

# Rationalizing the Process of Truth and Reconciliation after Genocide: Practical Suggestions for Social Reconstruction in Bosnia and Herzegovina

*HARIS HROMIĆ and H.E. MIRZA KUŠLJUGIĆ*

## **Sažetak**

Prihvatanje i aktivno uključanje u proces uspostavljanja istine i pomirenja obećava mogućnost popravljanja socijalnog tkiva BiH i pruža osnovu za stabilno i sigurno društvo. U ovom procesu ključno je da pravda mora biti zadovoljena na individualnom i kolektivnog nivou, te da je proces podržan kako aktivnostima civilnog društva tako i od strane domaćih političkih aktera. Postizanje osjećaja zadovoljenja pravde kreirati će zdravu bazu za stabilnu i funkcionalnu državu, baziranu na principima i osiguranom mehanizmom ustavne liberalne demokratije. Da bi se postigli ovi rezultati, kao neophodan preduvjet, potrebna je strukturalna reforma države te konkretna strategija o otkrivanju i širenju istine o zločinima počinjenim u proteklom ratu.

## **Abstract**

Rationalizing and actively engaging in the process of truth and reconciliation has the potential to mend the Bosnian social fabric and provide grounds for a stable and secure society. In this process it is fundamentally important that justice be served on both the individual and collective level, and that the process is reinforced at both the civil society and the domestic political level. Reaching a sense of comprehensive justice will create a healthy foundation for a stable and functional state based on principles – and secured by mechanisms – of constitutional liberal democracy. In order to achieve such outcomes, structural redesign of the state is necessary; and further, the definition and implementation of concrete steps for discovering and disseminating the truth about past atrocities is a necessary precondition for the possibility of reconciliation.

## Introduction

Much has been said about truth and reconciliation in Bosnia and Herzegovina (Bosnia) in the ten years since the Dayton Peace Accord (DPA) was signed. On the tenth anniversary of the Srebrenica genocide—and the DPA that failed to repress the outcomes of genocide—a historic opportunity has emerged to re-examine the normative, structural and policy construct of a fragile Bosnian peace.

The objective here is not to confuse the recognition of truth with justification of the results. Rather, the goal is to understand the events of the recent past so as to help avoid what currently seems to be an unavoidable pattern of episodic atrocities—and, in this case, internationally recognized genocide.

For the sake of re-establishing a functioning society, it is essential to identify major obstacles and to develop the necessary steps to allow Bosnian society to move in a responsible direction towards a stable and functional society with a unified perception of truth—a nation reconciled with the truth of its recent past. Consequently, it is of great importance to re-open a debate on the creation of a workable truth and reconciliation process. This process should be understood as a part of nation-building, without which the efforts of the international community (IC) to create a functional state in concert with politically responsible domestic leadership will be a fruitless task.

Without mending the social fabric of Bosnia, the process of moving from peace-building towards creating a lasting social contract and appropriate governmental structures will not be possible. These structures are necessary to ensure Bosnia's integration into Euro-Atlantic family of nations as a strong, democratic and effective state capable of satisfying its international security obligations and its obligations to its citizens.

## Overcoming Psychological Barriers to Reconciliation

The very first obstacle to reconciliation appears to be one of understanding reconciliation as a concept, and agreeing on its true purpose. In the Bosnian political and social arena, the term 'reconciliation' is often experienced as adding insult to injury. It can connote the denial of horrific crimes against humanity, it can deny the meaning of 'victims', it can marginalize crimes committed, and, in its worst interpretation, it can provide a perception of the exoneration of those who have committed crimes. Perceived as such, reconciliation provides no fertile ground for social reconstruction after three years of bloody aggression, civil war and genocide.

