

# The Necessity of the Rehabilitation of the Citizen: peacebuilding and the EU enlargement process

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This paper was prepared in the framework of the Civil Society Dialogue Network (CSDN) <http://www.eplo.org/civil-society-dialogue-network.html>

The paper was produced for discussion during a CSDN Member State Meeting entitled *Conflict Prevention and Peacebuilding in the EU's Eastern Neighbourhood and the Western Balkans*, which took place on 28 June 2011 in Bucharest, Romania.

The views expressed in the paper are those of the author and do not necessarily reflect the positions of the CSDN as a whole, or of EPLO, the European External Action Service or the European Commission.

## **Civil Society Dialogue Network**

The Civil Society Dialogue Network (CSDN) is a three-year project funded by the European Commission aimed at facilitating dialogue on peacebuilding issues between civil society and the EU institutions.

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## Summary

The region of the Western Balkans<sup>2</sup> is facing a double challenge: to make the transition from a 'closed society' to an 'open society', while dealing with the consequences of the wars of the 1990s. The European Union has to support both the transitional process and the peacebuilding process. Politicians in the Western Balkans are living in the past as much as they are looking towards the future. Concepts of active citizenship along the lines of European values are not yet anchored in society. The two main peacebuilding priorities are: 1) deal with territorial issues (Serbia, Kosovo) and conflicts over state structures (Bosnia and Herzegovina); and 2) overcome nationalism and ethno-centric government politics. It is possible to work on the territorial issues and the conflicts over state structures within the framework of the existing accession strategies. As long as these problems remain unresolved, the countries in question will not be able to join the European Union. Even though the EU is involved in programmes to overcome nationalism and ethno-centric government politics, the results are limited due to, among other issues, the technocratic character of the Instrument for Pre-accession Assistance and the lack of motivation on the part of governments in the Western Balkans. In addition, there is a lack of citizens' involvement in these programmes. Yet, citizens can be a powerful force for democratic change; this is the lesson from the fall of the Berlin Wall in 1989 as well as the current developments in Northern Africa and the Middle East. In the context of the Western Balkans, where reforms are slow and governments all too often lacking the intrinsic motivation to embark on the process of peacebuilding and democratic change, it is crucial to place the 'citizen' at the heart of European policy. This will help speed up reforms and will underpin the development of a democratic, economic and socially sustainable society based upon European values. This discussion paper makes four citizen-centred recommendations with regard to the EU's strategy and methodology, namely:

1. Widen the state-building concept and cultivate civil society, preferably through models of 'organic learning'.
2. Pay more attention to dealing with the past, and support citizens' initiatives in the field of refugee return, justice and dialogue.
3. Add peacebuilding priorities to the Instrument for Pre-accession Assistance methodology as the 12<sup>th</sup> area of intervention under the Multi-Beneficiary Multi-annual Indicative Planning Documents (MIPD).
4. Develop and strengthen certain programmes and facilities outside of the Instrument for Pre-accession Assistance to create flexibility, reach out more directly to citizens and

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<sup>2</sup> The EU definition of the Western Balkans includes the following countries: Croatia, Bosnia and Herzegovina, Serbia, Kosovo, Montenegro, Macedonia and Albania. Even though a lot of the analysis does apply to Albania, the main focus in this text is on the other states in the Western Balkans – those that were part of the former Yugoslavia and involved in the recent wars in the former Yugoslavia.

civil society, and enable the EU to continue working on peacebuilding after EU accession.

## 1. Introduction

The region of the Western Balkans is facing a double challenge: to make the transition from a 'closed society' (non-democratic, socialist) to an 'open society' (democratic, market economy), while dealing with the legacy of the wars of the 1990s. The international community, in particular the European Union (EU), is providing assistance towards this. The EU has valuable experience in supporting the transition process of the former Warsaw Pact countries after the fall of the Berlin Wall in 1989. These countries entered the EU in 2004<sup>3</sup> and 2007.<sup>4</sup> The current pre-accession and accession strategy of the European Commission is largely based on these experiences. The EU is implementing this strategy in the states of the Western Balkans.

Nevertheless, it is clear that, for the countries of the Western Balkans, the second challenge, dealing with the consequences of the recent wars, is as difficult as – or even more difficult than – the transition to an open and democratic free-market society.<sup>5</sup> These consequences include large numbers of displaced persons and refugees, numerous broken families, lack of a common narrative on the recent war period, traumatised societies, nationalism in public and political debate, ethnic discrimination, strong political interference in the work of the media, lack of independence of the judiciary, and societies in which ethnicity is still the main ordering principle. So-called 'negative peace' may have been reached, but 'positive peace' is still far from being achieved.<sup>6</sup> This is particularly visible in the political problems in Bosnia and Herzegovina, Serbia and Kosovo. Reform processes are slow in crucial areas such as the security sector, the judiciary, freedom of religion, education, the media and civil society. Topics directly related to the wars in the 1990s, such as co-operation with the International Criminal Tribunal for former Yugoslavia (ICTY – 'The Hague Tribunal') and the return of displaced persons and refugees, continue to be problematic. And even though Croatia, and to a lesser extent Macedonia and Montenegro, are ahead in the process of European integration, having acquired official candidate status, these countries still struggle with political dynamics that are rooted in the political controversies that played a crucial role in the disintegration of Yugoslavia and that are still present in everyday politics. It can be concluded from the annual progress reports of the European Commission that progress is being made in the 'technical' transitional dossiers, but that the war-related dossiers continue to be

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<sup>3</sup> Poland, Czech Republic, Slovakia, Hungary, Estonia, Latvia and Lithuania

<sup>4</sup> Romania and Bulgaria

<sup>5</sup> Slovenia, which also acceded to the EU in 2004, is an exception due to the fact that hardly any fighting took place in Slovenia after its declaration of independence in June 1991 and that only a few non-Slovenes live in Slovenia.

<sup>6</sup> Johan Galtung, *Peace by Peaceful Means: Peace and Conflict, Development and Civilization*, (Oslo: International Peace Research Institute, 1996).

problematic (see Section 4 of this paper).<sup>7</sup> Even when laws and regulations are in place, implementation lags behind and obstruction is widespread.

The conclusion from this must be that the transition process in the Western Balkans must go hand-in-hand with the peacebuilding process. The European Commission realises this and, indeed, 'Europe' is active in peacebuilding in these countries. Still, more than fifteen years after the war in Bosnia and Herzegovina, and more than ten years after the war in Kosovo, some of the problems that remain seem insurmountable.

