FULFILLING THE PROMISE OF PEACE: HUMAN RIGHTS, PEACE AND RECONCILIATION IN NORTHERN IRELAND AND BOSNIA

HEARING

BEFORE THE

SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS, HUMAN RIGHTS AND OVERSIGHT

OF THE

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FULFILLING THE PROMISE OF PEACE: HUMAN RIGHTS, PEACE AND RECONCILIATION IN NORTHERN IRELAND AND BOSNIA

THURSDAY, SEPTEMBER 16, 2010

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS,
HUMAN RIGHTS AND OVERSIGHT,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:35 a.m., in room 2172, Rayburn House Office Building, Hon. Russ Carnahan (chairman of the subcommittee) presiding.

Mr. CARNAHAN. Good morning. I want to call to order the Subcommittee on International Organizations, Human Rights and Oversight, for the committee hearing this morning, "Fulfilling the Promise of Peace: Human Rights, Peace and Reconciliation in Northern Ireland and Bosnia."

The chance to live in peace, free from violence, discrimination and oppression, intimidation and fear, is a fundamental human right. As a global leader, defending and supporting peace and human rights is an historic priority for the United States and reflects our deep belief in equality and rule of law.

As Members of Congress we represent various communities, often hailing from diverse backgrounds. We understand keenly the importance of the U.S. role in promoting peace abroad. We also understand the solemn responsibility we all have to our citizens to help build a secure world and uphold our core values.

Today the U.S. is deeply involved in helping to advance peace and reconciliation efforts in Iraq and Afghanistan where brave Americans, and our allies, are fighting insurgents and working with the local people to stabilize those countries. And this week, Secretary Hillary Clinton is meeting again with Israeli and Palestinian leaders in order to help negotiate an agreement that would lay the framework for a sustainable peace.

In many other parts of the world, the U.S., along with our international partners, have engaged in many types of valuable peacebuilding, peacekeeping, and humanitarian work. This makes us stronger and safer at home as well.

Back in St. Louis, my home city, neighbors look out for each other, and this strengthens our community. The U.S. also needs strong, safe neighbors where peace is stable and lasting and human rights are respected without question, so that we can focus instead on growing jobs and rebuilding our economies.

Where the current critical efforts in which we are engaged weigh heavily on all of us in Congress, to deliver effective results we cannot and must not forget the communities we made to help bring about a lasting peace in protection of human rights in Northern Ireland and Bosnia. Both of these countries have come a long, long way from their darkest days of conflict, and in both the U.S. has played a major role in advancing peace-building and reconciliation.

In Bosnia the U.S. was instrumental in brokering the Dayton Peace Accord in 1995 and has consistently been providing diplomatic financial and military resources toward the peace process. Aid to Bosnia since 1993 totals over $2 billion aimed at institution building, policing to fight organized crime and terrorism, an independent judiciary, and reconciliation efforts among other key programs.

However, in the last 15 years Bosnia has outgrown the Dayton Accord that was intended to and effectively did establish a structure to bring about an end to the war. The task ahead for Bosnia is to reform its Constitution and government institutions and engage in a more serious nation-building effort in order to take its rightful place among democratic nations in key international and regional organizations such as the EU and NATO.

With elections coming up in Bosnia in October, there is a real opportunity for the Bosnian people to take on this challenge. The role of the international community, and of the U.S. in particular, must evolve and mature and it must be the Bosnians themselves who lead the way. But the U.S. in coordination with the EU can continue to play an important role in supporting them.

In Northern Ireland the Clinton, Bush, and now Obama administrations have been instrumental in procuring and then supporting the 1988 Good Friday Peace Agreement. Earlier this year, Secretary Clinton helped advance the agreement on devolution of policing and justice powers. In addition, the U.S. has provided approximately $500 million in aid to Northern Ireland since 1986, through the International Fund for Ireland, to support dialogue and reconciliation and social and economic development in the areas most affected by sectarian conflict.

The nature of the relationship between the U.S. and Northern Ireland is evolving into one that is more focused on continuing to promote peace through economic development. Secretary Clinton's appointment in 2009 of the first U.S. Special Economic Envoy to Northern Ireland reflects this principle. And as we know, strong markets abroad mean more opportunities to put American workers to work at home producing the quality goods and services people want.

An integral part of this remains to be vigilant in supporting ongoing peace and reconciliation efforts in Northern Ireland, especially efforts aimed at building confidence within and among the communities and respect for Northern Ireland's unique history.

Growing up in Missouri I was always taught the value of my word. As Americans, we believe in seeing our commitments through. And our troops in the field, past and present, are a best example of this belief and commitment.

We have committed money, resources, and time over many years in order to uphold these core values of peace, freedom, equality, de-

mocracy and human rights. We have a responsibility to our friends and our own citizens to ensure these efforts advance and endure. We must continue to help fulfill the promise of peace.

I am very eager to hear from our witnesses today. I appreciate you being here. And I now want to recognize our ranking member, Representative Rohrabacher from California.

[The prepared statement of Chairman Carnahan follows:]

Chairman Russ Carnahan
Subcommittee on International Organizations, Human Rights and Oversight

Opening Statement

Fulfilling the Promise of Peace: Peace, Human Rights and Reconciliation in Northern Ireland and Bosnia

September 16, 2010

The chance to live in peace—free from violence, discrimination, oppression, intimidation and fear—is a fundamental human right. As a global leader, defending and supporting peace and human rights is an historic priority for the United States, and reflects our deep belief in equality and rule of law.

As Members of Congress, representing various communities often hailing from diverse backgrounds—many of whom came to this country in search of peace and equality—we understand keenly the importance of the U.S. role in promoting peace abroad. We also understand the solemn responsibility we have to all of our citizens to help build a secure world and uphold our core American values.

Today, the U.S. is deeply involved in helping to advance peace and reconciliation efforts in Iraq and Afghanistan, where brave Americans and our allies are fighting insurgents and working with the local people to stabilize those countries.

This week, Secretary of State Hillary Clinton is meeting again with Israeli and Palestinian leaders in order to help negotiate an agreement that would lay the framework for a sustainable peace.

In many other parts of the world the U.S., along with our international partners, is engaged in many types of valuable peace-building, peacekeeping, and humanitarian work. This makes us stronger and safer at home, as well.

Back in St. Louis my neighbors and I look out for each other and this strengthens our community. The U.S. also needs strong, safe neighbors where peace is stable and lasting, and human rights are respected without question, so that we can focus instead on growing jobs and rebuilding our economy.

While the current critical efforts in which we're engaged weigh heavy on all of us in Congress to deliver effective results, we cannot and must not forget the commitments we made to help bring about lasting peace and protection of human rights in Northern Ireland and Bosnia.

Both of these countries have come a long way from their darkest days of conflict, and in both the U.S. has played a major role in advancing peace-building and reconciliation.
In regard to Bosnia, the U.S. was instrumental in brokering the Dayton Peace Accord in 1995, and has been consistently providing diplomatic, financial and military resources toward the peace process. Aid to Bosnia since 1993 totals over $2 billion aimed at institution-building, policing to fight organized crime and terrorism, an independent judiciary, and reconciliation efforts, among other key programs.

However, in the last 15 years Bosnia has outgrown the Dayton Accord that was intended to, and effectively did, establish a structure to bring about an end to the war. The task ahead for Bosnia is to reform its constitution and government institutions, and engage in more serious nation-building efforts in order to take its rightful place among democratic nations in key international and regional organizations such as the EU and NATO.

With elections coming up in Bosnia in October there is a real opportunity for the Bosnian people to take on this challenge. The role of the international community and of the U.S. in particular, must evolve and mature, and it must be the Bosnians themselves who lead the way, but the U.S., in coordination with the EU, can continue to play an important role in supporting them.

In regard to Northern Ireland, the Clinton, Bush, and now Obama Administrations have been instrumental in brokering and supporting the 1998 Good Friday Peace Agreement. Earlier this year Secretary Clinton helped advance the agreement on devolution of policing and justice powers.

In addition, the U.S. has provided approximately $500 million in aid to Northern Ireland since 1986 through the International Fund for Ireland to support dialogue and reconciliation, and social and economic development in the areas most affected by sectarian conflict.

The nature of the relationship between the U.S. and Northern Ireland is evolving into one that is more focused on continuing to promote peace through economic development. Secretary Clinton's appointment in 2009 of the first U.S. Special Economic Envoy to Northern Ireland reflects this principle. And, as we know, strong markets abroad mean more opportunities to put American workers back to work at home producing the quality goods and services people want.

An integral part of this remains to be vigilant in supporting ongoing peace and reconciliation efforts in Northern Ireland. Especially efforts aimed at building confidence within and among the communities, with respect for Northern Ireland's unique history.

Growing up in St. Louis I was always taught the value of my word. As Americans, we believe in seeing our commitments through, and our troops in the field, past and present, are our best example of this belief in commitment.

We have committed money, resources, and time over many years in order to uphold those core American values of peace, freedom, equality, democracy, and human rights. We have a responsibility to our friends, and to our own citizens, to ensure that these efforts advance and endure. We must continue to help fulfill the promise of peace.

I am eager to hear from our witnesses on how the U.S. can be most effective in doing so moving forward. And now I would like to recognize our Ranking Member, Representative Rohrabacher, for his opening statement.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman, for holding this hearing in which I expect to learn a great deal from the witnesses, and I am very grateful for you being here to share your knowledge with us. I am going to have to admit that my knowledge base on the Bosnia question as well as the Northern Ireland question is rather dated, and I am anxious to have you bring me up to date.

Let me just note in general that I think the United States can be very proud of the role that we have played in my lifetime as people that are committed to peace and to freedom on this planet, and that we have played an active role in trying to attain those goals, those goals that come together, peace and freedom.

It has been at great cost to the American people. The American people have spent billions upon billions of dollars promoting peace and freedom for other people in the world. We have also sacrificed tens of thousands of American lives for peace and freedom throughout the world.

There was an old saying that the fastest drying liquid known to all of mankind are tears of gratitude. And quite often, I feel that the sacrifice made by our people is not deeply appreciated, even by our own people, much less by some of the people overseas.

I personally go in my district to the Los Alamitos Reserve Center where many of the Reserve and National Guard units that go overseas to Iraq and Afghanistan leave from that location, and I always try to see them off and I always try to welcome them home. And I know the sacrifice those Americans are making. They have given everything. Their families are separated. I have three little kids at home and I see these people leaving their families for a year, and their little kids are coming to hug them good-bye and they don't know if their daddy is coming home or mommy is coming home in this case. So we need to be very respectful and proud of what America does to help bring freedom and peace in this world.

The question is, is where will we commit and how much money can we commit to in the future? I believe that our efforts throughout the world have drained our resources and that we are now vulnerable. And we have got to prioritize what we are going to do overseas or we will not be able to do anything overseas. It is the old adage that the person of the country that tries to do everything for everybody ends up not being able to do anything for anybody.

In this case, we must look to our allies to play a much more significant role, especially in European areas, in that region of the world. I would have expected that in Bosnia and Northern Ireland and in Kosovo that the European Union and NATO, the European Union basically taking the lead, would have been able to take the lead in these areas. And I will be very interested in finding out how much lead our European allies took in these areas.

So, Mr. Chairman, thank you for calling this hearing. I plan to listen to the witnesses and upgrade my data, my mental database on this, and maybe learn some lessons about making the decisions that will help us in the decisions we have to make in the months and the years ahead. Thank you.

Mr. CARNAHAN. I want to thank my friend, the ranking member. And now I will recognize Congressman Ellison from Michigan for 5 minutes.

Mr. ELLISON. That is Minnesota, but close enough.

Mr. CARNAHAN. Ouch.

Mr. ELLISON. No problem.

Mr. CARNAHAN. So noted.

Mr. ROHRABACHER. Are you sure you don't come from California?

Mr. ELLISON. Anyway, Mr. Chairman, I want to thank you for this excellent hearing. It is very important that we be focusing on Northern Ireland and Bosnia at this time. Both our examples for the United States was able to play a supportive role in establishing peace and justice, although in both cases the people of Northern Ireland and Bosnia were the ones who really carried the heavy lifting for their own people. But more must and should be done to build on progress.

And I look forward to hearing from the panel and the witnesses to help bring forth a better quality of life for the people of Northern Ireland and Bosnia. And I do have a number of questions, and I look forward to hearing the testimony of our witnesses.

Mr. CARNAHAN. Thank you. I am going to run through some quick introductions. First, I want to start to my left, starting with Ambassador Kurt Volker. Ambassador Volker serves as the senior fellow and managing director of the Center of Transatlantic Relations at Johns Hopkins University's School of Advanced International Studies. He also serves as senior advisor at the Atlantic Council of the United States and is a member of its Strategic Advisory Group. Previously Ambassador Volker served as Ambassador and U.S. Permanent Representative on the Council of NATO. Prior to NATO, Ambassador Volker worked as principal Deputy Assistant Secretary for European and Eurasian affairs. Ambassador Volker earned his bachelor's degree from Temple University, his master's in international relations from the Elliott School of International Affairs at George Washington University.

Next we will hear from Daniel Serwer. He is the vice president of the Center of Innovation at the U.S. Institute of Peace. At the Institute he oversees work in rule of law, religion and peace-making in sustainable economies. He has worked on preventing interethnic sectarian conflict in Iraq as well as facilitating talks between Serbs and Albanians in the Balkans. He has also served as a U.S. Special Envoy and coordinator for the Bosnian Federation. During this time, Mr. Serwer worked with Croats and Muslims to negotiate the first agreements reached at the Dayton peace talks.

Next we will hear from Ms. Ivana Howard. Ms. Howard serves as the program officer for Central and Eastern Europe at the National Endowment for Democracy. Through this role Ms. Howard manages the NED democracy assistance to six Balkan countries. Previously she has trained U.S. soldiers serving in the Balkans in language, politics, history and religion. Ms. Howard earned a master's degree in public administration from Bowie State University in Germany; earned a master's in democracy and human rights in southeastern Europe from the University of Sarajevo and University of Bologna.

And finally we will hear from Ms. Aideen Gilmore. She is the Deputy Director of the Committee on the Administration of Justice, the CAJ, which is an NGO that works to ensure high standards in the administration of justice in Northern Ireland, particularly re-

lating to international human rights law. Ms. Gilmore also worked to establish and now sits on the Board of Management of the Human Rights Consortium. The consortium is a coalition of over 150 civil society organizations who are working for a strong and inclusive Bill of Rights for Northern Ireland. Ms. Gilmore earned a bachelor's degree and master's in administrative and legal studies from the University of Ulster at Jordanstown.

Welcome to all of you. Thank you for being here today.

I want to start with Ambassador Volker who has been kind enough to come today, even though he is squeezing us in before another appointment, so we are going to let him go first. Ambassador, we are going to recognize you for 5 minutes.

STATEMENT OF THE HONORABLE KURT D. VOLKER, SENIOR FELLOW AND MANAGING DIRECTOR OF THE CENTER ON TRANSATLANTIC RELATIONS, JOHNS HOPKINS UNIVERSITY'S SCHOOL OF ADVANCED INTERNATIONAL STUDIES

Mr. VOLKER. Thank you, Chairman Carnahan, Ranking Member Rohrabacher, distinguished members. Thank you for giving me this opportunity to testify today. I found the topic of this hearing very interesting because I had the chance in my career to work on both Northern Ireland and Bosnia, and I have never taken the time really to look at the lessons learned, and this is a good exercise.

As a diplomat, both as Ambassador of NATO and as the Principal Deputy in European Affairs at the State Department, I worked on Northern Ireland and also on Bosnia. But actually I did my first tour working on Bosnia in 1993 when I was a special assistant to the Bosnia peace negotiator for the United States. So I followed these issues for some time.

In the case of Northern Ireland, we see a successful peace agreement, a functioning executive and a promising future, though of course challenges remain. But in Bosnia and Herzegovina, although violence stopped nearly 15 years ago, we continue to see great challenges in governance and reconciliation. And in Bosnia and Herzegovina today, the future remains cloudy. And with these dramatically different results I think it is worth looking at some of the lessons learned.

I am going to outline very quickly what I see as ten of the key similarities or differences between the two, so that we can see whether there are any lessons that we might apply in our work with Bosnia today. First and most obviously is the scale of the conflict itself. While the conflict in Northern Ireland was indeed terrible, it was not on the same scale as an all-out war in Bosnia in terms of numbers killed, in terms of the brutality, in terms of displaced persons. And that makes it harder in Bosnia to build reconciliation after that scale of conflict.

Second, in Northern Ireland there was a palpable public fatigue with the divisions and with separatism in the province, and there emerged a public demand for change and reconciliation. This is only partially true in Bosnia today. And I think that there still remains a great deal of desire for separatism in parts of Bosnia.

Third, Northern Ireland enjoyed a sustained period of economic improvement leading up to and extending beyond the Good Friday agreement. And I think that was critical because that gave the peo-

ple of Northern Ireland a stake in a prosperous functioning territory. In Bosnia we haven't ever seen that level of economic development, and I think that is held back. So when we look to the future, I think an increased focus on what it will take to improve the economy, jobs, entrepreneurship is an important factor.

Fourth is the role of the indigenous NGO community. In Northern Ireland, diverse groups ranging from educators to businessmen to human rights activists to social workers to former police officers all came together across religious lines to expose past abuses, build cooperation, and develop the structures of a more integrated society. While the NGO community in Bosnia-Herzegovina has grown and carries out vitally important work, it has yet to achieve a sufficiently broad-based impact as we had seen in Northern Ireland. And this, therefore, is another area where we can focus in helping to sustain and build these indigenous NGOs.

Fifth is the positive political support and the facilitating role played by the two key governments in London and in Dublin. They helped create and advance a functioning Executive in Northern Ireland. By contrast, the war in Bosnia-Herzegovina have largely been caused by the actions of neighboring states. And while their later support for the peace process grew, reconciliation and unified governance has been slow to grow, with only tepid support from the neighbors which has been growing over time. It is better today, especially when you look at the government in Serbia and its policies, but it has not had that emphasis and sustaining support as we had in the U.K.—I am sorry, in Northern Ireland.

Sixth is the quality of the governing agreements, the Good Friday agreement, and then the power-sharing that followed functions as executive power. The Dayton Accords were essential to stop the violence, and the constitutional arrangements that followed were necessary, but they have not proved to be effective as a governing mechanism.

Seventh, the engagement of the U.S. in the international community was more consistent and sustained in Northern Ireland, and had a lot of ups and downs in Bosnia.

Eighth, the role of the International Commission on Decommissioning in Northern Ireland was critical in giving the public confidence that the political institutions would work. And we have never quite put together a monopoly of force that is bringing the arms together, a single defense establishment, single leadership over the police establishment in Bosnia.

Ninth, the international financial assistance provided was more effective in Northern Ireland, and that is largely because the conditions were more ripe for that to be used well.

And then, tenth, I want to say specifically about the role of the United States. As both our chairman and the ranking member mentioned, the United States role was consistent, sustained, and important in Northern Ireland. In Bosnia. I would argue it has had its ups and downs. We largely stayed out in the early days; then we came in in a big way; then we pulled back again. We have tried to hand over to the European Union, and I think that a more consistent role of the United States is important.

And to address two of the issues raised by the ranking member, on the one hand I believe there remains a high degree of apprecia-

tion for the role of the United States in both Bosnia and in Northern Ireland. So I hear what you say about appreciating the sacrifices, and I believe there they do.

The second is that the European Union and the United States working together has been the best model in Bosnia. The European Union alone has never been able to fully replicate what we have been able to do together, so I think the continued U.S. role is critical.

I see I am out of time. So Mr. Chairman, Ranking Member, I am delighted to answer any questions that follow, but I believe that points to some of the areas where we can change and focus in the future in Bosnia.

[The prepared statement of Mr. Volker follows:]

COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS, HUMAN RIGHTS AND OVERSIGHT

Fulfilling the Promise of Peace:

Human Rights, Peace and Reconciliation in Northern Ireland and Bosnia

September 16, 2010

Statement by

Amb. (ret.) Kurt D. Volker

Chairman Carnahan, Ranking member Rohrabacher, distinguished Members, thank you for the opportunity to testify before this Committee.

I find the topic of this hearing very interesting -- peace in Northern Ireland and peace in Bosnia and Herzegovina -- because it immediately brings up the contrast in the results achieved in addressing these two former conflict zones.

In the case of Northern Ireland, we see a successful peace agreement, a functioning Executive, and a promising future – though challenges of course remain.

Most worrying in Northern Ireland is the rise of a small number of new, violent groups who are relatively unknown, and who are taking advantages of frustrations built out of

economic downturn. Nonetheless, the basic structures of the peace agreement and of governance remain intact, and they enjoy the support of both religious communities, of young people, of community leaders, and of course the UK and Irish governments.

In Bosnia and Herzegovina, violence stopped nearly 15 years ago, and yet we still continue to see great challenges in governance and reconciliation. In Bosnia and Herzegovina, the future remains cloudy.

Although upcoming elections provide another opportunity for progress, past experience has been disappointing. For several years, we have seen political stagnation, if not outright backtracking: weak state institutions and governance, expressions of ethnic nationalism and separatism, and continued day-to-day divisions among the three main communities.

