

Bosnia and Herzegovina - no future without reconciliation

The signing of the General Framework Agreement for Peace for Bosnia and Herzegovina (GFAP) on 14 December 1995 marked the end of a three-and-a-half-year conflict which caused 1.2m refugees to flee abroad and displaced a further 1.1m within Bosnia and Herzegovina.

by Walpurga Englbrecht

GFAP created an overall framework to reconstruct the country and reverse ethnic cleansing. Five years later there are, according to UNHCR estimates, some 300,000 Bosnian refugees in need of a durable solution and a further 518,252 people still registered as displaced. The ethnic map created by the conflict has not changed significantly as Bosnia remains effectively divided along ethnic lines.

Return and reconciliation remain highly politically charged issues at the heart of the causes and resolution of the conflict. Any return or reconciliation initiatives undertaken by the international community to achieve its political objective of reversing ethnic cleansing run counter to the ultimate goal of local politicians: maintenance of ethnically pure areas in which they can maintain political and economic dominance. Two diametrically opposed political objectives

continue to be played out.

The GFAP has established an almost entirely novel state structure, incorporating very few pre-existing institutions. The international community has had to operate through newly created local structures and a complex distribution of power and competence. UNHCR has to liaise with 14 legislators at state, entity and canton level in the Federation of Bosnia and Herzegovina. At state level, each Minister has two deputies and consensus is required for any decision. Institutions at entity and cantonal level are influenced by the still dominant ideology of ethnic separatism and by party politics which obstruct the functioning of state institutions. A number of existing laws concerning the return of refugees and IDPs are not in line with Annex 7 of the GFAP (which makes provision *inter alia* for the right to return, property restitution or compensation), the Bosnian

Constitution (an integral part of the GFAP) and other relevant regional and international instruments. The myriad of legislators and lack of political will severely hamper the international community's legal reform efforts. Without the High Representative's power to impose laws, there would still not be — just to cite one example — an adequate and efficient property restitution framework.

There has been progress in the overall implementation of the GFAP and analysts of the Bosnia peace process confirm that Bosnia has changed 'beyond recognition over the last two years'. But this 'success' has been due more to pressure exerted by the international community than by any willingness of local authorities to comply with GFAP provisions. Within this bleak context, it is becoming ever more important to support reconciliation measures involving all levels and groups of society.

Return and reconciliation: not the same

The international community usually refers to return and reconciliation in the same breath. While the two are

inter-linked, there is a distinct conceptual difference. Political, legal and humanitarian return initiatives are needed to create a sound foundation on which to rebuild a war-torn society. It is also important to recognise the need to take care of the hearts and the souls of all those who have gone through years of conflict. For return to be sustainable there must be a complementary process of psychological moving on. Bosnia has shown us that this reconciliation component in post-conflict situations is highly complex and time-consuming.

Three phases of reconciliation can be differentiated. The first phase seeks to assist refugees and IDPs to renew contact with former neighbours and communities while the second facilitates return and peaceful coexistence between former 'enemies'. The final phase should include measures which contribute to the reconciliation of society. This represents a good model that could be applied in other post-conflict situations.

This article looks into some of the measures taken by the international community and also at grass roots level during these different phases. There is particular focus on the work of youth and the nascent Truth and Reconciliation Commission.

Phase I: Confidence-building measures

One of the main impediments to return recognised by the international community has been intimidation and lack of free movement. Three different systems of licence plates made it easy for police and nationalist to target those travelling between ethnic entities. In response, UNHCR and other international organisations initiated a series of confidence-building measures to encourage communication and reconciliation between the different ethnic groups.

During 1996 to 1998 bus lines crossing the Inter-Entity Boundary Line (IEBL) were used to compensate for the lack of security and the absence of public and commercial transport linking the Federation and the Republika Srpska. For many wishing to visit friends, relatives and former homes, this was the only safe method of travel. The High Representative's imposition of a common licence plate in 1998 led to a general improvement of freedom of movement and resulted in the restoration of commercial bus

lines on routes previously serviced by UNHCR. By December 2000, nearly two million IDPs had used the 54 IEBL bus lines.

'Go-and-see' visits, whereby displaced persons and refugees visit their former homes to see the situation at first hand, have proved to be labour-intensive and time-consuming. Some visits were cancelled for spurious security reasons or disrupted by angry crowds. Over time, however, with some successful assessment visits and the general improvement of return conditions, the ground has been laid for IDPs and refugees to visit their former communities without an escort.

