedness at least for coexistence, reconciliation and a larger portion of brother and sisterhood – still seem to be far, far away.

Preview of the BiH Elections on 2 October, 2022: The Ethnic and ‘Civic’ Factors

In the run-up to the elections, in September 2022 in Sarajevo, among others, I asked party representatives and electoral candidates mainly about their parties’ election programs, referring to questions of identity, nationality, mono-ethnicity and multi-ethnicity.

The Bosnian-Herzegovinian Side

- General elections will be held in Bosnia and Herzegovina on 2 October 2022 on all levels. They will decide the makeup of Bosnia and Herzegovina’s triple Presidency as well as national, entity, and cantonal parliaments and governments.
- The elections for the Houses of Representatives in the State and in the Entities will take place separately. In the Federation of Bosnia and Herzegovina (FBiH) also the Assemblies of the Cantons will be elected. In the Republika Srpska (RS), also the RS President is for (re) election. In the presidential election, each of the three national

communities or “peoples” will elect a Presidency member with the votes coming out of the entities. The current Presidency members are Šefik Džaferović (Bosniak), Željko Komšić (Croat, DF,²² but elected with a majority of Bosniak votes from the Federation) and Milorad Dodik (Serb, SNSD). The very conservative, religiously oriented Bosniak Party of Democratic Action, SDA, is currently the largest party in the State’s House of Representatives, with 8 out of the 42 seats; the second largest is the Alliance of Independent Social Democrats, SNSD (six seats), and third largest the Center-right Croation Democratic Union, HDZ, with five seats. The rest of the seats have been distributed by the voters to small parties or even splinter parties, with between three to one seats.

- Analysis and prognosis: the tripartite State Presidency

Bosniaks

Probably, the frustration with the political caste, with the ethnocratic leadership all over Bosnia, has never ever been higher than before these crucial elections. However, it has not been the traditional political-ideological division between staunch, hardline conservatives and nationalists on one side, and center-liberal factions on the other, both in the Federation and in the Republika Srpska, for example in FBiH between SDA and SDP or between HDZ and SDP, and in the RS between Dodik’s SNSD and the PDP.²³ This time, there have also been divisions within the classic Bosniak camp (SDA) and within the dominating Serbian SNSD. New factions in particular of the established parties, as we have seen them for more than 25 years now, have surfaced, formed multi-party coalitions, eager to oust the increasingly hated, corrupt and dishonest ethnic nationalists. Some of the country’s top politicians, in particular those having been part of the State Presidency for years, now seem to be more hated than loved by voters.

Most surprisingly, the strongest party of Bosnia-Herzegovina ever, the SDA, became divided some time ago. The so-called Izetbegović wing, led by Bakir

²² DF = Democratic Front.

²³ PDP = Party of Democratic Progress.

Izetbegović, the up to now Bosniak strongman, son of legendary Alija Izetbegović, has increasingly become an islamist-conservative-nationalistic politician, married to the dubious Sebija Izetbegović, both of them regarded to be highly corrupt and involved in manifold criminal activities, a phenomenon even mentioned in the above quoted German Bundestag's resolution. Already in 2018, a major group left the party, rejecting, above all, the corruptive and criminal activities not acceptable in general, but definitively not to a party of orthodox-conservative Muslims. A new conservative party was formed, the "Narod i Pravda" (NiP) party, "People and Justice". The new party, based on the respect for the rule of law, has taken a small but important share of Izetbegović's former followers, which, as forecasts indicated, will probably cost him the decisive votes for his candidature, and for the "old" SDA to still be represented in the highest office in the State. As it stands only days before the elections, the Social Democrat Denis Bećirović, a multi-ethnic, non-nationalist Bosniak, could well beat him with a significant lead. That definitely would amount to a political sensation.

Regarding the State's House of Representatives, the NiP, the SDP and the relatively new social-liberal, multi-ethnic party "Naša Stranka" ("Our Party") have been forming an alliance of convenience, loosely cooperating with Komšić's DF, and some like-minded splinter parties and groups. The goal of this alliance has been to ideally reach a two-thirds majority of 28 mandates out of 42, with which the Dayton constitution could be amended or changed in some crucial areas (constituent peoples; vital interests, entity voting, etc.).

Croats

The dominating figure on the Croat side has been, for more than two decades, Dragan Čović of the HDZ in BiH, eager to play a larger, more prominent role after the elections, hoping for the establishment of the so-called (Croat) "third entity", of which he could become President. Croats in BiH, with about 15%, or less of the population (around 95% or up to 100,000 of them are said to already carry EU passports issued in Zagreb), have a very close relationship with the Zagreb HDZ, having managed to wield an unusual influence within the Federation's justice system. Čović is also said to be very corrupt. He will not run for the State tripartite Presidency, due to the foreseeable lack of votes from the electorate in the Federation. It had been expected that Borjana Krišto would be the HDZ's candidate for the Croat

position of the highest institution in BiH. Instead, it should be the Croat Željko Komšić, who, as in the past, might again win the top post with Bosniak votes from the Federation, making this his fourth term. Croats hate him, for not being a “real”, nationalistic Croat, a former member of the social-liberal SDP and now DF, and for advocating a multi-ethnic, non-nationalistic, open and democratic Western style society. For two decades, Komšić had been a shining democratic, non-corrupt politician, attractive in particular to urban voters. After two full terms, he could not run directly for a third one, so was forced to spend one term as a regular member of the State’s House of Representatives, before he could (successfully) be reelected to the Presidency. Meanwhile, though, politicians, analysts and the media became more critical of him, saying that he had moved to center-conservative, “light nationalistic” positions, damaged the social-liberal parties SDP and Naša Stranka, and became politically “lazy”. In my talks with “regular Bosnians” in the Federation, and above all, in Sarajevo, I found out, however, that Bosnian Muslims still intend to vote for him.

Serbs

Milorad Dodik, the longstanding member (SNSD) of the State Presidency, a Serb nationalist and declared RS separatist, will not run again. Instead, his party colleague Željka Cvijanović, President of the entity of the Republika Srpska up until now, has good chances to take Dodik’s position in the State Presidency and win the Presidency position in the RS against Jelena Trivić (Serb Democratic Party, PDP), also a Serb nationalist.

Summing up, as it stands right now, the future BiH Presidency could show at least with Komšić an old face – but the Bosniak and Serb positions could well be filled with new faces, with the biggest question mark behind the future Bosniak representative.

The House of Representatives

The composition of the future House of Representatives is too hard to predict – as usual, it will take quite some time to convert the votes, which is also true for the other parliaments (on entity and canton levels) into executive bodies. The critical part of the votership, of course, hopes for new, progres-

sive parliament compositions able to herald the long awaited “new, democratic and European era”, last but not least preventing further brain drain, above all on the part of the youth and better qualified citizens.

The International Side

The main actors of the international community in BiH, in particular the High Representative (HR) and the EU, have been experiencing serious criticism for their pre-election activities or failures to act decisively and with respect for democratic rules and procedures.

Office of the High Representative in Bosnia and Herzegovina (OHR)

High Representative Christian Schmidt (HR), the strongman in BiH, has provoked some harsh popular reactions from all over the country – from the very outset. Right after he had come into office last year, he became more or less “persona non grata” (Dodik) in the RS through no fault of his own. First, because of his support for the implementation of the so-called “Inzko’s law” (Inzko’s imposed amendment to the BiH Criminal Code, regarding the denial of the Srebrenica genocide), and more recently, when the HR, succumbing to strong Croat pressure for a third (Croat) entity, especially in the Federation, tried to impose with his “Bonn Powers” changes and amendments to the Election Law of Bosnia and Herzegovina. These changes were meant to technically *de-block* and legally facilitate the electoral process, but also, as Non-Croats, above all Bosniaks, saw it, to put Croats into a better power situation than prescribed by the Federation’s constitution. The latter caused enormous resistance from many sides, firstly from Bosniak parties, but also from liberal, social-liberal and human rights groups and parties as well as from renowned political analysts, academics and the democratic media. Though the text with the planned changes and amendments was never published, parts of it were leaked to the critical public. Eventually, the HR quietly withdrew the passages in question, and imposed on 27 July 2022²⁴ a text with technical changes and amendments only. His original very political proposals for the constitution and the electoral law have been suspiciously regarded as changes to the constitution of only one of the two entities of BiH, as well as

²⁴ OHR: Decision enacting the law on amendments to the election Law of Bosnia and Herzegovina, Sarajevo, 27.07.2022 OHR, n. 05/22.

to the Electoral Law of BiH, in such a manner that it would only serve the interests of the majority of Croats gathered around the HDZ ethnonationalist political party. As recent discussions have shown, this might have led the country, just weeks before these important elections, into renewed deep ethnic-political divisions, nurturing the grave concerns of BiH's citizens that the international community might try to take sides with one ethnic group, this time the (nationalist) Croats of HDZ BiH, but also with and through HDZ Zagreb. There have been (unconfirmed) rumors that, as some media reported, Zagreb's HDZ, but also Croatia's President Zoran Milanović had tried to influence Christian Schmidt's drafting. Though nothing of this kind has yet been proven, the German Bundestag expresses in its Resolution concerns that negative influence from neighboring states regarding the electoral law reform might deepen the crisis in BiH even further.

Nevertheless, this incident has demonstrated again, how sensitive and highly ideological ethnicity related matters still are or will forever be. Bad enough, as both national and international observers of the political scene have indicated, the new HR's image and trustworthiness may have been seriously damaged. The Dayton Constitution, by the way, does not provide the institution of the High Representative with the capacity to change the constitution – only the Parliamentary Assembly is entitled (Art. X 1) to do so, with a two-thirds majority in the House of Representatives, meaning: 28 votes out of 42. Schmidt knows that in this case even the use of his “Bonn Powers” will not help him. That is why he looks for “regular” laws or the constitutions of the entities,²⁵ where his powers could come into play. Analysts in Bosnia have come to the conclusion that Schmidt's attempt to change the law in favor of one ethnic group, of one constituent people has only rather widened the ethnic-political gap in BiH, and caused divisions in society to grow and segregation to be entrenched. On top of this, some have been worried that the HR in the end might have helped Izetbegović to politically survive: conservative (former SDA) Bosniaks worried about the Croat's intentions and

²⁵ Most constitutional experts deprive the HR of the right to interfere into the entities' constitutions (as part of the 1994 Washington Agreement), see, e.g., the Constitution of the Federation of Bosnia and Herzegovina (18.03.1994), <https://www.refworld.org/docid/3ae6b56e4.html#:~:text=Constitution%20of%20the%20Federation%20of%20Bosnia%20and%20Herzegovina,of%20war%2C%20Wishing%20to%20contribute%20to%20peace%20promotion%2C>.

strategies (“third entity”, etc.) could well return to the nationalistic SDA Bosniak camp.

The European Union

Regarding its performance or rather-non-performance, the EU has been under permanent fire from Bosnian politicians, some social-liberal political parties, critical-democratic media and many political think tanks and civil rights groups for not having put more pressure on the major (nationalist) parties to finally implement the judgements of the European Court for Human Rights and of the BiH Constitutional Court. All these decisions concern citizens’ rights as vested, above all, in Article II 4.

Even the German Bundestag’s Bosnia-resolution of 6 July 2022 refers to this longstanding deficit in BiH’s performance on its way to becoming integrated into the EU. Enumerating the cases of Sejdić-Finci (2009!), Zorić, Pudarić, Slaku and Pilay, the German Parliament, in its extraordinary foreign and European policy decision (all four major parties supported the adoption – both the three government coalition partners SPD, Greens and FDP, and the biggest opposition partner CDU/CSU of which Christian Schmidt is a member), requests “the full implementation” of these court decisions, “in its full substance”: “no court decision implementation, no membership in the EU”, that is the crystal-clear message (and warning).

In addition, the continued failure of the EU, and here above all the last EU-Council-Chairmanships, as well as key capitals, to come forward with a convincing accession program for BiH (starting with the awarding of the candidate status), which has been, next to Kosovo, in the most miserable situation of the WB 6, has even further contributed to the disillusionment when it comes to the “promise of Thessaloniki”. All across the country, encompassing all social, political and ethnic groups and classes, and all generations, people in BiH have been coming slowly, but surely to the conclusion that a full membership in the EU in the foreseeable future if ever seems to be totally unrealistic, also against the background of Russia’s war against Ukraine, of Putin’s war in Europe.²⁶ The various plans and proposals regarding a so-

²⁶ Up until to now, the EU in Brussels, but also major member states have been following the so-called “regatta-principle”, which means: only the fastest and fittest from the

called “privileged partnership” (meaning with a connection with the EU, but falling short of full political membership, without its own Commissioner, without veto rights, etc. (so-called Norwegian model)) seem for the time being the only way out of the accession dilemma. Maybe also, because Bosnian expectations regarding the **role of the US** in the region have decreased – with another Trump-Administration on the horizon that cannot totally be excluded. People trust the US only for their will and capacity to defend the country’s territorial integrity, and the US became frustrated in 2006 because of the destruction of their constitutional reform package (so-called “April-Package”).

Is There a Way Forward – A Way Out of the Bosnian Dilemma?

<p>1 Elections with the result of a two-thirds majority (alliance) in the Parliamentary Assembly (PA) for the non-ethno-nationalist reformers that could form the basis</p>	<p>2 Constitu-tional changes by the High Representative</p>	<p>3 Interventions by the High Representative to overcome stagnation and dysfunctionality</p>	<p>4 Peaceful “Revolution”/ “Colour Revolution”</p>
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WB 6, regarding the fulfilment of the EU’s accession criteria, will make it as *full* members into the Union. For BiH and Kosovo, in particular, this would be a rather hopeless perspective. Thus, I have always been advocating for the “en block-principle”: all WB 6 together, in one single move, or none. See, among others, Schmunk, Michael: The multiple EU crises and the unfinished business in the Western Balkans: About immoral myths and harsh realities in the enlargement world. In: Jureković, Predrag (Ed.): South East Europe’s consolidation in light of the EU crisis, refugee influx and religious extremism. National Defence Academy, PFP Study Group Information, Vol. 4/2017, Vienna, 2017, pp. 77-85; Schmunk, Michael: EU enlargement: Rising like a phoenix from the ashes? What is to be expected from the 2019 EU institutions’ new leaders and the power shifts in the EP and in EU national parliaments for the Western Balkans European perspective? In: Jureković, Predrag/Knezović, Sandro (Eds.): Croatia’s EU presidency 2020 – A catalyst for South East Europe? National Defence Academy/IRMO, PFP Study Group Information, Vol. 4/2020, Vienna, 2020, pp. 41-62.

for Constitutional changes “from within”			
<p>Very probably, for the 2022 elections, it will be too early to achieve such a result – it might still take at least another four years if not more to get there, maybe in 2026 or 2030.</p> <p>The political parties that formed an alliance for the 2022 elections, in particular NiP, SDP and NS, plus progressive, socialist and liberal groups such as the DF will not get more than 10-15 seats in the PA, compared to 18-20 seats for the three dominant</p>	<p>The Dayton Peace Agreement, in particular the Dayton Constitution, do not provide the High Representative with a mandate to change the constitution itself, even not with the use of his “Bonn Powers”.</p>	<p>The HR can only interfere into regular legislation with the means provided to him (“decisions”), to interpret the constitution and to facilitate its full and correct (constitutional) implementation (e.g. the “Amendments of the Election Law of BiH”, 02.09.2022). If he is also entitled to change and amend the constitutions of the two entities FBiH and RS (e.g. the “Amendments to the Constitution of FBiH”, 02.09.2022), has been highly controversial, with a majority of constitutional experts negating it.²⁷</p>	<p>With the gloomy perspective of the three dominating ethno-nationalistic parties, perceived to be corrupt, continuing to capture the State and its subdivisions, in particular the younger generation and the highly qualified might either leave BiH in even higher numbers – or take peacefully to the streets, trying to force the parliaments and governments on all state levels to eventually start reforms with the goal of establishing a</p>

²⁷ See, e.g., Wöfl, Adelheid: Dekrete. Bosnien: Repräsentant Schmidt ändert in der Wahlnacht das Wahlgesetz. In: Der Standard, Wien, 10.10.2022; International Crisis Group (ICG): Bosnia and Herzegovina’s hot summer. ICG Europe Briefing N° 95, Sarajevo/Brussels 26.09.2022.

ing ethno-nationalistic parties SDA, SNSD and HDZ BiH.			non-discriminating, democratic “civic state”. A small minority of political observers, local and international, do not exclude even violent unrest or “civil war”, e.g. in the case of a RS secession or prolonged attempts to keep the country ungovernable.
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Source: Michael Schmunk

Postscript²⁸

Winds of Change? Results of the General Elections²⁹

Last but not least, to the surprise of both national and international observers, the general elections 2022 did not generate the desired, if not expected, breakthrough for BiH’s gridlocked ethno-nationalistic political system. Rather, the results, with only a few exceptions, show a “more of the same”. The renewed victory of the three major ethno-nationalistic parties, SNSD, SDA and HDZ-BiH in the parliaments of the State, the entities and the cantons continues the domination of ethno-nationalism over the (western) “civic-state” concept.³⁰ In particular in the BiH State parliament, the highest legisla-

²⁸ The postscript was added on 23.10.2022, to complete the picture after the official results were published.

²⁹ See Sarajevo Times of 23.10.2022, <https://sarajevotimes.com/central-election-commission-publishes-final-results-for-the-presidency-of-bih/>.

³⁰ See Sarajevo Times: The elections confirmed the dominance of the national parties in BiH, Sarajevo, 05.10.2022.

tive body of the country, these three parties, though fierce political opponents, control with 19 seats out of 42 the House of Representatives (SDA 9 seats/17.2%, SNSD 6/16.3%, and HDZ-BiH 4/8.8%), none of them to be challenged by any other party or alliance from their ethnic group or “nation”. The major more or less multiethnic parties, among them above all the Social Democratic Party, SDP (5 seats/8.2%), the Democratic Front, DF (3 seats/6.7%), People and Justice, NiP³¹ (3 seats/5.0%), and Our Party, NS (2 seats/3.1%), still fall short of their ambition to break the undeclared “unholy alliance” of ethno-nationalists in BiH. With only 13 seats, if united in this goal at all, a two-thirds majority for the multiethnic parties remains far out of reach. The voter turnout in the 2022 general elections with only 50.41% has been disappointing low. One could argue that the 2022 general elections will further cement the dysfunctional, non-democratic Dayton system, if there was not also the outcome of the elections for the tripartite BiH state Presidency. The nearly sensational defeat of the ethno-nationalist Bakir Izetbegović, Bosniak strongman and chairman of the Muslim SDA, by the multinational social democrat Denis Bećirović – he won over his Bosniak rival with 57.4% to 37.3% – indicated that the electorate has not been stuck completely in static behavior. The married politicians Bakir and Sebija Izetbegović, widely described as corrupt and smelling of nepotism, had increasingly caused a stir among conservative-religious Muslims in BiH. The Croat seat in the tripartite Presidency was won, as expected, by Željko Komšić with 55.8% (against Krišto, 44.2%) for an unprecedented fourth term, formerly an SDP member, at present chairman of the multiethnic DF, which he founded in 2013. Though an ethnic Croat, Komšić has always been much more popular among Bosniaks, who have provided most of his votes, rejecting SDA Izetbegović’s illegal practices. This phenomenon, not envisaged by the Dayton constitution, proceeding on the assumption that Muslims would predominantly vote for the Bosniak, Serbs predominantly for the Serb, and Croats predominantly for the Croat member of the tripartite State Presidency, has been strongly criticized all along by Bosnian Croats as unconstitutional, disadvantaging their ethnic “nation”.

³¹ The NiP, a center-right Bosniak party, split from SDA in 2018, in particular because numerous SDA members and voters saw the SDA leadership increasingly trampling on the rule of law.

The Serb seat in the BiH State Presidency has been filled by Bosnian Serb Želika Cvijanović, SNSD, with 51.7% of the vote. Cvijanović, the first female member of the highest office in BiH, was able to run for the state Presidency, because Bosnian Serb strongman and ethno-nationalist Milorad Dodik decided not to run anymore for the BiH Presidency, but rather in the elections for the Presidency of the Bosnian Serb entity Republika Srpska, which he claims to have won.³²

With Bećirović and Komsić, for the first time since the end of the war, the BiH State Presidency will be composed of two declared multiethnic, social-liberal democrats, and only one ethno-nationalist, Cvijanović. This is indeed not yet the hope for fundamental change that Bosnia-Herzegovina might turn away from the model of an ethno-state to a “civic-state”. However, this outcome has demonstrated that change is not completely impossible.³³ In the context of this analysis, though, we have seen a breeze of change rather than a storm. The vision of a “civic-state”, where the individual citizen figures as the constituent construction principle, has not played the role during the election campaign that multiethnic politicians and voters had hoped for. Ethnic nationalism still dominates Bosnia-Herzegovina fundamentally. Non-discriminatory, pluralistic individualism has still been sidelined by the rulership of the three dominant ethnic groups or “nations”. The few positive changes we have seen (State Presidency) by the tangible successes of the multiethnic parties cannot be fully attributed though to their political programs promising to eventually establish a “civic-state”, but rather to the non-corrupt, non-clientilistic, non-cleptocratic policies of their parties – a development which is welcome for BiH on its path to full democracy and the rule of law nevertheless.

³² Because of multiple allegations of electoral fraud, in particular from the opposition parties in the Republika Srpska, a recount of the votes has been ordered by the Central Election Commission. Dodik’s direct electoral rival, Jelena Trivić, Party of the Democratic Progress, PDP, also a Serb nationalist, claimed to be the real winner. Dodik, a political Putin confidant, has been an advocate of the secession of the Bosnian Serb entity, with the declared objective to unite with Serbia proper.

³³ See, among others, Rathfelder, Erich: Leise Hoffnung. Wahlen in Bosnien und Herzegovina. In: taz.de, Berlin, 03.10.2022. <https://taz.de/Wahlen-in-Bosnien-und-Herzegowina/!5885134&s=leise+hoffnung/>.

On ne change pas la société par décret – Interference of the High Representative into the Electoral and Reform Processes

Immediately after the polls had closed, on 2 October at night, High Representative Christian Schmidt, who assumed office in August 2021, imposed by the means of his so-called “Bonn-Powers” major changes to the BiH electoral law³⁴ and to the constitution of the entity Federation of BiH (FBiH).³⁵ This was his second attempt to impose such changes after he withdrew his original proposals from July 2022 – which resulted in a shitstorm in the country, above all among Bosniaks and the multiethnic parties. Criticism also came from parts of the EU, international think tanks and those German parliamentarians that had drafted the Bundestag’s resolution “Bosnien und Herzegowina beim Aufbruch in eine bessere Zukunft unterstützen”,³⁶ a policy recommendation, which had been widely welcomed both in BiH and internationally. In a nutshell: after years of systematic blockades by Croats in the Federation’s institutions, frustrated with the lack of power and influence of the “Croat nation”, partly caused by disadvantaging provisions of the FBiH and BiH constitutions, as they see it, the High Representative decided to intervene into the constitutional architecture of the FBiH to end the destructive dysfunctionality by changing and amending mechanisms regarding ethnicity (“nations”) privileges and veto-rights, especially in the House of Peoples.³⁷ Assessed objectively, HR Schmidt simply made sure that the Federation’s institutions will be de-blocked for good and the results of the 2 October elections will be fully implemented.

Both the political-legal substance of the 2 October HR decisions, and the point of time of the imposition, have earned Christian Schmidt harsh criticism in BiH and beyond, though the US and UK governments welcomed his decrees as a long overdue move to significantly relax the political deadlock in the country. The EU, by rejecting the “Bonn Powers”-intervention in

³⁴ OHR: Decision enacting the law on amendments to the election law of Bosnia and Herzegovina. OHR 07/22, Sarajevo 02.10.2022. www.ohr.int/eng/.

³⁵ OHR: Decision enacting amendments to the constitution of the Federation of Bosnia and Herzegovina. OHR 06/22, Sarajevo 02.10.2022. www.ohr.int/eng/.

³⁶ See above, Fn. 21.

³⁷ The changes, most of them of very technical nature, are so complex and detailed that it would be impossible to describe and analyze them in the context of this essay. Rather see the excellent ICG study as quoted above in Fn. 25.

principle, thereby contributed to the impression that the Western alliance fundamentally differs in the crucial matter if BiH rather needs a “reluctant sheriff” than a bullish “viceroy”, when it comes to the remaining role and duties of the High Representative in Sarajevo. At the very center of the criticism still stands the allegation against Schmidt that he had been advocating, under Washington’s and Zagreb’s pressure, the “Croat case”. And some argue that the High Representative had exceeded his mandate and competencies. Interfering into an entity’s constitution was *ultra vires* – the HR’s mandate referred to the Dayton constitution of the State of BiH, not to those of its two entities.³⁸ Others complain that the HR’s decisions have instead aggravated the ethnic discrimination and ethnic territorialization.³⁹

Mandate and role under Dayton make the High Representative a tragic, hybrid figure when it comes to ending the ethnic divisions (e.g. the policies and instruments of ‘vital national interest’; ethnic vetos; entity voting; ethnic gerrymandering and mono-ethnic territorialization). He is supposed to ensure the one-to-one implementation of the Dayton constitutional provisions (which means to protect the ethno-national character of the Dayton system) – and at the same time to prevent ethno-national blockages, dysfunctionalities and discriminations. Even if he wanted to, and even if EU values, principles and regulations demand it: the High Representative under Dayton is neither authorized to change nor amend the Dayton system’s constitutional architecture or provisions. That is his dilemma, and that is Bosnia’s dilemma. Rather than sitting back and waiting, HR Schmidt obviously decided to take action around the BiH and entity constitutions wherever possible, risking for the sake of functionality and for the levelling of the political playing fields, trespassing political red lines and infringing legal stop signs. Regarding his role as an honest broker vis-à-vis all citizens of BiH, the High Representative, by his decisions no. 6 and 7/2022 may have even violated his political neutrality having come under suspicion of giving an advantage to the “Croat nation”, an accusation he has tried to refute.

³⁸ See, among others, Wöfl, Adelheid, as in Fn 25.

³⁹ Halilović, Enver/Tursić, Nermin: Civic governance as a historic imperative for Bosnia and the natural right of a modern nation state. In: Announcement from Sarajevo. Krug 99, Sarajevo, 05.10.2022. www.krug99.ba; Weber, Bodo/Bassuener, Kurt: US reinvests in ethnic oligarchy in Bosnia, abandoning support for integration. In: Just Security, 05.10.2022. [www.usreinvestsinethnicoligarchyinbosnia,abandoningsupportforintegration\(justsecurity.org\)](http://www.usreinvestsinethnicoligarchyinbosnia,abandoningsupportforintegration(justsecurity.org)).

All of this, the general elections 2022 and the imposition of the HR's 2 October decisions have not brought Bosnia and Herzegovina any closer to the establishment of a "civic state". In BiH, it seems, one can neither change its society and political system by elections nor by an international supervisor's "décret" (HR decree).