Due to these psychological barriers, it almost seems that reconciliation is an unattainable objective and thus not worth any effort. Consequently, we suggest that the term 'reconciliation' be replaced with 'co-existence', 'acceptance of truth', or 'event justice' so as to soften current resentment towards the reconciliation process. Any of these terms more accurately describes the process that needs to evolve, and are more palatable to the average individual in the Bosnian post-war context. This individual psychological barrier remains the hardest obstacle to

overcome. Most importantly, it plays a critical role in the chances of favorable reception of the desired common historical narrative of Bosnia's recent past.

Furthermore, we should observe the process at both a micro level and a macro level. The micro level is where reconciliation actually occurs. This process is characterized by an individual catharsis that is hardly within the realm of the collective processes that transpire within a society. Therefore, it is essential that reconciliation effort be focused on a macro level: the level of collective action that does not connote ultimate individual decision, or in its lesser form, the need for reconciliation. For that reason, focusing on the macro level is the right way to approach this problem simply because that is the level at which systemic solutions to intolerance are possible.

Finally, it is necessary that the discovery of truth and the prospect of reconciliation need to be accepted as processes. They are not events that require a phased approach, and they by no means guarantee a favorable outcome. This is the risk Bosnia as a society must take.

### **Why is a Truth and Reconciliation Process Urgently Needed?**

To put it simply, the process of truth and reconciliation is needed to suppress the possibility of future genocides and human rights violations. Srebrenica, the world's first United Nations Safe Area, was the site of what is, by now, uniformly recognized as the worst case of genocide in Europe since the Holocaust. Most importantly, the Srebrenica genocide is the only point of reflection left in the conscience of the IC when it comes to Bosnia. By contrast, the two-and-a-half-year siege and devastation of Sarajevo; the massive bombardment of many Bosnian cities; the two-million-strong exodus conveniently termed by the IC as ethnic cleansing; and the more than one hundred thousand people killed and tens of thousands of women raped have, by all accounts, lost their significance in daily political and normative calculations. The Srebrenica genocide singlehandedly remains an insurmountable moral obstacle to cementing Bosnia's post-war unethical logic of *realpolitik*. Thus, genocide and gross violations of human rights represent the core of the truth and reconciliation problem in Bosnia and the most prominent point of divergence in intra-ethnic understanding of what transpired.

The International Criminal Tribunal for former Yugoslavia (ICTY) landmark ruling in *Prosecutor v. Krstic* has put to rest any doubts about the legal character of the Srebrenica massacre.<sup>1</sup> The Appeals Chamber of the ICTY unanimously ruled that it was an act of genocide. As the Chamber's judgment states:

By seeking to eliminate a part of the Bosnian Muslims, the Bosnian Serb forces committed genocide. They targeted for extinction the 40,000 Bosnian Muslims living in Srebrenica, a group which was emblematic of the Bosnian Muslims in general ... The Appeals Chamber states unequivocally that the law condemns, in appropriate terms, the deep and lasting injury inflicted, and calls the massacre at Srebrenica by its proper name: genocide. Those responsible will bear this stigma, and it will serve as a warning to those who may in future contemplate the commission of such a heinous act.

Tragically, the systematic genocide of 7,800 Bosniaks in Srebrenica represents only a small fraction of the overall loss of human life in the Bosnian war, the extent of which is still being widely debated. That in itself adds to the reconciliation and co-existence problem, as it provides no agreed ground for public debate. The highest estimate of 328,000 lives lost is the result of an analysis by Praso to estimate the population of Bosnia by ethnicity and political division in 2000.<sup>2</sup> In a similar endeavour, Bosnjovic estimated 252,000 killed and missing persons.<sup>3</sup> Contemporary estimates by the Research and Documentation Center of Sarajevo range from 100,000 to 150,000, with about 90,000 fully documented cases.<sup>4</sup>

For the reconciliation process, at the very least, it is essential that all affected parties agree on a common set of methods used and number of victims. This eliminates the dismissal of such facts as propaganda and lies – often used as a tool of daily politics to poison public discourse and perpetuate intolerance. Illustrative in this point is the genocide of six million Jews during the Second World War: it has never been seriously challenged, neither in terms of numbers killed nor method used. However, the true importance of Srebrenica rests in the fact that it is the first internationally recognized instance of genocide in Bosnia. Other instances of genocide and human rights violations are currently being established at the ICTY.

