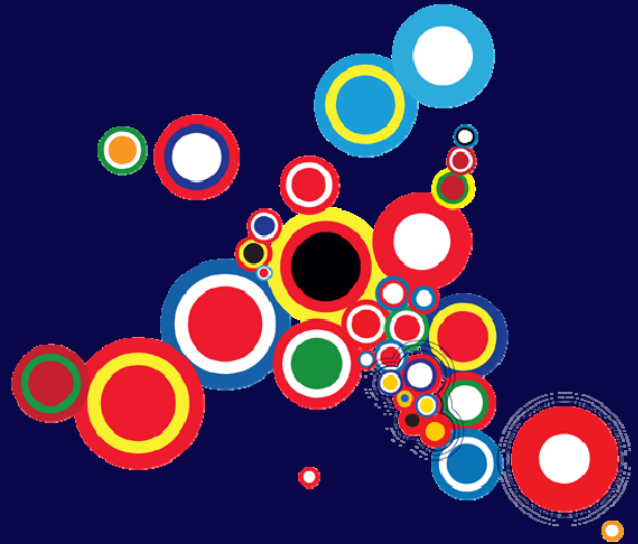




INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA II) 2014-2020

MULTI-COUNTRY

EU support for regional
reconciliation



Action summary

The objective of the action is to contribute to reconciliation by addressing the remnants of the past. Activities will focus on prosecution of persons whose deeds fuel hatred, polarization, (feeling of) injustice, alienation, wrong doing, while supporting initiatives that will promote rule of law, good governance, and understanding.

This action will also support the International Commission on Missing Persons (ICMP) Western Balkans Programme for 2018 and 2019 in assisting governments in the search for and identification of missing persons from the conflicts in the former Yugoslavia.

Action Identification			
Action Programme Title	IPA II Multi-country Action Programme 2018		
Action Title	EU support for regional reconciliation		
Action ID	IPA 2018/040-113.06/MC/Regional Reconciliation		
Sector Information			
IPA II Sector	9. Regional and territorial cooperation		
DAC Sector	15220 - Civilian peace-building, conflict prevention and resolution		
Budget			
Total cost	EUR 2.55 million		
EU contribution	EUR 2.5 million		
Budget line(s)	22.020401-Multi-country programmes, regional integration and territorial cooperation		
Management and Implementation			
Management mode	Direct management		
<i>Direct management:</i> European Commission	Directorate-General for Neighbourhood and Enlargement Negotiations– Unit D.5 Regional Cooperation and Programmes		
Implementation responsibilities	Directorate-General for Neighbourhood and Enlargement Negotiations– Unit D.5 Regional Cooperation and Programmes		
Location			
Zone benefiting from the action	Western Balkans (Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo, Montenegro, and Serbia)		
Specific implementation area(s)	N/A		
Timeline			
Final date for contracting including the conclusion of delegation agreements	At the latest by 31 December 2019		
Final date for operational implementation	At the latest by 31 December 2022		
Policy objectives / Markers (DAC form)			
General policy objective	Not targeted	Significant objective	Main objective
Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	X
Aid to environment	X	<input type="checkbox"/>	<input type="checkbox"/>
Gender equality (including Women In Development)	X	<input type="checkbox"/>	<input type="checkbox"/>
Trade Development	X	<input type="checkbox"/>	<input type="checkbox"/>
Reproductive, Maternal, New born and child health	X	<input type="checkbox"/>	<input type="checkbox"/>
RIO Convention markers	Not	Significant	Main

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

	targeted	objective	objective
Biological diversity	X	<input type="checkbox"/>	<input type="checkbox"/>
Combat desertification	X	<input type="checkbox"/>	<input type="checkbox"/>
Climate change mitigation	X	<input type="checkbox"/>	<input type="checkbox"/>
Climate change adaptation	X	<input type="checkbox"/>	<input type="checkbox"/>

1. RATIONALE

PROBLEM AND STAKEHOLDER ANALYSIS

Western Balkans are exposed to several intertwined challenges, some of which are of global nature while others are linked to the specific history of that region. The legacy of the war and unfinished reconciliation, as well as weak governance and rule of law, may contribute to make the region vulnerable to the risk of violent extremism.

