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## EUROPEAN LESSONS IN PEACE AND RECONCILIATION – THE VIEW OF AN INTERNATIONAL MEDIATOR

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'Reconciliation' in post-conflict societies as an integral part of a political strategy rather than just a moral imperative is a more recent arrival on the European scene. It is very much tied to post-World War II integration efforts, whose final status – a truly 'United Europe' – is a vision ever more tangible.

### The European Context

A look into the history of nineteenth and twentieth century conflicts on European soil demonstrates a change in political thinking. Without a radical departure from the past politics of war, without a fundamental change of attitudes by the political and intellectual elites in those nation states that not so long ago considered themselves 'arch enemies', Europe would have become ever more insignificant on the world stage.

Apart from far-reaching economic, social and political reforms as a pre-condition for liberal democracy and market economy, the 'mental rapprochement' between the peoples of the Old Continent was of the utmost

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importance. In this sense, the integration of Europe – its eventual unification – is intimately tied into the concept of reconciliation.

Both hampered and fostered by the Cold War – which pitted the two competing ideas of ‘capitalism’ and ‘communism’ against each other – integration and reconciliation became the twin pillars of the New Europe. This is a historic first for Europe. Both integration and reconciliation were instrumental in overcoming the terrible legacies of the past: National Socialism and the Holocaust; Stalinism and the Gulag; the murder and ‘ethnic cleansing’ of millions in the former Soviet Union, Eastern and South Eastern Europe – to name (and not to compare) just the tip of Europe’s ‘iceberg of genocide’.

Although Europe swore ‘never again’ when, in the early nineties, the wars in Yugoslavia brought back memories of the past, this very Europe – and the world – stood by passively. It took the international community almost four years to put an end to the savage killing in Bosnia and Herzegovina. At the dawn of a new century the lessons of the bloody twentieth century seemed forgotten.

### What had happened, why was this possible?

I want to share with you my insight and experience as someone who spent five years in the crisis region of the Balkans – first as Austria’s Ambassador to Belgrade, the capital of the then Federal Republic of Yugoslavia; then as Special Envoy of the European Union for Kosovo and Europe’s Chief Negotiator in the Kosovo Peace Talks in Rambouillet and Paris; and finally, between 1999 and 2002, as the International Community’s High Representative, the civil administrator in Bosnia and Herzegovina.

My perspective is thus one of an engaged outsider, of a ‘practitioner’ rather than a diplomat or scholar. Consequently, both in the Serb-Albanian conflict in Kosovo and in the post-war reconstruction efforts in Bosnia, I saw my primary role as that of a mediator and facilitator between the estranged ethnic camps on the ground. At the outset, two questions seem crucial to me:

1. *What are the conditions for peace and reconciliation in a given conflict environment?*

2. *What are the necessary preconditions for progress towards healing – material / financial and non-material; in other words, what is the ‘hardware’ and the ‘software’ of peace implementation?*

I very much rely on my practical experience in Bosnia and Herzegovina and Kosovo on the one hand, and on the other on the European experience post-1945, the European integration process in general and the Franco-German reconciliation efforts in particular. My understanding of reconciliation is thus a broad one – a complex web of economic, social and political elements interwoven with ‘soft’ issues like truth, trust, tolerance and empathy.

### The Memorial as Symbol

Only recently a significant event took place on the territory of the former Yugoslavia which sheds new light on the issue of reconciliation in post-war societies in Europe.

Roughly eight years after the end of the bloodiest war in Europe in half a century, which led to the single worst war crime on European soil since the end of World War II – the massacre near the town of Srebrenica, when Bosnian-Serb forces systematically executed more than 7,000 Muslim men and boys – a cemetery and memorial for the victims were officially inaugurated on the very site where the crime had taken place in July 1995. This was a landmark event for Bosnia on its way towards reconciliation, towards joining the peaceful process of European integration.

‘Srebrenica’ – the name of a small town in eastern Bosnia, close to the border with Serbia – has taken on a symbolic meaning. It has become a metaphor for the genocide committed at the end of the twentieth century, committed on a continent that has witnessed the unspeakable crimes of National Socialism and the Holocaust as well as other horrific crimes perpetrated in the name of inhumane ideologies. ‘Srebrenica’ – the way we Europeans deal with its legacy – will determine the pace and eventual success of peace and reconciliation in Bosnia and Herzegovina and in the wider region of Southeast Europe.