PART II: Regional Experiences in Dealing with Multi-Ethnicity

Lessons Learnt and New Challenges Ahead: North Macedonia and Its Diversity Model¹

Simonida Kacarska

Introduction

The post-independence period of (North) Macedonia has been marked by accommodating and managing ethnic diversity. Having gone through a short lived conflict in 2001, the country has instituted consociationalism at many levels through the Ohrid Framework Agreement (OFA). 20 years later, North Macedonia has undoubtedly stronger protection of non-majority communities coupled with a risk of segregation. The link between the implementation of the OFA and the perspective of European integration provided an effective formula to transform national policies to accommodate to non-majority communities. Yet, disputes with its EU member neighbouring states over the name of the country, identity markers and historical issues have limited the positive impact of European integration. Even though the disputes had no connection to the substance of the EU acquis, they were imported in the accession process of North Macedonia. In response, the country has changed its name, including for internal use. The dispute with Bulgaria was resolved with an intervention in the negotiating framework of North Macedonia as to including the Bulgarian community in the constitution and with progress on historical discussions between the two countries. Such accommodation of member states' requests on identity markers as part of the EU conditionality carries potential risks for North Macedonia and the region in terms of the democratising and transformative power of EU accession.

¹ Parts of the contribution have already been published in the following publications: Kacarska, Simonida (2013) National minority policies in the EU accession process – The cases of Croatia and Macedonia. PhD thesis, University of Leeds. Malinka Ristevska Jordanova / Simonida Kacarska, EU - North Macedonia Accession Negotiations: The Implications of the Bulgarian Conditions, European Policy Institute, Skopje 2020.

The Minority Question since Independence

Macedonia gained independence without bloodshed from the Yugoslav federation; however amidst significant challenges both in the region and internally. The primary external challenge was the obstruction of the country's EU and broader international recognition, due to the dispute over the name with Greece. Internally, the management of the minority issue topped the agenda. On the one hand, the majority ethnic Macedonians "viewed their republic as a national state" and a culmination of their work for statehood.² On the other, both the referendum on independence and the first constitution of independent Macedonia were not supported by the Albanian community, representing a quarter of the population in Macedonia. Independence was declared on September 8, 1991 after a referendum in which a majority of the citizens opted for independence albeit the representatives of the Albanian community did not come out to the polling stations. Similarly, the Albanian MPs did not support the new constitution of independent Macedonia which was adopted by the Parliament in November 1991.

The boycott of the referendum and the Constitution originated in the discontent with the preamble of the new constitution defining Macedonia as the national state of the Macedonian people and other nationalities. The term nationalities corresponded with the pre-1990 Yugoslav and Macedonian legislation which distinguished between nations (members of the six constituent Republics), nationalities and ethnic groups.³ In practice however, the Albanian population and their representatives (as well as representatives of other minority groups) participated in the operation and functioning of the institutions of the state. The highest level of cooperation was demonstrated in the "informal" power sharing between the main Macedonian and Albanian parties institutionalised in partaking in a coalition government.⁴ Still, despite minority representation in government and Parliament, contestation of the status of the Albanian community on the ground continued during the 1990s. In the second half of the 1990s, there were major demonstrations and

² Rossos, A. 2008. *Macedonia and the Macedonians: a history*, Hoover Institution Press. p. 257.

³ Jović, D. 2001. Fear of becoming minority as a motivator of conflict in the former Yugoslavia. *Balkanologie. Revue d'études pluridisciplinaires*, Vol. 5.

⁴ This feature of the Macedonian public space has been usually put forward as the main reason as to why the country avoided the bloodshed of the rest of the Yugoslav federation.

incidents involving issues related to the use of symbols, languages and establishment of higher education institutions.

The culmination of these problems was a six-month internal conflict between the Macedonian police forces and the Albanian paramilitary force, the National Liberation Army, which took place in the first half of 2001. The conflict was concluded with the signing of the OFA in August 2001 under significant international (including EU) pressure leading to changes in the disputed constitution.⁵ The Agreement established a form of power sharing within the system instituting a minority veto, extending the use of the languages of the non-majority communities which represent over 20% at the national and local level, the principle of adequate and equitable representation and decentralisation. With the OFA and the subsequent constitutional changes setting up a largely consociational system, the neutral term “non-majority communities” was introduced both in the constitution and relevant legislation in the country, replacing the previously contested nationalities.

The Agreement was signed in the midst of continuous involvement and coordination between the relevant domestic political actors as well as external actors, such as the US, EU, NATO and OSCE. It has been argued that:

The conflict between majority and minority, in which the minority enjoyed the patronage of a much smaller external homeland (Albania), itself dependent on the EU, was *actively* controlled by the EU with an *auxiliary* role for the structural perspective.⁶

The signatories of the OFA are the two major ethnic Macedonian and two Albanian parties at the time, the president of the country at the time and the EU and US as external guarantors of the agreement. In principle, the agreement was drafted in cooperation with the domestic actors, but with large external influence with respect to its key elements. Its provisions in fact will become key segments of EU conditionality in the years to come. As part of conflict prevention, the government also signed a Stabilization and Association Agreement with the EU in 2001, way ahead of other countries in the region. The European Union supported interethnic consolidation based on

⁵ Text of the Ohrid Framework Agreement available at https://www.pravdiko.mk/wp-content/uploads/2013/11/ramkoven_dogovor-3.pdf.

⁶ Berg, E. & van Meurs, W. 2002. Borders and Orders in Europe: Limits of Nation- and State-Building in Estonia, Macedonia and Moldova. *Journal of Communist Studies and Transition Politics*, 18, p. 51–74.

the OFA and considered the successful implementation of OFA as a significant achievement in meeting EU criteria, when the country became an official candidate for EU membership in December 2005. EU officials have commonly referred to the agreement as the success story of the Balkans which provided for the establishment of a truly multi-ethnic democracy.⁷

20 Years Later Post OFA

As mentioned in the introduction, 20 years later, the OFA has been considered a successful model of conflict resolution in the broader region, including through its approach that excluded territorial solutions. Whereas progress has been made on most of its related policies, there have been as expected outstanding challenges, which are discussed below.

Use of Languages

The OFA provisions on language use were rather broadly defined and since the signing there was contestations as to the mode in which language use will be regulated. The analytical report of 2005 the European Commission concludes that “the OFA legislative programme was completed [...] and the remaining task is to ensure continued and effective implementation, thereby further strengthening the climate of confidence and stability”.⁸ The same document also notes that:

The coalition partners [the Social Democratic Union of Macedonia (SDSM) and the Democratic Union for Integration (DUI)] have agreed that, *although not formally required by the Framework Agreement*, a law on the use of languages should be adopted to complement the substantial number of existing sectoral laws specifying use of the Albanian language.⁹

⁷ Speech of Erwan Fouerre EU Special Representative and Head of the European Commission Delegation in Skopje, Macedonia delivered at the Conference: The Western Balkans. Political Order, Economic Stability and International Engagement, Berlin 27 October 2006, available at: http://www.delmkd.ec.europa.eu/en/key-information/key-speeches/Speech_271006.pdf.

⁸ EC 2005a. Analytical report for the Opinion on the application from the Former Yugoslav Republic of Macedonia for EU membership. Commission Staff Working Paper. Brussels: Commission of the European Communities. p. 12).

⁹ Ibid. p. 30.

Overall, while it monitored the use of languages in line with national legislation, the European Commission left the question as to whether or not there is a requirement for the adoption of a framework to be decided at the national level. Thus, none of the EU documents between 2006 and 2008 contain a direct reference to this law, indicating that it was not a formal condition in the case of Macedonia in relation to national minorities.¹⁰ Such a law was swiftly adopted in 2008 and more recently in 2017 upon a proposal of MPs from the Albanian parties. In this sense, both laws have been considered to be less than ideal examples of pieces of legislation, often missing or bypassing the national procedures on regulatory impact assessments. In response, most recently in 2022, the Advisory Committee calls on the authorities to improve the implementation of the Law on the Use of Languages through increasing considerably their investment in the training and recruitment of translators and interpreters and to continuously evaluate its impact.¹¹ The Advisory Committee also underlines that the law's provisions on the language rights of numerically smaller national minorities should be clarified. The introduction of bilingualism in judicial proceedings was criticized by the Venice Commission. In 2022, the EC in their report notes that “no efforts were made to address the Venice Commission recommendations to re-examine the provisions of the Law on the use of languages related to bilingualism in judicial proceedings”.¹² Overall, most of the legislation on the use of languages has been adopted and shaped by political considerations, instead of the real situation on the ground, creating a significant gap between foreseen policies and practice.

Equitable Representation

The equitable representation of minorities, unlike the law on languages, was clearly an element of the OFA and the EU conditions pertaining to Macedonia in the early 2000s. In essence this policy requires that the country

¹⁰ For a detailed overview see: Kacarska, S. 2012. Minority Policies and EU Conditionality-The Case of the Republic of Macedonia. *Journal on Ethnopolitics and Minority Issues in Europe*, Vol. 11.

¹¹ Fifth Opinion of the Council of Europe Advisory Committee of the Framework Convention for the protection of national minorities on North Macedonia, available at: <https://rm.coe.int/5th-op-north-macedonia-en/1680a82967>.

¹² European Commission Report on North Macedonia 2022.

achieves proportional representation of minorities at all levels of public administration, including in the judiciary. The origins of the condition related to the equitable representation are in the OFA and the SAA reports, although stronger emphasis has been given to the issue since 2005 with the Progress Reports. The policy was stringently implemented with an increase in the number of ethnic Albanians in the civil service from 5.61% in 2004 to 24.18% in 2012 with numbers increasing since. Despite this statistical increase, at the same time the policy has been criticized for lack of transparency in its implementation and for neglecting the needs of smaller communities. With regard to transparency, the absence of reliable data on employees has been of primary significance. In a commentary on the effective participation of minorities in the public life, the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities highlighted that:

Comprehensive data and statistics are crucial to evaluate the impact of recruitment, promotion and other related practices on minority participation in public services. They are instrumental to devise adequate legislative and policy measures to address the shortcomings identified.¹³

At the same time, there are strong and persisting concerns that the employment of minorities is politicized and still used to nurture clientelist linkages with voters, as is the case with the Macedonian majority as well. The review of the OFA which was done more than a decade after its signing also notes that there are decisive variations among public bodies, a more serious underrepresentation of numerically smaller non-majority communities as well as significant underrepresentation of all non-majority communities in managerial positions.¹⁴

Smaller Communities and Their Role Post 2001

Whereas in the specific policies discussed above there are achievements and setbacks, the OFA has often triggered dissatisfaction of the smaller

¹³ COE. 2008. Commentary on the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs. Available at: http://www.coe.int/t/dghl/monitoring/minorities/3_fcnmdocs/PDF_Commentary-Participation_en.pdf.

¹⁴ European Institute of Peace, OFA Review on Social Cohesion. Available at: <https://www.eip.org/wp-content/uploads/2020/07/OFA-Review-on-Social-Cohesion.pdf>.

communities such as Roma, Turks etc. Although some improvements have been made as to their position, many of them not see the Agreement acting in their benefit, but as an instrument privileging the Albanian community. Research already in 2002 has argued that the 20% threshold stipulated by the OFA is commonly perceived as discriminatory against the smaller communities.¹⁵ There have been attempts to create special institutions for the concerns of numerically smaller communities. The Agency for Community Rights Realization (ACRR, mainly focused on the protection of minorities representing less than 20% of the population) still struggles with an inadequate mandate, insufficient budget and a lack of support from relevant institutions and in this respect is incomparably weaker than the institutions vested with various aspects of the OFA implementation.

The Way Ahead: One or Several Societies?

With a view to addressing ethnic divisions in society and promoting intercultural dialogue, the government adopted in 2019 the “Strategy for development of the ‘One society for all’ concept and interculturalism”.¹⁶ The document is based on the principle of non-discrimination and the interculturalism approach. It outlines a broad range of measures to be taken over a course of three years in the areas of culture, media, education and youth, and social cohesion, and is accompanied with an action plan. The objective of the strategy is to remedy some of the unintended consequences of the OFA discussed above specifically in terms of the division in society by creating more opportunities for intercultural exchange and communication between various communities. Its implementation however for the first few years which have coincided with COVID-19 and the energy crisis and the Russian aggression in Europe has been less than satisfactory and it remains to be seen how and whether this instrument in the medium and long term would meaningfully contribute to dealing with the hurdles of the post-OFA period discussed above.

¹⁵ Engstrom, J. 2002. Multi-Ethnicity or Bi-Nationalism-The Framework Agreement and the Future of the Macedonian State. *Journal on Ethnopolitics and Minority Issues in Europe*, Issue 1.

¹⁶ Available at: https://vlada.mk/sites/default/files/dokumenti/strategii/strategija_edno_opshtestvo_29.10.2019.pdf.

New Challenges: Extending the Scope of Communities Enlisted in the Constitution

Whereas in the first decade after the OFA, the primary challenges related to the management of the minority issue were related to the internal diversity management, in recent years, challenges to the Macedonian model have come from its neighbours, EU member states as well. The dispute with Greece which largely concerned identity politics was concluded with the Prespa agreement signed in 2018 which led to the change of the name of the country, including for internal use. This move was done after an unsuccessful referendum held in 2018 which did not meet the threshold of 50% of registered voters to come out to the poll.

The Bulgarian veto for the start of the accession negotiations of between 2019 and 2022, although initially not being primary an issue of minority policy has over the years transformed into such and was also interrelated with the EU accession process of North Macedonia. Whereas the first documents of the Bulgarian assembly do not mention the issue of the Bulgarian community in North Macedonia, the evolution of the demands moved in this direction. Before the October 2019 EU Council meeting, the Bulgarian Government adopted a Framework position,¹⁷ confirmed with a Declaration by its Assembly.¹⁸ Though supportive of the opening of the accession negotiations, the position places new conditions on the Republic of North Macedonia, claiming that they derive from the 2017 Treaty on Friendship, Good Neighbourly Relations and Cooperation Between the Republic of Macedonia and the Republic of Bulgaria (hereinafter: Friendship Treaty MK-BG).¹⁹ Most of the Bulgarian requests at the time concerned Article 8 and the work

¹⁷ Council of Ministers of the Republic of Bulgaria, Framework Position regarding EU enlargement and the Stabilisation and Association Process of the Republic of North Macedonia and Albania. Available at: <https://www.gov.bg/bg/prestsentar/novini/ramkova-pozitsia>, (09 October 2019).

¹⁸ Declaration of the Forty-fourth National Assembly of the Republic of Bulgaria in regard to EU enlargement and the Stabilisation and Association Process of the Republic of North Macedonia and Albania. Available at: <https://www.parliament.bg/bg/news/ID/4920>.

¹⁹ Law on Ratification of the Treaty on Friendship, Good Neighbourliness and Cooperation between the Republic of Macedonia and the Republic of Bulgaria (Official Gazette of the Republic of Macedonia, no. 12/2018).

of the Joint Multidisciplinary Expert Commission on Historical and Educational Issues established under the Friendship Treaty MK-BG, formed “with a view to strengthening their mutual trust”, and “aiming to contribute to objective, scientific interpretation of historical events, founded on authentic and evidence-based historical sources”.²⁰

Specifically on minority rights, the Statement annexed to the Council Conclusions of March 2020 urges North Macedonia to state “no historical and demographic grounds for seeking minority status for any group of citizens on the territory of the Republic of Bulgaria” and to discontinue “any support to organizations claiming the existence of a so-called ‘Macedonian minority’ in the Republic of Bulgaria, including international organisations such as the Council of Europe [(CoE)] and in multilateral formats and monitoring mechanisms”, basing it on Article 11 of the Friendship Treaty MK-BG. Neither Article 11 of the Treaty, nor any other of the Treaty provisions refers to “minorities”. However, the preamble does state that it relies on the principles of the UN Charter, the OSCE documents and the “democratic principles contained in the CoE acts”. The rights of the persons belonging to minorities belong to those persons and are unalienable. Furthermore, these rights are one of the values of the Union,²¹ as is the principle of equality and non-discrimination,²² including on grounds of ethnicity and belonging to a national minority.²³ The states have an obligation for safeguarding the rights of minorities in their own countries. Informative on this issue are the CoE documents, which, *inter alia* note the non-recognition by Bulgaria of the Macedonian minority^{24 25} and emphasise the fact that Bulgaria continues not to

²⁰ Ibid.

²¹ Treaty on European Union, Art.2.

²² Treaty on European Union, Art.21.

²³ Charter of Fundamental Rights of the European Union, Art.21.

²⁴ Advisory Committee on the Framework Convention for the Protection of National Minorities, Third Opinion on Bulgaria, (30 July 2014) 5 and 9-10. Available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008c669> accessed 2 May 2020.

²⁵ Parliamentary Assembly of the Council of Europe, Resolution 2296 (2019) Post-monitoring dialogue with Bulgaria. Available at: <http://semantic-pace.net/tools/pdf.aspx?doc=aHR0cDovL2Fzc2VtYmx5LmNvZS5pbmQvbnNveG1sL1hSZWYvWDJILURXLWV4dHluYXNwP2ZpbGVpZD0yODA2MzY5W5nPUVO&xxsl=aHR0cDovL3NlbWFudGljcGFjZS5uZXQvWHNsdC9QZGYvWFJlZi1XRC1BVC1YTUwyUERGLnhzbA==&xxsltparams=ZmlsZWlkPTI4MDYy> accessed 24 April 2022.

execute long-standing judgments of the Court of the organisations aiming to achieve “the recognition of the Macedonian minority in Bulgaria”.²⁶ Accepting this request would mean that Bulgaria would be allowed to export its human rights violations, already established by the European Court of Human Rights (ECtHR),²⁷ under the premise of democratization and Europeanization.

The documents of 2019 mentioned above, were significantly altered by 2021. After the November Brdo Summit in 2021 the Bulgarian president handed over the protocol with the so called 5+1 conditions for the lifting of Bulgaria’s veto, which included: the short and long form of North Macedonia’s name; preventing hate speech; rehabilitating the victims of communism; greater engagement in the joint history commission; non-interference in the other’s domestic affairs,²⁸ and enlisting the Bulgarian community in North Macedonia’s constitution.²⁹ The inclusion of the Bulgarian community in the constitution is a relatively new request, which was not even mentioned in the initial documents Bulgarian parliament mentioned above. This request is also not a subject of the national monitoring in view of the Framework Convention for the Protection of National Minorities (FCNM) which the country has undergone since 1997.

Yet, the request to include the Bulgarian community, officially representing less than 0.2 percent of the country’s population according to the latest census in the national constitution has in effect become a key condition of the package of documents related to the start of the accession negotiations for North Macedonia. The constitutional change is a condition in order to hold a second Intergovernmental Conference (IGC) and to complete the

²⁶ The Commissioner for Human Rights of the Council of Europe Dunja Mijatović Report following her visit to Bulgaria from 25 to 29 November 2019, (31 March 2020) 11. Available at: <https://rm.coe.int/report-on-the-visit-to-bulgaria-from-25-to-29-november-2019-by-dunja-m/16809cde16> accessed 2 May 2020.

²⁷ For ECHR established violations by Bulgaria regarding the Macedonian minority, see, for example: *Stankov and the United Macedonian Organisation Ilinden v. Bulgaria*, (Applications nos. 29221/95 and 29225/95), *The United Macedonian Organisation Ilinden and Ivanov v. Bulgaria*, (Application no. 44079/98).

²⁸ This demand is related to the non-compliance of Bulgaria with the verdicts of the ECHR against the Treatment of the community that identifies as Macedonian and the continuous violations of its right to association.

²⁹ Sinisa Jakov Marusic, <https://balkaninsight.com/2021/10/19/birn-fact-check-can-north-macedonia-meet-bulgarias-six-demands-for-breakthrough/>.

“opening” of the accession negotiations. Second, the country has agreed to prepare a separate action plan on the rights of non-majority communities with a particular focus on education and hate speech, which are of particular interest to Bulgaria, which after the constitutional change will become a neighbouring kin state of a specific community. Third, at the intergovernmental conferences in the future, the European Commission will inform on the implementation of the results of the government commission set up for the implementation of the agreement on good neighbourly relations with Bulgaria. In addition, the negotiating framework takes note of Bulgaria’s intention to file its own unilateral statement as to the Macedonian language.³⁰

The opening up of the constitution for this purpose will be thorny, as for this purpose qualified majority is needed, which the current ruling coalition does not have. The Albanian parties in opposition also supported the proposal, on the grounds that it opens the way for EU accession and in essence does not tackle the identity discussions of the Albanian community, but also considered the opening-up of the discussion on the constitutional changes as an opportunity to pose further demands as to the status of Albanian language in the country.³¹

Conclusions

20 years after the short lived conflict of 2001, North Macedonia is governed on the power sharing principle established with the OFA and its everyday politics hinges on a delicate ethnic balance. Whereas the legislative component of the OFA was implemented early on, hurdles with implementation of policies, foremost in terms of language use and equitable representation

³⁰ The statement that Bulgaria filed in mid-July 2022 states that the creation of the “Macedonian language” is based on the Bulgarian literary language, enriched with local forms, thus simulating a “natural” process based on a dialectal form. The question many in Skopje have made is related to the potential impact of this resolution on the inclusion of Macedonian as an official language of the Union once the country becomes a member of the EU.

³¹ Kanal5, BESA Movement: We Accept the French Proposal (in Macedonian), <https://kanal5.com.mk/dvizhenje-besa-go-prifakjame-francuskiot-predlog/a537092>, See also: 360 stepeni, AA Statement (VIDEO), Sela also supports the French proposal (in Macedonian), 04 July 2022, <https://360stepeni.mk/video-i-sela-go-poddrzhuva-frantsuskiot-predlog/>.

remain. Smaller communities also remain sidelined as the focus in the two decades has been on the numerically and politically stronger Albanian community. The success of the OFA, foremost in the early years following its signing has in part been attributed to its linkage with the Euro Atlantic integration processes. The successive vetoes of Greece and later Bulgaria have posed a challenge to the stability of North Macedonia by contesting in various ways the identity markers of the Macedonian community, resulting in stark internal polarisation. The name change of the country in 2020, although led to NATO membership, is still seen by a significant portion of the Macedonian community as an imposition. The inclusion of the Bulgarian demands in the negotiating framework for North Macedonia by the EU created a risk of further eroding the transformative power of the Union. Following the pending constitutional change, a new relationship will arise between the two countries which involves a host and a kin state of a minority, with the latter being an EU member state. This precedent that the EU has established is likely to further complicate the delicate ethnic consensus on which the country operates as well as potentially undermine the transformative power of the Union in the case of North Macedonia.

Multi-Ethnic Reality and Challenges in Albania

Kejsi Rizxo

Possible Gaps between Official Statistics and the Multi-Ethnic Reality of Albania

Albania represents one of the most positive realities with regard to multi-ethnic reality. However, although minorities in Albania hold a firm legal status and more concrete positioning, there is still room for improvement.

After the fall of the communist regime in Albania, the issue of national minorities was also re-dimensioned, which was reflected in serious institutional and legal commitments of the Republic of Albania, starting with its membership in a number of international organizations, the ratification of a considerable number of international acts,¹ dedicated to the guarantee and protection of the rights of minorities, but also to the protection of their rights in the internal legal regime of the country.²

The Constitution of the Republic of Albania stipulates that persons belonging to national minorities enjoy full rights and full equality before the law, as well as guarantees them the right to freely express their ethnic, cultural, religious and linguistic affiliation, the right to learn and be taught in their native language, as well as to join organizations and associations for the protection of their interests and identity.

After the overthrow of the communist regime, due to the influence of a number of internal and external factors, it was noticed that there were dif-

¹ Especially the ratification with no reserve of the Council of Europe Framework Convention "On the protection of national minorities".

² Article 20 of the Constitution of the Republic of Albania stipulates as follows: *Persons who belong to national minorities exercise the human rights and freedoms in full equality before the law. 2. They have the right freely to express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging. They have the right to preserve and develop them, to study and to be taught in their mother tongue, and to unite in organizations and associations for the protection of their interests and identity.*

ferences between the figures provided by different sources. In general, regardless of the difficulties that came from the pressures, the data provided by the state institutions have been close to the realities. For example, in the data of the last official census conducted by the communist regime³ the number of national minorities in Albania was around 60,000.⁴

When the democratic order was established, several hundred thousands of Albanians in search for a better life left the country. Among the first who left Albania were representatives of national minorities who found the opportunity to go to the countries of their nationality or to their relatives in the neighbouring countries. When this happened, the number of minorities in Albania⁵ decreased to about 22,000. This is not a deliberate distortion of reality by state institutions, as is said sometimes by representatives of minority associations or by representatives of neighbouring countries. This has to do with an indisputable reality: the opening of Albania caused a demographic void. As the Albanians left, so did the minorities.

The last census of population and houses in Albania dates back in 2011. At the time the report was criticized by several segments of civil society and members of several communities. Issues were raised especially regarding the reported number of Roma and Egyptian community of the time, which has a negative impact in terms of the distribution of resources, education, employment and social welfare. This was further highlighted and emphasized in the last ECRI Monitoring Report on Albania.⁶

In the population census form, carried out in 2011, the question on ethnicity was also included, which means self-declaration as a criterion for identifying the ethnicity of the population.

A jurisprudential development which created a debate, especially in the representative groups or associations of minorities in the country, while the preparations were being made for the 2011 census, was the Decision No. 52,

³ Albanian Census of the Population of 1989.

⁴ Report submitted by Albania pursuant to Article 25, paragraph 1, of the Framework Convention for the Protection of National Minorities, 26 July 2001, pp.8.

⁵ According to Albanian Census of the Population of 2001.

⁶ ECRI – Country monitoring in Albania adopted on 7 April 2020, available at: <https://rm.coe.int/report-on-albania-6th-monitoring-cycle-/16809e8241>.

dated 1.12.2011, of the Constitutional Court, which decided: “Repeal as incompatible with the Constitution of the term ‘nationality’ in Articles 6/1, 8, 42/2, letter ‘e’ and Article 58, in its entirety, of Law No. 10129, dated 11.05.2009, ‘On Civil Status’.”⁷ As of 2020, the population census in Albania is expected to be renewed. This process has however been postponed due to several events occurring one after the other, such as the earthquake of November 2019 and the COVID-19 pandemic, the parliamentary elections, etc.⁸ Many civil society organizations have addressed to the government the request for improving the mechanisms of reporting the number of national minorities, in accordance with the Recommendations for the 2020 Censuses of Population and Housing of the Conference of European Statisticians⁹ and other international instruments, especially tackling the deficiencies of the last census of 2011.

A particularly important step with this regard is the approval and entry into force of a new law for the protection of national minorities, in 2017,¹⁰ which aims to protect the rights of minorities and guarantee the exercise of specific human rights for every person belonging to a national minority, which are necessary for the protection and promotion of their distinctive identity as an essential component of an integrated society and which guarantee non-discrimination and full equality before the law. Regardless of the positive developments related to the approval and entry into force of this law, the non-approval of several of its bylaws provided as necessary, to enable the real implementation of this law still remains problematic.