As stressed in the Western Balkan Strategy of 6 February 2018 “*credible enlargement perspective for and enhanced EU engagement with the Western Balkans*”, further efforts towards reconciliation are crucial to firmly anchor peace and ensure lasting stability in the region. The wounds of the 1990s still need time to heal. But 25 years on, it is time to address open issues with new vigour. All IPA II beneficiaries must unequivocally commit, in both word and deed, to overcoming the legacy of the past, by achieving reconciliation and solving open issues well before their accession to the EU.

Regional co-operation, good neighbourly relations and reconciliation cannot be imposed from outside. The leaders of the region must take full ownership and lead by example. They must avoid and condemn any statements or actions which would fuel inter-ethnic tension and actively counter nationalist narratives. There is no place in the EU for inflammatory rhetoric, let alone for glorification of war criminals from any side. The process of transitional justice is incomplete. The outstanding sensitive issues such as the handling of war crimes cases, including through full cooperation with the Mechanism for International Criminal Tribunals (Mechanism or MICT) and the Kosovo Specialist Chambers, the fate of missing persons, refugees and internally displaced persons in the region must be urgently addressed.

In this Western Balkan Strategy, the European Commission made a pledge to further extend support to reconciliation initiatives, including those that address transitional justice and seek to overcome the legacy of recent conflict. It promised a continuation of support for the work of the MICT, and the Kosovo Specialist Chambers. In addition, the Commission indicated that it would also explore how best to further the work of International Committee for the Red Cross and the International Commission on Missing Persons (ICMP) in fostering regional cooperation to resolve the issue of missing persons and examine what more can be done to reduce the scourge of landmines.

Drawing on a number of activities the EU has been supporting throughout the Western Balkan region, this action aims addressing these priorities of the Strategy in particular the issues of war crimes, and missing persons.

Unfinished business and victimhood

The Completion Strategy endorsed by the United Nations Security Council in July 2002 entailed that the International Criminal Tribunal for former Yugoslavia (ICTY) focus its efforts on “the most senior leaders suspected of being most responsible for crimes within the ICTY's jurisdiction.” The ICTY has indicted 116 individuals and the ICTY will only have prosecuted and tried the most serious perpetrators responsible for the most serious crimes. Therefore, full accountability, of mid-and lower level accused, depends upon the ability of national jurisdictions in the region to actively prosecute war crimes cases and ensure justice for both victims and perpetrators. Thus, national prosecution services in the former Yugoslavia have a fundamental role in prosecuting these cases. The Security Council has, in its Resolutions 1503(2003) and 1534(2004), recognized this by recalling “that the strengthening of competent national judicial systems is crucially important to the rule of law in general and to the implementation of the ICTY and ICTR completion strategies in particular.” On 31 December 2017, the ICTY will conclude its work, but the United Nations MICT will take over residual functions of the ICTY.

The work and the mandate of the MICT in parallel with its partnerships with local actors and its engagement with the target audiences can aid the processes already underway, in support of achieving resilient and sustainable societies in the Western Balkans region.

Missing persons

Around 40,000 persons were missing at the end of conflicts in the former Yugoslavia. More than 6,000 persons went missing during the conflict in Croatia (1991-1995). Approximately 4,500 persons went missing during and in the aftermath of the Kosovo conflict (1998-2000). The conflict in Bosnia and Herzegovina (1992-1995) resulted in more than 30,000 missing persons.

In response, there has been an extensive effort of the international community, in particular the ICMP to help governments in the Western Balkans take responsibility for accounting for the missing and fulfilling the rights of families of the missing. All affected states in the region have created specific institutions to coordinate the search for and identification of the missing. Critically, they have used modern scientific methods (DNA testing) for the purposes of human identification. As a result it has been possible to account for more than 70 percent of the 40,000 persons who went missing.

Despite the progress achieved so far and the significant efforts and active commitment of the EU, resolving the fate of the missing from the conflicts in the former Yugoslavia remains a burning issue. Addressing the issue of unidentified remains and the correlated issue of possible misidentifications is critically important if the process of accounting for the missing from the conflict in Croatia is to continue moving forward. This unfinished business places a strain on the region's efforts to move forward. Whilst efforts are underway, cooperation at Western Balkans' regional level has not been sufficiently explored until now. Coordinated action to resolve cases of unidentified human remains in a systematic way and addressing the issue of mis-identifications that occurred prior to the use of modern scientific methods (DNA testing) is necessary.

