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## Reconciliation and political dialogue between the countries of the former Yugoslavia

### Report<sup>1</sup>

Committee on Political Affairs and Democracy

Rapporteur: Mr Pietro MARCENARO, Italy, Socialist Group (SOC)

### Summary

The recent efforts at reconciliation between the countries of the former Yugoslavia and their commitment to constructing new relationships with each other and enhancing regional co-operation indicate a greater willingness to overcome the legacy of the conflict. However, the goal of full reconciliation between these countries depends on the successful resolution of a number of outstanding issues which still jeopardise efforts for stabilisation in the region, notably missing persons, prosecution of war crimes, refugees and internally displaced persons and border disputes.

Renewed efforts are needed by all governments in the region with a view to their full reconciliation and Euro-Atlantic integration: finding a solution to the constitutional deadlock in Bosnia and Herzegovina, resolving to settle any outstanding border disputes through binding arbitration mechanisms, continuing to provide support for the return and reintegration of refugees, establishing a Regional Commission for Establishing the Facts about the War Crimes in the former Yugoslavia (RECOM), strengthening interparliamentary dialogue and fostering cultural change are among the recommended actions.

The report stresses the importance of strengthening the role of the national parliaments of the countries of the former Yugoslavia in any endeavours aimed at full reconciliation in the region. The Parliamentary Assembly could, for its part, offer a platform for such a dialogue, where appropriate in co-operation with the European Parliament.

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## A. Draft resolution<sup>2</sup>

1. The conflicts that ravaged the territory of the former Yugoslavia between 1991 and 1995 were the deadliest in Europe since the Second World War. They were characterised by heinous war crimes, including genocide, with ethnic cleansing and rape being used as an instrument of warfare, and cost the lives of approximately 140 000 people.
2. The Parliamentary Assembly notes that the conflicts have shaped a new political and institutional panorama and have designed a new human geography with profound demographic transformations: more than 300 000 persons are internally displaced and there are still over 120 000 refugees unable or unwilling to return to the areas they lived in before the outbreak of war. The identification of missing persons and the discovery of mass graves is still ongoing, but approximately 14 000 people are still unaccounted for.
3. The Assembly supports the efforts of the countries of the former Yugoslavia to reconcile and reconstruct a new relationship with each other and welcomes their commitment to regional co-operation, which indicates a greater willingness to overcome the legacy of the past. It notes with satisfaction a number of positive examples of people and leaders from the region working together for change:
  - 3.1. co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY) has improved markedly over the years and the vast majority of indictees have already been transferred into ICTY custody; the so-called "Palić Process" has promoted inter-state dialogue and judicial co-operation in war crime proceedings;
  - 3.2. there has been an intensification of relations between Belgrade and Zagreb; the heads of state of all the countries of the former Yugoslavia attended a memorial ceremony in Srebrenica in July 2010 to commemorate the 15th anniversary of the massacre;
  - 3.3. the unearthing of mass graves and DNA-assisted identifications have shed light on the fate of many missing persons; in November 2010, President Tadić and President Josipović advocated the opening of all archives without exception;
  - 3.4. Bosnia and Herzegovina, Croatia, Montenegro and Serbia are committed to implementing the so-called "Sarajevo Declaration", signed in 2005, in which they agreed to find a solution to the problem of internally displaced persons and refugees, with the assistance of the international community;
  - 3.5. in March 2010, a number of the countries of the former Yugoslavia launched the so-called "Brdo Process" and agreed to provide each other with mutual support and to do their utmost to address open bilateral issues in a European spirit;
  - 3.6. in the "Istanbul Declaration", signed in April 2010, Bosnia and Herzegovina and Serbia pledged to overcome their historic differences and build a common future based on tolerance and understanding and agreed that regional policy should be based on ensuring security and permanent political dialogue;
  - 3.7. a number of states are beginning to agree to have outside bodies arbitrate over border disagreements, with Croatia and Slovenia setting a positive precedent;
  - 3.8. steps have been taken across the region to adopt measures to combat discrimination and national minority councils have been established in Bosnia and Herzegovina and Serbia to represent the rights and interests of minorities.
4. The Assembly particularly welcomes the initiative recently taken by a coalition of non-governmental organisations from Bosnia and Herzegovina, Croatia and Serbia to create a Regional Commission for Establishing the Facts about the War Crimes in the former Yugoslavia (RECOM) to document all crimes committed during the wars in order to honour and acknowledge all the victims.
5. Although significant progress has been achieved in recent years, the Assembly finds that the situation varies considerably among countries and that the effectiveness of policy reforms often falls short of expectations.
6. Furthermore, the Assembly notes with concern that public discourse on the war and its legacy varies from one country to another and can be a potential source of hatred and conflict. It considers that, in the same way in which ethnic conflict and civil war are not natural, but man-made disasters, their prevention and settlement do not happen automatically either. Leadership needs to be capable, determined and visionary in its commitment to peace.

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2. Draft resolution adopted unanimously by the committee on 15 December 2010.

7. In the Assembly's view, renewed efforts are needed by all the governments in the region with a view to their full reconciliation and Euro-Atlantic integration. It therefore calls on the countries of the former Yugoslavia concerned to:

- 7.1. ensure that the issue of missing persons remains a priority, open their archives and provide appropriate funding for civil society initiatives which seek to create records of victims of the conflicts to address the legacy of the past;
- 7.2. ensure full co-operation with the ICTY on war crime prosecution, give priority to tracking down and arresting the remaining fugitives and ensure the full protection of witnesses;
- 7.3. intensify technical co-operation to establish clear statistics relevant to refugee return and local integration and continue providing support for the return and reintegration of refugees in their place of origin or, where appropriate, for integration in the place of displacement, in co-operation with the international community, giving priority to the promotion of access to basic rights, including housing, education, health, employment and social services;
- 7.4. resolve to settle any outstanding border disputes and, where appropriate, commit themselves to a binding arbitration mechanism;
- 7.5. step up efforts to ensure the effective implementation of anti-discrimination legislation and the protection of minorities;
- 7.6. support cross-border, grass-root and civil society initiatives aimed at reconciling citizens from different countries;
- 7.7. support the establishment of a regional truth and reconciliation commission, with the participation of all countries involved in the conflicts, with a view to reaching a mutual understanding of past events and to honouring and acknowledging all the victims.

8. With regard to the situation in Bosnia and Herzegovina, the Assembly regrets that the general elections held on 3 October 2010 were once again conducted with ethnicity and residence-based limitations to active and passive suffrage rights, and that the constitutional deadlock continues to be an obstacle impeding the country from moving ahead towards a fully-fledged democracy that can take responsibility for its own affairs. It therefore reiterates its recommendations to Bosnia and Herzegovina to:

- 8.1. take urgent steps to respect its commitments as a member of the Council of Europe and undertake comprehensive key reforms, including constitutional reforms, and ensure full compliance with the December 2009 ruling of the European Court of Human Rights in the case of *Sejdić and Finci v. Bosnia and Herzegovina*, taking full account of the recommendations of the Venice Commission;
- 8.2. work on strengthening the functioning of its state democratic institutions in order to achieve a fully sustainable state capable of dealing efficiently with the challenges of Euro-Atlantic integration, and make progress towards the closure of the Office of the High Representative.

9. The Assembly stresses that the perspective of European Union integration remains an important incentive for the success of the process of reconciliation in the region. Noting that the states of the former Yugoslavia are at different stages with regard to this process, and that progress made towards European Union membership varies greatly, it believes that the European Union can provide the necessary political drive and leverage in favour of dialogue, particularly through the European External Action Service, in co-operation with other relevant actors present in the region. The Assembly therefore encourages the European Union to:

- 9.1. promote a region-wide process, decoupled from the accession and pre-accession processes, to support the countries' efforts to deal effectively with outstanding issues and persistent challenges to a full normalisation of the region;
- 9.2. closely co-operate with the Council of Europe, the Organization for Security and Co-operation in Europe, the United Nations High Commissioner for Refugees and the Regional Cooperation Council, which have the legal instruments and the expertise to address the outstanding issues.

10. The Assembly is convinced that inter-parliamentary dialogue at regional level should be supported and stresses the importance of strengthening the role of the national parliaments of the states of the former Yugoslavia in any endeavours aimed at full reconciliation in the region. For its part, the Assembly resolves to offer a platform for such a dialogue, where appropriate in co-operation with the European Parliament.

## B. Draft recommendation<sup>3</sup>

1. Referring to its Resolution ... (2011) on reconciliation and political dialogue between the countries of the former Yugoslavia, the Parliamentary Assembly is of the view that the goal of full reconciliation between these countries is closely intertwined with the successful resolution of a number of pending issues which still jeopardise efforts for stabilisation in the region, notably missing persons, prosecution of war crimes, refugees and internally displaced persons and border disputes.
2. The Assembly also believes that it is critical to promote and support a public discourse about the war that departs from nationalist rhetoric, in particular in the education of the younger generations.
3. The Assembly therefore recommends that the Committee of Ministers:
  - 3.1. strongly urge all member states of the Council of Europe to continue to provide financial assistance to turn existing action plans aimed at finding a durable solution for refugees and internally displaced persons into concrete action;
  - 3.2. provide all necessary assistance to and support for the work carried out by the Council of Europe schools of political studies, notably in Belgrade, Pristina and Sarajevo, in engaging political and other elites in dialogue and intensifying efforts in the region with a view to fostering co-operation on all outstanding issues and strengthening the multi-ethnic character of these circles;
  - 3.3. foster cultural change by supporting the work carried out by local actors, researchers and NGOs aimed at developing a more pluralistic and shared view of past and recent events, and consider the possibility of organising a round table with recognised historians from the region around some key dates in history;
  - 3.4. continue to support the relevant work done by the Council of Europe in conflict and post-conflict regions on the revision and development of textbooks and teacher manuals, the organisation of teacher seminars and source material identification, and consider expanding such activities to other areas of activity;
  - 3.5. encourage the governments of Bosnia and Herzegovina, Croatia and Serbia to actively support the establishment of a regional truth and reconciliation commission;
  - 3.6. ensure full and rapid execution of the judgment of the European Court of Human Rights in the case of *Sejdić and Finci v. Bosnia and Herzegovina*.