Before the adoption of this law, in Albania, in addition to ethnic-national minorities,¹¹ there was also another type of minority called “Ethno-linguistic

⁷ Decision No. 52, dated 1.12.2011, of the Albanian Constitutional Court https://www.gjk.gov.al/include_php/previewdoc.php?id_kerkesa_vendimi=1080&nr_vendim=1.

⁸ Referring to the official public announcements of the Albanian Institute of Statistics in <http://www.instat.gov.al/>.

⁹ Recommendations for the 2020 Censuses of Population and Housing of the Conference of European Statisticians https://unece.org/fileadmin/DAM/stats/publications/2015/ECECES41_EN.pdf.

¹⁰ Law no. 96/2017 “On the protection of national minorities in the Republic of Albania”.

¹¹ Before 2017, Roma were recognized as a linguistic-cultural minority and Egyptians as an ethno-cultural minority. Only the Greeks, Macedonians and Montenegrins were recognized as national minorities.

Minority”, to which the national minorities “Arumanian” and “Roma” belonged. Currently, based on the definition of the law for the protection of national minorities, there are nine national minorities in Albania, namely Greek, Macedonian, Armenian, Roma, Egyptian, Montenegrin, Bosnian, Serbian and Bulgarian minorities.

The existence of differences between the statistical data provided by the competent state institutions and the organizations, associations or individuals involved in activities dealing with these matters, cannot be ruled out a priori. But, it must be affirmed that, although in the period of the communist system, regardless of the indisputable problems that it presented in every field of social, economic, political activity, etc., due to a functional bureaucracy, the state institutions officially and publicly presented the data that were equal to reality or very close. The difference could only have been made by human error or incapacity.

The tangible reality that is present every day reflects the fact that minorities often find themselves in the form of vulnerable groups and at risk. We can take as an example the issue of the social system for the Roma and Egyptian community, including housing, economic assistance, education, civil registration, health care, employment, etc. Although it seems that the social system from a formal point of view also includes these individuals, they are in fact excluded due to bureaucratic difficulties thus silently turning into a social rejection.

EU Integration and Its Impact on the Protection of National Minorities

The Albanian reality takes place in an environment where protection and respect to fundamental rights and freedoms, which include also the rights of national minorities, is formulated as a dedicated political criteria to be fulfilled as a pre-accession condition to the EU. The positive impact is reflected in the shape of “pressure” often put to Albanian authorities to adopt legal and practical measures that protect the rights and interests of the minorities in Albania.

With this regard, all measures have been taken to guarantee the rights of national minorities, and this not only to conform to international legal acts,

including the acts and requirements of EU. Also because it is traditionally in the moral and ethical code of Albanians, the moral obligation to respect the rights of minorities has been sanctioned for a long time.

It cannot be understated that Albania's measures in the legislative, administrative, judicial and procedural field for implementing the national strategy for integration into the EU will have a positive effect.

Albania's Foreign Policy Role in Regard to Its Communities in Its Neighbourhood

Albanian foreign policy cannot fail to conform to the positive tradition that Albanians have built over centuries in their relations with neighbouring countries. Since the monarchist regime before WWII, and even during the dictatorial communist regime, Albanian foreign policy has followed the policy of good neighbourliness. This has not only been a constitutional and legal obligation, but has been implemented in practice. Albania has never created problems with its neighbours. A concrete example comes from the Albanian realities before WWII. When certain Greek political circles in abuse and violation of the implementation of the Treaty of Lausanne of 1923 for the exchange of Greek-Turkish populations forcibly expelled several tens of thousands of Albanians from their native lands in Çamëria in Thrace, the Albanian ambassador in Athens, who was a personality of the Albanian politics and culture of that time, Mit'hat Frashëri, proposed to the Albanian government of that time that as a counterweight and as a form of pressure on Greece, Albania should expel the Greek minorities from its south to make room for Albanians who were being forcibly moved to Turkey. The Albanian government did not accept this proposal.

To conclude, the existence of minorities in Albania is a reality to which attention has been paid, in order to create good relations in that part of population that was different by tradition, culture or language. It has been assessed as part of cultural heritage, without ethnic, racial or religious conflicts.

Interethnic Relations and Their Impact on the Integration Process with Reference to the Serb Community in Montenegro

Milena Bešić

Interethnic Relations and Their Links to Democratic/Legal Reforms and EU Integration Processes in Montenegro

CEDEM regularly conducts a political public opinion research.¹ One of the constant questions we ask every time concerns the direction in which Montenegro should move in the context of its foreign policy. It is encouraging that the dominant orientation of Montenegrin citizens is pro-Western. Likewise, 72% of citizens want to see Montenegro integrated into the EU, while 42% of citizens support Montenegro's membership in NATO.

However, some pro-Serbian political actors very often question the status of Montenegro in their speeches. Therefore, on two occasions within the aforementioned research conducted in the last two years, we assessed the opinion of the citizens about the sovereignty of Montenegro. This survey showed that more than 62% of them would vote for independence in a referendum, if it was held today, and more than 80% believe that the issue of Montenegrin independence is closed and do not question the functioning of Montenegro as a sovereign and independent state.

The other research² we conduct focuses on measuring the ethnic distance in Montenegro based on the Bogardus Scale.

The results of the poll showed that the distance is the smallest between Serbs and Montenegrins, which indicates that an "ethnic conflict" between Serbs and Montenegrins is a political construct rather than a reflection of reality. For example, we have recently witnessed a few critical situations in

¹ CEDEM Political Public Opinion of Montenegro June 2022, https://www.cedem.me/wp-content/uploads/2022/07/Prezentacija-jun-2022_FINAL-ENG.pdf.

² CEDEM Interethnic Relations and Ethnic Distance in Montenegro 2019, <https://www.cedem.me/en/news/nema-povecanja-etnicke-distance-u-crnoj-gori/>.

Montenegro in which attempts were made to provoke the gathered citizens by interference of certain structures in order to create instability. One of them was the coup attempt after the parliamentary elections in 2016, another one was the events in Cetinje in September 2021 on the occasion of the inauguration of the new Mitropolit. The fact that the tensions subsided and the situation stayed under sufficient control indicates that the organic distance between Montenegrins and Serbs is not serious enough to escalate into an open conflict, but is an artificial creation of politicians.

Having said all of the aforementioned, it is undebatable that in order to overcome mutual divisions, we need our politicians to be determined and mature enough to leave all the emphasized issues in the past and to avoid frequent boycotts of key reform processes. Montenegro needs fundamental changes that will ultimately result in a political structure that is directed at citizens and the public interest. We need the essential strategic reflection on European integration, but above all – we need a political will, competence of individuals in institutions and the individual responsibility.

Insufficient Integration of the Serb Community and Successful Integration of the Other Ethnic Communities within the Independent Montenegrin State

It would not be completely correct to talk about Serbs as a national minority in Montenegro in the literal sense and compare their ethnic community with other national minorities in the country. The reason for that lies in the fact that there have never been any significant migrations from Serbia to Montenegro during our history and there are not many Serbs in Montenegro whose homeland is Serbia, and the diaspora in Montenegro. In other words, Serbs in Montenegro are not originally from Serbia – but they feel and have the right to declare themselves as Serbs. In fact, there is a narrative that puts Serbs in a subordinate position to Montenegrins, who, according to this view, are in fact an “invented nation”, an “artificial construct derived from communism”, which is strongly supported by the activities of the Serbian Orthodox Church and derived from the *Greater Serbia Project* and Serbian hegemony.

Truth be told, the *Greater Serbia Project* has had its ups and downs – from the annexation of Montenegro in 1918, the abolition of its independence and

statehood to its revitalization in 2006, during which period Montenegro was mostly a part of the Socialist Federal Republic of Yugoslavia (SFRY) and then existed within the Federal Republic of Yugoslavia (FRY). However, one thing is certain – the nationalist discourse picked up in the 90s is stronger today than ever before and represents a means of communicating the aforementioned non-fact-based and exclusively political construct about Serbs as a national minority in Montenegro.

Year of Census	1948	1961	1991	2011
Serbs	1.78%	3%	9%	29%
Montenegrins	90.7%	81.4%	62%	45%

For the purpose of supporting the *Greater Serbia Project* even the issue of the census in Montenegro has been manipulated for a long time, especially after the rule of the Democratic Party of Socialists was broken on August 30, 2020. This was done with the crucial help of the late Metropolitan Amfilohije, who provided a decisive support to pro-Serbian currents in Montenegro back then. After that, an even bigger space opened up for accentuating the necessity of counting Serbs and Montenegrins in Montenegro. Therefore, the issue of the census is also manipulatively placed in the political context today and a promise to deal with the census represents an unofficial and unwritten condition for a particular party to enter into the government of Montenegro.

According to its constitution, Montenegro is a civil, democratic, multi-ethnic and multi-confessional country. In accordance with this constitutional determination of Montenegro, the constitution furthermore guarantees human rights, among which the rights of national minorities are singled out. Nevertheless, these rights are not only guaranteed and protected by the provisions of the constitution, but are also established in Montenegrin legislation. For example, Article 1 of the Law on Minority Rights and Freedoms prescribes that Montenegro, in accordance with the constitution, ratified and published international treaties and generally accepted rules of international law, shall ensure to minority nations and other national minority communities and their members the protection of human rights and freedoms guaranteed to all citizens, as well as the protection of particular minority rights and freedoms.

However, the question is how which group will exercise these rights in reality, beyond letters on paper. Serbs in Montenegro, for example, seem to constantly refuse to exercise their right to register the anthem and flag of their ethnic community, but rather choose to recklessly provoke Montenegrins and other national minorities in Montenegro (Albanians, Croats...) by illegally displaying the national anthem and flag of Serbia. In addition to this and among other examples, although Article 35 of the Law on Minority Rights and Freedoms prescribes the right of the minority nation and other national minority communities and their members to establish a council in order to preserve their overall national identity and improve their status in the context of their rights and freedoms. Many powers of the council prescribed under the law have not been used by the Serb National Council of Montenegro.

Meanwhile, to be completely objective, the rule of the Democratic Party of Socialists also contributed to the inter-ethnic instability in the Montenegrin society. The monolithic structure of the rule of one party and its coalition partners for almost three decades resulted in the fact that the Democratic Party of Socialists merged with the system, which actually led to an absolutist way of governing, not enabling the system to “breathe” and distanced us from the essential democratic and pluralistic direction of society. It provoked the accumulation of many voluminous dissatisfactions that have been manifested through nationalism, social and ethnic tensions, especially during the last few years.

However, although it was expected that the period of political and ethnic tensions would come to an end with the change of the government in 2020, the fragility of the civil society sector, the strength of inter-ethnic tensions and the failure to reconcile the society are still very evident. It seems that the topicality of these issues is greater today than ever before, mostly due to the strengthening of the right-wing parties. Additionally, the large presence of hate speech and the glorification of war criminals who contributed to great extent to the ethnic distancing of different ethnic groups in Montenegro by participating in war events, significantly negatively affect multi-ethnic and inter-ethnic harmony in the country.

The Importance of Relations with Serbia regarding National Identity Issues and Interethnic Relations in Montenegro

Although this might not have been expected after the change of government in Montenegro in August 2020, official relations between the two countries, Montenegro and Serbia, have not been worse in recent history. Regardless of the fact that for the first time the pro-Serbian political alliance Democratic Front was included in the government, with the open and strong support of the Serbian Orthodox Church (Srpska Pravoslavna Crkva/SPC), and the open favour demonstrated to the church and its dignitaries by the newly elected prime minister and the majority of ministers in the so-called expert government, official relations got worse. After the amendments to the disputed Law on Freedom of Religion were passed in parliament, the signing of the so-called “fundamental contract” which was supposed to define the relations between the SPC and the State of Montenegro had long been expected, but prime minister Krivokapić hesitated to do so and not long after, his government lost the support of the parliament. Meanwhile, numerous messages could be heard from high-ranking official addresses from Serbia, such as that Mr. Vučić is the president of all Serbs, regardless of which country they live in, etc. Various media channels from Serbia, which have a national frequency, are also broadcast on cable throughout the region, numerous topics with anti-Montenegrin narrative and historical revisionism are still opened.

After the election of a new government led by prime minister Abazović, paradoxically with the minority support of the Democratic Party of Socialists of Montenegro (DPS), relations between the two Western Balkan neighbours thawed, largely thanks to the understanding regarding the “Open Balkan” initiative. The good relations between president Vučić and prime minister Abazović have not reduced the interference of the SPC in Montenegrin state affairs, nor have they put an end to the insults of Serbian political state officials against Montenegro, such as the offensive statements of former minister Vulin. Also, the problem of the Serbian ambassador who was expelled from Montenegro has not been resolved yet.

In addition, despite the recommendations of international partners that priority should be given to the revitalization of the EU integration process, the

unblocking of institutions and reforms, the new prime minister Abazović took the complete opposite path and signed the so-called Basic Contract with the church. Not long after, his government also lost the confidence of parliament and remained in a position of technical mandate, which brought the country into an even deeper political crisis.

Regional Experiences in Dealing with Multi-Ethnicity Issues: The Case of Kosovo

Lulzim Peci

Introduction

The First Agreement on the Normalization of Relations between Kosovo and Serbia of April 2013, opened a new chapter in inter-ethnic relations between Albanian and Serbian communities of Kosovo. This agreement, among other things, provided for the dismantling of parallel security and justice structures of Serbia in the North of Kosovo and their integration within the Kosovo Police and Justice System. The agreement enabled full political integration of the Serb Community in Kosovo, but this was not translated into social integration, which is lagging far behind.

At the same time, as a part of the gentlemen's agreement between Prishtina / Priština and Belgrade, the Srpska Lista was established, which, within a very short time took over the political representation of the Serb Community in Kosovo. The creation of Srpska Lista has contributed to a swift implementation of the First Agreement on Normalization of Relations, but it has practically killed the political pluralism among Kosovo Serbs. The political parties of the Serb community that were active and participated in the political life of Kosovo until 2013, practically ceased to exist.

Furthermore, Serbia and Srpska Lista continue to discourage, and in many cases threaten Kosovo Serbs, if they cooperate with Kosovo's authorities more than Belgrade would permit. This is particularly true regarding the participation of Kosovo Serbs in the Kosovo Security Force. Thus, Srpska Lista, as part of the Kosovo Government and represented in the Kosovo Assembly with ten deputies, in a large measure is pursuing the interests of Serbia's Government in these institutions, rather than taking care of the problems of Kosovo Serbs. A careful examination of the minutes of the meetings of the current legislation of the Kosovo Assembly, and those of the Kosovo Government, show that representatives of Srpska Lista have rarely raised any issue

related to the concerns of the members of the Serb community in Kosovo, including those of many alleged incidents in the locations inhabited by them.

On the other hand, during the last national election campaign, Kosovo's Prime Minister Albin Kurti proclaimed that he will undertake an internal dialogue with the Kosovo Serb community. Nevertheless, until now, he has not initiated any significant visible step in this direction. Furthermore, several consecutive Kosovo Governments have failed to implement the Kosovo Constitutional Court's decision of May 2016 that confirmed the ownership of the Deçan / Deçani Monastery over several hectares of land and its legal registration in the cadastral records of Kosovo. This has had a direct negative impact on the confidence building of governmental authorities of Kosovo among the local Serb community, and this also shows a lack of basic understanding of the importance of the Orthodox Church on the spiritual and national identity of the Serb people. Furthermore, within some sections of the academic community in Kosovo, there is a tendency to present some middle age orthodox churches in the country, as the ones that were transformed from the original Catholic Albanian churches.¹

An aggravating factor to this misunderstanding is the role of the Serb Orthodox Church, especially during the 1990s, when it de facto embraced the nationalistic policies of Milošević and projected Albanians as a threat. By pursuing the narratives of Serbian victimization and nationalism, the Serbian Orthodox Church assigned to itself the role of "the protector of the Serbian nation."²

On the other hand, since Milošević's era, the Serb politicians persistently undermine the secular character of Albanian national identity, with a tendency to equalize it with pan-Islamism and the so-called "green transversal," that begins in Bosnia and Herzegovina, goes through Sandžak in Serbia and

¹ See for example, Dr. Enver Rexha, Si u shëndrruan kishat katolike shqiptare në kisha ortodokse serbe?, June 1, 2016, <https://www.ikvi.at/?p=6719>.

² Laurie Johnston, Religion in Kosovo and the Balkans – Blessing or Curse?, In Florian Bieber & Židas Daskalovski (ed.), Understanding the War in Kosovo. London: Frank Cass Publishers, 2003, p. 184.

Montenegro, Kosovo, Albania, and North Macedonia,³ a way of reasoning which is also part of the academic discourse in Serbia.⁴

*Different Circumstances of the Serb Community Living
in the North and in the Central and Southern Kosovo*

The Kosovo Serb community lives in almost equal populations in northern Kosovo (70,430 residents), and in central and southern Kosovo (75,698 residents). The vast majority are residing in ten municipalities where the Serb community constitutes the majority, namely four in the north (Mitrovica North, Zvečan / Zvečan, Zubin Potok and Leposaviq / Leposavić), and six in the central and southern Kosovo (Gračanica / Gračanica, Shtërpçë / Štrpce, Klllokot, Ranillug, Novo Brdo and Partes).⁵ Furthermore, it has to be noted that all Serb-majority municipalities have their own Kosovo Police Stations, and the Regional Directorate Mitrovica North,⁶ which are commanded by police officers belonging to the Serb Community. Also, these municipalities have functional Basic Courts (Mitrovica North) or branches of the Basic Courts⁷ in which prosecutors and judges are mainly Kosovo Serbs. Furthermore, in Mitrovica North there is a public university that provides programs in the Serbian language. Nevertheless, conditions of the Serb community in the north and in the central and southern parts of Kosovo differ fundamentally.

³ For example, recently Serbian Prime Minister Ivica Dačić has declared that “Parts of Albanians desire to create so called ‘green transversal’, which are dangerous fantasies and that Islamic extremism is behind of it”, Plan koji je Tudjmanu i Miloševiću bio argument za podjelu BiH. August 18, 2018, Radio Sarajevo, <https://radiosarajevo.ba/vijesti/bosna-i-hercegovina/pakleni-plan-koji-je-tudjmanu-i-milosevicu-bio-argument-za-podjelu-bih-i-zlocine/310526>.

⁴ See for example: Srdja Trifkovic, “The Green Corridor,” Myth or Reality? Implications of Islamic Geopolitical Design in the Balkans in Stern. S, (Ed.), Saudi Arabia: and the Global Islamic Terrorist Network: America and the West’s Fatal Embrace. New York: Palgrave Macmillan, 2011.

⁵ Community Profile: Serbian Community, European Center for Minority Issues, Kosovo, <https://www.ecmikosovo.org/uploads/Serbcommunity1.pdf>.

⁶ Kosovo Police, Regional Directorates, <https://www.kosovopolice.com/en/regional-directorates/>.

⁷ Prosecutors Network, <http://www.prosecutorsnetwork.org/kosovo>.

Serb community in the central and southern parts of Kosovo is integrated, up to a certain extent, into the Kosovar society, due to the prevailing multi-ethnicity and interaction among ethnicities in this part of the country. Members of the Serb community in this part of the country respect the legal framework of Kosovo, including the possession of vehicle plates and personal documents issued by the Kosovo Government. Nevertheless, the Serb Community in this areas lives under the tutelage of Srpska Lista fiercely controls employment in municipal administrations, and in the health and educational institutions that, in addition to Kosovo Government, are supported financially by the Serbian Government as well.

The situation in the North is reminiscent of Serbia's continuous policy, which ever since the end of the war of 1999 was aiming to partition Kosovo. This policy has been initiated by the late Serbian Prime Minister Zoran Djindjić and it was consistently pursued by consecutive Serbia's administrations of President Boris Tadić, Prime Minister Ivica Dačić and that of current President Aleksandar Vučić.⁸ The Serb community in this area is under full control by Srpska Lista which controls the public sector, Serbia's "deep state" elements, and criminal groups controlled by Vučić's inner cycle, some of which were recently put on the US black list.⁹

There is evidence that Serbia has recently started to arm various paramilitary elements in the North of Kosovo.¹⁰ On the other hand, Serbian President Vučić has declared in the Parliament of Serbia that "for the first time, people in uniforms appeared in the North, all the women came down to greet them and say 'welcome freedom',"¹¹ Furthermore, in the North of Kosovo there is a strong pro-Putin and pro-Russia sentiment that has not faded even after

⁸ Vuk Drašković, *Ožiljci života*. Belgrade: Laguna, September 2022.

⁹ Milica Stojanovic, Ivana Jeremic and Perparim Jusufi, "Kosovo Serbs Close to Serbia's Rulers Join US Blacklist", *Balkan Insight*, December 9, 2021, <https://balkaninsight.com/2021/12/09/kosovo-serbs-close-to-serbias-rulers-join-us-blacklist/>.

¹⁰ "Sveçla publikon video ku, sipas tij, shihen serbët duke shpërndarë armë në very", *Koha Ditore*, September 14, 2022, <https://www.koha.net/arberi/343714/svecla-publikon-video-ku-sipas-tij-shihen-serbet-duke-shperndare-arme-ne-veri/>.

¹¹ Vučić: Po prvi put se pojavila lica u uniformama na Severu, sve žene sišle da ih pozdrave i kažu 'dobrodošla sloboda', *KoSSev*, September 13, 2022, <https://kossev.info/na-bari-kadama-se-pojavila-lica-u-uniformama-sve-zene-sisle-da-ih-pozdrave-i-kazu-dobrodsla-sloboda/>.

the Russian aggression in Ukraine.¹² These circumstances, at the first sight, bring to the surface the potential of Serbia to conduct limited hybrid warfare in the North of Kosovo. However, the potential for a war between Kosovo and Serbia is remote, due to the fact that Kosovo and Serbia are surrounded by NATO countries, as well as due to the deterrent presence of the KFOR forces.

On the other hand, although Prime Minister Kurti has addressed Serbs several times in the Serbian Language,¹³ the prevailing approach of the Kosovo Government is the use of administrative and police measures, which has not been accompanied with soft power measures in order to win the hearts and minds of the members of the Kosovo Serb community.

Given the circumstances, it should be noted that the integration of the Serb community and the North of Kosovo was and is largely dependent on the results of the EU-moderated dialogue process.

EU Facilitated Dialogue

The EU-facilitated dialogue that was launched in March 2011 is aiming normalization of relations between Kosovo and Serbia that should be completed with a comprehensive legally-binding agreement, which should also contribute to the security, stability, and prosperity of the region as well. Nevertheless, this normalization process that started more than a decade ago has had several dangerous setbacks and has proved to have a potential for reversibility.

The first dangerous development was recorded in January 2017, when Belgrade decided to send to Mitrovica North the so-called “Russian Train”, which endangered an armed clash at the Kosovo-Serbia border.¹⁴ But, interestingly, from 2018 to 2020, when former Kosovo President Hashim Thaçi

¹² Andrew Higgins, “In One Corner of Kosovo, Cheers Still Ring Out for Putin”, New York Times, September 20, 2022, <https://www.nytimes.com/2022/09/20/world/europe/putin-russia-kosovo.html>.

¹³ See for example: “VIDEO/ Kurti iu drejtohet serbëve në serbisht: Të trajtohem i të gjithë njësoj”, Euronews Albania, July 30, 2022, <https://euronews.al/vendi/aktualitet/2022/07/30/video-kurti-iu-drejtohet-serbeve-ne-serbisht-te-trajtohem-i-te-gjithe-njesoj/>.

¹⁴ For further details see for example “Serbia Accused of Provoking Kosovo Over Train”, Balkan Insight, January 16, 2017, <https://balkaninsight.com/2017/01/16/serbia-accused-of-provoking-kosovo-over-train-01-16-2017/>.

and Serbia's President Aleksandar Vučić were exploring opportunities for the exchange of territories, fragile relations between Belgrade and Prishtina / Priština were not accompanied by any significant incident, except the arrest of Marko Djurić, the Head of the Office for Kosovo of Serbia's Government, in Mitrovica North, on March 26, 2018.¹⁵ Nevertheless, after the failure of this option, and the relatively quiet period following the Washington Agreement between Kosovo and Serbia on September 4, 2020,¹⁶ incidents started to occur more frequently.

Another dangerous situation occurred in September 2021 when the Kosovo Government introduced reciprocity measures to Serbia related to ID cards and vehicle plates, which was accompanied by sending of Prishtina's Special Police Units to the border crossing in the North of Kosovo, and Serbia's demonstration of military power at the border with Kosovo. Paradoxically during this crisis, the Serbian military troops dispatched at the border with Kosovo, were inspected by the Russian Ambassador to Serbia, Alexander Bocan Harchenko.¹⁷ This crisis was diffused with the involvement of the European Union and the United States. Similar crises related to ID cards and vehicle plates occurred in February and August 2022, and they were diffused by heavy involvement of the EU and US Envoys, Miroslav Lajčák and Gabriel Escobar. This situation is also a reflection of Kosovo's lack of membership in NATO's Partnership for Peace which could provide a venue for addressing security concerns, but also for the creation of possibilities for security and defense cooperation between Kosovo and Serbia by utilizing multilateral institutional platforms, such as the Euro-Atlantic Partnership Council.

Nevertheless, there are a few key pending issues, such as the one on the Association of Serbian Majority Municipalities, Mutual Recognition of Di-

¹⁵ "Në veri të Mitrovicës arrestohet Marko Gjuriq dhe dëbohet nga Kosova", Deutsche Welle, March 26, 2018, <https://www.dw.com/sq/n%C3%AB-veri-t%C3%AB-mitrovic%C3%ABs-arrestohet-marko-gjuriq-dhe-d%C3%ABbohet-nga-kosova/a-43145811>.

¹⁶ "Kosovo, Serbia Agree to Normalize Economic Ties Following Talks in Washington", Radio Free Europe, September 4, 2020, <https://www.rferl.org/a/trump-says-serbia-kosovo-agree-to-normalize-economic-ties/30821454.html>.

¹⁷ "Northern Kosovo situation sparks international response", Euractiv, September 27, 2021, https://www.euractiv.com/section/politics/short_news/northern-kosovo-situation-sparks-international-response/.

plomas, Integrated Border Management, and, most importantly, the demarcation of the border, which are expected to be resolved within the efforts for achieving a comprehensive legally binding agreement between Kosovo and Serbia.

Ways Out of the Political Impasse in the Kosovo-Serbia Relations

The Russian aggression in Ukraine has created new momentum for building Trans-Atlantic cohesion for achieving among others a comprehensive agreement between Kosovo and Serbia. The dispute between these two countries entails territorial and sovereignty dimensions rather than a multi-ethnic one that is derivative of them.

