



EUROPE

Are the countries of the Western Balkans
ready for the European Union?

Imprint

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1. Summary and demands

The EU-Western Balkans Summit in Sofia (on May 17, 2018) is supposed to give new impetus to the EU's relationship with the Western Balkans. Under the leadership of the President of the European Council, Donald Tusk, there will be a meeting between leaders of the EU member states and the six Western Balkan countries Albania, Bosnia and Herzegovina, Serbia, Montenegro, Macedonia, and Kosovo. The summit will also be attended by the President of the European Commission, Jean-Claude Juncker, by the High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, and the European Commissioner for European Neighborhood Policy and Enlargement Negotiations, Johannes Hahn.

The EU has already started accession negotiations with Montenegro and Serbia in 2012 and in 2014, respectively. The former Yugoslav Republic of Macedonia was granted the status of an accession candidate in 2005, followed by Albania in 2014. For these two countries, the EU Commission recommended to start accession negotiations on April 17, 2018. Bosnia and Herzegovina applied for EU membership in February 2016, and the Stabilization and Association Agreement for Kosovo entered into force in April 2016. Both countries are potential candidates.

On February 6, 2018 – 15 years after the countries of the Western Balkans were declared potential candidates for a EU accession (in Thessaloniki in 2003) – the European Commission decided on a strategy for the Western Balkans, defining when each of the countries could expect to join, and what reforms would have to be carried out. In addition, six EU initiatives to support this process have been announced. In Sofia, the EU now wants to provide the countries with incentives and guidance, encouraging them to follow through with the necessary reforms. However, the Western Balkans won't move closer to Europe by words alone – there will have to be specific actions too. The future of the Western Balkans will also have significant effect on Europe's future.

There are authoritarian politicians in power in all of the countries of the Western Balkans, and they are trying to keep themselves in power through corruption and nepotism. It will take more political will to initiate democratic change and to establish a rule of law in these countries. The EU should do everything in its power to ensure that the differing interests of the new players in the Balkans – such as Russia, China, Turkey, and some of the Arab countries – will not jeopardize the current situation in which the countries of the Western Balkans are

oriented towards the EU. In the interest of all the Western Balkan countries and the European Union, there will have to be initiatives to promote socio-economic development, but it will also be necessary to solve the other problems of the people in the region. Particular attention should be paid to the underprivileged and discriminated minorities, who, during the transformation process, will be dependent on special protection by the respective states. Further, it will be necessary to resolve the problematic situation of the refugees and the internally displaced persons, and to clarify the fate of the persons who went missing during the wars in Bosnia and Herzegovina (1992-1995), in Croatia (1991-1995), and in Kosovo (1999). In order to come to terms with the past, it will also be necessary to sanction the denial of genocide and crimes against humanity, in order to encourage reconciliation and to secure peace.

Basically, the summit has good chances of becoming a success, as both sides share important interests. On the one hand, the Western Balkans are aiming for economic growth, which is why an accession to the EU is still an important long-term option. On the other hand, the EU is interested in stabilizing a potential conflict zone and in expanding the market.

The idea that Serbia and Montenegro might be able to join the EU in 2025 is realistic, but very ambitious. This can only be achieved if, in the course of the Sofia Summit, the political elites in all the relevant countries agree to carry out fundamental reforms, as a prerequisite for being accepted into the “family” of the European Union. In Bosnia and Herzegovina, however, there is a major obstacle: to date, the country is kept from moving closer to the European Union by the Dayton Agreement (1995).

For far too long, the international community watched idly while ultranationalist politicians and supporters of the Serb war criminals Radovan Karadžić and Ratko Mladić snubbed the EU, flatly denied war crimes, fueled hatred among the population, and tried to divide the country. The vast majority of the suspected war criminals have not yet been punished. The President of the Republic of Srpska, Milorad Dodik, is using a possible secession as a threat. He and his fellow politicians are blocking most of the reforms that would be necessary for an accession to the EU and NATO – and, thus, for Bosnia’s economic development. Therefore, the EU must finally free the people of Bosnia and Herzegovina from the “straitjacket” of the Dayton Agreement.