While the pursuit of individual responsibility for crimes committed remains important – to send a clear message that crimes against humanity will not go unpunished – this remains insufficient incentive to tackle the issue of political reasonability and the constitutional structure impeding reconciliation. However, the establishment of the ICTY and the newly instituted Domestic War Crimes Chamber (DWCC) are welcome additions to the nascent structure of Bosnian justice. They support the process of democratization that provides impartial international and domestic venues to address the injustices of the past. The establishment of the DWCC has provided Bosnia with a much-needed, internationally recognized ability to prosecute those who committed war crimes in Bosnia.<sup>5</sup> Such a capacity was largely absent after the Second World War, thereby allowing many responsible for atrocities to evade justice and blend into society without any consequences. A culture of silence for the sake of national unity prevailed under communism. This time around, such an approach is not an option due to the substantial participation of the general population in the atrocities.

Svetozar Stojanovic – Serbian philosopher from the Centre for Philosophy and Social Theory at the University of Belgrade, Yugoslavia, a former Wilson Centre Fellow, and advisor to Dobrica Cosic, Yugoslav President 1992–1993 – observes what seems to be a failure of Yugoslav authorities to actively and directly address crimes Croats committed over Serbs during the Second World War:

The communist victor [Tito] in Yugoslavia never seriously looked into Ustashi genocide as an issue or a problem. Instead of carrying out denazification through education ... he limited himself to liquidation of captured Ustasish. It is true that Pavelic and the other main criminals had, however, fled abroad, and the new authorities did not endeavor to organize

their trial (at least in absentia) like the one in Nuremberg, although they more than deserved it. The karst pits into which Serbs were thrown alive by Ustasis in Herzegovina remained concreted over, and their relatives were not allowed to remove bodies and bury them. These 'concreted pits' have become a metaphor for the communist illusion that enforced silence is the best way to deal with terrible crimes among nations.<sup>6</sup>

Impartial justice that closes the book on war crimes has never existed before in the Balkans. Therefore, the ICTY has been revolutionary for the region, as has the establishment of the DWCC, whose work will shape the society for decades: many who were being held in The Hague have already been transferred to Bosnia to be tried there. Tribunals like the ICTY and DWCC can contribute to truth-telling in the region; but the truth they reveal is one kind among many – what has been called in South Africa 'forensic truth', or the facts of a case as revealed in a court. The other kind of truth is what allows people to feel comfortable with where they live, with going about their daily lives and having confidence in the prosperity of their future. This is something distinct from moral satisfaction, which could be achieved by arrests and sentencing. This second kind of truth has to be the result of a local process.

Nevertheless, divergent perspectives of truth are readily observed in public discourse. In spite of all evidence, elements of Serbian political leadership, authorities and polity readily refuse to recognize the Srebrenica genocide. Even Bishop Grigorije of the Serb Orthodox Church, recently commenting on the indictments of General Mladic and Dr. Karadzic, said that he would personally choose to go to the ICTY if he were indicted, stating: 'If the two of them had gone to The Hague when they were asked to do that for the first time, they would have been heroes. Nowadays, their heroic deeds and fight are brought into question'. Nevertheless, Bishop Grigorije added that he would never hand them over, even if information on their whereabouts was known to him. Further, he concluded by placing his hopes in the young people, whose time is also passing by.<sup>7</sup>

This demonstrates that perspectives of 'truth' held by victims diverge from perspectives held by those who continue to find compelling justification for the crimes committed. Examination of this divergence is warranted. The question arises: Why is the truth ignored by political elites? Here, Walzer's notion of morality in political and military affairs is instructive: 'In moral life, ignorance isn't all that common; dishonesty is far more so'.<sup>8</sup> Walzer further argues that consistency of lies is necessary, if for nothing other than for self-justification of past conduct. Unfortunately, in Bosnia such dishonesty in the service of politics perpetuates political options that owe their prominence to the acquiescence of the IC before the brute force of genocidal politics and commitment to *realpolitik*. In the case of Bosnia, we must look to address such divergence, if not for the sake of Bosnian citizens in particular then for the sake of humanity in general, and the responsibility to repress genocide.