This memorial ceremony on 20 September 2003 – solemn and peaceful – would not have been possible a few years ago. Because of the refusal of the local Serb authorities of Bosnia throughout the post-war period between

1996 and 2000, the location of the cemetery and the memorial had to be decreed by the international civil administrator, the 'High Representative' – an assignment which I held at the time. My decision had to be taken against the fierce resistance of the Serb nationalist political establishment, which was unwilling to acknowledge their army's role in this crime. I was acutely aware at the time that this decision about the venue of the cemetery was of pivotal importance for the survivors, the victims' relatives, in fact for the country's healing process as a whole. We know that symbolism matters, that monuments set the tone for any reconciliation discourse. Only three years on, the Prime Minister of the Serb Entity of Bosnia and Herzegovina took part in this ceremony. This constituted a first and important step away from official denial, towards recognition and eventual acceptance of responsibility.

### The Conflict in Former Yugoslavia

In order to understand better the significance of this welcome development one has to take a look back at the complexity of the conflict which resulted from the break-up of the Socialist Federal Republic of Yugoslavia (SFRY) in the early 1990s. We need to fully comprehend the tragic consequences of the bloody dissolution of a state created in the aftermath of World War II by the communist leader Josip Broz Tito.

The centre of this 'ethnic' conflict – a war of aggression initiated by the leadership of Serbia, interspersed with features of a civil war – was the former Republic of Bosnia-Herzegovina, one of the six federal states of the SFRY, which, after two other members (Slovenia and Croatia) of this 'second' Yugoslavia had declared independence, had voted in a referendum in favour of independence (1992). This vote was immediately recognised by the international community. Nevertheless, those against independence, the Bosnian-Serb nationalist leadership, supported by Belgrade, declared their community's secession from the newly independent state in order to join their ethnic 'fatherland' the Serb-dominated Yugoslavia of Slobodan Milosevic.

Very quickly a brutal military campaign for territorial domination, accompanied by systematic 'ethnic cleansing' of the non-Serb population ensued. This lasted almost four years (1992-95), pitting the three South Slavic communities – Serbs, Croats and Bosniaks (Muslims) – against each

other. The result for a country of 4 million inhabitants can only be described as devastating: more than 200,000 killed; more than 2 million refugees and internally displaced persons (IDP); the country's economy and infrastructure in shambles.

This all happened under the eyes of a deeply divided international community. The European Community (as the European Union [EU] was called back then) was incapable of acting, the United States of America (USA) – still in shock from the Somalia disaster – was unwilling to assume leadership in the Balkans.

Where there was no peace to keep, the United Nations' (UN) role as a neutral broker was seriously shattered.

### Humanitarian Intervention

After almost four bloody years it was the USA who belatedly decided to step in and stop the carnage. One of the largest and most ambitious 'humanitarian interventions' ensued.

In September 1995, a two-week-long campaign by UN-mandated North Atlantic Treaty Organisation (NATO) forces bombed the Serb leadership to the negotiating table. The result was the USA-sponsored Dayton Accords which formally preserved the sovereignty and unity of the State of Bosnia and Herzegovina, but allowed for two highly autonomous so-called Entities with separate political, economic, administrative and military structures: the Bosniak-Croat Federation and the slightly smaller Republika Srpska, kept together by an overly weak central government in Sarajevo.

The real masters of this war-torn country, however, became the international community, which to this day holds the decisive power both in civilian and military matters. An international NATO-led military force of initially 60,000 soldiers guarantees the overall security of Bosnia. The so-called High Representative is the 'final authority' when it comes to the implementation of the civilian aspects of the Dayton Accords. This all has the blessing of the UN Security Council – although it is, unlike Kosovo, not a UN Mission. The supervisory role is held by the 55 countries and international agencies assembled in the 'Peace Implementation Council' (PIC).

I cannot go into more detail, but it can be said that – against all odds – the peace and reconstruction efforts in Bosnia and Herzegovina are well under way and my successor as High Representative, Lord Paddy Ashdown of Great Britain, envisages a successful termination of the massive international humanitarian intervention in the course of 2005. It will then be up to the Europeans to fully take charge of the peace and normalisation process and pave the way for Bosnia's eventual full integration into the European Union.

Undoubtedly, the engagement of the international community in Bosnia and Herzegovina is of historic proportions. Roads, railways, water and electricity supply, and other infrastructure has been fully restored; a large proportion of the refugees and IDPs have returned to their homes; almost all property, predominantly houses and apartments, has been returned to the rightful owners. Unemployment, at over 90% at the end of the war, is down to between 20% and 40%; the delayed economic transition is picking up speed; growth is at a steady 4%; inflation is low and the currency is stable.