On the other hand, the current impasse in Kosovo-Serbia relations is proving that it has achieved a critical point that is imposing a change of mode of the dialogue between the two countries. Moving from the current format of facilitation to that of mediation, led by the EU and supported by the United States, is a necessity for moving both sides toward the achievement of a comprehensive legally-binding agreement.

Nevertheless, under these circumstances, the five EU non-recognizers of Kosovo, namely Cyprus, Greece, Romania, Slovakia, and Spain are part of the stakeholders' framework that is fundamental for the development of options for achieving an agreement on the normalization of relations between Kosovo and Serbia, which should provide for an unimpeded path of Kosovo towards the integration in the European Union and NATO. In this regard, there is a need that in parallel with Kosovo-Serbia negotiations, for the US, Germany, France, and Great Britain to converge policies with the five EU non-recognizers, which are an indivisible part of the solution to the Kosovo-Serbia dispute regardless if the outcome of negotiations between them will end-up with mutual explicit or implicit recognition.

Kosovo fortunately does not need UN membership to become a member of either the EU, NATO, or the Council of Europe, and as such, its Euro-Atlantic future and the security and stability of the region will largely depend on the individual positions of the current EU non-recognizers on the outcome of the Kosovo-Serbia dialogue.

Recommendations

- NATO should offer Kosovo membership in the Partnership for Peace.
- The initiation of social interethnic dialogue with the aim to transform the prevailing exclusive nationalism into an inclusive shared society.
- Change of current approaches of the Kosovo Government, Srpska Lista, and the Serbian Government, which are detrimental to the needs and interests of the Serbian Community in Kosovo.
- EU and US should sponsor the creation of a multi-ethnic university in the central part of Kosovo in order to strengthen connections among youth and offer perspectives for decreasing brain-drain, to improve prospects for economic development and inclusion in the public sector of Kosovo. The university should provide also certificate programs for Albanian-Serbian-Albanian translation and interpretation, in order to meet the needs of translation services in public administration.
- EULEX should strengthen support for the Rule of Law in the North of Kosovo and multi-ethnic municipalities.
- EU and US should facilitate the drafting of the curricula of the history of Kosovo for all ethnic communities.
- EU and US should provide support for the incubation of multi-ethnic businesses.

Communities in Transition

Miodrag Milićević

Introduction

The history of Kosovo is marked by long-running inter-ethnic and territorial disputes that have often led to sporadic eruptions of violence and armed conflict. Since the official cessation of hostilities after the 1999 war, the path to peace has been fraught and marred by instability, crises and, a challenging transition to a democratic system of governance. The latter should be capable of providing its citizens with a degree of stability conducive to socio-economic development. Although the nature of Kosovo's constitutional and legal foundations can be broadly described as progressive in the sense that they provide for wide-ranging protections of human rights and the rights of non-majority communities, implementation is widely seen to be lacking. A series of recent crises following the signing of the Brussels Agreement in 2013, have served to undermine efforts to stabilise the political situation and to hamper attempts to bring about reconciliation between Serbs and Albanians. The tension of relations between communities in Kosovo continues to manifest most frequently in attacks on the religious and cultural heritage of other communities.

Furthermore, despite the substantial engagement of the international community, Kosovo's society remains substantially partitioned. The positive developments in normalization of relations between Kosovo and Serbia were recently significantly undermined with grave deterioration of relations between Kosovo and Serbia, affecting the already deteriorated ethnic relations in Kosovo. One of the unfortunate consequences of political instability is the current state of affairs, in which the presence of Kosovo Serb representatives at central-level decision-making circles remain questioned. Consequently, the needs and interests of non-majority communities in Kosovo, particularly of the Kosovo Serb community, are not appropriately addressed or remain omitted, thereby undermining democracy, good governance and human rights practices. Beside that, several previously signed agreements have never been fully implemented, frustrating and inhibiting the various

stakeholders (international and local). A series of important agreements¹ in key areas were signed between Belgrade and Pristina – the Association of Serb (majority) Municipalities, integration of police and judiciary, energy agreement, freedom of movement and licence plates, normalisation of economic ties, telecommunications, etc. What's more, the Belgrade-Pristina dialogue is defined by ambiguity and vague statements, and both Kosovo and Serbia have failed to properly inform their citizens about the negotiation processes and outcomes. This has led to an increased distrust from citizens towards the effectiveness of the dialogue process as a whole, further deepening the social division between interethnic groups. A public perception poll in Mitrovica reported that one third of the respondents (38%) do not consider themselves well-informed about their judicial rights. Additionally, 57% of Serb respondents exclaimed that after the integration, the judicial system in the region of Mitrovica did not become more efficient. Overall, the lack of political will to normalise the relations in Kosovo is deeply affecting interethnic coexistence in Kosovo and inhibiting the socioeconomic and intercultural potential of regional co-operation. Among others, youth remains highly affected by such an environment, with limited opportunities to interact with peers outside their countries and ethnic groups. This is particularly visible with youth from the non-majority communities,² e.g. Serbs in Kosovo, who are less likely to trust other groups, with 15-18% of youth in Serbia and 63% in Kosovo unwilling to forgive others for past deeds (with young women less likely to forgive in Kosovo).

The segregation of society amplifies these problems because it deprives average citizens of opportunities for economic advancement, access to markets and the ability to articulate and lobby for their interests at an institution level. In such an environment, the need for assistance in the creation of sustainable livelihoods is clear from the social aspect. Politically, too, with the international community's commitment to peacebuilding, crisis prevention and conflict transformation, the assistance for creation of sustainable ties between different communities in Kosovo is still required. Therefore, the structured efforts in creation of such ties between Kosovo communities' can have tangible effects in alleviation of interethnic tensions and creation of sustainable peace.

¹ <https://www.srbija.gov.rs/cinjenice/en/120394>.

² <https://youth4peace.info/system/files/2021-09/Shared-Futures-Youth-Perceptions-on-Peace-in-the-Western-Balkans.pdf>.

Community Rights Are Important

The rights and wellbeing of ethnic communities in a non-majority position have been a crucial topic in the post-conflict development of Kosovo. The reason for their high relevance is twofold: 1) the Kosovo conflict was essentially related to the treatment of an ethnic community – primarily Kosovo Albanians – by the authorities; and 2) the international community, which was extensively involved in ending the conflict and in the subsequent governance, stabilization, and development of Kosovo, was highly aware of the importance of the inter-ethnic and majority-minorities dimension in Kosovo. Added to these two key notions is the immediate post-conflict situation of non-majority communities, primarily Kosovo Serbs. As a result, the internationally-driven and subsequently mediated efforts have brought about a comprehensive legal and institutional system for the protection and promotion of non-majority community rights in Kosovo.

The build-up of this system was not instantaneous. It was rather gradual, whereby layer upon layer of community-related norms and institutions have been added at various phases of post-conflict development in Kosovo. At first, the United Nations Interim Administration Mission (UNMIK) launched a set of de facto and then legislative protection measures as Kosovo's executive governor. As UNMIK and the international organizations working under its umbrella began setting up a local institutional framework in Kosovo, the non-majority norms and mechanisms were factored in and expanded. This was encapsulated in the 2001 UNMIK-promulgated Constitutional Framework for Provisional Self-Government in Kosovo. With further institutional framework development conducted jointly by UNMIK and the emerging Kosovo institutions, a number of additional protection mechanisms were added.

The important next phase were the Kosovo status negotiations conducted throughout 2006 under the auspices of UN Envoy and former Finnish President Martti Ahtisaari. The resulting Comprehensive Proposal for the Kosovo Status Settlement (CSP), drafted by Mr Ahtisaari and his team on the basis of the preceding Pristina-Belgrade negotiations, introduced additional, comprehensive and mutually-reinforcing legal and institutional mechanisms for the protection of community rights. These additions were mostly relevant

to Kosovo Serbs, but indirectly also beneficial to other non-majority communities. In 2008, subsequent to the declaration of independence by the Assembly of Kosovo, the Kosovo institutions drafted its Constitution in close consultation with international partners and embedded within it the entirety of the CSP. Laws resulting from the CSP were also duly promulgated. In 2012, the CSP was removed from the Constitution as a separate document, but all of its key provisions were embedded into the core text of the Constitution and all of the resulting laws were upheld.

The next relevant phase was the launch and continued existence of the European Union (EU)-facilitated dialogue between Pristina and Belgrade. The Dialogue brought forth a number of agreements whose implementation expanded the functionality of the Kosovo institutional system vis-à-vis non-majority communities, primarily Kosovo Serbs, albeit without significant legislative changes. As a result, Kosovo today has robust protection and a representation framework for non-majority communities, reflected both in general and community-specific norms and institutions.

However, the functionality of this framework has been equally gradual. In the immediate post-conflict period, approximately until the end of 1999, a relative state of lawlessness ensued as the international civilian and military missions entered into war-torn Kosovo, followed by thousands of Kosovo Albanians returning from areas of expulsion in the region and beyond. Non-majority communities – primarily Kosovo Serbs – were targeted and a large number was forced to leave Kosovo. This period – in addition to the brief but intense anti-Serb riots in March 2004 – are the centrepiece of rights violations in the post-conflict Kosovo, with some of their effects being continuously addressed to the present day.

As the situation stabilized and international policing and peacekeeping took control, the protection system began to emerge and, with the exception of the March riots, its functionality has generally gone upwards with every subsequent year. The non-Serb non-majority communities largely embraced the benefits of the post-conflict system in Kosovo early on, whereas Kosovo Serbs remained reluctant throughout the early years. However, driven by a combination of practical considerations and political milestones, the Kosovo Serb community gradually began making use of their share of institutional advantages. The Kosovo Serb community south of Ibër/Ibar river engaged

at a wider scale with Kosovo institutions in the context of implementation of the upgrades derived from Ahtisaari's CSP, whereas the northern Kosovo portion of the community started engaging in the context of the EU-facilitated normalization dialogue, most notably since the 2013 landmark Normalization of Relations Agreement. This is perhaps worsened by the fact that the political scene and public space are dominated by strong nationalist narrative and a distinct lack of will to foster a constructive dialogue that would engender a situation in which questions of well-being can be addressed effectively by relevant political and institutional actors.

Challenging Environment

As it is the case with other areas of protection and promotion of rights of communities, the Kosovo legal framework has wide-reaching provisions related to the security and policing pertaining to non-majority communities. Its ethnic composition, the specific historical context and the profound involvement of the international community in the institution-building in Kosovo, have resulted in an advanced legal and institutional framework for protecting community rights, of which security is fundamental. For the past twenty years, security of Serbs in Kosovo has been at the top of priorities and interests of this community. The post-conflict environment, the unstable political situation, the fragility of institutions, the frequent influence of nationalist narratives in public space, and the absence of guarantees of personal and collective security have significantly affected the negative perception of security and safety of the Kosovo Serb community.³ Moreover, the lack of adequate and timely response of relevant institutions to the incidents that took place in the areas inhabited by members of this community (especially those in returnee communities) further complicated their daily lives.^{4 5} As a

³ 74% of Kosovo Serb respondents believe that the security situation in Kosovo is bad, according to 2021 NGO AKTIV's Trend Analysis, December 2021, available at: <http://ngoaktiv.org/uploads/files/Analiza%2021%20Final%20English%20%281%29.pdf>.

⁴ OSCE, Assessment of voluntary returns in Kosovo, Security of returnees and in return sites (p. 25), November 2019, available at: <https://www.osce.org/files/f/documents/3/8/440726.pdf>.

⁵ The Kosovo-Serb community, its representatives, civil society, and the international community expressed concern over incidents involving thefts, break-ins, verbal harassment, and damage to the property of Kosovo-Serbs, particularly returnees in rural areas. The NGO AKTIV reported more than 20 incidents between March and June

result, distrust in institutions has intensified⁶ and feeling of insecurity among members of Kosovo Serb community has increased, while the number of unresolved cases of endangering private and property security has been increasing.

The years 2021 and 2022 in particular were marked by a number of turbulent events, on a local level, that had a consequential effect in socio-political dynamics in Kosovo. The second mandate of Kurti's government was characterized by a more aggressive tone adapted in the government's dealings with Serbia and the Kosovo Serb community, something that served to generate an atmosphere of apprehension in many sectors of Kosovo's non-majority communities. Furthermore, promises of an internal dialogue with local Kosovo Serb community failed to materialize, something that was perhaps further aggravated by a perception that actual government was prone to undertaking unilateral steps disregarding the priorities of the local communities and importance of a consultative process with Kosovo Serb political representatives. The continued rise in the number of incidents in Kosovo-Serb communities fuelled a precipitous decline in the extent to which their members expressed confidence in the security situation, creating a perception of a pre-existing sense of impunity. Similarly, the use of force on the part of government actors in Kosovo's four northern municipalities, regardless of the reason, left many community members both, north and south, with the feeling that they were unjustly targeted. Heated rhetoric from political actors in Pristina and Belgrade, creates a perception that the security situation is deteriorating.

What is perhaps most noticeable is the security situation which is one of the main concerns that the Kosovo Serb community is facing something that is unsurprising given that the current environment fosters feelings of mounting

targeting Kosovo-Serbs, including arson, physical attacks, and robberies, as stated in US State Department's Kosovo 2020 Human Rights Report (p. 30), available at: <https://www.state.gov/wp-content/uploads/2021/03/KOSOVO-2020-HUMAN-RIGHTS-REPORT.pdf>.

⁶ The continued dissatisfaction with Kosovo institutions is possibly a reflection of an ongoing lack of trust in those bodies to effectively represent the interests of the Kosovo Serb community, according to 2021 NGO AKTIV's Trend Analysis, December 2021, available at: <http://ngoaktiv.org/uploads/files/Analiza%202021%20Final%20English%20%281%29.pdf>.

instability. It should also be noted that many more recent incidents, including Prime Minister Kurti's decision to deploy special police forces into the north as part of a wider action, have raised high level of concerns among local residents.

Incidents in areas populated by the Serb Community in Kosovo that are reported by civil society organizations and media are a matter of concern that affect inter-ethnic relations, trust in institutions, and the Pristina-Belgrade dialogue process. According to a report published by NGO AKTIV on March 31st, 2022,⁷ the Rapid Response Crisis Group (RRCG) have reported 186⁸ incidents reported between January 2020 and March 2022, or 87 incidents recorded in 2021, and 51 in the first six months of 2022 that occurred in 20 municipalities throughout Kosovo, thus 41% of Serbs from central part of Kosovo believe that the inter-ethnic incidents are the biggest risk for security their environment creating the critical number predominantly youngest population to apathy and migration.

Conclusions

While different power-sharing, affirmative measures, and other special arrangements exist across the globe for non-majority communities, the ultimate goal of any multi-ethnic society is peaceful and functional social cohesion. In Kosovo, this is achieved to a limited extend and largely with respect to the most integrated communities, e.g. Kosovo Bosniaks and Kosovo Turks, while further effort is needed as regards the Kosovo Serb and other communities. The upgrades in practical implementation of different set of legal mechanisms are strongly recommended not only make the institutional system in Kosovo better in delivery towards communities but also turn it into a platform that effectively builds social cohesion. Furthermore, strengthening public accountability of institutions at the local and central level, would consequently have an important impact on improving trust in the institutions, inter-ethnic relations in Kosovo, increase of the feeling of security

⁷ <http://www.ngoaktiv.org/news/u-s-state-department-report-highlights-problems-faced-by-the-kosovo-serb-community>.

⁸ <http://www.ngoaktiv.org/news/rising-insecurity-non-majority-communities-during-the-covid-19-pandemic>.

among members of the Kosovo Serb community, and has the strong potential to be an important element in the improvement of conditions within Pristina-Belgrade dialogue process.

Way Forward – Recommendations

International Stakeholders

- Consensus on the dialogue process between the main/relevant int. stakeholders including a common foreign policy towards the dialogue process is of utmost importance for the stability and support of the dialogue process.
- Encourage both sides to ensure an internal reform process and full commitments to the EU agenda and regional cooperation creating the prospect for integration of both Serbia and Kosovo into broader, regional initiatives.
- The international community should strive to achieve the success but should also not be afraid of failures in attempting to reach a full, long-lasting agreement.
- Despite obvious disagreements, both sides must refrain from any abusive, inflammatory public narrative, demonstrating the culture of a public dialogue and ability of mutual respect throughout the dialogue process.
- Focusing in avoiding any ambiguities throughout this process, misinterpretations of a general public in both, Kosovo and Serbia.
- Under the auspices of the EU-led dialogue process, both parties should participate in a joint press conference reducing the possible misinterpretation of their statements, demonstrating the readiness and full commitment to the normalization process.
- The EU shall review the proposal on partial relocation of the negotiation rounds of the dialogue from Brussels to Belgrade and Pristina

creating an enabling environment for a long lasting agreement in full normalization between the two parties.

Internal – Kosovo

- Establish an independent external monitoring body/mechanism consisted of the International and local experts that will monitor the implementation of the agreements and Government Strategy on Human Rights Standards for the non-majority communities.⁹
- Produce bi-annual and annual progress report (independent of the politically correct EU Country Report) that will be an indicator to the EU, donors and int. community on the status of the minority rights in Kosovo.
- In spite of emerged socio-political crisis, the Civil Society Organization (CSO) role is and should be an essential part of the dialogue process which, maintains and preserves continuous community dialogue and shall be a credible interlocutor which could become part of the solution.

⁹ The EU Membership is clearly embedded into the KS strategic direction and has to comply with rigorous set of standards.

“Serbian World” and the Minority Issue

Izabela Kisić

The successor countries of Yugoslavia have not yet consolidated themselves into democratic societies. This is because, among other things, an ethno-nationalist concept is upheld, which by definition excludes minorities from the wider social, economic and political community.

At the same time, the disintegration of a common state created new minorities that are having a difficult time finding their way under new circumstances. Serbia was forced to adopt a law on minorities in 2003 in order to become a member of the Council of Europe. Although the laws related to minorities are in accordance with the highest international standards, minorities are left without real power, vulnerable and even stigmatized, ultimately leading to their segregation or assimilation.

Serbia has not yet given up on its aspirations for the region, which it is now pursuing through different means. That is why its *mainstream* policies include Serbs living in neighboring countries and encourages their ethnic mobilization in the region. In this way, it seeks to establish influence over the territories of its neighbors that it considers to be Serbian (the Republika Srpska, Montenegro, Northern Kosovo).

This policy was developed in a series of related and complementary documents issued by the Government of Serbia. The most significant documents in this regard are: the Strategy for Preserving and Strengthening the Relations between the Homeland and the Diaspora and the Homeland and the Serbs in the Region (2011),¹ the Defence Strategy (2019),² and the Charter on the

¹ Strategija očuvanja i jačanja odnosa matične države i dijaspora i matične države i Srba u regionu, http://dijaspورا.gov.rs/wp-content/uploads/2012/12/strategija_mv2011.pdf.

² Strategija odbrane Republike Srbije, <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/skupstina/strategija/2019/94/1>.

Serbian Cultural Space (2019),³ which was signed by the ministers of education of the Republic of Serbia and the Bosnia and Herzegovina (BiH) entity Republika Srpska.

Two key elements of this policy, that also permeate the aforementioned documents, are Orthodoxy and culture. For this reason, the role of the Serbian Orthodox Church – a key ally in the implementation of this policy as the most trusted institution among Serbs with a strong political influence in the region – must also be considered.

The strategy of preserving and strengthening relations between Serbia and the diaspora caused concern in the region and it was perceived as Memorandum II in new conditions and by other means. For example, the process of integrating the Republika Srpska into Serbia has been underway without interruption for almost twenty years at the economic, cultural, media, educational and spiritual levels. We are just waiting, as the former Serb member of Presidency of BiH Milorad Dodik has pointed out, for BiH as an unsustainable state to fall apart on its own.

The Republika Srpska, which is otherwise perceived as the main spoils of war that will not be easily given up, is underlined by the defense strategy as Serbia's main foreign policy priority.

The strategic starting point of the Charter is the strengthening of cohesion within the Serbian cultural space. It is no coincidence that the Day of National Unity (September 15) was established as a national holiday, which aims to raise awareness for the “Serbian World” project. Belgrade believes that it should pursue a “*mutually agreed upon cultural and educational policy*”, which essentially prevents the integration of Serbs into the societies in which they live. Special emphasis is placed on “the memory of the collective suffering of Serbs”.

Croatian Serbs have only recently established political autonomy from Belgrade. The possibility of instrumentalizing Serbs in Croatia is also weakened by the fact that Croatia is a member of the EU and NATO.

³ Povelja o srpskom kulturnom prostoru, <https://www.kultura.gov.rs/vest/788/-povelja-o-srpskom-kulturnom-prostoru.php>.

Discrimination of Minorities

Within Serbia itself, the non-Serb population lives in a kind of vacuum. Territorially compact minorities along the borders (Hungarians, Bosniaks and Albanians) have particularly come under attack, although with certain differences when it comes to Hungarians.

The position of Albanians in three municipalities in Southern Serbia – Preševo, Bujanovac and Medveđa – is closely related to the resolution of the Kosovo issue and the position of the Serbian community in Kosovo. The position of Southern Serbia became prominent at the time when the division of Kosovo became an option within the agenda of the Brussels negotiations. Preševo, however, represents an important geostrategic point for Serbia with the “Jug” military base (finished in 2009).

Albanians in the south of Serbia have been exposed to various forms of discrimination since 2001. The so-called process of “passivization” of Albanians working abroad, either in Western European countries or in Kosovo, aims to encourage them to emigrate. Once they lose their place of residence, Albanians lose their status as citizens of Serbia, which includes numerous rights, including health insurance, pensions, the possibility of employment and the like. This measure is applied exclusively to Albanians.⁴

At the same time, the Office for Cooperation with the diaspora and the Serbs in the Region of the Ministry of Foreign Affairs of Serbia established the *Carta Serbica*⁵ program intended for diaspora of Serbian origin who do not have citizenship of the Republic of Serbia and want to live, work or retire in Serbia. Serbian origin can be proven simply through a domestic or foreign document or a baptism certificate issued by the Serbian Orthodox Church.

Albanians also face other serious problems: the non-recognition of diplomas obtained at educational institutions in Kosovo, frequent arrests for displaying national symbols; all court proceedings are conducted only in the Serbian language, even though the law also guarantees the use of the Albanian language.

⁴ “Albanian Minority on hold”, Helsinki Committee for Human Rights in Serbia, 2021, <https://www.helsinki.org.rs/doc/izvestaj%20presevo%20eng.pdf>.

⁵ <https://tackapovratka.rs/en/projekti/carta-serbica/>.

The Government of Serbia, in practice, does not recognize the national identity of Bosniaks, but attempts to reduce them to a religious community, with the primary ideological goal of undermining Bosnia and Herzegovina as a state. Bosniaks thus face a number of problems in the educational system, related to textbooks and the curriculum.⁶

Infrastructural investments in areas inhabited by minorities, primarily Albanians (Southern Serbia) and Bosniaks (Sandžak), are low, which additionally affects the rejection of investments in infrastructure projects, which could come primarily from the diaspora.

Albanians and Bosniaks are perceived as a security threat and are often associated with the danger of Islamic terrorism. Various research, conducted independently, and through the use of different methodologies, shows that there is no danger of a greater level of affiliation with terrorist groups in the Middle East.⁷

Territorial Autonomy Unacceptable

The Hungarian minority is strategically oriented towards Budapest, it is the best organized, and has the most adequate infrastructure that enables it to react to all phenomena of discrimination or pressure. Also, in addition to the municipal and state levels, Hungarians also have their representatives serving in the provincial assembly, which enables them to participate more in public life and resolve problems at the local level.

They have a representative in the European Parliament through the Hungarian ruling party FIDESZ – Hungarian Civic Alliance. The parties of the Hungarian minority advocated for territorial autonomy until 2008, while at present only right-wing parties openly advocate for such a solution. How Hungary will behave in relation to its minorities in neighboring countries depends

⁶ “Sandzak: region of controlled tensions”, Helsinki Committee for Human Rights in Serbia, Belgrade, 2021, <https://www.helsinki.org.rs/doc/izvestaj%20sandzak%20eng.pdf>.

⁷ “The Rise of the Right: the Case of Serbia”, Helsinki Committee for Human Rights in Serbia, 2022, <https://www.helsinki.org.rs/doc/The%20Rise%20of%20The%20Right.pdf> and “Resilience to Violent Extremism in Serbia: The Case of Sanjak”, Belgrade Center for security, 2022, <https://bezbednost.org/en/publication/resilience-to-violent-extremism-in-serbia-the-case-of-sanjak/>.

on international circumstances. Much like Russia and Serbia, Hungary also has nationalistic projects similar to the Russian or Serbian World.

The insistence on the territorial autonomy of Hungarians at one point led to the migration of Hungarians from the south of Vojvodina to the north, which additionally consolidated the territory of several Hungarian municipalities. It should be noted that Belgrade systematically settled Serbian refugees in Vojvodina, mostly in areas where minorities live.

In the process of the disintegration of Yugoslavia, both the Bosniaks (October 1991) and the Albanians in the Preševo Valley (1992) sought territorial autonomy, but Belgrade rejected any possibility of such a solution, viewing it as a separatist aspiration. As early as in 1989, Belgrade centralized Serbia to such an extent that every initiative aimed at solving regional and local problems was killed off.

The only self-governing body of national minorities are the National Councils, which enable them to have cultural autonomy. Through these councils, minorities exercise the right to self-governance in relation to their culture, education, media reporting and the official language and script use. There are 22 national councils operating in Serbia today. They are able to make propositions but lack any decision-making power, except when it relates to exercising their own authority tied to certain parts of the system.

The challenge posed by the establishment of national councils is that ethnic groups are left to control “identity infrastructure systems”, such as education, because in that case the education system would become a “machine for the production of ethnic consciousness”, which is based exclusively on a “romanticized version of national history”. This also applies to the narratives promoted by Belgrade, which leads to the creation of stereotypes about others as opponents, rather than possible friends and collaborators.

The entry of minority representatives into the National Assembly of Serbia is difficult due to the very high number of signatures required for running as a candidate on an electoral list (10,000). Such a high number of signatures has a negative effect on internal minority pluralism. The representation of minorities in the judiciary and the police at the local level is insignificant, primarily in Sandžak and Southern Serbia.

Conclusion and Recommendations

Serbia is a highly ethnically centralized state based on the principle of homogenizing Serbs not only within the country but also outside its borders. The instrumentalization of Serbs in the region represents the biggest threat to security. The negative attitude towards minorities led to the ethnic mobilization and nationalism of minorities in Serbia itself. As a result, social cohesion has become weaker and the gap between different ethnicities has grown. That is why, without the true inclusion of minorities in the wider political, economic and cultural community, their rights cannot be fully exercised.

Changes in electoral legislation are needed and above all, the number of signatures required for the candidacy of minority parties needs to be reduced.

A particular emphasis should be placed on discriminatory administrative measures such as “passivization”, which is carried out against Albanians.

Intercultural educational content, common to all, should be created in order to ensure a cohesive society.