In this discussion paper, we will assess to what extent peacebuilding priorities are effectively dealt with in the accession strategy and EU policy on the Western Balkans, and how EU peacebuilding efforts can be improved. To this end, we will try to answer the following questions:

1. What are the peacebuilding priorities for the Western Balkans?
2. Are these priorities sufficiently incorporated into EU policies and strategies?
3. What can be done to improve the peacebuilding efforts of the European Union?

This discussion paper draws on numerous reports and policy papers on the topics at stake, as well as the experiences gained by IKV Pax Christi as a peace organisation working with a large variety of local partners<sup>8</sup> over more than twenty years of working in the Western Balkans.

## **2. Comparison with the Accession of Central and Eastern European States**

Before answering the questions listed in the last section, it is useful to understand the main differences between the previous rounds of EU enlargement and the process that should lead to the enlargement of the EU with the Western Balkan states.

There are a number of relevant differences that should be kept in mind in the development and implementation of strategies in the Western Balkans.

1. The character of the Balkan wars in the 1990s and the post-war controversies among neighbouring states have made it necessary to work extensively on regional and cross-border co-operation to help overcome conflict between the various former Yugoslav

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<sup>7</sup> For annual progress reports, see European Commission, *Enlargement Strategy and Progress Reports 2010*, [online], accessed 27 May 2011, available at [http://ec.europa.eu/enlargement/press\\_corner/key-documents/reports\\_nov\\_2010\\_en.htm](http://ec.europa.eu/enlargement/press_corner/key-documents/reports_nov_2010_en.htm)

<sup>8</sup> The local partners that IKV Pax Christi works with include, among others, human rights and peace organisations, youth organisations, women's associations, local governments, media, universities, cultural associations, faith-based organisations, associations of war victims and displaced persons, private companies and veterans' associations.

- republics. Such a regional focus was far less important in the EU's enlargement with the Central and Eastern European (CEE) states.
2. War crimes cannot stay unpunished and the people responsible for war crimes should be brought to justice. Full co-operation with the International Criminal Tribunal for former Yugoslavia is an important additional condition for the Western Balkan states, even though the work continues to spark anti-European sentiments in a number of countries in the region among the political elites and the population at large.
  3. Immediately after the fall of the Berlin Wall, even (former) communist and socialist politicians understood that there was no alternative to the EU accession process. They accepted democratisation as a necessary component of accession and that, for access to power (government responsibility), they needed to build coalitions with other non-socialist political parties. Many of the leading politicians in the Western Balkans states would rather opt for EU membership without fully-fledged democratisation. When political parties in the Western Balkans build a coalition they do so based on ethnic affiliation. Only a few parties in the Western Balkans are based on citizenship. Checks and balances are still weak in most of the Western Balkans and many politicians do not promote openness, transparency and genuine citizenship as if they fear, probably rightly so, that this will corrode their power base in society.
  4. When the state is weak, so is civil society (and vice versa). Civil society organisations (CSOs) in the Western Balkans are weak in comparison to the CSOs that developed after the fall of the Berlin Wall in CEE countries, and many of them have an ethnic basis<sup>9</sup> and are too closely related to political parties to counterbalance the state structures and political elites. Politicians feel that CSOs have little or no legitimacy (as they have no democratic mandate) and many citizens are not familiar with the voluntary work that CSOs do in the community's interests.
  5. Compared to the CEE countries in the 1990s, there is far less organised, constructive interaction between the state and the citizens in the Western Balkans. The 'social contract' is weak. This has a negative impact on the speed and quality of reform processes.
  6. The CEE states were supported by a vast network of thousands of 'twinning' arrangements between local governments, educational institutes, sectoral organisations, the media and society at large, which helped these bodies/actors to become familiar with European norms and values and everyday life in the European Union.<sup>10</sup> Some 'twinning' arrangements do exist with the Western Balkans, but they are

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<sup>9</sup> Many citizens prefer to support ethnic political parties because they still feel that these parties can best guarantee security (in the broad definition) for them and their families.

<sup>10</sup> See among others: D. van den Berg, 'City Diplomacy Campaigns in the Netherlands, Lessons from Recent Times', in A. Musch et al. (eds) *City Diplomacy, the Role of Local Governments in Conflict Prevention, Peace-*

very limited in comparison to the networks that developed in the 1990s with CEE states.<sup>11</sup>

7. The European Union is not the only player in the Western Balkans. Many other international governmental players have a powerful presence, among which are the United Nations, the Organisation for Security and Co-operation in Europe (OSCE) and, to a lesser extent, the Council of Europe. There have been, and continue to be, difficulties in the division of labour between these organisations.
8. One additional difference is the fact that many in the European Union now feel that there should be limits to the enlargement of the EU. There is an ongoing debate about the 'absorption capacity' of the EU. Euro scepticism is on the rise, but also pro-European politicians have called for a period of 'deepening' before 'widening' the European Union again.<sup>12</sup> In some countries, this debate coincides with the strengthening of political parties with an explicit anti-Muslim agenda.<sup>13</sup>

These differences underline the need to be aware that merely copying the previously implemented accession strategies is not enough. The political elites in the Western Balkans are oriented to the past as much as they are to the future, whereas in Central Europe, the focus was clearly on the future; there was no turning back to the Soviet-dominated past. Equally important is the fact that the concept of citizenship in the Western Balkans is still too weak to counterbalance state power and monitor everyday politics. The extent to which the European Commission has been successful in responding to some of the other differences will be discussed in Section 4 of this paper.

### 3. Peacebuilding Priorities in the Western Balkans

Two years ago, the United Nations Secretary-General, Ban Ki-Moon, identified the following five main elements of 'peacebuilding in the immediate aftermath of conflict'.<sup>14</sup>

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*Building, Post-Conflict Reconstruction*, (The Hague: VNG International, 2008), pp. 75–105; and D. van den Berg, et al., *Richting geven aan Europa*, Europa als vredesproject, (Utrecht: IKV Pax Christi, 2009).