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3. Draft recommendation adopted unanimously by the committee on 15 December 2010.

## C. Explanatory memorandum by Mr Marcenaro, rapporteur

### 1. Introduction

1. It is over fifteen years since the end of the conflicts that ravaged the territory of the former Yugoslavia.<sup>4</sup> The purpose of this report is to consider bilateral relations between the countries that emerged from the former Yugoslavia and to find out what the Council of Europe could offer to the process of reconciliation and political dialogue in the region. It was my view from the outset that we should not be the protagonists and that reconciliation cannot be imposed. On the contrary, it is our role to assist and facilitate initiatives that originate from citizens, governments and NGOs of the states of the former Yugoslavia. It is my intention to underline the positive actions undertaken at a political level to overcome the legacy of the past and foster reconciliation between the neighbouring states.

2. By default, all the states which emerged from the Socialist Federal Republic of Yugoslavia (SFRY) will be discussed, to some degree, in this explanatory memorandum. However, in reality, the main focus of the report will be on relations between Bosnia and Herzegovina, Croatia, Serbia and, to some extent, Montenegro.

3. I do not wish to deal with the question of Kosovo<sup>5</sup> in any great detail here. The Parliamentary Assembly has covered this elsewhere and I refer the reader to Mr Björn von Sydow's excellent report on the situation in Kosovo and the role of the Council of Europe.<sup>6</sup> The Council of Europe applies a policy of status neutrality towards Kosovo, and in [Resolution 1739 \(2010\)](#) on the situation in Kosovo and the role of the Council of Europe the Assembly emphasised that the focus of the Council of Europe's attention as regards Kosovo should not be on status but on standards. That said, the issue of the status of Kosovo has affected relations between the states of the former Yugoslavia and will be considered in this regard, as an element of stability in the region as a whole. Also, while this report focuses only on the consequences of the wars between 1991 and 1995, some of the statistics contained in it will be affected by the later conflict in Kosovo.

4. It may be useful to describe the different stages in the preparation of this report. I was appointed rapporteur on 22 June 2009. The Political Affairs Committee was invited by the Serbian delegation to the Assembly to hold its committee meeting at the Serbian Parliament on 6 and 7 September 2010. On 6 September, the committee held an exchange of views with government ministers and the Speaker of Parliament. In the afternoon, the Sub-Committee on Conflict Prevention through Dialogue and Reconciliation organised a hearing on peace building in the countries of the former Yugoslavia, where I was able to present an introductory memorandum on the subject. We then heard views from several NGOs as well as from my colleague, Mr Miljenko Dorić, who will be presenting a report to the Assembly on the obligation of member states of the Council of Europe to co-operate in the prosecution of war crimes,<sup>7</sup> at the January 2011 part-session. I took advantage of this opportunity to carry out a mission in Belgrade on 7 and 8 September 2010, where I met with government ministers, parliamentarians, the United Nations High Commissioner for Refugees (UNHCR) and a number of NGOs.

5. I subsequently visited Zagreb on 28 and 29 October 2010 and Bosnia and Herzegovina on 22 and 23 November 2010, where I met with parliamentarians, government officials, the office of the Attorney General and the State Court, the Ombudsman, several NGOs, representatives of international organisations and media representatives. I also met with the Croatian and Serbian delegations to the Assembly during the June 2010 part-session and the Slovenian delegation during the October 2010 part-session in Strasbourg. Finally, I visited Brussels on 29 and 30 November 2010 to discuss my report with key European Union players and to participate in a hearing organised by the European Parliament's Subcommittee on Human Rights on "Human rights in the Western Balkans". The discussions I had with my colleagues and interlocutors have been extremely useful for this report.

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4. The rapporteur uses the term "the former Yugoslavia" to describe the territory that up until 25 June 1991 was known as the Socialist Federal Republic of Yugoslavia (SFRY).

5. Throughout this text, all reference to Kosovo, whether to the territory, institutions or population shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

6. [Doc. 12281](#).

7. [Doc. 12454](#).

## 2. Overcoming the legacy of the war

6. The conflicts that ravaged the territory of the former Yugoslavia between 1991 and 1995 were the deadliest in Europe since the Second World War. They were characterised by heinous war crimes, including genocide, with ethnic cleansing and rape being used as an instrument of warfare. They provoked mass population displacement, within the region and beyond. According to estimates, the wars cost the lives of approximately 140 000 people, a quarter of whom went missing.<sup>8</sup> Fifteen years after the end of the war, 340 808 persons are internally displaced and there are still over 120 000 refugees, unable or unwilling to return to the areas they lived in before the outbreak of war. The identification of missing persons and the discovery of mass graves is ongoing, and approximately 14 000 people are still unaccounted for.

7. One should not forget that, in the former Yugoslavia, the post-conflict transition has also coincided with a post-communism transition which took the form of state building in the literal sense of the word. The basis for democracy, rule of law, political dialogue and human rights was not fully established and the countries that emerged from the dissolution of the former Yugoslavia were also faced with the task of improving their democratic governance and restoring a climate of mutual trust and stability in the region.

8. When my colleagues and I initially tabled the motion for a resolution which led to this report on 22 January 2009, relations between some of the states of the former Yugoslavia looked weak. Many of the deep wounds caused by the conflicts seemed to have no prospect of healing. Indeed, from the outside, it appeared that, as the states of the former Yugoslavia made progress towards further European Union integration and entertained greater dialogue with Brussels, their bilateral relations were at a standstill and, in some cases, deteriorating. Ambassadors of the neighbouring countries were being withdrawn or expelled and we were particularly concerned about strong public statements and discourses that were being made by nationalistic politicians, reinforcing old divisions.

9. Nevertheless, I was encouraged by what I saw on my visits to the region. I found that, since the committee embarked on this project, the governments concerned have taken many positive steps, which indicate a greater willingness to overcome the legacy of the past. There was an abundance of positive examples of people working together for change: there has been an intensification of relations between Zagreb and Belgrade; Bosnia and Herzegovina and Serbia pledged to overcome their historic differences when issuing the Istanbul Declaration; and states are beginning to agree to have outside bodies arbitrate over border disagreements. The region has come a long way and these positive developments should be acknowledged and supported by the international community.

10. This, however, does not prevent us from looking at the problems that persist in the region. The principal problem is the constitutional deadlock which continues to be an obstacle impeding Bosnia and Herzegovina from moving ahead towards a fully fledged democracy, and a solution also needs to be found for the refugees and internally displaced persons (IDPs), who remain the most visible reminder of the conflicts.

## 3. Nationalism, ethnicity and civic states

11. The conflicts in the former Yugoslavia were characterised by inter-ethnic violence and mass population transfers between the new states that emerged from the former Yugoslavia, as people were either forcibly moved or fled to neighbouring states where they felt that they would be better protected.

12. At the end of the conflicts, the solution proffered by the international community was the concept of civic states, whereby citizens and public officials owed their allegiance to the newly formed state institutions rather than to the ethnic group to which they were perceived to belong. In principle, this was a positive basis from which to begin the peace-building process in the region. However, in practice, minorities have often been discriminated against or have been unable to participate in public life in the way that they should, which has hampered reconciliation in the region. This is particularly the case in Bosnia and Herzegovina, where the complex constitutional architecture that it was left with following the 1995 Dayton Peace Agreement has facilitated voting along ethnic lines. Furthermore, minorities or the “others” that do not belong to the “three constituent peoples” (Bosniaks, Croats and Serbs) are unable to stand in elections for the House of Peoples or the Presidency, a situation which has recently been held to be in violation of the European Convention on Human Rights (ETS No. 5).<sup>9</sup>

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8. International Committee of the Red Cross (ICRC) and International Commission on Missing Persons (ICMP) – 2010 estimates.

9. *Sejdić and Finci v. Bosnia and Herzegovina*, Applications Nos. 27996/06 and 34836/06, judgment of 22 December 2009.

13. Steps have been taken across the region to introduce measures to combat discrimination. All states are parties to the Framework Convention for the Protection of National Minorities (ETS No. 157) and Protocol No. 12 to the European Convention on Human Rights (ETS No. 177), which, among other things, prohibits discrimination on grounds such as race, colour, language, national or social origin and association with a national minority. Croatia, Montenegro, Serbia, Slovenia and Bosnia and Herzegovina have ratified the European Charter for Regional or Minority Languages (ETS No. 148). “The former Yugoslav Republic of Macedonia” is a signatory but has yet to ratify it.

14. Anti-discrimination laws have been adopted in Croatia (2008), Bosnia and Herzegovina (2009), Serbia (2009), “the former Yugoslav Republic of Macedonia” (2010) and Montenegro (2010). National minority councils have also been established in Bosnia and Herzegovina and Serbia to represent the rights and interests of minorities. The passing of these laws is a positive development as it goes some way towards ensuring that minorities are represented and their voices are heard. This is essential in countries that were at one time engulfed in inter-ethnic violence.

