

Speech by the Senior Deputy High Representative, Peter Bas-Backer, on Reconciliation in BiH

European Center for Peace and Development (ECPD)

International Conference on Inter-Ethnic Reconciliation and Religious Tolerance in the Balkans

There is no magic formula for rebuilding a country that experienced a war as brutal and violent as the war in Bosnia and Herzegovina. And we sometimes tend to forget how brutal it really was. More than 100,000 people were killed. Nearly half the pre-war population was put to flight. Women and girls were serially raped as a matter of policy. Men and boys were held in concentration camps where they were starved and tortured. People lost everything in this war – their houses, jobs, money, futures and self-respect. Yet today, victims, perpetrators and those who just watched are often living next door to one another again, thanks to the relative success of what, rather insensitively and inaccurately, we term ‘minority return’.

The mix of anger, fear, hatred, poverty, corruption and uncertainty is still very present among the population, along with an abiding desire for justice. Unfortunately, international efforts to promote peace usually concentrate on more tangible priorities than reconciliation. Eleven years after the signing of the Dayton Accords, it is clearer than ever that the issue of reconciliation has received insufficient attention. This was also one of the major conclusions from the international conference “Pathways to Reconciliation and Global Human Rights” held in Sarajevo in

September 2005.

Reconciliation, however, is actually the key to the problem, and rebuilding trust among peoples of different national identities and faiths is the only lasting way to create sustainable peace and stability in a war-torn country. In an effort to define reconciliation, we might say that it is a complicated, but very powerful concept designed to address both the emotional bases and aftereffects of conflicts – and to promote understanding, healing and forgiveness. As such, reconciliation requires four things: Truth, Justice, Forgiveness and Peace. For peace you need also absence of fear, which is still present in BiH and was misused in the last elections.

Let us start with the most important ingredient – Justice.

Reconciliation in BiH has primarily involved attempts to provide justice to the perpetrators and victims of war crimes. Holding individuals who have committed war crimes to account is, of course, a prerequisite for reconciliation. To be even more specific, there can be no reconciliation without justice, and the primacy of justice cannot be avoided or replaced by anything else.

The Hague Tribunal has had the key role thus far, demonstrating to the world that international criminal justice is possible. The success of the Tribunal in prosecuting war crimes over the past thirteen years has sent a clear message to future war criminals and victims alike that the international community is committed both to preventing and, when that fails, to punishing such crimes.

The path-breaking success of the ICTY has been compromised, however, by the failure thus far of responsible governments and the international community to apprehend six high-level fugitives, above all Radovan Karadzic and Ratko Mladic. As was pointed out by ICTY President Fausto Pocar in his report to

the UN General Assembly on 9 October, "The Tribunal must not close its doors before these accused are brought to justice. Otherwise, the message and legacy of the Tribunal that the international community will not tolerate serious violations of international humanitarian law will be thwarted. [...] The capacity of the Tribunal to complete its mandate [...] hinges significantly upon the cooperation of all states now, specifically those in the region, in apprehending these fugitives to stand trial. Regrettably, the authorities of Serbia have failed to achieve any progress in locating, arresting and surrendering Ratko Mladic to the International Tribunal, despite a number of promises made and the passing of several deadlines."

Here in Belgrade today, I believe this message needs to be sent out once again to both the authorities and general public.

As long ago as October 2000, the International Crisis Group explained the risk to peace and stability in the region if the most notorious war crimes indictees were to appear to enjoy any sort of impunity: "the failure to arrest Karadzic himself has sent a message to his wartime colleagues and political successors that they can obstruct return, actively work against Dayton implementation, exploit nationalist sentiments, and remain untouchable. [...] It is naive to hope for reconciliation in BiH as long as it is general knowledge that known war criminals still fill important positions in authorities and public institutions. [...] It also undermines seriously Bosnia's chance for building central institutions, generating self-sustainable economic growth and achieving the political transformation necessary to complete the process of integration with the rest of Europe."

Although there has been notable progress in building both central institutions and public support for cooperation with the ICTY in BiH since this report was published, the fact that Karadzic and Mladic remain at large continues to impede post-

war reconciliation as much as it affronts any sense that justice has been or is being done.

Bearing in mind that, after the closure of the ICTY, the bulk of war crimes cases will be left to domestic courts, it is now crucially important to enhance the judicial and prosecutorial capacity of national jurisdictions. In BiH alone we estimate that there are some 13,000 potential indictees. These may be relatively "small fish" in ICTY terms, but they are very big indeed as far as their victims are concerned. It is thus essential that domestic courts in former Yugoslavia not only continue and complete the mission of the Hague Tribunal, but also that they bring the process back home. That would make a crucial contribution to stability and reconciliation in the region, but only if these national trials uphold the highest standards of due process.

Let us now turn to the second essential aspect of reconciliation – Truth.

There is an urgent need to establish the truth in Bosnia. No other concept has been so grossly misused in BiH; and no other ideal has been so flagrantly betrayed. Only when political manipulation of three or more separate versions of the "truth" stops, when victims and their suffering are not used for political purposes anymore, can there be any restoration of confidence and trust, any reduction of tensions and suspicions, and any re-establishment of tolerance amongst the peoples of BiH.

There are different ways of "working on truth". Some institutions and renowned individuals advocate the establishment of a "truth commission", as an institutionalized and systematized method of ascertaining the truth. In my view, any effort aimed at discovering and establishing the truth represents progress.