<sup>11</sup> Working Group for Local Governments and Peacebuilding, of the Dutch Network for Peace, Security and Development, *Local Governments Paving the Way for a European Future. Challenges for Inter-Municipal Co-operation and International Municipal Co-operation*, Discussion paper for a conference in Strpce, Kosovo, May 2011, [online], accessed 10 June 2011, available at <http://www.ikvpaxchristi.nl/files/Documenten/BA%20Kosovo/Kosovo%20Conference%202011/Input%20paper%20local%20governments%20paving%20the%20way.pdf>

<sup>12</sup> There is concern about the problems the EU 'imported' with the membership of Cyprus (the Greek-Turkish controversy over Cyprus) and about the fact that certain important processes in Bulgaria and Romania came to a sudden halt after their accession to the EU on 1 January 2007.

<sup>13</sup> For a discussion of 'absorption capacity' see: Michael Emerson, et al., *Just What is this 'Absorption Capacity' of the European Union?*, Center for European Policy Studies (CEPS) Policy Brief No.113, 6 October 2006, pp. 9–14, accessed 3 June 2011, available at <http://books.google.nl/books?hl=en&lr=&id=y7DGwmCcyHsC&oi=fnd&pg=PA1&dq=absorption+capacity+european+union&ots=czfkfO9jsY&sig=6gmsBhn1twKQRNpER6JbD1BYUko#v=onepage&q&f=false>

<sup>14</sup> United Nations General Assembly Security Council, *Report of the Secretary-General on Peacebuilding in the Immediate Aftermath of Conflict (A/63/881–S/2009/304)*, [online], accessed 3 June 2011, available at

- Support for basic safety and security, including the rule of law
- Support for political processes, including inclusive dialogue and reconciliation
- Support for the provision of basic services, including the safe return of internally displaced persons (IDPs) and refugees
- Support for the restoration of core government functions
- Support for economic revitalisation.

The EU has spoken about the importance of all of these elements in various policy papers, and these elements are, to some extent, also still at stake in the current situation in the Western Balkans. Section 4 of this paper assesses how well the EU is dealing with these peacebuilding challenges; but first let us take a closer look at the Western Balkans.

Research done by the Brussels-based European Peacebuilding Liaison Office (EPLO)<sup>15</sup> among its members<sup>16</sup> in the fall of 2010 led to the following list of most important current drivers of conflict in the Western Balkans:

1. Ethno-centric government politics, unresolved issues from the past, the instrumentalisation of the past, and lack of official dealing with the past
2. Disagreements over the structure of states and unresolved territorial issues
3. Social instability, poor and unequal economic development.

Respondents indicated that they see the EU accession process as a powerful factor in mitigating conflict and 'financial investment in the democratisation processes' was identified as its main positive impact. They also criticised the inconsistency of reform criteria/standards, and mentioned that civil society organisations in the Western Balkans have great difficulties in receiving EU grants due to the complicated application formats, the requirements and selection criteria.<sup>17</sup> Others have made a similar analysis of the current developments in the Western Balkans.<sup>18</sup>

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[http://reliefweb.int/sites/reliefweb.int/files/resources/EB32DC62E195DB24852575E6006DF2EA-Full\\_Report.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/EB32DC62E195DB24852575E6006DF2EA-Full_Report.pdf); see also: S. Blockmans, et al. (eds), *The European Union and Peacebuilding, Policy and Legal Aspects*, (Leuven: TMC Asser Press, 2010).

<sup>15</sup> European Peacebuilding Liaison Office (EPLO) (website), *About Us*, [online], accessed 3 June 2011, available at <http://www.eplo.org/about-us.html>

<sup>16</sup> C. Woollard, *Member Organizations*, (2010), [online], accessed 3 June 2011, available at <http://www.eplo.org/member-organisations.html>

<sup>17</sup> European Peacebuilding Liaison Office (EPLO), *Seminar on EU Accession and Peacebuilding 28–29 September 2010*, [online], accessed 3 June 2011, available at [http://www.eplo.org/assets/files/2.%20Activities/Working%20Groups/Accession/EPLO\\_Accession\\_WG\\_Report\\_Round-table\\_EU\\_Accession\\_and\\_Peacebuilding\\_100928-29.pdf](http://www.eplo.org/assets/files/2.%20Activities/Working%20Groups/Accession/EPLO_Accession_WG_Report_Round-table_EU_Accession_and_Peacebuilding_100928-29.pdf)

<sup>18</sup> C. Shaw and L. Guttenberg, 'The EU and the Western Balkans, Grassroots Peacebuilding and Enlargement', in M. Weitsch (eds) *Quaker Council for European Affairs*, (2009), pp. 1–132, accessed 3 June 2011, available at [http://www.quaker.org/qcea/archive/Enlargement\\_report\\_Final\\_long\\_with\\_cover2009.pdf](http://www.quaker.org/qcea/archive/Enlargement_report_Final_long_with_cover2009.pdf); see also: S. Bayne and P. Trolliet, *Stocktaking and Scoping of the Peacebuilding Partnership*, (DG Relex A/2, European Commission



#### 4. The Peacebuilding Focus of the EU Accession Strategy and Instruments

The core of the EU enlargement strategy is (member) state-building,<sup>19</sup> as it was during the 1990s during the enlargement with the former communist states in Central and Eastern Europe. During this period, many of the main actors in the international community made state-building central to their peacebuilding strategy, within the framework of the ‘liberal peace strategy’.<sup>20</sup> In this approach, processes of liberalisation and democratisation went hand-in-hand. This led, particularly in the Western Balkans, to an undesired strengthening of nationalist forces.<sup>21</sup> It was suggested by many that institutional reform should take place prior to economic reform (privatisation) and political reform (elections). It was all about ‘sequencing’ the respective steps. This process strengthened the wish – already strong in the EU strategy – to focus on state-building. Nevertheless, both academics such as Blockmans<sup>22</sup> and NGOs such as the Quaker Council for European Affairs<sup>23</sup> and IKV Pax Christi<sup>24</sup> have concluded that state-building in the EU accession strategy is basically a technical and managerial process in which accountability is largely to ‘Brussels’ and certainly not to the country’s own citizens. But has ‘Brussels’ been able to address the main peacebuilding priorities as identified by EPLO members?

##### *Economic Development and Overcoming Social Instability*

The European Union has worked hard during the past few years to overcome the global economic crisis. The Western Balkans have also been affected by this crisis, and efforts have been made by the European Commission to provide extra assistance. New initiatives were launched under the Instrument for Pre-accession Assistance (IPA), among others, with the support of large infrastructure projects through the Western Balkans Investment Framework (WBIF) set up in December 2009. Support is also being given to government initiatives towards economic recovery, macroeconomic stabilisation and fiscal consolidation, finance management, the improvement of the quality of statistics and supervision of the banking sector.<sup>25</sup>

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External Relations, 2009), [online], accessed 3 June 2011, available at <https://webgate.ec.europa.eu/relex-crisis-room/documents2/peacebuilding/File/PBP%20Stock%20Final%20version.pdf>

<sup>19</sup> See Blockmans, *The European Union and Peacebuilding, Policy and Legal Aspects*, p. 77.