#### **4. Main issues affecting reconciliation and political dialogue**

##### **4.1. Missing persons<sup>10</sup>**

15. As a consequence of the armed conflicts of the 1990s in the Western Balkans, it is estimated that 40 000 persons went missing. Today, approximately 26 000 persons have been accounted for and an estimated 14 000 persons are still missing in the region. While the governments in the region have made significant headway, the progress made in Bosnia and Herzegovina is particularly noteworthy as two thirds of the missing persons from the conflict there are now accounted for.

16. I was told that the Western Balkans region also benefited from the DNA-led process of identification of the International Commission on Missing Persons (ICMP). Of the number of missing persons outlined above, the ICMP has assisted Serbia, Bosnia and Herzegovina and Kosovo – and to a lesser extent Croatia – in using DNA to make accurate identifications of missing persons. The approximately 14 000 persons that remain missing will be more difficult to find. The ICMP believes that the process has reached a virtual impasse in Croatia and Kosovo for both technical and political reasons.

##### **4.1.1. Bosnia and Herzegovina**

17. In Bosnia and Herzegovina, the process is now slowing down as the majority of missing persons have been accounted for. The search and recovery of missing persons from the conflict in Bosnia and Herzegovina will be particularly difficult for non-Srebrenica cases. As regards Srebrenica, it is estimated that 1 600 persons remain missing; however, owing to the existence of hundreds of secondary mass grave sites, the recovery of disarticulated body parts of already identified and buried persons may continue for years. The creation of the Central Records by the Bosnia and Herzegovina Missing Persons Institute (MPI) will be of great help to the ICMP in understanding how to address strategically the remaining missing persons’ cases in Bosnia and Herzegovina.

18. The ICMP assisted Bosnia and Herzegovina in setting up the MPI in 2005. The International Committee of the Red Cross (ICRC) has also been assisting the Bosnian authorities in building up the capacity of the MPI at state level and has published on its website a list of the names of those that remain missing.

19. The MPI is an independent institution tasked to assist, facilitate and co-ordinate the missing persons process in Bosnia and Herzegovina, in line with universal human rights principles and without regard to the religious or national origin of those missing. However, since its creation, owing to the deteriorating political situation in the country and the tendency to shift jurisdiction from state-level institutions back to the entity level, the MPI operates under constant political pressure. For example, immediately after the MPI became operational in 2008, the Republika Srpska entity government established its Operational Team for tracing missing persons, which is an attempt to move back to an entity-based process where only one group would be searched for.

20. The MPI claims that the political manipulation of the missing persons issue has been worse over the last two years than at any time over the previous ten. Ensuring sustainability and continuation of a non-discriminatory process within the context of finding the missing is a challenge, particularly in a country where

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10. The ICMP office in Sarajevo provided the rapporteur with information and figures on missing persons.

aggressive nationalism is growing. The success of state-level structures such as the MPI, and the adoption of the Law on Missing Persons, which transcend nationalistic agendas and approach the issue in a universal sense, are the only long-term hope for relatives of the missing to continue to find answers.

#### 4.1.2. Croatia

21. According to the Government of Croatia, there are almost 2 000 persons still missing. In an effort to assist Croatia in a small-scale DNA-led programme, the ICMP has created a joint project of DNA-led identifications with the Croatian Ministry of Family, Veterans and Intergenerational Solidarity and its Office for Detained and Missing Persons. The project was formally launched in November 2004, following the signing of an agreement that defined the parameters of co-operation concerning cases of joint interest for Croatia and Bosnia and Herzegovina.

22. In line with conclusions reached at the ICMP's 11th Regional Conference on Missing Persons at the beginning of 2010, an agreement between representatives of the Croatian Government and the ICMP was reached to expand the Joint Identification Project.

23. The Croatian Office for Detained and Missing Persons regularly reports on its activities to the associations of families of missing persons in Croatia and Serbia. Families are also informed about results of joint meetings between the Croatian Office for Detained and Missing Persons and the Serbian Commission on Missing Persons, as well as trilateral meetings that include representatives from the Bosnia and Herzegovina MPI.

#### 4.1.3. Serbia

24. Co-operation between Serbia and the ICMP on resolving the missing persons issue has remained good since 2001. As a consequence, over 1 400 mortal remains have been recovered on the territory of Serbia since 2001. In 2010, the Serbian Commission and the Bosnia and Herzegovina MPI worked well together at the Lake Perućac site and, as a result, the remains of approximately 97 persons were recovered on both the Bosnian and Serbian sides of the lake.

25. To date, five meetings on joint co-operation between Serbia, Bosnia and Herzegovina and Croatia were held under the auspices of the ICMP and the ICRC. These meetings have resulted in improved co-operation and a better exchange of information between the three countries, as well as an increase in the number of DNA-led identifications through this exchange of information.

#### 4.1.4. Recent developments

26. I was encouraged to read that, meeting in Vukovar on 4 November 2010, Serbian President Tadić and Croatian President Josipović spoke in favour of resolving the fate of missing persons during the conflicts of the 1990s and considered that much remained to be done for the reconciliation of the two states. On 10 March 2010, at the presentation of the second edition of the ICRC Book of Missing Persons on the territory of the Republic of Croatia, Croatian Prime Minister Jadranka Kosor, stressing the appeal "*Nemojmo ih zaboraviti!*" (Let us not forget them!), delivered a promise on behalf of the Croatian Government to make greater efforts to complete the search for the missing persons. I was also encouraged to read about the recent statements of President Tadić and President Josipović, who met in Zagreb on 24 November 2010, and said that the issue of missing persons was the priority. For this purpose, the two presidents also advocated opening the archives.

## 4.2. Refugees and long-term displaced persons

27. The wars in the former Yugoslavia were marked by mass population movements. Between 1991 and 1995, over two million people from Bosnia and Herzegovina and Croatia were displaced, both within and beyond the region. Since the end of these conflicts in 1995, many have decided to settle permanently in the places they fled to, whilst others have returned to their homes and communities.

28. Nevertheless, a solution has yet to be found for the approximately half a million refugees and IDPs that remain. The majority do not have adequate housing, live in poverty and are unemployed. Integration into their new communities has not always been facilitated by the authorities. Many continue to live in collective centres in appalling conditions. Fifteen years after the end of the conflicts, the problem is particularly acute in Serbia, which continues to host 82 603 refugees, the vast majority of whom had fled from Croatia (61 186). According to the Serbian Government, there are a further 204 753 IDPs in Serbia as a result of the Kosovo conflict. Bosnia and Herzegovina has yet to resolve the plight of the 113 465 IDPs on its territory.<sup>11</sup>

Table 1: Refugees and IDPs as a result of the conflicts in the former Yugoslavia<sup>12</sup>

State	Refugees	IDPs	Total
Bosnia and Herzegovina	7 064	113 465	120 529
Croatia	986	2 199	3 185
Montenegro	16 451 <sup>13</sup>	0	16 451
Serbia	82 603	204 753 <sup>14</sup>	287 356
Kosovo	233	19 399	19 632
"The former Yugoslav Republic of Macedonia"	1 564	621	2 185
<b>Totals</b>	<b>108 901</b>	<b>340 437</b>	<b>449 338</b>

29. The UNHCR provides assistance to those who wish to return. However, there are many obstacles for those who wish to return to their former homes, including poor economic prospects, lack of documentation, legal impediments to repossessing their property, not to mention the hostile attitudes of local communities.

#### 4.2.1. Bosnia and Herzegovina

30. At the end of the conflict, the international community provided Bosnia and Herzegovina with assistance for repossession of pre-war existing homes to alleviate the problem of refugees and IDPs under the "Property Implementation Plan".<sup>15</sup> This plan was largely completed in 2003 and, since then, nearly 200 000 homes, including roughly equal numbers of private and socially owned properties, have been returned to their pre-war residents. This facilitated the return of some one million persons, almost half the population displaced by the conflict, to their original homes.<sup>16</sup> Despite this, 113 465 people remain displaced in Bosnia and Herzegovina.

31. There was an issue with refugees from Croatia. At the height of the conflict, there were estimated to be between 40 000 and 45 000 Croatian refugees in Bosnia and Herzegovina. Many decided to return to Croatia and only 6 951 are left in Bosnia and Herzegovina. Voluntary repatriation continues, albeit in small numbers (975 returned in 2006, 466 in 2007, 425 in 2008 and 620 in 2009). The majority of those remaining intend to stay in Bosnia and Herzegovina and the UNHCR has been assisting the most destitute. A substantial number of IDPs and returnees remain in a precarious situation, lacking adequate living conditions, and require continued support. Some 7 500 IDPs remaining in collective centres are extremely vulnerable. On 28 November 2010, the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, visited the collective centre for displaced persons in Lukavica, near Sarajevo, and was gravely concerned by the substandard living conditions there. He said that "it is not acceptable that fifteen years after the end of the war more than 7 000 people, many of them elderly and in ill health, continue to live in housing that may not be considered as humane in today's Europe. The human rights standards of the European Social Charter are fully applicable to these persons."

32. However, needs far outstrip the resources available. Co-operation among governments in the region needs to be reinvigorated and efforts redoubled to enable some 7 000 refugees to find durable solutions. Ending the chapter of protracted displacement in Bosnia and Herzegovina is critical for domestic and regional stability and in order to move the country towards European integration.

