Address given by Lord Owen at the Council of Europe (Strasbourg, 3 October 1992)

Caption: On 3 October 1992, Lord David Owen, European Union Co-Chairman of the International Conference on Former Yugoslavia, gives an account of his mission to the Parliamentary Assembly of the Council of Europe, emphasising human rights violations in the country.

Source: Council of Europe - Parliamentary Assembly. Official Report. Forty-fourth ordinary session. 30th September - 7th October 1992. Volume II. Sittings 9 to 21. 1993. Strasbourg: Council of Europe.

URL: http://www.cvce.eu/obj/address_given_by_lord_owen_at_the_council_of_europe_strasbourg_3_october_1992-en-c53d5445-850b-454e-bed9-4460b3814da5.html

Publication date: 22/10/2012

Address given by Lord Owen at the Council of Europe (Strasbourg, 3 October 1992)

Mr President, thank you for your invitation to speak here. It was not a difficult decision to make because to people of my generation — I was born in 1938 — the Council of Europe and the mechanisms established here for the protection of human rights are of great importance. We who lived through the war years and who spent our formative years discovering what had happened through those years and during the 1930s swore to ourselves that such events would never happen again in Europe.

I speak to you today with sombre and sad news. I do not want to draw analogies with what happened in the past. History, some people say repeats itself, but it rarely repeats itself in exact ways. However, the fact that, in the past few months and as I speak, grievous abuses of human rights have occurred is beyond peradventure.

Let me bring you up to date. I shall not talk about episodes that happened three or four months ago, but let me describe to you what has happened in the past few days. Last Thursday, Cyrus Vance and I heard about ethnic cleansing — itself a pretty odious term that one hesitates to allow to pass one's lips — taking place in the region of Banja Luka. We decided that the only thing that we could do immediately was to go there ourselves to focus the attention of the world on the situation and to try to find out the facts. We spoke to various people and, above all, had one memorable meeting with the Mufti, the Roman Catholic bishop, and the Orthodox bishop, who came together to talk to us about what was happening. We were told in no uncertain terms that only the day before some 3 000 or 4 000 people had been removed from Bosanski Petrovac and Kljuc. For fear of their lives, and not being able to cross the Croatian border, which has been closed to all but a few exceptional and agreed shipments of people from detention centres under escort, they were told that they would have to travel through Bosnia-Herzegovina and to cross the no-man's land between the fighting involving the Muslim-Bosnian government forces.

In parenthesis I might add that we should remember that the Bosnian Government is not entirely composed of Muslims. It has become commonplace to refer to it thus because Muslims constitute the largest proportion, but the Bosnian Government still strives to speak for Croats and Serbs and wants above all to retain the ability to talk across the three nations.

None of us knew what was going to happen to this convoy and many of us had memories of a similar incident some weeks back, when it appears from mounting evidence that about two hundred people on a similar convoy reached a cliff edge, where the convoy was stopped and the people were lined up on the edge of the cliff and shot before falling over the cliff edge. Merely moving towards the border was a risky business, and these people knew that, but they feared for their lives if they stayed where they were.

In Zagreb on Saturday, having left Banja Luka on Friday, Cyrus Vance and I heard an eyewitness account of what had happened to these people when they came to no-man's land. They were ordered out of their buses; some already had had their possessions stolen from them; almost all of them had had their money and valuables taken from them. Some had already disappeared — they had been taken away — and they have not been seen since.

As this observer watched the people walk from the buses across no-man's land, he saw bullets fired over their heads. Then bullets were fired into the people — young children and old people carrying what remained of their belongings in suitcases. Then, as they moved on, about a mile away, shells started to be fired over their heads but then plopped down on the land on which they were walking — land which was itself already mined. The man in question has seen many things in this world that would make most of us blanche, but he said that as he watched tears streamed down his face.

All of this has happened in the past few days, and it is against that background that we must start to discuss some of the serious ethical and moral questions that underlie what we must do politically to achieve peace and a settlement in the former Yugoslav territory.