Confidence measures should be established in order to integrate minority communities. An important prerequisite for this is the distancing of the authorities from Milošević’s politics and his legacy, the condemnation of war crimes, and the cessation of the glorification of war criminals.

Establishing an objective narrative is also a security issue. The idea of the Serbian world not only starts from the denial of Belgrade’s responsibility for the wars of the 1990s, but also emphasizes exclusively Serbs as victims, essentially strengthening the resentment towards neighboring countries and minorities.

Last but not least, considering ongoing backsliding of Serbia the European integration is the most powerful lever for mitigating the consequences of the wars and eliminating inter-ethnic divisions and conflicts at the regional and the domestic level.

PART III: Inter-Ethnic Relations as an Issue for Neighbouring States of the Western Balkans

Bulgaria and the Republic of North Macedonia: From “Shared History” to Common EU Future?¹

Velko Atanasoff

Introduction

The paper aims to offer an analysis of historic and legal national, bilateral and EU documents in order to delve in the complex issues between the two states, especially for the last five years since the signing of the Treaty of Friendship. In the first chapter I elaborate on Bulgaria’s approach to multi-ethnicity through its theoretical and practical dimensions by distinguishing its individual rights legal foundation in difference to the other Balkan states. Afterwards, I delve into the framed as *identity dispute* issue between Bulgaria and Republic of North Macedonia² outlining the historic and legal foundations of the Bulgarian position while elevating the importance of countering negationism, Memory Law and human rights violation practices in RNM. Finally, in the third chapter, the paper offers a legal analysis of the so called French Proposal accepted by the governments of both states and the agreements between RNM and EU, while warning against the negative political signs coming from Skopje that cast doubts whether RNM will honor its commitments both to the EU and Bulgaria.

Bulgaria’s Approach to Multi-Ethnicity

Ethnicity and Minorities – Theoretical and Practical Issues

With its noteworthy records on the Balkans, multi-ethnicity has been a systemic characteristic, despite the continual efforts since mid-19 century for homogenizing the populations on a national principle in every state in the

¹ This paper was presented to the Study Group Regional Stability in South East Europe of the PFP Consortium at its 43rd workshop (22-25 September 2022) and constitutes a brief executive analysis of the topic in line with the goals of the Workshop. An expanded and in-depth publication about the current status of the bilateral affairs between Bulgaria and the Republic of North Macedonia will be published on the website of the Institute for Security and International Studies in Sofia (isis-bg.org).

² Henceforth RNM.

region. The question about the status of various ethnic groups on the Balkans has been often conflated with or diluted into a discussion about minority groups/rights that connotes the idea of a (hidden) encounter between a leading ethnicity and subordinated minorities.

Thus, it is necessary to briefly clarify the terms *ethnicity* and *minority groups*. Generally, *ethnicity* is a term that is used for addressing to shared culture whereas the term *minority groups* describes groups that are subordinate or lacking power in society.³ Therefore, “the term minority connotes discrimination, and in its sociological use, the term **subordinate** can be used interchangeably with the term minority, while the term **dominant** is often substituted for the group which is in the majority”.⁴

In this regard the main challenge that the young Balkan democracies were facing in the beginning of the 1990s in such a loaded with history, conflicts and historically-intertwined-religions-and-national-groups region was to choose the most adequate approach to multi-ethnicity. This task was further complicated as at the time there had not been any definition⁵ of national minority whereas the inter-ethnic studies were just gaining momentum. As Valentine notes:

The term “national minority” appears to be a peculiarly European term, as it does not appear in the Universal Declaration of Human Rights (the “UDHR”), the International Covenant on Civil and Political Rights (the “ICCPR”), the International Covenant on Economic, Social and Cultural Rights (the “ICESCR”), the American Convention on Human Rights, or the African Charter on Human and Peoples’ Rights. Besides the Council of Europe Framework Convention for the Protection of National Minorities, it appears that the term “national minority” is only used with the same meaning in the European Convention for the Protection of Human Rights and Fundamental Freedoms (the “ECHR”) and in the Draft Treaty establishing a Constitution for Europe, which notes that “[a]ny discrimination based on any ground such as ethnic or social origin [or] membership in a national minority shall be prohibited.”⁶

³ Sociologist Louis Wirth (1945, p. 347) defined a minority group as “any group of people who, because of their physical or cultural characteristics, are singled out from the others in the society in which they live for differential and unequal treatment, and who therefore regard themselves as objects of collective discrimination”.

⁴ (Rothschild, June 03, 2021, p. 292).

⁵ (See Universal Declaration of Human Rights, G.A. Res. 217A(III), U.N. GAOR, 3d Sess., Art. 2, 1948) [hereinafter UDHR].

⁶ (Valentine, 2004, p. 448-449).

Therefore, by crafting their new constitutions, every Balkan state had to come up with the adequate legal framework in order to address the issue of multi-ethnicity. Historically, at that time (end of 1980s – beginning of 1990s) the predominant approach to ethnicity incl. in the context of minorities being religious, ethnic or cultural, was the individual rights approach. The reason was that since the 1950s human rights movements approached this question through that venue. “The UDHR adopted a purely individual rights approach” as well as ECHR. “The ECHR is significant, as it is the first international treaty to use the term ‘national minority’”.⁷ Nevertheless, the Council of Europe Framework Convention for the Protection of National Minorities⁸ (the “Framework Convention”) “which came into effect in 1998 ‘contains no definition of national minorities, [and] none having received the consent of all Council of Europe member states.’”⁹

Theoretically, as subsequent research has shown, the issue of multi-ethnicity often has spiraled into minority politics that can only be salvaged through individual rights protection. In this regard, it was Glazer who first warned against the drawbacks and practical implications of the group rights approach:

If we choose the group-rights approach we say that the differences between some groups are so great that they cannot achieve satisfaction on the basis of individual rights ... whether we want to or not-we will permanently section the society into ethnic groups by law ... Which approach to minority rights a country chooses will, however, have a profound effect upon the future of that country. If the country sees itself ... as a single, unified society, a group rights approach would defeat that goal by further ingraining group identities rather than helping to dissolve them.¹⁰

Bulgarian Approach to Multi-Ethnicity and RNM's Violations of Human Rights

Apart from the above reasoning, in tackling this issue, Bulgaria had to take into consideration the bitter collective memory of continual effort to unite the Bulgarian ethnic communities from 1870 until 1944 and to learn from its

⁷ (Valentine, 2004, p. 458).

⁸ (Framework Convention for the Protection of National Minorities, Opened for Signature Feb. 1, 1995, C.E.T.S. No. 157 (Entered into Force Feb. 1, 1998), 1998) [hereinafter Framework Convention].

⁹ (Valentine, 2004, p. 445 and Francesco Capotorti as cited in Valentine, 2004, p. 445).

¹⁰ (Glazer, 1995, pp. 133, 137 as cited in Valentine, pp. 447-448).

past experience, thus constructing a qualitatively new approach which has gained prominence as the Bulgarian ethnic model (BEM).

As some of the first ethnological research after 1989 showed, about 50 ethnic groups have been living in the country,¹¹ thus Bulgaria opted for the **individual rights approach** in preference to the group rights approach as a pivotal part of BEM. The latter was conceived by the Bulgarian political, academic and intellectual circles as a country specific framework to multi-ethnicity.

The legal charter of BEM was laid in the 1991 Bulgarian constitution and for 30 years has evolved from a theoretical construct to a practical and sustainable framework in accordance with the ECHR and the Council of Europe Framework Convention. The effects of the use of the protection of individual rights approach have been multiplied by NATO and EU memberships and led to a peaceful co-existence in a unified society. It might be even viewed as a corner stone of transition from *nation state* to *state nation* concept.¹² Retrospectively, it was the right decision for Bulgaria as the experience of other newly emerged states on the Balkans (Bosnia and Herzegovina, Kosovo, and Republic of North Macedonia) would attest to.

Bulgaria's approach to multi-ethnicity was further institutionally developed through the creation (1995) of the National Council for Social and Demographic Questions (afterwards renamed in National Council for Cooperation on Ethnic and Integration Questions) that is subordinated to the Council of Ministers. Quite important is that the Bulgaria's approach to multi-ethnicity was tested several times. The most prominent case was in 1997 when several members of Parliament filed a question to the Constitutional Court asking for legal interpretation of the provisions of the Bulgarian Constitution in the context of the signed (Oct. 9, 1997) by Bulgaria Framework Convention for

¹¹ The concerned information is collected upon unofficial ethnographic statistical researches of Bulgarian NGO Center for Historical and Political Studies, 1999 (referenced by Chukov, n.d.).

¹² As Chukov (Chukov, n.d.) notes, "it [BEM] plays a very important role for the mobilization of agents enabling to build a specific Balkan matrix of State of social welfare...Secondly, BEM gradually crept into permanently renewed national ideal framework." (Chukov, n.d.).

the Protection of National Minorities. By anonymous Decision for Constitutional Court Case № 15/1997, taken on February 18, 1998 the Constitutional Court confirmed that:

The provisions of Art. 7, 8, 9, 10 and 11 of the Framework Convention for Protection of National Minorities, signed on Oct. 9, 1997, as well as the Convention as a whole, are in legal compliance with the Constitution of Bulgaria.¹³

Despite the fragmented (initially united under the Bulgarian Exarchate in 1870) Bulgarian ethnicity on the Balkans as a result of the Congress of Berlin (1878), the Treaty of Bucharest (1913), and the Treaty of Neuilly-sur-Seine (1919), Bulgaria also developed a legal basis for the protection of the rights of the Bulgarian historic communities abroad – both through the Constitution (Art. 24.2.) and the Law for Bulgarian Citizenship.¹⁴ The latter (2021) lists the circumstances¹⁵ under which someone can apply for Bulgarian citizenship by naturalization: **Art. 29 (6)** (amend. - SG 21/2021): (1) Being part of the Bulgarian community or Bulgarian minority in another state; (2) Hails from settlement which was part of the Bulgarian state in the past or part of the **Bulgarian Exarchate**; (3) Has ascendants who are bearers of the Bulgarian traditional family name system.¹⁶

In practice, the State Agency for the Bulgarians Abroad¹⁷ through the Law for the Bulgarians Abroad (2000) regulates the relations between the Bulgarians abroad and the Bulgarian state, incl. the defense of their rights. According to the National Strategy of the Bulgarian Citizens Abroad and Historical Bulgarian Communities (2014):

“Historic” Bulgarian communities abroad and persons of Bulgarian origin, with Bulgarian national self-consciousness with foreign or foreign and Bulgarian citizenship are:

¹³ (РЕШЕНИЕ 2, София, 18 Февруари 1998 г., Конституционно Дело № 15/1997 г., 1998) [Decision 2, Sofia, February 18, 1998, Constitutional Case № 15/1997 г., 1998].

¹⁴ (Закон За Изменение и Допълнение На Закона За Българското Гражданство, 2021) [Law for Amendment of the Law for Bulgarian Citizenship, 2021].

¹⁵ Apart from knowing Bulgarian language and self-determination as a person of Bulgarian origin.

¹⁶ Ibid.

¹⁷ It was first created in 1992 as Agency for the Bulgarians Abroad and then renamed in 2000. It is subordinate directly to the Council of Ministers. The work of the Agency is primarily guided by the National Strategy for the Bulgarian Citizens Abroad and Historical Bulgarian Communities in the World.

- Bulgarians in the Republic of Macedonia [now North Macedonia];
- Bulgarians in the Russian Federation;
- Bulgarians and Bulgarian-Gagauzians in the Republic of Moldova and Ukraine;
- Bulgarians in Romania;
- Bulgarians in Greece;
- Bulgarians in the Republic of Turkey;
- Bulgarians in the Republic of Serbia;
- Bulgarians in the Western Balkans.¹⁸

In accordance with the above legal and institutional foundations, Bulgaria has been taking in consideration the national legislation of the states in which there are such Bulgarian communities, and in accordance with EU fundamental documents for the Protection of Human Rights, has been pursuing a policy of promoting and defending the fundamental rights of the Bulgarians abroad and specifically in the above listed states. In this regard and due to the unified bilateral efforts of both the Albanian and Bulgarian state, the parliament of Albania voted (October 13, 2017) the Law for the Protection of National Minorities, which recognizes the existence of Bulgarian minority in Albania.

In regard to the RNM, it is worth mentioning that in the last census (2021) in the country only 3,504 people declared themselves as Bulgarians out of about 160,000 that acquired Bulgarian citizenship over the last 20 years. Currently, more than 3,500 are waiting for their Bulgarian citizenship, obviously not deterred by the partly anti-Bulgarian propaganda in RNM. It is essential to delve into the official results of the census. The total population of RNM is 1,836,713, and according to its ethnic component the population is divided as follows: Ethnic Macedonian: 1,073,299 (58.44%); Albanians: 446,245 (24.30%); Turks: 70,961 (3.86%); Roma: 46,433 (2.53%); Vlachs [Wallachians]: 8,714 (0.47%); Serbs: 23,847 (1.30%); Bosnjaks: 16,042 (0.87%); **Bulgarians: 3,504 (0.23%)**, and Unknown: 132,260 (7.20%).

¹⁸ (*Национална Стратегија За Българските Граждани и Историческите Български Общности По Свема [National Strategy for Bulgarian Citizens and Historic Bulgarian Communities around the World]*, n.d.)

Two main questions logically arise from this data: (1) How come that out of almost 160,000¹⁹ Bulgarian citizens only 3,504 declared themselves as such and of these 3,504 only a few hundred voted on the last parliamentary elections (Oct. 2 ,2022) in Bulgaria, and (2) why these people which constitute the third largest ethnic group (just by legal status as being Bulgarian citizens, not by any other characteristic) are not even mentioned namely in the constitution of RNM as the other four most numerical ethnic groups after the ethnic Macedonians? These questions demand answers from the official authorities in RNM.

As such issue is outside the scope of this paper, herein, I would only refer to several facts that only substantiate the existing doubts²⁰ about the possible manipulation of the official census in RNM. More than 30,000 Bulgarians from the area of Bosilegrad in former Yugoslavia resettled in Macedonia in the 1990s. In addition, during the last census around 20,000 people who freely declared themselves as Bulgarians and proved this in front of the officials conducting the census by showing their passports, were written down by these same officials as having double citizenship but without noting their voluntary self-determination as Bulgarians.²¹ Bulgarian activist organizations in Bitolya announced that more than 5,000 people of this municipality will declare themselves as Bulgarians prior to the census. The official authorities in RNM “solved” the issue in Bitolya in the same way they did in the eastern part of RNM by collecting the lists of the households who preliminary declared themselves as Bulgarians and performing the so called “distance census”. The latter meant that the officials did not visit more than 700 households in eastern RNM and used the official demographic statistics to fill in the results.²² The expected manipulations of the census in the context of the

¹⁹ This is the official number of the Macedonians that have received Bulgarian citizenship since 1991 (around 130,000) according to the Ministry of Justice of Bulgaria and 30,000 Bulgarian citizens that moved from Serbia to Macedonia during the disintegration of former Yugoslavia.

²⁰ The Macedonian Turks National Census Coordination Committee in RNM did not accept the numbers and percentage of Turks announced by the census whereas considered them unrealistic. (Bulgarian Telegraph Agency, 31.03.2022 17:33).

²¹ This simply means that these people are resident to RNM and did not apply for a Bulgarian passport just for the economic-migration-to-EU reason, as it is officially announced in RNM often claims.

²² (Tashev, 2022).

flagrant violation of the rights of the Bulgarians in RNM forced the Bulgarian president to call a meeting of the security services (March 01, 2021) whereas the continuous abuse of the right of the Bulgarians for self-determination in RNM precipitated a session of the Consultative National Security Council (January 10, 2022).²³

Bulgarian Perspectives on the Identity Dispute with North Macedonia

Historic Perspective

As Namee points out:

It's notable that the Bulgarians achieved ecclesiastical independence before they established their own nation-state. This is very different²⁴ from other 19th century cases of Greece, Romania, and Serbia, all of which received autocephaly after, and as a consequence of, statehood.²⁵

This process (characterized by *the Bulgarian Question* and *the Bulgarian Schism*)²⁶ is “considered by some historians as the sui generis Bulgarian reformation”.²⁷ It inevitably led to delineating the boundaries of the Bulgarian ethnicity on the Balkans with the handed jurisdiction over the 15 eparchies of nowadays Bulgaria, Thrace and Macedonia, in which more than two-thirds of the population self-determined itself as Bulgarian.²⁸ As Bulgaria could not solve *the Bulgarian Question* by military means, the conceptual idea of political, but not ethnic autonomy started to gain grounds in Macedonian revolutionary organizations in mid-1930s.

²³ (Заседание на КНСЧ 10.01.2022 г.) [Session of the Consultative National Security Council, Jan. 10, 2022], 2022).

²⁴ Even hundred years later, in 1969, Socialist Republic of Macedonia underwent the same path for its church independence, though it led to another schism that has its repercussions nowadays (it will be discussed further in this paper).

²⁵ (Namee, 2022).

²⁶ Interestingly enough, 100 years later the next schism in the Orthodox Church emanated from Macedonian quest for church independence.

²⁷ (Encyclopædia Britannica).

²⁸ Accordingly, the exarchate took a plebiscite, as laid down in Article 11, beginning with the provinces of Uskub and Okhrida. Since a more than two-thirds majority there declared against the Patriarch the Porte gave its berat (investiture) to the Bulgarian Bishops of Uskub and Okhrida. (Carnegie Endowment for International Peace, 1914, p. 24).

The details about this concept were elucidated by D. Vlahov who disregarding the IMRO (United) decision executed the Comintern order²⁹ for the creation of a separate Macedonian nation in 1934 in Moscow.³⁰

According to [RNM's historian] Ivan Katardzhiev all left-wing Macedonian revolutionaries from the period until the early 1930s declared themselves as “Bulgarians” and [...] the political separatism of some Macedonian revolutionaries toward official Bulgarian policy was yet only “political phenomenon without ethnic character”.³¹ [...] Katardzhiev claims all these veterans from IMRO (United) and Bulgarian communist party remained only at the level of political, not of national separatism. Thus, they practically continued to feel themselves as Bulgarians, i.e. they didn't develop a clear national separatist position even in Communist Yugoslavia.³²

Inevitably, in the same way the Macedonian language was instituted – again through the Comintern. Whereas the idea of nationality is mostly a constructivist one, the notion of language is based on scientific research and facts. In this regard quite informative about the creation of a “service language” in Macedonia in 1944 is *the White Book about the Language Dispute between Bulgaria and North Macedonia*³³ written (2021) by three Macedonians, three Bulgarians, a Serb, and an Albanian.

The established historical facts are that a decree was issued on August 2, 1944 in the Prohor Pchinsky Monastery during the first session of the Anti-fascist Assembly for People's Liberation of Macedonia stating that “**service**” Macedonian language needs to be created and “to enter into force immediately”. The problem was that it cannot enter immediately as it had not existed prior. Thus, a special effort was needed to put in practice the idea of such a language, i.e. the notes of Prof. Bernstein, written on September 12, 1944 in Moscow, clearly instructing the necessity to be chosen the so called central

²⁹ Comintern Resolution 2047/7/КП 23.II.-34 г. “S” (in original Резолюция о Македонской Вопрое и ВМРО), 1934.

³⁰ This point was brought up even by “Dimitar Vlahov on the session of the Politburo of the Macedonian communist party in 1948.” “Speaking of the existence of the Macedonian nation, [he noted] that in 1932 (when left wing of IMRO issued for the first time the idea of separate Macedonian nation) a mistake was made.” (See: Катарџиев, 2000, https://en.wikipedia.org/wiki/Resolution_of_the_Comintern_on_the_Macedonian_question, Велев, 2018, pp. 251-252 and Влахов, 1968, pp. 29-30).

³¹ (See: Катарџиев, 2000 and https://en.wikipedia.org/wiki/Resolution_of_the_Comintern_on_the_Macedonian_question).

³² Ibid.

³³ (Treneski et al., 2021).

dialect over the others and under no circumstances to be used the Velesko-Skopski or the Eastern dialect. All these documents are published by the Macedonian patriotic organization “Pirin” in Chicago, Illinois, USA as copies from the official documents (incl. in Russian) are kept in the central archive in Skopje.³⁴

Legal Framework

The historical references were legally instrumentalized since 1870 by the use of the produced maps of the Bulgarian Exarchate (based on the genuine self-determination of the population in the various eparchies as Bulgarians) in all peace treaties from the one between Russia and Turkey (1878) until the Treaty of Neuilly (1919). Since the beginning of the democratic changes in Southeast Europe Bulgaria was the first state to officially recognize (Jan. 15, 1992) the then Republic of Macedonia by its constitutional name not the one mostly used then – FYROM.³⁵ The official website of the Bulgarian Ministry of Foreign Affairs lists several treaties and relevant documents.³⁶

In regard to what many have framed as *identity dispute* between Bulgaria and RNM, it is critical to de-compose the issue through the use of legal and historic documents rather by relying on collective emotions and reconstructing the historic reality nowadays (for the latter see the last chapter). By constitution Bulgaria is a parliamentary republic, so it is important to elaborate on two of the documents – the Framework Position of the Government³⁷ and

³⁴ (For more see “Кога е създаден македонският език (нови документи) [When the Macedonian language was created (new documents)]”, 2020). For brevity purposes, here will not be listed neither the documents (available from the city archive in Bitolya) about the decision of May 6, then May 21, 1945 for the Macedonian alphabet and what should be actually the letters in it, or the necessity to use a fountain pen to fix and add the new letters as the typewriter used had quite naturally the Bulgarian alphabet on it.

³⁵ The country was admitted to the UN under the provisional name of “former Yugoslav Republic of Macedonia” and UN mediation on the name issue lasted until the Prespa Agreement came into effect in 2019.

³⁶ (МВнР, n.d.).

³⁷ (“Рамкова Позиция Относно Разширяването На ЕС и Процеса На Стабилизиране и Асоцииране На Република Северна Македония и Албания, 09.10.2019 [Framework Position on the EU Enlargement and the Process of Stabilization and Association: Republic North Macedonia and Albania]”, 2019).

the Declaration of the 44th National Assembly³⁸ that are instrumental for developing the current Bulgarian stance. The two documents explicitly set the framework of the Bulgarian position on the European perspective for RNM and this framework **became the backbone of the so called *French Proposal***.³⁹ The Framework position was ratified by the National Assembly as the latter would be the one, eventually, to ratify any subsequent membership of RNM in the EU.

The part in the Framework position⁴⁰ pertaining to RNM outlines the importance and the necessity that RNM really starts implementing the signed in 2017 Treaty of Friendship, Good Neighbourliness and Cooperation (henceforth the Friendship Treaty). As there had been no tangible progress on implementation of the Treaty since it was signed, the Framework Position sets several general criteria for enhancing the dialog with the RNM and specific ones as a precondition for holding the first and second Intergovernmental Conferences [with EU] (elaborated upon in the next chapter). In addition, it envisages also the guarantees from the EU during the accession process of RNM that the latter will implement what it signed. Thus, the criteria and conditions of Bulgaria are summarized in the Declaration of the 44th National Assembly:

1. General ones:
 - 1.1. [RNM] to stop and to abstain from further implementation of policy that supports and encourages the pretenses for recognition of the so called “Macedonian minority” in Bulgaria ...
 - 1.2. RNM to declare in a verbal note to the UN MS that the adherence to the changes made in the Constitution of RNM will be commensurate with the Prespa Treaty and parallel to strict adherence to the Treaty with Republic of Bulgaria in its entirety, incl. in regard to the “language clause” in the Treaty. ...
 - 1.3. Starting a process of rehabilitation of the victims of the Yugoslav communist regime, repressed because of their Bulgarian self-determination.

³⁸ (“ДЕКЛАРАЦИЯ На Четиридесет и Четвъртото Народно Събрание На Република България Във Връзка с Разширяването На Европейския Съюз и Процеса На Стабилизиране и Асоцииране На Република Северна Македония и Република Албания, 10.10.201 [Declaration of the 44th National Assembly of the Republic of Bulgaria in Connection with the EU Enlargement and the Process of Stabilizations and Association of Republic of North Macedonia and Republic of Albania, 10.10.2019]”, SG 81/2019, 2019, p. 44).

³⁹ It was approved by the Bulgarian and North Macedonian Parliament in July 2022.

⁴⁰ The Framework position pertains also to Albania as its full name suggests.

- 1.4. Starting a process of disclosing the names of the agents of today's Republic North Macedonia that worked for the security services in ex-Yugoslavia
- 1.5. Undertaking systemic measures of removing of texts instilling openly hatred towards Bulgaria from the inscriptions and plaques on monuments, memorials and buildings.
2. About the Joint Multidisciplinary Expert Commission on Historic and Educational questions:
 - 2.1. Achieving concrete results about our shared history up until 1944.
 - 2.2. Changing the information tables on monuments, etc. with the agreed texts;
 - 2.3. Setting up concrete dates for mutual celebration of events and personalities, about whom an agreement has been achieved.

In terms of the First Intergovernmental Conference, Bulgaria agrees to approve a negotiation framework that refers to the sensitive to Bulgaria questions. For brevity reasons, herein, I will only refer to the Bulgarian position on the language:

- ... in reference to the language to be used the phrase “official language of the Republic of North Macedonia” with the clarification that under absolute necessity to use the term “Macedonian language” in documents and positions of the EU, every time with asterisk in the footnote need to be clarified that it is “according to the constitution of the North Macedonia”. **It is underlined that the language norm, that is declared as a constitutional language in the Republic of North Macedonia is connected with the evolution of the Bulgarian language and its dialects in the then Yugoslav republic after their codification in 1944. Not a single document/statement in the accession process cannot be viewed as recognition from the Bulgarian side of the existence of the so called “Macedonian language”, different from the Bulgarian.**

Finally, for the second Intergovernmental Conference⁴¹ Bulgaria links its agreement for participating with the following:

- clear engagement and time table for achieving agreement on important historic personalities and events from our **shared history up until 1944.**
- harmonizing the programs in history and literature on both sides ... [t]he historic and literary sources from 19 c. and 20 c. along with the

⁴¹ A.k.a. Conference on Accession to the EU – North Macedonia.

adapted texts to **be presented and learnt in the language norm in which they were written in its original...**

The term *shared history*, as agreed by Bulgaria and RNM, is not coincidentally chosen as up until 1944 neither did Macedonian people nor Macedonian language exist according to the available historic documents. The portrayed current *identity dispute* between Bulgaria and RNM strikingly reminds of the one between Greece and RNM. The latter has been exemplified by the “Skopje 2014” project – a book example and epitome of memory politics. The whole Macedonism⁴² ideology is built upon the construction of political myths lined up with fierce anti-Bulgarian propaganda combined with falsification of history.⁴³ Thus, the convoluted construction of any dispute between Bulgaria and RNM about history is groundless from scholar perspective for the following reasons:

1. The historic personalities in the center of the debate truly existed, thus (a) we do not argue about historic facts and whether they are real or not, and (b) these personalities in their lifetime unequivocally, in a written form on paper, declared themselves and self-identified themselves as Bulgarians.
2. In terms of the subsequent social construction of a nation, as the right of self-identification is unalienable to every person and/or group,⁴⁴ the history can only be defined as shared, but not common as it has been reconstructed much later in time of the real historic events for the purposes of Macedonism. In academia this phenomenon is well studied.⁴⁵

⁴² Macedonism is an ideology commonly viewed as an extension of Comintern and Tito’s aim to convert geographical Macedonia’s population into ethnic Macedonians.