While this constitutes a great success and an important contribution to confidence building among the three communities, the 'weak-state-syndrome' – inefficient public service, corruption, organised crime – is still of great concern, as it indeed is in the rest of the region.

Still, the large investment on the part of the international community – both financially (a US\$5 billion reconstruction package provided by the members of the PIC was implemented with considerable success) and politically (particularly by the EU and the USA) has paid off. Now the stage is set for normalisation and reconciliation, so that the peace process in the Balkans can finally be made irreversible and self-sustaining.

### The 'Software' of Reconciliation

It is by now a truism that knitting together post-conflict societies – particularly those ravaged by civil war – affords a multi-pronged approach with a long-range perspective. I have briefly elaborated on the international military and civilian assistance – most of it 'hardware', such as the peace-keepers from around the world who provide the necessary 'safe and secure environment' both for the population and for the civilian helpers who are engaged in socio-economic and democratic reform, as well as in the cumbersome task of institution and state building (police, judiciary, public

administration). Let me at this stage briefly sum up those areas relevant for our topic in a more narrow sense ('software').

While the victims' perspective remains in the foreground, I also include that of the perpetrators, which I deem indispensable for achieving full reconciliation.

The return of refugees and IDPs is the core task as defined in the Dayton Peace Accords. More than one million Bosnian citizens have so far returned to their original homes. In its report for 2000, New York-based NGO Human Rights Watch called the result a 'breakthrough'. It is indeed a success of historic proportions compared to conflict regions like the Middle East or other war-affected parts of the world, where many years after their forceful displacement, refugees are still unable to return; many of them probably never will.

It has to be mentioned in this respect that the Dayton Peace Accords contained the key elements and guarantees necessary to achieve progress in the very complex field of refugee and IDP return. It is of interest to note that, with regard to IDPs, the so-called 'Guiding Principles on Internal Displacement', which are today providing the main standards when it comes to the protection, assistance and durable solutions for IDPs, were presented to the UN Human Rights Commission for the first time only three years after the Dayton Peace Accords were adopted. However, at the time of the negotiations in Dayton these standards were in fact well reflected therein.

They include civil and political rights, in particular the return of property or the participation in local elections while being displaced, as well as social and economic rights, such as the enjoyment of social welfare or medical treatment. All these rights are based on the overarching concept of non-discrimination, in particular for ethnic reasons. These rather recent achievements help pave the way to eventual reconciliation with the former enemy.

The fate of the missing, and the exhumation and identification of the victims is of equal importance for reconciliation. Again, tremendous progress has been achieved with the help of such organisations as the International Committee of the Red Cross (ICRC) through its tracing mechanisms,<sup>1</sup> in

<sup>1</sup> According to Article V, Annex 7, of the General Framework Agreement for Peace in Bosnia and Herzegovina '(t)he Parties shall provide information through the tracing mechanisms of the ICRC on all persons unaccounted for. The Parties shall also cooperate fully with the ICRC in its efforts to determine the identities, whereabouts and fate of the unaccounted for.'

accordance with the core principles of international humanitarian law, or the United Nations with a 'Special process on missing persons in the territory of the former Yugoslavia.'<sup>2</sup> This process was further supported by the jurisdiction of the Human Rights Chamber, referred to below, which held respondent Parties (Bosnia and Herzegovina and the two so-called Entities, namely the Federation of Bosnia and Herzegovina and the Republika Srpska) responsible for the violation of the right of family members to be informed about the fate of their missing relatives.

Besides the right of refugees to return to their own home and the right of the survivors to know about the fate of their missing relatives, the peace treaty provides for a host of further human rights instruments relevant for our topic.

Take the Constitution of Bosnia and Herzegovina, established under Annex 4 of the Dayton Accords. It contains a considerable list of human rights that even goes beyond general European standards. Under Annex 6 of the treaty the Human Rights Agreement, a Commission on Human Rights, has been set up, composed of a Human Rights Ombudsman and notably the Human Rights Chamber, which introduced a high standard of human rights protection and decided thousands of individual human rights cases. This institution had, in particular through the majority of international judges (its function was transferred to the Constitutional Court of Bosnia and Herzegovina by the end of 2003), a high reputation and gave the citizens of Bosnia and Herzegovina a sense that justice was being done.

In view of the systematic atrocities committed in this war, the idea of an international ad hoc tribunal was launched. With its Resolution 827 of 25 May 1993 the UN Security Council established the International Criminal Tribunal for the former Yugoslavia (ICTY), headquartered in The Hague, The Netherlands.