The first and most important aspect to recognise is that the United Nations has already made an ethical

choice which was painful and, I believe, right. It was to authorise UNPROFOR forces to escort people out of the country for the purpose of ethnic cleansing. I took a lot of convincing about this, but the combination of the ICRC, the UNHCR, and the CSCE mission under Sir John Thompson, which had visited the camp of Trnopolje and another camp, convinced me that the ethical dilemma was, how to save lives. Even at the expense of being thought to be a party to ethnic cleansing, we had to get these people out and then into Croatia and to provide military escorts for them — because the safety of their convoy was thought to be at risk.

Cyrus Vance and I believed that the decision would not be taken only by us or by governments. We were determined that it would be taken in the full glare of publicity and that the Security Council would have to argue out these ethical dilemmas in open session. If a decision was taken to widen the mandate to use UNPROFOR, that way everyone would know that it had been done and in a few weeks' time we would not read shock-horror stories by journalists pretending that there had been a cover-up. There may or may not have been a cover-up in the early months of this year — I do not know — but I promise that the two co-Chairmen of this conference will not be afraid to expose, when we have the facts, any aspect of ethnic cleansing or abuse of human rights.

However much we wish to moralise and agonise over these outrageous abuses of human rights, the prime task must be to seek peace. Before I return to some of the human rights issues may I outline how I see the peace process developing? I am not going to delve into history. I was not involved; I do not believe that it helps; I take as my starting point the London Conference. Perhaps more importantly, I am making the assumption that governments — most of you parliamentarians represent governments present at that conference — meant what they said when they laid down the principles that emerged from the conference. I take those documents as my bible, literally and metaphorically. The principles of the London conference cannot be taken exception to; if anyone does take exception to them or seeks to modify them selectively he should be careful, because they must be seen as a comprehensive package.

I will not put the principles in order of priority, but one important principle is that there will not be territorial acquisitions as a result of taking up arms. Boundaries are not to be changed simply by *force majeure*. We can all think of theoretical examples to show why the map of that part of Europe should not have been drawn as it was in the early days of the Tito regime, but that map has to stay.

From my experience of Africa I can state that no one who looks at the map of Africa can believe that it is a sensible one. One must admit that diplomats in the British colonial service settled the map by drawing lines on it with a ruler, sometimes cutting across rivers and valleys, not to mention ethnic groups. There was precious little logic in it; and yet, as freedom was given to the colonies, as they became independent, as the Organisation of African Unity gained in strength, Africans were driven to the simple recognition that changing the map of Africa was fraught with difficulty and that, for all its faults, it was better to accept the existing map — with the one caveat that it could be changed by mutual agreement, perhaps endorsed by referendum.

The London Conference laid down that the Tito map was sacrosanct unless changed by mutual agreement I have yet to see any sign of change in that map by mutual agreement. Let us take that map as our point of reference in the negotiations. If we do that, we accept that the peoples of different nations will live in different countries — that Serbs will live in Croatia, Serbs and Croats will live in Bosnia-Herzegovina, Albanians will live in Serbia and Montenegro, and that Muslims and Hungarians will live in Serbia and Montenegro.

Let us be clear, therefore, that we are not changing the map unless by mutual agreement. As there is no acceptance by Croatia of a change in the map, the Serbs who live in Krajina or in Knin — often in the majority, and certainly in substantial numbers — will have to grow used to the idea that they live in Croatia. Nevertheless, they are entitled to special status — to their ethnic, cultural and educational independence within those special areas. It is difficult for many Serbs to accept that — whether in Belgrade, Krajina, or Knin itself. However, what is sauce for the goose is sauce for the gander. If those people accept that they must live within those territorial boundaries, Albanians in Kosovo should accept that they live within Serbia

and Montenegro. Likewise, they are entitled to special status in respect of education, culture and other aspects of autonomy.

The same can be said for the Hungarians in Vojvodina or even for the Muslims in Montenegro. As to Bosnia-Herzegovina itself, we must acknowledge that there will inevitably be three groupings. How can we deal with rights there? For many years, Bosnia-Herzegovina was a country in which it was possible for people who followed the Muslim, Serbian Orthodox or Roman Catholic faith to live together in relative peace. Bosnia-Herzegovina was sometimes cited as an example of the way that nations and ethnically different groups could live together in harmony. Sadly, that harmony has been shattered. How can we bring together those countries in peace on the same principles? There is another principle — and it is one to which I personally attach great importance. I hope that this Council will do so, and I hope that it is one for which members of the Assembly will fight with all the vigour at their disposal when they return to their respective national parliaments. I refer to the principle that ethnic cleansing must be reversed.