⁴³ Certainly, the study of political myths and the creation of identities can be traced back to the seminal work of Henry Tudor *Political Myth*.

⁴⁴ Tradition itself is not inherited without a volitional act by those seeking to choose who they are and what they inherit.

⁴⁵ (Cf. Ranger & Hobsbawm, 1983). As Hobsbawm and Ranger point out “nationalism is a social construct that only works and becomes viable when it conforms with the experiences and inherited vision of the past of the group that comes to think of itself as a nation.

Apart from the above academic and historic elements, Bulgarian position also stems from the international law and norms. As there has been significant effort by RNM to reinvent ancient history, similarly for the last five years, since the signing of the Friendship Treaty with Bulgaria, a lot of EU based foundations, European politicians, European and American historians have been harnessed in order to explain and try to reinvent the history on the Balkans, especially the newly created versions that serve Macedonism ideology. Unfortunately, such efforts has amounted to negationism in terms of the historical truth whereas its practicing in RNM can only be legally associated with the term Memorial Law.⁴⁶ Such a quest to reinvent one's own nationalistic reality would have been admissible had it not been based on fierce anti-Bulgarian propaganda and negation/falsification of the historic truth and the original historic documents as in the Macedonian school books Bulgarians are openly depicted as Tatars, Mongols and fascists.⁴⁷

Last but not least, the clauses about (1) the start of a process of rehabilitation of the victims of the Yugoslav communist regime, repressed because of their Bulgarian self-determination and (2) disclosing the names of the agents of today's RNM that worked for the security services in ex-Yugoslavia are legitimate calls in accordance with the international law where crimes against humanity have no statute of limitations.

From “Shared History” to Common EU Future?

It is important to note what exactly enabling EU negotiations with RNM means in the context of the so called *French Proposal*. The latter is a breakthrough package that allows for furthering the process of EU accession for RNM but only possible if the latter as a candidate member backs up its legal engagements. It comprises of three documents that presuppose the signing

⁴⁶ “Memorial law refers to an intervention of a legislator in the domain of historical memory through declaring a certain interpretation of events as official history.” (Frazer 2011 as cited in Vučić p. 846).

⁴⁷ The arson of the Bulgarian center in Bitolya (European Times, 4 June 2022), the behavior of the host fans during the football match RNM-Bulgaria in Skopje (Bulgarian National Radio, 9/28/22 16:02), as well as, the verbal and physical attacks against the opening of the cultural center in Ohrid (Bulgarian Telegraph Agency, Ohrid, 07.10.2022 16:18, updated 07.10.2022 16:33) are just few of the latest examples.

of a fourth one, i.e. the Protocol from the Second Meeting of the Joint Intergovernmental Commission established under Art. 12 of the Friendship Treaty with Bulgaria.⁴⁸ The first three documents are (1) Draft Council Conclusions,⁴⁹ (2) EU Common Position,⁵⁰ and (3) General EU Position.⁵¹ These documents were voted by the two parliaments, whereas the fourth one was signed on July 17, 2022.

Thus, legally, as it is written in Art. 1 of the EU Opening Statement which is part of the EU Common Position, it is “the start of the **opening phase** of the **accession negotiations** [bold as in the original].”⁵² It also refers in Art. 10 to “a general **Negotiating Framework** [bold as in the original].”⁵³ In addition, in Art. 11 it explicitly refers to the necessary constitutional changes as a precondition for holding the next Intergovernmental Conference:

We will present to you this Negotiating Framework on the basis of the General EU Position, during the next meeting of the intergovernmental conference, which we stand ready to hold without further delays nor additional political decision, as soon as North Macedonia has implemented its commitment **to complete the constitutional changes** as referred to in the Council Conclusions of XX/XX/2022, in line with its internal procedures.⁵⁴ [bold added]

Finally, Art. 14 elevates the “**regional cooperation and good neighbourly relations** [that] remain essential of the enlargement process” [bold as in the original]⁵⁵ and it “welcome[s]” under the same Art. 14 “the agreement on the Protocol from the Second Meeting of the Joint Intergovernmental Commis-

⁴⁸ Протокол от Второто заседание на Съвместната Междуправителствена комисия, създадена на основа член 12 от Договора за приятелство, добросъседство и сътрудничество между Република България и Република Северна Македония, проведено в София на 17 юли 2022 г. [Protocol of the Second Session of the Joint Intergovernmental Commission founded in accordance with Article 12 of the Friendship, Good Neighbourly and Cooperation Treaty between Republic of Bulgaria and Republic of North Macedonia held in Sofia on July 17, 2022].

⁴⁹ (Draft Council Conclusions, n.d.).

⁵⁰ (EU Common Position, n.d.).

⁵¹ (General EU Position, n.d.).

⁵² Ibid., (EU Common Position, n.d.), p. 2.

⁵³ Ibid., p. 4.

⁵⁴ Ibid.

⁵⁵ Ibid.

sion established under Article 12 of this Treaty [Friendship Treaty with Bulgaria]”.⁵⁶ The latter has been given a special reference in either part of the General EU Position – The Opening Statement and the Negotiating Framework, respectively in Art. 4 “we recall the importance of achieving tangible results and implement...the Treaty on Good Neighbourly Relations with Bulgaria” of the former, and in Art. 5 of the Framework:

North Macedonia’s commitment to good **neighbourly relations... including tangible results and implementing in good faith bilateral agreements**, including ... the Friendship Treaty with Bulgaria of 2017 as well as the annual reviews and measures for its effective implementation under Article 12 [bold as in the original].⁵⁷

In practice the later citation from the Negotiating Framework repeats Art. 2 of the Draft Council Conclusions. To finish off these important legal details, one needs to look at the proverbial Art. 12 of the Friendship Treaty between Bulgaria and RNM which explicitly mentions “the annual reviews” codified in the Negotiating Framework.⁵⁸

The main conclusion of the legal analysis of the signed French proposal as well as the Protocol of the Joint Intergovernmental Commission shows that **the implementation of the Friendship Treaty (incl. all its clauses about the shared history) and the changes of the Macedonian constitution are** the necessary condition for “**closing the opening phase of the start of the accession negotiations of RNM to the EU**” – text identically written in the Joint Commission Protocol and the EU Common Position.

The above short review is quite necessary in light of the latest negative political signals that are coming from Skopje – from the stern warning of the president of the conservative Macedonian opposition party VMRO-DPMNE, Hristijan Mickoski, that a referendum is needed in order to rescind the Friendship Treaty with Bulgaria through the Minister of Foreign Affairs Bujar Osmani’s statement (Sept. 16, 2022) that “the result between RNM

⁵⁶ Ibid.

⁵⁷ (General EU Position, n.d.).

⁵⁸ Договор за приятелство, добросъседство и сътрудничество между Република България и Република Македония, подписан на 1 август 2017 г. [Friendship, Good Neighbourliness and Cooperation Treaty between Republic of Bulgaria and Republic of North Macedonia signed on August 1, 2017], p. 5.

and Bulgaria is 3:1” to president Pendarovski’s latest statements.⁵⁹ Osmani further elaborated:

We kept the language, started negotiations for EU and left out the historic questions out of the road map. Bulgaria received a change in the Constitution somewhere in the middle of the negotiations...this means institutional defining of the relations between the majority [which are] Macedonian people and the Bulgarian minority.⁶⁰

Mickoski’s position is well-known and his proposal was defined as unconstitutional by most of the political entities in RNM. Osmani’s statement though, if not made just for internal political purposes in RNM, flashes already a red light for the future negotiations. Neither did RNM start in practice any negotiations nor will it commence further negotiations until it changes its Constitution. The change of the constitution cannot be in the sense of majority-minority disposition rather as it is written and signed by RNM in the Draft Council Conclusions (document 1 of the above listed) “including in the Constitution citizens who live within the borders of the state and who are part of other people, such as Bulgarian”. Similarly, RNM agreed on the same wording in the signed Protocol of the Joint Intergovernmental Commission (JIC). It needs to be pointed out, that the historic questions as termed by Osmani are never left out and they remain central, including the change in the textbooks as well as eradication of hate speech, to RNM’s EU accession process. In terms of political signalling, it is worth noting the North Macedonian president Stevo Pendarovski is still reluctant to make a separate visit⁶¹ to Bulgaria, whereas Osmani’s confession that there are proofs of Russian (Serbian) intervention in the Macedonian internal affairs strikingly harkens back to the times between 2006–2016 when the bilateral relations were at their lowest due to VMRO-DPMNE’s role in politics and the external interference in RNM.

⁵⁹ (*Pendarovski: No Intention to Go to Sofia for Tsar Samuil, History Discussions - Republika English*, 2022).

⁶⁰ (Северна Македонија призна за руско влијание в политиката на страната [North Macedonia Admits about Russian Influence in Country’s Politics (Skopje also brags about victory in the negotiations with Bulgaria)], 2022).

⁶¹ The only time he has visited Bulgaria is for the ceremony of opening Greece-Bulgaria gas interconnector (Oct. 01, 2022) and afterwards, once back to RNM, he was quick to announce that he would not have a visit with his Bulgarian counterpart Radev, at least not to discuss historic issues (*Pendarovski: No Intention to Go to Sofia for Tsar Samuil, History Discussions - Republika English*, 2022).

In regard to the so called *language issues* the Bulgarian position, as underlined above, is based on the fact that the language used in RNM now was conceived in 1944 as “a service language”. The General EU Position: Art. 3 of EU Opening Statement for Accession negotiations in ref. to the language is:

... Regarding the translations of the *acquis* into Macedonian, the EU took note of Bulgaria and North Macedonia’s respective unilateral declarations on the Macedonian language.

Thus, the EU took a middle road using this specific diplomatic parlance that basically might mean at least one of the following:

- ***EU takes into account the declarations of the two states but leaves it without additional meddling until further date, whereas in the meantime allows for the two states to sort out this issue.***
- ***EU takes into account the declarations and has its own position already, and during the accession process will announce it or adjust it in consultations with both states or without it.***

To conclude, the *French Proposal* can be viewed as (still) an attempt to bridge the different legal frameworks of RNM with both EU *acquis* and EU regulations whereas finding a mutually beneficial way of positively rearranging the bilateral relations with Bulgaria. Nevertheless, it is just the beginning and the outcome of these negotiations mainly depends on the political wisdom of the RNM’s politicians and adhering to the provisions they signed upon both with Bulgaria and the EU as the Draft Council Conclusions Art. 7 reads “...the negotiations ... will be opened first once North Macedonia has met the relevant criteria agreed by the Council.”⁶²

Conclusion

Since acquiring a candidate member status in 2005, this is another historic chance for RNM to embark on the road to full independence and EU membership putting behind years of dependency on Comintern ideology. The difference then and now is that RNM has the whole legal framework paving its way to full accession, which would not allow (if there is a political will)

⁶² (Draft Council Conclusions, n.d.).

for another 12 years, as it was during the VMRO-DPMNE (2005-2017) rule, that the process be stalled. It is even more important that EU proved that through its soft power it can effectively counter the Russian (Serbian) world encroachments on the Balkans. As always in the region, the road blocks ahead remain but the whole issue between RNM and Bulgaria showed the true potential of the EU that has been tested also in the context of Russian invasion of Ukraine. Now, it is all in the hands of RNM's politicians that they take advantage of this development and make the necessary steps they signed upon with EU for the benefit of the Macedonian people and the prosperous future of the Western Balkans in the EU.

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Greek Bilateral Relations and the Implementation of the Prespa Agreement

Elena Mandalenakis

The war in Ukraine has enhanced the geopolitical importance of Eastern Europe, nevertheless, Southeast Europe and the Western Balkan region continue to receive a lot of attention from the European Union, the United States, Turkey and Russia. In the Balkan region, the political entities facing the most critical political situation are currently Bosnia-Herzegovina and Kosovo. Bosnia-Herzegovina faces an existential crisis and tensions in Kosovo are running high between ethnic Serbs and ethnic Albanians. The entanglement of ethnic identity with political power, continues to lead to conflict in both cases. Greece and North Macedonia have moved past their dispute regarding the ethnic and historical origin of the peoples of the second state. The Prespa Agreement resolved the political issues governing the bilateral relations for a period of twenty-seven years, and set the framework for shared growth and development. In light of North Macedonia's and Albania's EU accession negotiations, it is interesting to examine the level of implementation of the Prespa Agreement and its impact in the bilateral relations of the two signatory states. Is the Prespa Agreement a success story?

The Prespa Agreement and Its Significance

The Final Agreement for the Settlement of the differences as described in the United Nations Security Council Resolutions 817 (1993), the Terminations of the Interim Accord of 1995, and the Establishment of a Strategic Partnership Between the Parties, thereafter Prespa Agreement, is the deal signed by Greece and its northern neighbour, in June 17th, 2018.¹

The presence of high-level officials at the signature ceremony, in the village of Psarades of the Prespa region, such as the Foreign Ministers N. Kotzias and N. Dimitrov, both Prime Ministers A. Tsipras and Z. Zaev, the UN Mediator M. Nimetz and the EU High Representative F. Mogherini, has been

¹ The Prespa Agreement, 17 /06/2018, in https://www.mfa.gr/images/docs/eidikathe_mata/agreement.pdf and in <https://vlada.mk/node/17422?ln=en-gb>.

highly symbolic. The symbolism of the amicable atmosphere surrounding the officials of both states during the signature, points to the significance of this Agreement, not only for their bilateral relations and the wider region as well as for the European Union's enlargement. It also indicates that the Agreement was acknowledged and praised by the international community as a success story in international relations.

The Agreement not only settles an issue of the past with present and future consequences for the relations of the two States, but it goes further to incorporate past Confidence Building Measures (CBMs) into a framework of development, mainly for North Macedonia, and stability for both neighbours, through long-lasting cooperation in fields that span from trade, to culture, to security.

As the Agreement lays down the terms and processes through which the two states ought to resolve any future disputes in good faith and in accordance to international law, it seeks to establish an environment of trust and willingness for deepening their bilateral relations.

In view of the Agreement's ratification, on February 6th, 2019, all NATO member-states signed in favour of the accession of North Macedonia into the Alliance.² This political act aimed to express the international support for the name settlement and the West's commitment to the security and development of the Republic of North Macedonia. Furthermore, this was a clear message to the deeply divided society of North Macedonia that there are international benefits and rewards of this Agreement that will benefit the citizens in the long-run. This was also a signal to the equally divided Greek society that in the post-Prespa Agreement era, the two states will be Allies whose interaction will be characterized by trust and cooperation.³

² Sinisa Jakov Marusic, "NATO Invites Macedonia to Join Western Alliance", *Balkan Insight*, 11/7/2018, in <https://balkaninsight.com/2018/07/11/nato-invites-macedonia-to-join-the-western-alliance-07-11-2018/>, Robin Emmott, "Macedonia Signs Accord to Join NATO Despite Russian Misgivings", *Reuters*, 6/2/2019, in <https://www.reuters.com/article/us-nato-macedonia/macedonia-signs-accord-to-join-nato-despite-russian-misgivings-idUSKCN1PV1KB>.

³ At the societal level, the relations were overall positive, depending on the politics of the name dispute. In fact, the region of Chalkidiki, situated in the north of Greece has always been a popular tourist destination for the Macedonians.

Nevertheless, the momentum did not last long as in October 18th, 2019, France decided to block the EU enlargement hence, the commencement of formal EU membership talks for North Macedonia and Albania.⁴ Accession negotiations for North Macedonia and Albania began in July 2022, after France had already unblocked the enlargement process in 2020. The country that had blocked accession negotiations held the key to unlock the process by proposing a solution to Bulgaria's veto in 2022.⁵

Internally, the societies of both countries were mobilized against the Agreement as the opposition parties played on the ethnic pride card. As the name settlement negotiated, among others, the divisive issues of history, identity and language, it became highly politicized and was utilized by opposition parties in Greece and North Macedonia to weaken the governing coalitions. Both governments needed an international political success to balance out the societal discontent and their diminishing power, which was also partly due to their political choice to resolve the name dispute.

The Agreement came into force on February 12th, 2019 after its ratification by both Parliaments. The Greek Parliament ratified the Agreement on the 25th of January 2019, with 153 votes out of 300 and after thirty-eight and a half hours of deliberation.⁶ Across the border, 153 legislators voted in favour of changing the state's official name to "Republic of North Macedonia" while 146 voted against and there was one abstention.⁷

⁴ Liljana Cvetanoska, "North Macedonia Won't Be Joining the E.U. Anytime Soon. Did the E.U. Lose its Peak Leverage?", *The Washington Post*, 14/11/2019, in <https://www.washingtonpost.com/politics/2019/11/14/north-macedonia-wont-be-joining-anytime-soon-did-eu-lose-its-peak-leverage/>.

⁵ France held the rotating six-month presidency of the EU Council until June 30, 2022.

⁶ "Υπερψηφίστηκε με 153 «Ναι» Η Συμφωνία των Πρεσπών", *Η Καθημερινή*, 25/1/2019, in <https://www.kathimerini.gr/politics/1006678/yperpsifistike-me-153-nai-i-symfonia-ton-prespon/>.

⁷ Virginia Pieromarchi, "Greek Parliament Approves Macedonia's New Name", *Aljazeera*, 25/1/2019, in <https://www.aljazeera.com/news/2019/1/25/greek-parliament-approves-macedonias-new-name>.

Implementation of the Prespa Agreement

Formal accession talks to the EU for North Macedonia and Albania are on the way since July 2022, while at the same time the implementation of the Prespa Agreement is ongoing. More than three years since the Agreement's ratification, it is time to look at the implementation process which is not yet complete but slowly ongoing. Considering that the Prespa Agreement not only solves the name dispute but lays down the groundwork for future cooperation among the signatory states, its implementation is expected to be in phases as certain processes are time-consuming. For example, Article 1 (10) sets a timeframe of five years for North Macedonia to adapt all valid documents and materials, used internally and externally, to the terminology agreed in Article 3 of the Agreement.

In addition, Article 1 (3)(a) defines the constitutional name of North Macedonia and its *erga omnes* use by all public and private agents. The executive director of the Prespa Institute, Andreja Stojkovski, states that the change of the constitutional name in public and governmental buildings has been implemented by 80%. He expects the project to be completed upon North Macedonia's membership into the EU.⁸

The timeframe was altered when the amendment of the Constitution was delayed. Article 1(4)(e) of the Agreement requires that the constitutional amendments were to be completed *in toto* by the end of 2018. In addition, Article 1, in paragraphs 11 and 12 of the Agreement, stipulates the need for constitutional amendments in order for the Agreement to be valid. The amendment of the Constitution of North Macedonia was expected to commence upon the Agreement's ratification or a referendum. Despite the difficulty of this political task domestically, the Parliament approved the constitutional changes with a two-thirds majority (81 out of 120 MPs).

Once the above-mentioned Article was implemented on January 11, 2019, the Covid-19 pandemic presented new challenges to both states that required a different prioritization and caused delays. Both states, have been hesitant

⁸ Τίμος Φακαλής, “Συμφωνία των Πρεσπών: Τι Προχώρησε και τι Έμεινε Στασιμο στα 3 Χρόνια”, *Έθνος*, 20/6/2021, in <https://www.ethnos.gr/Politics/article/162339/symfoniatonprespontiproxorhsekaitiemeinestastimosta3xronia>.

or unwilling to proceed at a faster pace in some areas of the Agreement. Nevertheless, Greece needs to see that North Macedonia abides to the Agreement and vice versa.

Article 1(3) further defines the terminology referencing to the Macedonian language, culture and history,⁹ determines the country codes as assigned by the International Organization for Standardization (ISO) for the licence plates and other uses. Moreover, it deals with issues related to commercial names, trademarks and brand names. It further establishes expert committees with representatives from both states to find solutions on issues that affect the business community as a result of the name alteration.

According to Article 2, Greece is obliged to support North Macedonia's application and accession into regional or international organizations like the EU and NATO. As already mentioned, the implementation of the provisions of this Article, began as early as few days before the official ratification of the Agreement with NATO's decision to accept North Macedonia's membership into the Alliance. The same Article refers to North Macedonia's accession into the EU.

Greece has fulfilled its role and continues to support both North Macedonia and Albania for their EU membership. More specifically, Greece provides pre-accession assistance to North Macedonia for example, through the Cross-Border Cooperation under the Instrument for Pre-Accession Assistance (IPA). There is increased visitation by high-level officials from both sides and in September 2022, the Prime Ministers agreed on their bilateral cooperation on fossil fuels supply and discussed multi-level cooperation in the energy sector, with a focus on infrastructure as well as on the need to diversify energy sources and strengthen interconnection.¹⁰

⁹ Article 7 explains the meaning of these terms and disconnects them from the Hellenic historical context, identity and cultural heritage.

¹⁰ Spiros Sideris, "Mitsotakis, Kovacevski Agree on Uninterrupted Supply Of Coal, Fuel Oil from Greece", EURACTIV.gr, 14/9/2022, in <https://www.euractiv.com/section/energy-environment/news/mitsotakis-kovacevski-agree-on-uninterrupted-supply-of-coal-fuel-oil-from-greece/>.

Bilateral Relations after the Prespa Agreement

The Agreement, although it is only fifteen pages long, requires strategic cooperation (Art.9) in agriculture, civil protection, defence, economy, energy, environment, industry, infrastructure, investment, political relations, tourism, trade, trans-border cooperation and transport. As cooperation in some of these fields had already been established before this Agreement, both states, according to Articles 13, 14 and 18 should incorporate their former cooperation and confidence building measures into an action plan.

In political terms, the Bilateral Relations of these states are better, stronger and thus, less conflictual than in the past.¹¹ The compromising effect of the Agreement facilitates the achievement of common geopolitical interests such as peace, friendly neighbourly relations and regional stability. Diplomatic contacts and visits between the two parties show good faith and Greece's continuous support for North Macedonia's European path. Hence, Article 12 (1) is been implemented.

In economic terms, close cooperation of the two countries as well as with third partners, is expected to lead to co-development that would be beneficial for both nations and the whole region. The conclusion of the Prespa Agreement has intensified economic diplomacy and networking. The result is rising interconnecting projects especially in the field of energy. Both states that had already developed economic ties in trade, direct investments and tourism, way before the signing of the Agreement, have intensified their trade relations. In the past, the name dispute had negative influence on the economic relations of the two states but it should be noted that even during the nineteen months of the Greek trade embargo in 1994-95, their trade relations were never completely halted.¹² Whenever their relations were

¹¹ E. Mandalenakis, "Greek Bilateral Relations with its Neighbouring States", pp. 11-28, in P. Jureković and E. Mandalenakis, eds. *Greece and its Western Balkan Neighbours – Common challenges in a Changing Europe*, Vienna: Austrian National Defence Academy, Federal Ministry of Defence and Sports and PfP Consortium of Defense Academies and Security Studies Institutes, 2019, in <https://www.bundesheer.at/wissen-forschung/publikationen/beitrag.php?id=3229>.

¹² R. Panagiotou and N. Tzifakis, "Deciphering the Greek Economic Diplomacy Towards the Western Balkans: Actors, Processes, Challenges", *Hellenic Observatory Discussion Papers on Greece and Southeast Europe*, No. 169, March 2022, p.25.

ameliorating, e.g., after the Interim Accord of 1995, after 2003 and even more after 2008, there was a positive impact on trade flows.¹³

The bilateral relations have ameliorated since the Prespa Agreement came into effect but the picture will be more accurate at the end of the implementation process.

Key Issues Pending

The Preamble of the Prespa Agreement states, that both Parties should seek to upgrade their bilateral cooperation into a strategic partnership in specific sectors. Strategic partnership is considered “a privileged form of bilateral relations” that aims at “enhancing diplomatic dialogue and problem-solving”.¹⁴ Furthermore, this form of diplomacy deepens cooperation and “shapes the social structures of the international system and provides venues for bilateral interaction”.¹⁵ Referring to Article 9, the strategic cooperation is to be extended to sectors, that are beneficial to both countries and beyond this Agreement.

The conclusion of this Agreement, although it was initiated and given momentum by external actors, is an example of their functioning strategic cooperation. The Action Plan that will guide this strategic cooperation must incorporate all the above-mentioned sectors, should be based on all existing CBMs and it should be enriched within the framework of the development and deepening of the bilateral relations. Consequently, the “Action Plan on the intensification and enrichment of cooperation between the Hellenic Republic and the Republic of North Macedonia, as provided for in the Prespa Agreement” was signed on April 2nd, 2019 by both Prime Ministers, A. Tsipras and Z. Zaev, during the First High-Level Cooperation Council. However, whether the strategic cooperation of these states evolves into a strong partnership, it remains to be seen. To support such a project, the

¹³ Vikto Mitevski, et al., “Unlocking Economic Potential Between Greece and North Macedonia”, *Friedrich Ebert Stiftung*, November 2020, p.4.

¹⁴ Anna Michalski, “Diplomacy in a Changing World Order: The Role of Strategic Partnerships”, *The Swedish Institute of International Affairs*, 2019, p.4, in <https://www.ui.se/globalassets/ui.se-eng/publications/ui-publications/2019/ui-paper-no.-10-2019.pdf>.

¹⁵ *Ibid.*, p.5.

states must reform and restructure their administrations to be more responsive to challenges and more supportive of initiatives that foster innovative frameworks of cooperation across the border.

Art. 3 (a) requires that the new Constitutional name “Republic of North Macedonia” would be used *erga omnes* thus, internationally, domestically and by all public or private agents. Greece continues to refer to the lack of universal use of the new name domestically and externally. Hence, this provision has not yet been fulfilled. Certain changes have been made as good will gestures, especially before official visits by Greek politicians. So, when the Greek Minister of Foreign Affairs visited Skopje on August 31st, 2021, the street names outside the Ministry of Foreign Affairs and in front of the Archaeological Museum were taken down.¹⁶ At the same time, Greece has not replaced all road signs with new ones signalling the new constitutional name of its neighbour.

The K. Mitsotakis government is not yet satisfied with the level of implementation of the Agreement, namely in the fields of schoolbooks, trademarks and historical origin of the peoples of North Macedonia. Nevertheless, the Minister of Foreign Affairs N. Dendias recognizes the efforts North Macedonia is making to overcome domestic resistance, in order to proceed with the implementation of the Agreement.¹⁷ The Joint Inter-Disciplinary Committee of Experts on educational, archaeological and historic matters (Art. 8(5)) is responsible for providing scientific support and directions regarding the update of school books and for issues of commercial branding. It must meet at least twice per year and must submit an Annual Report on its activities and Recommendations to the High-Level Cooperation Council (HLCC). There are irregularities with the appointment of the experts, the Committee’s work is very slow and there is no public information as to its achievements up to now.