Ultimately, the perpetuation of divergent historical perspectives at a time when Bosnia is undergoing an internationally supported state-building effort is not acceptable. State constructed by fiat on a fragile, disintegrated and diametrically

opposed foundation of truth is hardly a precondition for sustainable statehood and stability. Thus, the IC, local political authorities and civil society should be encouraged – if not explicitly mandated – to devise a responsible educational system that is not dismissive of the past, a system that deals with the consequences of the past. This will be a difficult process that will ultimately require the removal of the structural impediments discussed below; because for as long as structural impediments remain a driving force in Bosnian politics, the ability to move forward will solely depend on the contestation of a civil society that, at this point, seems to be under-resourced and politically disorganized.

### **Removing Structural Obstacles: Dayton Constitution**

While it is important to recognize that the DPA was instrumental in ending the conflict and retaining Bosnia's international borders, it has created a government comprised of two politically divided and ethnically based semi-autonomous entities: the Bosniak-Croat Federation and the Bosnian Serb-led Republic of Srpska (RS).

The weakness of this model is in the duplicative and unsustainable government structure that implicitly recognized the superiority of ethnic majority rights – including those created through ethnic cleansing – including the ethnically exclusive administration of government. The current constitutional arrangement, at best, violates the European Charter on Human Rights, most notably in regards to the discriminatory election of the President and members of the House of Peoples. Most importantly, while the DPA has proven effective in securing short-term peace, it has failed to address the consequences of genocidal politics and long-term regional stability. The threat of highly unstable authority structures of entity levels persists. If unchanged, they will represent a perpetual threat to peace.

The legitimate ownership of democratic processes and fundamental justice must be an integral part – a centrepiece – of transitional policies modelling the emerging Bosnian democracy. As argued by Wilson, motivation and active participation are increased by modelling organizations that are 'well-organized, well-led and whose structure, administration and functioning are perceived as equitable and just'.<sup>9</sup> Here, we wish to point out the necessity to eliminate structural impediments to inter-ethnic co-existence borne by the DPA, as a precondition for the discovery of truth and the process of reconciliation. Only with this major structural obstacle removed will a rationalized process of truth and reconciliation – one we trust has the promise to mend Bosnian social fabric and provide institutional ground for stable and secure society – be able to follow.

However, it is fundamental that justice be served and equality protected on both an individual and a collective level, and that the mechanism for securing such an outcome be enshrined in the new constitution. In this regard, constitutional liberal democracy presents itself as the only just governance structure for a multi-ethnic and, most importantly, a multi-confessional society such as Bosnia. Adhering to the tenants of constitutional liberal democracy can ensure justice and equality for all, thus creating a healthy foundation for a stable and functional state.

According to Fareed Zakaria, constitutional liberalism as commonly found in Western Europe and the United States is associated with ready assurances of the individual's right to life and property, and freedom of religion and speech.<sup>10</sup> Furthermore, to assure basic rights, constitutional liberalism employs 'checks on the power of each branch of government, equality under the law, impartial courts and tribunals, and separation of church and state'. As Bosnia is embarking on the codification of amendments to the 'Dayton Constitution', these are the elements that should be enshrined in it. This would ensure that democratic principles of majority vote and median voter preference do not include 'ethnic cleansing' against other democratic polities as an acceptable option under a democratic regime, no matter what internal distribution of power ultimately exists in Bosnia.

Zakaria concludes: 'Democracy without constitutional liberalism is not simply inadequate, but dangerous, bringing with it the erosion of liberty, the abuse of power, ethnic divisions, and even war'. These are the fears Bosnia is facing, and they need to be addressed boldly by the IC and domestic political forces that are ready to embark on the road of political responsibility – and they need to do so as soon as possible as a part of the EU accession process.