With these dramatically different results, it is worth looking at whether any lessons can be learned from the two different peace processes that could guide the role of the international community, and particularly the United States, today.

To give you a bit of my personal background: I worked on Northern Ireland as an official in the National Security Council from 2001 to 2005, and as Principal Deputy Assistant Secretary for European and Eurasian Affairs from 2005 to 2008.

I first worked on Bosnia in 1993 as a Special Assistant to Amb. Reginald Bartholomew, the first U.S. Special Envoy for Bosnia Peace Negotiations. I continued to be involved with Bosnia, and the Balkans more generally, as an officer at the U.S. Embassy in Budapest, Hungary, from 1994 to 1997; as Deputy Director of the Private Office of NATO Secretary General Lord Robertson from 1999 to 2001, as Principal Deputy Assistant Secretary, and then as Ambassador to NATO from 2008 to 2009.

Drawing on these experiences, let me outline what I see as a few of the key differences between the two conflicts. In doing so, it is clear that while there are many indigenous factors affecting the two regions that cannot be changed, there are also some factors which we can change, and on which the international community and United States should continue to focus.

First, and most obviously, is the scale of the conflict itself from which these societies must now recover. While the conflict in Northern Ireland was indeed terrible, it was not on the same scale as the all-out war in Bosnia – whether in terms of the size of population affected, the size of territory affected, the numbers killed or displaced, or the brutality of concentration camps and ethnic cleansing. This clearly cannot be changed, and contributes to making reconciliation in Bosnia an extremely difficult challenge.

Second, in Northern Ireland, there was a palpable public fatigue with the violence and divisions in the Province There emerged a public demand for change and reconciliation. This is only partially true in Bosnia and Herzegovina, as some groups still prefer separation, and public demands to end divisions and advance reconciliation

remain relatively weak. This means that the peace process in Northern Ireland has been one where ***the parties*** have been directly engaged in creating peace and reconciliation, whereas in Bosnia the process remains one that is largely driven by the ***international community,*** often with little investment by the parties themselves. This public sentiment can evolve, but it will follow improvements in other areas.

Third, and an area that can move public attitudes, is the economy. Northern Ireland enjoyed a sustained period of economic improvement leading up to the power-sharing agreement. This was due in part to support from the UK and Irish governments; in part to support from the United States and the European Union; and in part to the fact that Northern Ireland, as part of the United Kingdom, was itself a part of the EU, giving its people access to investment, jobs, export markets, and ease of travel. The result was that with an improving economy, the people of Northern Ireland became stakeholders in creating an increasingly stable, well-governed, and prosperous society.

By contrast, Bosnia's economy has improved relatively slowly, is still lagging, and remains outside the European Union. A renewed focus not merely on aid, but on spurring genuine economic growth through access to markets and investment, business development, easing of travel, and an increasingly open relationship with the EU leading ultimately to membership, can make a critical difference in Bosnia.

Fourth, is the role of the indigenous NGO community. In Northern Ireland, diverse groups ranging from educators to businessmen to human rights activists to social workers to former police officers all came together across religious divides to expose past abuses, build cooperation, and develop the structures of a more integrated society. While the NGO community in Bosnia and Herzegovina has grown and carries out vitally important work, it has yet to achieve a sufficiently broad-based impact to create the societal underpinnings of an integrated society. This is therefore another area where more can be done – by NGO's within Bosnia, and by outside actors such as the United States and EU in supporting them.

Fifth is the positive political support and the facilitating role played by the two key governments – in London and Dublin – to advance the peace process and create and empower a functioning, unified Executive in Northern Ireland.

By contrast, the war in Bosnia and Herzegovina had been caused in part by the actions of neighboring states. Their later support for the peace process, reconciliation and unified governance in Bosnia and Herzegovina was initially weak, growing only with time. While they are now far more supportive – including the Serbian government – there is still room for Bosnia's neighbors to more proactively support peace and reconciliation. This is again something that the United States and European Union can encourage.

In addition, the fact that Northern Ireland, when not administered by a local power-sharing arrangement, defaulted to being administered directly by London also created a vital level of basic governance. In Bosnia, there was no such cushion.

Sixth is the quality of the governing agreements themselves. The Good Friday Agreement, and its subsequent implementation through devolved government, has proven to be a workable model of governance, allowing for the fair and proper execution of executive responsibilities. Not without hiccups, of course – but overall a success.

By contrast, while the importance of the Dayton Accords in ending the war in Bosnia and Herzegovina cannot be overstated, as a governing arrangement, the constitutional arrangements that have flowed from Dayton have helped prolong ethnic divisions and political stalemate. Multiple efforts to introduce constitutional reforms aimed at strengthening governance and integration have met with firm resistance, and have thus never gone far enough to create an effective central government. Improving governing arrangements should remain a priority for the United States and the international community in promoting long-term peace and reconciliation in Bosnia and Herzegovina.

Seventh, the engagement of the United Stated and international community in Northern Ireland proved to be both consistent and effective. Partly, this was due to the leadership of the UK and Irish governments and the parties themselves. Partly, it was due to the continued attention and priority given to Northern Ireland in the United States, including from the business community and Congress. From the Clinton Administration through the Bush Administration and into the tenure of President Obama, the United States has remained engaged, contributed positively diplomatically where possible, and provided key financial and business community support.

Equally, the engagement of the international community was non-bureaucratic, and did not supplant the responsibility of the parties themselves for achieving peace, integration, and reconciliation.

In Bosnia, none of these characteristics of international community engagement applied. One the one hand, because of the nature of the conflict, there was a requirement for a substantial peacekeeping presence and international High Representative, and the international community assumed a far more direct role in governing.

Yet on the other hand, the international community has blown hot and cold on Bosnia. In the early days of the war, the United States kept a distance and European powers attempted to manage the conflict, ultimately unsuccessfully, through the UN's UNPROFOR mission.

After the Srebrenica massacre, the international community, led by the United States, engaged massively, with both the Dayton process and the NATO-led Implementation Force (IFOR). While this level of engagement persisted for several years, the international community eventually lost steam. NATO ended the SFOR mission in 2004, handing over to the EU, without fundamental progress on reconciliation. Today, the EU force now stands at around 700 soldiers and is shrinking, and the EU is now considering ending the role of the High Representative – again without genuine

progress on ending political stalemate and on advancing national reconciliation. A more consistent international engagement, with an eye on the long-term, is warranted.

Eighth, a key role was played by the International Commission on Decommissioning – taking weapons away from those who might use them, destroying them, and in doing so increasing public confidence that the political institutions being created would be effective. In Bosnia, we have never fully achieved integration of arms – both defense and police – under the sole responsibility of the State.

Ninth, the international financial assistance provided to Northern Ireland was much more effective than that provided to Bosnia – largely because of many of the above-mentioned factors. In Northern Ireland, we contributed within the framework of an essentially well-functioning economic and political structure. In Bosnia, that structure was lacking, meaning that international support never achieved equivalent results.

Tenth, there is the specific role played by the United States. In both cases, the role of the United States has been vital, and has been welcomed by the parties themselves. Yet again there were differences.

In Northern Ireland, the United States played a direct mediating role at an early stage, and then an active and substantial supporting role, with the UK, Ireland and the parties in Northern Ireland themselves taking the lead. Northern Ireland had the direct engagement of President Clinton in concluding the Good Friday Agreement, and President Bush also remained personally engaged in following through. Both Presidents named senior Special Envoys to maintain U.S. engagement on a day-to-day basis. Congress was also directly involved, both politically, and in providing economic assistance through the International Fund for Ireland, which played a critical role.

In Bosnia, the U.S. initially stayed out, seeing this as a purely European issue. Then we engaged massively, both diplomatically and militarily. After a time, we again reduced our engagement in favor of a greater EU role. The inconsistency in U.S. engagement has not helped Bosnia in the long-run, and the EU alone has never proved an adequate substitute for the U.S. and EU working together.

Mr. Chairman, that is my summary of some of the key similarities and differences between the two peace and reconciliation processes.

As I noted at the outset, some of the factors that were helpful in Northern Ireland are simply not present in Bosnia and Herzegovina, are these cannot be changed. But there are nonetheless some areas where we can bring about change in Bosnia, and where we should strive to do better.

These include:

- Greater emphasis on economic development in Bosnia and Herzegovina, internally but also in association with ever-closer ties to the European;

- Greater support for indigenous, integration-minded NGO's within Bosnia and Herzegovina;

- Encouraging even more active support for reconciliation – and discouragement of separatism – from Bosnia's neighbors;

- Continued efforts to advance constitutional reform in Bosnia and Herzegovina, to improve the basic effectiveness of governing structures;

- More consistent, long-term engagement by the international community in Bosnia, rather than a continued pattern of premature disengagement;

- Continued efforts to reduce the role of any arms (defense or police) not under the State itself;

- Maintaining a prominent U.S. leadership role within the international community's efforts in Bosnia and Herzegovina, not seeking to abandon this solely to the EU to manage.

The challenges in Bosnia and Herzegovina remain enormous. But the vision of a peaceful, democratic and prosperous Balkans region – including Bosnia and Herzegovina – which is fully integrated into the mainstream of Europe is both worthy and achievable.

The lesson of Northern Ireland is that even the most bitter of conflicts can be overcome with the right efforts, and that sustained U.S. engagement remains vital. I submit that we should apply some of the lessons learned there to improve our efforts in Bosnia and Herzegovina.

Thank you for the opportunity to share these observations with you today, and I look forward to addressing any questions you may have.

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Mr. CARNAHAN. Thank you, Ambassador, for your insights, unique because of your time spent on both of these areas.

Next I want to turn to Mr. Daniel Serwer.

STATEMENT OF MR. DANIEL P. SERWER, VICE PRESIDENT, CENTERS OF INNOVATION, U.S. INSTITUTE OF PEACE

Mr. SERWER. Thank you, Mr. Chairman, Mr. Carnahan, Mr. Rohrabacher, Mr. Ellison. I enormously appreciate your attention to this issue. The ideals you set forward in your opening remarks are ones I very strongly share. At the same time, I have to underline that I share Mr. Rohrabacher's view that we need to identify clearly what it is the U.S. can do in this situation and not commit to too much. It is an economy-of-effort approach that I think is simply a necessity today.

I am going to propose three things that really count today on which the U.S. should focus: The Constitution in Bosnia, the educational system, and the High Representative are the three issues I want to discuss.

Constitutional reform, which I have advocated for a long time, is going to have to start with a small package, not a big comprehensive package. There are only two things that I think need to be done right away, even before the process of accession to the EU begins. One is to eliminate the discriminatory provisions in accordance with the decision of the European Court on Human Rights. All Bosnian parties seem agreed on this. We need to press them to get it done.

The second is much more controversial. Bosnia needs a strong EU clause; that is, a clause in its Constitution that makes the government in Sarajevo responsible for negotiating EU membership. That EU clause in my view should also include a provision that there would be no entity veto for legislation required for EU accession. What does that mean? It means that neither entity, neither Federation nor Republika Srspka, would be able to exercise a provision of the Constitution that currently allows them to block legislation, and they have done it many, many times. But for legislation required for EU accession, I think they should give up that privilege.

I want to emphasize that I agree with Ambassador Volker on the question of civil society in Bosnia. It needs more "oomph," if I can use that technical term. My proposition is that immediately after the Bosnian elections in early October, the EU and U.S. should be financing a broad discussion of constitutional reform in Bosnia from the grass roots up, instead of trying to get constitutional reform only through the leadership, which is what we have tried several times in the past.

On educational reform I think we need to reactivate the OSCE effort to end separate but equal education in Bosnia. All Bosnian schools should be appropriate for children of all groups. We know from our own history that you can't have people taught in "separate but equal" schools, and you can't have them taught things that encourage hatred of others.

Let me turn finally to the question of the High Representative. I fear that the High Representative today, who is the ultimate authority for implementation of the Dayton agreements, cannot use

the more or less dictatorial powers he has had to prevent serious Dayton violations. In particular, I regard the threat of holding referenda on any subject as a serious threat to the Dayton peace agreements.

The Europeans have been talking about creating a super EU Special Representative. I think we should consider seriously going along with that proposition, provided the EU really makes this a powerful position with real tools of imposition at its disposal and the so-called Bonn powers, the dictatorial powers of the High Representative, in reserve in case they need to be used. They should be kept until the agreed conditions are in place. This kind of Super EU Representative would I think ensure European leadership, but should also incorporate American support.

My proposition is that we help to staff the EU Special Representative as we have the International Civilian Office in Kosovo. There is nothing unusual about Americans working in European Union operations. We should do it again in Bosnia. I would include in that a strong American deputy to the EU Special Representative.

Just to summarize quickly, the Dayton Constitution needs a few reforms right away, more later on. The education system needs to eliminate separate but equal. And the international community needs to fix its own structure so they are more unified, European-led, and strongly American-supported. Thank you.

[The prepared statement of Mr. Serwer follows:]

Testimony

of

Daniel Serwer

Vice President

Centers of Innovation

United States Institute of Peace

Hearing on

"Fulfilling the Promise of Peace: Human Rights, Peace and Reconciliation in Northern Ireland and Bosnia"

House Committee on Foreign Affairs

Subcommittee on International Organizations, Human Rights and Oversight

Thursday, September 16, 2010

Thank you, Mr. Chairman, for this opportunity to offer my personal views on the peace process in Bosnia and Herzegovina, nearly 15 years after the Dayton agreements brought an end to a brutal war without fixing the underlying causes.

I would like to focus my remarks on just a few things the United States Government should do at this late stage. The sad fact is that America today faces more serious challenges to its own peace and security than it did in the 1990s. We need to be realistic about what Washington can contribute when it faces so many other daunting priorities.

There are only two problems that I think demand our main attention today:

1. Adapting Bosnia's constitution so that the country can hope one day to enter the European Union.

2. Helping Bosnians to overcome the divisions in their educational system that risk laying the foundation for war in the next generation.

This is not an exhaustive list of all that ails Bosnia today. It is a short list of top priorities for U.S. diplomacy and assistance. Let me elaborate briefly on both.

The Dayton constitution needs a few reforms right away, and more later on

Bosnia's constitution, written at the Dayton peace talks, created an unwieldy governing structure favoring ethnic nationalists—those Bosnians who prioritize their Serb, Croat or Bosniak identity and fought the 1992-95 wars on that basis. The result has been continuation in peacetime of war by other means, with ethnically defined politicians dividing the spoils.

We can hope that the October 3 elections will bring to power a social democratic party that transcends ethnic divisions, but it will need ethno-nationalist parties to form a parliamentary majority. Given its current constitution, there is no escape for Bosnia from ethnic nationalism.

There have been two serious attempts to fix this problem. One was led by my colleague Don Hays at USIP in 2005/6, with strong State Department support. It culminated in the "April package" that failed to pass in the Bosnian parliament by two votes. The second, led by Deputy Secretary Jim Steinberg and Swedish Foreign Minister Karl Bildt, failed to gain the necessary support from across the political spectrum at Butmir earlier this year.

These experiences have taught us that a comprehensive, one-shot effort to reform the Bosnian constitution will not work, much as I wish it would. Most of what Bosnia needs to become an EU member will have to be decided in the course of lengthy accession negotiations. There are only two things that should be done at the very beginning of that process.

The first is to meet the requirements of the European Court of Human Rights, which has ruled against discriminatory provisions requiring specific ethnicities as qualifications for government office. All Bosnian political parties I have talked with agree that the constitution needs to be amended to satisfy the court's decision.

The second is to empower the Sarajevo government with the authority and responsibility required to negotiate EU membership. A strong "EU clause," as this provision is known, would facilitate Bosnia's accession negotiations and force interethnic cooperation. A weak EU clause, or none at all, will make EU membership a false promise.

There are many other things that need to be changed in the Bosnian constitution. One is the provision for "entity voting," which enables Republika Srpska, the Serb-dominated half of Bosnia, to block legislation. It has done many times. Entity voting should be eliminated for any legislation that the EU determines is required for EU accession. Such a provision should be included in a strong EU clause.

Beyond eliminating discrimination and adopting a strong EU clause right away, the need for legislative and constitutional adaptation should be fulfilled as the negotiations make their way through the *acquis communitaire*, which determines what an EU member has to do.

During this process, the EU and the U.S. should sponsor, through nongovernmental organizations, a wide-ranging discussion among Bosnian citizens of the need for constitutional and legislative reform. That would provide the grassroots support required to get Bosnian politicians to sign on to provisions that otherwise they are likely to find distasteful.

The education system needs to eliminate separate but equal

My second priority for the U.S. in Bosnia is overcoming divisions in the educational system. What many Bosnian children are taught today encourages ethnic tension and strife. This is unacceptable. Segregated classrooms and teaching history, religion, language and culture in ways that induce future conflict should not be allowed, as we know from our own history.

Bosnia has rich traditions of coexistence, exemplified in the remarkable reintegration that occurred under U.S. supervision in Brcko. As demonstrated in Charles Ingrao's landmark book *Confronting the Yugoslav Controversies*, prepared with support from the U.S. Institute of Peace, the National Endowment for Democracy and the Balkan Trust, it is possible to develop common narratives, or at least parallel narratives that lay the foundation for better understanding.

How do we get at this problem? Education has been a focus of the OSCE mission in Bosnia since 2002. But progress has stalled since 2006, due to the general political climate. We need a renewed OSCE effort to make Bosnia's schools appropriate for children of all groups. We should aim to end "separate but equal" and de-ethnicize curricula throughout Bosnia. Such an effort will require strong U.S. support.

The international community needs to fix itself

Before I conclude, let me focus on the international structures in Bosnia, which need to be reconstituted. The High Representative (Hi Rep), who is responsible for interpreting and implementing the Dayton agreements, has been endowed since 1997 with strong "Bonn" powers to legislate and to fire government officials. He has done so to good effect many times.

But in the past couple of years, Republika Srpska Prime Minister Dodik has withdrawn his consent to Hi Rep decisions and is challenging their legal basis and legitimacy. The Hi Rep is hesitant to use powers that may prove less than effective. If peace is to continue, the international community must retain the authority to block moves by Bosnian politicians of any ethnicity that would fatally undermine the Dayton agreements and return Bosnia to war.

Dodik has publicly flirted with the idea of a referendum on the Hi Rep's powers, and even a referendum on independence for Republika Srpska. As presently constituted, I doubt the international community's ability and willingness to block these referenda, which might well lead to renewed warfare. It is therefore important that the Bonn Powers be preserved, until the established objectives and conditions for their abolition have been met.

The Hi Rep is already double-hatted also as the EU Special Representative, but the EU role is clearly secondary. This is no longer viable. The Hi Rep has all the responsibility, while the EUSR has all the authority, since that is the role that in theory controls the many benefits and sanctions the EU can put into play. The Europeans have been discussing the creation of a super-EUSR, one with the authority to impose travel bans and asset freezes as well as to control EU assistance, while retaining the Hi Rep as a secondary role.

So long as the Europeans agree to preserve the Hi Rep as a secondary role, as well as the Bonn powers until the agreed objectives and conditions are met, I think Washington should support a seriously empowered EUSR, one who speaks authoritatively for all 27 EU members and is prepared to use the full weight of Europe's influence. This would allow the Europeans to reduce their bilateral embassy presence, which speaks with many voices, dramatically.

Washington should also reconfigure its own presence in Bosnia, reducing the size of its overweight embassy—one with nine political officers—and transferring one-third of the staff to support the EUSR, including a senior American deputy. Such joint U.S./EU arrangements have become more the rule than the exception, to good effect, over the last 15 years.

Conclusion

The good news, Mr. Chairman, is this: what is going wrong in Bosnia and Herzegovina can be fixed with determination and common purpose by the EU and the U.S. But we need to bestir ourselves and get the job done before it is too late. Focus on a small but critical package of constitutional reform and on fixing the education system should not be too much to ask. Nor is preservation of an international presence capable of averting war. We owe that much to the people of Bosnia, who deserve better than they are getting at present.

The views presented here are those of the author, not of USIP, which does not take positions on policy issues.

Mr. CARNAHAN. Thank you.

And now I want to turn to Ms. Ivana Howard, and will recognize you for 5 minutes.

STATEMENT OF MS. IVANA HOWARD, PROGRAM OFFICER CENTRAL & EASTERN EUROPE, NATIONAL ENDOWMENT FOR DEMOCRACY

Ms. HOWARD. Thank you Chairman Carnahan, Ranking Member Rohrabacher, and Mr. Ellison. I welcome the opportunity to be here today and speak to you about human rights, the peace process and reconciliation efforts in Bosnia and Herzegovina. And on behalf of the National Endowment for Democracy I would like to thank you for a continued support and commitment to the Balkans.

I am very humbled to be in the company of these two gentlemen who have committed so much of their time and their life to Bosnia. I would just like to note that I would provide a brief summary of my remarks to the subcommittee and would hope that my longer written statement can be submitted for the record.

It is estimated that over $15 billion in international aid has been spent in Bosnia over the last 15 years. Mr. Carnahan has hinted to the amount that the U.S. has spent, and approximately $1.5 billion of that has come from the Support for East European Democracy fund approved by U.S. Congress. And NED has also been a beneficiary of these funds.