The EU must live up to its leadership role in the Western Balkans, to enable all countries to develop into democratic states and to lay the basis for a just society.

To achieve this, the Society for Threatened Peoples demands the following:

- A new constitution has to be developed and enforced in Bosnia-Herzegovina. It must not permit ethnic division, and it must not allow the expulsion of the Bosniak population to be cemented.
- There must be sanctions for the denial of the genocide crimes and crimes against humanity committed during the Bosnian war (1992-1995). At the same time, it will be necessary to initiate a coming to terms with the past in Serbia, Bosnia and Herzegovina (especially in the Republika Srpska), and Kosovo.
- Freedom of the media and press freedom must be guaranteed.
- Serbia must finally agree to recognize Kosovo.
- The countries of the Western Balkans should not be able to join the EU or NATO before they can guarantee democracy and a rule of law – including respect for human and minority rights.
- The EU must become more involved in the legal prosecution and punishment of all war criminals in the countries of the former Yugoslavia.
- Refugees and migrants on the Balkan route have a right to human dignity, and a right to international protection or asylum.
- Initiatives towards more democracy must include sustainable measures against antiziganism.

2. The focus and aim of the Summit of the EU and the Western Balkans

In the course of the EU-Western Balkans Summit on May 17, 2018, the EU is expected to reaffirm that the respective countries still have the option of joining the EU. There will be initiatives to improve the physical connectivity and the connectivity of the people in the region and the EU, and to substantiate intergovernmental cooperation with regard to security and migration. However, Europe has to stay true to the principles of a rule of law, democracy, and to the aim of strengthening human and minority rights. This will have to apply to the six partner countries as well.

The Society for Threatened Peoples (STP) welcomes the fact that – for the first time in 15 years – leading representatives of all the Union members as well as those of the six Balkan republics will be taking part in a Western Balkans Summit that focuses on the region’s affiliation to the European family.

After the countries of the Western Balkans were informed about the prospect of joining the EU in 2003 (in Thessaloniki), a new EU strategy paper now offers five successor states of the former Yugoslavia (Serbia, Bosnia and Herzegovina, Montenegro, Macedonia, Kosovo) as well as Albania a “credible enlargement perspective” and an “enlarged EU engagement”. This is a first step, and more decisive steps will have to follow. It will be necessary to take action to bring the Western Balkans closer to the European Union – because their future will also have effect on the future of all of Europe.

We expect that the Sofia Summit will be an obligation – especially to the political elites in the respective countries – to carry out fundamental reforms and to lay a basis for European integration.

In the following, the Society for Threatened Peoples would like to comments on different topics that are likely to be discussed at the upcoming summit:

All the countries of the Western Balkans need support in promoting human rights, a legal structure, and democratization. So far, however, it has not become clear whether the prevalent understanding of democracy and a rule of law will meet the criteria of the EU. The functioning of the judiciary systems remains a problem, and, in order to uphold the rule of law, it will be necessary to build up an independent and impartial justice system, responsible governments, and transparent procedures. It is time to ask what will be done in terms of prosecuting suspected war criminals in the countries of the former Yugoslavia and especially in Bosnia and Herzegovina. After all, not all of the perpetrators have been brought to justice – and impunity is still a major problem with regard to reconciliation and coming to terms with the past in the region.

The EU must not create further parallel societies in the Western Balkans, such as those in Hungary and in Poland. Our human rights organization is aware that politicians in the Balkans are increasingly turning away from EU to approach countries such as Russia, Turkey, China, and some of the Arab countries, which – after the US are gradually withdrawing from the

region – are trying to pursue their interest there. Also, the situation of the minorities in countries such as Bosnia and Herzegovina and Kosovo is getting worse.

Despite all the differences, the countries of the Western Balkan must not be divided – or even be separated into candidates of first and second class. In all of these states, there is corruption on many governmental levels, and there are links to organized crime. A pronounced entanglement of public and private interests is seen as normal, and the media are influenced and controlled by politics. There are not enough measures to fight impunity (especially in Serbia, Bosnia and Herzegovina, and Kosovo), and all the countries will have to undergo social change that contributes to strengthening the rule of law. An independent judiciary and democratic legislation are indispensable.