### **Facing the Truth in the Political Context: the Question of Culpability**

A search for truth and justice in a context paralyzed by political realities and individual motivations – such as those described above – is bound to produce no long-term agreement. Issues of necessity and justice tend to be irreconcilable. There are often divergent perspectives on wartime enemies and peacetime adversaries at the level of political elites, particularly with respect to war crimes. As suggested by Walzer: '[M]oral discourse is always suspect, and the war is only an extreme case of anarchy of moral meanings ... Judgments of necessity are in this sense always retrospective in character – the work of historians, not political actors'.<sup>11</sup>

While this may very well be true, the concept and definition – or, if you will, the passing of judgment – on whether or not the war conducted was just, or at the minimum justifiably necessary, should be deliberated outside the political context in order to make any meaningful progress in the debate. With this complexity in mind, perhaps we should discuss that which is morally acceptable and just *outside* of the context of any specific war but *within* the context of humanity – since that is the only true context we all share.

In our judgment, the first step should be to determine what indeed ought to be right in the context of humanity, and then measure deeds of political actors within their specific political context to arrive at the true judgment about the nature of the war and its outcomes. The retrospective approach historians take is useful in defining the context but by no means sufficient in justifying *ex post* morality of a violent conflict.

That said, morality should be understood as having only an *ex ante* quality, as its true nature should be universal and unchanging – even if that is to be in the most minimal form that allows for vast cultural differences. In Walzer's words:

'It is important to stress that morality of war is not fixed by the actual activities of soldiers but by the opinions of mankind'.<sup>12</sup> Here, we find firm ground in the wide-based support for the principles of the Genocide Convention. Thus, it is reasonable to claim that the ethics of international affairs have matured to the point where we can freely and effectively identify ethical failures and structural impediments, and collectively work to correct them.

However, we must acknowledge that the morality of political activity and the outcomes it produces are defined by desired ends, and constrained by the available means – and strategic calculations – required to achieve them. With that in mind, it is not only the nature of the process and policy that brings qualification of justice that we should try to judge. It is also the starting point and the desired ends of any political action contemplating and using war as means to an end. It is essential that we acknowledge that both can be judged without the burden of actions committed during wartime, a point we argue next.

### **The Importance of Political Responsibility**

Iris Young presents a model of political responsibility that, in essence, questions the acceptance of morally intolerable conditions by social actors.<sup>13</sup> Young argues that:

Most of us contribute to a greater or lesser degree to the production and reproduction of structural injustice precisely because we follow the accepted and expected rules and conventions of the communities in which we live. Usually we enact standard practices in a habitual way, without explicit reflection on what we are doing; having in the foreground of our consciousness and intention our immediate goals and the particular people we need to interact with to achieve them.

Post-war Bosnia is precisely such a society, burdened with individual culpability, structural injustices and social pathologies that make it extremely hard to deal with the war's consequences.

In sum, Young argues that many stakeholders in the process may be required to address structural injustices even though they may not be directly culpable for past wrongs and subsequent outcomes. While the ICTY and the DWCC should continue to provide mechanisms for addressing individual culpability, the IC with its expansive mandate, local political parties, and most importantly the citizens of Bosnia should address larger issues of truth and reconciliation as a shared responsibility, without being burdened by a collective stigma of liability. The concept of political responsibility effectively separates the issues of blame and liability that stalemate the process of reconciliation and collective action. This concept corrects structural impediments that produce conditions that are a disservice to the majority of Bosnians. The point here, however, is more fundamental and deals with the responsibility of the society to proactively address injustices of the past. When it comes to both Bosnian Serbs and the IC, there is a clear responsibility to work towards creating conditions of tolerance and dialogue.