As we pause to reflect on the international engagement since the signing of the Dayton Peace Accords, it is without a doubt that the significant investment has produced notable results. And I would just like to point out a few because I think it is very important for the sake of appreciation as well.

To date, Bosnia has really come a long way. And it remains, first of all and very importantly, the only postconflict country in modern history in which international intervention has secured lasting peace without a major incident of violence since 1995. Substantial state-building reforms were also achieved as was small but consistent progress in electoral processes, civil society, governance and judicial framework. Most notably, defense reform succeeded in unifying three completely separate and previously warring armies.

But the most significant recognition of progress achieved over the last 15 years was the country's election as a nonpermanent seat in the U.N. Security Council starting in January 2010.

Here I would just like to note as a Bosnian American, there is great appreciation in the Bosnian community for all the efforts and the resources that the United States has put into Bosnia. I think I can speak on behalf of my fellow Bosnians when I say that, especially because I was in Bosnia in the early days of our action, following the signing of the Dayton Peace Accords, supporting the NATO peacekeeping mission as a freshly out-of-high-school interpreter.

However, of course, concerns remain and a multitude of challenges are still here to fulfilling the promise of peace that was made with the signing of the Dayton Peace Accords. I am only going to emphasize a few because my colleagues have already spoken about the challenge of constitutional reform and the continued

violation of human rights, or actually minority rights, in the Constitution.

I would like to focus on reconciliation. Punishing those guilty of war crimes has been an essential element in consolidating peace in Bosnia. The work of the International Criminal Tribunal for the former Yugoslavia, known as the ICTY, has made a major contribution to rule of law, democratization and reconciliation. The ICTY has provided justice for war crimes victims and lent them a voice for the world to hear.

That being said, there have been major shortcomings in the process of transitional justice. And above all, these include Serbia's failure to arrest Ratko Mladic, a mastermind and chief executive of the Srebrenica genocide. Continued impunity from Mladic is a major impediment to the international community's efforts for reconciliation in Bosnia.

In addition, the limited capacity of the ICTY and the national courts to prosecute war criminals warrants alternative approaches to satisfying truth and justice for all victims. One such approach is offered by the Coalition for RECOM, a regional collision of NGOs, victims, associations and individuals, which advocates for the establishment of an official independent interstate commission which would investigate and disclose facts about war crimes and other serious violation of human rights, including the fate of the 11,000 persons still missing in Bosnia.

I would just like to note that two Presidents in the region, that of Croatia and of Serbia, have endorsed this initiative, and I do hope others are soon to follow. And to the extent that you can, I would like to encourage you to encourage other leaders to endorse the process.

I am not going to elaborate on the issues that have already been mentioned, but I will just note why the constitutional reform is important for two reasons. The Constitution, as it currently is, not only denies equal representation to national minorities, but it also discourages hundreds of thousands of refugees and displaced persons from returning to their original place of residence where they would now be a minority.

In addition, the system as it is created, which rewards political extremism, has not only helped to cement the position of ethnically defined political parties, but has also suppressed alternative voices from civic groups, moderate political parties and the media, which goes to some of the concerns that were raised about the civil society. The result of this is a vicious circle which creates a dysfunctional and a divided country which suffers a serious democracy deficit. At best, Bosnia will remain unable to meet the requirements of Euro-Atlantic integration, and, at worst, its weak institutions will render it vulnerable to political instability and even conflict.

Now, this situation poses a considerable risk to the substantial investment that was made by the international community, including the United States. It is important to note that Bosnia is key to this regional stability and security. And another Bosnian implosion or even prolonged stagnation is sure to have a ripple effect throughout this still vulnerable region.

In addition, Bosnia has served as a trail-blazer for subsequent interventions in Kosovo, Afghanistan, and Iraq. And a failure in

Bosnia would seriously question the credibility of the more demanding peace-building processes and democratization efforts in places like the Middle East.

In my written testimony I offer several recommendations; but here, for the sake of time, I am going to summarize them. And I will just maybe reiterate the point that was made by Mr. Serwer, is that the process of a constitutional reform in which the international community has a role to play should be domestically driven and facilitated by the international community only by offering expertise and incentives for change.

Next, and to go to answering the ranking member's question about the role of the EU, the U.S. and the EU must continue to share the burden of civilization democratization efforts in Bosnia. It is often said that Bosnia is a European problem by the virtue of geography. However, Bosnia's particular set of problems has proven to be too complex to be resolved simply by the lure of EU membership. And the U.S., as was pointed out I believe by Ambassador Volker, still possesses unrivaled credibility in the region, and it remains as such, indispensable in forging a common international policy and providing the necessary political and technical support to its EU partner.

And finally, again just addressing what was brought up, and that is the support to not just formal state institutions, but also to civil society organizations, independent media, and moderate political parties. Civil society is working for moderation, compromise, and dialogue and helping to mitigate political conflict. And strengthening moderate political parties and objective media can enlarge political space that is currently monopolized by the nationalist political elites. These democracy-building efforts are really indispensable and substantially contribute to political stability and durable peace in Bosnia.

Mr. Chairman, distinguished members, I would just like to point out that, as was mentioned, on October 3rd Bosnia is holding its Presidential and Parliamentary election. Foreign diplomats often say it is up to the Bosnian people to elect the kind of leadership to lead them to a better future, but they too recognize that fear and uncertainty about the future strongly influence voters' choices in favor of ethnically based parties. And consequently, as most observers will note, they don't see potential for any substantial change to the political landscape in what will be the country's tenth poll.

I have to say I am optimistic about these elections, if for nothing then the fact that NED will have supported well over 30 NGOs, youth movements, media outlets, civic associations throughout Bosnia to educate citizens, boost voter turnout, hold politicians accountable for their performance and promote issues that unite—and this is very important—unite different ethnic groups. It is these kinds of programs that NED and its grantees are supporting that seek to remove fear as a decisive factor in casting one's vote. And I believe these programs will make a difference.

I would like to just thank you once again for demonstrating the commitment that you have and I look forward to taking your questions.

[The prepared statement of Ms. Howard follows:]

Statement of Ivana Howard
Program Officer for Central & Eastern Europe
NATIONAL ENDOWMENT FOR DEMOCRACY

Before the
COMMITTEE ON FOREIGN AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES

Washington, DC
September 16, 2010

Hearing on
"FULFILLING THE PROMISE OF PEACE:
HUMAN RIGHTS, PEACE AND RECONCILIATION IN NORTHERN IRELAND AND BOSNIA"

Chairman Carnahan, Ranking Member Rohrabacher, Distinguished Members of the Committee:

I welcome the opportunity to be here today and speak to you about human rights, the peace process, and reconciliation efforts in Bosnia and Herzegovina. And on behalf of the National Endowment for Democracy (NED), I would like to thank you for your continued commitment to the Balkans and attention to the problems facing post-conflict states.

With Congressional funding, NED has supported democratic development in Bosnia since 1993, when it provided assistance to print the daily *Oslobodjenje* and air Radio ZID in the besieged city of Sarajevo. Today, as its democratic transition falters, Bosnia and Herzegovina has become the Endowment's most important priority in the Balkans. Therefore, in addition to offering an overview of the current situation in Bosnia and the challenges facing the international community, I will also highlight some of the efforts being made by civil society organizations to promote reconciliation and advance the country's democratic transition and Euro-Atlantic integration.

I would like to dedicate this testimony to the many civic activists working tirelessly to promote free and fair presidential and parliamentary elections in Bosnia, which are scheduled for October 3rd.

International Intervention

Let me begin by noting that this timely hearing occurs only three months before we mark the fifteenth anniversary of the Dayton Peace Accords (DPA), signed in Paris on December 14. Agreed upon after weeks of arduous negotiations between the three warring sides, and facilitated by the United States at the Wright Patterson Air Force Base in Dayton, Ohio in November 1995, the Dayton Peace Accords brought an end to the bloodiest conflict in Europe since World War II. In less than four years, the war in Bosnia left an estimated

100,000 people dead and more than half of the country's pre-war population displaced. But it was not until after most heinous of crimes was committed in July 1995 – when 8,000 Muslim men and boys seeking refuge in the UN-protected enclave of Srebrenica were systematically and brutally executed by Serb forces – that U.S.-led NATO air strikes forced a ceasefire and subsequent negotiations in Dayton.

It can be said that the Bosnia intervention forever changed the nature of international involvement in post-conflict situations. For NATO, it was the first use of armed force and the first out-of-area intervention. Moreover, intervention in Bosnia extended the Alliance's central mission beyond collective defense to crisis management, post-conflict reconstruction, and even state-building. As a 19-year-old interpreter for NATO forces in Bosnia, I was personally involved in assisting the U.S. Army in conflict resolution, prisoner-remains exchange, disarmament efforts, infrastructure rebuilding projects, and election support in the Brčko area. A native of this strategically important city, I will be forever grateful for the role that the United States, now also my country, played in bringing peace to Bosnia.

Of course, the role played by the international community, including the United States, in post-conflict Bosnia extended beyond simply keeping the warring sides apart; it took the lead in developing long-term political solutions. Initially, the country was effectively run by a network of international community institutions representing the major world powers, with the UN, OSCE and NATO as leading implementing organs. The DPA also spelled out the role of the internationally-appointed High Representative to oversee civilian peace implementation and coordinate other international actors, answering to the intergovernmental Peace Implementation Council (PIC), which includes the U.S. In 2004, the NATO military operation was replaced by the EU Forces (EUFOR) mission; today, fewer than 2,000 EUFOR troops and 150 NATO personnel remain in Bosnia to maintain a secure environment and ensure continued compliance with the military aspects of the DPA.

It is estimated that over $15 billion in international aid has been poured into reconstruction and state-building efforts since the Dayton Accords were signed, approximately $1.5 billion of which came from Support for East European Democracy (SEED) funds approved by the US Congress. NED has provided approximately $8 million to assist civil society in Bosnia and Herzegovina since 1993, supporting more than 160 in-country projects to date.

Impact and Current Situation

Without a doubt, this significant investment has produced notable results. To date, Bosnia remains the only post-conflict country in modern history in which international intervention has secured lasting peace, without a single major incident of interethnic violence since 1995. Substantial state-building reforms were also achieved, including the creation of a common currency, customs area, and indirect taxation authority. And small but consistent progress in electoral processes, civil society, governance, and judicial framework has been made. Most notably, defense reform succeeded in unifying three completely separate and previously warring armies.

Although not fully successful, police reform led to the signing of the Stabilization and Association Agreement (SAA), the first step towards EU membership. Bosnia has also made substantial headway in addressing the visa liberalization conditions set by the EU, opening up the possibility for visa-free travel by Bosnian citizens later this year. And earlier in 2010, Bosnia was offered a Membership Action Plan, the final step prior to full NATO membership, albeit under certain conditions. But the most important recognition of the progress achieved over the last fifteen years was the country's election to a non-permanent seat in the UN Security Council, starting in January 2010.

These successes notwithstanding, Bosnia remains an extremely fragile state. Over the last year, a number of domestic analysts and international experts have rang alarm bells, warning that the country is on the brink of collapse and even renewed conflict. The real potential for collective violence is difficult to determine, because there have been no recent attempts to systematically assess the security situation in Bosnia. What is clearer is the international community's limited ability to react to and control such violence, should it occur. As regularly pointed out by analysts in Bosnia, the enfeebled international presence has lost the deterrence effect it once had, which has been poignantly illustrated by a recent series of violent clashes and attacks. While these incidents have been apparently isolated and non-ethnic in nature, they have the potential to be both provocative and deadly. A broader security threat was narrowly averted after a violent clash of Bosniak and Croat soccer fans in the Croat stronghold of Široki Brijeg in October 2009; and the recent June 2010 bomb attack outside a police station in the town of Bugojno, which killed one policeman and wounded six others, is considered one of the most serious security incidents in Bosnia since the war ended.

The danger to Bosnia's peace and stability, as well as its democratic transition, has also assumed more complicated forms. Following a series of successful reforms achieved by 2005, the international community decided to withdraw and transfer "ownership" to domestic political elites. As a result, Bosnia's progress came to a screeching halt and has been on a downward slide ever since. Having discovered the electoral power of nationalism, political leaders have used it to further entrench their positions of power. This is particularly true in Republika Srpska (RS), the Serb-dominated entity, whose leaders are seeking to reverse any reforms leading to stronger State institutions, thus limiting the country's ability to meet the responsibilities that go with EU and NATO membership. In the process, the language of hate and fear used to secure their positions and electoral successes has increased ethnic tensions to a level unseen since the war's end.

Key Challenges

A multitude of challenges still remain to fulfill the "promise of peace" made to Bosnia with the signing of the DPA. Here, I would like to outline only a few that fit the three themes of today's hearing – reconciliation, human rights, and peace and stability – and offer some suggestions on how to ensure that the legacy of the time and resources invested in consolidating peace and democracy in Bosnia is solidified and becomes irreversible.

Reconciliation

The extent of the crimes committed during the war in Bosnia has left a painful legacy and sown seeds of deep division and mistrust between the three major ethnic groups. Punishing those guilty of war crimes has been an essential element in not only consolidating peace but also promoting reconciliation. For all its controversies and oft questioned legitimacy by the broader public, especially the Serbs who view it as heavily biased against them, the International Criminal Tribunal for the former Yugoslavia (ICTY) has made a major contribution to peace and democratization. As noted in a recent report by the NATO Parliamentary Assembly, the ICTY has not only contributed to the development of international humanitarian law, but has also helped to strengthen legal systems and the rule of law in Bosnia. More importantly, it has helped to establish the facts about the recent past and determine responsibility for some of the worst events in Europe's modern history. Above all, it has provided justice for war crimes victims and lent them a voice for the world to hear.

There have been, however, major shortcomings in the process of transitional justice, including Serbia's failure to arrest Ratko Mladić, a mastermind and chief executor of the Srebrenica genocide. Continued impunity for Mladić is a major impediment to the international community's efforts for reconciliation in Bosnia, and is jeopardizing the process of transitional justice in the entire region.

Moreover, while the ICTY and the domestic courts remain the only legal instruments for establishing individual criminal responsibility, their limited capacity warrants alternative approaches to satisfying truth and justice for all victims. One such approach is offered by the Coalition for RECOM – a regional coalition of nongovernmental organizations, victims' associations, and individuals, led by long-time NED-grantee Nataša Kandić – that advocates for the establishment of an official independent interstate commission. Modeled after similar commissions established in post-conflict societies around the world, but adapted for the specificities of the Yugoslav conflicts, RECOM would investigate and disclose facts about war crimes and other serious violations of human rights committed in the former Yugoslavia, including the fate of the 11,000 persons still missing in Bosnia and 1,800 in Kosovo, and help to locate their remains. The initiative, which has been supported by NED for the last three years, was recently endorsed by Croatia's President Ivo Josipović and Serbia's President Boris Tadić.

Recognizing that only by facing the truth about the past can new generations have a chance at a peaceful future, Bosnia's civil society is developing and implementing innovative approaches to educating the broader public, particularly youth, about the horrific events of the recent past. NED-grantee Youth Initiative for Human Rights has, for example, developed an interactive digital map of the events that led to the Srebrenica genocide, presenting legally determined facts in a user-friendly and understandable way. Faced with a deeply divided education system and ethnically-based curricula, which perpetuate ethnonationalism, NGOs are promoting the use of multi-perspective history textbooks and human rights documentary films in classrooms to promote historical reconciliation,

tolerance, and multiculturalism. In a society in which ethnic divisions are institutionalized at all levels of government and glorified by political elites, theirs is an uphill battle.

Human Rights

The Dayton Peace Accords have put an end to the gross and systematic violations of human rights committed during the war. However, the outcome of a compromise to belligerents has lead to human rights violations of a different kind. Namely, certain provisions of Bosnia's constitution, contained in Annex 4 of the DPA, include a preference for members of the three "constituent" peoples – Bosniaks, Croats, and Serbs – over national minorities, grouped under an all-encompassing label of "others": the means by which the members of the Presidency or the upper chamber of the Parliament are elected therefore limits those eligible to the three constituent peoples and specifies the ethnicity of the candidates to be elected from each entity. As such, the constitution not only denies equal representation to national minorities, but also discourages refugees and displaced persons from returning to their original places of residence, where they would now be a minority.

These fundamentally undemocratic provisions of the Dayton Constitution are also inconsistent with provisions for human and minority rights protection contained in conventions ratified by Bosnia. As well, the constitution itself includes the European Convention on Human Rights in its preamble, producing obvious contradictions – Bosnia not only violates its own constitution, but its constitution violates human rights. The December 2009 ruling by the European Court on Human Rights, that Bosnia must amend its constitution to allow "others" to compete for the Presidency and House of Peoples, is the most recent in the series of requirements made to the Bosnian government as a condition for the country to advance toward EU and NATO membership. Unfortunately, it is a requirement almost impossible to meet under current decision-making arrangements.

Peace, Stability and Democracy

In an April 2009 testimony to the U.S. Helsinki Commission on challenges in the Western Balkans for U.S. and EU engagement, I pointed out that Bosnia's system of government, devised under the DPA, "is not only highly dysfunctional, inefficient, and unsustainable, but it also impedes long-term stability by entrenching ethnicity into politics." The complex decision-making system, designed in Dayton to protect the interests of each self-defining group, has inadvertently created a self-reinforcing mechanism that rewards political extremism. It enables hardliners to employ ethnic appeals to consolidate their grip on power and obstruct any reforms that would endanger status quo. Consequently, the system has not only helped to cement the position of ethnically-defined political parties, but has also suppressed alternative voices from civic groups, moderate political parties, and the media.

Like the system it created, the Dayton Constitution also lacks popular legitimacy. It was never subject to either public debate or parliamentary ratification. This is understandable given the circumstances surrounding the creation of the constitution, but the process has never been revisited in a way that would redress these deficiencies. Just how far removed

the constitution is from ordinary Bosnian citizens is best illustrated by the fact that the legally binding document remains in its English-language original – the text was never officially translated into the locally spoken language(s). Moreover, heavily dependent on the political will of ruling elites, the system requires international intervention to function and would likely fall apart without it; yet, continued international involvement also further undermines the system's legitimacy.

The result of this vicious circle is a dysfunctional and divided country suffering a serious democracy deficit. At best, Bosnia will remain unable to meet requirements for Euro-Atlantic integration; at worst, its weak institutions will render it vulnerable to political instability or even conflict. The country and its people have become prisoners of their own peace.

Lessons Learned and Recommendations

Although its inherent flaws were painfully obvious by the time first elections were held in 1996, which brought the nationalists to power, the Dayton Constitution remains unchanged. This was not for lack of trying: at least two major efforts – in 2006 and in 2009 – were made by the international community to reform the constitution. Both failed, as have several other attempts to address the system's various deficiencies.

The inability to devise durable solutions has lead to fatigue in the international community and repeated calls for downsizing its involvement, most specifically by closing down the Office of the High Representative. But with the rapid deterioration of the political situation since 2006 – most recently demonstrated by calls for a referendum on the secession of Republika Srpska and the repeated questioning of the Bosnian state's viability by RS leaders – it is clear that, under the current system, the international community's departure could easily translate into an end to peace and reconciliation in the country.

This situation poses a considerable risk to the substantial investment made by the international community, including the U.S., in securing peace and stability in Bosnia. Just to be clear, Bosnia is the key to the stability and security of the entire Western Balkans – another Bosnian implosion or even prolonged stagnation is sure to have a ripple effect throughout the still-vulnerable region. The inability to secure Bosnia's stability and complete its democratic transition would have disastrous consequences on American and European interests elsewhere: Bosnia has served as a precedent and a trail-blazer for subsequent interventions in Kosovo, Afghanistan and Iraq; a failure in Bosnia would seriously question the credibility of more demanding peace-building and democratization efforts in places like the Middle East.

Therefore, I would offer the following lessons learned and recommendations for continued international engagement in Bosnia and Herzegovina and other post-conflict countries; and let me note, Mr. Chairman, that I am speaking here in a personal capacity.

- The international community should recognize that stabilization and state-building are long and arduous processes, and remain committed for the foreseeable future. U.S.

soldiers deployed to Bosnia expected to stay for one year; but it was not until 2004 that the last U.S. troops left the country, and a small NATO contingent still remains. Had the international community planned to remain engaged in the country for fifteen or more years, and designed its programs and missions accordingly from the very beginning, including long-term planning and consistency in policies and programming, it is likely that Bosnia's stability and democratic transition would look very different today.

- As in other places, the U.S. and EU must share the burden of stabilization and democratization efforts in Bosnia. It is often said that, by the virtue of geography, Bosnia is a "European problem." Indeed, the country's best chance for political stability and democratic consolidation lies with EU integration. However, Bosnia's particular problems have proven too complex to be resolved simply by the lure of EU membership. The U.S., which still possesses unrivaled credibility in the region, remains indispensible in forging a common international policy and providing the necessary political and technical support to its EU partners. In the case of Bosnia and Herzegovina, the U.S. should work with its PIC partners to find a common voice and formulate a coherent strategy with the political will needed to see through indispensible reforms.