Against this backdrop, the European Parliament included provisions for a Preparatory Action in the 2018 budget: 22 02 77 03 — *Preparatory action— Enhancing regional cooperation on the issue of missing persons following the conflicts in the former Yugoslavia.*

As described in the budgetary comments, this action will help authorities address the large number of NN (unidentified bodies) cases in countries in the region and the interrelated issue of misidentification, which occurred prior to the ICMP's introduction of DNA identification in 2001.

OUTLINE OF IPA II ASSISTANCE

The overall objective of the action is therefore to assist the beneficiaries in making their societies and its communities more resilient, by tackling in partnership with the other beneficiaries some of the prominent issues concerning the recent unsettled past, impunity, missing persons.

Unfinished business and victimhood

Furthermore, the action will contribute to a better cooperation to make sure that the region does justice to the victims of war crimes and alike that happened in the past in the Western Balkans. It is a societal obligation to ensure that those who committed such crimes are exposed and brought to justice so that future generations can look into the past knowing that justice has been done, allowing them to moving on into the future. This will demonstrate to the communities that the democratic rule of law prevails. The programme will strengthen the capacity of the different prosecution offices by means of training and experience exchange, but also inform the wider public (in particular the young generation at risk to radicalise) about the importance to assure to the victims that justice is being done. This should make it harder for obscure forces to use and abuse the grievances of the past as fuel for new extreme doctrines, thereby putting the societies and communities within the Western Balkans at peril.

Missing persons

This action will also support the International Commission on Missing Persons (ICMP) Western Balkans Programme for 2018 and 2019 in assisting governments in the search for and identification of missing persons from the conflicts in the former Yugoslavia through enhanced regional cooperation. It will therefore be the vehicle to implement the European Parliament Preparatory Action "*Enhancing regional cooperation on the issue of missing persons following the conflicts in the former Yugoslavia*". Specifically, following the signing of cooperation agreements between the ICMP and Bosnia and Herzegovina, Kosovo and Montenegro respectively in 2016, and the Serbia in 2017, the action will establish a database of active missing persons' cases from the conflicts in the former Yugoslavia and facilitate regular meetings with regional authorities to discuss them. This will enable the transparent management of data on missing persons and a cooperative approach at regional level in order to reduce the number of unresolved missing person cases. Collection of

additional genetic references from families of missing persons in the region, supported by outreach and campaigning efforts, will help the authorities to identify NN cases and take corrective action where misidentifications are demonstrated to have occurred. The action will also strengthen regional cooperation among associations of families of the missing so they can be involved in the process and jointly ensure government accountability on this matter.

RELEVANCE WITH THE IPA II MULTI-COUNTRY STRATEGY PAPER AND OTHER KEY REFERENCES

The revised IPA II Multi-Country Indicative Strategy Paper 2014-2020¹, identifies that further progress is required as regards, inter alia, reconciliation, and overcoming the legacy of the past. It includes among the objectives to be pursued to provide support across the region to promote better understanding, reconciliation and good neighbourly relations (including cooperation in culture, youth and sport), as well as work towards a regional solution to resolve the issues of missing persons and landmines.

At IPA II beneficiary level, the EU is engaged in ongoing policy dialogues under the Stabilisation and Association Agreements (SAA) in the area of rule of law.

As outlined in the Commission's 2016 Annual Reports, further efforts are needed to build capacities and specialize law enforcement agencies; coupled with strengthening inter-institutional cooperation in the Western Balkans, including international police and judicial cooperation to effectively counter terrorism, counter violent extremism, radicalisation and terrorism financing. Structural administrative reform of the police services, including the fight against corruption, politicisation and state capture remains necessary for effective functioning of the authorities.

The European Commission's monitoring instruments on organised crime stem from the Stabilisation and Association process, including the Stabilisation and Association Agreements (SAA) provisions as well as from the overall monitoring under the EU Enlargement policy. The fight against corruption is covered under the Political Criteria, Chapters 23 and 24.

Regular peer review missions in the Western Balkans are rolled out by the Directorate-General for Neighbourhood and Enlargement Negotiations to assess developments in the fight against corruption. The findings of the peer reviews serve to feed into the policy dialogue as well as the Commission's Annual Reports. Case-based peer reviews on "state capture" will be rolled out in the Western Balkans in 2017. The number of peer reviews substantially increases once beneficiaries are negotiating as it is one of the main tools for monitoring progress and assessing track records.