¹⁶ Βασίλης Νέδος, “Βόρεια Μακεδονία: Οκτώ «φάουλ» με την Εφαρμογή των Πρεσπών”, *Η Καθημερινή*, 10/11/2021, in <https://www.kathimerini.gr/politics/561577330/voreia-makedonia-okto-faoyl-me-tin-efarmogi-ton-prespon/>.

¹⁷ “Minister of Foreign Affairs Nikos Dendias’ response during the debate on a current question in the Plenary Session of the Hellenic Parliament”, Athens, 27/5/2022 in <https://www.mfa.gr/en/current-affairs/statements-speeches/minister-of-foreign-affairs-nikos-dendias-response-during-the-debate-on-current-question-in-the-plenary-session-of-the-hellenic-parliament-athens-27052022.html>.

Article 12 of the Prespa Agreement, establishes the High-level Cooperation Council, which is jointly headed by the Prime-Ministers of the two states. Its function, is to improve and upgrade bilateral cooperation as well as to solve any hurdles regarding the implementation of the Agreement. It is also responsible for approving the work of the Joint Inter-Disciplinary Committee of Experts. The HLCC should meet at least annually but it seems that these meetings are not as regular.¹⁸ In fact, the first and last one took place in 2019. On these issues, the opposition Party, PASOK-KINAL, has accused the Greek government for deliberately delaying the implementation of the Agreement due to internal governmental party disagreements thus, pointing to its weakness to govern.¹⁹

According to the Art 1(h), all business communities should institutionalize the change of terminology and solve issues that may rise from the use of commercial names, trademarks and brand names that do not abide with the Agreement. This requires clarifications from the expert committees as there is confusion regarding the use of the name “Macedonia” on products and services from both Greece and North Macedonia.

In some cases, the European Court of Justice has to decide on the correct use of trademarks or brands. The Kozuvcanka Doo company that operates in North Macedonia and promotes the beer Makedonsko and Macedonian Premium beer, took to the European Court of Justice the Greek Exporters Association (SEVE). SEVE has been promoting agricultural products from the Province of Macedonia under the trademark “Macedonia the Great” since 2019.²⁰ In view of such conflicts, entrepreneurs in both states have been competing for an early registration of their trademark at the Eu-

¹⁸ Τίμος Φακαλής, “Συμφωνία των Πρεσπών: Τι Προχώρησε και τι Έμεινε Στάσιμο στα 3 Χρόνια”, *Έθνος*, 20/6/2021, in <https://www.ethnos.gr/Politics/article/162339/symfoniatonprespontiproxorhsekaitiemeinestasisimosta3xronia>.

¹⁹ “Δένδιας: Κύρωση των Μνημονίων Συνεργασίας με Βόρεια Μακεδονία όταν το Επιτρέπει το Εθνικό Συμφέρον”, *Η Καθημερινή*, 27/5/2022, in <https://www.kathimerini.gr/politics/foreign-policy/561880906/dendias-kyrosi-ton-mnimonion-synergasias-mevoreia-makedonia-otan-to-epitrepei-to-ethniko-symferon/>.

²⁰ Τίμος Φακαλής, “Συμφωνία των Πρεσπών: Τι Προχώρησε και τι Έμεινε Στάσιμο στα 3 Χρόνια”, *Έθνος*, 20/6/2021, in <https://www.ethnos.gr/Politics/article/162339/symfoniatonprespontiproxorhsekaitiemeinestasisimosta3xronia>.

ropean Union Intellectual Property Office (EUIPO) as priority claims, seniority claims and exhibition priority claims determine the ownership of the trademark.²¹

The two states have signed Memoranda of Understanding (MoU) for cooperation on military, economic and Europeanization issues.²² The Hellenic Air Force for example, has been doing the air-policing of North Macedonia even though the relevant MoU has not yet been ratified by the Greek Parliament. According to the Greek Minister of Foreign Affairs, N. Dendias, the MoU will be ratified by the Parliament when the government sees fit. During his speech in the Parliament, he recognized the delays but he responded that this is a matter of national interest, without further explanations.²³

Evaluation of the Implementation Process

The Prespa Agreement addresses and settles, the states' dispute over the constitutional name, identity and historical heritage of North Macedonia vis-à-vis Greece. It was not the constitutional name per se that led to the dispute. Considering the territorial reshuffling that led to border changes in the Balkan region after the dissolution of Yugoslavia, Greece was alarmed by North Macedonia's appropriation of fundamental elements of Greek ethnic identity, history and territory in conjunction to irredentist claims supported by the appropriate maps.²⁴

²¹ Anna Sfetsiou, "The 'Macedonian' Saga", *Stockholm Intellectual Property Law Review Vol. 2, Issue 2, December 2019*, p.56.

²² Τίμος Φακαλής, "Συμφωνία των Πρεσπών: Τι Προχώρησε και τι Έμεινε Στασιμο στα 3 Χρόνια", *Έθνος*, 20/6/2021, in <https://www.ethnos.gr/Politics/article/162339/symfonia-ton-prespon-ti-proxorhese-kai-ti-emeine-stasimosta-3xronia>.

²³ "Δένδιας: Κύρωση των Μνημονίων Συνεργασίας με Βόρεια Μακεδονία όταν το Επιτρέπει το Εθνικό Συμφέρον", *Η Καθημερινή*, 27/5/2022, <https://www.kathimerini.gr/politics/foreign-policy/561880906/dendias-kyrosi-ton-mnimonion-synergasias-me-voreia-makedonia-otan-to-epitrepei-to-ethniko-symferon/>.

²⁴ For more details on the name dispute see E. Mandalenakis, "Opportunities and Constraints for the Resolution of FYROM's Name Dispute", pp.103-119 in P. Jureković, ed. *Overcoming Blockades and Improving Intra-State/Neighbourhood Relations in South East Europe*, Vienna: Austrian National Defence Academy, Federal Ministry of Defence and Sports and PFP Consortium of Defense Academies and Security Studies Institutes, 2018, in <https://www.bundesheer.at/wissen-forschung/publikationen/publikation.php?id=914>.

The Prespa Agreement put into a coherent document all the issues of concern dividing the two states and laid down a plan according to which the changes should be made during the implementation of the Agreement. Therefore, the agreed name “Republic of North Macedonia” should be used *erga omnes*, internationally and domestically, as well as by all public and private agents. The foundation of the identity, culture and language was clearly defined. The territorial integrity of both States and thus, the inviolability of their state borders, is guaranteed in order to address perceptions of potential threat against the national sovereignty of Greece, due to Macedonian irredentism. By signing the Prespa Agreement, both States identified, codified and recognized their commitment in solving the issues standing as obstacles against the amelioration of their relations. As such, the Agreement addressed the ambiguity around their dispute, thus, eliminating any misunderstandings or false claims in the future.

The contribution of the Prespa Agreement is that it attempts to take away the veil of suspicion that shadowed the relations of both states. This veil will be completely lifted as soon as the Prespa Agreement is fully implemented.

The proper implementation of the Agreement dissolves any perceptions of threat and paves the way for a genuine collaboration of the two States. Furthermore, it pushes the states to go beyond these issues and to advance coherent co-development and collaboration frameworks. As the Agreement is binding and indefinitely valid, it signifies a new era of strategic cooperation in the bilateral relations of the signatory states.

The mediation by the international community was successful. As a consequence, it can focus on solving other causes of instability in the region, i.e. Bosnia and Herzegovina. In this case, Greece fully supports the multi-ethnic nature of Bosnia as it wishes the integration of all Western Balkan states into the EU. As a matter of fact, on October 12th, 2022 the EU Commission issued a recommendation for Bosnia to be given EU candidate status.

The Agreement forced other regional states, i.e. Bulgaria, to voice their dispute with North Macedonia. Despite the 2017 “Treaty on Friendship, Good Neighbourliness and Cooperation”, Bulgaria did not recognize the existence of a Macedonian identity and language distinct from Bulgarian identity and language. The Prespa Agreement meant that Greece was no more an obstacle

to North Macedonia's EU membership aspirations, thus it forced Bulgaria to come to the front. France was holding the EU-Presidency at the European Council and mediated to overcome this crisis. As a result, on July 16th, 2022 the Parliament of North Macedonia ratified the French-brokered deal, with 68 out of 120 votes. The French proposal led to the constitutional recognition of a Bulgarian minority in North Macedonia. Although, Bulgaria fully supports the European path of North Macedonia, it still does not recognize a Macedonian language.²⁵

Prespa Agreement: A Model?

The international community considers the signature of the Prespa Agreement as a huge success. Some officials have expressed the view that the agreement can be used as a model for dispute resolution among neighbouring states. Accordingly, the former President of Kosovo, Hashim Thaci, expressed in 2019 the possibility or wish to apply this Agreement as model to settle Kosovo's dispute with Serbia.²⁶ Although a tempting idea in view of the rising instability and conflicts in the neighbourhood, how can its applicability and success be guaranteed? Many factors interplayed for the resolution of the name dispute, that may not exist in other cases. How realistic such a proposal would be?

Firstly, according to Art. 20(9), the dispute between Greece and North Macedonia is permanently resolved with the Prespa Agreement, but only the future steps towards implementing the Agreement will determine its success. Of course, this is not a unique, to this Agreement, challenge and state behaviour is determined by state interests.

Furthermore, despite the willingness and/or interest of all Parties, the Agreement is not yet fully implemented thus, it is not timely to determine its

²⁵ A. Taylor and K. Nikolov, "Sofia and Skopje Sign Bilateral Protocol but the Road to the EU is Far from Clear", *EURACTIV*, 18/7/2022, in <https://www.euractiv.com/section/enlargement/news/sofia-and-skopje-sign-bilateral-protocol-but-the-road-to-the-eu-is-far-from-clear/>.

²⁶ "Θάτσι: Πρότυπο για το Κόσοβο η Συμφωνία των Πρεσπών", *Έθνος*, 12/1/2019, in <https://www.ethnos.gr/World/article/15330/thatsiprotypogiatokosobohsymfonia-tonprespon>.

unequivocal success in providing stability and facilitating strategic partnerships among neighbours. It is indisputable however, that it successfully addressed Greece's main concerns and opened the path for North Macedonia's EU and NATO membership.

Secondly, it is imperative that the term "model" is defined. Is it the format, or the manner of the negotiation that should be replicated? Or is it the way it addressed issues of national identity and history? Is it the political tactics that were used by both states and the international community in order to ensure the realization of this agreement? Or the power of the international actors participating or mediating? There are many particularities in this agreement that may be impossible to reproduce in other cases. The two prime-ministers had the same ideology and purpose, each for their own reasons, to end the deadlock while their time in government was constrained. The determination to increase security in the changing international order through NATO membership and the support of EU conditionality by powerful actors within and outside the EU explain this "fast-track" resolution.

Some of these conditions may be also present in other case-studies but the chance that they all coincide seems unlikely. At the same time, each state and dispute are unique. The actors must be willing to take risks and bear the cost of their endeavour. Support from powerful states should be measurable in order to support the states to bypass the obstacles throughout such a process. The ultimate outcome must bear with it significant rewards so that it can appease and persuade the groups opposing such a project.

The Prespa Agreement could be a model for the political determination that is required for a political resolution to take place, especially when dealing with difficult issues such as national identity, self-identification and history. In order to surpass obstacles tied to the above-mentioned issues, the negotiators had to be creative for a compromise to be achieved.

Suggestions and Recommendations

The political will of the signatory states is key for the success of the Prespa Agreement. Although this has become a cliché in politics, political will remains the foundation for peaceful neighbourly relations. This political will has already been demonstrated overtime by all Parties, including

international actors, during the negotiations, drafting and ratification of the Prespa Agreement.

Both states should enhance their commitment and efforts in implementing the Prespa Agreement and to politically guarantee its respect in the future in favour of security, stability and development. The low acceptance or lack of support of the population in both states as well as the divided political establishment within each state could threaten the sustainability of the agreement in the future. Nevertheless, this lies in the hands of both countries' leaders to persuade their societies of the positive implications of the Prespa Agreement. "The Ohrid Agreement, the Treaty with Bulgaria and the Prespa Agreement are the three pillars of Macedonia. There is no way they can be removed," according to B. Osmani, Minister of Foreign Affairs of North Macedonia.²⁷

The EU and other international actors should continue to encourage and facilitate cooperation platforms for the development of strong bilateral relations between the neighbouring states. The EU has a strong leverage over North Macedonia during the accession negotiation process which it should use to ensure the full implementation of the Prespa Agreement. Of course, Greece should also speed up certain processes. In the "Joint Statement on Third United States – Greece Strategic Dialogue" of October 14th, 2021,

Greece and the United States reaffirmed the importance of the full, consistent and in good faith implementation of the Prespa Agreement. Both parties resolved to support continued integration, investment, and infrastructure development of Western Balkan partners. [Furthermore,] the United States and Greece both continue to strongly support the Euro-Atlantic integration of the Western Balkans, including Kosovo, and stress the importance of urgently commencing accession negotiations between EU and both Albania and North Macedonia according to the set conditionalities.²⁸

²⁷ "Macedonian Foreign Minister: Negotiations with Bulgaria Ended with 3:1 for North Macedonia", *novinite.com*, 16/9/2022, in <https://www.novinite.com/articles/216747/Macedonian+Foreign+Minister%3A+Negotiations+with+Bulgaria+Ended+with+3%3A1+for+North+Macedonia>.

²⁸ "Joint Statement on Third United States-Greece Strategic Dialogue U.S. Embassy & Consulate in Greece", 14/10/2021, in <https://gr.usembassy.gov/joint-statement-on-third-united-states-greece-strategic-dialogue/>.

One of the aims of the Greek-American Strategic Cooperation is to jointly support further Euro-Atlantic integration and cooperation in order to ensure peace and security in Western Balkans.

**PART IV: South East Europe – From a
Conflict Region to a Role Model of Ethnic
and Religious Coexistence and Cooperation**

Two Topics: The Role of the Patriarch of the Serbian Orthodox Church, Porfirije Perić, and the Interreligious Council of Bosnia and Hercegovina – From a Great and Promising Start to Important Achievements to Stagnation¹

Drago Pilsel

As was mentioned several times during the discussions, our societies are multi-ethnic. Whether we like it or not, this is something that is here to stay, and we have to learn to work with it.

The same can be said about the religious communities in this region. Whether we like them or not, they have been around for centuries and are a part of the history – for better or for worse. We need to accept their existence and find ways to work with them.

And if we can expect different ethnic groups to dialogue and communicate and work together to find solutions – we can expect the same not only of the religious institutions, but also of believers and non-believers, atheists and agnostics.

In order to do so, it is important to understand what religious institutions are, and are not, and how they function. The Roman Catholic Church is not formed and does not function the same way as the Orthodox Church. The Islamic communities and Jewish communities have their own institutions and structures. Every religious institution has its own rules, regulations and hierarchies.

¹ The text which was prepared for the panel was only partially presented. In response to a number of panellists who problematized the role of the leader of the Serbian Orthodox Church, of the Serbian Patriarch Porfirije Perić, I felt it was necessary to use the first part of my presentation to clarify a number of things which to me seemed to have been incorrectly interpreted as a result of a general lack of information about and understanding of the structure and the canon laws of orthodox churches. I have decided to submit this version which I presented at the conference in Sarajevo.

I think we can all agree that – especially in the 1990s – the leaders of the religious institutions had a mostly very negative role. The only exceptions were the Jewish Community and some protestants, like the Adventists who during the first year of the siege of Sarajevo in 1992, carried out a very important operation to bring food and medicine to this city.

The behavior of the larger religious institutions was – in part – a response to the suppression of and discrimination against religious institutions in Yugoslavia. This, however, in no way justifies their role in producing and supporting rampant, militant nationalism.

But still, there are good people in all of these institutions, who never accepted the nationalistic rhetoric and have worked towards peace, reconciliation and mutual respect.

It is not constructive to completely vilify all religious institutions and those associated with them.

The Role of Patriarch Porfirije Perić

Since the Serbian Orthodox Church – and specifically Patriarch Porfirije Perić – are often portrayed in a negative light lately, I have the need to explain a few basic things about the Serbian Orthodox Church and Patriarch Porfirije.

He was the auxiliary bishop of Novi Sad and then archbishop, metropolitan, of Zagreb-Ljubljana for 7 years. He is still the administrator of the Zagreb-Ljubljana Diocese. I met Porfirije for the first time in 2008 in Strassbourg and during those years in Zagreb we became good friends. In 2021 he was chosen as the Patriarch of the Serbian Orthodox Church. A church in big disorder and fractured by internal conflicts.

There is also a very vocal group that presents itself as part of the Serbian Orthodox Church whose leaders were actually excommunicated years ago. They are the followers of Bishop Artemije Radosavljević from Kosovo, who was suspended, then retired and finally excommunicated from the Church. He passed away in 2020.

Unfortunately, most have forgotten this fact and continue to associate them with the Serbian Orthodox Church.

As Patriarch, Porfirije does not have the “executive” powers that for example the Pope has. The Pope has the executive, judicial and legislative maximal power. The Patriarch, on the other hand has authority only where he is bishop and is the moderator and speaker of the “Sabor” – the “parliament” – something like the “Bishops’ Conference” in the Catholic Church. Any decisions made, must be approved and supported by in some cases the simple majority, in other cases by two thirds of the bishops.

There are statements that he makes that do not represent his personal opinion – but the opinion of the “Sabor” or the Sinod, which is governing the Church between two Sabors. The Sabor meets regularly, once a year in May. During the year between the Sabors, the Sinod carries out the decisions of the Sabor and resolves problems in the name of the church. The Sinod can give statements, for instance. But only the Sabor can elect new bishops or retire old ones.

As Patriarch, he is not an “activist” and he cannot change things over night.

As Patriarch, he is the Bishop of Belgrade – and has jurisdiction only in his own diocese. Porfirije is still for now the administrator of the Zagreb-Ljubljana dioceses – until a successor is elected by the Sabor.

In my opinion it seems necessary to respond to some accusations directed against Porfirije.

In his speech on the martyrs of the Ustasha regime in Jasenovac one year ago, in Croatia, he talked very positively about the Montenegrin people. He has specifically mentioned the Montenegrin people many times in his speeches. Therefore it cannot be said that he denies the existence of the Montenegrin people or that he does not like the independent state of Montenegro.

There are a lot of specific details related to the church in Montenegro. If you look at the website of the dioceses “Mitropolija Crnogorska-Primorska”, you will not find the title “Srpska Pravoslavna Crkva” but you will see the coat of arms of the Serbian Orthodox Church next to the coat of arms of the

Mitropolija Crnogorska-Primorska. Theoretically, it is possible to have Crnogorska Pravoslavna Crkva, but it needs to fulfill some basic conditions – which, for example, the Macedonian Orthodox Church does. The most important of these conditions is that the church must have its own bishops, monks and clergy, the capacity to ordain new bishops and to renew itself from the inside, without the help of bishops from the outside. In other words, never in the history the bishops of the Crnogorska-Primorska mitropolija with seat in Cetinje were consecrated by bishops from Montenegro. Autocephaly is received when a church is recognized by the Patriarchy it is separating from AND the Patriarchy of Constantinople.

Knowing these kinds of facts should actually be basic religious culture.

Patriarch Porfirije did NOT know about the medal which was given to the condemned Serbian war criminal Vojislav Šešelj. After I asked him what is going on now, immediately after I saw the information, he told me: Drago, I have no idea. As I said before, he is not a pope and he only has jurisdiction to decide things in his own diocese. Bishops can award medals in their own dioceses without consulting the Sabor or the Patriarch. This medal was awarded by Bishop Longin of the dioceses in Third Lake near Chicago in the State of Illinois, one of the four dioceses of the church in North America and through the mediation of Bishop Irinej from Novi Sad. It is a medal of low rank. The first reaction of Porfirije to me was: dear brother, this is a big mistake and a huge damage for the Church.

Should Patriarch Porfirije say something publicly to distance himself from this award? Yes. Absolutely.

His statements in his speech in Bijeljina, in the Bosnia and Herzegovina entity Republika Srpska, on September 15, were also taken completely out of context. This is what he exactly said:

I quote:

Our unity, therefore, is not in numbers, is not in mathematics or geography, it is not based on blood or earth, not in quantity, but in quality. An ancient Greek saying says: The good is not in quantity, but in goodness there is always much. Our unity is and should be and remain a spiritual unity ...

I need to say this also in our language:

Naše jedinstvo, prema tome, nije u brojkama, nije u matematici i u geografiji, nije zasnovano na krvi i tlu, nije u kvantitetu, nego u kvalitetu. Jedna drevna grčka poslovice kaže: Οὐκ ἐν τῷ πολλῷ τὸ εὔ, ἀλλ' ἐν τῷ εὔ τὸ πολὺ – Nije u mnogome dobro, ali u dobrom uvek jeste mnogo. Naše jedinstvo jeste i treba da bude i da ostane duhovno jedinstvo...

I want to emphasize that journalist, academics and intellectuals are obligated to find and respect the sources. We cannot manipulate with words. It is absolutely untrue that Porfirije said in Bijeljina that Serbia will be bigger, or that Bosnia and Hercegovina will disappear, nor is it possible to interpret what he said as announcing a new war or a new genocide – which is what was said in many commentaries in websites, TV shows etc. in the Western Balkans.

Patriarch Porfirije is not perfect. He has made mistakes. Our website, Auto-graf.hr was one of the first to call him out when he awarded with the Sveti Sinod medal to Milorad Vučelić, who was the megaphone of the worst PR campaign of Slobodan Milošević. Further, in another column that was published in September I wrote that Porfirije's recent words about the LGBT community in Serbia were dehumanizing for them.

I repeat, it is of utmost importance to go to the sources, not to base our opinions on headlines. Especially since we all know the very poor level of the media – and especially the tabloids – in the region.

The Interreligious Council of Bosnia and Hercegovina

The Interreligious Council of Bosnia and Hercegovina (IRC BiH) was founded as a non-governmental organization, based on the authority and teachings of the four confessions of three monotheistic religions present in BiH and giving them equal status in order to help transforming the devastated and broken-down Bosnian society after the war by building civil society through inter-religious dialogue.

The following communities are official members at full capacity: the Islamic community, the Serbian Orthodox Church, the Roman Catholic Church and the Jewish community – the four traditional, historically situated churches and religious communities in BiH. It was established on June 19, 1997, when

the founding declaration was signed, in the Bosnia Hotel in Sarajevo, within the framework of the UN program to alleviate the stigma of survivors of sexual violence in the war.

This was not the first time that the representatives of churches and religious communities in BiH met. There were even some meetings during the wars, also in Sarajevo, but the establishment of interreligious cooperation in this organized, institutionalized way and at the leadership level happened for the first time not only in Sarajevo but also all over the world.

During the first years, there was a lot of help from the World Conference of Religions for Peace based in New York and Tokyo.

The first existential question posed was how the churches and religious communities should organize themselves and respond to the needs not only of the post-conflict society, but also to those of modern man after the discontinuity created by socialism – and without any kind of model to follow.

Some of their activities included joint conferences where religious teachers talked about common experiences, problems and how to overcome them. For the blind and partially sighted, religious books were printed in braille and audio material was recorded.

The books “The Customs of Muslims, Orthodox, Roman Catholics and Jews in BiH”, “A Glossary of Religious Terms” and “A Monograph of Religions in BiH” were published.

Together with BBC TV, joint shows about religion were recorded and broadcasted by radio stations throughout BiH.

In order to transfer the work of IRC in BiH in a concrete way to the entire territory of BiH, committees for interreligious cooperation were established in 15 cities. A network of female believers was founded with over 100 members working in their local communities.

The IRC was the first in the world to adopt a declaration against the stigmatization of persons who survived sexual violence in the war.²

At one time, the IRC in BiH had the idea of starting something similar to the Commission for Truth and Reconciliation (like the one in South Africa) in which the victims would publicly testify about what they went through. Unfortunately, there was no consensus for it.

During the twenty-five years of the existence of the IRC BiH there were ups and downs, but the Council managed to survive primarily through the enthusiasm of the employees, individual members of the Executive Committee and individual members of the Assembly, that is people who believed that interreligious dialogue could do a lot in the reconciliation process.

The Council, however is now going through a severe crisis!

Why?

In accordance with insider information there is a lot of hypocrisy and no functional institutional system. Interpersonal relations are damaged. In the last four years, five employees left (that is, were driven out). These are the people who believed in dialogue and thanks to whom IRC survived and worked.

It is obvious that the Serbian Orthodox Church and the Roman Catholic Church are no longer interested in this kind of Assembly or in the Interreligious Council. The Islamic community, however, continues to be interested, but not because of the dialogue itself, but because they feel at home in BiH and, more importantly, because they do not have a regulated relationship with the state.

Jews strongly support IRC BiH, but in their context of an absolute minority, which is understandable.

² The declaration was signed on June 19, 2017 within the framework of the UN program to eliminate the stigma of the survivors of sexual violence in war.

The question also arises why reis Husein Kavazović is not a member of the Assembly when his predecessor reis Mustafa Cerić was even one of the founders!

I lived in Sarajevo from August 1996 to October 1999. I helped in the preparatory activities before the establishment of IRC BiH and I know and remember well the spirit of that time. Although the wounds of the war were very alive and still open, the religious leaders then found the strength to come together before the people and commit to a constructive dialogue.

The current situation, however, is very different.

Metropolitan Chrysostom of the Serbian Orthodox Church is not particularly interested anymore, and for the last two years he has stopped all forms of communication with Cardinal Vinko Puljić, the now retired archbishop of Vrhbosna/Sarajevo. His successor, Archbishop Tomo Vukšić, said that he is interested in inter-religious dialogue, but this is not visible in action, even though he spoke beautifully in the Holy See where he recently gave a presentation. Reis Kavazović speaks well for the media. All the leaders say nice things in principle, but the reality is different.

I witnessed firsthand the four-year attempts by the retired Lutheran bishop of Oslo, Ole Kvarme, to try and get the religious leaders around the same table and he failed. Not only the leaders in BiH, but also those in the region. He did not succeed. Finally, the Ministry of Foreign Affairs of the Kingdom of Norway decided to stop funding this attempt to renew the dialogue because there were no results.

The only religious leader who received Bishop Kvarme three times, twice in Zagreb and the third time in Belgrade, was the Serbian Patriarch Porfirije. I witnessed those meetings and was an adviser to Bishop Kvarme in the last year of his efforts.

However, I must point out and praise one thing, and that is the successful cooperation of three theological faculties in BiH, the Islamic and Catholic in Sarajevo and the Orthodox in Foča, which established and jointly conduct a master's course in interreligious dialogue. There is only a small number of participants, but it is certainly a bright spot in this gloomy atmosphere.