- Neither the U.S. nor the EU should abandon efforts to reform the Dayton Constitution; however, the nature of this involvement must change. Instead of offering ready-made solutions and negotiating them with a handful of political leaders down to the point of the least common denominator, the international community should allow the process to be domestically-driven and facilitate it by offering expertise and incentives for change. At best, international experts should offer a framework for domestic decision-makers and civil society to operate within, so they can arrive at durable solutions. To provide incentives, the process of implementing these reforms should be directly tied to EU and NATO accession, both of which would have to be presented as plausible outcomes in the foreseeable future.

- In general, peace agreements should contain a sunset clause that expires at a certain point in the future. To paraphrase two leading experts in conflict management in divided societies, the system that is most appropriate for initially ending conflict may not be the best one for longer-term conflict management. The current situation in Bosnia demonstrates the dangers of having a system designed to bring about peace that is maintained over a long period of time without alternative solutions, particularly when its provisions clash with new requirements and reforms needed to consolidate peace and democracy. At the same time, the international community should not be tempted to simply remove integral parts of a peace agreement, such as its enforcement mechanisms, while leaving the rest of the system intact. In Bosnia, support for the Office of the High Representative should be strengthened, and not withdrawn, as long as the DPA remains in force.

- In addition to strengthening formal state institutions, the international community should continue to provide democracy support to civil society organizations, independent media, and moderate political parties. Civil society organizations are working for moderation, compromise, and dialogue, thus helping to mitigate political

conflict. Support for watchdog groups to critique state performance or advocacy NGOs to develop reform policies with the government can help to improve accountability and reduce corruption, thereby strengthening rule of law and democratic governance. And strengthening moderate political parties and objective media can enlarge the political space currently monopolized by nationalist political elites. These democracy-building efforts can substantially contribute to political stability and, by extension, to durable peace and prosperity in countries like Bosnia.

Mr. Chairman, Distinguished Members of the Committee,

On October 3rd, Bosnia and Herzegovina will hold presidential and parliamentary elections. With a sense that the international community is running out of time to help fashion a stable and viable state, the upcoming elections are viewed as a key indicator of the country's democratic progress. Foreign diplomats and international representatives in Sarajevo often say that it is up to the Bosnian people to elect the kind of leadership that will lead the country to a better future. Yet they too recognize that fear and uncertainty about the future has been repeatedly used by nationalist political elites to successfully influence the outcome of elections in favor of ethnically-based parties; consequently, most observers do not see the potential for any substantial change to the political landscape in what will be the country's tenth poll.

I am optimistic about the outcome of these elections. By Election Day, NED will have supported well over 30 nonpartisan organizations – NGOs, youth movements, media outlets, and civic associations – throughout Bosnia to educate citizens, boost voter turnout, foster freedom of information, hold politicians accountable for their performance, and promote issues that unite different ethnic groups. Over the last two years, NED has also supported the work of the National Democratic Institute, which oversees the only U.S. program promoting political party reform. It is these kinds of programs that NED and its grantees are supporting in Bosnia and Herzegovina to promote issue-based campaigning and voting; together we are trying to remove fear as a decisive factor in casting one's vote. I believe these programs will make a difference.

But regardless of the outcome of the October 3 general elections, an opportunity will emerge to advance alternative approaches to post-election dialogue on reform. The international community should be prepared to seize this opportunity and build on any momentum for change created by domestic actors, above all civil society. Only a strong commitment and continued engagement by the United States and its European partners to strengthen democracy in Bosnia and Herzegovina will ensure long-term stability and prosperity in the country and the entire Balkan region. I thank you once again for demonstrating that commitment.

Thank you. I look forward to your questions.

Mr. CARNAHAN. Thank you very much.

And last but not least, Ms. Aideen Gilmore. I am going to recognize you for 5 minutes.

STATEMENT OF MS. AIDEEN GILMORE, DEPUTY DIRECTOR, COMMITTEE ON THE ADMINISTRATION OF JUSTICE

Ms. GILMORE. Thank you, Mr. Chair, distinguished members of the committee. Let me begin by thanking you for the opportunity and privilege of testifying before you today.

As has been pointed out, America has played an extremely important and influential role in the peace process in Northern Ireland, and that support has been greatly appreciated and invaluable. Today I would like to present a brief summary of my written testimony which I would also like entered into the record. The Good Friday Agreement puts human rights and equality center stage in peace-building efforts. And in many ways Northern Ireland provides a role model for elsewhere on how a deeply divided society and seemingly intractable conflict can be moved forward when human rights and equality are put at its heart. Much has been achieved in Northern Ireland in our peace process, and Northern Ireland is now a very different place.

Recently, however, we have made the international headlines again for the wrong reasons. This summer we have seen renewed violence and public disorder on the streets. Bomb alerts are now almost a daily occurrence in Northern Ireland. At best, these result in disruption and inconvenience; at worst, they have led to injury, including of young children. There have also been targeted injuries to and killings of police officers and army personnel in recent years.

Therefore, while a lot of progress has undoubtedly been made, CAJ would caution against the rhetoric of recent times that the devolution of policing and justice is the final peace of the jigsaw in terms of the implementation of our peace agreement, thus implying that the peace process is now complete.

I seek to highlight in this short briefing that this is not necessarily the case, and urge continued vigilance and support for the protection of human rights and equality in Northern Ireland as a means of embedding and sustaining the peace.

There are three key issues in particular I believe that need to be addressed.

The first is ongoing inequalities and socioeconomic disadvantage in some of those areas that were most impacted by the conflict. The peace process has seen much investment and development, much of it coming from the United States. However, recent figures show that the historically poorest areas in Northern Ireland are in many cases no better off, and, in some cases, are relatively worse off than they were during the conflict.

Inequality and deprivation is also apparent, with Catholic areas featuring disproportionately. Also of note is the extent to which the deprivation is concentrated in areas that bore the brunt of the conflict in terms of highest number of deaths and injuries.

These statistics tell us two worrying things. The first is that the prosperity that has been experienced in Northern Ireland from the late 1990s has bypassed these poorest sections in our society. The

second is that if the areas which experienced the worst levels of violence are not feeling the benefits of the peace process, at least in social and economic terms, this is not a recipe for long-term stability. Opportunities exist to do something about this. There has been much focus in recent times on economic investment in Northern Ireland. What has been missing and what is needed is accompanying analysis on how that investment can best be used to target social need. If the people in those disadvantaged communities do not feel the economic benefit of the peace process, they will feel left behind, and CAJ fears what the cost of that isolation could be.

The second issue is the need to develop a mechanism to deal with our past. The publication of the Bloody Sunday report and the subsequent debate have made it clear that Northern Ireland's past remains to be addressed. It has become clear that a line cannot be drawn under the past. Too many people have been affected by it and too many have unanswered questions.

The approach taken to the past to date has been piecemeal and unsatisfactory, leaving many victims of the conflict from right across the community feeling left behind. Some mechanism will have to be developed to deal with our past if its horrors are not to undermine our future. The debate simply cannot be abandoned. Leadership is required by government, by political parties and by all of us in Northern Ireland to grasp the nettle of the past if we are truly to build a shared future. Your support in encouraging this leadership would be invaluable.

The third and final issue is delivery on a specific Bill of Rights for Northern Ireland. The protection of human rights and the commitment to a Bill of Rights to reflect the particular circumstances of Northern Ireland were fundamental parts of the agreement and central to efforts of building a shared and peaceful future in Northern Ireland. Regular polling shows consistently high levels of support from the two main communities for a strong and inclusive Bill of Rights.

In the history of our divided society, rarely have there been such high levels of agreement right across the community, and this is an opportunity that needs to be seized. The new U.K. Government has said that they will not legislate for a specific Bill of Rights for Northern Ireland, as required by the agreement; rather, they will consider incorporating additional rights for Northern Ireland within a section of a wider British Bill of Rights.

We believe this approach is deeply problematic for two reasons. Firstly, it disregards the unique context of the Bill of Rights debate in Northern Ireland and instead wants to append it to a very different debate on a U.K.-wide Bill of Rights. Secondly, the agreement was directly concerned with protecting rights to reflect the principles of mutual respect for the identity and ethos of both main communities and parity of esteem. However, the U.K. Government approach of developing rights in a British context directly undermines this. It also ignores the fact that the very issue of nationality and identity is and always has been an issue of division and inequality in Northern Ireland.

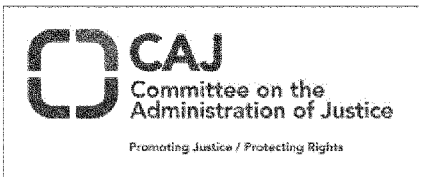
The Irish Minister for Foreign Affairs has clearly stated that the Irish Government is strongly of the view that a specific and substantial Bill of Rights for Northern Ireland is a central and crucial

element of the agreement. Overall, the approach to be taken is seen by many as a retrograde step that risks undermining existing and hard-fought human rights and equality protections from our peace agreement.

In closing, Mr. Chairman and members of the committee, Northern Ireland is a very different place and that so much has been achieved cannot be questioned. The support and encouragement of America has been a crucial factor in getting us to where we are today. My plea to you today is to maintain your support to ensure that peace is maintained and sustained. In particular, ensure that investment is used in a way that will help address the deep-rooted inequality and deprivation in those communities still bearing the scars of the conflict. Encourage leadership from the political parties in Northern Ireland and the U.K. and Irish Governments to develop a holistic process to help us deal with our past; and to help move on from the past and build a shared and peaceful future highlight to the U.K. Government the importance of delivering on the agreement and embedding a strong and inclusive specific Bill of Rights for Northern Ireland.

Thank you again for the opportunity to testify and I look forward to taking your questions.

[The prepared statement of Ms. Gilmore follows:]



Testimony from Aideen Gilmore, Deputy Director of the

Committee on the Administration of Justice (CAJ) to

Congress of the United States: Foreign Affairs Committee, Sub-committee on International Organizations, Human Rights and Oversight

Hearing on "Fulfilling the Promise of Peace: Human Rights, Peace and Reconciliation in Northern Ireland and Bosnia"

September 16, 2010

Introduction

The Committee on the Administration of Justice (CAJ) was established in 1981 and is an independent non-governmental human rights organisation that works to promote justice and protect rights in Northern Ireland. CAJ's activities include monitoring, conducting research, publishing reports, campaigning locally and internationally, individual casework and providing legal advice. Its areas of work are focussed on equality, policing, criminal justice and the protection of rights, including advocacy for a Bill of Rights for Northern Ireland. CAJ is and always has been firmly opposed to the use of violence for political ends.

The organisation has been awarded several international human rights prizes, including the Reebok Human Rights Award and the prestigious Council of Europe Human Rights Award which it was awarded in recognition of its "excellent contribution to the cause of human rights" in the context of its work in mainstreaming human rights in the peace process.

CAJ is extremely grateful to have the privilege to testify to the Committee, and would like to thank the Chair and the members for the invitation and the opportunity.

Background

It had always been CAJ's analysis that inequality and human rights abuses fed and fuelled the conflict. The Belfast/Good Friday Agreement recognised this and put human rights and equality centre-stage to peace-building efforts. The opening paragraph of the Agreement affirmed the importance of *"protecting and vindicating the human rights of all"* and outlined an array of principles and mechanisms to achieve this. In many ways Northern Ireland provides a role model for elsewhere on how a deeply divided society and seemingly intractable conflict can be moved forward when human rights and equality are put centre stage.

The United States has played a hugely influential and important role in helping to build peace in Northern Ireland, and this support has been invaluable and greatly appreciated. Even a cursory examination of the record shows a continued interest being displayed by the Executive and the Congress in developments in Northern Ireland throughout the decades-long conflict. This interest in securing peace with justice became all the more heightened – and effective – in the lead-up to the eventual peace negotiations. In recent years, successive presidents encouraged the British and Irish governments to work closely together with local parties and civil society, and more than ten

Congressional Hearings were held on the topic of policing alone. It is fair to say that the peace agreement eventually negotiated might not have happened without knowledgeable and sympathetic efforts by the US.

In recognition of the changed environment in Northern Ireland, American oversight and involvement has inevitably changed. However, it is vital that the involvement continue. A former UN Secretary General on a visit to Northern Ireland a number of years ago noted that international experience frequently shows that "hard won agreements on human rights and the reform of justice are often eroded once domestic and international attention diminishes."[1]

While a lot of progress has undoubtedly been made in Northern Ireland, CAJ would caution against the rhetoric of recent times that the devolution of policing and justice is "the final piece of the jigsaw" in terms of implementation of the Agreement, thus implying that the peace process is now complete. Firstly this ignores other major aspects of the Agreement that have yet to reach fruition, such as the Bill of Rights. Secondly, it assumes that all those other pieces of the jigsaw that have been implemented are working according to plan and delivering the required change. We seek in this briefing to highlight that this is not necessarily the case. We would urge continued vigilance and support for the protection of human rights and equality in Northern Ireland as a means of embedding and sustaining peace. We believe that the US, as a close friend of both the United Kingdom and Ireland, the two sovereign guarantors of the Agreement, is uniquely placed to provide such vigilant support.

Current context

Much has been achieved in the peace process since the mid 1990s, and Northern Ireland is now a very different place. Most recently, the very important agreement on devolving responsibility for policing and criminal justice powers to the local power-sharing Assembly and Executive marks a significant development both politically and in terms of the potential for local interest in, ownership of and increased accountability for policing and criminal justice.

Recently, however, Northern Ireland has made the international headlines again for the wrong reasons. This summer, we saw renewed violence and public disorder around the annual parading season, with riots in one particular part of Belfast spanning three nights and costing in the region of £1million to police.

Not as widely reported internationally but a regular media headline domestically, is that bomb alerts are now an almost daily occurrence in life in Northern Ireland. At best these result in disruption and inconvenience, at worst they have led to injury (including of three children between the ages of 2 and 12). There have also been targeted injuries to and killings of police officers and army personnel.

Furthermore, a report in recent weeks from a Conservative Party linked think-tank, the Centre for Social Justice painted what it called "a grim picture of societal breakdown" in Northern Ireland.[2] Some key findings included that Northern Ireland has the highest level of economic inactivity in the UK; unemployment has more than doubled in two years; three in four single parent families live in poverty (63,000 children); and evidence of widespread mental illness and reliance on anti-depressant medication. While the report makes the point that many of these problems are no different from other parts of the UK, it also notes that many of the issues can be linked to the 30-year conflict.

[1] Address by UN Secretary General Kofi Annan to the annual Tip O'Neill lecture, University of Ulster, 11th October 2004

[2] http://www.centreforsocialjustice.org.uk/client/downloads/CSJ0032_Northern_Ireland_27.08_WEB.pdf

Northern Ireland is not a normal society. It is very much a post-conflict society and in the relatively early years of a delicate peace that is still based more on community segregation and passive co-existence rather than on rapprochement and any shared sense of identity. In such a small geographic location, and with such a small population (1.5 million) with close knit communities, the conflict impacted widely and in complex ways. Almost every facet of life in Northern Ireland can be linked in some way back to the impact of the conflict and people's lived experiences of it.

It is obviously important to aspire to, and develop, a "normal" society – but simply calling it a normal society sends a negative message to those who still experience the impact of the conflict, or who feel left behind in the peace process. Certainly, attempting to build a peaceful and normal society in a way that is blind to the conflict, and its impact, risks undermining the very peace we are seeking to build. The remainder of this paper will look at this theme in more detail and explain how important it is to maintain US interest and involvement.

Equality

Inequality and socio-economic disadvantage were major contributing factors to the conflict. The civil rights demands of the 1960s were threefold – housing, jobs and votes. As such, the Agreement recognised the importance of addressing inequality and social exclusion and made explicit references to tackling social inclusion, community development initiatives, a regional development strategy, Targeting Social Need, tackling the unemployment differential between Catholics and Protestants, addressing the needs of young people, particularly at interface areas, and developing a legal requirement on the public sector to respect equality.

As stated earlier, Northern Ireland is a very different place nowadays, and this is true both politically and physically. The peace process has seen much investment and development and Belfast city centre, for example, is unrecognisable compared to even ten years ago with visible wealth and development in the form of new hotels, restaurants, shopping centres, bars, and improved public spaces. However one does not have to travel far outside the city centre to see a very different picture.

There are too many statistics to present in detail here,[3] but the most comprehensive official data is called the Northern Ireland Multiple Deprivation Measures (MDM). Sadly, the most recent MDM figures published in March 2010 show that the historically poorest areas in Northern Ireland are in many cases no better off, and in some cases are relatively worse off, than they were during the conflict.[4]

Also of note is the extent to which the deprivation is concentrated in north and west Belfast, Derry and parts of Lisburn which are adjacent to west Belfast. Moreover, it is no coincidence that many of these same areas also bore the brunt of the conflict. For example, out of 1647 deaths in Belfast during the conflict, 1240 (75%) occurred in north and west Belfast. Indeed this figure constitutes 34% of the total number of deaths in Northern Ireland during the conflict (3636). [5]

Inequality in deprivation between the two communities is also apparent. 16 out of the top 20 most deprived areas (80%) are predominantly Catholic. Also of concern is that the 5 new arrivals in the

[3] For a recent comprehensive review of inequality statistics and policy responses see "Equality in Northern Ireland: the rhetoric and the reality", CAJ, September 2006

[4] http://www.nisra.gov.uk/deprivation/archive/Updateof2005Measures/NIMDM_2010_Statistics_Press_Release.pdf

[5] "Lost lives: the stories of the men, women and children who died as a result of the Northern Ireland troubles" 1999, McKittirck, Kelters, Feeney and Thornton.

top 20 listings in recent years are all predominantly Catholic in make-up. Thus, whereas in 2005, 13 out of the top 20 most deprived areas were predominantly Catholic, this has now risen to 16.

These statistics tell us two worrying things – the first is that the prosperity that has been experienced by the wealthiest areas of Northern Ireland from the late 1990s has bypassed these poorest sections of our society. The second is that the areas which experienced the worst levels of violence are as badly off, or worse off, than they were during the conflict – and are thus not feeling the benefits of the peace process. This is clearly not a recipe for long term political stability.

However opportunities exist to do something about this. There has been much focus in recent times on economic investment in Northern Ireland. The United States has been particularly supportive in efforts to develop a stronger economy. But if this investment is to really effect the most change, it needs to be targeted at those areas in most need. The level and sophistication of the data currently available provides, at the very least, a highly scientific approach to measuring deprivation. But the key issue is how the information is used to inform economic and investment policy making and resource allocation.

There are for example numerous regeneration initiatives proposed throughout Northern Ireland, many placed right in the heart of some of the most socially and economically disadvantaged areas. But we have seen marked resistance to implementing projects in a way that would have a real impact on unemployment, create more social housing and provide better facilities for the long-term disadvantaged.

If the people in our most disadvantaged communities do not feel the economic benefit of the peace process, they will feel left behind. CAJ fears what the cost of that isolation could be.

Policing and criminal justice

Given the long-term problems that surrounded policing and criminal justice, and their exacerbation by violent conflict, an extensive part of the Agreement was devoted to fundamental reforms in this area. Since 1998, significant change has taken place. The most recent decision to devolve powers for criminal justice and policing from the Westminster authorities to Northern Irish ministerial control provides an opportunity to engender greater local ownership of and confidence in these systems.

Public confidence in the administration of justice is and always has been low. Many of the recommendations contained in the Criminal Justice Review that emanated from the Agreement that were designed to increase the transparency of, and thus public confidence in, the criminal justice system, have not been implemented. Thus, for example, there is still no system for monitoring who goes through the criminal justice system and whether the system is working fairly for all communities ("equity monitoring"), nor is there any strategy to ensure that criminal justice personnel reflect all the communities served The Agreement's Criminal Justice Review called for a reflective workforce strategy, but CAJ's experience in the implementation of these and other recommendations has been of significant resistance and a lack of commitment to genuine cultural change. We hope that devolution and local responsibility will provide the required impetus to ensure that accountability, transparency and human rights compliance of the criminal justice system is achieved.

We also hope that devolution will allow more local ownership of policing and criminal justice, so as to allow local solutions to be developed for local issues. Initiatives 'borrowed' from England over recent years, such as a community safety strategy that criminalises young people (and their parents) for non-criminal behaviour, and policing partnership or crime reduction models, are very often

"conflict-blind". They understandably do not recognise the very different history and dynamics at play in relation to police and community relations in Northern Ireland. This needs to be addressed by any local minister, and genuine and meaningful change embraced.

What may be more problematic is the future of Northern Ireland's "emergency" or counter-terrorism powers. Northern Ireland has had some form of such powers in place since 1922. In the move to security normalisation, the British Secretary of State announced in 2005 his intention that the extant special provisions related to Northern Ireland would be repealed. In reality, the powers were merely reconstituted in another statute.

CAJ has always questioned both the need for and the value of emergency legislation; we have had to report on the way such powers feed and fuel political conflict and have proved counter-productive;[6] and we believe that such powers only stand in the way of building broad community confidence in policing and the administration of justice. We are not oblivious of the current risks posed by both dissident republicans and dissident loyalists to political and economic stability. All past experience, however, convinces us that the greatest security is provided when policing and criminal justice systems are designed and operated in compliance with international human rights norms.