#### 4.2.2. Croatia

33. Approximately 550 000 people were displaced within Croatia as from 1991-92. At the same time, 400 000 refugees from Bosnia and Herzegovina fled to Croatia. It is estimated that 120 000 of these, who were mainly of Croat origin, went on to acquire Croatian citizenship. Recently, the Croatian Government has taken steps to assist non-Croat refugees to acquire nationality and, since March 2009, non-Croat refugees

11. The UNHCR office in Belgrade provided the rapporteur with these figures and they were estimates as at 30 June 2010.

12. This table is based on statistics provided to the rapporteur by UNHCR (September 2010).

13. The Government of Montenegro considers 10 996 refugees from Kosovo to be IDPs.

14. Figure provided by the Serbian Government to the UNHCR.

15. See "PLIP Inter-Agency Framework Document" (2000) and "New Strategic Direction" (2002).

16. See the report of the Assembly's Committee on Migration, Refugees and Population on solving property issues of refugees and displaced persons (Doc. 12106), p. 16.

from Bosnia and Herzegovina have been able to access legal status and initiate the naturalisation process under preferential terms, on the condition that they have lived there for over five years. All refugees are entitled to housing assistance and have access to the labour market.

34. The numbers of refugees and IDPs are significantly smaller today than they were in the 1990s. I was told that housing solutions are being found for the 986 refugees and 2 199 IDPs that remain.

35. By far the largest problem in Croatia is that of those who wish to return from Serbia. The Croatian authorities have registered over 132 400 returnees belonging to the Serb minority.

36. There were significant delays in the restitution of property for those returning from Serbia who had lived in privately owned accommodation before the war. The delays have been found to be in violation of the European Convention on Human Rights.<sup>17</sup> The process of private property restitution, however, has now largely been completed and approximately 20 000 properties have been repossessed, mainly by ethnic Serbs. At the same time, the Croatian Government has provided resources for the reconstruction of 146 000 houses or flats.

37. That said, no legal remedies have been offered to the estimated 30 000 Serb families who had to flee from socially owned apartments and who were stripped of their occupancy/tenancy rights as a result. Some 6 400 families are still awaiting resolution of their claims. On 8 November 2010, the decision on the merits of the European Committee of Social Rights with regard to the case Centre on Housing Rights and Evictions (COHRE) v. Croatia (Complaint No. 52/2008) became public. The committee concluded that there was a violation of Article 16 of the European Social Charter (Right of the family to social, legal and economic protection), read in the light of the non-discrimination clause of the Preamble of the Charter, for displaced families wishing to return to Croatia for whom the absence of effective and timely offer of housing has for a long period of time constituted a serious obstacle to return.

38. On my visit to Zagreb, government officials informed me of a law passed in September 2010, which opens the possibility for former occupancy/tenancy rights holders, beneficiaries of the Housing Care Programme, to purchase their allocated flats outside the “areas of special state concern”.<sup>18</sup> However, the economic crisis has halted all programmes. While returnees no longer consider the security situation of prime concern in Croatia, the social and economic situation in war-affected areas remains an issue.<sup>19</sup>

39. According to UNHCR data (September 2010), the 80 000 Croatian refugees still registered in neighbouring countries are a reminder that closing the refugee file remains a humanitarian and political challenge in the region.

#### 4.2.3. Serbia

40. According to the UNHCR, at the end of the conflicts, Serbia hosted some 520 000 refugees, 44% of whom had fled Bosnia and Herzegovina and 56% Croatia. 145 000 are thought to have returned to Bosnia and Herzegovina and Croatia and between 250 000 and 370 000 are thought to have been naturalised by Serbia. There are 82 603 that remain, 72% of whom originated from Croatia. Research conducted by the UNHCR and the Serbian Commissioner for Refugees indicated that some believe that it is important to maintain their refugee status so that they are eligible for assistance for property reconstruction in their country of origin, as well as for housing programmes in Serbia. However, it is thought that as few as 5% of those left are considering returning to their country of origin.

41. Refugees are among the most vulnerable people in Serbia. Many are still accommodated in the 42 collective centres throughout Serbia. The unemployment rate is significantly higher among the refugee community than in the general population. On my visit to Belgrade, I heard how extremist nationalistic parties have attempted to capitalise on the plight of refugees.

17. *Kunić v. Croatia*, Application No. 22344/02, judgment of 11 January 2007; *Radanović v. Croatia*, Application No. 9056/02, judgment of 21 December 2006.

18. The Republic of Croatia has defined certain areas of the Croatian territory as special state concern areas in the sense that the population and business entities are entitled to incentive measures. They include underdeveloped areas as a result of the war and economically and structurally deprived areas.

19. UNHCR, Briefing note – *Refugee protection and humanitarian work in Croatia: an overview of UNHCR's operations in the past nineteen years*, September 2010.

#### 4.2.4. Steps towards finding a solution

42. On 31 January 2005, Bosnia and Herzegovina, Croatia, and the erstwhile Serbia and Montenegro came together and signed the so-called "Sarajevo Declaration" in which they agreed to find a solution to the problem of IDPs and refugees by the end of 2006.<sup>20</sup> "Road maps" were drawn up for each of the states parties but little action was subsequently taken to find a durable solution. An International Conference on "Durable Solutions for Refugees and Displaced Persons" was convened in Belgrade on 25 March 2010, and ministers from Bosnia and Herzegovina, Croatia, Montenegro and Serbia attended. A follow-up meeting was held on 16 September 2010 in Podgorica, where concrete plans to find a durable solution were drafted. An international donor conference will be held in December 2010 to discuss the setting up of a multi-donor fund to assist in the process of return or local integration of refugees and IDPs, the closure of collective centres and the provision of assistance to the neediest. The European Union, UNHCR and the OSCE stand together in supporting this goal.

43. Refugees and IDPs represent the most visible reminder of the horrors and grave injustices that characterised the conflicts. I was told by a number of interlocutors that their plight is often seized upon by extremist parties, particularly in Serbia, for their own purposes. Full reconciliation in the region can only be achieved once the numerous issues surrounding displacement in the region have been resolved.

44. I strongly believe it is high time for a solution to be found for the almost 450 000 refugees and IDPs that remain and I encourage the governments of the states concerned to commit their energies to implementing any action plans created as a result of the resurrected Sarajevo Declaration. Furthermore, I urge the international community to provide the financial assistance to turn the plans into concrete action and ensure that these long-suffering victims of the war are finally able to settle. A solution for the refugees and IDPs needs to be found not only for humanitarian reasons, but also to provide stability to the region.

#### 4.3. "Erased people" in Slovenia: an issue solved

45. After the dissolution of the SFRY, 171 132 citizens of the former Yugoslav republics living in Slovenia were granted citizenship of the new state. However, almost 26 000 people, mainly nationals of other former Yugoslav republics, were removed from Slovenia's permanent residents register in 1992 as a result of a law that was enacted following the dissolution. They either did not request Slovenian citizenship within the time limit or, in a small number of cases, their request for it was not granted.<sup>21</sup> Many left and a few were deported as a result, mostly officers of the Yugoslav National Army or members of their families. Those that stayed had difficulties in accessing housing, work, health care, basic services and social security.

46. The Slovenian Government attempted to resolve this anomaly in 1999, when it enacted the Act Regulating the Legal Status of Citizens of the Former SFRY living in the Republic of Slovenia. However, the act only gave foreign nationals three months within which to register and as a consequence was subsequently annulled by the Constitutional Court in 2003 for violating provisions of the constitution, following a complaint by the Ombudsman.<sup>22</sup> A July 2010 judgment of the European Court of Human Rights found that Slovenia's treatment of the "erased people" amounted to a violation of the European Convention on Human Rights.<sup>23</sup> The Court concluded that it was necessary for Slovenia to pass legislation to regulate the situation of the several thousand people who are estimated to be in the category of "erased" and issue them with retroactive permanent residence permits.

47. The Slovenian National Assembly adopted the Act Amending the Act Regulating the Legal Status of Citizens of Former Yugoslavia living in the Republic of Slovenia on 8 March 2010, and it entered into force on 24 July 2010. The new act provides for the restoration of the residency status and registration of permanent residence with retroactive effect, under certain conditions, for all citizens of the former Yugoslavia whose names were removed from the population register in 1992. Permanent residence permits will also be made available to "erased persons" who do not live in Slovenia, if it is established during the procedure that they have been absent for well-founded reasons that do not terminate the actual residence requirement as defined by the act.<sup>24</sup>

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20. Declaration, Regional Ministerial Conference on Refugee Returns (Sarajevo, January 2005).

21. *Kuric and Others v. Slovenia*, Application No. 26828/06, judgment of 13 July 2010.

22. Decision No. U-I-246/02-28 of 3 April 2003.

23. *Kuric and Others v. Slovenia*, Application No. 26828/06, judgment of 13 July 2010.

24. Report of the Working Group on the Universal Periodic Review: Slovenia, 23 March 2010, United Nations document No. A/HRC/14/15/Add.1 and further information provided by the Slovenian delegation to the Assembly on 2 November 2010.

#### 4.4. Negotiations over territorial borders

48. Owing to the complicated history of the former Yugoslavia, there are a number of ongoing territorial negotiations between the various states, which are also inextricably linked to minority rights. Recently, a number of states have agreed to resolve their border disputes. An Arbitration Agreement between the Government of Slovenia and the Government of Croatia on resolving the border dispute was signed in Stockholm on 4 November 2009. Both parliaments have ratified the agreement and the notes on ratification were exchanged on 25 November 2010.

49. Similarly, Croatia and Montenegro have agreed to take a case to the International Court of Justice to resolve their border dispute and are currently co-operating on preparing their submissions. There are further border disputes between Bosnia and Herzegovina and Croatia, Croatia and Serbia, and Bosnia and Herzegovina and Serbia, which need to be resolved in order to give certainty and facilitate reconciliation in the region.

50. Past experience has demonstrated that the European Union's pre-accession process has not been able to provide solutions to these problems, as the *acquis* does not entail any competence over border disputes or over minority rights. However, the potential impact of the lack of border definitions on the politics of the region and on the enlargement prospect is huge.