Re-establishing contact and allowing refugees and IDPs the possibility of forming a first-hand opinion is of vital importance to kick-start reconciliation. While confidence-building measures have been questioned (in view of cost and the low return figures) it must be reiterated that while return and reconciliation are interlinked, they are two quite different processes. The 'returns' on investment in this type of reconciliation activities will be evident, if given enough time. Such first steps are the beginning of the continuum towards coexistence and reconciliation.

Phase II: Moving from contacts to peaceful coexistence

When IDPs and refugees return to areas where they encountered violence and witnessed atrocities and/or ethnic cleansing, they find themselves living next to their former enemies. To prevent renewed violence, it is important that action now focuses on assisting people to learn to live with and to accept each other. This reconciliation phase must involve all levels of society. Political and religious leaders, including those from the international community, have a key role to play in advocating respect and tolerance. It is important to demonstrate that communities can live together, that politicians from different entities and ethnic groups can reach out to each other and can stop using such pejorative terms for each other as *ustashi* and *chetnik*.

While it is important to target and to involve all levels of society it is particularly vital to engage youth. Unless they develop open and moderate attitudes, the long-term chances for a

democratic and stable Bosnia are slim. Young people in Bosnia have, to a large degree, grown up in an environment where basic values have broken down and might is seen as right. Many have been caught up in, or witnessed, atrocities. It is necessary to work with these young people and provide opportunities for them to interact with children from other ethnic groups.

One group doing so is Zemlja Djece (land of children), a Tuzla-based NGO which runs a network of youth centres. The agency stresses the need to provide a diverse programme of social, educational, cultural and recreational activities to children from all Bosnian communities while also providing psychological support and counselling to traumatised children. Other organisations have arranged inter-Entity activities for children

It is particularly vital to engage youth.

involving art workshops and summer camps. At one inter-Entity summer camp, 11 days of shared accommodation enabled students and teachers to start developing friendships. Other initiatives have focused on sports and music, such as War Child's 'Let Us Play' project² and the Pavarotti Music Centre in Mostar.

Efforts are being made by the Office of the High Representative in cooperation with other agencies to prevent nationalists using the education system to foster division and to bring together the three parallel education systems. In 2000 the High Representative obtained the agreement of Education Ministers in the Federation and the Republika Srpska to delete offensive references in textbooks which apportioned blame for aggression and war crimes to 'other sides'. In some municipalities in the Federation the 'two schools under one roof' policy is allowing Bosniak and Croat pupils and teachers to share educational facilities and organise joint extra-curricular activities. In the District of Brcko, progress has been made in establishing conditions for multi-ethnic education. Civic education classes discussing human rights are being set up. Efforts are being made to teach both Latin and Cyrillic alphabets and develop language modules which highlight the common linguistic heritage of the three peoples. Yet there has been resistance, particularly in Croat-administered

areas. In addition, most textbooks still refer to obsolete curricula and learning methodologies which can only be addressed through a comprehensive reform which will take up to five years.

Substantial and sustained external political pressure has had to be applied to push through these reforms in primary and secondary education. Much remains to be done to maintain momentum. Bosnia's under-resourced and poorly managed tertiary education system also needs to be fundamentally restructured.

Phase III: Moving from coexistence to reconciliation

It is generally held that reconciliation is impossible until the truth is known. It is important for people to know what really happened and who should forgive whom. In 1995 the then Bosnian President Alija Izetbegovic agreed to support an international commission of inquiry into the recent conflict in the former Yugoslavia. Only now after many years is the commission slowly becoming a reality. In May 2001 participants at a Sarajevo conference entitled 'An Idea Whose Time has Come: Truth and Reconciliation Commission in Bosnia and Herzegovina'³ supported the idea of establishing a Bosnian Truth and Reconciliation Commission (TRC). Although their names were on the list of speakers, no Bosnian Serb political or religious leaders attended the conference.

The envisaged activities of the TRC have been revised to ensure that it complements the work of the International War Crimes Tribunal for the Former Yugoslavia (ICTY). It is proposed that the TRC will provide: a) a forum for ordinary people from all sides to say what happened and to express their anger or guilt; b) a voice to the 'real war heroes' — those who, despite grave risks, resisted ethnic cleansing and protected or assisted victims from other ethnic groups; and c) an historical report, both positive and negative, proposing specific steps to restructure society, deal with past abuses and prevent their repetition.