<sup>20</sup> R. Paris, *At War's End, Building Peace after Civil Conflict*, (Cambridge: Cambridge University Press, 2004).

<sup>21</sup> D. Mansfield and J. Snyder, *Electing to Fight, Why Emerging Democracies Go to War*, (Cambridge: MIT Press, 2005).

<sup>22</sup> Blockmans, *The European Union and Peacebuilding, Policy and Legal Aspects*, p. 91.

<sup>23</sup> Shaw and Guttenberg, ‘The EU and the Western Balkans, Grassroots Peacebuilding and Enlargement’, pp. 1–132.

<sup>24</sup> van den Berg et al., *Richting geven aan Europa*.

<sup>25</sup> European Commission, *Communication from the Commission to the European Parliament and the Council, Enlargement Strategy and Main Challenges 2010–2011*, 9 November 2010, COM (2010) 660, [online], accessed 3 June 2011, available at [http://ec.europa.eu/enlargement/pdf/key\\_documents/2010/package/strategy\\_paper\\_2010\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/strategy_paper_2010_en.pdf)

The European Union is aware of the economic problems in the Western Balkans and various instruments have been strengthened or put in place to assist the various countries in their economic development. These instruments are not new to the EU, as they are implemented within the EU Member States as well. More money and support is always needed, but it can be concluded that the EU is coping quite well with the economic challenges, and initiatives to overcome social instability as a result of these challenges are incorporated through various instruments.

However, there is a risk that, in dealing with the economic crisis and social instability, the underlying root causes are forgotten or ignored. In many cases, lack of sustainable economic development and continuation of socially unjust structures have to do with lack of democratic control over economic assets and resources, as well as with ethnic discrimination. From a peacebuilding perspective, these underlying root causes should be recognised as a key topic connecting the economic and peacebuilding agendas.

#### *Disagreement in Structures of States and Unresolved Territorial Issues*

Within the EU, there has been a lot of attention given to disagreement in state structures and unresolved territorial issues over the years. During the Balkan wars in the 1990s, the EU was involved in many of the negotiation efforts to stop the large-scale violence. The EU has worked with special envoys and special representatives, and continues to do so, in Kosovo and Bosnia and Herzegovina. Still, internal disagreement among EU Member States over crucial topics has made it difficult for the EU to be as effective as it should have been. The opinions of the EU Member States differ with regard to recognition of the independence of Kosovo (so far, five EU Member States have not recognised Kosovo as an independent state) and the speed of the EU accession process of Serbia. There is also no unified position on the strategy to revive the reform process in Bosnia and Herzegovina.

Nevertheless, the EU has been a leading actor in settling some of the most urgent territorial issues in the last fifteen years. The EU was a big promoter and supporter of the decentralisation programme that was part of the peaceful reintegration of Eastern Slavonia and Western Sirmium into Croatia during and after the United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium (UNTAES) from 1996 to 1998.<sup>26</sup> The EU played a key role in the negotiations in Macedonia that led to the Ohrid Framework Agreement (August 2001), which helped de-escalate the armed conflict between the Albanian Macedonians and the Slav Macedonians. Decentralisation was a crucial

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<sup>26</sup> D. van den Berg, *A Quick-Scan Assessment of Four Examples of Decentralisation in One Bigger Conflict Region: The Former Yugoslavia*, internal memo, IKV Pax Christi, 2011.

component of that agreement, along with the introduction of minority rights.<sup>27</sup> At present, the EU is the international actor in charge of the dialogue talks between Belgrade and Pristina. These initiatives must be applauded, even though – especially in the case of the Belgrade-Pristina dialogue – the lack of transparency and consultation with citizens is a serious problem.<sup>28</sup>

Of course, issues of accountability and transparency cannot be handled one-sidedly. The EU itself needs to be more transparent and accountable to the governments and other stakeholders in the Western Balkans. The EU is limited by the need to maintain diplomatic manoeuvring space, but many opportunities to be accountable have been missed by the EU.

It is impossible to elaborate on all of these issues in this short paper. However, these territorial issues will have to be resolved before the countries of the Western Balkans can join the European Union. The Slovenian-Croatian border disputes were also settled using the EU's leverage and because Zagreb did not want to face any postponement of membership over this issue. In this respect, the EU accession strategy is clear. Even though many will say that the EU does not provide the best assistance or incentives to help the antagonists reach an agreement among themselves, EU membership will not be granted as long as these problems remain unresolved.

The problems that have to be solved are complex by nature. This has a lot to do with the fact that many of the political leaders (and other opinion leaders, such as religious leaders<sup>29</sup>) are still active proponents of ethno-nationalist politics. Their intrinsic motivation to work on building regional co-operation, democracy and a self-critical assessment of the unfolding of the recent wars is questionable.<sup>30</sup>

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<sup>27</sup> *Ibid.* Unfortunately, not all decentralisation models in the former Yugoslavia have proven successful. The introduction of two entities in Bosnia and Herzegovina by the Dayton Peace Accords has had far-reaching consequences and is now one of the biggest obstacles for Bosnia and Herzegovina on its path to EU membership.

<sup>28</sup> One of the reasons why the decentralisation process in Eastern Slavonia was so successful was the active co-operation of the international community representatives with the local governments, and with NGO's and citizens' initiatives.

<sup>29</sup> See, among others: C. Molenaar et al., *Tales of War and Peace, Religious Leaders During and After the War in Bosnia and Herzegovina: Calculated Hypocrisy or Paving the Way for Peace?* Knowledge Forum on Religion and Development Policy, (Utrecht: IKV Pax Christi & BBO, 2008), accessed 3 June 2011, available at [http://www.ikvpaxchristi.nl/files/Documenten/Thema's/Case%20study%20BiH%2010%2003%2008\\_FINAL.pdf](http://www.ikvpaxchristi.nl/files/Documenten/Thema's/Case%20study%20BiH%2010%2003%2008_FINAL.pdf)

<sup>30</sup> For example, to many in the EU, it was a surprise that almost all of the political elite in Croatia were outspokenly negative about the recent ICTY verdict in the case against Gotovina. There was evidence of some progress, nevertheless, in that the Prime Minister and the Catholic Church called upon people to stay calm and refrain from violent protests.