Many people — the advocates of *Realpolitik* — will tell you that the game is up: the land has been taken in Bosnia-Herzegovina, the front lines have been established, and that it is impossible to return to a state in which three nations and groupings can live in harmony. They say that no one should fall for a lot of idealistic nonsense, and that we should live with reality. I argue against that on a number of grounds. I do so first on a deeply philosophical ground.

If we meant it when we said that we would never allow another holocaust, never allow groups of people to be discriminated against on ethnic grounds, never allow concentration camps and closed wagons full of people to be shipped around without respect for any form of human rights, and never again allow people to be killed, mutilated or raped purely and simply because they espoused a religion different from the majority, then we must in all conscience reverse ethnic cleansing.

Ethnic cleansing will not be reversed in months: it will take years. It will take the persistent application of principle. We must face the fact that that is not the strongest aspect of democratic government. As the months go by and the years pass, then, rightly or wrongly, people will tend to shrug their shoulders and say, “We did our best. We must live with it now.” But be warned. The population in question is not Jewish but one who believes in the Muslim faith — and there are millions of Muslims all over the world. They already feel, rightly, very aggrieved about events in Bosnia-Herzegovina. I believe that they will never forgive Europe if we are seen to allow the Muslims in Bosnia-Herzegovina to be deprived of their civic rights, shunted out of the towns and villages in which they live, and effectively to accept the status quo. If we accepted the ethnic cleansing of the Muslim population without any shred of justification, I believe that we would unleash forces that we would live to rue.

Ethnic cleansing will not be easy to reverse, and it will take time. It will mean people regaining their confidence in returning to a small village where their house was burnt down and which their neighbours have left, and in which they sense fear and hostility. Some will say that can never be done. The one good thing that history does teach us is that those very peoples who suffered appalling horrors in the second world war managed to put it all behind them and to live together peacefully for many decades afterwards. One reason why the pursuit of human rights remains one of the most essential tasks of politicians and international bodies, and is also one of the most worthwhile, is the extraordinary capacity of the human race to forget what has happened, forgive, and become reconciled.

For me, it is amazing to go to Zimbabwe and see Ian Smith walk down the main street of Harare, which was formerly Salisbury, without a bodyguard and, on the face of it, completely safe. I still believe that when, despite of all the difficulties, South Africa reaches an accommodation between white and black, we will see reconciliation and a readiness to forget there also.

We have seen in Europe and in this Assembly the human capacity for reconciliation, for forgiving, and for a new generation to emerge that is not haunted by the past. To those who say that ethnic cleansing cannot be reversed, I say that they are wrong. To those who say that reversing ethnic cleansing will be immensely difficult, I say that they are right. To those who say that governments will soon give up on trying to reverse

ethnic cleansing, I say that I fear that they are probably right. But parliamentarians, who ought to view the situation in a longer perspective, have a heavy responsibility to ensure that ethnic cleansing is reversed. In the constitution of the new Bosnia-Herzegovina, that aspect must play a very important part.

Let me deal with the peace process such as it is. Cyrus Vance and I in the past four weeks have tried to set in place a series of building blocks. You may have noticed that we do not talk of ceasefires. There has been too much talk of ceasefires only for them to be broken within twenty-four or thirty-six hours. We talk about the cessation of hostilities which has the advantage that most people understand that it is a gradual process and that some people continue to shoot off weapons from time to time.

We are after the cessation of hostilities throughout Bosnia-Herzegovina. However, we have linked it to the demilitarisation of Sarajevo. I am glad to say — although I do not know how much it will produce — that the parties have now agreed to come together and talk, and what is more important, to let their military commanders talk about the techniques and the phased demilitarisation of Sarajevo under the chairmanship of General Morrillon, the French general who has now taken over control of Bosnia-Herzegovina, working under the overall responsibility of General Nambiar, who is responsible for UNPROFOR from Zagreb. I have the utmost confidence in General Morrillon, and I believe that he is now working out a rational mechanism whereby Sarajevo can be demilitarised; that those Serbs who wish to leave can do so safely — and that is an important safeguard; that there will be no lines or blocks in Sarajevo — I am determined that there should not be another Beirut; that there are no “no-go” areas so that UNPROFOR can go anywhere and where its route runs throughout the city, through the surrounding suburbs and right up to the hills on which the shelling has taken place.