Yet instead, there has been a marked increase in recent years in the use of some of these powers, e.g. police powers to stop and search (without reasonable grounds for suspicion).[7] There have been growing reports of harassment and media stories of individuals being stopped and searched up to 20 times in one day. As noted earlier, the equity monitoring systems are not in place to allow us to determine who is being stopped and searched and whether there is any reason to believe that the powers are being used in an indiscriminate or disproportionate fashion. It would, however, be surprising if these efforts were not targeted at those working class communities seen by the authorities to pose most danger to the peace process. And so the cycle of real or perceived grievance and harassment among some of Northern Ireland's most disadvantaged communities is fuelled. If we are to firmly embed the peace, and withstand any attempt of a return to violence, we must learn from the mistakes of the past in this regard.

Dealing with the past

To ensure a better future, we have as a society to have some common understanding of the past if we are to avoid a repetition of it.

On the positive side, it is vital to note that this has been a momentous year for the Bloody Sunday families and for human rights. The apology tendered by Prime Minister David Cameron, and the tenor of his response overall in the UK parliament, were widely appreciated. But the publication of the Bloody Sunday report, and the subsequent debate, has made it clear that Northern Ireland's past hangs heavily over us all and must be effectively addressed.

The debate on how Northern Ireland should deal with over 40 years of conflict is highly contested. It is a debate between those who believe that the past should be allowed to rest undisturbed and those who believe that unless the past is examined then Northern Ireland will never be fully at peace with itself. The Agreement sought to draw a line under the past, by saying that:

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[6] "War on Terror: Lessons from Northern Ireland", CAJ, 2008

[7] http://www.nipolicingboard.org.uk/article/?id=9857;
http://news.bbc.co.uk/1/hi/northern_ireland/8471548.stm
http://www.psni.police.uk/pace__tact__jsa_-_nipb_q3_200910-2.pdf

> "The tragedies of the past have left a deep and profoundly regrettable legacy of suffering. We must never forget those who have died or been injured, and their families. But we can best honour them through a fresh start, in which we firmly dedicate ourselves to the achievement of reconciliation, tolerance, and mutual trust, and to the protection and vindication of the human rights of all."[8]

However, it has become clear that a line cannot be drawn under the past - too many people have been affected by it and too many have unanswered questions. Post agreement, the approach taken has been a piecemeal one, until the UK government established the Consultative Group on the Past (CGP). The group's task was to consult across the community on "how Northern Ireland society can best approach the legacy of the events of the past 40 years; make recommendations, as appropriate, on any steps that might be taken to support Northern Ireland society in building a shared future that is not overshadowed by the events of the past." The CGP, jointly chaired by Archbishop Robin Eames and Denis Bradley, was given only one year to carry out their work; however, the public response to their work was overwhelming.

The CGP's key proposal in its 2009 report was for a five-year Legacy Commission, which would examine historical cases, carry out thematic investigations and engage in a process of information recovery.[9] Unfortunately, despite the CGP's detailed work and recommendations, the almost unique focus of the media and politicians was on one single controversial recommendation in the report, namely the proposal for a recognition payment to all victims of the conflict. After much delay, in July of this year, the incoming government published a summary of the responses to an earlier consultation around the CGP report.[10] They appear, on the basis of limited objective evidence to have concluded that the CGP report was "universally rejected."[11] This is not a conclusion with which we would agree, since it is not based on a reflective, weighted and meaningful analysis of views received. To discard the report without such analysis does a disservice to those who engaged in the process in good faith. The UK government has now announced that it intends "to listen to a range of views on how best [they] can contribute to dealing with this issue" and to "conduct a number of meetings with people from all parts of the community over the next few months."[12]

Who they will meet and what the scope of the conversation will be remains unclear. We believe that government has raised victims' expectations that something would happen. It is deeply misguided to keep asking victims the same questions, and expect a different response. It is neither fair to the victims and it certainly will not assist in achieving reconciliation. In CAJ's view, the report of the Consultative Group on the Past represented an honourable attempt to come up with creative answers to difficult questions. We believe that it generated controversy precisely because it was so inclusive. Such controversy has to be worked through, not set aside.

The issue of dealing with the past does not have an easy resolution. However, some mechanism will have to be developed to deal with Northern Ireland's past if its horrors are not to undermine our future; the debate simply cannot be abandoned. Leadership is required - by government, by political

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[8] http://www.nio.gov.uk/agreement.pdf

[9] A link would have been provided to this report, except that the Group's website now appears to have been closed down. There exists an independent blog comment site on which the group's report can be accessed at http://www.consultationonthepast.org/

[10] For CAJ's response to this consultation see: http://www.caj.org.uk/files/2000/01/03/S240_Response_to_the_consultation_on_The_Report_on_the_Consultative_Group_on_the_Past_September_2009.pdf

[11] As stated in a meeting between CAJ and the Minister of State for the Northern Ireland Office of the UK government on 27th July 2010.

[12] http://www.nio.gov.uk/paterson-engages-on-the-past/media-detail.htm?newsID=16570

parties, by those who work with and represent victims, by lawyers, by NGOs, by all of us in Northern Ireland, to grasp the nettle of the past if we are truly to build a better future. External support in encouraging this leadership would be invaluable, and the US, having played such a positive role to date in the peace building efforts, can have a particularly influential role in helping us move forward constructively.

Building the future – a Bill of Rights for Northern Ireland

As Americans will appreciate, a Bill of Rights is a foundational and constitutional document that embodies those key principles that society holds dear. They have particular resonance post-conflict as a means of ensuring that the horrors that have gone before are not repeated.

The Agreement was a constitutional document in Northern Ireland terms. It was supported and endorsed as such by a majority of people in a referendum north and south of the island of Ireland. As with many constitutional documents, human rights and equality were central to the Agreement, they were part of what brought peace to NI and what made the Agreement possible. The protection of human rights and the concept of a Bill of Rights to reflect the "particular circumstances of Northern Ireland" were fundamental to the Agreement and central to efforts of building a shared and peaceful future in Northern Ireland.

Regular polling shows consistently high levels of support among ordinary people, and from across the two main communities for a strong and inclusive Bill of Rights for Northern Ireland. Most recently in a July 2010 poll, 80% of people indicated their support for a specific BoR for NI. This combined with the level of engagement in the debate over the last ten years– including hundreds of detailed submissions to consultations on the issue, and more recently tens of thousands of letters of support – show the importance that is attached to a strong and inclusive Bill of Rights for Northern Ireland by ordinary people. In the history of our divided society, rarely have there been such high levels of agreement rights across the community, and this is an opportunity that needs to be seized.

After many years of engagement and consultation, the last government produced extremely limited recommendations on a Bill of Rights for Northern Ireland which were widely rejected by civil society, leading academics and experts, and the NI Human Rights Commission.[13] The new UK government has said that they will not legislate for a specific Bill of Rights for Northern Ireland; rather they will consider incorporating additional rights for NI within a section of a wider British Bill of Rights. This approach is deeply problematic for a number of reasons.

Firstly, it disregards the unique context of the Bill of Rights debate in Northern Ireland, and instead wants to append it to a very different debate on a UK-wide Bill of Rights. The latter debate has had a very different genesis - motivated by differing political ideologies around constitution-building, making rights more British, and even the proposed weakening of existing rights protections. The debate in Britain has been top down and led by political parties, and moreover by political parties that have no electoral base or mandate from Northern Ireland. By contrast, the debate about a Bill of Rights for Northern Ireland has been bottom-up, led by the people themselves in an effort to identify those rights that they feel are important in moving from conflict to a more peaceful society. The conflict was particular to Northern Ireland, its legacy has been and continues to be widely felt in Northern Ireland, and as such it has little if any resonance on a wider-UK level. It is therefore not acceptable to relegate rights that have been identified as particular to Northern Ireland to a "national" debate that has little history, relevance or meaning in Northern Ireland.

[13]For CAJ's position on those proposals see:
http://www.caj.org.uk/files/2000/01/03/S250_Submission_to_the_NIO_on_A_Bill_of_Rights_for_Northern_Ireland_-_Next_Steps_Feb_2010.pdf

Secondly, by talking of protecting rights in a British context, the government is ignoring the context of a specific Bill of Rights for Northern Ireland as mandated in the Agreement. The Agreement was directly concerned with *"rights to reflect the principles of mutual respect for the identity and ethos of both main communities and parity of esteem."* However, the UK government approach of developing rights in a British context directly undermines respect for the identity and ethos of both main communities. It also ignores the fact that the very issue of nationality and identity is, and always has been, an issue of division and inequality in Northern Ireland.

Furthermore, the Agreement had consciously sought to transcend some of these political divisions by talking of the importance of international law in protecting the human rights of all those living in Northern Ireland – regardless of whether they are British, Irish, both or neither.

Overall the approach is seen by many as a retrograde step to attempt to kill the debate about a NI BoR and more worryingly, in doing so to undermine existing and hard-fought protections from the Agreement. This concern is enhanced by the knowledge that neither of the two Coalition parties now forming the UK government were in power at the time of the Agreement, and therefore may have less awareness of, or commitment to, its inter-locking elements. As the other state party to the negotiation, the position of the Irish government has been clearly stated recently by the Irish Minister for Foreign Affairs: "the Irish government is strongly of the view that a specific and substantial Bill of Rights for Northern Ireland is a central and crucial element of the Good Friday Agreement."[14]

This is an absolutely crucial time in the debate about the protection of rights in Northern Ireland. CAJ and many others fear that particularly in the context of the new UK government, there is a real danger of roll-back on important and hard-fought human rights and equality commitments in the peace agreement which requires urgent intervention. The objective of peace must be to improve the lives of people in Northern Ireland, but as already outlined, the evidence shows continuing and systemic disadvantage and inequality. We would argue that failure to deliver on those elements of the Agreement designed to address this inequality and protect rights has the potential to further destabilise the, at times, fragile peace process.

Conclusions and recommendations

As stated at the outset, Northern Ireland is a very different place than it was fifteen, ten or even five years ago. Enormous progress has been made. That so much has been achieved cannot be questioned, and the support and encouragement of the United States has been a crucial factor in getting us to where we are today. However, the jigsaw that is the implementation of the Good Friday Agreement is not yet complete, and pieces are in danger of being removed and falling off the table. In particular, the potential impact of a new UK government with a different ideological approach to these issues and attempts to unravel key human rights and equality protections are extremely worrying.

In conclusion, my plea to you today is as follows:

a) Please ensure that US interest in Northern Ireland is maintained. The US contribution to our peace process is worthy of emulation in other jurisdictions where you have the potential of influence, and it may be useful for you to monitor closely the results of your efforts. It is also in your self-interest to ensure that there is no deliberate or involuntary rolling back from the Agreement that your efforts did so much to bring about. This could be done

[14] Irish News, 15th March 2010

perhaps by holding Hearings such as this at regular intervals, or requesting regular reports from the Administration as to their efforts. Whatever the method, I can only emphasise how important an external "friendly critic" has been to all forward movement on the ground.

b) The US has a particular possibility to ensure that its involvement in economic investment efforts is constructive. Investment can undermine deep-rooted problems of inequality and socio-economic deprivation, and thereby undermine the breeding ground for alienation and disaffection. Or it can do the opposite. The Committee should explore what it can do to make sure that all US investment not only benefits the US but also seeks to embed further our precarious transition to a peaceful future.

c) This Committee should encourage all the political parties in Northern Ireland, and the British and Irish governments, to show the necessary leadership by developing a dedicated and holistic process that will help Northern Ireland deal with its past. Addressing the legacy of past conflict is a necessary building block to a better future.

d) The Agreement recognises that a better future can only be built on respect for everyone's rights. To help move on from the past, and build a shared and peaceful future, I would finally urge vigilance in ensuring that the last remaining elements of the Good Friday Agreement are not neglected. The Committee should in particular highlight to the UK government the importance of embedding a strong and inclusive specific Bill of Rights for Northern Ireland.

Aideen Gilmore

Deputy Director

September 2010

Mr. CARNAHAN. Thank you, Ms. Gilmore.

And I want to first inquire of Mr. Volker about your time.

Mr. VOLKER. I think if I leave by 10:30 or 10:35 I should be fine.

Mr. CARNAHAN. Okay. I think we will maybe start with some questions for you to accommodate your time. And again thank you for squeezing this in this morning.

Mr. VOLKER. Thank you for your consideration.

Mr. CARNAHAN. I thought your overview in comparison to some of the similarities and differences were very well done. And I guess I wanted to really focus on your last point about the U.S. role, because I think it has been a concern, particularly with regard to Bosnia, that, as you described, there have been times when we have been all in and other times when it seems like that has been on the back burner, and how you think, especially at the end of these elections in October, you know, how we can reengage in a strong way from our perspective, but also with regard to the EU, and, really, regardless of how the elections turn out.

Mr. VOLKER. Thank you, Mr. Chairman. I began working on Bosnia in 1993, as I said. That was in the early days of the war. Beginning in the Clinton administration, we had a major effort to engage in the negotiating process. We didn't back it up with force. We signed an agreement May 1st of 1993. Bosnian Serbs disregarded it, acted without it, the Parliament rejected it, and we did nothing. Two years later we had the massacre in Srebrenica and then we finally got in for real.

And that is the kind of lesson that I took about U.S. engagement. You have to get in and you have to be steady. And I think that is a lesson, even looking ahead. We are not in that same situation now. It is not good in Bosnia, but I don't see conflict on the horizon immediately. But in order to prevent that, we need to be engaging proactively.

The EU is trying to reduce its presence in the near term. They have about 700 peacekeeping forces. They want to reduce that. They want to see the Office of the High Representative brought down and replace that with an EU High Representative.

I think that we need to see more progress in Bosnia before we pull back. I think that the problem—I even thought that the S4 handover to the EU was premature. We shouldn't have done it when we did.

We need to see a stronger civil society, as everyone here has mentioned. We need to see greater responsibility by the leading political parties for their own political framework. We need to see constitutional change so that we have an effective form of governance.

So I would suggest that I think the United States and EU need to join together in the wake of elections to then put these things on the table and try to urge, encourage, press the parties to make progress in a number of areas so that we can get to the point where it doesn't depend as much on the international community. But I am afraid that if we slide into just reducing our activities and our engagement, including the EU, without that kind of progress we are going to face greater dangers in the future that could be prevented.

Mr. CARNAHAN. Thank you. And then just one follow-up with regard to Northern Ireland.

With regard to the debate about the Bill of Rights and what the new British Government is doing, to Ms. Gilmore's point about the unique circumstances of Northern Ireland and how to recognize that going forward.

Mr. VOLKER. You know, in our country of course we have a Bill of Rights and we cherish it. It provides a clear statement of the rights of all individuals. I think two things are essential when you apply this idea of a Bill of Rights outside the United States in a territory like Northern Ireland. One of them is it needs to be clear that it is reinforcing equality and protections for all people in the province. If it is not seen that way, then it is not doing it is job. So I think we need to make sure that it is getting that sense of confidence.

The second thing is that it needs to fit into a political context of what else has been going on. I mean, this is not the first step in a peace process in Northern Ireland. There has been a lot going on already. So we need to make sure that it is reinforcing what is there as well.

And if I could add a third point, and I do believe this is what the British Government has tried to do, is to be as transparent and patient in the process as possible, so that you put proposals out, you allow for comments, you discuss them, you don't rush them. And if it is not going to produce the desired results, then you don't rush ahead, but you try to actually build that sense of confidence and protection in the communities that can help the province advance.

Mr. CARNAHAN. Thank you very much. And I am going to recognize our ranking member, Mr. Rohrabacher.

Mr. ROHRABACHER. And then we will go for a second round with the rest of the witnesses.

Do we have military forces? We still have them in Kosovo, but are there U.S. military forces still active in Bosnia?

Mr. VOLKER. There is a very small number. The EU has a lead military presence which is about 700. NATO has a headquarters in Bosnia and Herzegovina. And I spoke with someone yesterday; they said it was about 160. A fraction of that is U.S., so it is really very, very small.

Mr. ROHRABACHER. Do we actually have people carrying guns in somewhat combat operation?

Mr. VOLKER. No combat operations. The principal functions of the NATO headquarters are to provide assistance with defense reform for the Bosnian Government and also to provide protection of documents and materials that are useful for the ICTY evidence. That is being digitized, and a demand for a protection of those documents will diminish over time.

Mr. ROHRABACHER. And what about how much is this—how much has Bosnia, this operation now, we have one witness who suggests it is $15 billion. Do you have a guesstimate as to from then—from start to now?

Mr. VOLKER. I don't. I know the USAID figure is about $1 billion in assistance. But of course military operations are vastly more expensive, and I don't have a figure to offer for that.

Mr. ROHRABACHER. Do we know how much the operation in terms of the limited military presence that you just described is costing the American people?

Mr. VOLKER. I don't have a figure on that either. But if you are—as a guesstimate, you are looking at about 40 people with some logistical support that is coordinated through NATO. I can't see that that is going to be costing very much, especially considering that they be deployed in Europe anyway.

Mr. ROHRABACHER. My guess, not very much is still in the millions.

Mr. VOLKER. It may be, but it may also be millions that we would be spending somewhere else. It may not be incrementally above.

Mr. ROHRABACHER. I can assure you with this Congress today, if it wasn't being spent there, it would be spent somewhere else, but it doesn't necessarily justify it. There seems to be a change in attitude in Serbia from being, in the worst days, perpetrators of horrendous crimes, especially in the Bosnia area, to now being—Serbia being led by people who really would like to have a peaceful democracy. And they have recently, I understand, their government has permitted the indictment of Serbian leaders who participated in crimes during that time period.

How do you assess Serbia's role at this point?

Mr. VOLKER. I agree with you. I think that the recent arrests of paramilitary personnel who carried out atrocities in Kosovo is a very encouraging step. I think the Serbian Government has shown much greater interest in integration with Europe and coming to terms at least with the ethnic cleansing and the wars of the past, if not the issue of Kosovo independence. So I think that is very encouraging, and I think that is something that we should be supporting and encouraging to move ahead.

If I may address two other thoughts. One of them is what you highlighted in your earlier question, was the military presence of the United States. And I don't believe the military presence is the important factor right now. There is no conflict going on, and I think it is unlikely that new conflict will arise in any short order.

What is necessary are the kinds of things that I think the other panelists and I discussed of support for civil society, constitutional reform, and getting the parties to take more of a lead in organizing better governance in Bosnia. The second thing——

Mr. ROHRABACHER. And how much does that cost?

Mr. VOLKER. That is diplomat engagement. It may provide some additional assistance. We had CDAC. I don't have a figure to offer you as to what we are doing and where we need to go, but I think in the tens of millions of dollars is probably about what I would expect.

Mr. ROHRABACHER. And what is the population of Bosnia?

Mr. VOLKER. The population of Bosnia.

Ms. HOWARD. There hasn't been an official census since 1991, but the estimate is about 4.5 million. The previous population was 4.4. And it is very difficult to estimate at this point because the issue of census is very contentious.

Mr. VOLKER. And if I could just add a final point. One of the things that has made the most difference in Central and Eastern

Europe and the Balkans over the past two decades has been the vision of a Europe that is democratic, market-economic, and secure and integrated. That has helped Poland, Hungary, Czech Republic and so on. That vision still applies but has never been realized in the Balkans.

And I think the European Union has become much more passive about this, and I think we have been passive about encouraging the European Union, NATO, others, to keep pressing that. I think that vision remains very powerful and is ultimately the way to see a prosperous region that doesn't depend on external support.

Mr. ROHRABACHER. Let me ask finally, my time is about up now as well, just one last question. The vision of having an envelopment by the European Union of this unsolved situation then becoming solved, how does the possibility of that compare to perhaps a vision that the peoples of the former Yugoslavia perhaps could find some sort of reconciliation and become part of an entity again of their own, rather than having to think of this as a greater European, you know, involvement to end that, but instead perhaps—because I understand the Croatians, for example, are in a very good relationship with the Serbians right now.

And I remember years ago when I went to Croatia, when there was people slaughtering one another, and I couldn't figure out how they could tell the difference what a Croatian was and what a Serbian was. How do you know who to aim your gun at? And I guess that is sort of true in Northern Ireland as well.

But right now I understand that the Serbians and the Croatians are working together, and perhaps a vision of a greater cooperation—and of course we have noted the change of a—the wonderful change that we have seen in Serbia—what about the idea of a vision of these states working together as a solution, as compared to going to the EU?

Mr. VOLKER. Sir, if I may, a great American poet wrote, "Good fences make good neighbors." And I think that is what we are seeing. As long as they are independent and confident, then they can work together. And I don't see any prospect of regional-only cooperation. I see the prospect of growing cooperation within the framework of being part of a mainstream of Europe. And I think that they do go hand in hand.

The European Union has the ability to push for reforms and for progress, which the people and governments of the region may find difficult but be willing to do if they can be assured of access to that greater European family. That has always been the tradeoff. If it is just the countries in the region alone, they are going to act very independently because the worst atrocities in Europe since World War II took place there just 15 years ago, and that level of confidence isn't going to be there without the European Union.

Mr. ROHRABACHER. Thank you very much. Thank you.

Mr. CARNAHAN. Thank you, Ambassador. And I am going to excuse you and honor your time, and again thank you.