### *Nationalism and Ethno-Centric Government Politics*

After the fall of the Berlin Wall in 1989, politicians spoke of the unification of Europe and the best ways to cash in on, and spend, the 'peace dividend'. Shortly after, the disintegration of Yugoslavia surprised most EU politicians and bureaucrats. Perhaps, equally naïvely, many of them thought that democracy and prosperity would quickly follow the Dayton Peace Accords (for Bosnia and Herzegovina, 1995), the Erdut Agreement (for Eastern Croatia, 1995), the Ohrid Framework Agreement (for Macedonia, 2001) and the declaration of independence of Kosovo (2008). Fostering democracy, the restoration of inter-ethnic relations and supporting sustainable economic development are all processes that take many years in post-conflict settings. The European Union may have been too optimistic in the past about the speed of the process of political and societal reform in the Western Balkans. Europe seemingly did not understand the way that wars and nationalism poison societies, similar to the failure of Western states to recognise the evil dynamics of ethnic manipulation during the wars in the Western Balkans.

Clearly, there is a great need for a long-term strategy, and more emphasis must be given to the strengthening of the democratic and dialogue-oriented segments of society in these countries. A unified position of all of the EU Member States would help a great deal in this respect. Such unity is crucial to maximise the benefits of the 'stick and carrot' dialogue between the EU and governments in the Western Balkans. In the case of the lobby for the arrest of Ratko Mladic, different EU Member States sent different messages to the Serbian Government. The condition of 'full co-operation with the ICTY' was interpreted in a variety of ways within the EU, and many politicians in Belgrade hoped Serbia would be allowed full EU candidate member status without risking losing popular support by arresting Mladic. Hypothetical as it may be, we can question whether Mladic would not have been arrested earlier if all EU Member States had supported the strict position of the Dutch Government. The reactions to the recent arrest of Ratko Mladic on 26 May 2011 also shows the weaknesses of the technocratic (and depoliticising) character of the accession methodology: some politicians – among them the French President Sarkozy – immediately thanked the Serbian leadership and promised Serbia the next step in the accession process and, in the end, EU membership. Some others welcomed the arrest of Mladic, but emphasised that there was still a lot to be done in terms of improvement of internal market, governance structures, and so forth. Strangely, none of the leading EU politicians made it clear that, important as this arrest may be, there is still a long way to go in the process of dealing with the past in Serbia and in the dialogue with Croatia, Bosnia and Herzegovina, and Kosovo. Such reactions only came from the ranks of human rights NGOs in Serbia, the associations of war victims in neighbouring countries, and NGOs such as Impunity Watch and IKV Pax Christi. 'Dealing with the past' as such is not part of the *acquis communautaire* and the 'Copenhagen Plus' criteria; regional co-operation is as close as you can get – under the given operationalisation of instruments. Nevertheless, the annual progress reports of the

European Commission do refer to the need to fight impunity and work on minority rights; they also mention that the domestic courts should pay more attention to the prosecution of war criminals.<sup>31</sup>

Still, the EU is involved in many good projects and programmes that are highly relevant to the process of peacebuilding. An interesting report by the Quaker Council for European Affairs listed many of these initiatives<sup>32</sup> under the following chapters or sectors: nationalism, transitional justice, returnees, regions of concern (such as Eastern Slavonia, Sandžak, and Bosnia and Herzegovina as a whole), education, civil society and peacebuilders. Regarding many of these topics, the research states that the EU is doing many things to address the problems and challenges; however, they also voice criticism, in particular about the way the Instrument for Pre-accession Assistance (IPA) is functioning:

- *'Peacebuilders feel that measures operated under the IPA should foster peacebuilding as a precondition for political, economic and social development of the beneficiary countries (...).*
- *Another big concern of peacebuilders is that difficult areas such as human rights and transitional justice will largely be excluded due to the involvement of their governments in this part of the IPA process.*
- *The technical requirements of EU grants are considered to be too complex and amount to a restriction of access to funding for many smaller organisations. (...).*<sup>33</sup>

The research lists altogether some 80 precise recommendations, mainly on how to improve the EU's performance in peacebuilding through the IPA methodology. The Quaker Council for European Affairs suggests having a stronger emphasis on peacebuilding and civil society consultation in the country-specific Council regulation establishing the IPA, and making funds and programmes more accessible to civil society organisations. Another important suggestion is to enlarge the scope of the Multi-Beneficiary Multi-annual Indicative Planning Documents (MIPD) to include a 12<sup>th</sup> area of intervention specifically addressing peacebuilding, transitional justice and initiatives aimed at dealing with the past. Within the framework of this new area, specific (financial) facilities should be set up to allow local stakeholders to work on these crucial topics.<sup>34</sup>

Unfortunately, the EU hasn't followed these recommendations, and the Quaker Council continues to lobby for these ideas, given that the existing IPA will be replaced in 2013 by a

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<sup>31</sup> The EU and ICTY have set up an elaborate programme in support of the professionalization of the judiciary in the Western Balkans. While professionals are satisfied with the progress made, the associations of war victims – of all ethnic backgrounds – are not satisfied and are sceptical, as still their demands for justice are not being met.

<sup>32</sup> Shaw and Guttenberg, *The EU and the Western Balkans, Grassroots Peacebuilding and Enlargement*.

<sup>33</sup> *Ibid.*, p. 11 of executive summary and recommendations.

<sup>34</sup> *Ibid.*, pp. 12–13 of executive summary and recommendations.

new instrument.<sup>35</sup> Some important progress has nevertheless been made by the EU by means of the financing of the RECOM initiative for the establishment of a Regional Commission Tasked with Establishing the Facts about All Victims of War Crimes and other Serious Human Rights Violations Committed on the Territory of the former Yugoslavia in the Period from 1991–2001 (RECOM).<sup>36</sup>

In Section 2 of this paper we listed the main differences between the current process of EU enlargement with the Western Balkan states and the previous enlargement round of 2004 and 2007. The European Commission is aware of many of the differences, and the first two important differences (regional co-operation and full co-operation with the ICTY) have been explicitly and effectively incorporated into the EU accession strategy for the Western Balkans in the ‘Copenhagen Plus’ criteria.<sup>37</sup>

Remarkably, it has only been in the last few years that attention has been given to the role of civil society and the much-needed process of development of a functioning ‘social contract’.<sup>38</sup> In 2008, it was decided to establish a special IPA facility for civil society initiatives. This facility is still rather small, but modest as it may be, it is important and should be strengthened and elaborated.