For beneficiaries already negotiating (Serbia and Montenegro), a new approach in the accession negotiations of chapters 23 and 24 is being applied. This means an increased focus on track records, including successfully handling corruption cases. For beneficiaries not yet negotiating, there are targeted EU high-level dialogues with some Western Balkans partners such as the High Level Dialogue on Key Priorities in Albania, the European Reform Agenda in Kosovo, the High Level Accession Dialogue and the Urgent Reform Priorities in the former Yugoslav Republic of Macedonia and the Structured Dialogue on Justice in Bosnia and Herzegovina, which encompass issues related to the rule of law, fight against corruption, fight against organised crime. In addition, in the former Yugoslav Republic of Macedonia, the findings of the "Priebe report" pointed to the urgent need to reform the intelligence service and make them more accountable following revelations of systemic failings in the past.

The action related to missing persons will implement the European Parliament Preparatory Action *"Enhancing regional cooperation on the issue of missing persons following the conflicts in the former Yugoslavia"*.

LESSONS LEARNED AND LINK TO PREVIOUS FINANCIAL ASSISTANCE

Missing persons

Activities by the International Commission for Missing Persons (ICMP) have been financed at bilateral level, mainly in Bosnia and Herzegovina. They include technical support for locating and excavating clandestine

¹ C(2018) 3442, 31.05.2018

graves; access to DNA testing and matching; support for local stakeholders to complete the review of unidentified remains in mortuaries through a systematic process involving additional blood collection from relatives of the missing in order to identify NN cases in mortuary facilities in Bosnia and Herzegovina, increase the identification rate and significantly reduce the number of unidentified remains in storage.

Activities carried out under this regional action are separate from and complementary to the activities that are currently taking place at bilateral level. It is essential to note that, while separate from each other, there are important synergies between the regional and bilateral actions that will help ensure that goals are achieved under both actions.

2. INTERVENTION LOGIC

LOGICAL FRAMEWORK MATRIX

OVERALL OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS (*)	SOURCES OF VERIFICATION	
To assist the beneficiaries in making their societies and communities more resilient to feelings of alienation and disconnection and to foster regional reconciliation.	<p>Scale of feeling of well-being, public engagement and involvement within the beneficiary societies</p> <p>Scale of belief and trust in the public institutions in the beneficiary societies (i.p. judiciary, education)</p> <p>Number of extreme and radical preachers and followers (religious and non-religious rhetoric)</p> <p>Level of existence of polarizing political discourses</p>	<p>EuroBarometer /RCC Barometer type surveys</p> <p>Political programmes</p> <p>Specifically-targeted surveys to be conducted at the start of the programme, mid-term and at its end, and six-months onwards</p> <p>Information from watchdog reports, NGOs and think tanks</p> <p>Media review</p>	
SPECIFIC OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS (*)	SOURCES OF VERIFICATION	ASSUMPTIONS
To tackle, in partnership with the beneficiaries, some of the main arguments for resentment of democratic governance, being: the unsettled past, while using the re-integration of some of the (would be) voices for alienation/uproar to prove the contrary.	<p>Number of (poor) governance-related prosecutions and judgements, and their speed (and quality of judgments, if possible)</p> <p>Level of shared understanding on the need to tackle the unsettled past</p> <p>Number/percentage of missing persons from the 90's conflict identified</p> <p>Tone of the public communication is conform and supports the reconciliation targets</p>	<p>Judicial data</p> <p>Press articles, briefings/reports of EUDs, IOs and CSOs</p> <p>Reports of the ICMP</p>	<p>Political willingness to work together in reducing the breathing space for extreme doctrines and rhetoric by addressing some of the main governance-dependent drivers for public discomfort, accompanied by financial and political support</p>
RESULTS	OBJECTIVELY VERIFIABLE INDICATORS (*)	SOURCES OF VERIFICATION	ASSUMPTIONS
<p><i>Unfinished business and victimhood</i></p> <p>Capacity of prosecutors office strengthened</p>	<p>Outreach campaigns highlighted the benefits of addressing crimes against humanity including war crimes and terrorism</p> <p>Capacity enhancement material for judges, prosecutors and law enforcement officers prepared and shared</p> <p>Public Communication and Diplomacy programme drafted</p> <p>Specific support packages for spokespersons, information officers and media on reconciliation prepared, etc.</p>		<p>The required resources (i.p. staffing) are in place</p> <p>The essential communication and information exchange channels are operational</p> <p>The implementers share the approach to refrain for actions and discourses that will be counterproductive towards reconciliation</p>