Mr. VOLKER. Mr. Chairman, thank you for having me. Ranking Member, thank you.

Mr. CARNAHAN. I want to turn next to Ms. Gilmore and follow up and say I really think you hit the nail on the head in describing some of these very complicated issues in the span of 5 minutes.

That is remarkable in itself. But I really want to get into some more detail about the issue of people feeling left behind, whether it is the disadvantaged communities, whether it is victims, and what are the most concrete steps that you think can be taken in order to address that. Because to me, when people don't feel the benefits of that peace process clearly, it can lead to despair, to violence, and undoing so much of the good work that has come about.

But I think we are missing the boat if we can't focus and address the needs of some of those communities that are being left behind. So if you could address that, please.

Ms. GILMORE. The life of socioeconomic deprivation in those communities that bore the brunt of the conflict and in which we are seeing renewed violence, in my mind could be quite easily addressed by implementing some of the measures either that we have in place or that were promised as part of the agreement. And even looking at it in sort of economic terms, the levels of investment that are coming into Northern Ireland need to be targeted. We have an antipoverty strategy, we have a statutory equality duty which requires all government policy to be assessed for its impact across a range of grounds. And in terms of the resources that are coming into Northern Ireland, or even the resources that we currently have, if those analyses were being properly carried out and properly targeted, then we should start to see some impact in these deprived communities.

So we need to look at how we break the cycle of long-term unemployment, for example, and if new businesses and new job opportunities are coming into Belfast or coming into other parts of Northern Ireland, how we can start to offer employment opportunities in those areas where long-term unemployment is a problem.

Likewise we need to just invest more in the social aspect of those communities. Many of them are sort of the very communities that experienced the brunt of the conflict and they haven't seen the same level of regeneration and investment. We have a number of regeneration initiatives that have been proposed and master plans for redevelopment of some of these areas, and it is important that the communities themselves participate in discussions about what they want their communities to look like.

The point has been raised about the importance of civil society and a strong civil society. And in Northern Ireland we actually do have a very strong civil society, but it is bringing a civil society voice and bringing those people into the room by giving them a say in how to improve their communities that is important.

Mr. CARNAHAN. And what does that engagement look like now? Because I guess even if you have great engagement, if you don't have follow-on results, I think that even adds to the despair. So how do you judge that level of engagement now in terms of what is going on?

Ms. GILMORE. I think it has been problematic to some extent, because we have a model or method of consultation where communities are consulted about the kinds of change they would like to see in their areas. But you don't see the results of that consultation coming through. There's no follow-through. I think what is needed more is a model of participation, if you like, active community participation in decisions because, as you have sort of hinted at, the

risk is that you build people's expectations up, so you tell them they have a voice in their community. But if they don't then see the follow-through, that results in even more disillusionment among those communities.

Mr. CARNAHAN. Okay. Thank you.

I am going to yield to Mr. Rohrabacher.

Mr. ROHRABACHER. So how much have we spent in Northern Ireland?

Ms. GILMORE. I think, Mr. Chair mentioned that it was $500 million.

Mr. ROHRABACHER. $500 million over a 10-year period. You know, I remember the frustration over the years with what was going on in Ireland, and I spent a lot of time and a lot of focus on it. As many Americans, I have a sort of a natural attachment to Ireland and the people of Ireland. My middle name is Tyrone. However, it is not from County Tyrone, I am afraid. I am afraid my mother named me after Dana Andrews and Tyrone Powers, who were the movie stars of the year that I was born. But I do enjoy the Irish culture and have studied the Irish culture.

What I noted was the greatest—and correct me if I am wrong—really, the greatest strides toward peace happened when women in Ireland put their foot down and worked together to try to create a peace there, and I believe that was back in the 1970s. Can we really make a difference from this level, or does it really have to come from within? And as I say, I believe these two women received Nobel Peace Prizes back in 1976, which they rightly deserved.

Ms. GILMORE. I think both levels are needed. Both approaches are needed. It is very important to have the grassroots movement and participation in building constitutional reform, for example, in building peace. And I think, without question, the strong and vibrant civil society that existed in Northern Ireland, the likes of the women's movements, human rights organizations, strong community associations really helped to maintain some sense of normality in a very violent conflict, and then were absolutely instrumental in helping to build the peace and help then maintain the peace.

And in things like constitutional reform then and development of bills of rights and things, I think it is very important that you have that grassroots investment. But it is clear as well that you need the higher level of political intervention. I think that is very much the lesson in Northern Ireland in relation to, for example, specifically, the relationship with the United States, I think, the support that was given to the British and Irish Governments in their efforts to drive forward a peace process by the American administration and Congress was essential.

But also, it was the influence that was exerted on our local political parties as well, and it is the support in driving them forward and making them aware that this wasn't just about them, that there were people around the world who were interested in seeing peace delivered and peace sustained. So I think it has to be a combination of political leadership and fundamentally grassroots participation.

Mr. ROHRABACHER. Let me ask a you specific question about, because we just had this Bloody Sunday report, et cetera, during the

time of conflict, there has been really criminal behavior on the part of two parties, not just one. I mean, the British Government certainly stepped over the boundary, and there is no doubt about that. But there is also no doubt that the British Government was facing a group of people who were also stepping over the bounds of acceptable resistance. They were murdering innocent people in pubs and elsewhere with bombs, et cetera.

Do you believe that we should be, now, the position should be, we finally put an end to this, and we should just have, forget the past, we should just, at this point, not forget the past, but just a general amnesty for people who are on both sides of this rotten conflict where people were doing bad things to innocent people?

Ms. GILMORE. I think that was the hope when our agreement was reached and it is arguable that perhaps, it wouldn't have been possible to reach agreement on how to deal with our past at the time our peace agreement was reached, and maybe that is why it wasn't addressed. So the agreement sought to draw that line and say, the past has been terrible, let's move on, build our future.

But Northern Ireland has a very, very small society: 1.7 million people, very small, local close-knit communities, and lost over 3,500 lives with tens of thousands injured. And in such a small geographic location with such small close-knit communities, everybody felt the impact of the conflict in some way, physically and mentally and emotionally. And for those people, the past is very much present, and the trauma that they went through is still very much part of their lives.

And you can't turn around to victims of conflict and say, you must forget about what has happened to you and move on to the future. People have questions that they want answered across all sides in terms of what happened to their loved ones and what happened to their families. And I think we are increasingly seeing the need to provide some answers to questions to give some people closure, because they are not going to invest in the future if they haven't been able to deal with the past.

Mr. ROHRABACHER. I think answering questions and bringing closure to people's consciousness about their loved ones who are no longer with them is really an important factor.

I think that necessarily establishing a concept of justice may or may not be. You know, in the Civil War of the United States, we had tremendous slaughter on both sides. And yet, I think President Lincoln's, one of his most famous words were "charity for all and malice toward none." Is that the right quote? And I think that is the way you end conflicts, is that eventually people understand that bad things are done on both sides. This isn't necessarily a case like, in Bosnia, for example, where you actually had leaders deciding that they are going to systematically go out and slaughter people in order to terrorize the whole population.

I think that—and you can correct me if I am wrong—that in the Northern Ireland situation, it was basically where you had people who are out of control and both in the constabulary area and both in the, I say private sector for lack of a better term, for what was going on among the IRA, so perhaps people need to be held accountable for what they do officially, and are—but perhaps people

should be forgiven if they have lost control and the crimes are committed during conflicts.

Ms. GILMORE. I think there are three key elements that any process to deal with the past should comprise. I think it has to be a mixture of truth, justice and then forgiveness and reconciliation.

Not everybody in Northern Ireland wants justice. Some of them just want the truth about what happened. And you know, the reality is so much time has passed now. Key witnesses will be dying, and information is gone. So I think people realize that actually the reality of prosecutions is getting further and further away the further we get from our conflict.

But I think the important thing is that you take a victim-centered approach so that whoever is engaging with the process to deal with the past, if they are a family who want justice, that they at least have an option of pursuing that route. If they are a family who just wants truth, that they have the option of pursuing that route if they want forgiveness, too. So it is providing the options and focusing on the people who have actually been impacted by the conflict.

Mr. ROHRABACHER. Truth and justice. That is interesting. Thank you very much.

Mr. CARNAHAN. Thank you.

And I wanted to turn to our other witnesses, Mr. Serwer, and wanted to see if you would elaborate on actions that can and should be taken in Bosnia after the elections. You mentioned a bottom-up approach that the EU and the U.S. could help facilitate. Describe what you think that would look like in an ideal situation and how that would work well. And then I want to follow up with Ms. Howard on that as well.

Mr. SERWER. Mr. Chairman, thank you.

I hope you won't mind if I go back to two formalities I may have skipped when I first spoke. One is that I should have said these are my personal views, and the other is that I have a full text that I hope I can submit for the record.

Mr. CARNAHAN. Without objection.

Mr. SERWER. Thank you. I think when it comes to constitutional reform, the two efforts that have been undertaken, one led by the U.S. Institute of Peace and another led by the State Department, have been entirely top-down. The people of Bosnia have been completely left out of the picture.

My view is that the U.S. and EU should take relatively small amounts of money and sponsor throughout Bosnia town meetings for discussion of constitutional reform. In the meanwhile, the EU should lay out the criteria that the Bosnian constitution is going to have to meet. I don't think we should lay out specific amendments to that Constitution as we have done twice in the past and failed twice in the past.

The EU can tell the Bosnians, your Constitution is going to have to do this, it is going to have to do that. The court has already told them they have to get rid of the discriminatory provisions. That would be an adequate basis for town hall meetings all over Bosnia, and an effort to generate a truly grassroots discussion and grassroots pressure for constitutional reform, which has been completely lacking, except really in the Bosniak community and sometimes in

the Croat community—where the grassroots effort is for a third entity, which in my view would not be the right direction.

We do this kind of thing, in the U.S. all the time. It shouldn't be hard to picture what kind of discussion we could generate in Bosnia.

But I wanted to also comment, if you will allow me, on a couple of things Kurt said because I might differ a little bit. I am not completely encouraged by Belgrade's current attitude, either on Bosnia or, in particular, on Kosovo.

On Bosnia, the official position is a strong "one Bosnia" position. But, frankly, Belgrade is doing everything it can to support the efforts of Republika Srpska to continue to establish de facto autonomy and even independence.

A second point I would like to disagree on a little bit. Kurt suggested that conflict was very unlikely. I think it is not imminent, but I think we would be making a grave mistake to ignore the possibility of resurgent conflict in Bosnia. In particular, the calling of a referendum on the High Rep powers or on the independence for Republika Srpska, in my view, would be viewed by the Bosniaks, and many Croats and Serbs who were loyal to the Sarajevo Government as well, as a casus belli. And I think we need to be sure that we can prevent the holding of the referendum in Republika Srpska alone, which is a territory ethnically cleansed and with a population that does not represent the views of those who lived there before the war.

Finally, I would like to make the point that I think what we need is not so much U.S. re-engagement. I think the embassy thinks it has been engaged the whole time. The people in the High Rep's Office think they have been engaged the whole time. But we have been engaged across too broad a front of issues, and you lose your focus when you engage on too many issues.

Our embassy in Sarajevo has 9 political officers. This is a very large political section in an embassy of a country of 4.5 million people. I have proposed specifically that a third of those political officers be given over to the EU Special Representative if, in fact, we can have a super EUSR, one with real powers at his or her disposal.

I also think that Europeans should start cutting their bilateral embassies there. There is a cacophony of international voices in Sarajevo. We need a unity of international voices in Sarajevo. And that doesn't mean disengaging. That means unifying and sharpening our focus.

Mr. CARNAHAN. Thank you.

Ms. Howard, to my question that I presented to Mr. Serwer, in terms of how, what he described in terms of that bottom-up engagement, how you think that, as a practical matter, would work, and what kind of impact you think that would have compared to prior reform efforts.

Ms. HOWARD. Speaking of unity of voices, it is always great to see someone who agrees so much with you, but then there is not much for me to add. But I will try definitely.

I absolutely can agree that this has to be a bottom-up approach. I even said that in my testimony last year to the U.S. Helsinki Commission, that it has to be a domestically driven process.

Previous processes, I think one of the reasons that have contributed to their failure has been that they have really been top-down and that they were only discussed with a handful of politicians, which not only then made them vulnerable to manipulation in public, because to this day quite a few Bosnians, citizens, don't even know what is contained in those packages that were proposed to Bosnian political leaders to adopt this constitution. And so this is one problem.

And the second problem is that often in these processes, the emphasis is placed on reaching a political deal and basically negotiating it down to the point of least common denominator and not so much focusing on what will make the country truly functional, a truly functional democracy, because to obtain long-term stability and prosperity, this it what we need to have, is a functional country.

So, in terms of how does this look in the future, I mean, I can't provide a recipe that would work because I think that really then maybe I wouldn't be sitting here if this were so easily obtainable and possible.

But I will agree with Mr. Serwer that the role of the international community should be in providing incentives, first of all, by tying some of these reform processes through the prospect, which has to be a tangible and achievable prospect, of EU and NATO membership. That is one.

And second is to provide expertise, because, and this is the extent to which the international community should get involved, because to provide ready-made solutions is, like Mr. Serwer said, is really not desirable.

I think that civil society has a great role to play in this process immediately following elections. I am certain that there will be an opportunity created and momentum for change. I am not talking about necessarily political change and the outcome of elections. I am just saying about an opportunity to change the way that the current system is working or actually not working.

I can say specifically, for example, in the case of the National Endowment for Democracy, that we are working with some of the civil society organizations to open up this process, and something that very much looks like what Mr. Serwer is proposing, and that is a series of town hall meetings, consultations with civil society and the media and getting everybody involved and getting this to be an all-inclusive process, in which people can, not only be fully aware of what these packages contain and what these processes contain, but can also contribute to it, because after all, this is the only way that this new system, if it were to be devised, can have a popular legitimacy, which it doesn't have currently because the international document fashioned in Dayton is, not only was it never subject to ratification by the Bosnian Parliament, but it remains to be only an English language original. It has never been translated into the languages spoken in the region.

Just to one point, I don't know if this has answered your questions or if I should elaborate more, but I would also touch on this issue of security. It is in my written testimony. I haven't had a chance to mention it. I would also be very careful in dismissing a possibility of violence and conflict. I am certain that if it were to

happen, which I am not predicting that it will, but if it were to happen, it would not be at the scale that we have seen in the early 1990s.

But we cannot just estimate that this is not a possibility or yes a possibility, because there has not really been a systematic attempt to assess what is the true security threat in Bosnia. There have been several major incidents of violence, not necessarily interethnic violence, but they could have had a potential to spread out.

One of the most recent ones I would like to point out is the June 2010 bombing of the police station in Bugojno, in which one police officer died and six were wounded. And this was the most serious and the largest security threat Bosnia has faced since the 1990s. It could very well spiral out of control. And as Ambassador Volker has pointed out, there are very few soldiers on the ground that would be able to contain this type of violence.

Mr. CARNAHAN. One other thing I wanted to follow up on is the work reaching out to young people in Bosnia. I had a chance on my last visit to go to one of the local universities and talk with a very diverse group of students there. And they seemed very progressive and, you know, very concerned about their future. And I would just be really interested in your comments about where you think young people are to the extent of their involvement in these elections and to the extent you think they would be involved and engaged in some kind of a bottom-up process on reform.

Ms. HOWARD. I have to say I am very optimistic but also very pessimistic.

The reason for pessimism, let me start with bad news first, is something that also Mr. Serwer has touched upon, and that is the educational system, which is deeply divided, deeply segregated. And what it is producing is new generations of people who do not know each other. They don't understand each other. They are taught to hate each other in some cases, or simply do not understand.

I think it is unacceptable to have something as we have in Bosnia, well over 50 schools which are considered to be two schools under one roof, or as Mr. Serwer has mentioned, separate but equal type of system in which children of different ethnic backgrounds are being taught separately and are attending classes separately. I think, in the long term, this is going to produce generations that might not be able to live together.

However, at the same time, I do have a lot of hope and optimism about the generations that are now coming of voting age and are university students, like you mentioned yourself, those that in some ways were touched by the war but, on the other hand, did not, perhaps, were not indoctrinated by some of this, the educational system that I have just described.

Civil society has, many observers have said this, has engaged in pre-election processes to the extent it has never done before. I find it is very encouraging to see how innovative civil society, especially youth organizations, have been to try to emphasize accountability of politicians and try to basically stop them from hiding behind the curtain of territorial issues and ethnic issues, as they have done in 2006.

For example, I would just point out, you may find it interesting, that they have even borrowed from the United States' experiences and have developed a Bosnian version of a Politifact Web site in which they are looking at the statements made by politicians back in 2006 and basically fact-checking them for consistency, for the level of—it has been a highly contested Web site among the parties, as is to be expected, which do not like to be so deeply scrutinized. But I do really believe that this is going to contribute to—as I mentioned in my testimony, NED has supported quite a few efforts to get out the vote.

As in most countries in the region, youth apathy is at a very high level. Very few youth vote. We, of course, believe always that it is the youth that brings the voice of moderation, as you yourself said, and that increasing youth voter turnout would actually contribute in creating a more moderate political climate in Bosnia. And I am really hopeful about that.

Mr. CARNAHAN. Thank you. I apologize. I am over my time.

But I want to recognize the gentleman from Minnesota.

Mr. ELLISON. Thank you, Mr. Chairman.

And good morning. Thank you all for your very insightful and informative presentations. I had some lengthy conversation with members of my Bosnian community in Minnesota and then even in New York. I happened to be in New York, and they sat me down and talked for quite a long time. I took a lot of notes.

Obviously, the questions that they asked me to ask you are going to be informed by their own experiences, but I did promise them that I would ask the experts. So, here are some of the questions they asked me to ask you, and I am just going to read them as they came to me.

I recently met with a group of—well, that is my statement—i recently met with a group of Bosnian Americans. According to them, there were recent elections in which Bosnian Muslims won the elections but were later ruled invalid. Is there any truth to this statement, and can you tell me any more about it? Do you know anything about this?

Ms. HOWARD. I can't think of what this could be referring to because the latest election—Bosnia had a general election. Presidential and parliamentary were in 2006, and the local elections were in October 2008. I was in Bosnia at the time of the local elections, held now almost 2 years ago, and to my knowledge, I don't remember them being contested. They have been ruled free and fair. The 2006 elections have been ruled free and fair by the OSCE with some small irregularities.

The local elections were not observed by the internationals but have also been deemed to be free and fair. And I don't know if there is something that I am missing, but to my knowledge, this seems to not be——

Mr. ELLISON. I appreciate you telling me that. That is the feedback I will share with them. But they also talked, described at length a situation where they had some parties that were contesting in the election, and that somehow the election authority invalidated one particular party that ended up with more votes. And this was, I think this was around the area of Sandzak. Are you familiar with this area?

Ms. HOWARD. I can address that. I think I do—they were the elections for the National Minority Councils in Serbia which were held on June 6. And indeed, yes, those elections were contested. There were three, so to say, players or groups that were participating in these elections in the Sandzak area. Sandzak area is basically a part of southwest Serbia that is largely inhabited by a Bosniak community. And the group that has won the most seats in these elections has not been able to constitute the Minority Council as they were supposed to.

There are various versions of why this happened, and it is a highly contested issue indeed. And I think in that case, I think the only thing that I would point out, it is an area in the Balkans right now that we should be closely watching, that an area for which we should encourage the Government of Serbia to approach a bit more constructively and provide the kind of support that the leaders and the civil society need over there.

And in addition, I would also expect and hope that the religious leaders, especially the Islamic leaders in the region, would be encouraged to provide voices of moderation to those in Sandzak in order to resolve this issue and avoid any escalation of it.

Mr. ELLISON. Is there anything the United States should or should not do? I mean, maybe we should just stay out of it. But do you have any advice for how we might approach it?

Ms. HOWARD. Well, at this point, I think, just in terms of encouraging the voices of moderation and encouraging the Government of Serbia to approach this issue in a constructive manner and to basically negotiate with all the parties involved to make sure that this does not escalate to the point at which we do need to get involved in a way in which I think you mean. But at this point, I think only in diplomatic means, just encourage these.

Mr. ELLISON. Okay. Thank you. That is very helpful. I appreciate your perspective.

Another question they asked me is whether you all can share your views about the educational system. You have already touched on it quite a bit. Some of the people who I met with who are Bosniaks said that they were not allowed to learn about their heritage, their legacy. Could you address this issue?

Mr. SERWER. Yes, there are parts of Bosnia in which that might well be true. There are other parts of Bosnia in which Serbs wouldn't be able to learn about their heritage. This is a very difficult subject. It is not easy to fix a school system after war.

But what many Bosnian children are being taught today is encouraging ethnic tension and strife. And what we really need to do is work for schools in which all Bosnians, of whatever ethnicity, will feel comfortable.

USIP, my institute, has in fact sponsored a good deal of work on the history of recent developments in the Balkans. That work has been supported also by National Endowment for Democracy and The Balkan Trust.

There are common narratives that can be taught. And if there aren't common narratives, sometimes there are parallel narratives that can be taught. It is important to learn your own narrative and important to learn somebody else's narrative.