It is extremely important that religious leaders renew the dialogue and help individuals and organizations in BiH to overcome divisions and build peace.

My central recommendation is to ask the religious leaders in BiH to renew the dialogue and to make an effort so that the IRC in BiH resumes its work. I know that it is possible. I know that there are people in this society who care a lot about the peaceful coexistence of all believers and, what is no less important, between believers, agnostics and atheists.

My wife Claudia and I, together with our friends from several Christian confessions and religious communities in the region, are launching the regional Center for Ecumenism and Dialogue EKUMENA in Zagreb, and we launched the website ekumena.org, on the first day of this year.

Here is an example of concrete regional work that is looking for and can receive support.

I would like to conclude with a very short quote from Pope Francis. “Yesterday, on the margin of the General Assembly of the United Nations, The Secretary of State of the Holy See, cardinal Pietro Parolin met the Minister of Foreign Affairs of the Russian Federation, Sergej Lavrov.” Pope Francis said to the journalists flying back from Kazakhstan that we always need to be ready for dialogue. Because in dialogue we can achieve and change important things.

Shared Narratives – A Tool for Reconciliation and a Path to Future Solidarity¹

Branka Vierda

Introduction

All of the conflicts that happened in post-Yugoslav countries during the 1990s had ethnic components and left deep marks on the societies in the region. The relations between the states in the region (Slovenia, Croatia, Bosnia and Herzegovina, Serbia, Kosovo, Montenegro) are still very much influenced by the legacy of this violent past.

The relations between ethnic communities within those countries are also burdened by the same legacy. Some of the conflicts are still active, although not violent (Kosovo-Serbia border). Denial and/or relativization of war crimes at the level of government is still present throughout the region, mainly because historical facts established by the courts do not fit within the dominant narratives about the past in particular communities.

Different narratives about the same conflict are disseminated through educational systems in different countries and as such cause profound division between communities.

The generation that suffers most from the existence of different and often conflicted narratives is the younger generation – people born just before, during, or after the conflict, and who study different histories in schools and receive very different information from the media and generally in the public sphere.

¹ Parts of this text are adapted from the book *Shared Narratives*. The four paragraphs describing the occasions on which the Shared Narratives project was presented and promoted before the book was published (pp. 4-5) were written by the author of this text for the closing section of the book entitled “About the use of shared narratives method” (pp. 331-332), and are direct quotations. The book *Shared Narratives* is publicly available on the following address: https://yih.hr/system/publication/document/30/SHARED_NARRATIVES_ENG.pdf.

How to approach the heritage of the past that separates nations that once cultivated mutual relations based on the principle of “brotherhood and unity”? How to enable the generations that were born during the 1990s or were only small children during the war in the area of the Western Balkans to socialize without bypassing the topics that separate them? Is it possible to build a new social perspective that does not separate people based on ethnicity and that sees young people as collaborators in the present and not as figures of some abstract future? How is it possible that we learn about the same events from the 1990s war in completely opposite ways, depending on whether they are taught in Croatia, Serbia, Bosnia and Herzegovina, Kosovo and Montenegro?

These are some of the questions that the book *Shared Narratives: Supporting Reconciliation by Bridging the Gaps in Divisive Narratives*, whose authors are young people from five post-Yugoslav countries: Serbia, Croatia, Bosnia and Herzegovina, Kosovo and Montenegro, tries to answer.

The very idea of the creation of the *Shared Narratives* book was a result of a process that required several steps, which will be discussed below, and was developed in 2012 during a fellowship received by the founder of the Youth Initiative for Human Rights – Croatia, Mario Mažić, at the program Alliance for Historical Dialogue and Accountability (AHDA) of Columbia University’s Institute for the Study of Human Rights.

The main goals of *Shared Narratives* were:

- to enable a group of young people from former-Yugoslav countries to challenge dominant narratives through learning from fact-based documentation and primary sources,
- to engage a group of young people in discussions and work on the development of shared narratives about recent violent conflicts,
- to develop a critical approach to nationalist narratives,
- to overcome the obstacles and isolation which are the consequences of past events,

- to decrease the level of hate speech and hate in general,
- to contribute to the reconciliation process,
- to create a stable and peaceful future based on mutual understanding and respect for common values, such as the rule of law and international human rights.

The *Shared Narratives* project aroused public interest even before the full text was published. The process of approaching the past and learning history, designed and implemented by the Youth Initiative for Human Rights' regional network, aroused the interest of a large number of young people, civil society organizations, academic and state institutions and individuals interested in politics, culture of memory, education and teaching history as well as those dedicated to the peace-building process and dialogue in post-conflict societies.

The Stages of Developing Shared Narratives about the 1990s in the Territory of Former Yugoslavia

The project *Shared Narratives* was developed and implemented by civil society organizations, namely the Youth Initiative for Human Rights' (YIHR) regional network, which consists of YIHR organizations from Croatia, Serbia, Bosnia and Herzegovina, Montenegro and Kosovo.

The process began with a public call for participation, to which over 120 participants from the five mentioned countries applied. Their first meeting took place at the "Bring your Own History" conference, which took place in Belgrade, Serbia, in March 2018.

The working approach of the conference was hands-on participatory, as most of the conference was organized through workshops, discussions and group work. The workshops were conducted not only in participant-focused, but also in participant-led manner.

At the conference, the participants had the opportunity to develop their understanding of concepts such as dealing with the past, truth, justice, politics

and the culture of memory, creating historical narratives together with experts in the field. Throughout the conference, the participants worked in facilitated groups, where they exchanged views and discussed concepts, as well as actual events from recent history.

In the last working sessions, the participants chose bilateral groups in which they later worked on research and narratives.

The bilateral groups were formed based on the criteria of conflicting dominant narratives about controversial events from the recent violent past (for example, one group was Croatia-Serbia, the other Croatia-Bosnia and Herzegovina, etc.). The participants could choose which groups they wanted to participate in, then they chose which events they would deal with, and finally, which events they wanted to do additional research on. The participants most often chose events around which there exist completely opposite narratives in different countries.

In the next phase, the participants continued to work in their bilateral groups. The next step was to visit the places and localities they had jointly chosen. The study visits were organized by the offices of the YIHR. We made sure that the participants have the opportunity to visit marked and unmarked places of suffering, analyse the memorial discourse, visit museums, and talk with residents, survivors, witnesses of suffering and victims.

At the end of the study visits, the participants devoted themselves to desk research, during which they researched the available court documentation on the war crimes in the places they visited. They concentrated on domestic and international courts, primarily the International Criminal Tribunal for Former Yugoslavia. They also researched contemporaneous media coverage of those events and analysed the available articles.

Each group first wrote their country's dominant narratives about the events in the places they visited, and then they started writing shared narratives. It is also important to note that they were aware of the possibility of writing a separate opinion if they did not agree with the opinion and attitudes of the majority of the group. None of the participants used this opportunity, and only one participant expressed disagreement with the process as a reason for withdrawing from participation.

The work on *Shared Narratives* included over 140 participants from five countries, 54 per cent female participation, six bilateral groups, eleven internal, 12 bilateral study visits and over 25 shared narratives.

I would like to stress that the book also contains two chapters that the participants themselves designed based on the need to cover topics that were common in all countries during the war, namely, the cultural scene of the 1990s and anti-war protests. The contributions in both thematic fields are discussed using examples from all five countries.

#knowhow: Interdisciplinary Model of Learning, Dialogue and Creation of History

The high level of interest and dedication of the participants in each phase of the realization of the process of creating and successfully writing shared narratives about controversial events during the wars of the 1990s on the territory of the former Yugoslavia, proved that progressive change is possible.

Given the satisfaction of the participants with what was achieved, we estimated that it would be useful to incorporate our successful process into a didactic tool for learning history. Consequently, there emerged an interdisciplinary model of learning, dialogue and history-making that summarizes the method and experience used to connect young people of different ethnic backgrounds or nationalities in conversation and approach to topics that separate the societies of which they are a part.

The model developed through *Shared Narratives* is #knowhow of the Youth Initiative for Human Rights and can also be used in other contexts:

- for post-conflict societies or societies that have unsolved issues related to the massive human rights violations during their history,
- for prevention of new conflicts,
- for involving youth in the process of dealing with the past,
- for regional youth cooperation.

YIHR Croatia presented the developed tool at the 3rd National Fair of Tools and Methods of Non Formal Learning, which was held in Zagreb in May 2019 and organized by the Agency for Mobility and European Union Programs.

Thanks to the interest in our didactic tool that contributes to reconciliation, we were invited to present it at the international event Tool Fair XIV – #knowhow held in Rovaniemi (Finland) organized by SALTO-YOUTH EuroMed and Good Practices Resource Center, Finnish National Agency for Erasmus+ and the City of Rovaniemi in November 2019, which brought together more than 140 young experts in youth work from 38 countries to exchange knowledge on new educational methods and tools.

In cooperation with Friedrich Ebert Stiftung and the European House Vukovar, in 2019 and 2020 we presented the project *Shared Narratives* in the conferences “Untold Stories” and “The Past in Our Everyday Life: Attitudes of Young People”. We did this in panel discussions and group work on the relationship of young people to the past. Alongside youth, the groups consisted of experts and activists in the field of politics of memory and history, and many young people from Croatia and Serbia, either participating live or through virtual platforms.

On the eve of the 25th anniversary of Operation Storm, in August 2020, Documenta – Center for Dealing with the Past, on behalf of the RECOM Reconciliation Network, organized a debate “A Storm in the Culture of Remembrance” where we also highlighted the benefits of using our model to find common interpretations of the past, creating better inter-ethnic and international relations.

Interest in our presentation of the experience we gained in the *Shared Narratives* project was also shown by several history professors at the Faculty of Humanities and Social Sciences in Zagreb, as well as several academic experts whose expertise is the history and culture of memory, but also the French Embassy in Croatia and the City of Zagreb.

In 2019, *Shared Narratives* received great recognition when the National Consultative Commission on Human Rights (CNCDH) awarded the French Republic Human Rights Award ‘Freedom-Equality-Fraternity’ to the Youth Initiative for Human Rights (YIHR) for the successes achieved by the project “Shared Narratives – The Past Continues”.

Finally, in June 2022, the book *Shared Narratives* was presented at a panel discussion in which some of the authors of the book participated. The

presentation was done in a hybrid manner, available for participants online and offline, at the Journalists' Center in Zagreb. The book is available on the website of the Youth Initiative for Human Rights – Croatia (www.yihr.hr) in BHs languages, English and Albanian.

Conclusion

The book *Shared Narratives: Supporting Reconciliation by Bridging the Gaps in Divisive Narratives* proved not only that it is possible to bring together young people from once connected and then conflicting societies, but also that positive social change can happen as a result of this reconnection. They proved that it is possible to open a dialogue about the most serious forms of human rights violations that occurred during the recent past. The book represents the courage of young people in opposing nationalism.

This model of working with young people on unresolved issues from the past should not be solely on the backs of civil society organizations. Given that we have proven that this approach has opened up new perspectives for young people and empowered them to contribute to building a better society, we hereby appeal to the relevant institutions:

- a) to recognize the value of *Shared Narratives* methodology in learning history, opening dialogue and building reconciliation
- b) to integrate the *Shared Narratives* methodology into the educational system as a supplemental didactic tool for teaching history, specifically the issues related to the wars of the 1990s.

Finally, we hope that the experience of the Youth Initiative for Human Rights in developing the idea and successfully creating shared narratives will serve as an inspiration and help to individuals, organizations and institutions that are also trying to find a way to work with young people on the issues of past violence and reconciliation in other parts of the world.

PART V: Policy Recommendations

Policy Recommendations

Regional Stability in South East Europe Study Group

Executive Summary of Recommendations

- **EU:** Ensuring the secular character of the WB states.
- **EU/U.S.:** Supporting the Youth Initiatives for Human Rights (YIHR) project on shared narratives in the WB.
- **EU/NATO/ Peace Implementation Council (PIC)/U.S.:** Ensuring further international military presence in BiH and substantial support for the Office of the High Representative (OHR).
- **EU:** Exerting pressure concerning the long overdue implementation of court rulings to end ethnic discrimination in BiH (Sejdić-Finci case etc.).
- **Kosovar government:** Establishing real societal dialogue with the Kosovo-Serb community.
- **NATO:** Enabling Kosovo's membership in the PfP program.
- **EU/U.S.:** Establishing a multi-ethnic university in central Kosovo.
- **Serbian government/EU:** Terminating Belgrade's discriminatory policy towards Albanians from Southern Serbia (Preševo Valley).
- **Bulgarian and North Macedonian governments/EU:** Refraining from new hurdles in North Macedonia's EU negotiations if constitutional changes are made in favour of the Bulgarian minority.

Situation Analysis

Dealing with ethnic and religious diversity is an important yardstick for democratic and security consolidation in South East Europe and especially in the Western Balkan (WB) region with its population of about 17 million. Despite

its historical burdens, the WB has the potential to become a positive role model for multi-ethnic coexistence. However, this would require shared positive narratives instead of the currently dominant political exploitation of nationalisms.

In ***Bosnia and Herzegovina (BiH)***, the abuse of ethno-politics by sometimes kleptocratic decision-makers is most striking. The results of the national elections on 2 October 2022 will not fundamentally change this. A reconciliation of ethnic (collective) and civic (individual) rights would certainly be possible in BiH. However, this would require more vigorous action against separatist policies (BiH entity Republika Srpska) and kleptocratic interests of key political actors (overall state). The interference of Croatia and Serbia in BiH's internal politics has recently done more harm than good to BiH's consolidation.

BiH continues to need an international corrective in the person of the High Representative and the presence of international peacekeepers (EU or NATO) with an executive mandate. Only when a culture of political compromise is established in BiH will it be possible to take more far-reaching steps toward EU integration and cooperation with NATO.

The living situation of the 5-8% non-Albanian communities in ***Kosovo*** (Serbs and other nationalities) is negatively affected by the tensions between Belgrade and Prishtina/Priština. Despite increased mediation efforts by the EU and the U.S. government, the normalisation dialogue shows little progress. The Kosovar government has only partially implemented its legal obligations to the ethnic Serb community. Prishtina/Priština lacks a trustworthy policy toward the Kosovo Serbs, not only in North Kosovo, but also toward the Serbs south of the Ibar river. Violent incidents have recently increased in the multi-ethnic areas there.

In the ***south of Serbia***, in turn, Albanians from the Preševo Valley have been exposed to various forms of depopulation known as “passivisation”. The residential addresses of ethnic Albanians who work abroad are removed from the Civil Registry. Therefore, the persons concerned lose their status as Serbian citizens, which includes numerous rights, including health insurance, pensions, the possibility of employment and the like. Furthermore, the citizenship status is also required for the renewal of ID cards or passports,

which puts these persons at risk of becoming stateless people. According to Serbian human rights organizations, this discriminatory measure is applied exclusively to Albanians.

In North Macedonia and Albania, NATO accession contributes to domestic stability and thus has a positive impact on interethnic relations, which is particularly evident in the example of the multi-ethnic armed forces of North Macedonia. Montenegro's NATO accession probably saved it from even more brazen hybrid attacks by Russia. However, all three states continue to face interethnic challenges.

North Macedonia must adhere to the implementation of the 2001 Ohrid Agreement in order to guarantee interethnic stability. In the medium term, the development of Macedonian and Albanian parallel societies is, however, to be avoided. In order not to lose course again regarding EU integration, Skopje must achieve the necessary parliamentary majority for the French compromise proposal. This should prevent **Bulgaria** from reasserting its policy of obstruction. The same applies to the consistent implementation of the Prespa Agreement by North Macedonia in relation to its neighbour **Greece**.

In **Montenegro**, there is no ethnic conflict between Montenegrins and Serbs, but identity issues are politically stoked by, *inter alia*, individual politicians from Belgrade and parts of the Serbian Orthodox Church.

Albania has also not implemented all the provisions of its 2017 law on the protection of national minorities. There is a further need to conduct a new census that provides a realistic picture of the multi-ethnic structure of this state.

Policy Recommendations

With Reference to the EU Integration Process

- **EU and NATO:** Professional cooperation in the multi-ethnic armies of WB states should be highlighted as a positive narrative.

- **Donor communities, EU and U.S.:** When it comes to financial support for civil society and state initiatives, a more precise distinction should be made as to whether or not they produce positive results for multi-ethnic coexistence and democratic development.
- **Donor communities, EU and U.S.:** A civil society flagship project that should continue to be substantially funded and promoted is the project “Supporting Reconciliation by Bridging the Gaps in Divisive Narratives” of the Regional Network of Youth Initiatives for Human Rights (YIHR).



Source: Petar Novak/Youth Initiatives for Human Rights (YIHR)

- **WB states and EU:** All EU candidate and potential candidate countries should ensure the secular character of their state.
- **WB governments:** The states should guarantee the freedom of religion in accordance with the European Convention on Human Rights and Fundamental Freedoms.

- **Religious communities in the WB:** The official churches in the region should be encouraged to take more inclusive and reconciliatory roles in the respective societies.

With Reference to Albania

- **Albanian government:** The 2017 law on the protection of national minorities should be fully implemented and a new census providing more accurate data on national communities should be conducted.

With Reference to Bosnia and Herzegovina

- **EU:** To counterbalance the dominant negative narrative, BiH needs positive political momentum in the form of EU candidate status, as the EU has provided to Ukraine and Moldova.
- **PIC, EU and U.S.:** The politically and ethnically deeply divided society, and the dysfunctional state, in parts hijacked by corrupt and criminal politicians are proof that the institution of the High Representative is still required.
- **PIC:** The Western community must make it clear that it fully supports the High Representative's political and legal "Bonn-Powers", and that it will strengthen him in this regard whenever needed.
- **EU and NATO:** Against the backdrop of the antagonistic political climate in BiH and secessionist threats issued by Republika Srpska's political key actors, a rebooting of EUFOR-Althea seems to be inevitable to maintain peace and security.
- **High Representative:** The OHR should be encouraged to consult and negotiate with the independent and democratic civil society much more often.
- **EU and U.S.:** Brussels and Washington should start a new initiative to support BiH in finding a way out of the constitutional dilemma. This means that, above all, today's "ethnic" state needs to be developed into

a European-type of “civic” state. The latter is a prerequisite for accession to the EU.

- **EU:** Extensive political and financial pressure should be exerted on the main legislative and executive institutions of BiH in order to ensure the long overdue implementation of the decisions of the European Court of Human Rights and of the BiH Constitutional Court to overcome the ethnic division of BiH (the cases of Sejdić-Finci, Pudaric, etc.) as pre-condition for BiH’s accession to the EU.
- **EU:** Separatist intentions and the undermining of the Dayton Peace Agreement are incompatible with EU financial pre-accession support.
- **BiH political actors, international presence in BiH, EU and U.S.:** Important political negotiations and decisions should be conducted in and taken by BiH institutions and not in shady informal fora.
- **Croatian and Serbian government, EU and U.S.:** Direct interference of Belgrade and Zagreb in BiH’s internal political relations is not covered by the “Dayton Agreement” and therefore violates the sovereignty of the neighbouring country, hence it should be stopped.

With Reference to Kosovo-Serbia

- **Kosovar government:** A societal dialogue between the ethnic communities should be initiated with the aim of transforming the prevailing exclusive nationalism into an inclusive society.
- **Kosovar government:** An independent monitoring body consisting of domestic and international experts should be established to monitor the implementation of the governmental strategy regarding an improvement of the living conditions of non-Albanian communities.
- **EU:** Unvarnished Progress Reports (independent of the politically correct EU Country Report) are to indicate to the EU and other international actors the status of ethnic community rights in Kosovo.

- ***EU and U.S.:*** Support should be given to the establishment of a multi-ethnic university in the central part of Kosovo similar to the South East European University in North Macedonia. The aim is to strengthen connections among the young, to offer perspectives to decrease the brain-drain, and to improve prospects for economic development in Kosovo.
- ***EU and U.S.:*** This university should provide academic programs on Albanian-Serbian/Serbian-Albanian translation and interpretation, in order to meet the needs of translation services in Kosovo's public administration.
- ***Kosovar government, EU and U.S.:*** Uphold multi-ethnic businesses in multi-ethnic communities of Kosovo.
- ***EULEX mission:*** Tailor-made initiatives seem to be necessary in order to support rule of law in the insecure north of Kosovo and in the multi-ethnic municipalities.
- ***Kosovar and Serbian governments:*** In order to prevent negative interpretations of the dialogue process and to demonstrate the full readiness of both sides to normalise their relations, joint press conferences should be held after each round of dialogue.
- ***EU:*** Widely criticised for a lack of transparency within the dialogue process, the EU should consider the proposal to partly relocate some rounds of the dialogue from Brussels to Belgrade and Prishtina/Priština.
- ***EU:*** The civil society's role is and should be an essential part of the dialogue process, as it guarantees dialogue within the community and therefore can be regarded as a credible interlocutor which could also be a part of the solution.
- ***EU and U.S.:*** The approaches of the Kosovar government, Kosovo-Serb representatives (Srpska lista) and Serbian government have to be modified to the extent that they actually take into account the needs and interests of the Serbian community in Kosovo.

- **NATO:** Kosovo should be offered membership in NATO's "Partnership for Peace" to integrate this country into a cooperative security framework.

With Reference to Southern Serbia (Preševo Valley)

- **Serbian government and EU:** The discriminatory policy of "passivization" of the Albanians in the Preševo Valley practiced by the Serbian government must end. Ethnic Albanians must not lose their civil rights if they work in Western Europe or in Kosovo.

With Reference to Montenegro

- **Montenegrin government:** Legal regulations concerning the national symbols of ethnic communities should be imperative norms in order to avoid political tensions and ethnic confrontations.

With Reference to North Macedonia (Domestic and Neighbourly Relations)

- **North Macedonian government:** Taking into account the important role of the Ohrid agreement for good inter-ethnic relations in North Macedonia, a linguistically segregated school system should be prevented from promoting ethnic segregation in the medium term.
- **Governments of North Macedonia and Greece:** The success of the "Prespa Agreement" depends on its immediate implementation by both North Macedonia and Greece, hence, both governments should enhance their commitment to and efforts at implementing this agreement and using the momentum to develop strong bilateral relations.
- **EU:** International mediators should encourage and ensure the implementation of the "Prespa Agreement", as this aims to provide a comprehensive framework for the resolution of existing and future disputes between Skopje and Athens and to be a positive role model for other regional disputes and conflicts.

- ***Parliament of North Macedonia and Bulgarian government:*** The political parties in North Macedonia are to agree on the proposed constitutional changes in line with the “French proposal”. Furthermore, no new bilateral demands should be made by Sofia regarding North Macedonia’s EU integration.

List of Abbreviations

AHDA	Alliance for Historical Dialogue and Accountability Program
BEM	Bulgarian ethnic model
BiH/BH	Bosna i Hercegovina / Bosnia and Herzegovina
CBMs	Confidence Building Measures
CDU	Christian Democratic Union of Germany
CEC	Central Election Commission
CNCDH	National Consultative Commission on Human Rights
CoE	Council of Europe
CSO	Civil Society Organization
CSP	Kosovo Status Settlement
CSU	Christian Social Union in Bavaria
DF	Democratic Front
DGAP	German Council of Foreign Relations
DPS	Democratic Party of Socialists of Montenegro
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECRI	European Commission against Racism and Intolerance
EP	European Parliament
EU	European Union
EUFOR	European Union Force in BiH Operation Althea
EUIPO	European Union Intellectual Property Office
EULEX	European Union Rule of Law Mission in Kosovo
FBiH	Federation of Bosnia and Herzegovina
FDP	Free Democratic Party
FRY	Federal Republic of Yugoslavia
FYROM	The former Yugoslav Republic of Macedonia
HDZ BiH	Croat Democratic Union BiH
HLCC	High-Level Cooperation Council
HR	High Representative
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICG	International Crisis Group
IMRO	Internal Macedonian Revolutionary Organization (United)
IPA	Instrument for Pre-Accession Assistance

IRC	Interreligious Council
ISO	International Organization for Standardization
JIC	Joint Intergovernmental Commission
KFOR	Kosovo Force
LGBT	Lesbian, Gay, Bisexual, Transgender
MoU	Memoranda of Understanding
MPs	Members of Parliament
NATO	North Atlantic Treaty Organization
NGO	Non-governmental Organization
NiP	Narod i Pravda (People and Justice)
NS	Naša stranka (Our Party)
OHR	Office of the High Representative in Bosnia and Herzegovina
OSCE	Organization for Security and Co-operation in Europe
PA	Parliamentary Assembly
PDP	Party of Democratic Progress
PIC	Peace Implementation Council
RNM	Republic of North Macedonia
RRCG	Rapid Response Civic Group
RS	Republika Srpska
SDA	Party of Democratic Action
SDP	Social Democratic Party
SDS	Serb Democratic Party
SEVE	Greek Exporters Association
SFRY	Socialist Federal Republic of Yugoslavia
SNSD	Alliance of Independent Social Democrats
SPC	Serbian Orthodox Church
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations
UNMIK	United Nations Interim Administration Mission
US	United States of America
VMRO –	Internal Macedonian Revolutionary Organization –
DPMNE	Democratic Party for Macedonian National Unity
WB	Western Balkans
WWII	World War II
YIHR	Youth Initiative for Human Rights

List of Authors and Editor

Velko ATTANASSOFF, Institute for Security and International Studies, Sofia

Milena BEŠIĆ, Centre for Democracy and Human Rights, Podgorica

Predrag JUREKOVIĆ, Austrian National Defence Academy, Vienna

Simonida KACARSKA, European Policy Institute, Skopje

Damir KAPIDŽIĆ, Faculty of Political Science, University of Sarajevo

Izabela KISIĆ, Helsinki Committee for Human Rights in Serbia, Belgrade

Ivana KORAJLIĆ, Transparency International Bosnia and Herzegovina, Banja Luka

Elena MANDALENAKIS, Political Scientist, Heraklion

Miodrag MILIĆEVIĆ, NGO Aktiv, Kosovska Mitrovica

Lulzim PEĆI, Kosovar Institute for Policy Research and Development, Prishtina/Priština

Drago PILSEL, Autograf.hr, Zagreb

Kejsi RIZO, Albanian Institute for International Studies (AIIS), Tirana

Michael SCHMUNK, Ambassador (ret.), former diplomat of the German Foreign Service, and active research fellow at several international think tanks and universities, Hamburg

Branka VIERDA, Youth Initiative for Human Rights – Croatia, Zagreb

The multi-ethnic and multi-religious societies of the Western Balkans are still very much affected by open conflict issues within and between individual states. Nationalist policies are favored by key actors to expand authoritarian structures and violate rule of law standards.

On the other hand, this part of Southeastern Europe, despite its war-torn past, would have the potential to become a multi-ethnic role model within Europe in the event of a constructive policy. Based on a precise description of the current situation, the contributions to this publication shed light on the possibilities for a positive transformation of multi-ethnic and multi-religious relations in the Western Balkans.

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