However, in a democracy, political elites do not constitute the full spectrum of political life. Civil society is its integral part. Consequently, civil society must be an integral part of a reconciliation process. After all, 'civil society' is the people affected. Efforts on the part of civil society for truth and co-existence should be supported, both in terms of expertise and also resources. Alternative sources of information need to be developed through responsible actions of civil society because, in a democracy, civil society has the potential to favorably influence political action. However, to influence political actions, civil society requires the capacity to derive force of argument to counter the argument of force, and to generate the necessary pressure and impetus for political actors to engage in the process. As a society, we are yet to start such a process. However, it is important that the process starts sooner rather than later.

We may start by looking at the 'Summary Report Regarding Local, Regional, and International Documentation of War Crimes and Human Rights Violations In the former Yugoslavia'.<sup>14</sup> This report recognizes the fragmented nature of data collection that directly contributes to an inability to jumpstart a workable truth and reconciliation process. The report calls for a unified action by civil society to devise a 'work plan for the consolidation, integration and co-ordination of existing documentation resources in order to facilitate efforts towards truth, justice, reconciliation and public awareness about past events'.<sup>15</sup>

A comprehensive approach to truth, justice, reconciliation and public awareness about past events will give rise to what we call an 'intellectual middle class' that keeps democratic society stable, provides checks on government and ensures participation of citizens in governmental affairs and decision-making. However, to have an effective voice in political discourse, civil society requires tools of contestation capable of resolving the political stalemate created by the fact that truth does not favor all sides equally, and to various degrees disfavors all.

Dahl defines political contestation as having effective suffrage or ability to engage in electoral competition when the mutual security of government and opposition is assured, which occurs when the costs of the suppression of civil society or political opposition exceed the costs of tolerance and political discourse.<sup>16</sup> Bosnian society is yet to achieve such a state of consolidated democracy. Consequently, such democratic deficit allows the perpetuation of wartime political options. Perhaps the consequences of a lack of such democratic accountability are best demonstrated by the resignation of the entire Dutch cabinet in the aftermath of a report on the failure to prevent the Srebrenica genocide.<sup>17</sup> Throughout Bosnia, however, places such as Srebrenica are many, yet we see no resignations among governing elites. Contestation is still ineffective while a state of democracy is clearly far from consolidated.

Ten years after the end of hostilities, Bosnian society is still dominated by a political elite that perpetuates the status quo. Thus, civic dialogue and public pressure of an intellectual middle class must be strengthened in order to achieve the level of contestation that will allow the process to move forward.

## Securing Legitimacy of Process and Outcomes

In the Bosnian case, any future form of truth and reconciliation process, or truth commission as it is often called, at *minimum* must be approved by democratic means of parliamentary democracy in order to gain legitimacy. Therefore, negotiating the scope of legislation defining the process remains paramount. Issues such as the historical scope of inquiry; the methodology of determining causes, effects, and outcomes; and – perhaps most acutely among other issues that deserve separate analysis – the authority to assign culpability are subject to such negotiations. However, to ease the process we must keep it free of assigning culpability, which to a great degree falls in the realm of individual responsibility and accountability.

That is not to say, however, that we wish to deny the significance of victimization and crimes committed, much less to exonerate criminals who have committed them. We believe that the issue of culpability and punishment should be addressed through courts, both international and domestic. We also acknowledge that crimes against humanity do not get old; they can be prosecuted for as long there is evidence corroborating such actions and resources available to prosecute them. Therefore, it is our responsibility as an emerging democratic society to strengthen the rule of law and to enhance and perpetuate the ability of the state to prosecute war criminals. This is more important in light of the fact that today there are more than 12,000 war crime suspects, many of them clearly identified in the Srebrenica report.<sup>18</sup>

Time will tell whether systematic culpability on the state level exists, as the body of evidence grows and forms a more comprehensive dossier of past wrongs. Here again we must refer to the courts, in this case the Constitutional Court of Bosnia and Herzegovina, guided by the authority to rule on constitutional matters affecting the whole state of Bosnia and Herzegovina. Nevertheless, it must be recognized that this process is, to a large extent, controlled by political elites whose actions need to be stimulated through the effective contestation of opposition as well as the actions of the IC and civil society.

