

HISTORICAL PERSPECTIVE: THE LEGACY OF WAR, COLLECTIVE MEMORY AND THE FUTURE OF  
THE REGION

# Transitional justice, reconciliation and collective memory in the Balkans

Vjeran Pavlaković



People gather during the Srebrenica memorial. As every July, the remains of those killed during the Srebrenica genocide (eastern Bosnia) that have been exhumed or identified that year parade in trucks through the center of different cities in the Bosnian-Muslim Federation. These remains are carried to Potočari, where they are buried in the cemetery built for the victims. Sarajevo, Bosnia and Herzegovina. Photo by Carles Palacio

Nearly twenty years after a regional reconciliation process, formerly known as the RECOM Reconciliation Network, [1] was launched in the Yugoslav successor states, the region needs it more than ever as global conflicts threaten peace and stability on a much broader level. Officially established at the Prishtina Regional Forum in 2008 as the Coalition for RECOM, the name was the shorthand version of the “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”. Although not the only initiative in the region, RECOM epitomises the challenges, pitfalls and last remaining obstacles to post-Yugoslav reconciliation. In many ways, it was a response to the shortcomings of the International Criminal Tribunal for the former Yugoslavia (ICTY), the ad hoc international tribunal established by the United Nations in 1993 to bring the perpetrators of war crimes to justice and ideally prevent future violations of human rights. The ICTY had ambitiously set goals for justice, catharsis and a factual record of the wars of the 1990s, but the Yugoslav successor states in 2024 continue to be dominated by

nationalist and populist politicians, awash with the glorification of war criminals, and locked into seemingly perpetual narratives of self-victimisation and amnesia regarding one's own perpetrators..

In the former Yugoslavia, reconciliation is generally considered a positive goal by those in the civil society sector, while those coming from a more right-wing position, such as nationalist politicians or representatives of veteran groups, tend to be dismissive of the term as an attempt to equalise guilt or recreate a new Yugoslavia. One useful definition for reconciliation is “the process of developing a mutual conciliatory accommodation between enemies or formerly antagonistic groups... [and] moving toward a relatively cooperative and amicable relationship”, which can be applied to bilateral relations between countries as well as between ethnic groups. [2] This understanding of reconciliation does not envision the restoration of failed states or ideologies, but instead the creation of an atmosphere that would enable the successor states to resolve the negative legacies of the conflicts of the 1990s. These include the ongoing search for missing persons, prosecuting the perpetrators of war crimes, returning stolen property, restoring property rights, ensuring proper conditions for displaced persons and refugees who want to return to their homes, resolving border and territorial disputes, and providing material reparations to victims. Although ties between the successor states have been “normalised” for decades, these unresolved issues inevitably pop up to sour bilateral relations during controversial commemorations, political crises and public stances towards war criminals, hampering commerce and negatively affecting the lives of citizens trying to get on with their lives.

Transitional justice mechanisms promised to be a counterbalance to the trials at The Hague. While the International Criminal Tribunal for the former Yugoslavia (ICTY) had managed to put on trial the key political and military figures of Yugoslavia's wars, as well as amass an impressive archive of documents, testimonies and trial transcripts, the process was criticised for taking too long, being held far from the region, and giving more space to the perpetrators than to the victims. It was also seen as a tool for bringing the Balkans under Western control. Transitional justice would give agency to the societies that needed an open reckoning with the past, which could strengthen democratic values, restore trust in institutions and facilitate regional cooperation. The reality is that many regional political elites in fact benefit from continued divisions and ethno-national rivalries, that the organisations and groups who waged war still wield considerable power, and that the strength of victimisation narratives is far greater than that of efforts to create shared histories that acknowledge the nuanced nature of the past. —

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academics, civil society activists and alternative political coalitions— the overall result, three decades after Yugoslavia's bloody collapse, is a set of societies poisoned with virulent nationalism, distrust of the EU liberal project, susceptibility to the destabilising efforts of foreign powers, and a trend towards authoritarianism founded upon distortion of the historical record. The commemorative cultures in the region rarely highlight the futility of war, but rather glorify military sacrifices and seek revenge for the nation's victims. Despite this rather grim assessment, there is still a window of opportunity to work with young people who are willing to reject the exclusive nationalist narratives. Regional exchange programmes, a concerted emphasis on developing critical thinking skills in the region's educational systems, re-thinking reconciliation as a cultural rather than a political project, and a willingness of the EU to offer a credible future beyond the Western Balkans could all offer an alternative path to the one that currently seems to be leading towards a new armed conflict.