<p><i>Missing persons</i></p> <p>Partners (Bosnia Herzegovina, Croatia, Kosovo, Montenegro and Serbia) have a common, shared understanding of active missing persons cases from conflicts in the former Yugoslavia</p> <p>Increased dynamics and capacity for the search and identification of the missing</p> <p>Relevant beneficiaries' authorities in the Western Balkans have enhanced capacity to excavate and examine mortal remains from clandestine graves</p> <p>Beneficiaries' continued access to DNA testing and matching of active missing persons cases is ensured</p> <p>An effective policy dialogue for central partners to resolve no name (NN) and misidentified cases is established</p>	<p>Number of cases recorded in a database of active missing persons' cases from conflicts in the former Yugoslavia</p> <p>Number of graves excavated and remains examined</p> <p>Number of identification efforts per month/year</p> <p>Number of tests conducted in ICMP's lab; and agreements for future access signed</p> <p>Concrete outcomes of regional meetings.</p>	<p>Reports of ICMP and of authorities of the beneficiaries</p>	
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DESCRIPTION OF ACTIVITIES

Unfinished business and victimhood

MICT Hague branch aims to further the understanding of the MICT's mandate as well as its on-going and future cases; foster experts' networks to promote the transfer of knowledge and capacity from the MICT to the region; and complete the work of the ICTY in relation to Information Centres, as required by the United Nations Security Council (UNSC) resolution 1966.

In order to further the understanding of the MICT's mandate and relevance of accountability mechanisms it will strengthen regional networks; develop lecture series for students and produce media content. The MICT Public Information Access Programme will review existing networks of non-governmental organizations (NGOs), victims' associations, and relevant professional groups in the region. Following this initial mapping exercise, MICT will establish partnerships with relevant groups and networks to facilitate exchanges on the MICT's role and activities among the target communities in the former Yugoslavia. This approach will have the advantage of fostering a transfer of knowledge while maximizing the impact of the MICT's limited resources. Building on the success of the ICTY youth project, the MICT will identify schools and universities to target, develop presentation material (videos, information leaflets, etc.) and implement the delivery of presentations by different MICT representatives. The aim of the lectures will be to increase the knowledge of the Tribunal's legacy and the MICT's mandate among young people and to stimulate their interest in the issues of justice and accountability. The MICT will also establish a small dedicated language capacity to ensure that all public information materials such as press releases, case information sheets, website content, leaflets, video, etc. will also be translated into the local languages.

To support the prosecution but also the archiving, it will continue and create fellowship programmes for (young) prosecutors and officials of Archival institutions from the region: The programme will enable prosecutors and archivists from the region to work at the MICT Hague for a specific period. The goals of this programme for the archivists will be to enhance access to the ICTY Archives for people in the region, and to build a local capacity to manage the archives of local war crimes proceedings. As concern the prosecutors the aim is to strengthen the capacity of national prosecutors to deal with war crimes cases. This represents direct investment in the investigation and prosecution of war crimes in the beneficiaries where those crimes will be prosecuted for many years to come. It is also envisaged that these "National Prosecutors" could act as contact points for the national war crimes prosecution offices of their respective jurisdictions, allowing them to do research and consult with the MICT OTP staff on cases which are investigated and prosecuted at the national level on regular basis, exchanging information with and handling material/evidence obtained from the ICTY OTP and which would continue the cooperation with the MICT OTP. The programme will include the exchange of experiences on management of archives, specifically on provision of access, and transferring knowledge about ICTY/MICT methods and practices for management of judicial records. The fellows will contribute to the work of the Section and receive training on specific areas of interest, including use of information technology.

In addition the MICT will support the establishment of Information Centres (IC). UNSC resolution 1966 requested that the ICTR, the ICTY and the MICT cooperate with the countries of the former Yugoslavia, to facilitate the establishment of information and documentation centres. In the former Yugoslavia, the ICTY led the initiative on the creation of Information Centres (ICs). In Bosnia and Herzegovina, one Memorandum of Understanding (MoU) was signed with the city of Sarajevo, and a second MoU is being finalized with the Potocari/Srebrenica Memorial. Moreover, efforts are underway to set in motion the establishment of an IC in Belgrade. The MICT will coordinate with local authorities to a) develop the ICs funding strategy and action plans; b) train ICs' staff to make presentations about the ICTY and the MICT, assist the public on how to make full use of the MICT archives and databases; and c) hold joint events and activities with the ICs in order to explain the status of the proceedings, and the MICT continuous responsibilities.