We can't get at this problem bilaterally as the United States. The OSCE is responsible for the international efforts for education in Bosnia, and I think we should reactivate the OSCE and provide it with strong support to eliminate "separate but equal" and the teaching of narratives that can only encourage future conflict.

Mr. ELLISON. Forgive my ignorance. I don't know what OSCE stands for.

Mr. SERWER. I am sorry. OSCE is the Organization for Security and Cooperation in Europe. It is the Helsinki Agreement organization, to speak in Cold War terms about it.

Mr. ELLISON. Okay. That is fine.

Ms. Howard.

Ms. HOWARD. I would only add, because civil society was mentioned several times, that civil society is really trying very hard to provide, to supplement and address these deficiencies in the educational system by providing some other innovative methods. One of them is this approach to historic reconciliation by teaching common narratives or even providing multi perspective historic lessons. Another one is by, for example, using documentary films about human rights in schools. One NED grantee, for example, has used animation to devise a digital interactive map about what happened in Srebrenica day by day, which is now widely available online and in digital form to citizens not only in Bosnia but also Serbia. And this organization, Youth Initiative Human Rights, who is also grantee, I believe, of USIP, is now going around schools in Bosnia and Serbia as well to educate their peers on what happened.

So, until there is a better educational system in place, formal educational system, civil society is really trying to do the best that they can to address some of these deficiencies.

Mr. ELLISON. Mr. Chair, I have got two more questions. Do I have time to ask those?

Mr. CARNAHAN. I think we are good on time. Go ahead. We missed you on some earlier rounds, so we will give you some extra.

Mr. ELLISON. So, is there the political wherewithal to help supplement these better educational approaches that you all are proposing? Because my question is, I love your ideas, and I think they are good. But I guess my question is, they do require somebody to implement them, and do the people who have the power, are they willing to support these kinds of approaches?

Mr. SERWER. Mr. Ellison, I am afraid the short answer to your question today is not the people currently in power. They have not been willing and have, in fact, built a system of separate but equal quite intentionally. I have some hope that the early October elections, October 3, will bring to power a government that has different attitudes on the constitutional and educational issues.

I think a great deal depends on how the EU and the US treat these issues and what expectations we lay down for the Bosnians. If we are clear that separate but equal is not a way you get into the European Union; if we are clear that the entity veto process in the Bosnian constitution is not acceptable for a member of the European Union, the Bosnians will adjust to those expectations.

In addition, frankly, there are some political parties more open to that adjustment than others. I hope to see more of them in

power and fewer of those who have become really stalwart defenders of separation.

Mr. ELLISON. Some of the people I talked to demonstrated a lot of confidence in the political party connected to Mr. Djindjic. Are you familiar with this? They felt that that political party was more open. Are they viable? I mean, do you agree with that assessment?

Mr. SERWER. Mr. Djindjic's party is a party in Serbia, not in Bosnia, and it has no clear equivalent in Bosnia.

I think it is fair to say the Bosnian Serb population is right now heavily dominated by ethno-nationalist parties, which do not share the commitment to the EU and to democracy that Mr. Djindjic demonstrated. Even his own party in Serbia today, I would say, does not share entirely his vision, in particular on the subject of Kosovo.

Mr. ELLISON. Okay. And my last question is, for these folks, and I, again, I talked to them in Minnesota and in New York, and as you know, there is a large Bosnian community in St. Louis and also in Chicago, and actually Bosnian Americans are really getting to be quite a political entity on their own. What role do you see for Bosnian Americans, or maybe the Bosnian diaspora, writ large, in helping to facilitate and improve quality of life in Bosnia? Because a lot of them have expressed interest; I mean, many of them, you know, their feet might be in New York, but their hearts are back there. So do you have any recommendation on what Bosnian community members, how they might make a positive contribution?

Ms. HOWARD. Well, several. One is very simple, and if I can just say it so simply, send money. Because I will agree with Ms. Gilmore is that the economy is very important in bringing peace and stability. And at this point, in a so dysfunctional and divided country, it is very difficult to attract foreign direct investment. And Bosnia has really suffered economically because of its unstable political situation. So remittances for—from their families living abroad.

And I would only just mention one large other community that we shouldn't forget, and that is Atlanta, which I think also has a sizeable community there.

But I do think that this is definitely one way of helping. The other way, and this is where things can be a bit sensitive sometimes with the diaspora, and they can play a very constructive role, but again, also play a very dangerous role in their rhetoric and these messages that are being sent back to their families and either supporting reconciliation, but also not necessarily providing a very constructive voice because we have, as we know, I think, in many diasporas, this is the case, diasporas can be a bit more radical sometimes than their counterparts living in the country and actually being directly touched by the situation.

So, in that sense, the community here should remain engaged, both, like I said, financially, but also they should really continue to care, to encourage their representatives here in the United States to remain engaged and I think just be constructive and recognize that it is a very fragile situation there, and that their voices can contribute and should not, definitely, try to add to the fires of this nationalist rhetoric.

Mr. ELLISON. I will let them know.

And Ms. Gilmore, forgive me for not asking you many questions. I didn't talk to my northern Irish community much in preparation for this meeting. But I learned a lot from what you shared with us and I thank you for it.

Mr. CARNAHAN. Thank you.

And I am going to use your question though to give to Ms. Gilmore later. But we may have another member joining us we will try to get in.

We expect some votes on the floor coming up. But we are going to try to go to Mr. Rohrabacher next, and we may be hearing some bells going off soon, but we still have a few more minutes.

Mr. Rohrabacher.

Mr. ROHRABACHER. What language do they speak in Bosnia, and is it different than is spoken in Serbia and Croatia? Do the Bosnian Serbs and the other Bosnians speak a different language?

Ms. HOWARD. It is a very tough question to answer. I have to say, before the falling apart of Yugoslavia, the language was called Serbo-Croatian, and these languages are considered to be dialects.

But I think that today the most, how would I say it, broadly accepted answer to this question would be that there is a Bosnian Croatian and Serbian language. And the differences between these languages I always like to say are the same as differences between Irish English, British English, and American English. But I think that it is to understand if you understand the nuances and the historical background of what happened, it is fully understandable that each of the self-defining groups likes to have language as part of their identity. And regardless of what one might think of what the true differences between these languages are, we should really respect that desire by ethnic groups to have their own language.

Mr. ROHRABACHER. Correct me if I am wrong. But it is really hard to tell someone from Northern Ireland and from southern Ireland by their accent. At least it is hard for me. I am down at the pub, and I can't really tell who I should be telling what joke to on either side of me because I can't tell which one's from Northern Ireland and which one's from southern Ireland. Isn't that the case as well? I mean, there is not really much a difference there.

Ms. HOWARD. Well, you can tell by dialect whether someone is from Serbia or Croatia. In Bosnia, it is much more difficult to say. There are some slight differences and nuances, but people have—it all depends on where one went to school, for example.

Mr. ROHRABACHER. Well, my guess is there is probably less distinction between those people than there is, in terms of their language, than there is between someone who comes from Mississippi and New York. And that is just a thought. And of course, I think the people of Mississippi did have a fight with the people of New York one time about 150 years ago, and it was pretty bad, and it was pretty tough.

So, but when people speak the same language, it seems to me that opens up doors, especially with the Internet. And you were discussing how the Internet may be playing a positive role. If you have people speaking the same language who can confront each other over the Internet and confront ideas and also, not only confronting ideas, but view alternatives through the Internet that they

couldn't necessarily talk out among themselves, that offers some hope there.

I am going to ask you some specific questions from my knowledge base here. Now, in Srebrenica, Bosnia, that is an area of Bosnia that this ethnic cleansing took place. That is correct?

Ms. HOWARD. Srebrenica?

Mr. ROHRABACHER. Okay. Right. Srebrenica. Got it. I am getting the pronunciations here. In Srebrenica, what is the population of Srebrenica?

Ms. HOWARD. I really don't know at this point, I have to say, and it is also difficult to say what it was pre-war because what we have to understand is that Srebrenica was a protected enclave where refugees and displaced persons from other areas have all converged.

Mr. ROHRABACHER. I remember the history, yes.

Ms. HOWARD. So it is very difficult. I don't know what the current population is.

Mr. ROHRABACHER. Well, we know that thousands of people were slaughtered there, and that——

Ms. HOWARD. Close to 8,000.

Mr. ROHRABACHER. One of the great crimes against humanity happened there.

But today, it is basically a Serbian area, but you mentioned this other area in Serbia that is Bosnian. What is the population of that area?

Ms. HOWARD. I really would have——

Mr. ROHRABACHER. Okay. Is there some reason why the people who are Bosnians who want to be part of Bosnia but live in Serbia can't be part of Bosnia, and the Serbians who want to be part of Serbia can't be part of Serbia, rather than simply trying to create everybody who happens to live within a certain boundary has an education that eliminates their ethnic identification?

Ms. HOWARD. Well, it is a very, of course, complicated issue.

And I think one of the first things that comes to mind is that these areas are not ethnically pure. Even when we have a majority in a certain area, and this is an issue that I think in any discussion on territorial swap between Serbia and Kosovo always is brought up, is that these areas that would be attached or detached are simply not ethnically pure. And then there is the question of what happens to those who are not of the majority.

Mr. ROHRABACHER. Well, the only question is whether or not the overwhelming number of people in a given area want to be or do not want to be part of a government.

Now I will have to admit that what I am talking about is a theory of bringing peace that is not in vogue. And in fact, what is in vogue is more of the centralized approach; let's get everybody in the EU. Let's try to get—instead of having recognition of these ethnic differences, let's try to go in to centralization rather than decentralization as a solution.

And because, in Kosovo and in Serbia, there is also a situation where you have got a lot of people on the northern side of the river are all Serbs, but they have got to live in Kosovo, and there is a valley in Serbia that is made up almost all of Kosovars who would rather be in Kosovo.

And why aren't we pursuing the possibility of eliminating conflict by actually having trades in what you call sovereignty of a given territory because the people there don't want to be part of that country?

Mr. SERWER. Mr. Rohrabacher, maybe I can try an answer to this question.

Mr. CARNAHAN. Excuse me, if I may, I am going to ask you to make your answer as short as you can because we are short on time, and we want to have some time for Mr. Crowley.

Mr. SERWER. Okay. The short answer is, you end up having to move very large numbers of people at very high expense and probably having to force people to move.

And it would really be catastrophic for the region as a whole. If this process starts in one place, it will spread and unquestionably lead to violence.

Mr. ROHRABACHER. Well, if you are not moving, you are part of a country you don't want to be part of, as compared to trying to say that the vast majority of people of an area want to be part of another country. I mean, this is like, and I will have to tell you, when I have Indian representatives here, and I respect the Government of India, and I think the Indians should be our best friends. And I recognize the challenge that they have had in keeping their country together. But there is the people of Kashmir may not want to be part of India.

And I would think the solution to a lot of these problems that we have been talking about is actually giving people in an area who represent the vast majority of opinion of a given area, give them a referendum and let them decide. And then that seems to be a way that you are going to calm people down, rather than you are saying it is going to make—it is going to create such a disruption of the status quo that violence will be more likely. I think it may be a disruption to the status quo that makes reconciliation and peaceful living much more likely.

So we will see. I mean, that is just an idea to explore that I don't think that people have actually looked at.

Thank you very much, Mr. Chairman.

Mr. CARNAHAN. Thank you.

And next, I want to——

Mr. ROHRABACHER. By the way, Mr. Chairman, one last thought. That may go for Northern Ireland, too. It may say that there are counties in Northern Ireland that would like to be part of greater Ireland rather than part of Great Britain. Perhaps if there is a county there that votes that way, maybe they should be permitted to go in that direction, too. Just a thought.

Mr. CARNAHAN. Thank you, Mr. Rohrabacher.

I want to recognize a member of our full committee for joining us on the subcommittee today, Joe Crowley from New York, who is also co-chairman of the Ad Hoc Committee on Irish Affairs.

Welcome.

Mr. CROWLEY. Thank you, Mr. Chairman.

Let me thank you from the outset for holding this hearing today, both yourself and Mr. Rohrabacher, both friends of mine, and I am very pleased that they are both giving this attention that I think

it deserves on all fronts, but particularly as it pertains to the North of Ireland and the progress of peace there.

I am thrilled that we are having this hearing today on the peace process that was established earlier this year or furthered earlier this year through the Hillsborough Castle Agreement.

It is no secret that the devolution of policing and justice was one of the most challenging pieces of the puzzle that has yet to be fully completed. And it is a tribute to all those who were involved, including, I believe, Secretary Clinton, that the agreement came to fruition.

Most importantly, devolution of policing and justice represents a victory for all those who support the peace struggle for change and reconciliation in the north.

I believe that an essential next step forward is to establish a strong and binding bill of rights for the North of Ireland as envisioned in the Good Friday Agreement and advanced by the Saint Andrew Agreement, a bill of rights particular to the circumstances of the north, and I would like to go into a little bit more of that, would help build on the peace process and ensure that a serious return to the past can be avoided.

I wrote to then Prime Minister Gordon Brown earlier this year suggesting exactly this course of action. I believe that if leaders backtrack on the Good Friday Agreement's promise of a bill of rights for the north, it will send the wrong signal to those who have worked so hard to bring an end to violence and create a future of peace.

At the same time, we have more work to continue to do here in the U.S. It is essential for the United States to continue its commitment to the peace process, and I believe one aspect of that is by continued support for the International Fund for Ireland. This small targeted investment has been extremely helpful in creating on-the-ground conditions for peace, and I am glad that the Congress continues to stand by that fund.

There has been a tendency in some quarters to believe that the conflict in the North of Ireland is over. And one only needs to look at the violence of this past summer to give pause to that belief. We must not waiver in our commitment toward a lasting peace for all the people of the North of Ireland.

With that, I would just direct to Ms. Gilmore, this December 10th will mark the second anniversary of the date that the Northern Ireland Human Rights Commission gave its recommendations for a bill of rights for the north. This move was consistent with the Good Friday Agreement, as I mentioned before, and then proposed that the bill of rights for the north should include rights particular to the circumstances of the North of Ireland.

Can you explain to us what those circumstances are and how having enumerated rights enshrined into a bill of rights addresses those concerns? If you can also enlighten us with what you believe are the reasons that the new British Government appears to be backtracking on the commitment to establishment of a bill of rights, and if that is so. And what role do you see the U.S. playing in this process? And what do you believe would be the result of not creating a specific bill of rights in the north? And is there strong

support for that within a broad sector of the society of the North of Ireland?

I also want to thank Father McManus as well as others who were here today applauding the efforts of this subcommittee today, and particularly yours, Mr. Carnahan, for having brought this hearing up today. Making reference, though, to the fact that there is so much embedded in the history between Ireland and Great Britain and I think as it pertains to the North of Ireland, we know the impact that the British Government had when it took some acknowledgment of its past mistakes pertaining to the Great Hunger. And I think that that was a watershed in terms of opening up a real full discussion and understanding of the problems. In that the Pope is now visiting the UK, it is bringing back a lot of the issues that I think fomented and really caused the divisions within Ireland.

There is still the critical piece known as the Active Settlement of 1701, which really embedded within the British constitution much of the hatred that exists within the north today. And if you could address that. We are moving on one end, without addressing some more substantial or embedded pieces of the British constitution. If that is not addressed, is just moving toward a bill of rights enough, or do we need to address more issues within the British constitution itself?

Ms. GILMORE. Thank you, Congressman Crowley.

Thank you for your continued support and interest in Northern Ireland. It has been greatly appreciated.

And to take each of your questions in turn quickly, the particular circumstances of Northern Ireland one could look at that very narrowly or one could look at it broadly. Narrowly, one could try to identify the very, very specific issues that divide us. Or one could look at it in terms of how the conflict has impacted Northern Ireland? What are the circumstances of Northern Ireland that could be related back to the conflict?

And one then starts to look at issues of inequality and deprivation, of the huge impact on the mental health of the population of Northern Ireland, with 20 percent of people in Northern Ireland with a disability, many of whom acquired that disability through getting caught up in trouble in the conflict.

So we believe that to take a very narrow approach and limit it to those very narrow things that would have divided people is actually going to be more divisive than by drawing us to the broader interpretation of the particular circumstances, and looking at the things that then could potentially unite people, where one would end up with a much more holistic bill of rights that everybody can identify with.

In terms of the reasons why the United Kingdom is suggesting that the particular bill of rights for Northern Ireland, I would suggest that would be a very good question to ask the United Kingdom Government. We are very clear that what was required under the agreement was a particular bill of rights for Northern Ireland, and indeed, the Irish Government has made clear that a specific bill of rights for Northern Ireland is required, and it is not appropriate to deal with it within the UK context. I think that those are questions that need to be asked.

The role of the U.S. now in terms of shoring up the support for a bill of rights, I think, the political support that has been shown by the U.S. over the years, both in supporting the governments and encouraging the political parties, and this links into your fifth question around support.

There isn't cross-party political support in Northern Ireland for a bill of rights, but there is very deep and widespread cross-community support. Polling shows upwards of 80 percent of people from right across communities in Northern Ireland support a bill of rights for Northern Ireland.

It is so rare that we see such high levels of the agreement. So the cross-party support really belies the depth and breadth of discussions that have taken place across civil society and public.

So I think, as has happened over the years, our political parties need to be brought along and coaxed. And I think the U.S. has played an extremely important role in doing that, and again, in supporting the Irish Government and putting pressure on the UK Government to deliver.

In relation to the British constitutional issues, the Good Friday Agreement in some ways was Northern Ireland's constitutional document, and it was our way of trying to deal with some of those constitutional issues. And really, I suppose that where things are going to go in relation to that matter is not something I am particularly qualified to speak about. I would say, though, that a Bill of Rights actually would play a very important role in terms of trying to constitutionalize some of the rights that would prevail whether one was part of the United Kingdom or whether one was part of the Republic of Ireland or whether one just sees oneself as Northern Irish, that sets out rights that apply in terms of your humanity. I think it is very important to protect those rights no matter what the constitutional settlement may be. So I hope that answers some of your questions.

Mr. CROWLEY. It does.

If I could, I know time is of the essence, but I think it is also important to doubt note that the Scots-Irish tradition here in the United States take great credit and rightfully so for the establishment of the bill of rights in this country. So it is no wonder to me that people, aside from party affiliation, people themselves within Northern Ireland understand the rights that they all have, divine rights as embedded in their own constitution. It is no surprise to me.

So that is a very welcomed response to the question. I appreciate that very much.

Again, Mr. Chairman, thank you for holding this hearing. And I agree, there is a greater role that we must continue to play, especially I believe hearing from the Scots-Irish tradition here in this country who helped establish our own bill of rights expressing that support for the people of Northern Ireland as well. So thank you.

Mr. CARNAHAN. Thank you, Congressman Crowley.

And I just want to wrap up real quickly a couple of things. And I promised I would follow up on Mr. Ellison's question about the role of the Irish Americans here in terms of supporting the process, and obviously, they have been very engaged in different organizations and speaking out.

And the other—I will hit these quickly—the response and engagement of the younger generation of people in Northern Ireland that may not have lived through some of the worst of the conflict, how they have engaged in this. And finally, really, the role of women that were so critical in bringing the Good Friday Agreements together and their ongoing role in these efforts.

Ms. GILMORE. Thank you, Mr. Chair.

Those are two very excellent questions.

When I was listening to the answer in relation to young people in Bosnia, I was struck by some of the parallels because, of course, many young people in Northern Ireland did not live through our conflict. But what we are seeing with them is the transgenerational impact of the conflict.

I think the government's own statistics show that one in five young people will present with mental health problems by the time they are 18, and those are young people who have grown up in families that have been deeply impacted by the conflict. So while these young people may not have lived through the conflict, they are very much feeling it in their families and in their communities. And yet mental health resources are not targeted directly at those communities.

I think it is interesting to note that in the recent violence and public disorder that we have seen, that many young people have been involved in it, and indeed, many young people have been injured. There were two young people quite seriously injured by plastic bullets being shot by the police during public disorder over the summer.

I would just link that back to my earlier point on the need to invest in those communities and the need to invest particularly in young people because if they are feeling left behind and their communities are not addressed, one can see then how they would be open for persuasion and manipulation, for want of a better word, by those who would seek to stir up discontent and disorder on the streets.

So I think if young people don't feel listened to and don't feel included and don't feel part of the peace process, even though they weren't part of the conflict, there is a danger that they will go back to conflict. And I think that is something we need to be very careful about.

In relation to the role of women, the women's sector is a very vibrant sector in Northern Ireland. I think what is probably most problematic in relation to women in Northern Ireland is the lack or the serious under representation of women in public life. And actually, our Good Friday Agreement particularly stipulated the inclusion of women in public life. And we, across the United Kingdom, have the lowest percentage and the lowest statistics of involvement of women in, for example, our local councils and in government. And in senior positions in our civil service and in the administration, there is a very serious under representation of women. So women are still very involved at civil society level, but they haven't got through to the sort of higher levels.

I believe the commitments that were made in the agreement in relation to increasing the participation of women in public life very much remain to be fulfilled. I think there is an onus on our assem-

bly and our executive and our elected politicians to take more active steps to increase the participation of women in society in Northern Ireland.

Mr. CARNAHAN. Thank you all very much.