51. I therefore share the view of some commentators<sup>25</sup> – whom I also met during my visit to Brussels on 29 November 2010 – that the European Union could promote a region-wide process, decoupled from the accession process, aimed at creating a context more favourable to dialogue, building upon the leverage that the High Representative, Catherine Ashton, had in persuading Belgrade and Pristina to agree to bilateral talks.

52. The European Union should involve the relevant organisations present in the former Yugoslavia, such as the Council of Europe, the OSCE and the Regional Cooperation Council (RCC), and co-ordinate with other international actors to address complex issues linked to unresolved border problems. The Council of Europe, in particular, upholds the most appropriate principles and standards regarding democracy and minority protection. Minority rights need to be included and addressed through creative and democratic institutional and administrative solutions, especially in frontier and multi-ethnic areas.

#### 4.5. The constitutional impasse in Bosnia and Herzegovina

53. Bosnia and Herzegovina is at the centre of the question of reconciliation and ethnic divisions are still strong. The general elections held in Bosnia and Herzegovina on 3 October 2010 nevertheless did represent some degree of progress. The climate of the election campaign was peaceful and the polling and vote counting on election day took place in a calm, organised manner. However, the Bureau's ad hoc committee, of which I was a member, concluded that the elections were once again conducted with ethnicity and residence-based limitations to the active and passive suffrage rights imposed by the Dayton Accords. As such, the extant legal framework continues to violate Article 14 of the European Convention on Human Rights, and also Article 3 of Protocol No. 1 and Article 1 of Protocol No. 12.

54. Since Bosnia and Herzegovina joined the Council of Europe in 2002, the Assembly has been repeatedly calling for the implementation of a constitutional reform with a view to improving the functioning of the state's democratic institutions, ensuring compliance with the European Convention on Human Rights and speeding up the necessary reforms to complete the fulfilment of its remaining commitments and obligations.

55. In its [Resolution 1701 \(2010\)](#) on the functioning of democratic institutions in Bosnia and Herzegovina, adopted in January 2010, the Assembly called on the key political stakeholders to engage in meaningful and constructive dialogue about concrete proposals for constitutional amendments, with a view to adopting a comprehensive reform package, removing in particular the constitutional discrimination against the so-called "others", as well as the members of the constituent peoples who do not reside in the entity where their ethnic group is largely represented, before the calling of the October 2010 general elections. This message was reiterated in [Resolution 1725 \(2010\)](#) on the urgent need for constitutional reform in Bosnia and Herzegovina, adopted in April 2010.

56. The elections underscored difficulties in forming a government capable of launching political and economic reforms. I very much regret that the required constitutional reform was not in place in time to be applied to the October elections. That said, the Council of Europe has been invited by the authorities of

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25. European Policy Centre, *A bridge over troubled borders: Europeanising the Balkans*, November 2010.

Bosnia and Herzegovina to take part in the meetings of the working group set up to prepare the constitutional reform, having regard to the expertise of the European Commission for Democracy through Law (the Venice Commission) on this subject.

57. As stressed by the Committee of Ministers in September 2010, the political forces in the country should work constructively towards a consensus to urgently address this very serious situation and allow constitutional reform to be taken forward as rapidly as possible<sup>26</sup> as well as to avoid the risk that the country slides into a dormant, frozen conflict.

58. I believe that a new balance needs to be found between multicultural living, “ethnic democracy” and equal rights of the three major communities – which has been the framework of the Dayton Peace Agreement – and the general principles of democracy and equal citizenship, which are incompatible with an ethnic basis. This requires prudence, patience, wisdom, courage and determination.

59. The political situation and the internal dynamics in Bosnia and Herzegovina greatly influence the relations and political dialogue within the region as a whole. The country needs to overcome its stalemate and to work on establishing a functional administration. Bosnian Serb, Bosnian Croat and Bosniak politicians will all suffer politically if Bosnia and Herzegovina falls behind the rest of the region.

60. The international community, and the European Union in particular, should accompany this gradual process of change, through measures aimed at strengthening an effective decentralised state with functioning democratic institutions that work right across the territory.

## 5. Accepting the past while looking to the future

### 5.1. Identifying individual responsibilities: investigation and prosecution of war crimes

61. Justice and accountability for war crimes committed during the conflicts that occurred on the territory of the former Yugoslavia are an essential precondition for regional reconciliation. The process of bringing to justice those responsible for the most serious crimes was spearheaded by the ICTY, which was established by the United Nations Security Council in 1993 in order to bring to justice those responsible for serious violations of international humanitarian law. Since its inception, it has indicted 161 individuals and has secured the convictions of over 64 wartime criminals.<sup>27</sup> In doing so, it has contributed to creating an indisputable historical record about the crimes committed during the 1990s.

62. At the time that the ICTY was set up, national courts were either unwilling or unable to carry out this process and national authorities’ co-operation with the ICTY was not always forthcoming. However, co-operation has improved markedly over the years and the vast majority of indictees have now been transferred into ICTY custody. Notably, the capture and handing over to the ICTY of the wartime leader of Republika Srpska, Radovan Karadžić, by the Serbian authorities in 2008, demonstrates that key actors are trying to overcome the legacy of the past. Today, two indictees, Ratko Mladić and Goran Hadžić, remain at large.

63. It is expected that the ICTY will have completed the majority of its trials and appellate work by the end of 2013. The ICTY has never had sole jurisdiction to try those responsible for the crimes committed, but shares it with the national courts of the countries concerned. As the tribunal prepares to close its doors, it has been assisting the national authorities in building up the capacity of the national courts to deal with prosecutions of crimes committed during the war. In general, I felt that there was willingness on the part of the authorities to persevere with prosecutions at the national level.<sup>28</sup>

64. These processes are important. The Assembly pointed out in [Resolution 1564 \(2007\)](#) on the prosecution of offences falling within the jurisdiction of the International Criminal Tribunal for the former Yugoslavia that “justice is an indispensable ingredient in the process of reconciliation for the victims, communities and countries concerned and that it is essential to resolutely fight impunity, which is unacceptable”.<sup>29</sup> There have been a number of important steps forward stemming from the process of national prosecutions. For instance, in April 2009, an investigation into the Bukovica case in Montenegro was

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26. See the reply from the Committee of Ministers to Assembly [Recommendation 1914 \(2010\)](#) on the urgent need for a constitutional reform in Bosnia and Herzegovina ([Doc. 12368](#)).

27. ICTY’s website, accessed on 5 November 2010.

28. I met with the Serbian War Crimes Prosecutor, Vladimir Vukčević, on 7 September 2010, with the Attorney General of the Republic of Croatia, Mladen Bajić, on 29 October 2010 and with the President of the State Court of Bosnia and Herzegovina, Mezdida Kreso, on 22 November 2010.

29. See also Assembly [Doc. 11281](#), rapporteur: Mr Tony Lloyd (United Kingdom, SOC).

completed and seven officers were indicted over the deportation of Bosnian civilians in 1992. The Montenegrin Government has agreed to pay an out-of-court settlement to the survivors and victims of these deportations.<sup>30</sup>

65. The process of trying crimes committed during the war in the national courts has also meant that the states concerned have had to co-operate with one another. For example, the so-called “Palić Process” has promoted inter-state dialogue and judicial co-operation in war crime proceedings by bringing together relevant judicial and state administration actors from Bosnia and Herzegovina, Croatia, Montenegro and Serbia.

66. That said, the process has not been without difficulties, which the Assembly has been concerned with for some time.<sup>31</sup> Mr Jean-Charles Gardetto’s report on the protection of witnesses as a cornerstone for justice and reconciliation in the Balkans<sup>32</sup> highlights the difficulties caused by the inadequate protection of witnesses in the region. He points out that the testimonies of witnesses have been indispensable to both the work of the ICTY and that of the national courts. They have made an essential contribution to justice and reconciliation in the region, since their testimonies not only form the basis of court judgments but also reveal to those who live in the region and beyond the truth about the crimes committed. Although there have been many improvements in recent times, many witnesses decide not to testify because of threats, intimidation and fears for their safety. Without the protection and support that witnesses need to be able to testify, prosecutions cannot be completed and therefore justice and reconciliation cannot be achieved.

67. Mr Dorić, in his report on the obligation of member states of the Council of Europe to co-operate in the prosecution of war crimes,<sup>33</sup> explains how some prosecutions in the national courts have been hampered as over 100 indictees have emigrated beyond the states of the former Yugoslavia in an attempt to evade justice. Some applications for extradition have been accepted whilst others have not. Host states have a duty to extradite war crime suspects or investigate them for the crimes committed. Mr Dorić argues that there should not be a situation whereby, as the immunity gap closes in the Balkans, it is able to open up in other parts of the globe.

68. I urge members of the Assembly to support the draft resolutions and recommendations tabled by Mr Gardetto and Mr Dorić. The states of the former Yugoslavia should be given all the assistance necessary to bring to justice the perpetrators of war crimes committed during the wars.

### **5.2. Attempts to identify state responsibilities: applications before the International Court of Justice**

69. There have been attempts to identify state responsibility for crimes committed in the former Yugoslavia in applications made to the International Court of Justice (ICJ). In February 2007, the ICJ delivered its judgment on the application made by Bosnia and Herzegovina against what was then Serbia and Montenegro for breaches of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide.<sup>34</sup> The Court held that genocide had occurred in Srebrenica, but that Serbia was not responsible. It went on to find, however, that Serbia had violated its obligations under the convention for failing to prevent the acts committed and for not acting to bring the perpetrators to justice.

70. Croatia has also brought an application to the ICJ against Serbia for violations of the Genocide Convention. In January 2010, Serbia presented its written submissions on the case, making a counter-complaint against Croatia for crimes of genocide against Serbia. The case is pending. However, there are ongoing discussions between the Croatian and Serbian Governments with a view to an out-of-court settlement on the issue (see also below).

