



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

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**ADDRESS**

by

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at the

Launch of the discussion paper “Transitional Justice in Kosovo” by the  
Kosovar Institute for Policy Research and Development

[Check Against Delivery]

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Ladies and Gentlemen,

I am pleased to be back in Kosovo. Over the years I have witnessed substantial progress in the overall situation. However, Kosovo continues to face many challenges in political, economic and social sphere. Most of these have an impact on inter-ethnic relations. I am, nevertheless, confident that the daily work by the authorities and civil society to bridge the ethnic divide will bear fruit. Managing inter-ethnic relations is a prerequisite to building a successful multi-ethnic Kosovo.

I think it was Friedrich Nietzsche who said that “*only the builder of the future has a right to judge the past.*” Something akin to building the future has been taking place in Kosovo for the past two and a half years. Over this period, the HCNM and our local partner, the Kosovar Institute for Policy Research and Development, or KIPRED, have brought together community leaders and opinion shapers to discuss how to heal the wounds from the traumatic past and settle omnipresent grievances. I commend those who participated for their courage and dedication.

The meetings that the HCNM has organized over the past two and a half years were sometimes difficult. There were disagreements. Many statements were emotional. People walked out and came back. Despite some setbacks, we have seen encouraging signs of rapprochement between community leaders and witnessed a willingness to move forward. I often heard it said that: if communities in South Africa after decades of Apartheid could reconcile, then why not in Kosovo.

Remembering the past is important for Kosovo. The philosopher George Santayana issued a famous warning to all of us: “*Those who cannot remember the past are condemned to repeat it.*” For Kosovo to succeed, trust needs to be re-established between the communities. This involves a willingness to acknowledge and address the abuses which have taken place. One way of doing this is to engage in a constructive debate about the past. This is in fact the aim of the paper that KIPRED is presenting today.

This is not simply a humanitarian issue. It is not a question of being generous. This is a conflict prevention issue. As KIPRED paper rightly asserts, “*past injustices that remain unaddressed can easily become a source of new tensions and conflict... Impunity undermines trust in institutions and prevents the normalization of contacts between communities.*”

I am not saying that dealing with a legacy of conflict and human rights violations is an easy task. In most cases it is extremely painful. However, dealing is healing. Your wounds can only be healed by a process of reconciliation.

Each community understandably views transitional justice and reconciliation from different perspectives. A process of dealing with the past therefore cannot take place without the involvement of all groups. Despite different views on transitional justice and reconciliation, a debate on the mechanisms and how they best could be applied in Kosovo is of vital importance for all communities. The launch of today’s paper is a step in that direction.

Ladies and Gentlemen,

What is transitional justice?

The notion of transitional justice has been developed over the last 60 years.

It encompasses many different approaches. It deals with legacies of conflict, human rights abuses and divisions between people. At its core it aims to deal with the past to bridge the great divides in a society in order to look toward the future. Central to this is ending impunity and restoring dignity to victims.

The process should contribute to the society's greater understanding its past, and at the same time it should ensure that this understanding helps prevent a recurrence of the conflicts of the past aiming at enhancing democratic stability and restoring the trust within the society.

Looking at today's South Africa, the situation in Guatemala and other countries that have gone through a period of conflict, we realize that transitional justice is not accomplished once and for all. Neither is a truth and reconciliation commission necessarily enough to secure stability for the future. Other factors like economic development and social justice in a society are necessary in order to secure stability.

In the transition from conflict to peace, societies are confronted with a wide range of dilemmas and challenges: how to build strong institutions, a prosperous economy, a functioning educational system, just to mention a few. However, the challenge of dealing with the past is the most difficult to confront. There are many obstacles which constrain the set of choices for governments in confronting legacies of past abuse. These include a fragile peace, a weak judicial system, endemic corruption, large numbers of perpetrators and victims, and legal hurdles such as amnesty laws.

The legacy of past abuse is no doubt the most difficult one. The pain of confrontation is often immense and hard to speak about.