After the war, the EU left Bosnia and Herzegovina to itself. The status quo in this country was largely governed by the Dayton Peace Agreement (1995), imposed by the US, Britain, France, Russia, and Germany. The vast majority of the alleged Serbian war criminals were not punished – and they still have political influence in the Serbian-administered part of the country, the Republika Srpska. The perpetrators were rewarded, and the victims are being punished. The Bosnian Muslims, who made up about 50% of the population of the Republika Srpska before the war, were expelled. Only a few (about 13%) dared to return to their hometowns, which are now governed by their tormentors. The President of the Republika Srpska, Milorad Dodik, and his fellow politicians are blocking most of the reforms that would be necessary for an accession to the EU and NATO – and, thus, also the economic development of Bosnia.

From the viewpoint of the Society for Threatened Peoples, the EU should not offer one or more of the six partner countries of the Western Balkans better prospects of joining than the others. There are unresolved border issues between the new Balkan states (and the case of Macedonia has shown that such cases can not be solved bilaterally). It was not yet possible to resolve the problems in the relations of Bosnia and Herzegovina and Kosovo with Serbia, and between Albania and Macedonia. The war crimes have not yet been resolved; minorities are discriminated against, and there are no comprehensive initiatives towards reconciliation.

2.1 On the aspects of strengthening the links between the EU and the Western Balkans with regard to infrastructure, digital connectivity, and connectivity of the people

As to the initiatives to improve the links between the EU and the Western Balkans with regard to infrastructure, digital connectivity, and connectivity of the people, it should not be forgotten that the physical connectivity is subject to mine risk in some of the regions between Serbia, Bosnia and Herzegovina, Croatia (as a EU country), and Kosovo. There are still about 120,000 war-time landmines in Bosnia-Herzegovina, which can lead to fatal accidents. The remaining landmines in the region have to be located and removed as soon as possible. Countries such as Serbia and Croatia have to be urged to disclose detailed information on where there are landmines left, so that they can be removed.

2.2 On common challenges such as security, migration, and good neighborly relations

It should be expected that the EU-Western Balkans Summit will also focus on the topics of refugee policy and migration, offering clear solutions to those who are stranded in Serbia or even in Bosnia and Herzegovina, unable to travel westward. Here, support by the EU is essential. The EU must not try to solve the refugee question on the backs of the weaker Balkan states. This issues should be on the agenda of the EU-Western Balkans Summit for the following reasons:

Officially, the so-called “Balkan route”, which served as an escape route to Western Europe, has been closed since 2016. However, there are still refugees who stranded on the way or who got stuck in one of the Balkan countries. Due to new border fences and the closure of the Balkan route, refugees are forced to spend months in refugee camps (sometimes makeshift ones), without any perspective. Most of them are from Afghanistan, Pakistan, Syria, Iraq, Iran, or the countries of the Maghreb region. There are currently about 3,900 refugees in Serbia, and about 3,500 to 3,600 of them are living in refugee camps. More than 90 percent of these people consider Serbia as a transit zone.

Many of these refugees are younger couples or men, but there are also single women, unaccompanied children, as well as members of various minorities – for example Christians from the Middle East, Yazidis, members of the LGBT minority, or refugees who see themselves as opponents of the regime. In some places, there is a high proportion of children and minors. They belong to the most vulnerable group, as nobody really cares about the welfare of a child.

Many refugees have been living in uncertainty for more than a year, without a legal status. Their psychological situation and their health conditions are catastrophic. In the south-eastern and northern regions of Serbia, refugees often suffer from daily mistreatment and discrimination. In addition, they receive little support from the Commissariat for Refugees and Migration (serbisch: Komesarijat za izbeglice i migracije Republike Srbije, KIRS) and the state institutions. There are many complaints that it has become more difficult to even apply for asylum.

Serbia and its institutions are facing a difficult task. It will put even more strain on the already fragile Balkan state – not only leading to tensions within Serbia, but also to problems with the neighboring states.