## From international tribunals to transitional justice

The dissolution of Yugoslavia in the 1990s resulted in approximately 140,000 dead, millions of displaced persons, widespread destruction of respective economies and housing stock, and seven independent countries (Bosnia and Herzegovina, Croatia, Serbia, Slovenia, Montenegro, Northern Macedonia, and Kosovo, which, as mentioned above, is still unrecognised by Serbia and a number of other countries). The establishment of the ICTY initially inspired the belief that justice would be served, the perpetrators would be arrested and stripped of political influence, and the respective societies would embark on a path of reconciliation and cooperation modelled on the Franco-German experience after the Second World War. When it became clear that the ICTY would not be able to achieve its more ambitious goals of dealing with the past, many civil society actors turned to restorative transitional justice mechanisms, which received considerable international support, a brief period of domestic support and extensive attention from the academic community. However, all of these initiatives, including the above-mentioned RECOM Reconciliation Network, ultimately failed to reverse the ethno-nationalist discourses, wartime narratives and antagonistic regional relationships that at times seem to push the countries of the region to the brink of further conflict. The lack of political will for reconciliatory strategies is certainly a key reason for the failure of these initiatives.

## Remembering the wars of Yugoslav dissolution in Bosnia and Herzegovina, Croatia and Serbia

Since international criminal tribunals such as the ICTY often fail to provide the proper platform for victims to let their voices be heard or create a space for recognition of their victimhood, transitional justice mechanisms focus on facilitating testimonies from both victims and perpetrators. The RECOM initiative always organised panels at their forums and conferences that featured a diversity of victim associations. The public at RECOM events tended to be drawn from individuals already working in the field of human rights or transitional justice, and media coverage was minimal at best. However, the construction of

memorials in public space is a symbolic act that has the potential to give victims recognition on a much larger scale. This recognition is not just between the victim and the perpetrator, as is often the case in exclusively retributive justice, but rather presents the traumatic events of the past to society at large in the hope of preventing a future recurrence. The question that arises is what kind of collective memory or narrative is created or, more specifically, allowed in the public space after the kinds of wars that accompanied Yugoslavia's demise?

Commemorations and other political rituals are key components of a nation's cultural memory, crucial for the construction and reinforcement of ideological, ethnic, economic, gender and other identities. The construction of cultural memory and cultural identities are central themes of memory studies which analyse the different processes of remembrance, forgetting that they occur at the individual, group and societal level. Along with other political rituals such as rallies, parades, anniversaries and other mass gatherings, commemorations are symbolic public activities used by elites to construct a grand narrative of a nation-state's history.

A broad look at memory politics across the region reveals numerous examples of how commemorations are used to cement victimisation narratives for one's own side, while the "Other" is invariably labelled as the perpetrator. For the first fifteen years after the conflicts ended, all sides focused their commemorative practices on fallen soldiers and, to a lesser extent, on civilian victims, while military anniversaries and battles were not emphasised to the same degree. This was certainly due to the fact that political and military leaders across the region were still being investigated by the ICTY as well as domestic courts, and anyone involved in operations with a potential of war crimes distanced themselves publicly. Croatia was perhaps a bit of an exception due to its overall victory narrative, but even there the anniversaries of some military operations, such as Medak Pocket (1993) and Flash (1995) were observed only by local officials. Serbia, which had been involved in wars in Slovenia, Croatia, Bosnia and Herzegovina, and Kosovo, had memory politics which essentially denied participation in any of those wars and officially commemorated only the NATO bombings of 1999.

However, as the ICTY finished issuing indictments and nationalist parties strengthened control in all of the successor states, commemorative practices were extended to previously marginalised sites of memory, disgraced military units and formerly forgotten battles. While occasionally this broadening of the memoryscape allowed for a more pluralistic approach to the past, for example, the recognition of Serb civilian victims in the Croatian conflict, the general trend has been for a more aggressive memory politics that entrenches hegemonic national narratives. A younger generation of scholars has been doing excellent research on collective memory in the former Yugoslavia, but there is not enough space in this article to fully reflect on all the various memory sites, especially in North Macedonia or Kosovo. [3]. Therefore, as examples I will focus on case studies from Croatia, Bosnia and Herzegovina, and Serbia, the latter having developed commemorative practices countering those of its neighbours.