There are a number of ways of dealing with the past. It is essential that we bear in mind that each way, viewed alone, has limited value. If trials are not accompanied by truth-seeking mechanisms, institutional reforms, or adequate reparations, they can be viewed simply as scapegoating. Likewise, truth-telling, in isolation from efforts to punish abusers, reforming institutions, and providing reparations to victims, may be viewed as nothing more than window-dressing.

A combination of all of the mechanisms is therefore necessary.

Ladies and Gentlemen,

I am happy to see that KIPRED's paper proposes most of these mechanisms. These include criminal prosecutions, remembrance and public debates, truth-seeking, reparations, finding the whereabouts of missing persons and reforming the security sector.

It means that the communities in Kosovo are aware of the need to tackle the legacies of the past. It is also a hopeful sign that these ideas are gaining ground inside Kosovo and are no longer seen as foreign, alien or imposed from abroad.

Dealing with the past is central to achieving a brighter future. Human contact amongst once

conflicting groups can have far greater impact than any government policy, any law or any technical arrangement. This is my experience in many different countries, which have a legacy of conflict, human rights abuses and lingering ethnic tensions. Implementing legal systems for minority protection, however progressive, cannot substitute for investing in a meaningful dialogue between neighbours.

Kosovo still suffers from inter-ethnic tensions, distrust amongst different ethnic groups and often unwillingness to reach across the ethnic divide to identify issues of common concern and common solutions to these issues. In the desire for short-term stability and focus on the big political questions, we tend to overlook the reasons why inter-ethnic tensions persist. There are many reasons: for example, some groups point to security incidents and feel that they cannot move about freely, or that they will be harmed if they speak up; others have seen their property taken and feel that they have no recourse.

This is only part of the equation as perceptions are as important as the hard facts: whether a person feels safe in his or her own village will ultimately determine whether he or she feels welcome in the wider society. Therefore, to help overcome fear, real security concerns must be addressed. At the same time, it is essential that we recognize that our neighbours' lingering doubts and anxieties – however abstract these may sometimes seem – can only be tackled through acceptance of these doubts and anxieties. Ultimately, trust between neighbours and once-conflicting communities can only be re-established through human contact, dialogue and recognition of shared interests and values. This takes courage. While we may all find reasons not to engage the other, there simply is no alternative to dialogue.

Dialogue must be grounded not only in the willingness to accept the concern of the other, but also an effort to create a common understanding of the history of the society, a common assessment of where the society currently stands and where the future of that society lies. As I see it, Kosovo today stands on the cusp of new possibilities for change and improved inter-ethnic relations. For the majority population, the recent developments add a sense of accomplishment, increased security and a brighter future. But, for many of the other communities, the new situation only exacerbates their doubts and anxieties about their future role in Kosovo society. These anxieties cannot be easily or quickly overcome. However, ignoring them will only aggravate the tensions that exist. This will formalize divisions, thereby stalling any prospects of improved relations. In the end, this could trap Kosovo in a vicious cycle of mistrust, separation and possibly even violence.

Ladies and Gentleman,

The launch of today's paper is a small, but important step toward transitional justice in Kosovo. The concept of transitional justice is no longer "terra incognita" for the people of Kosovo. However, the work must not stop there. We need debates and we need visible actions.

Any transitional justice process must be rooted in local society. This is why it is essential that local actors now play a more meaningful role in moving this process forward. My hope is that we will eventually reach the moment when the difficult subjects could become part of the public discourse. This will help your society move on beyond its past.

I hope we shall see public discussions, roundtables and debates on the KIPRED paper on how

Kosovo properly can undertake a process of reconciliation. At some stage, the authorities will need to tackle these issues, draft laws and move forward. In this context, and from my perspective, other actors such as the International Centre for Transitional Justice, with whom we have been working, are well placed in terms of substantive knowledge and expertise to move this along.

As High Commissioner, I can help with potential funding, high level political support and generation of ideas. But it is key to remember that you are doing this for your children and the children of your children – not for a foreign outsider who comes and goes. The ball is in your court. We, in the international community, are ready to help and coach you. Count on our support! But winning this match is in your hands. I wish you success in this effort for the future of Kosovo.

Thank you for your attention.