### **5.3. Public discourse concerning the war**

71. Although judgments from the ICTY and the ICJ have clarified the historical truth to a certain degree, it is common for politicians to seize on nationalist rhetoric, particularly in election periods, which has the effect of distorting the truth about what happened during the war. As one of my interlocutors pointed out, it is the responsibility of politicians in the region to replace the language of hatred and difference with the language of rapprochement and reconciliation.

30. See European Commission Montenegro 2009 Progress Report, Com (2009) 533, p. 18.

31. See Doc. 11281.

32. See Doc. 12440 rev.

33. See Doc. 12454.

34. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Bosnia and Herzegovina v. Serbia and Montenegro*), judgment of 26 February 2007.

72. On the other hand, there have been a number of recent encouraging public statements, which indicate a more conciliatory attitude in the region. In March 2010, the Serbian Parliament passed a resolution condemning the massacre of 8 000 Bosnian Muslims in Srebrenica in 1995 and stating that Serbia should have done more to prevent it. Furthermore, the heads of the states of the former Yugoslavia, including Serbian President Tadić, attended a memorial ceremony in Srebrenica in July 2010 to commemorate the 15th anniversary of the massacre.

73. In April 2010, Croatian President Ivo Josipović made a speech to the two houses of parliament of Bosnia and Herzegovina. In his address, he stressed the need to promote regional co-operation, presented his condolences to the victims of the war and expressed regrets for Croatia's role in the conflict.

74. On 4 November 2010, President Tadić visited Vukovar (Croatia), the most destroyed town in the war, and laid a wreath at Ovcara, a farm where members of paramilitary formations and the Yugoslav People's Army (JNA) killed more than 200 Croat prisoners in 1991. He also visited, with his Croatian counterpart, President Josipović, the settlement of Paulin Dvor, near Osijek, where Serb civilians, mostly women and old people, were killed during the war. On this occasion, President Tadić said: "The President of Croatia and I have a duty and obligation to turn this whole process, which received its tragic dimension during the 1990s, into a process of reconciliation and better understanding. For this to take place, it is necessary to shine the truth on the 1990s, for no one who is guilty to remain unpunished, for no one who is innocent to be unjustly convicted and for every uncertainty about the people for which there is a search to this day to dispel." On 15 November 2010, Milorad Dodik, President of Bosnia and Herzegovina's Republika Srpska, addressing MPs in the National Assembly, also expressed regret over "every innocent life lost on any side" in the war in Bosnia and Herzegovina.

75. Some NGO representatives I met in Sarajevo plead for leaders to apologise for the past wrongs but also to take concrete action to follow and back their statements and gestures. They want full investigations and disclosure of the facts as to what happened in the recent past and they advocate the opening of the archives. They claim that it is necessary to document all the crimes in order to honour and acknowledge all victims and to guarantee that, in the future, no further crimes will be committed.

#### **5.4. History teaching about the war**

76. Despite the many positive signs, during my visits to Serbia, Croatia and Bosnia and Herzegovina, several interlocutors acknowledged that the public discourse on the war remains segregated, with each country having its own truth and interpretation of the conflict. I believe that this can be a potential source of hatred and further conflict. As argued by the philosopher Raimon Panikkar, lasting peace requires more than nuclear, military, or economic disarmament. Peace can be obtained only by a cultural disarmament, which will require that absolutism be abandoned for true reconciliation through ongoing intercultural dialogues.<sup>35</sup>

77. It is therefore critical in my view to promote and support a public discourse about the war that departs from nationalist rhetoric, in particular in the teaching of the younger generations. A number of NGOs from the region as well as many fellow parliamentarians, in particular my Croatian colleague Mr Gvozden Flego, Chairperson of the Committee on Culture, Science and Education, shared my views. As pointed out by the Assembly in [Recommendation 1880 \(2009\)](#) on history teaching in conflict and post-conflict areas,<sup>36</sup> history teaching can be a tool to support peace and reconciliation as well as tolerance and understanding. A multiple perspective approach, instead of a single interpretation of events, will encourage students to respect diversity and cultural difference. More specifically, the Assembly called on member states to provide adequate and ongoing financing for history research, particularly for multilateral and bilateral commissions on contemporary history, and recommended that the Committee of Ministers continue to support the work of the Council of Europe in conflict and post-conflict areas on the revision and development of textbooks and teacher manuals, the organisation of teacher seminars and source material identification. I fully endorse these recommendations and can only encourage all governments in Europe, including the governments of the former Yugoslavia, to fully implement them.

78. Although joint textbooks have also been mentioned by the Assembly, the obstacles are numerous and the wounds fresh. As I could sense during the conversations I had in the region, the war is still recent and a period of time is needed to allow for the development of a common understanding and interpretation of the

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35. Raimon Panikkar, *Cultural disarmament*, Westminster John Knox Press, 1995.

36. See [Doc. 11919](#).

events. As a matter of fact, the teaching of history must be based on documented research and must reflect the different perspectives of the various national and ethnic groups in the region if lasting results are to be achieved in promoting reconciliation and improving inter-ethnic relations.<sup>37</sup>

79. In my research, I came across a number of interesting co-operation projects and exchanges between universities and historians that exist in the region, which are worth mentioning. For example, the Centre for Democracy and Reconciliation in Southeast Europe (CDRSEE) set up a “Joint History Project” to encourage debate, celebrate diversity and recognise shared suffering and achievements through a participative approach to history teaching, in order for students and teachers to develop the understanding and skills needed for sustainable peace and a democratic future. The project aims in the long term to revise ethnocentric school history teaching by avoiding stereotypes, by identifying attitudes that encourage conflict, by suggesting alternative teaching methods and by promoting the idea of multiple interpretations of one event.

80. I was also pleased to learn that the Council of Europe had organised with the Slovenian authorities, in the framework of the United Nations Alliance of Civilisations, a conference entitled “Reform of History Teaching Methods and Pedagogy in History Teaching in South Eastern Europe” in December 2010. Bringing together teachers and teacher trainers for mutual discussion can be useful even in very difficult situations. It is more appropriate to focus on what unites, rather than on what divides, and on social and cultural rather than political history.<sup>38</sup> An example where such an approach has had some impact is in Bosnia and Herzegovina, where guidelines for writing and evaluation of history and geography textbooks for primary and secondary schools in Bosnia and Herzegovina were developed through a thorough consultation process, both with experts and politicians, with the support of the Council of Europe and the OSCE Mission in Bosnia and Herzegovina, and published in 2005.

81. I believe that the Council of Europe should support the work carried out by local actors to foster a more pluralistic view of the past and present events. It could also organise conferences and round tables with recognised historians from the region around some key dates in history and a book of essays could be compiled as an interesting piece of additional material.

82. With regard to the education system and inter-ethnic relations, on my visit to Bosnia and Herzegovina on 22 and 23 November 2010, I was told that the number of divided schools (the so-called “two schools under one roof”) has decreased. However, separation of children within schools along ethnic lines or with separate curricula for each ethnic group remains an issue. During his discussions with the authorities at state and entity levels in November 2010, Commissioner Hammarberg noted the need to end school segregation and said that “the policy of separating ethnic Bosniak and Croat children in schools only reinforces prejudices and intolerance and perpetuates ethnic isolation. Measures to unify the educational system are long overdue. Ethnically based and divided education systems are not consistent with Council of Europe standards and remain an obstacle to sustainable returns of displaced persons after the 1992-95 war.” I also strongly encourage all public authorities in Bosnia and Herzegovina to do away with this practice throughout Bosnia and Herzegovina and to develop a common curriculum for all the children in the country.

### **5.5. The proposal for a truth commission**

83. Truth and reconciliation commissions have proved to be an important component in peace building across the globe in regions that are emerging from conflict. The Assembly recognised in its [Resolution 1613 \(2008\)](#) on use of experience of the “truth commissions” that “[d]ealing with the past, establishing the truth and promoting reconciliation in war-torn, post-conflict and transitional societies are key preconditions for the achievement of lasting peace and a stable future in which democracy can be built and the rule of law and the respect for human rights ensured”.

84. I agree with Mr Andreas Gross’s conclusions, in his report on the use of experience of the “truth commissions”,<sup>39</sup> that “international experience shows that truth commissions may be an effective mechanism for addressing past human rights violations, identifying their roots and causes and promoting necessary reforms which would prevent such violations from being repeated. By allowing the victims of abuses to be heard, truth commissions help reconstitute their sense of civic membership and thus facilitate reconciliation. They may also play a complementary role to criminal justice but cannot and should not be seen as an alternative.”

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37. See also European Parliament Resolution of 24 April 2009 on consolidating stability and prosperity in the Western Balkans (2010/C 184 E/21).

38. Guidelines for writing and evaluation of history textbooks for primary and secondary schools in Bosnia and Herzegovina were also published in 2005.

39. [Doc. 11459](#).

85. There have been several failed attempts to create such a commission in different parts of the Balkans. In March 2001, the authorities in the then Federal Republic of Yugoslavia set up a Truth and Reconciliation Commission in an attempt to come to terms with the legacy of the wars in the Balkans. Unfortunately, at the time, there was a lack of will on the part of the authorities to deal with the past in a reasonable way. It is widely thought that the Commission failed in its task because it was appointed without due consultation, had very little support from civil society and lacked credibility.

86. Only one commission, the Srebrenica Commission, established by the Republika Srpska in Bosnia and Herzegovina, managed to produce any conclusive findings. Its final report, published in 2004, constituted the first public admission on the part of the authorities that its security forces had killed over 7 000 Bosnian Muslims in Srebrenica. Although these findings were crucial, they represented only a part of what went on in the conflicts in the former Yugoslavia.