Remembrance of the Croatian War of Independence is based on two dominant narratives: a

victim narrative centred on the fall of Vukovar in November 1991, and a victory narrative drawn from Operation Storm in the summer of 1995. The annual commemoration of the fall of Vukovar on 18 November dominates the collective memory of Croatia's victimisation, leaving little room for other tragedies to receive recognition on a national scale. The yearly "procession of memory" attracts tens of thousands of participants from all over Croatia, and functions as a contemporary pilgrimage imbued with both secular and sacred meanings. Because of Vukovar's central role as a symbol of victimhood, the memorialisation of Serb civilian victims from the city is controversial. In fact, the largest right-wing party in the country drew much of its initial support by raising issues related to the war in Vukovar and surrounding areas, and continues to push for numerous anti-Serb measures that include removing Serb monuments, opening war crimes investigations despite a post-war amnesty law, limiting funding of Serb organisations and banning the use of Cyrillic script.

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The victory narrative is centred on Operation Storm and the fall of the rebel Serb capital of Knin on 5 August 1995, thus shifting attention away from victims and glorifying the military prowess of the Croatian Army; the holiday is named the Day of Victory and Homeland Thanksgiving and Day of Croatian Defenders. It is indicative of Croatian memory politics that the commemoration of this bloody military action plays a significantly greater role in collective remembrance than the peaceful integration of Eastern Slavonia in 1998 that ultimately restored Croatia's territorial integrity. This celebratory commemoration is particularly exclusionary for Croatian Serbs because of the tragic exodus of tens of thousands of civilians and the murder of many elderly persons who stayed behind.

The ICTY trials of Croatian commanders involved in Operation Storm, particularly the popular General Ante Gotovina, cast a shadow over the commemoration for years, but after the acquittal of all the accused in November 2012 the Victory Day anniversary took on an even more nationalistic and celebratory aspect. Although symbolic politics took centre stage in Croatia during 2015 and 2016, the election of a more pro-EU, centre-right government under Prime Minister Andrej Plenković resulted in more reconciliatory policies for several years. The largest Croatian Serb political party was made a coalition partner from 2016 until the elections in 2024, when Plenković was forced to ally with a right-wing party from Vukovar in order to stay in power. Nevertheless, in 2020 the Croatian Government included Croatian Serb representatives at the Operation Storm commemoration in Knin, and then attended commemorations for Serb civilians killed in the villages of Grubori and Varivode. While the Croatian memoryscape is still dominated by memorials, museums and commemorative practices emphasising Croatian military successes and Croat victims, there has been a shift, perhaps only symbolic, towards the acknowledgement of Serb civilian victims. There is still a vocal right-wing that imposes collective guilt on all Serbs, but for now Croatia's membership in the EU has helped temper

the extremist discourse.

Whereas the Croatian memoryscape has achieved a greater pluralism since joining the EU in 2013, Bosnia and Herzegovina has continued to create exclusive “islands of memory” that are also reflected in the country’s complex bureaucratic and political landscape. The dominant ethnic group in each town, city, canton or other entity generally controls the public space, with only a few exceptions, such as Brčko. Prijedor, a city whose Bosniak population was subjected to mass arrests, murders, rapes and detentions in concentration camps such as Trnopolje and Omarska, has monuments to Serb soldiers but none to Bosniak civilian victims. For years, the remaining Bosniaks have had to commemorate these tragic events using semi-subversive methods such as the Day of the White Armbands. Bosnia’s three major ethnic groups celebrate separate holidays and commemorations, build separate monuments, write separate histories, and even refer to the conflict of the 1990s by three separate names; the Fatherland War (Serbs), the Homeland War (Croats), or the Liberation War (Bosniaks). Since the ICTY tried numerous political and military leaders from the Republika Srpska entity, including for the crime of genocide, Serb commemorations were initially minimal. However, Republika Srpska leader Milorad Dodik has gradually amassed power, continuously provoked both the central authorities in Sarajevo and the international community and, along with Serbian president Aleksandar Vučić, engaged in aggressive memory politics that portray Serbs as eternal victims while simultaneously denying the various, extensively documented crimes committed against non-Serbs.

The most contested site of memory in Bosnia and Herzegovina is Srebrenica, the site of the 1995 massacre of Bosniaks by Bosnian Serb forces that was subsequently declared a genocide by the ICTY. Mladić, Karadžić, Radoslav Krstić and other Bosnian Serb commanders were found guilty of being complicit in the act of genocide, and many other perpetrators have been found guilty in subsequent trials held in Bosnian and Serbian courts. The International Court of Justice upheld the genocide verdict in a trial against Serbia in 2007, despite ruling that Serbia had only violated its obligation to prevent genocide. In May 2024, the United Nations passed the “International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica”, which condemned any efforts to deny the genocide and declared 11 July an international day of remembrance. Although Republika Srpska had organised several commissions about the events and issued an apology in 2004, Dodik’s subsequent consolidation of power led to new commissions and rejections of the earlier apologies.