It will not be an easy demilitarisation to agree, but it is essential and of great importance if we are to see the eventual Bosnia-Herzegovina be one in which Muslims, Christians, Catholics and Orthodox Serbs live together happily. That process may or may not succeed quickly. I would dearly like it to succeed within weeks because time’s winged chariot behind us is winter. As winter advances, so more and more people will die. Some people estimate that winter alone, even in the best of circumstances, will lead to 100 000 people dying in Bosnia-Herzegovina — 100 000 people dying, just because of winter. That is in the best circumstances: that means getting the food and essential supplies out to some of the rural areas over snow and in the most difficult conditions. We have to face it. We are behind time in building up stocks for winter. The tragic loss of the humanitarian air flights has dealt us a very heavy blow indeed. Fortunately, at long last, governments seem to be prepared to re-introduce them. I may say that I think that that is a fortnight too long. At least I think I can say that, because Cyrus Vance and I flew from Sarajevo airport in the first flight after the Italian aircraft was shot down. I do not deny that that was a fairly hair-raising experience.

All through this discussion and the discussion about the expansion of UNPROFOR and the delineation and pushing in of people into UNPROFOR there has been constant talk of guarantees and safeguards. I think that it is time that parliamentarians, governments and people understood that in this situation it cannot be risk-free. This is a dangerous situation and there are known to be no absolute guarantees. However, for every risk that the Italian pilots have taken — and, tragically, four have lost their lives — their humanitarian air flights have saved the lives of hundreds more. For every lorry driver who volunteers to take a convoy in and is then shot up in an ambush, a deliberate ambush, one of which has already killed two French soldiers, they are delivering essential supplies that save thousands of people’s lives.

When we talk about absolute security, let us put it in context. People are taking risks with their lives. Some of them are armed servicemen, but by no means all of them. Some of the bravest acts in Bosnia-Herzegovina are not in UNPROFOR. They are in UNHCR and the ICRC. Those people are living in the midst of tense, difficult and dangerous atmospheres, in Banja Luka city, or they go into camps like Trnopolje. They are never certain that they will not be dragged away or raped. We must confront some of our editorial writers and politicians with this reality. There is no such thing as a risk-free situation in the Balkans at the moment.

The alternative, of course, which is also espoused by some editorial writers and others is that it has nothing to do with us. It is a far away country of which we know nothing. However, we know what that brought us: it brought us the second world war. We should not forget that the first world war started off in Sarajevo.

Those who believe that it would be morally acceptable for Europe to turn its back on what is happening in the Balkans and to throw their hands in the air and say, “Let them fight it out, it’s got nothing to do with us” are, I believe, abandoning the construction of the wider Europe which this Assembly is dedicated, which the European Community is dedicated and which most of our parliaments are dedicated.

Let me put one practical suggestion to this body. It will have, of course, to go to the Council of Ministers. We are in the midst of trying to construct a new constitution for Bosnia-Herzegovina which can win the trust of the three nations, the individuals and the people. They all know that there will have to be serious safeguards on human rights. There are many human rights organisations to join, many of them in the United Nations. However, I bow to none in my admiration for the European Convention on Human Rights and the European Court of Human Rights. I believe that we have found here a system not only of declaring human rights in its clearest form, but of enforcing human rights. The international conference on the former Yugoslavia is very interested in developing a transitional *ad hoc* mechanism for the judicial protection of human rights in those European states which are not yet member states of the Council of Europe.

For new states, the criteria for entry are rightly demanding and I am not asking that you relax your criteria. However, they are not easy to fulfil immediately, particularly for those transferring from a communist to a democratic state. One interesting proposal which is being discussed, and which we are studying, and which is likely to be put before the parties of the Bosnia-Herzegovina working party — if we can find a positive response from here — is for the Council of Europe to create an *ad hoc* mechanism whose task would be to ensure the protection of human rights in European states which are not yet members of the Council of Europe — that is, subscribing states. Obviously, I have in mind particularly Bosnia-Herzegovina whose new constitution is currently under discussion. Bluntly, I suspect that it would not expect to become a full member for some years.