Missing Persons

Activities will include:

- Establishing a database of active missing persons cases from conflicts in the former Yugoslavia, and facilitating regular meetings with regional authorities to discuss cases;

- Providing and managing a small grant to the body responsible for regional coordination of associations of families of missing persons from the former Yugoslavia for the purposes of lobbying to encourage regional governments and authorities to search for and identify the missing;
- Providing assistance to the relevant beneficiaries' authorities to excavate and examine mortal remains from clandestine graves;
- Providing continued access to the ICMP's DNA laboratory standing capacity (sampling and extraction of DNA profiles from excavated cases, and DNA matching of genetic reference profiles and post-mortem profiles);
- Engaging the authorities in Bosnia and Herzegovina, Croatia, Montenegro, Kosovo and Serbia that are responsible for searching for missing persons (government commissions on missing persons) in a regional policy dialogue that will develop sustainable and effective initiatives for resolving the related issues of NN cases and misidentifications resulting from the use of traditional visual recognition methods.

RISKS

War crimes, missing persons, are highly politically sensitive issues. The challenge is to focus on the societal aspects and not to highlight the political aspects. The well-being, sense of belonging of the people should be the centre of attention. Common grounds and understanding should be used as building blocks for the different interventions so as to avoid that the actions are hijacked by counterproductive interests.

The war criminals would need to do the time related to the crime for which they are convicted, while preparing them during incarceration for an assisted return to the society.

Likewise, the message of reconciliation and reintegration will need to be further enhanced in the region. Those who paid for their crime should not be subject to further punishments for that crime, nor should those who were eventually cleared. In particular the political leaders should refrain from any insinuations but also from martyr ship and hero creation. On the contrary the society should assist these persons to find a respectable place within their societies.

CONDITIONS FOR IMPLEMENTATION

Experience has made it very clear that the impact of our support requires careful coordination. Duplication of efforts can only be avoided if all implementers and beneficiaries share information. In this context the design of the subsequent projects, as well as the actual implementation needs to be done in close cooperation with the other players, notably the EU Delegations.

In addition, this cooperation should also strengthen the involvement and ownership of the authorities and beneficiaries.

In the design but even in the implementation of the specific activities the contractors will need to assess this degree of engagement and commitment. The EU Delegations will be asked to provide an opinion on this assessment. As result activities may need to be redirected, cancelled or postponed.

The authorities can demonstrate their commitment by providing the necessary resources urging the full cooperation and participation of their organisations and staff. In addition, the political discourse and deeds should be geared so as to support the objective of the 'reconciliation' efforts. If the climate in these terms worsens than the activities and used language should be reviewed and probably redirected.

Overall, these activities should be echoed by new actions designed and implement by the authorities but also by civil society organisations and other stakeholders; It is for these reason that the action will group the main players strengthening the reconciliation of the societies in an overarching governance structure building up on each other's expertise and experience, in defining the needs and activities, assuring that the most appropriate implementer will be entrusted with the implementation.

Failure to comply with the requirements set above may lead to a recovery of funds under this programme and/or the re-allocation of future funding.

3. IMPLEMENTATION ARRANGEMENTS

ROLES AND RESPONSIBILITIES

Unfinished business and victimhood

As concerns the component on crimes against humanity including war crimes, a specific governance structure will need to be established involving key players focussing on the justice side (MICT, ICC, network of EU prosecutors), but also on the reconciliation part (OSCE, CSOs, Council of Europe, RECOM²) working together with their Western Balkans peers, while soliciting the input and support of EU Member States. This structure will seek inspiration in the work carried out by the MICT, RECOM, CSOs, in particular on outreach activities. It is foreseen that the structure will be developed while continuing with the implementation of the support to prosecutors, outreach activities, documentation and information centres, etc.

Missing Persons

Regarding, the activities on missing persons, the ICMP is the only international organisation that is exclusively dedicated to this issue. ICMP is actively engaged in developing institutions and civil society capacity, promoting legislation, fostering social and political advocacy, and developing and providing technical expertise to locate and identify the missing.

