Dealing with the past in post-conflict societies

Maire Braniff [1] and Cillian McGrattan [2], 11 March 2012

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Unless the past is articulated in such a way in which the connection of events and experiences are integrated in a real and meaningful way, the ‘truths’ which drove conflict will continue to be reproduced.

Recent debates in post-conflict Northern Ireland and the countries of the former Yugoslavia have increasingly centred on the issue - to what extent can we expect perpetrators of war crimes and human rights abuses to be held to account for their actions? This paper argues that in conjunction with judicial procedures, post-conflict societies might best foster fragile settlement processes by fencing-in or framing historical narratives about the past. We argue that this framing must speak to documentary evidence and victims’ experiences as an antidote to the attempt by perpetrators of crimes to downplay their historic actions.

Political exigencies

Croatian authorities remain inundated with cases relating to the violence of the 1990s. Although the Croatian Chief State Attorney’s office has revised its procedures for investigating war crimes – reviewing cases where the ethnicity of the victims and perpetrators were given undue importance ↑ [16] to the detriment of human rights – the Helsinki Committee ↑ [17] has challenged its commitment to bringing high-level perpetrators to justice. In Northern Ireland meanwhile, the Police Service’s Historical Enquiries Team are faced with over 2,000 unresolved murders relating to the period 1969-1998. In response to this daunting task, the outgoing Police Ombudsman, Al Hutchinson, recently floated the idea that a general amnesty should be considered as a pragmatic necessity.

Of course, logistical problems with bringing perpetrators to justice years after episodes of war and mass violence are nothing new – as examples from Germany to Rwanda and from Spain to East Timor, among many others, amply demonstrate. Yet, the fundamental problem remains that the options of amnesty or the Spanish-style pact of silence (in which political elites informally agreed not to use the past for gain in the present) tends towards the muting or overt silencing of victims. For example, although Hutchinson prefaced his remarks with the idea that ‘the victim would have a say whether or not they might consider amnesty and that would be a conditional amnesty’, he neglected to consider just how such a proposal would inevitably place moral pressure on victims to conform to
perceived societal obligations to leave their hurts behind and move on.

As the Victims’ Commissioner Brendan McAllister pointed out, such a scenario would be ‘repugnant to the majority of victims’ [19]. Human rights spokespersons have also questioned the motivation of Croatian authorities, for example in paying for the defence of its citizens who have been indicted for war crimes by the International Criminal Court for the Former Yugoslavia. The president of the Citizen Committee for Human Rights (GOLJP), Zoran Pusic, has, for instance, recently complained that ‘[t]he state is callous towards the war crime victims … we see no political will to compensate the victims’ [20] ↑ [21].

Fragmentation

In Bosnia, meanwhile, indictments no longer remain open to public access [22] ↑ [23]; thereby eliminating wider society and their victims from the truth and justice process. The omission of victims’ voices heightens a sense of impunity for war crimes and human rights abuses being ‘forgotten and marginalised’ [20] ↑ [24]. The fragmented approach to truth and justice which takes place at an international and state level, rather than a regional level restricts the range of victims taken into consideration [25] ↑ [26]. Hence, the regional wars of the 1990s require a regional approach to dealing with the past which will pursue more coherently a wider sense of victimhood. The promise of the ICTY was exactly this with an added value of affirming individual responsibility. Yet it has failed to filter to a national or regional level, helping to entrench division. On the matter of individual responsibility, marrying the conditions to EU membership with the countries cooperation with the ICTY has had a drawback of exacerbating the countries’ senses of collective guilt and collective punishment.

In Northern Ireland a similarly fragmented approach has taken place – a situation which has been exacerbated by initiatives at times being duplicated by the British government and the devolved Northern Ireland Assembly. So, an assortment of policies have been enacted, including victims’ commissioners and ministers, a Commission for Survivors and Victims, a Consultative Group on the Past and a range of judicial inquires – most notably, the Saville Inquiry into Bloody Sunday [27], which reported in 2010. As with the Former Yugoslavia, the raft of measures reflects not only a lack of political appetite, but also a lack of societal consensus as to how to approach the past. Residual sectarianism – particularly among younger people who had no direct experience of the violence – coupled with that uncertainty about the past indicates that Northern Ireland remains a divided society that is still very much influenced by historical dynamics.

Fencing-In

While both areas have to a large extent moved beyond violent ethnic conflict there has been no Year Zero and the promises of peace seem to be increasingly held to ransom by cynical forces (both within government and terrorist spoilers outside the democratic process) who draw inspiration from those ideas that plunged both societies into killings and mayhem. Methodologies and approaches for engaging victims into a process require careful consideration of amnesty, truth, justice and public openness.

Given the subtlety necessary for approaching violent pasts, such processes of engagement are always liable to political manipulation. In Northern Ireland, for example, the largest nationalist party, Sinn Féin recently floated the idea of reaching out to their ethnic opponents. Reconciliation could, the party argued, come about through ‘uncomfortable conversations’ [28] ↑ [29]. The party was, it stated, ‘prepared to take the lead in helping to shape an authentic reconciliation process and embrace the discomfort of moving outside our political and historic comfort zones’. Yet, a prerequisite to this must surely be to recognise just how comfortable that zone is. Indeed, that is even more of a task for a party that had been the political wing of the Irish Republican Army, which was responsible for 60% of the 3,700 conflict-related deaths. Sadly, Sinn Féin seem incapable of moving beyond formal acceptance of its responsibility of turning away from a peaceful civil rights movement and initiating a ‘war’ against the unionist population of Northern Ireland and the British state. Rather than atonement for these historical facts, Sinn Féin seems more interested in harnessing ethnicised narratives for its own ends. Thus, the ‘armed struggle’, it maintains ‘arose
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from political conditions as a last resort and those conditions no longer exist’.

In a much quoted phrase, Michael Ignatieff argued that the real value of truth recovery processes may not be to contribute to societal reconciliation but is much more limited: they could, he contended, reduce the number of ‘permissible lies’. Of course there can never be one past in any society, not least ethnically divided ones. However, unless the past is articulated in such a way in which the connection of events and experiences are integrated in a real and meaningful way, the ‘truths’ which drove conflict will continue to be reproduced. The problem with this, naturally, is that ‘real and meaningful’ are in-themselves social constructs; but they do have a basis in the memories of victims and others who lived through the violent past; they are recorded in newspapers, governmental and party political archives and in the marked and unmarked graves across places such as the North of Ireland and the Balkans. Fencing-in narratives about the past means paying attention to those links and excluding through reasoned argument and documentary evidence those ethnicised understandings that try to suggest otherwise.

Country or region: Northern Ireland
Croatia
Topics: Civil society
Conflict
Culture
Democracy and government
Ideas

View the discussion thread, [30]

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Máire Braniff is based at the University of Ulster where she lectures in Sociology. Her areas of expertise include conflict resolution, peace mediation and peace agreements in the following areas: Balkans, Northern Ireland, South Caucasus, Indonesia and the Democratic Republic of Congo and Great Lakes. Her book “Integrating the Balkans: from conflict to integration” was published by IB Tauris in 2011.


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