Over the years, officials of the European Commission and Members of the European Parliament have emphasised that all peacebuilding priorities can be handled through the existing accession strategy, among others, in the negotiations over, and assessment of, the political criteria. Under the political criteria, there is a strong focus on democracy and the rule of law, judicial reform, the fight against corruption, human rights and the protection of

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<sup>35</sup> M. Weitsch, Head of office of the Quaker Council for European Affairs, personal communication, (26 May 2011).

<sup>36</sup> See: RECOM (website), *Documents*, [online], accessed 3 June 2011, available at <http://www.zarekom.org/documents/index.en.html>

<sup>37</sup> The very formulation of the Copenhagen Plus criteria indicates that the EU understands that the conditionality previously developed is not good enough. ‘The Balkans have introduced a new and very important dimension to European conditionality, by expanding the Copenhagen criteria to include full cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY). In fact, EU policy towards the Balkans is predicated on the need to bring about the delegitimisation of extreme nationalist ideologies as a pre-condition for EU accession. This was not required of either Portugal or Spain, post-nationalist democracies when they joined the EU, or of the Central European states where anti-soviet nationalism persisted at the time of accession. The conviction was, in the previous waves of enlargement, that the process of integration itself would exorcise the demons of the past, dissolve historical enmities and make reconciliation among neighbours a natural consequence of EU membership. The consciousness of sharing a common destiny would ultimately overcome and delegitimise extreme nationalism.’ Judy Batt and Jelena Obradovic-Wochnik (eds), *War Crimes, Conditionality and EU Integration in the Western Balkans*, Chaillot Paper No.116, (Paris: Institute for Security Studies, 2009), pp. 4–5.

<sup>38</sup> On the link between the concept of a ‘social contract’ and peacebuilding see: IKV Pax Christi, *Veiligheid en ontwikkeling in fragiele Staten, Een verkenning naar een public-civic partnership*, (Utrecht: IKV Pax Christi, 2009), pp. 1–10, accessed 3 June 2011, available at <http://www.ikvpaxchristi.nl/files/Documenten/lobby%20en%20advocay/Verkenningen%20public%20civic%20partnership%205%20februari%202009.pdf>

minorities, refugee return issues, regional issues and international obligations. A lot can be done to determine the situation and progress on these topics, but three problems remain:

1. The implementation of laws and regulations is often quite different from the intent of the law and regulation itself. Implementation can lag behind, and laws can be obstructed.
2. The EU should not only assess positive and negative developments, it should also actively promote positive developments in the countries involved. In this regard there are problems with the IPA architecture and implementation: There are no IPA facilities for dealing with the past or peacebuilding or refugee return, and existing IPA opportunities are hardly accessible for NGOs, especially those with limited organisational capacity.
3. Most of the attention and funding goes to capital cities and NGOs working in and from capital cities. Not enough funds and moral support is available for, and visible in, the provinces, smaller towns and villages.

While the EU has given attention to the need to overcome the economic crisis and social instability, more attention should be paid to the underlying root causes, many of which are related to the recent wars and the dynamics of a war economy. Within the EU, there is no lack of attention given to territorial issues and problems with state structures, but the EU's performance is hindered by lack of unity among the EU Member States and by lack of transparency in the Belgrade-Pristina dialogue over Kosovo. Even though the EU is involved in various programmes to overcome nationalism and ethno-centric government politics, the results are limited due to, among other reasons, the technocratic character of the Instrument of Pre-accession Assistance and the lack of motivation on the part of governments in the Western Balkans. Not all opportunities that the accession methodology provides are being used. In addition, there is a lack of citizen involvement in these programmes.

There is a lot of peacebuilding potential out there that the EU, EU Member States and international CSOs have failed to support. More can be achieved if the EU puts citizens at the very heart of its strategy.

## **5. The Rehabilitation of the Citizen**

In the 1980s, we saw the rise of independent groups in the Warsaw Pact countries, such as Solidarnocz in Poland, Charter 77 in Czechoslovakia, and Schwerter zu Pflugscharen and various independent environmental initiatives in the German Democratic Republic (GDR). Even though these organisations would play a crucial role in the revolutions that ended the Cold War in 1989, for years most politicians (and many peace organisations) in the West did not see the potential of these initiatives. They were considered too weak to change the

systems in their respective countries – but they did. Many of the (former) dissidents took government positions after 1989, among them Vaclav Havel, who became the first president of Czechoslovakia.

Unfortunately, most politicians and diplomats in the West, especially the countries united in NATO, never managed to fully apprehend the force that can develop from such small independent initiatives. In the West, for many years, stability and economic interests dominated foreign policy. Lip service was paid to democracy and human rights, but, in the end, other interests prevailed. How else can we explain the political, economic and military support for regimes as in Egypt, which lasted for decades? At the beginning of this year, when popular movements started developing in North Africa and the Middle East, the West spoke about ‘unrest’ and ‘crisis’, about ‘instability’ and the ‘risk of radical Islam taking over’. The West failed to recognise a genuine broad movement of citizens demanding more economic perspective, more democracy, and more control over their own lives. Again, the established political elite largely failed to see and support the citizens’ potential for change. The EU talked about dialogue and human rights, but failed to deliver real pressure.<sup>39</sup> Tanks in Libya and Syria and security forces in Yemen and other countries terrorised their own populations for weeks, without any substantial protest from the international community. It is not surprising that these movements have reservations now that the EU is offering assistance.

Expectations are high of the EU’s role when it comes to peacebuilding in the Western Balkans, because the EU is seen as ‘an example of institutionalised conflict transformation’,<sup>40</sup> and Europe can and should strengthen its profile as an ‘actor for peace in the multipolar world’.<sup>41</sup> But is the EU sufficiently aware of the reform potential that lies in citizens, citizens’ movements and civil society organisations in the Western Balkans? It appears not. Has the EU really reached out to these organisations in order to maximise the engines for change from within? No, not yet. But a beginning has been made.