The proposal has its critics. Human rights activists, relatives of victims and some politicians are asking who will appoint the commission members and what criteria will be used in selecting prospective witnesses. Some doubt whether a society where there

is still no rule of law and consensus on the recent past is ripe for a truth commission. Others contend that there is no alternative: establishing a TRC is needed to assist Bosnian society to come to terms with its past and reach such a consensus.

Justice Richard Goldstone, the ICTY's first prosecutor, has argued that a TRC is needed to help Bosnians "figure out how former neighbours and friends were driven to inflict such evil upon one another".⁴ Neil Kritz and Jakob Finci support the need for a TRC by reference to the German philosopher Karl Jaspers who articulated four categories of guilt — criminal, political, moral and metaphysical — with which German society

Calls for the TRC come when the impact of other such post-conflict commissions are being questioned

needed to grapple in order to deal constructively with the Nazi period.⁵ They argue that the ICTY addresses the first category of guilt but not the others:

"In contrast to a trial's focus on the specific crimes of individual perpetrators, truth commissions are commonly mandated to focus on the experience of the victims, and to analyse and report not simply on the facts of abuses suffered, but on the broader context in which they occurred, examining in particular the structural elements of government, of the security forces, and of other elements in society which made those patterns of violations possible in the first place. The Bosnian TRC will shine the spotlight on whole sectors that will never (and should not) be the focus of criminal prosecution ... In this way, the TRC process will help the people of Bosnia and Herzegovina to explore together what in their socio-cultural make-up resulted in the especially cruel and inhuman nature of this latest breakdown of their society, and thereby avoid the same mistakes in the future. This knowledge can only be achieved by self-examination."

The need for a TRC is made even more evident when one considers how inadequately Yugoslav society dealt with atrocities committed during World War II. Tito's 'brotherhood and unity' policy not only precluded discussion and the chance to heal wounds but it also allowed myths about wartime abuses to survive and

to be revived by nationalists in the 1990s.

The key is now to be able to engage all levels of society and to obtain sufficient support both from local politicians and the international community for the adoption of the draft Law on the Truth and Reconciliation Commission. The international community needs to identify a lead agency able to move forward this process. It is true that calls for the establishment of the TRC come at a time when the use and impact of other such post-conflict commissions is being questioned. In Bosnia is there any other way to address the existence of multiple 'truths'?

Conclusion

Bosnia has managed the step from conflict to co-existence and is, in some areas, ready to enter the third phase: reconciliation. Greater support from all politicians for the process is needed. Analysing the Bosnian political scene, reconciliation is rarely discussed. Asked why the public is silent on the issue of reconciliation, the sociologist and publicist Slobodan Nagradic answers: "For our politicians who win voters by their rhetoric of national homogenisation, reconciliation is a dangerous subject and they are unwilling to accept it ... It is absurd, but [black market] smugglers did more for reconciliation than politicians."⁶ Bosnia's future cannot be left to politicians who are more interested in personal power gains.



The international community must invest further in the country and assist in establishing structures needed for reconciliation. But the path from confidence-building to coexistence and then to reconciliation must be walked by the Bosnian people themselves. The key is working with young people and allowing them, through an operational Truth and Reconciliation Commission, to deal effectively with their past, thus ensuring reconciliation and a peaceful future.

Walpurga Englbrecht worked for UNHCR in Bosnia and Herzegovina for more than four years. She is now Research Officer, Protection Policy and Legal Advice Section, Department of International Protection, UNHCR, Geneva.

Email: engelbrew@unhcr.ch

The views expressed are the personal views of the author, and not necessarily shared by the UN or UNHCR.

1. See for example European Stability Initiative *Reshaping International Priorities in Bosnia and Herzegovina, The End of the Nationalist Regimes and the Future of the Bosnian State*, 22 March 2001, available at: www.esiweb.org/.
2. For more information see War Child 'Let Us Play - Peace and Reconciliation through Sports' at: www.warchild.org/projects/letsplay.html.
3. The conference was organised by the association Truth and Reconciliation and the Konrad Adenauer Stiftung.
4. Richard Goldstone 'Ethnic Reconciliation Needs the Help of a Truth Commission', *International Herald Tribune*, 24-25 October 1998, p6.
5. See Neil J Kritz and Jakob Finci *A Truth and Reconciliation Commission in Bosnia and Herzegovina: An Idea Whose Time has Come* (publication forthcoming), available at: www.angelfire.com/bc2/kip/engleski.html.
6. See Branko Peric *Waiting for the Commission for Truth and Reconciliation*, AIM Banja Luka, 28 January 2001.