As with many things in Bosnia and Herzegovina, Srebrenica generates two separate and opposing narratives. For Bosniaks, Srebrenica represents the pinnacle of victimhood in the 1990s conflict, and functions as a foundational event for the establishment and preservation of a united state. Squares, streets, monuments and museums throughout the Bosniak and Croat Federation (the larger of the country’s two entities) carry the name of Srebrenica. The failure of international courts to declare as genocide other crimes in Bosnia and Herzegovina, such as those committed in Prijedor, Zvornik, Bijeljina and elsewhere, has increased the symbolic importance of Srebrenica for the Bosniak political establishment. For Serbs and Republika Srpska, Srebrenica was a terrible crime but comparable to other

crimes committed against Serbs, who also suffered during the war. Official denial of the genocidal nature of the events in Srebrenica and, more broadly, the Bosnian Serb strategy during the 1990s war inevitably creates parallel truths and the complete breakdown of a normally functioning state. Vučić's Serbia likewise has embarked on a political strategy of genocide denial, which culminated in an extensive lobbying campaign in 2024 to try to block the UN resolution. Cities and towns in both Serbia and Republika Srpska were adorned with official banners, signs, billboards and even graffiti declaring that the Serbs were not a genocidal nation, even though the UN resolution never collectively blamed Serbs for the crime.



A man prays for the victims of Srebrenica. For two days, the identified remains of those killed during the Srebrenica genocide are being kept in vigil by family and friends in a ship next to the victims' memorial in Potočari. The memorial commemorates the genocide perpetrated by Bosnian Serb troops commanded by Ratko Mladić in July in Potočari, Bosnia and Herzegovina. Photography by Carles Palacio

While Croatia has made some progress in creating a more pluralistic commemorative environment, and Bosnia and Herzegovina have experienced an entrenchment of competing historical narratives, Serbia has shifted from official silence on the wars of the 1990s to an explosion of dramatic commemorations, memory battles with neighbouring countries, new national holidays and monument building. For example, the Battle of Košare was a little-known skirmish between Serb forces and the KLA in 1999 on the Kosovo-Albanian border, under Vučić elevated to a national commemoration, with murals, monuments and a feature film produced in the last several years. More significant for regional relations, however, has

been the Serbian Government's counter-memory initiatives towards Croatia and Bosnia and Herzegovina. In 2015, Vučić and Dodik inaugurated a new Memorial Day of Killed and Exiled Serbs, which was subsequently organised every year at a different settlement of Croatian Serb refugees in Serbia on the same day as the Day of Victory for Operation Storm in Croatia. Rather than attempting to reflect on the broader historical context of the war or create an atmosphere of reconciliation with neighbouring states, the commemoration portrays Serbs as victims of Croatian genocides stretching back to the Second World War. While there is no doubt that Croatian Serbs were forced from their homes and hundreds of civilians killed during Croatian Army offensives, the Serbian State's commemorative narrative has no empathy for the suffering of Croats or reflection on the causes of the war that led to the liberation of internationally recognised Croatian territory. Vučić's control of the media, especially tabloids and television, ensures that the Serbian population is regularly presented a version of recent history where all Croats are bloodthirsty fascists—the press regularly uses the term *Ustaše* to describe Croats and the Croatian Government—and that Serbs were peacefully living in their own state before being attacked by the Croatian Army.

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As mentioned previously, Vučić has invested considerable diplomatic effort in challenging the memory politics of Serbia's other neighbour, Bosnia and Herzegovina, specifically the genocide in Srebrenica. Serbia has actively denied that Srebrenica was a genocide, and many military officials who were found guilty by the ICTY and served time for war crimes have been rehabilitated and are now active in Serbian public life. Although the UN resolution was eventually passed, Vučić subsequently presented the large number of abstentions as a victory over the West. In fact, Serbian foreign policy has been successful at balancing between Russia, a traditional ally, and the EU, which despite providing the majority of investment and funding is regularly derided by Vučić's government as decadent and colonial.