87. A coalition of about 950 NGOs from Bosnia and Herzegovina, Croatia and Serbia have proposed the creation of a Regional Commission for Establishing the Facts about the War Crimes in the former Yugoslavia (RECOM<sup>40</sup>). The purpose of the proposed commission would be to collate the facts established by the ICTY and national prosecutions of war crimes. However, this in itself is not enough to create a factual record of everything that happened in the armed conflicts in the former Yugoslavia. RECOM advocates believe that only a body centred on war crimes would investigate and disclose the facts about everything that happened in the recent past. They claim that it is necessary to document all the crimes in order to honour and acknowledge all victims and to guarantee that, in the future, no further crimes will be committed.

88. Many victims still live in poverty with no hope of their life getting any better. The organisers of RECOM believe there is very little empathy and solidarity for the victims from other ethnic groups and that there is no significant societal dialogue about the past. It is hoped that RECOM could act as a forum where victims would be able to have their voices heard. One of the ideas is that the commission could help uncover the remaining mass graves and therefore be able to name all victims as a part of the process of reconciliation. The organisers believe that a regional approach is the best strategy for facing up to the legacy of the past.

89. However, I must report that some of my interlocutors in the region were cautious. Although they acknowledged the important role of the NGOs during the 1990s, they also believe that it is now up to the competent institutions and bodies to deal with the past crimes and atrocities. Furthermore, many see relations in the region improving and might not want to drag up the past and see these good relations deteriorating. I had the impression that the majority of the institutional actors I met were more prone to turning towards the present and the future rather than the past. In Bosnia and Herzegovina, a group of NGOs met a few days before my arrival in Sarajevo to discuss this initiative but could not agree on which countries should be allowed to sit around the table.

90. I was told on a number of occasions that the only way that the commission could be established would be through international pressure. Members of the European Parliament expressed their support for RECOM at a meeting that the Human Rights Subcommittee held on 16 September 2010. In my view, the Parliamentary Assembly could also encourage the establishment of the Commission.

91. That said, the organisers of RECOM have made it clear that the initiative must come from the region and that there must be voluntary acceptance of it in order for it to achieve its purpose. RECOM is due to launch the statute of the commission for investigating and disclosing the facts on 5 and 6 February 2011 in Sarajevo. The organisers then hope to collect one million signatures from citizens across the region in support of establishing the commission, which they will then present to the governments of the region.

92. The proposals received support from both the Croatian President, Ivo Josipović, on 31 August 2010 and the Serbian President, Boris Tadić, on 1 September 2010. The organisers feel strongly that the establishment of the commission should be something separate from the process of European integration. It is a process in itself and could spark a change of mentality if it is set up.

93. The United Nations Security Council quite rightly established the ICTY for the countries of the former Yugoslavia in 1993. The rigour with which it has carried out its work means that its judgments and the facts established therein cannot be denied. Nevertheless, it is an external body that sits outside the region. The

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40. The Political Affairs Committee held an exchange of views with two of RECOM's organisers, Natasa Kandić, Director of the Humanitarian Law Centre in Belgrade, and Vesna Terselić, Director of "Documenta – Centre for Dealing with the Past" in Zagreb, at the hearing on Peace-building in the countries of the former Yugoslavia, organised by the Subcommittee on Conflict Prevention through Dialogue and Reconciliation, on 6 September 2010 in Belgrade. I also met with Mr Mirsad Tokaca, Director of the Research and Documentation Centre, and with Ms Fadila Memisevic, President of the Society for Threatened Peoples, in Sarajevo on 22 November 2010.

advantage of a regional truth and reconciliation commission that receives support from politicians and the general population is that it would bring justice back home and could potentially facilitate a discussion about what went on during the war.

94. The findings of the commission could also be used to contribute to the creation of a regional history textbook. Perhaps more importantly, a regional commission with political support could counteract some of the nationalistic rhetoric that continues to be used by some politicians in the region. However, if a truth and reconciliation commission is to fully perform its function, I deem it critical that all countries and regions be allowed to participate, irrespective of their status.

## 6. The wider context

### 6.1. The process of European Union integration

95. Maintaining the European perspective for the countries of the Western Balkans could potentially be the most important incentive for the success of the process of reconciliation in the former Yugoslavia.

96. The states of the former Yugoslavia are at different stages with regard to the process of European Union integration. Slovenia has been a member of the European Union since 2004, whilst Croatia and “the former Yugoslav Republic of Macedonia” have been candidate countries for membership since 2004 and 2005 respectively. Bosnia and Herzegovina and Serbia are potential candidates for membership. On 25 October 2010, the European Council decided to refer Serbia’s application for membership of the European Union to the European Commission for an opinion. In doing so, it set out precise conditions as regards co-operation by Serbia with the ICTY. On 24 November 2010, European Union Enlargement Commissioner Stefan Fuele gave the questionnaire on Serbia’s candidacy for European Union membership to Serbian Prime Minister, Mirko Cvetković, who agreed to answer it by the end of January 2011. The European Commission recommended adding Montenegro to the list of candidate countries in the opinion issued on 9 November 2010.

97. Currently, Bosnia and Herzegovina’s prospects of European Union membership are being hampered by the constitutional deadlock and the unclear vision of its political leadership over its European aspirations.

98. According to the latest European Commission progress report, published on 9 November 2010, Bosnia and Herzegovina has made limited progress in addressing the political criteria. Some progress related to the rule of law, notably in areas such as border management and migration policy, was made through reforms aimed at meeting visa liberalisation requirements. Important steps were also taken to promote regional reconciliation and co-operation, notably in terms of refugee return. Nevertheless, overall implementation of reforms was insufficient and the domestic political climate during the pre-electoral period was dominated by nationalistic rhetoric. According to the European Commission, the lack of a shared vision by political leaders on the direction of the country is blocking key European Union-related reforms and impeding further progress towards membership of the European Union. Regarding international obligations, making progress towards meeting the conditions which have been set for the closure of the Office of the High Representative remains essential.

99. Border issues have held back Croatia’s candidacy but, as discussed above, the situation now looks to be on the point of being resolved and Croatia’s accession talks to join the European Union may be completed towards the end of 2011. However, while important progress has been made,<sup>41</sup> more concrete reforms are needed, in particular with regard to chapter 23 (entitled “Judiciary and Fundamental Rights”) of Croatia’s accession negotiations on fighting corruption and full co-operation with the ICTY.

100. In 2008, a visa liberalisation dialogue was opened with a number of countries of the former Yugoslavia, namely Bosnia and Herzegovina, “the former Yugoslav Republic of Macedonia”, Montenegro and Serbia, and road maps for visa liberalisation were established. The decisions on visa-free access to the Schengen area are based on the progress made by the countries concerned in implementing major reforms in areas such as the strengthening of the rule of law, combating organised crime, corruption and illegal migration and improving their administrative capacity in border control and security of documents. Montenegro, Serbia and “the former Yugoslav Republic of Macedonia” joined the visa-free regime on 19 December 2009 and Bosnia and Herzegovina on 8 November 2010.

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41. Since the start of negotiations 34 (out of 35) chapters have been opened for negotiations and 25 chapters have been provisionally closed. See Council of the European Union, Twelfth meeting of the Accession Conference at Deputy level with Croatia, Brussels, 5 November 2010.

101. All the states of the former Yugoslavia are members of the Council of Europe. Bosnia and Herzegovina, Montenegro and Serbia are under the Assembly monitoring procedure, while “the former Yugoslav Republic of Macedonia” is under post-monitoring dialogue. Compliance with the commitments made when joining the Council of Europe is seen by the European Union as fundamental to candidacy.

## **6.2. Interparliamentary dialogue**

102. I take the view that interparliamentary dialogue should be supported at regional level and I stress the importance of fully involving the national parliaments of the countries of the former Yugoslavia in the process of European integration.

103. In 2008, the European Parliament and former Yugoslav parliamentarians shared experiences on European integration and debated economic, security and justice issues. While I welcome this initiative, I also believe that the nature of the European Parliament interparliamentary meetings should be improved in order to provide a functional, regular and effective system for more focused and practice-oriented debates.<sup>42</sup> This could be easily done by ensuring better co-ordination with the Parliamentary Assembly and the delegations of national parliaments of the countries of the former Yugoslavia.

104. On my visit to Brussels on 30 November 2010, I attended a hearing on “Human Rights in the Western Balkans” organised by the Subcommittee on Human Rights of the European Parliament. Several MEPs, including the Subcommittee’s Chair, Ms Heidi Hautala, expressed the wish for a regular exchange of views with national parliamentarians from the region on the issue of reconciliation, political dialogue and human rights in the Western Balkans, with a view to accompanying them in their European integration process, in co-operation with the Political Affairs Committee. I very much support this proposal and I encourage the Assembly to follow this issue closely in the coming months.

## **6.3. Regional integration**

### **6.3.1. The Brdo process**

105. The conference “Together for the European Union: the Contribution of the Western Balkans to the European Future”, which took place on 20 March 2010 in Brdo pri Kranju and was jointly organised by Croatia and Slovenia, represented a fresh start in co-operation in the Western Balkans. The intention was to send Europe a message that:

- the leaders of the Western Balkan countries that emerged from the former Yugoslavia and of Albania can reunite around the same table and share the same goals;
- these countries can move forward beyond disagreements and historical grudges and work together for peace and the future of the region;
- all the countries are ready to co-operate on their path towards membership of the European Union.