Without truth legislation that would legitimize this process, the society will be left with forensic truth derived from criminal proceedings that are of limited help to social reconstruction. While adherence to due process and discovery makes the facts revealed hard to dispute, such a truth process provides some limited gratification for individuals but hardly contributes to the creation of the kind of common narrative that has larger political and social implications for reconciliation. In essence, the mandate of the truth commission as a precondition for the prospect of reconciliation ultimately needs to be negotiated and clearly defined and ratified by the parliament. Without such an intermediate step the prospect of reconciliation will continue to remain elusive.

Finally, it is particularly important that the impartiality of the inquiry be assured by whatever means necessary, whether that is by seeking technical assistance and resources from impartial third parties and experts or by seeking international mediation on issues of contention. In this regard, the example of the Scholars Initiative directed by Dr Charles Ingrao is illustrative.<sup>19</sup> Here, peer pressure and wide-ranging argument over regional issues by over 270

international experts working towards the common regional narrative has managed to provide the most commonly accepted truth. A small number of extreme interpretations on both sides of the argument did occur, but ultimately were scientifically discredited. This process is a good model for providing a balanced common narrative.

### **Reaching Catharsis: Dissemination, Acceptance and the Prospect of Collective Justice**

Finally, the dissemination and acceptance of findings remain the most critical issues for the success of the venture of social reconstruction. The acceptance of the findings by the Bosnian polity is the final obstacle to the process of truth discovery. Acceptance, however, is entirely an individual matter. We often find cases where those incriminated in the eyes of the world themselves find their acts justified and are at peace with them.

To have a fair chance of wide-ranging acceptance, incentives must be built into the process. We advocate the provision that the final narrative not only include the causes of the past atrocities and societal disintegration, but also clearly identifies the horrific human and economic costs associated with it. Identifying costs directly associated with the decline in individual wellbeing of an average Bosnian citizen while projecting the benefits of avoiding past practices in the future is a powerful incentive. This is necessary in order to provide sufficient incentive on an individual level to move towards the prospect of civil interdependence and restorative development; towards assuring political and social stability and regional prosperity.

While this may fall short of achieving justice, this process will provide the truth for victims as well as the truth of and about perpetrators to stimulate further strengthening of the state's capacity. Reinforced constitutional and judicial systems, capable of punishing past and deterring future crimes through rule of law, will ultimately provide both restorative and retributive justice. Justice must continue to be addressed through courts on individual and collective levels as, in a democracy, the rule of law has no suitable alternative.

### **Conclusion**

Ultimately, the process of reaching truth, justice and the prospect of reconciliation is a question of political and collective responsibility. The facts of history must be approached by defining a common narrative of the recent past: this responsibility remains essential for the benefit of current and future generations. Redressing the present multi-polarity of truth that continues to erode Bosnia's civic potential is a collective responsibility. The danger of perpetuating and cementing such a condition remains real as ritualized perceptions, once institutionalized, are hard to reverse.<sup>20</sup> In this sense, divisive educational policies, the absence of public discourse reinforced by debilitating structures of government, and the lack of IC commitment to address tragic failures of human security remain intolerable. As Elazar Barkan eloquently stated, we must 'keep the moral outrage alive'.<sup>21</sup>

If a neglect for reaching a common truth persists, a generation may be lost – and with it Bosnian youth, the most mobile, adaptable and affected segment of Bosnian society. If lost, there will be no-one to carry the legacy of Bosnian civic potential, thereby setting the country on the path of continued animosity and further prospect of atrocities. If for no other reason, the threat of future conflict warrants denying the oft-stated logic of delaying reconciliation by arguing that ‘the time for reconciliation is in the future’, as put forward by Michael Ignatieff in the case of the South African reconciliation process.<sup>22</sup>

Ignorance is simply unacceptable in the case of Bosnia, as every day of ignorance is another day of intolerance.