ICMP works with governments, civil society organizations, justice institutions, international organizations and others throughout the world to address the issue of people who have gone missing as a result of armed conflict, human rights abuses, disasters, organized crime and other causes. It works with governments to develop their institutional capacity to address the issue of missing persons efficiently and impartially. ICMP helps governments develop legislation to safeguard the rights of families of the missing, and it works with civil society organizations to empower them to advocate for their rights. ICMP assists the process of justice by ensuring that governments adhere to a rule of law-based approach to investigating disappearances and it provides evidence in criminal trials. ICMP directly assists governments with fieldwork. It has been involved in the excavation of more than 3,000 mass and clandestine gravesites and has spearheaded the application of advanced forensic techniques to locate and recover missing persons. ICMP maintains a unique, specialized Online Inquiry Center (OIC) and Identification Database Management System (iDMS) that manages all data pertaining to its missing persons process. It operates the world's leading high-throughput DNA human identification facility. To date, more than 19,000 missing persons from around the world have been identified with ICMP's assistance. Due to its highly specialised expertise, it has been selected by the European Parliament to work on this action.

IMPLEMENTATION METHOD(S) AND TYPE(S) OF FINANCING

Direct Grant Agreement (PaGoDA 2) to MICT (EUR 1 million)

Direct Grant Agreement to the International Commission on Missing Persons (ICMP) Western Balkans Programme (EUR 1.5 million)

4. PERFORMANCE MEASUREMENT

METHODOLOGY FOR MONITORING (AND EVALUATION)

The European Commission may carry out a mid-term, a final or an ex-post evaluation for this action or its components via independent consultants, through a joint mission or via an implementing partner. In case a

² Regional Commission set up to establish facts about war crimes and other violation of human rights on the territory of the former Yugoslavia

mid-term or final evaluation is not foreseen, the European Commission may, during implementation, decide to undertake such an evaluation for duly justified reasons either on its own decision or on the initiative of the partner. The evaluations will be carried out as prescribed by the Directorate-General for Neighbourhood and Enlargement Negotiations guidelines on linking planning/programming, monitoring and evaluation. In addition, the action might be subject to external monitoring in line with the European Commission rules and procedures.

In particular for the activities under this project, the learning of what did and did not work is of paramount importance. Hence the monitoring as essential part in the implementation of the action by the implementers, as well as by the European Commission, involving the essential stakeholders, will allow for optimum guidance on directing and re-directing activities.

INDICATOR MEASUREMENT

Indicator	Baseline (value + year)	Target 2020	Final Target (year)	Source of information
Public discourse on legacy, war crimes, has become more contributing to reconciliation	2018: 0	Comments on war crimes sentencing, history, remembrance and similar by high ranked official and politicians are balancing towards reconciliation	2030: 80% of these comments are reconciling, while 20% are still worrisome	Eurobarometer type surveys Surveys carried out by CSOs, think tanks and IOs Reporting by EUDs and IOs Reports/statements in media
Number of cases recorded in a database of active missing persons' cases from conflicts in the former Yugoslavia	Indicate the current number	Add the expected decrease	Same as previous comment	Indicate which database

5. CROSS-CUTTING ISSUES

GENDER MAINSTREAMING

Sexual coercion, torture, and rape have occurred as tactics of terror in many wars. A 1998 UN report on sexual violence and armed conflict notes that historically, armies considered rape one of the legitimate spoils of war. It was not until 1992, in the face of widespread rapes of women in the former Yugoslavia, that the issue came to the attention of the UN Security Council. On 18 December 1992, the Council declared the "massive, organized and systematic detention and rape of women, in particular Muslim women, in Bosnia and Herzegovina" an international crime that must be addressed.

Subsequently, the Statute of the International Criminal Tribunal for the former Yugoslavia (ICTY, 1993) included rape as a crime against humanity, alongside other crimes such as torture and extermination, when committed in armed conflict and directed against a civilian population. In 2001, the ICTY became the first international court to find an accused person guilty of rape as a crime against humanity. Furthermore, the Court expanded the definition of slavery as a crime against humanity to include sexual slavery. Previously, forced labour was the only type of slavery to be viewed as a crime against humanity.