The living conditions and the security situation in the refugee shelters are catastrophic. Violence among the inhabitants is widespread. Refugees are often confronted with excessive police violence, even at border crossings with neighboring countries (such as Croatia or Hungary). Often, their money and their phones are confiscated. In the region around Subotica (Vojvodina), a town near the Serbian-Hungarian border, there are 130 people living outside of the urban area, mostly in empty and run-down building complexes. It is difficult to cross the border to Hungary or Croatia. The border officials of the respective states often treat refugees with excessive force. In the region around Šid, near the Croatian border, refugees are using abandoned buildings outside urban areas as shelters – but not as sleeping places, as they have to fear police raids. The failed attempts to cross the border have caused great frustration among the refugees. There are violent conflicts among them, and there have been reports about suicide attempts. Clearly, there will have to be initiatives towards more security and better protection for the refugees at the borders.

Victims are often reluctant to report incidents. Mostly, those who are affected will not tell anybody where they live, because they fear for their safety.

Aid organizations in Serbia have reported several violent incidents in the refugee centers – as well as suicide attempts. It is to be expected that more and more refugees will leave the refugee centers and turn to people smugglers.

Since the beginning of 2018, Bosnia and Herzegovina has experienced a significant increase in the number of refugees from the Middle East. While less than 900 people were registered in 2016 and 2017, the numbers have already reached more than 500 in the first two months of

2018. As Croatia and Hungary have closed their borders for refugees, they are increasingly trying to get to Western Europe via Bosnia and Herzegovina. There is a risk that the number of refugees will increase further. The borders, especially with Serbia, are very porous and insufficiently guarded, so that Bosnia and Herzegovina might soon be facing the same situation as Serbia. Bosnia and Herzegovina can neither accommodate these refugees nor ensure their survival.

As long as the Western Balkans are unable to meet the provisions of international and European refugee law, nor the Common European Asylum System (CEAS), it is not to be expected that refugees will be treated with dignity – or be able to make use of their right to international protection or asylum.

The EU must ensure that the security and protection arrangements for refugees and migrants in Serbia, Croatia, and Bosnia and Herzegovina will be revised, so that they will no longer become victims of physical or psychological violence, discrimination, or other human rights violations – either by individual perpetrators or by state authorities and institutions. At the same time, it will be necessary to provide more financial support as well as workers for the refugee shelters in these countries. The refugees must be taken care of adequately, and they have to be able to apply for legal assistance and for asylum.

There will have to be measures to put an end to the unlawful conduct of police officers of the Serbian state as well as of neighboring countries such as Hungary, Croatia, or Romania. The police must not be allowed to intimidate refugees, and the police forces must respect the refugees' human rights. This means that a consistent border policy must be applied to the entire Balkan region, and the individual states will have to comply with it. The strict closure of the Balkan route since 2016 – without procedural rules, working methods, and border processes – has resulted in a situation in which more and more people are stranded in the midst of the Balkan region, without clear legal regulations, and without protection. Furthermore, this encourages refugees to turn to people smugglers and to other alternatives that are no less risky.

Serbia and other Balkan countries will have to treat refugees in accordance with international human rights standards, or it will not be possible to fulfill the EU's hopes of stabilizing the Balkans. The Balkan states can no longer bear this heavy burden. The EU must ensure that there will be unified (legal) agreement for the refugees, to minimize their risks and to reduce

the number of people who get stranded in the Balkan region. This is all the more the case as Europe is involved in the global conflicts which are causing flight. The weak or unstable Balkan states should not be encumbered with the task of controlling or working against them.

2.3 Strengthening the rule of law in the Western Balkans – an end to impunity

There has to be a judiciary reform to make sure that – following the closure of the International Criminal Tribunal in The Hague at the end of 2017 – alleged perpetrators in Bosnia and Herzegovina (notably the Republika Srpska), but also in Serbia and other parts of the Western Balkans, will not go unpunished. The EU and the international community must make their contribution. For Bosnia and Herzegovina, it will be necessary to find a way to end the blockade policy of the Republika Srpska. There, politicians are repeatedly blocking reform efforts which they interpret as attempts to strengthen the state of Bosnia and Herzegovina.

