



Organization for Security and Co-operation in Europe
High Commissioner on National Minorities

**DEALING WITH THE PAST –
A TOOL FOR CONFLICT PREVENTION**

address by
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OSCE High Commissioner on National Minorities

to the
Conference:
Dealing with the Past and Reconciliation –
What kind of truth-seeking mechanism does Kosovo need?

CHECK AGAINST DELIVERY

Priština – 22 May 2012

Your Excellencies,

Deputy Prime Minister,

Dear International Civilian Representative,

Dear European Union Special Representative,

Dear Ladies and Gentlemen,

All of us carry with us baggage that we call the past. The past forms who we are; our histories remain with us and continue to influence our perceptions of the present and make the foundation for our future decisions.

Therefore, it is an honour for me to be back in Priština and to be part of this important conference dealing with the past and addressing the question of reconciliation. Let me particularly thank Deputy Prime Minister Kuçi with whom I discussed this issue a year ago and the International Civilian Representative, Mr. Feith, for the invitation to this event.

Ladies and gentlemen,

Over the past 13 years, progress has been achieved here; however, a number of key concerns remain.

Thirteen years ago, human rights violations and widespread destruction brought this society to its knees. Those events have left deep scars in Kosovo and beyond. Since then, Kosovo has started to rebuild. New roads have been built, schools have been opened, religious sites have been reconstructed and new and standard complaint laws have been passed. Looking back to

1999, when Kosovo, assisted by the international community, was embarking on this journey, one can see how remarkable these achievements are.

They have not come easy. Economic and political impasses remain. The violent riots in March 2004 and events over the last eight months demonstrate that Kosovo is still held back from reaching its full potential by lingering inter-ethnic tensions.

In 2009, I launched a discussion paper on transitional justice in Kosovo, together with the Kosovo Institute for Policy Research and Development – better known as KIPRED. The paper was the result of a process in which both Kosovo-Albanians and Kosovo-Serbs had met to discuss the challenges of the past. I advocated that the unresolved issues have to be faced before we can confidently move forward without feeling the constant threat of a resurfacing conflict in Kosovo. Today, three years later, this is still true. And, as time passes and we move further away from those terrible events, finding a way to come to terms with the past becomes more urgent and, unfortunately, not less difficult, as many would have thought and hoped for. The past comes back to haunt us if it is not dealt with.

Ladies and gentlemen,

How does dealing with the past contribute to conflict prevention? The former German President Richard von Weizsäcker famously observed that: “Whoever closes his or her eyes when facing the past will be blind to the present.” In Kosovo, there is much talk about what happens next; the attention of Kosovo and that of the international community is firmly on Kosovo’s achievements in redefining itself to become a reliable partner in Europe.

This single-minded attention on the future is one reason, as I see it, why Kosovo has not been able to adequately address and come to terms with the harm done in the recent or distant past. That blindness to history is treacherous.

Ladies and gentlemen,

As you know, the conflict in Kosovo had no clearly defined beginning or end and no visible frontline. Open violence formally came to a halt after the intervention of the international community. There was an immediate attempt to guarantee the right to justice and to prosecute those responsible for the crimes committed. This process has delivered noteworthy results and has contributed to stabilizing Kosovo and the region.

Prosecuting crimes will, however, not alone be sufficient to deal with the past. The conflict not only resulted in an urgent need to bring the perpetrators to justice, it also created many fault lines in society. The ethnically based separations are the most obvious, but the lack of trust is an important additional dividing factor that needs to be taken into account.

Obviously, this lack of trust drives the ethnic groups apart along lines similar to those during the conflict. But this lack of trust also drives a wedge into the ethnic groups themselves. While both sides describe the conflict as clean and honourable, there remain widespread allegations of betrayal, treachery and disloyalty during the conflict within the ethnic groups. Most of these allegations have found no resolution in a process mandated by law and accepted by society. This feeds mistrust and fuels further divisions in society. Rebuilding this trust will only happen by addressing the issues of the past.

Ladies and gentlemen,

We all have experienced that unresolved issues of the past have a deep and long-lasting impact on inter-ethnic relations. This often leaves tensions that, if left unaddressed, are prone to re-emerge and escalate.

Let me give a few examples of the symptoms of such unresolved tensions. As a direct consequence of a past conflict, we often see that schoolchildren of different ethnicities in the same country are taught different versions of their common history. We also see cases where these pupils are unable to speak the languages of other ethnic groups in their country. We see instances of governments that are unable to efficiently communicate with all the religious institutions and vice versa. Often, property-rights disputes are fought along ethnic lines and the justice system is perceived as unjust across the board. And repeatedly, we see that both perceived and real interference with people's basic rights, such as freedom of movement or freedom of expression, is breeding mistrust among communities. All such symptoms are leading, and have led, to divided societies, and divided societies are a recipe for future conflict.

Ladies and gentlemen,

In this context, I would like to stress an important issue. In Kosovo, dealing with the past is often perceived to be a matter of implementing the law swiftly and effectively, and prosecuting the perpetrators of crimes committed during the conflict. However, rebuilding a society not only requires restoration of the rule of law and the ending of impunity, it must also include the rehabilitation of victims. If this is not addressed, the victims of the past might

become the perpetrators of tomorrow. People whose sufferings are not taken seriously could seek to take justice into their own hands and, at the very least, are unlikely to support reconciliation, which is the basis for a sustainable peace. If victims are not part of the process to address the past, future stability cannot be ensured.

Ladies and gentlemen,

In *War and Peace*, Leo Tolstoy observed that “writing laws is easy, but governing is difficult.” Kosovo has adopted adequate legislation to prosecute crimes committed during the conflict and made progress in reforming its judiciary. The challenge lies in the implementation. In 2009, when I presented the discussion paper on transitional justice, I stressed that the work must continue and that more visible action was needed. That we are gathered here today, joined by representatives of the Kosovo Authorities, is an encouraging sign.

As the OSCE High Commissioner on National Minorities, I hope the process that the Authorities in Priština, together with the International Civilian Office, have started will continue. Kosovo’s successful transition requires that you stay the course. The responsibility to deal with the past is not an easy task, but I am confident that the Kosovo Authorities will be able to continue to take the lead and facilitate this process. The envisaged establishment of an inter-ministerial working group on dealing with the past and reconciliation is a promising start.

Your Excellencies,

Deputy Prime Minister,

Dear International Civilian Representative,

Dear European Union Special Representative,

Dear Ladies and Gentlemen,

At the outset, I stated that the past to a large degree defines us. However, in judging the past we must remember that this judgement is affected by our perception, education and culture. We need – every one of us – to try to find as objective a position as possible to help us form a reasonable judgement of the past. Only then can we create legitimate rules for practical interaction in order to avoid repeating mistakes. Only then can we move forward with confidence.

Thank you for your attention.