Especially in the region of the Western Balkans, it has become quite clear that there are limits to what can be achieved by the international community in terms of sustainable

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<sup>39</sup> As Human Rights Watch put it in their World Report 2011: ‘Instead of standing up firmly against abusive leaders, many governments, including European Union Member States, adopt policies that do not generate pressure for change. [...] The EU in particular seems eager to adopt the ideology of dialogue and co-operation. Even when the EU issues a statement of concern on human rights, it is often not backed by a comprehensive strategy for change.’ Human Rights Watch, *World Report: Governments Soft-Talking Abusers, EU and Others Need to Use Pressure to Bring Change*, 24 January 2011, Press release accompanying release of Human Rights Watch World Report 2011, [online], accessed 10 June 2011, available at <http://www.hrw.org/en/news/2011/01/24/world-report-governments-soft-talking-abusers>

<sup>40</sup> European Peacebuilding Liaison Office (EPLO), *Seminar on EU Accession and Peacebuilding 28–29 September 2010*.

<sup>41</sup> Van den Berg, et al., *Richting geven aan Europa*.



democratisation. Exogenous interventions will inevitably fail if they are not backed by endogenous processes.<sup>42</sup> Such endogenous processes relate to both state and society, and at both the national and local levels.<sup>43</sup>

Introducing European standards and legislation has to be done by lawmakers at the national level, but implementation is a challenge for all tiers of government. Even more important is the practise of democratic principles and values in everyday life. There is not only a need to introduce and strengthen good governance, there is also a need to address the 'civil society deficit' – the lack of strong civil society organisations. A challenge to both local governments and civil society organisations is the anchoring of models of citizenship.

Yet it has to be understood that working on citizenship involves more than just financing or supporting NGOs. Active citizenship in the European peacebuilding context implies that citizens, within the framework of European values, take part in public debate, monitor the work of the parliament and government (at the national as well as at the municipal level), and provide input into the public and political debate upon the basis of their individual and communities' interests. Citizens are critical in relation to political leaders and other opinion leaders (such as religious leaders) and have the capacity to question and verify media messages. They can help to bring checks and balances to life. Through all of these activities, citizens exert influence on government policy, contribute to social cohesion and help anchor democracy in society. Active citizenship is paramount in this respect, for local governments and local communities can contribute tremendously to the process of European integration.

Citizens can be a powerful force when they unite for democratic change. In the context of the Western Balkans, where reforms are slow and governments all too often lack the motivation to embark on the process of peacebuilding and democratic change, it is crucial to place the citizen at the heart of European policy. This will help speed up the reforms and will underpin the development of a democratic, economic and socially-sustainable society based upon European values.

## **6. Four Citizen-centred Recommendations**

In this section, four recommendations are made that will help make the citizen more central to the EU's accession strategy for the Western Balkans. Even though there are substantial

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<sup>42</sup> IKV Pax Christi, *Veiligheid en Ontwikkeling in Fragiele staten*, pp. 1–10.

<sup>43</sup> *Ibid.*

differences between the various countries in the Western Balkans, these recommendations are relevant to all contexts.

### *Widen the State-Building Concept*

Policy-makers, academics and practitioners agree that peacebuilding is a complex process that can only be achieved with sustainable commitment, a multi-faceted approach, and the involvement of a whole variety of actors at the international, regional and non-governmental level, each bringing to the field their own expertise and resources.<sup>44</sup> Unfortunately, this understanding has not led to better programming that facilitates more synergy or more 'horizontal programming' (organisation of equality-based co-operation between government and civil society organisations, at local or national level).<sup>45</sup>

For many of the civil society organisations that have been involved in post-conflict revitalisation and reconstruction for decades, it is clear that civil society and the interaction between civil society and the state is paramount to the development of a sustainable democratic and peaceful society. Nevertheless, in the elaboration of the concept of state-building, the crucial role of citizens and civil society is often overlooked. It is only in the last few years that this dimension has been better understood in the EU and also by institutions such as the World Bank.<sup>46</sup>

Related to the widening of state-building is the question of how people learn. Tens of thousands of politicians, civil servants, NGO activists and journalists from the Western Balkans have participated in 'classical' capacity-building courses over the last twenty years. Without trivialising this tremendous effort, critical questions need to be raised about the impact of all of these trainings. Only a few people flourish in school-like teacher-pupil settings. Many learn more from models of 'organic learning', in which participants exchange and discuss problems with colleagues from other countries. Organic learning will almost automatically come to the fore when long-term partnerships develop between local governments, educational institutions, youth organisations, health-care institutions, women's networks, trade unions, cultural centres, and so forth.

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<sup>44</sup> Blockmans, et al. (eds), *The European Union and Peacebuilding, Policy and Legal Aspects*.

<sup>45</sup> Working Group Local Governments and Peacebuilding, of the Dutch Network for Peace, Security and Development *Exploring the Potential of Local Governments Role in Peace-building*. November 2010, input paper for a regional conference, held in Bujumbura, December 2010, for local governments and CSOs from Burundi, Rwanda and DRC.

<sup>46</sup> See, among others: H. von Kaltenborn-Stachau, *The Missing Link, Fostering Positive Citizen-State Relations in Post-Conflict Environment*, (Washington: World Bank and CommGAP, 2008), pp. 1–124, [online], accessed 3 June 2011, available at <http://siteresources.worldbank.org/EXTGOVACC/Resources/CommGAPMissingLinkWeb.pdf>

Hence, it is recommended that the EU and other international actors focus on widening their concept of state-building, especially the facilitation of civil society through models of organic learning.

### *Deal With the Past*

The European Union recently started supporting the work of RECOM, which is an important step forward. Yet more can be done, and should be done, in the realm of dealing with the past. In addition to the regional work done by RECOM and the national campaigns of the national committees under RECOM, it is important to support local truth-finding initiatives, local inter-religious initiatives and other programmes that provide platforms for former enemies to meet and rebuild trust. Dialogue initiatives can also involve less likely partners such as veterans' associations. In almost all municipalities, it is possible to find people who are willing to become involved in such activities. They deserve support.

At the same time, continued support has to be provided to the associations of war victims. Many of these associations serve a number of important goals in society: providing self-help to victims; supporting rehabilitation; organising awareness-raising and lobbying campaigns; collecting relevant documents, photos, videos and so forth; and setting up memorialisation initiatives and annual commemorations. As time passes, 'outsiders' may feel that the time is ripe to shift priorities to other sectors and focus more on economic development. Yet we should understand that, for most of the victims, especially the ones that had to leave their places of origin and/or lost family members, these events are alive in their minds as if they happened yesterday.