Since its creation, the ICTY has singled out the worst cases of war criminals and brought them to justice. Out of the 55 accused, 22 have received their final sentence. Through its ongoing trials against the main political actors, such as former Yugoslav President Slobodan Milosevic, this UN body assists the successor states of Yugoslavia – mainly Bosnia and Herzegovina, Croatia, and Serbia and Montenegro – in their quest for justice and reconciliation.

<sup>2</sup> See, *inter alia*, expert report submitted to the United Nations Commission on Human Rights, UN Doc. E/CN.4/1997/55.

Together with the Rwanda Tribunal, the ICTY can certainly be considered a 'testing ground' for the recent establishment of the International Criminal Court (ICC). However, at this point a 'caveat' is warranted. All these institutions and instruments, set up almost exclusively by the international community, will only become self-sustaining and durable if accepted and eventually 'owned' by the people.

It is for this very reason that I attach the utmost importance to an active and self-confident civil society. It is the individual citizen, the 'citoyen', who – in concert with non-governmental organisations and other grass-roots movements – will eventually secure full reconciliation. The international community or public institutions alone cannot finish the job satisfactorily. This is the very personal lesson I took with me from Bosnia and Kosovo.

While space does not allow any elaboration on the essential role of the education system as well as that of religion in the reconciliation process, their respective roles and impact on our topic cannot be overestimated.

## Truth and Reconciliation

I would like to close my deliberations on peace and reconciliation with one last example which, to my mind, best illustrates how the reconciliation process – slowly but surely – is taking root in the Balkans.

While the judiciary, law enforcement, public administration and education, are classical 'state functions' and important preconditions for a harmonious society, they are all very much 'top down'. Full reconciliation needs to 'grow' from the 'grass roots'; clearly a difficult and time-consuming endeavour in post-war societies. In Bosnia, too, it took several years until the idea of a Truth and Reconciliation Commission found a positive response from civil society. It was the head of the small yet highly prestigious Jewish community in Sarajevo who first proposed such a commission, modelled on earlier successes in South Africa and Latin America.

The Bosnian Truth and Reconciliation Commission, as envisioned by its initiator, Jakob Finci, aims at providing for a common understanding of past atrocities and human rights violations perpetrated among the three ethnic communities. It was established with the consent of the International

Criminal Tribunal for the former Yugoslavia (ICTY) thus extending the single case approach of the tribunal to a broader basis.

The Commission, not yet fully functional at this date, will deal with the following groups of the Bosnian population:

- victims (these will clearly be the majority);
- military conscripts/soldiers who were granted amnesty;
- those who acted to protect victims (it will be important for the reconciliation process to provide examples of civic courage);
- the media;
- religious communities;
- and, political parties.

The Commission also intends to scrutinise the role of the international community before, during and after the war. In this context, the tragedy of Srebrenica and the international response will be central.

The Commission intends to work in parallel with ICTY and local courts, and thus complement the task of the judiciary. The rules and procedures are already well worked out: 12 nationals of indisputable credibility and high integrity from across the country and seven people nominated by the parliament will act as commissioners. There will be offices throughout the country in order to facilitate access for witnesses. After a two-year period, a final report with a set of recommendations will be forwarded to the Parliament of Bosnia and Herzegovina for deliberation and eventual implementation. This civil-society-induced attempt at reconciliation is undoubtedly courageous, even risky. Only time will tell if it is successful.

## Learning from History

### In conclusion, what are the European lessons?

I have presented the European region's difficult and highly complex task of coming to terms with its past, which is characterised by a two-fold transition – from war to peace and from the communist legacy to democracy and market economy.

This is not the first time this has happened in Europe post-1945. Germany and Austria went through similar experiences with massive assistance from the international community, in particular from the USA.

But the international humanitarian intervention in Bosnia and Herzegovina as well as in Kosovo constitutes undoubtedly the most comprehensive and inclusive effort – very much driven by the tragic experience of the continent's past and the proven ability of Europe to overcome seemingly insurmountable obstacles. International standards of human rights (such as the right to return and property), humanitarian efforts (fortunately, we cannot look at human suffering without emotions any longer), democracy and the rule of law are the tools for success.

Can the peoples of ex-Yugoslavia – can we Europeans – succeed in building a peaceful continent, including the recent war zone of the Balkans? If you ask me, my answer is a qualified 'yes'.

Yes, if both the citizens and political/ intellectual elites of these post-conflict societies and their European neighbours really want it to happen.

Yes, if the EU – this largest and most successful 'peace project' in history – offers the peoples of the Balkans a clear European perspective of full integration and equal partnership.