106. The conference was also seen as the initiation of the so-called Brdo Process. All participating countries (Albania, Bosnia and Herzegovina, Croatia, Kosovo, Montenegro, Slovenia and “the former Yugoslav Republic of Macedonia”) agreed that they would “provide each other with mutual support and an exchange of experience gained during the integration processes” and that they would “promote good neighbourly relations through [their] continuous work on projects of common interest and invest best efforts in addressing open bilateral issues in a European spirit”.<sup>43</sup> I do hope that Serbia will also join the process in the future. The so-called “Visegrad Group” was taken as a model for co-operation within the Brdo Process, since this type of co-operation implies that none of the countries assumes a leading or predominant role in the region.

### **6.3.2. Other regional initiatives**

107. The European Commission has stated that regional co-operation between the states of the Western Balkans is key to future membership of the European Union. There are a number of regional initiatives that the states of the former Yugoslavia are part of that may help to facilitate reconciliation in the region including: the Central European Free Trade Agreement, the objective of which is to expand trade in the region; the RCC,

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42. See also European Parliament resolution on consolidating stability and prosperity in the Western Balkans, 24 April 2009 (2010/C 184 E/21).

43. Joint declaration “Together for the European Union: Contributions of the Western Balkans to the European future”, Brdo pri Kranju, 20 March 2010.

which has the purpose of supporting European and Euro-Atlantic integration; the South East European Cooperation Process, which is tasked with promoting multilateral co-operation, strengthening stability, security and good-neighbourly relations in the region; and the Regional School for Public Administration, an European Union-financed project which aims to assist the states of Western Balkans to train public officials for European Union accession.

108. I support these regional initiatives and I believe that they can play a key role in strengthening regional ownership and in serving as key interlocutors for the European Union and other international organisations.

### *6.3.3. Impact of the situation in Kosovo*

109. In June 2010, the Assembly debated a comprehensive report on the situation in Kosovo and the role of the Council of Europe,<sup>44</sup> to which I refer the reader. It is clear that the unilateral declaration of independence from Serbia in February 2008 adversely affected reconciliation in the region to some degree as ambassadors were declared *persona non grata* in Belgrade, and Serbia decided to withdraw its ambassadors from neighbouring states that had recognised Kosovo as an independent state. Full diplomatic relations were subsequently reinstated.

110. It may be noted in this context that the International Court of Justice, in its long-awaited Advisory Opinion on the declaration of independence, delivered on 22 July 2010, found that the declaration did not violate any applicable provision of international law.<sup>45</sup> Following the publication of the Advisory Opinion, the Serbian Government went on to work collaboratively with the European Union to table a resolution at the United Nations General Assembly on the issue. The resolution, adopted on 9 September 2010, encourages negotiation. It “[w]elcomes the readiness of the European Union to facilitate a process of dialogue between the parties” and affirms that “the process of dialogue in itself would be a factor for peace, security and stability in the region, and that dialogue would be to promote co-operation, achieve progress on the path to the European Union and improve the lives of the people”.<sup>46</sup>

111. I was pleased to hear, during the course of my conversations with senior government ministers, that Serbia was intent on resolving the impasse over Kosovo through dialogue with the authorities in Pristina, a dialogue which will be facilitated by the European Union. These symbolic steps have made the resolution of outstanding issues between Belgrade and Pristina look like a realistic prospect. Early elections in Kosovo, held on 12 December 2010, have inevitably delayed the start of such a dialogue, but hopefully not for too long.

### *6.4. The reality on the ground*

112. Discussions about reconciliation at a political level can have the effect of ignoring the impact of ordinary people in the process. As the authorities and politicians slowly begin to reconcile their differences with their counterparts in the region, the general public is already one step ahead. This is something that particularly struck me on my visits to the region. One can often get the impression from the outside that people stick to the countries that they live in. It can easily be forgotten how interlinked the countries were before the outbreak of the conflict. I was encouraged to hear about Croatian businesses opening up in Serbia; Croatian artists performing in Belgrade; and Serbs holidaying in Croatia. I was told that it is now common to see Croatian number plates on cars in Serbia; this was something that simply did not exist until a short while ago.

113. However, I also believe that much remains to be done. The violence of some Serbian extremist fans, driven by ultra-nationalist sentiments and inciting racial, national and religious hatred, at a recent football match in Italy on 12 October 2010, has provoked anger and dismay in Serbia itself and led to official apologies by the Serbian Foreign Minister, Vuk Jeremić.

114. A renewed effort by all governments in the region, in co-operation with the international community, remains of critical importance if we are to continue the ongoing process of political as well as cultural disarmament.

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44. See [Resolution 1739 \(2010\)](#) and [Recommendation 1923 \(2010\)](#), Doc. 12281.

45. ICJ Advisory opinion, “Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo”, 22 July 2010.

46. United Nations General Assembly Resolution 64/298 (A/RES/64/298).

## 7. Conclusions

115. During my visits to the region and on my concluding visit to Brussels on 29 and 30 November 2010, I could ascertain that European integration is a key issue for many of my interlocutors. I am convinced that the prospect of European Union membership is generating momentum for political reform in the majority of the states of the former Yugoslavia. The recent experience with visa liberalisation shows that the European Union still has the power to motivate serious reforms if it offers tangible incentives.

116. The past few months have seen gestures of commitment towards regional co-operation and some first steps to start rethinking the region's recent history. Belgrade and Zagreb have started talking about issues related to refugees and missing persons, and both sides are considering dropping their lawsuits against each other for genocide. The Presidents of both countries are taking the lead in what could become a process of *rapprochement*, and are beginning to work with each other on practical issues, such as business matters and the fight against organised crime. Regional co-operation is moving ahead. Talks between Belgrade and Pristina are envisaged in the near future.

117. Hereafter are some of the key issues which I have analysed in my report and where, in my view, renewed efforts are needed by all governments of the region with a view to their full reconciliation and European integration:

- The issue of missing persons is the priority and I advocate the opening of the archives in all countries involved in order to resolve this issue, as well as appropriate funding for civil society initiatives which attempt to fill the gap by creating records of victims of the conflicts to address the legacy of the past and fight against biased historical revisionism.
- It remains of critical importance for all governments of the region, in co-operation with the international community, to provide support for return and reintegration in the place of origin, as well as for integration in the place of displacement. While returnees no longer consider the security situation of prime concern, the social and economic situation in war-affected areas remains a challenge; priority should be given to the promotion of access to basic rights, including housing, education, health, employment and social services.
- War crimes prosecution and full co-operation with the ICTY remain important elements both for reconciliation and for European integration and top priority should be given to tracking and arresting the remaining fugitives.
- The lack of border definition, which is also inextricably tied to minority rights, may have a negative impact on the politics of the region and on the European Union integration prospect. I believe that settling this unfinished business is a practical precondition to moving towards a context of integration in which borders have less political resonance. If countries cannot resolve their disputes bilaterally, which is of course preferable, they should commit themselves to a binding arbitration mechanism.
- I believe that the European Union can also give the political drive and leverage to create a context most favourable to dialogue through the nascent European External Action Service, in co-operation with the relevant organisations present in the Balkans, in particular the Council of Europe, the OSCE and the RCC. However, the countries themselves should assume their responsibilities, as regional co-operation requires commitments on the part of the governments which are supposed to carry it out.
- Grass-roots, civil society and local initiatives need far more support and visibility. Cross-border co-operation, initiatives aimed at reconciling citizens across different countries, property restitution projects and developing social networks are all much-needed bottom-up approaches to help people to climb out of the dark hole of ethno-nationalism.
- As stressed by several interlocutors I met in the region, Bosnia and Herzegovina needs to break a constitutional stalemate following the recent elections which were once again conducted with ethnicity- and residence-based limitations to active and passive suffrage rights. The country needs to take important steps to live up to its commitments after it was accepted as a member of the Council of Europe, and comprehensive constitutional reforms need to be immediately undertaken. The country also needs to work on strengthening functional democratic institutions that work across the territory.
- During my visits, I observed that the public discourse on the war often remains segregated, with each country having its own truth, rhetoric and interpretation. I believe that this can be a potential source of hatred and conflict. The Assembly could support the work carried out by local actors to support a more pluralistic view of the past and present events, also through strengthened interparliamentary dialogue in co-operation with the European Parliament.

- In the same way in which ethnic conflict and civil war are not natural but man-made disasters, their prevention and settlement does not happen automatically either. Leadership needs to be capable, determined and visionary in its commitment to peace. Leaders need to connect to each other and to their followers, and they need to work with them towards a peaceful future. I believe that the Assembly should support the work carried out by the Council of Europe schools of political studies, notably in Belgrade, Pristina and Sarajevo, in engaging political and other elites in dialogues and should encourage them to intensify efforts in the region with a view to fostering political dialogue on all outstanding issues in the region and to strengthening the multi-ethnic character of these political circles.
- By the same token, the Council of Europe could support the work carried out by local actors to foster a more pluralistic and shared view of the past and present events, in particular by developing a long-term strategy and organising a round table with recognised historians and educators from the region around some key dates in history; a book of essays could be compiled as an interesting piece of additional material.
- Reaching a mutual agreement among the parties in the conflict as to what happened will remain a great challenge for years to come. Reconciliation also means a change for the better of those structures and groups in a society that induced, encouraged and supported violence and lawlessness. It is my contention that reconciliation is a process in which the reality of the conflict is treated in the perspective of the future. However, reconciliation is not isolated from the past and any attempt to bury the past is unacceptable for the people who were exposed to serious violence and human rights violations, and whom I met during my visits in the region. I take the view that the Assembly should encourage the establishment of a regional truth and reconciliation commission that would investigate and disclose the facts about everything that happened in the recent past in order to honour and acknowledge all victims. In my view, it is critical that all countries and regions be allowed to participate, irrespective of their status, if such a commission is to fully perform its reconciliation function.