

Speech by Ambassador Dr. Martin Ney, Senior Deputy High Representative, at the Conference on Pathways to Reconciliation and Global Human Rights

Ladies and Gentlemen,

In July this year, we observed the tenth anniversary of the massacre at Srebrenica.

In November and December we will mark the tenth anniversary of the Dayton-Paris Peace Accords.

These anniversaries encapsulate core issues of this conference.

Dayton ended the fighting, but it marked only the beginning of a long, difficult and painful process of addressing the crimes and injustices perpetrated in the course of the war.

Let me make four points that – in my opinion – are central:

1. Reconciliation is immediately relevant to the lives of the citizens of this country.

Yes, the war claimed the lives of 200,000 citizens, and forced a further two million from their homes. But more importantly, the gross violations of human rights that took place between 1992 and 1995 *continue* to undermine political and social reconstruction. Indeed, one of the brutal legacies of the conflict is that the authorities in various parts of the

country *continue to violate* human rights.

We are here, therefore, to discuss an issue that has a direct impact on the lives of BiH citizens. This is not an academic debate. While we are deliberating, citizens of Bosnia and Herzegovina are suffering.

2. Reconciliation requires and presupposes truth.

One can say, "If you take care of justice peace will look after itself." There is some truth in this, but the process is more complicated. I believe that a reformed court system, together with the work of ICTY, represents a comprehensive and effective instrument through which to secure legal redress for injustices perpetrated during the war.

But can the courts change the way people think?

Well, they can go some way towards doing so: What the courts *can* accomplish is to establish the facts and restore hope in justice. And that is important.

What they cannot accomplish is to create a situation where the perpetrators of crimes and those who are politically responsible admit to the facts and thereby let the process of healing and forgiveness begin. Truth is the space in which reconciliation can take place. It is a necessary, but not a sufficient condition for reconciliation. Being necessary, it is immensely important.

The truth doesn't increase fear – it diminishes it. The experience of other countries is that the truth doesn't increase *resentment* – but diminishes it.

It increases a society's capacity to move away from confrontation without abandoning the legitimate demand for justice on the part of those who have been wronged.

At this conference I believe we must find the best way of *confronting* the past in BiH in order to become free of it.

3. Reconciliation requires that the authorities act.

In towns and villages all across Bosnia and Herzegovina there are cases of missing persons that are formally “unsolved”, but where the bereaved know that those responsible for the disappearance of loved ones are walking around freely, sometimes even employed in public functions.

The failure of the RS and Serbian authorities to detain Radovan Karadzic and Ratko Mladic and to hand them over to the Hague Tribunal serves as a noxious symbol of this affront to justice.

The law is not being seen to be done. It is being seen to be flouted.

4. Reconciliation is central to the present political process.

Politically we are at a crucial transitional phase. If the reform process meets the 16 conditions of the EU Feasibility Study, the SAA process can start. As you know, of course, police reform and PBS are still to be completed. If defense reform is also accomplished this fall, the NATO Partnership for Peace process can start. This means that BiH can be brought into the Euro-Atlantic structures.

To be part of Europe is what the people of BiH want and what they expect their politicians to accomplish.

Reconciliation is central to this political process for two reasons:

First, neither the EU nor NATO will accept BiH – nor Serbia & Montenegro – without Mladic and Karadzic being handed over to the Hague Tribunal, because it is incompatible with European values that indicted war criminals are not brought to justice.

Second, reconciliation needs to be the social corollary of this political process: It would close a chapter of the past and would open the way to a bright future for the people of

BiH as part of the European family.

I would like to thank and congratulate UNDP for organizing this conference. It is timely. I wish you all fruitful discussions.

Thank you.