## The future of post-Yugoslav remembrance

Despite considerable international efforts at reconciliation and promising post-war carrot (EU membership) and stick (sanctions) strategies regarding cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY), thirty years after the beginning of the Yugoslav wars the region is once again divided and threatened by instability. The vision of the entire Western Balkans in the EU has not been realised, and prospects for further expansion are unlikely. The record of "dealing with the past" is uneven across the region, and this brief overview shows that memory politics have been wielded to strengthen the nationalist narratives that led to the conflict in the first place. An

emphasis on each nation's victimisation with little empathy for the "Other" has created greater social distance between countries that were once part of the same state, and minorities within the countries are often treated as second-class citizens, if not outright internal enemies.

While the post-socialist political elites in the successor states seem determined to perpetuate exclusive ethno-nationalist victimisation myths to secure their interests, including economic ones that have benefited the few while erasing the progressive aspects of Yugoslavia, a more concerning issue is the youth of the region and the coming generations. Unfortunately, educational trends across the board are rather discouraging, and there has been a shift in a new kind of memorialisation. While reconciliation programmes have failed to attract widespread support among young people, they seem to have reacted to the global trend of street art, and specifically "mnemonic", or memory-making, murals. In Croatia, murals depicting Vukovar were the first stage in the transition from political graffiti to the current muralisation of the 1990s war, signifying a shift from "anti-art" graffiti texts to street art, using ever more sophisticated skills and aesthetics. Not only have the Vukovar murals become larger and more visually impressive, in many locations they now contain extensive depictions of historical events. In Split, for example, the murals stretch for over a kilometre, celebrate individual Croatian soldiers, name Serbian perpetrators, and graphically depict Serbian crimes against Croatian civilians. In recent years, this trend towards muralisation has been extended to include depictions of other battles and military operations (Operations Flash and Storm, the massacre at Borovo Selo, and the shooting down of Yugoslav planes over Šibenik, to name just a few), as well as large murals celebrating various military units. Fascist symbols, which have been banned from official Croatian monuments, appear on murals that are only semi-regulated.

The mnemonic mural trend is not limited to Croatia but can be considered a regional phenomenon. Murals dedicated to Srebrenica have been created throughout parts of Bosnia and Herzegovina with Bosniak populations, while in Republika Srpska there are many murals (and graffiti) celebrating convicted war criminals Mladić and Karadžić, as well as Draža Mihajlović, leader of the Četniks in the Second World War. The most controversial of these is the mural dedicated to Mladić in the centre of Belgrade, which has been defaced and restored multiple times [4]. It is just one of dozens, if not hundreds, of war-related murals in Belgrade depicting Mladić, Mihajlović, Vladimir Putin, and the Kosovo war, all fighting for space on the densely graffitied walls of the city. Murals to convicted war criminals are rarer in Croatia, although in 2021 there was a spate of murals and stencilled images of Slobodan Praljak in Zagreb and elsewhere, as well as the infamous case of the Mihajlov Hrastov mural in Karlovac.

Thirty years after the beginning of the Yugoslav wars the region is once again divided and threatened by instability, and memory politics have been wielded to strengthen the nationalist narratives that led to the conflict in the first place

This muralisation of war is clearly still a bottom-up process in the Yugoslav successor states, with many being created semi-legally by football Ultras; both the Mladić and Hrastov murals are on private property, yet the Ultras have successfully prevented communal services and municipal authorities from removing them. Future strategies for creating regional societies of cooperation and mutual respect will certainly need to take into account these new memorialisation approaches alongside robust educational initiatives. Otherwise, the Yugoslav successor states will once again raise a generation that turns to violence and war to resolve the political, social, and economic challenges that will inevitably face the region in the current volatile global context.

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### **Vjeran Pavlaković**

Vjeran Pavlaković is a professor of History and Cultural Studies at the University of Rijeka, Croatia. He received his PhD in History in 2005 from the University of Washington and has published articles on memory politics in Southeastern Europe, transitional justice in the former Yugoslavia, and Yugoslav volunteers in the Spanish Civil War. He is a co-editor of the volume *Framing the Nation and Collective Identity in Croatia* (Routledge, 2019), which was re-issued in Croatian in 2022. He was the lead researcher on the Memoriscapes project as part of Rijeka's European Capital of Culture in 2020, and a co-founder of the Cres Summer School on Transitional Justice and Memory Politics. Since 2023, he has been the co-principal investigator on the Slovenian-Croatian project Mnemonic Aesthetics and Strategies in Popular Culture (MEMPOP). His current research includes graffiti and murals as sites of memory, slow memory and Balkan conflicts, and a history of Dalmatian immigrants in the American Southwest.