In this context I would particularly like to commend those

projects dealing with truth and reconciliation through the organization of various discussion forums, workshops and research projects. Collectively, these gatherings, seminars and the publications they produce allow all “sides” to tell their stories, exchange their views, and share their emotions. And there is a very great need for many thousands of people to have the opportunity to relate their experiences from the last war, to have them recorded and stored for posterity and, thereby, to pass through some sort of catharsis and to find their own form of peace.

Although such exercises are painful, they can offer a form of “psychotherapy” for all parties involved. They allow an insight into the actions, fears and motives of the “others”, and thus represent an effective way of fighting hatred and intolerance. Without such “purification” there is a serious risk that the accumulated grievances, bitterness and guilt of both individuals and national groups will be transformed into personal and historical myths – myths of unique suffering or exceptional valor that will make any sort of neighborly coexistence in this part of the world impossible.

All efforts aimed at establishing a frame for peace in Bosnia will eventually fail if they are not supplemented by efforts undertaken by individual citizens to promote reconciliation. There are numerous NGOs in BiH that work on repairing the social and emotional damage caused by the war. Their work includes things like identity building, trauma healing and cross-cultural dialogue. Dialogue is particularly important in this context because it can stop former enemies from continuing to dehumanize each other and, eventually, help them to live and work together again.

It also seems important to me to point to a simple truth that is not simple at all. There may be only one “truth” in the sense that certain things happened and can be proved to have happened. These are the so-called facts of history on which people can agree. But their meaning can be and usually is

very different, depending upon who is doing the interpretation. Writing history, as the great Dutch historian Pieter Geyl famously observed, is “argument without end.” A multinational state like BiH is as condemned to have different historical narratives as it is to have complicated power-sharing arrangements in its governance. It can have no single, official historical truth – and certainly not yet one that could explain and reconcile the divergent “truths” of the 1992-95 war. But it can and must have a common context in which historical argument can take place.

Establishing the “facts” themselves would represent a huge contribution towards creating this common context. And this is what the ICTY, domestic war crimes prosecutions, truth commissions, memoirs by participants and, now, a burgeoning body of academic research will make happen. In fact, it is happening already, as the Republika Srpska commission into the Srebrenica genocide demonstrated last year and as the newly established commission investigating the fates of civilian war victims in Sarajevo may demonstrate next year. This process will take generations, but every effort invested in determining the facts also contributes to eventual reconciliation – and yields enormous benefits for sustainable peace and stability in the meantime.

In the long run, of course, justice and truth are both mutually dependent and reinforcing. But justice must come first if the wounds and traumas of war are to be healed. Peace is necessary for Justice and Truth to be found, which in turn may lead to Forgiveness.

It is important to underline, however, that the process of reconciliation has to be led by local people. It is the citizens of BiH who need to find sufficient courage and deploy the requisite expertise to face up to the enormity of evil and suffering that characterized the war. That, of course, does not absolve us foreigners from confronting our own parts in the tragedy – as has been demonstrated by the several official

inquiries into the fall of Srebrenica. Nonetheless, future efforts to build confidence and tolerance will depend largely on the engagement and commitment of domestic protagonists. International assistance and support will still be welcome, but under local ownership.

What might happen if we neglect the need for reconciliation? Somewhere I came across a very interesting thesis about the "traumatized" society. As we know, trauma is a common result of war. It can be caused by intense fear, pain or loss. It cannot necessarily be healed by time, as trauma survivors can sometimes become frozen, unable to heal and move on. Just like individuals, entire societies can become traumatized in terms of "freezing the 'us' versus 'them' mentality", thus making it very difficult to achieve any real reconciliation. Indeed, one factor that contributed to the awful intensity of the wars of Yugoslav succession was that a good many people imagined they were taking up where their fathers or grandfathers had left off in 1945 or, for that matter, in 1389. Trauma that is frozen rather than cured or expunged can all too easily come back to haunt or even destroy a country. The peoples of former Yugoslavia still have an opportunity to avoid that fate this time round.

Finally, I would like to conclude my speech with some remarks about the real chances and possible illusions (or delusions) related to the process of reconciliation.

Reconciliation in BiH and in the Balkans is no utopian dream. Nor is it a mission impossible. Nobody can convince me of that. There is always a way of forgiving and making your peace with others following even the most devastating of wars. It has happened many times before. Despite the popular, pernicious and almost wholly wrong argument during the war that this is a region of "ancient ethnic hatreds", there is no reason why the western Balkans should be an exception to this human capacity to create happy endings.

In order to make reconciliation possible, however, we but in particular local political civil society and religious leaders have to work on it actively and persistently. We have to work much harder than we did during the first decade of peace. Precious time was lost. It can even be argued, in the case of BiH, that the gulf separating its constituent peoples widened rather than closed after the war. But it is still not too late – if we start now.

In my view, there are two related illusions (or delusions) that we need to be careful about. The first is the belief that reconciliation is “not all that important” in the overall scheme of peace implementation. Hold elections, get the economy right, fix the constitution and all will be well. Alas, it doesn’t work that way, as we have discovered to our cost elsewhere. The other illusion is that post-conflict reconciliation, given sufficient time, will happen miraculously by itself. Let me emphasize again, however, that reconciliation and renewed trust among national communities requires conscious commitment and hard work. The passage of time can help, but it can also freeze enmities as well as traumas. A buoyant economy can help as well, but it can also stimulate intense conflict over the division of the spoils. In short, there is no indirect or automatic route to national reconciliation. It must be actively sought and struggled for if this or any other region is to enjoy lasting peace and stability.