The Rome Statute of the International Criminal Court, in force since July 2002, includes rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or "any other form of sexual violence of comparable gravity" as a crime against humanity when it is committed in a widespread or systematic way. Arrest warrants issued by the ICC include several counts of rape as both a war crime and a crime against humanity.

Although changing international and national laws are major steps towards punishing and ending sexual violence, they cannot be successful without a fundamental change in people's attitudes towards the sexual abuse of women.

The **issue of missing persons** also has a pronounced gender dimension, and so has the support to addressing it. The majority of those who went missing during the conflicts were men. Consequently, the majority of those left behind are women. They are now at the forefront of the search for truth about the disappeared, which puts them at greater risk of abuse, extortion and manipulation. This statistical bias has also resulted in large numbers of households in which the main breadwinner is female, creating additional challenges in post-conflict, often patriarchal societies in terms of securing the rights of female heads of household and their children.

EQUAL OPPORTUNITIES

Women victim of atrocities committed in former Yugoslavia deserve particular attention and merit that justice is done. In line with the UN Action Against Sexual Violence in Conflict, uniting the work of 13 UN entities there is a clear obligation to improve coordination and accountability, amplify programming and advocacy, and support national efforts to prevent sexual violence and respond effectively to the needs of survivors.

MINORITIES AND VULNERABLE GROUPS

Education divided among ethnicity, the lack of exposure to other people, ways of thinking, etc. will hamper the development of the Western Balkans' societies.

ENGAGEMENT WITH CIVIL SOCIETY (AND IF RELEVANT OTHER NON-STATE STAKEHOLDERS)

The implementers will work in close cooperation with victim associations, researchers and human rights advocates. Regarding the component on missing persons, the associations of families of missing persons will play a critical role.

ENVIRONMENT AND CLIMATE CHANGE (AND IF RELEVANT DISASTER RESILIENCE)

The action does not have any direct links to the EU environmental *acquis*. Indirectly, the fight against corruption and state-capture would contribute to tackling corruptive practices when dealing with

enforcement of sanctions concerning environmental or similar crimes as well as other wrongdoing like in procurement.

Climate action relevant budget allocation: EUR 0
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6. SUSTAINABILITY

The activities proposed aim at making the societies more resilient to specific threats, while they also should contribute to reconciliation and good governance. These are domains which should be at the core of the work of the authorities (central and local) and therefore it is essential to involve them strongly. The main aim is to safeguard and protect the societies, while at the other hand to strengthen equal treatment and to enhance the quality of life. Working in close cooperation with the authorities would allow them to experience the added value of the interventions, which in turn would stimulate them to follow this approach.

By involving central authorities and civil society, capacity will be built to continue the work on missing persons beyond this specific action. Attention is given also to ensuring beneficiaries' access to the laboratory services of the ICMP after the end of the action.

7. COMMUNICATION AND VISIBILITY

Communication and visibility will be given high importance during the implementation of the action. The implementation of the communication activities shall be funded from the amounts allocated to the action.

All necessary measures will be taken to publicise the fact that the action has received funding from the EU in line with the EU communication and visibility requirements in force. All stakeholders and implementing partners shall ensure the visibility of EU Financial assistance provided through IPA II throughout all phases of the programme cycle.

Visibility and communication actions shall demonstrate how the intervention contributes to the agreed programme objectives and the accession process, as well as the benefits of the action for the general public. Actions shall be aimed at strengthening general public awareness and support of interventions financed and the objectives pursued. The actions shall aim at highlighting to the relevant target audiences the added value and impact of the EU's interventions and will promote transparency and accountability on the use of funds. Visibility and communication aspects shall be complementary to the activities implemented by the Directorate-General for Neighbourhood and Enlargement Negotiations and the EU Delegations in the field. The European Commission and the EU Delegations should be fully informed of the planning and implementation of the specific visibility and communication activities.

Demonstrating the added value of the activities requires a very strong outreach. Victims of wrong doing should see the remedial actions that have been taken to do justice to them and to prevent further or similar wrong doing. In addition, those who got engaged in actions going against the societies and their authority should be brought 'in-line' and reintegrated into the society, with the necessary due care and follow-up. The citizens will have to be duly informed about such initiatives in order to provide them with the (re-)assurances. Open and frank information exchange is crucial in obtaining the required trust from and between the stakeholders.

Each implementer will be asked to dedicate specific attention and resources to the information, communication and outreach activities.

As with the other tasks, the involvement of the EU Delegation is crucial.