Politicians and diplomats do not like to draw attention to unresolved issues from the past. It is more rewarding for them to talk about future prospects for economic development and EU membership. But we all know that societies need to come to terms with the past, and, therefore, dealing with the past cannot be ignored – even though government officials in the countries of the Western Balkans do not like to be confronted with these topics.

Hundreds of thousands of citizens in the Western Balkans have been affected by the wars in the 1990s. They call for justice and embark on dialogue initiatives. Both have to be done, and the EU should provide moral support and financial assistance. Politicians will not be able come to terms with the recent past unless their initiatives are sufficiently supported by their own population and have the active involvement of citizens.

### *Focus Attention on Peacebuilding in IPA Architecture*

IKV Pax Christi fully supports the recommendations presented by the Quaker Council for European Affairs on the improvement and elaboration of the IPA methodology, as follows:

- Place stronger emphasis on peacebuilding and civil society consultation in the country-specific European Council regulation establishing the IPA.
- Make funds and programmes more accessible to civil society organisations.
- Enlarge the scope of the Multi-Beneficiary MIPD to include a 12<sup>th</sup> area of intervention specifically addressing 'peacebuilding, transitional justice and initiatives aimed at dealing with the past' and setting up specific (financial) facilities on these crucial topics.

By making the grant requirements simpler, the EU will be able to reach out to smaller citizens' initiatives in regions far from the capital cities. There is a lack of balance at present, as most of the attention and money flows to the organisations with offices in the capital cities.<sup>47</sup>

Critics may say that it is not possible to add such components to the IPA against the will of the respective governments, but this is where conditionality comes in. Conditionality can work, as has been proven in the case of visa liberalisation. The EU was successful in encouraging and supporting all the reforms needed to allow the EU to lift its strict visa regulations. Without doubt, this is one of the biggest successes of the EU accession process so far.

IKV Pax Christi calls on the EU to give peacebuilding priorities a proper place within the IPA methodology as the 12<sup>th</sup> area of intervention of the Multi-Beneficiary MIPD.

### *Organise Support Outside the IPA*

Even though much more can be done within the IPA methodology, there is also a need to develop and strengthen other instruments that can be implemented outside of the IPA, for the following reasons:

- Countries in the Western Balkans working towards EU accession show little motivation to get involved in a self-critical assessment of their responsibility for (events during) the wars in the 1990s. This is also reflected in the approach of the governments of the countries of the Western Balkans towards areas of intervention developed under the IPA process.
- To date, 'Brussels' has not pushed the governments of the countries of the Western Balkans to accept more ambitious programmes or facilities on sensitive issues, such as dealing with the past and refugee return under the IPA.

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<sup>47</sup> Crucial changes often do not start from the capital. For years, the urban elite opposition in Belgrade failed to get rid of Milosevic. It was only when the unsatisfied farmers in southern Serbia joined them in a quite a peculiar coalition against Milosevic that he was forced to step down.

- Working outside of the IPA will make it easier to work more directly with citizens, citizens' initiatives and local NGOs, because relations can be built directly with them, without the involvement or interference of any state body.
- The peacebuilding process will most likely have to continue after the actual EU accession of Western Balkans states.<sup>48</sup> This is an important reason why certain programmes and processes should be developed outside of the IPA.

It has been said many times in Brussels and in the various capitals in the Western Balkans, “we have moved from the era of Dayton to the era of Brussels”. The accession strategy is indeed a powerful instrument, but, as discussed in this paper, it has not been possible to pay enough attention to the peacebuilding priorities within the IPA architecture.

There are many good reasons for developing programmes outside of the IPA, among others via facilities that already exist such as the European Initiative for Democracy and Human Rights (EIDHR) set up in 2006/07.<sup>49</sup> The well-established, internationally-oriented NGOs have found their way to EIDHR funds, which is a good thing. But EIDHR grant requirements do not invite smaller NGOs and citizens' initiatives to step forward.

Special instruments should be strengthened to enable national and international peace and human rights organisations to work extensively with local partners in the countries of the Western Balkans. The so-called MATRA Social Transformation programme developed by the Dutch Foreign Ministry could serve as a valuable example.<sup>50</sup> In this way, complicated reporting formats and grant requirements would not apply to small and still vulnerable citizens' initiatives in the Western Balkans, and there would be no need to reach agreement on such programmes with the respective governments.<sup>51</sup>

Financial support is important, but moral support is also of great value. EU officials should reach out to the local communities in which people and local groups or local governments are trying to find their own way to work on peacebuilding and European integration.

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<sup>48</sup> Example: In the case of Croatia, which will probably join the EU in a few years time, will the obstruction of minority return have stopped? Will the stubborn elements of ethnic discrimination in everyday life have disappeared? Will the population's assessment of the ICTY's work and verdicts have improved? The situation will probably be better than in 2011, but we have ample reason to anticipate a peacebuilding process that will take several more years.

<sup>49</sup> See [http://ec.europa.eu/europeaid/how/finance/eidhr\\_en.htm](http://ec.europa.eu/europeaid/how/finance/eidhr_en.htm)

<sup>50</sup> Ministry of Foreign Affairs, *Matra Programme, Supporting Social Transition*, [online], accessed 3 June 2011, available at [http://www.minbuza.nl/en/Key\\_Topics/Matra\\_Programme/](http://www.minbuza.nl/en/Key_Topics/Matra_Programme/)

<sup>51</sup> Immediately after the Dayton Peace Accords, it was difficult for western governments to get involved in bottom-up democratisation programmes in the Republic of Srpska due to international agreements. The Dutch Government asked organisations, among them IKV Pax Christi, to present democratisation programmes that could be financed by the Dutch Government and implemented through IKV Pax Christi and its partners in Banja Luka and other cities in the Republic of Srpska. This approach has proven quite successful.

The strengthening of the true promoters of democracy and European norms and values will serve a number of goals. It will enhance the sense of citizenship and it will show citizens that the EU is not only interested in their politicians, but also in them as future citizens of Europe. Strengthening critical local civil society organisations will also lead to better domestic monitoring capacities; it is important that citizens get involved in the monitoring of the implementation of national and local laws and regulations. Finally, it is worthwhile to work simultaneously top-down (through the accession process and IPA) and bottom-up. Reforms have to be visible in new laws and regulations, but also have to be anchored by proper implementation and through the involvement of active citizenship.

It is time for the rehabilitation of the citizen!

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