In order to lay the basis for an effective and efficient judiciary system, it will be necessary to reduce the political influence of the parties and their representatives, and to eliminate the many opportunities for corruption. Apart from that, it will be essential to establish a Supreme Court. This, too, is currently being blocked by representatives of the political parties of the Republika Srpska.

In Serbia, the initiated reform of the judiciary system is subject to criticism by many lawyers and large parts of the civil society, and it is often seen as a step backwards regarding a rule of law. One of the arguments is that, although constitutional amendments are planned, they would not suffice to de-politicize the judiciary, and political influence would be shifted from the parliament and the government into the high council of the public prosecutor's office. The number of people who could decide on the appointment or dismissal of public prosecutors would be limited, leading to a further concentration of political power.

There must be sanctions for the denial of genocide crimes and the crimes against humanity in Bosnia and Herzegovina. At the same time, it will be essential to initiate a coming to terms with the past in Serbia – and especially in the Republika Srpska, whose leaders Mladić and Karadžić were found guilty of the genocide crimes committed in Srebrenica.

2.4 Security in the Western Balkans

All the countries of the Western Balkans must be involved in international efforts to fight terrorism, and it will be necessary to work against extremism in all states and on all levels.

There must be law enforcement measures against potential terrorists that are close to the Islamic State, against terrorist movements such as the “Night Wolves” from Russia, the “Wolves of the Drina” from the Republika Srpska (who first invaded Srebrenica in July 1995 and who are now serving as guards for the President of the Republika Srpska, Milorad Dodik). Another potential threat is to be seen in the new activation of the notorious “Red Berets” from Serbia, whose members are gradually released from prison. In 2003, their leader, Milorad Ulemek Legija, had been found guilty of shooting the Serbian Prime Minister Zoran Đinđić. The unit is held responsible for numerous war crimes in Bosnia and Herzegovina during the war 1992-1995, as well as for the killing of numerous public figures and opponents of the regime in Serbia.

2.5 Promoting socio-economic development

It will be essential to bring investments from Western countries to the states of the Western Balkans in order to open up prospects, to create jobs, to improve working conditions, and to raise workers’ wages. The entire region is currently affected by a consistent exodus of skilled workers; above all of professional medical personnel such as doctors and nursing staff, of computer specialists, skilled craftspeople, and others – mainly younger people under the age of 35. Last year, Bosnia and Herzegovina alone registered 33,377 people who left the country, and the actual figure is likely to be much higher. There is no obligation to report a permanent departure. About 40,000 people between the ages of 20 and 30 decide to leave Serbia every year, and the situation is similar in all the other countries of the Western Balkans. Germany and other European countries opened their borders to jobseekers from the Western Balkans, leading to a new wave of emigration. If this trend continues, the countries of the region will be confronted with a noticeable demographic decline.

Apparently, the EU is trying to recruit skilled workers from the Western Balkans region, while, at the same time, deporting members of minority groups from this region (such as the Roma, Ashkali, and Balkan Egyptians). The member states of the EU must recognize that the Western European return policy has failed – just like the reintegration policies for the Roma, Ashkali, and the Balkan Egyptians in Kosovo, Bosnia and Herzegovina, Serbia, and Macedonia – and they must do everything possible to interrupt the ongoing cycle of migration these people are forced into.

In Kosovo, only 28 percent of the working-age population has a paid job; the others are unemployed and/or manage to get by some way or the other. Every year, 30,000 to 50,000 young people enter the labor market – a labor market that is more or less non-existent. Virtually 100% of the members of minorities, especially the Roma, are unemployed. In neighboring Macedonia, the situation is not much better. Roma are severely discriminated against, and they are deprived of any hope to find work.

In order to support economic development and to create new jobs, people need more than a safe environment. It would also be important to simplify the process of founding a company and to eliminate corruption and nepotism.

2.6 All countries of the Western Balkans must promote reconciliation

All the countries of the Western Balkans, as well as their leaders, must show responsibility by promoting peace and a reconciliation process through various programs. This difficult task should not be left to the civil society alone.