A non-member state could subscribe to the Council of Europe *ad hoc* mechanism by means of a unilateral declaration which would then be in its constitution, but which would have to be accepted by the Committee of Ministers of the Council of Europe. The mechanism could consist of a body which would be set up for a transitional period pending the full accession of the subscribing state to the Council of Europe and to the European Convention on Human Rights. The body might be composed of judges of the European Court of Human Rights; members of the European Commission on Human Rights and persons from the subscribing states. The body could receive communications from any subscribing state, individual, group of individuals or non-governmental organisations alleging violations of human rights in a subscribing state. The body would be able to examine the admissibility and merits of the allegations received. It could carry out fact-finding exercises and state its opinion, in the first place by reference to the European Convention on Human Rights and the case-law developing under it, but also by references to other international human rights treaties and agreements to which the subscribing state was already a contracting party — for example, United Nations covenants — and other legal instruments relating to human rights. The opinion of the body could be made binding on the subscribing state. I hope that they would not choose it to be only an advisory opinion, but that they would entrench this body in their constitution until such time as they were able to become members of the Council of Europe.

I put this idea to you; it is your responsibility. There may be formidable difficulties, but there is out there a group of nations that want to become full members of this body and know that they cannot do so quickly, but they want the safeguards which you have developed for all your members as soon as possible. Those safeguards would be of tremendous confidence-building assistance to minorities and others within those states. I hope that perhaps this might be looked at very seriously by the Assembly.

This is quite separate from an international criminal court. Frankly, I think that that ought to have been established many decades ago. It was envisaged in the United Nations charter. It ought to have been in place when Iraq invaded Kuwait. It ought to be in place now in Yugoslavia. I have some hesitation — I put it no higher that that — in creating a special court for Yugoslavia. The Nuremberg and the Japanese trials had to take place, but they presented many problems, and I am not convinced that that is necessarily the answer, although I do believe that it is an urgent priority to collect together in a systematic way gross abuses of human rights that have been taking place in the former Yugoslav territories such that a later decision might

be taken as to whether or when to prosecute. The knowledge that that is being done now might inhibit some of the people who are at this moment perpetuating grotesque abuses of human rights.

Finally, the peace process. Winter is coming, It is perfectly possible for the following to happen if the will existed, and maybe the European countries and certainly the countries that are parties to the London Conference have a part to play in this. We need to tell some of these countries, “You will get full international recognition, you will be accepted back into the family of European nations — democratic European nations — if you do the following”. “The following” is not too difficult. There is no doubt that Croatia and Serbia Montenegro, likely to be the new Yugoslavia, should normalise their relations along their existing boundaries. The sooner that was done, the sooner would those Serbs in Croatia know that a greater Serbia was out. They no longer would have the possibility of linking up with Serbs in Bosnia-Herzegovina, they would have a Croatian border behind them, and they would have to negotiate seriously for special guest status to protect Serbian rights in Croatia. When that was understood and realised, there would be no more talk of independence for Kosovo. I know there are some people in this hall who will no doubt come to the rostrum and argue for independence in Kosovo. I warn you against it. Once you break this principle of territorial change in Kosovo, why not in Croatia, and why not in Bosnia-Herzegovina?

The other danger and the other thing you must watch is this idea of splitting up Bosnia-Herzegovina into three. What is that intended to be? No doubt there will be guarantees that they would not link up with Croatia immediately or that they would not link up with Serbia completely, but it would create the instability in which all that they would be wishing to do would be to separate out from Bosnia-Herzegovina. I believe that the announcement of such a split of three in the spring of this year did a lot to hasten ethnic cleansing. I believe that it must be made pretty clear that a serious settlement for Bosnia-Herzegovina has to have regions which are not only and solely and exclusively ethnically based. That means more than three regions and it means a readiness to create some regions which are quite openly ethnically mixed.

None of those will be easy to achieve. The faint-hearts who believe that you accept the status quo, *faute de mieux*, *Realpolitik*, will say, “Well, there it is, split up into three, settle all this as quickly as you can and the world will soon forget what has happened.” I do not believe that the world will forget, and I certainly do not believe that the Islamic community will forget. I believe that Europe would have it on its conscience for centuries to come if it allowed such an outrageous outcome to what has already been one of the most grotesque abuses of human rights in living memory.