## Endnotes

<sup>1</sup> Prosecutor v. Radislav Krstic [2004] ICTY 7 (19 April 2004) Case No: IT-98-33-A, In the Appeals Chamber.

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<sup>3</sup> I. Bosnjovic, ‘Population of Bosnia and Herzegovina in the Second Half of 20th century’, Paper presented at the conference ‘Changes in the 1990s and the Demographic Future of the Balkans’, Sarajevo, 10–14 May 2000.

<sup>4</sup> N. Dervisbegovic, ‘Revised Death Toll for Bosnian War’, *Bosnian Institute*, London, <[www.bosnia.org.uk/news/news\\_body.cfm?newsid=1985](http://www.bosnia.org.uk/news/news_body.cfm?newsid=1985)>. For overview and records of the *Population Loss Project* of the Research and Documentation Center of Sarajevo go to <http://www.idc.org.ba>.

<sup>5</sup> P. Ashdown, ‘Remarks by the High Representative at the Press Conference on Transfer of 11 BIS Cases’, International Press Briefings, OHR Sarajevo, February 25 2005, <[http://www.ohr.int/print/?content\\_id=34105](http://www.ohr.int/print/?content_id=34105)>.

<sup>6</sup> S. Stojanovic, *The Fall of Yugoslavia: Why Communism Failed*, Prometheus Books, Amherst, NY, 1997, pp. 77–78; 89–92. Adopted from D. Crocker, ‘Reckoning with Past Wrongs: A Normative Framework’, *Journal of Ethics and International Affairs*, New York, June 2004, p. 48–49.

<sup>7</sup> R. Gutic, ‘New Wine, New People’, *Vecernje Novosti*, in *OHR Media Monitoring Report* May 4, 2005, p. 2.

<sup>8</sup> M. Walzer, *Just and Unjust Wars*, New York, Basic Books, 2003, p. 19.

<sup>9</sup> J. Wilson, *Bureaucracy*, Basic Books, United States, 2000, p. 17.

<sup>10</sup> F. Zakaria, ‘The Rise of Illiberal Democracy’, *Foreign Affairs*, vol. 76, no. 6. November/December 1997.

<sup>11</sup> M. Walzer, *Just and Unjust Wars*, p. 11.

<sup>12</sup> *Ibid*, p. 15.

<sup>13</sup> I. Young, ‘From Guilt to Solidarity: Sweatshops and Political Responsibility’, *Dissent Magazine*, Spring 2003.

<sup>14</sup> D. Djordjevic, 'Summary Report Regarding Local, Regional and International Documentation of War Crimes and Human Rights Violations in the former Yugoslavia', <<http://www.ictj.org/downloads/SummaryReport.pdf>>, April 2002.

<sup>15</sup> Ibid.

<sup>16</sup> R.A. Dahl, 'Polyarchy: Participation and Opposition', Yale University Press, New Haven, 1971, p. 15.

<sup>17</sup> 'Dutch Government Quits Over Srebrenica', BBC News, Tuesday, 16 April, 2002.

<sup>18</sup> 'High Representative Says Srebrenica Working Group Must Be Re-convened Without Delay', Office of the High Representative Press Release, April 20 2005.

<sup>19</sup> See <<http://www.cla.purdue.edu/academic/history/facstaff/Ingrao/si/scholarsprospectus.htm>>.

<sup>20</sup> B. Wilshire, *Get 'Em All, Kill 'Em: Genocide, Terrorism, Righteous Communities*, Lexington Books, Lanham, 2005, p. 146.

<sup>21</sup> Edited transcript of remarks, Panel and Commemorative Event held at the Museum of Jewish Heritage, in collaboration with the Academy of Bosnia and Herzegovina, and with the Carnegie Council in an advisory role, <<http://cceia.org>>, accessed 13 July 2005.

<sup>22</sup> M. Ignatieff, narration in the documentary 'Getting Away with Murder', Special Correspondent Programme, BBC2.