According to the International Commission on Missing Persons (ICPM), around 12,000 people are still missing in the Western Balkans as a consequence of the wars in Bosnia and Herzegovina (1992-1995), Croatia (1991-1995), and Kosovo (1999). The ICPM noted that, with around 8,000 people, most of these missing persons come from Bosnia-Herzegovina – followed by Kosovo (1,700 persons), Croatia (1,570 persons), Macedonia 200 (persons), Serbia (100 persons), and Montenegro (60 persons).

Reconciliation and good relations between the peoples of the Western Balkans are to be seen as a basis for a promising future in the region, without wars and other conflicts. However, this can only happen if alleged perpetrators and instigators are convicted and punished. The current political elites of the individual countries will have to distance themselves from the war policy and the war criminals. Without decisive initiatives to come to terms with past, it will not be possible to build a promising future for the region and its inhabitants.

However, it will not only be necessary to clarify the fate of the missing persons and to improve the according procedures. The same applies to the refugees. In 2015, Kosovo had to repatriate 16,000 returnees – most of them members of the minority groups of the Roma, the Ashkali, and the Balkan Egyptians – especially from Germany. Many of them, including children, were sent back without identity documents or certificates. This is not only problematic with regard

to being registered in Kosovo, but is also to be seen as a violation of human rights under the UN Convention on the Rights of the Child.

2.7 Measures to fight antiziganism

The history and culture of the Roma have been part of European history and culture for hundreds of years. The EU must finally take effective action against the omnipresent antiziganism in the Western Balkans, which is the main cause of flight and migration. This issue must be on the agenda of every Western Balkans conference, or the EU will lose credibility regarding the protection of minority rights. The governments of South-eastern Europe must be encouraged and actively assisted in eliminating the ongoing structural discrimination against the Roma, and the Roma must be granted access to adequate housing, to employment, education, and medical care.

According to research by the STP, most of the Roma in the Western Balkans are illiterate and, thus, unable to find work. They often have to live off casual labor, off begging and collecting food from garbage containers. Usually, their barracks are without electricity and water – located on the outskirts of urban areas – and the hygienic conditions are often catastrophic. Roma children rarely have birth certificates and residence papers. Therefore, they are at great risk of being mistreated or of becoming victims of trafficking.

In the 1990s, the Roma became victims of serious human rights violations in Bosnia-Herzegovina and Kosovo. In the Bosnian constitution, they are not even recognized as a separate ethnic group. It is an incomprehensible hardship that Roma families who were tolerated in Germany for many years are now being deported back to the Western Balkans – including many children, as well as sick or elderly people. Due to the miserable conditions there, many of them decide to leave the country again in order to survive. Many Roma are forced into a cycle of constant migration and illegality.

2.8 Good neighborly relations between the countries of the Western Balkans

It would be necessary to cultivate and promote good neighborly relations by offering various cultural and economic projects for the citizens of the Western Balkans. This could be achieved through national debates, seminars, round tables, and conferences – and politicians, public figures, and representatives of the civil society could contribute to the problem-solving and

share their experiences, ideas, and objectives. Furthermore, it would be essential to establish regular student exchanges and joint study programs.

In terms of promoting reconciliation and good neighborly relations, Serbia must finally be persuaded to recognize Kosovo. Albania must stop trying to exercise control over Kosovo and refrain from instrumentalizing the Albanian minority in Macedonia. With regard to an accession to the EU and to NATO, it will also be necessary to settle the name dispute between Macedonia and Greece, which has so far been prevented by a veto on the part of Greece.

2.9 Ethnic segregation in education

It is a shame for Europe that – in the 21st century – there are “two schools under one roof” in Bosnia and Herzegovina, and that the teaching is divided based on ethnicity. In many schools in Herzegovina and Central Bosnia, Bosniak and Croatian children attend classes in the same building, but are physically separated and learn different curricula. On the other hand, schools in the Republika Srpska teach curricula from Serbia in which war criminals are glorified. This apartheid system in the field of education must be eliminated, and special importance must be placed on subjects such as history, ethics, religion, and on political and social studies. The EU must initiate school partnerships between the EU and the countries of the Western Balkan, and particular attention must be given to the vocational training of teachers, as well as to symposia and conferences on relevant subjects. Further, the Balkan countries will have to introduce and promote human rights education – and the topic must be firmly incorporated into the school legislation of the respective countries.