I am afraid I am going to have to wrap it up. We have about 3 minutes left on the clock, so I am going to have to walk quickly across the street.

But just special thanks to our panel today. I think they really gave us some very keen insights into how we can stay focused and stay committed with the efforts and the progress that has been made, but also I think a very realistic view on some of the challenges that remain.

Thank you very much. We are going to stand adjourned.

[Whereupon, at 11:38 a.m., the subcommittee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS, HUMAN RIGHTS AND OVERSIGHT
Russ Carnahan (D-MO), Chairman

September 13, 2010

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Subcommittee on International Organizations, Human Rights and Oversight, to be held in **Room 2172 of the Rayburn House Office Building (and available live, via the WEBCAST link on the Committee website at http://www.hcfa.house.gov)**:

DATE: Thursday, September 16, 2010

TIME: 9:30 a.m.

SUBJECT: Fulfilling the Promise of Peace: Human Rights, Peace and Reconciliation in Northern Ireland and Bosnia

WITNESSES:

The Honorable Kurt D. Volker
Senior Fellow and Managing Director of the Center on Transatlantic Relations
Johns Hopkins University's School of Advanced International Studies

Ms. Aideen Gilmore
Deputy Director
Committee on the Administration of Justice

Mr. Daniel P. Serwer
Vice President
Centers of Innovation
U.S. Institute of Peace

Ms. Ivana Howard
Program Officer Central & Eastern Europe
National Endowment for Democracy

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202-225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON *IOHRO* **MEETING**

Day *Thursday* **Date** *9/16/10* **Room** *2172 RHOB*

Starting Time *9:35 a.m.* **Ending Time** *11:37 a.m.*

Recesses (____ to ____)

Presiding Member(s) *Chairman Carnahan; Ranking Member Rohrabacher*

CHECK ALL OF THE FOLLOWING THAT APPLY:

Open Session ☑
Executive (closed) Session ☐
Televised ☑
Electronically Recorded (taped) ☑
Stenographic Record ☑

TITLE OF HEARING or BILLS FOR MARKUP: *(Include bill number(s) and title(s) of legislation.)*
Fulfilling the Promise fo Peace: Human Rights, Peace and Reconciliation in Northern Ireland and Bosnia

SUBCOMMITTEE MEMBERS PRESENT:
Rep. Ellison; Rep. Rohrabacher

NON-SUBCOMMITTEE MEMBERS PRESENT: *(Mark with an * if they are not Members of HFAC.)*
Rep. Crowley

HEARING WITNESSES: Same as meeting notice attached? Yes ☑ **No** ☐
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

ACTIONS TAKEN DURING THE MARKUP: *(Attach copies of legislation and amendments.)*

RECORDED VOTES TAKEN (FOR MARKUP): *(Attach final vote tally sheet listing each member.)*

Subject	Yeas	Nays	Present	Not Voting

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *11:37 am*

_____
Subcommittee Staff Director

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE RUSS CARNAHAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI, AND CHAIRMAN, SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS, HUMAN RIGHTS AND OVERSIGHT

Statement for the Record

Fr. Sean Mc Manus, President, Irish National Caucus.

"Fulfilling the Promise of Peace: Human Rights, Peace and Reconciliation in Northern Ireland and Bosnia"

House Subcommittee on International Organizations, Human Rights and Oversight

September 16, 2010

Human rights must be the heart and soul of the Irish Peace Process. And a strong Bill of Rights must take center stage in Northern Ireland—an area that never showed much respect forhuman rights. Nor was it ever meant to.

The British Government by its 1920 Government of Ireland Actcarved out and tore away six small counties (roughly the size of Rhode Island) from the rest of Ireland, partitioningthat ancient country, and setting up the new artificialstate as the largest area their Unionist/Protestant allies could control for the British Crown and for Unionist supremacy. Noted commentator Brian Feeny of the Belfast Irish News recently explained: "Talking about the north as an economic success gives credence to the notion that Northern Ireland emerged because it was a viable unit instead of carved out as the biggest chunk on the island unionists could control, a place where they could try to avoid living on equal terms with the rest of the people on the island".[1]

However, the Good Friday Agreement 1998 and thepower-sharing executive havedramatically changed things for the better:

. The sectarian anti-Catholic police militias have gone. The Police Service of Northern Ireland (PSNI) is making significant progress in becoming an acceptable police service to the Catholic community.

. Naked anti-Catholic discrimination has decreased.

. The IRA is no longer active. The British Army is off the street. Some Republican dissidents are still active, but with hardly any support.

. Loyalists' deaths squads have ended their once systematic assassination campaign of innocent Catholics.

COLLUSION

However, sadly and ironically, Loyalists paramilitaries—supposedly on ceasefire—are beating up and terrorizing some Protestant families. And the British Government and elements in the PSNI seem to turn a blind eye.

My Protestant, Unionist friend—the heroic Raymond McCord Sr. of Belfast—last October testified before this Subcommittee on how the British Government and the Northern Ireland

police colluded in the murder of his son Raymond Jr. in 1997. [2] Still, to this day, no arrest has been made—even though the British Government and the police know those responsible. The murder of young Raymond was ordered by a British agent and police informant as revealed by the Northern Ireland Ombudsman Report 2007. [3]

ANTI-CATHOLIC DESCRIMINATION

The United States has played a key role in combating discrimination in Northern Ireland through the Mac Bride Principles, which the Irish National Caucus launched in November 1984. However, there is still reason for concern and still much work to be done.

A recent Report by the NY State Comptroller's office (with which the Irish National Caucus works closely) states that, "the Government economic development agencies… continue to steer outside investment toward Protestant areas, most especially those in and around Belfast". [4]

This helps to highlight one of the most profound and fundamental problems in Northern Ireland: the deep, historic anti-Catholic sectarianism upon which the State was founded.

However, there is little point in criticizing that sectarianism without repealing the Act of Settlement 1701, an integral part of the British Constitution, which institutionalizes and justifies that very sectarianism.

Would there have been any point in condemning racist Whites in the Deep South of America for their attitudes towards African-Americans without changing the laws and structures that justified racism?

In the same way, it does not make sense tojust condemn Orange extremists who see themselves as faithfully upholding the letter, and logically fulfilling the spirit of the British Constitution, which requires of its subjects the acceptance of anti-Catholic discrimination and bigotry. The Act of Settlement 1701 is an integral part of the unwritten and uncodified British Constitution. It determines succession to the Crown of England, and is, therefore, a fundamental constitutional statute. Indeed, the very foundation stone of The Royal Family.

The Act of Settlement 1701—still in force today—bars a Catholic from succeeding to the British throne and decrees that if the monarch becomes a Catholic or marries a Catholic, he/she forfeits the throne and ''the people are absolved from their allegiance''.

The Act, therefore, enshrines and condones anti-Catholicism, officially establishing the principle that it is legitimate to discriminate against Catholics because under the law they are not equal to Protestants.

Imagine if there were provisions in the United States Constitution barring a black person from being president or decreeing that the president could not marry a black person. Imagine how that would have justified and inflamed White supremacy and racism. And there would be little point in condemning the members of White racist organizations without first condemning—and organizing to repeal—the pernicious provisions in the Constitution.

Orange bigotrymerely reflects the anti-Catholicism that is enshrined, justified and practiced in the British Constitution. It was not the Orange Order that originated the sectarian Act of Settlement; it was the British Monarchy and Parliament.

Former British Prime Minister Tony Blair, who did so much good work for justice and peace in Northern Ireland, declared the Act was "plainly discriminatory". Yet, even he did not move to repeal the Act.

CONCLUSION

For all these reasons --and others besides -- it is still as important as ever for the U.S. Congress to stay actively involved in promoting unity and peace, human rights and equality, nonviolence, and reconstruction on the island of Ireland.

Irish- Americans congratulate Chairman Russ Carnahan for his commitment to human rights in Ireland and across the globe. He deserves great credit.

God bless America, and God save Ireland.

[1]"SDLP displaced by Sinn Fein". Brian Feeney. IrishNews. Wednesday, August 11, 2010.

[2]Hearing before the House Subcommittee on International Organizations, Human Rights and Oversight: "Concerns Regarding Possible Collusion in Northern Ireland: Police and Paramilitary Groups", on October 22, 2009.

[3] "The Statutory Report—sometimes referred to as "Operation Ballast" or "The O'Loan Report" —was published on 22 January 2007, and can be found at www.policeombudsman.org"

[4]Report on Northern Ireland Investment

[Prepared for the New York State Common Retirement Fund Pursuant to New York State Retirement and Social Security Law, § 423-a]. Thomas P. DiNapoli. New York State Comptroller. 2010.

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WRITTEN EVIDENCE OF JANE WINTER, DIRECTOR, BRITISH IRISH RIGHTS WATCH TO THE HOUSE COMMITTEE ON FOREIGN AFFAIRS, SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS, HUMAN RIGHTS AND OVERSIGHT

16 SEPTEMBER 2010

Introduction

British Irish RIGHTS WATCH (BIRW) is an independent non-governmental organisation that has been monitoring the human rights dimension of the conflict, and the peace process, in Northern Ireland since 1990. Our vision is of a Northern Ireland in which respect for human rights is integral to all its institutions and experienced by all who live there. Our mission is to secure respect for human rights in Northern Ireland and to disseminate the human rights lessons learned from the Northern Ireland conflict in order to promote peace, reconciliation and the prevention of conflict. BIRW's services are available, free of charge, to anyone whose human rights have been violated because of the conflict, regardless of religious, political or community affiliations. BIRW take no position on the eventual constitutional outcome of the conflict.

In 2007 BIRW won the Beacon Award for Northern Ireland. In 2008 we were awarded the *Irish World* Damien Gaffney Award, and in 2009 we became the first-ever recipients of the new Parliamentary Assembly of the Council of Europe's Human Rights Prize.

We are grateful to this honourable Subcommittee for allowing us to submit written evidence to its hearing on the United States' involvement in the peace and reconciliation processes in Northern Ireland, and we request that this submission be read into the record.

The importance of the US role

There can be no question that the USA has made an invaluable and sustained contribution to the peace and reconciliation processes in Northern Ireland. Long before the 1998 Good Friday peace accord was signed in April 1998, Irish Americans and other US citizens and organisations of good will were funding, mentoring, and facilitating the development of political and civil society in Northern Ireland. It is, perhaps invidious to name names, but people like Neill O'Dowd, Bruce Morrison, Bill Flynn, Representatives Neal, Crowley, King, Payne, Smith and Engel, Senator Dodd, the late Senator Kennedy, Father Sean McManus, the Global Citizens Circle, the American Ireland Fund and the Atlantic Philanthropies all played their part, alongside many others.

Many members of Congress visited Northern Ireland in the run up to 1998, paving the way for the visit of President Bill Clinton and First Lady Hillary Clinton, who has visited since in her capacity as Secretary of State, as have others. Congressional hearings and resolutions have also demonstrated the USA's on-going commitment to understanding and assisting Northern Ireland on its long and at times difficult journey towards peace and reconciliation. In this regard, Representative Chris Smith's distinguished record cannot pass without mention. The hearing to which this submission is addressed is the second to be held on Northern Ireland by the House Committee on Foreign Affairs, Subcommittee on International Organizations, Human Rights and Oversight and we hope that the Subcommittee will continue to take an interest in Northern Ireland.

Senator George Mitchell's patience, wisdom and tenacity in chairing the talks that ultimately led to the Good Friday Agreement cannot be praised too much, and neither can that of his fellow

Special Envoys Richard Haass, Mitchell Reiss, Paula Dobriansky and today Economic Envoy Declan Kelly, as well as the many Consuls General in Belfast.

Also crucial to progress in Northern Ireland has been US investment. Northern Ireland is on the margins of economic region of the European Union, and is likely to be hit disproportionally hard by the current economic recession. Throughout the USA's long history of inward investment in Northern Ireland the emphasis placed on the Macbride Principles has been welcome, with their focus on equality in the workplace.

Northern Ireland remains in transition

Northern Ireland is frequently described as being in transition from conflict to peace. In transition can be an uncomfortable place to be. There are many in the Protestant/unionist/loyalist community who feel that too many "concessions" have been made to the Catholic/nationalist/republican community, who in turn still feel that they are being discriminated against. Many stumbling blocks have been placed in the way of the peace process, with the result that the Northern Ireland Assembly was dissolved no less than four times. There can be no doubt that the majority of people in Northern Ireland do not want a return to conflict, but, sad to say, for too many people, especially in working class areas, too little of the peace dividend has found its way to them, whichever community they are from.

With the recent devolution of policing and justice to Northern Ireland, the United Kingdom government has been keen to portray the situation where the last piece of the jigsaw has been put in place. However, the peace process is far from over and reconciliation is still a very long way from being achieved. Some key promises contained in the Good Friday Agreement have yet to be delivered, and there is real concern that, given the economic climate, they never will be. The Irish government, which has always played such an important role, alongside the USA, in encouraging peace and reconciliation in Northern Ireland, is in dire economic straights and is having difficulty redefining its role in relation to Northern Ireland in the light of devolution. Similarly, the Northern Ireland Assembly is strapped for cash and is struggling with unfamiliar and weighty responsibilities which it is ill-equipped to assume.

Two of the most serious delivery failures when it comes to Good Friday Agreement pledges are a Bill of Rights for Northern Ireland and a comprehensive mechanism for dealing with the past.

A Bill of Rights for Northern Ireland

The Northern Ireland Human Rights Commission, itself a creation of the Good Friday Agreement, was charged with advising the government on a Bill of Rights that would reflect the particular needs of Northern Ireland. Although the Commission consulted widely and inclusively on the content of its advice, it was very slow to produce an agreed final version[1]. This was because the Commission suffered from a lack of support from the government, was subjected to continual attack, particularly by the unionists, lacked resources, and, as the result of poor judgement on the part of the government, became politicised and suffered internal dissension, with two of its own members disassociating themselves from the Commission's advice to government. Then, to make matters worse, the government was very slow to consult on the advice (which had itself been the subject of widespread consultation), with the result that the Bill of Rights ran into the sand created by the recent General Election in the UK.

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1 *Summary - A Bill of Rights for Northern Ireland: Advice to the Secretary of State for Northern Ireland*, Northern Ireland Human Rights Commission, July 2009

The present government is no friend of Bills of Rights, and has shown no sign of resurrecting a Bill of Rights for Northern Ireland alone, despite Northern Ireland's particular circumstances, in that it is the only part of the UK to have suffered four decades of violent internal conflict. There are those within the current administration who favour abandoning the UK's commitment to the European Convention on Human Rights, and who simply have no understanding of the vital and positive role that a Northern Ireland Bill of Rights has to play in the peace process and, ultimately in helping to bring about reconciliation. Such a Bill would guarantee everyone in Northern Ireland, regardless of religion, class, or political affiliation, identical rights that could be vindicated, if necessary, through the courts. Everyone has seen how the South African Bill of Rights has begun to bring justice and equality to all sides of their divided country, and the same would be the case in Northern Ireland, where there has been strong and consistent cross-community support for a home-grown Bill of Rights. It will take time, but if Northern Ireland were to be given the Bill of Rights it was promised in the Good Friday Agreement, eventually all members of Northern Irish society would know that their rights were the same as everyone else's, and that would help to create a situate in which reconciliation becomes possible.

Dealing with the past

Another initiative which has bitten the dust is the establishment of a comprehensive mechanism for dealing with the past. In 2007 the government established the Consultative Group on the Past. They were inundated with submissions and requests for meetings; there was clearly an appetite on all sides of the community for scrutinising Northern Ireland's painful past, coming to terms with it, and moving on. The Group produced a thoughtful and thought-provoking report in 2009[2]. They rejected the notion that there can be a hierarchy of victimhood (that some victims are more deserving of sympathy than others), pointing out that it is survivors who deserve our equal support, because the loss of a loved one is equally painful whatever the circumstances. In that spirit, they recommended a one-off recognition payment of £12,000 to the family of everyone who had lost someone in the conflict. This recommendation sparked immediate controversy on all sides of the community. Many confused the proposal with compensation, and regarded the amount of £12,000 as derisory. Others could not equate the suffering of the widow of, for example, a soldier with that of the widow of a paramilitary killed by the army. Others still welcomed the payment, seeing it as being of practical benefit in, for instance, sending a child to university. Many, including BIRW, wondered why the payment was limited to the families of those who had died, and did not include the wounded, many of whom have long-term unmet needs.

So controversial was the recognition payment idea that unionist political parties rejected the whole of the report, thus doing their constituents a great disservice by throwing the baby out with the bathwater. BIRW know from our contact with members of the Protestant/unionist/loyalist community that, whatever their opinion of the recognition payment proposal, many of them would like to see some mechanism for dealing with the past, as would their Catholic/nationalist/republican counterparts (many of whom also rejected the recognition payment idea).

In view of unionist political rejection of the whole report, the previous government also allowed the other recommendations of the Consultative Group on the Past to run into the sand, simply publishing a compilation of responses to its tardy consultation on the Group's report. The present government has failed to take up the reins, merely promising a further round of consultations with those who have already voiced their views.

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2 *Report of the Consultative Group on the Past*, 2009

Chief among the Group's recommendations was a Legacy Commission, which would seek to ascertain the truth about every death brought about by the conflict and to help to achieve reconciliation. BIRW does not agree with all the details of these proposals, but it was an idea that could and should be developed into something workable and human rights compliant.

At the moment there are two mechanisms for dealing with the past in Northern Ireland: the Historical Enquiries Team (HET) which forms part of the Police Service of Northern Ireland (PSNI), and the Police Ombudsman, who deals with complaints against the police.

The Office of the Police Ombudsman (PONI) was created by the Police (Northern Ireland) Act 1998. The Police Ombudsman is accountable to Parliament through the Secretary of State. PONI provides an independent and impartial complaints service open to all in Northern Ireland seeking to complain about the Police Service of Northern Ireland (PSNI) and its predecessor the Royal Ulster Constabulary (RUC). This mechanism has been used by families who lost loved ones in the conflict to investigate their deaths as the PONI can look at both contemporary and historical complaints. Unfortunately, the PONI can only examine the aspects of the death insofar as they relate to the conduct of police officers. However, considering the nature of the conflict, issues such as whether the police were aware of a threat against an individual, the use of informers by police and the paucity of police investigations often mean that families find out a great deal about a death. There have been two significant investigations by the PONI. The first was into allegations into the 1998 Omagh bomb[3] and the second into the role of a police informant who was involved in over ten murders and numerous other criminal acts[4]. Although both these cases were controversial the PONI was seen, for the most part, to be acting in an impartial and independent manner over contentious issues. The PONI has been criticised for the length of time its investigations take to be completed, its failure to communicate with families and the diversion of resources away from historical cases. The PONI has highlighted the strain these historical cases place on the office and recent cuts in PONI's budget do not suggest that this situation will improve. While the PONI enjoys a good reputation, the aforementioned issues combined with decisions by the Public Prosecution Service not to prosecute police officers following PONI recommendations has had an impact. BIRW has consistently asked for increased funding for the PONI as it is the only current human rights compliant mechanism available to families.

The HET was created by the then Chief Constable of the Police Service of Northern Ireland, Sir Hugh Orde, in September 2005 and officially commenced work in January 2006. Its purpose is to re-examine every conflict related death from 1968 to 1998 (when the Good Friday peace accord was signed). The HET contains both seconded officers from England and former PSNI and RUC officers; the unit reports directly to the Chief Constable. The approach taken was to examine each case in chronological order. However, where cases were linked, or on humanitarian grounds such as the ill-health of the next-of-kin, cases could be taken out of sequence. The unit has come under criticism for a number of reasons. Some in Northern Ireland, particularly in the nationalist community, refused to engage with the HET due to suspicions about the police and the lack of independence of the unit. The HET's officers often misunderstood the Northern Ireland context or failed to communicate appropriately with families. Research by the University of Ulster highlighted the "gate-keeping" of intelligence by former RUC officers which led to concerns that the truth was being inhibited. Records from earlier cases were often limited

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3 *Police Ombudsman Public Statement on Matters arising from the Omagh bombing* Police Ombudsman for Northern Ireland, 2001

4 *Statement by the Police Ombudsman for Northern Ireland on her investigation* into the circumstances surrounding the death of Raymond McCord Junior and related matters, January 2007

or non-existent, leading the HET to carry out only desk-top reviews of cases. Equally, the time taken to carry out investigations was much longer than anticipated, leading to disappointment and disengagement. Finally, the HET has faced patchy and uncertain funding which has required re-structuring, staffing cuts and uncertainty about the future. Currently, their funding is due to end in June 2010, with no clear indication if the unit will continue beyond this date. While BIRW does not consider the HET to be human rights compliant as it reports to the Chief Constable, and thus lacks independence, it is the only real opportunity for families to discover what happened to their loved one. Any replacement must, in our view, be at least as good as the HET.

The proposed Legacy Commission would have replaced the HET and the historical aspect of the PONI's work, hopefully learning from the best practice and the shortcomings of both organisations. BIRW believed that the time span (five years) and the budget (£12m) proposed for the Legacy Commission were both inadequate, but with the necessary political will and commitment a good working model and the necessary resources could and should be found. Unfortunately, that will and commitment appears to be lacking.

Investment for targeting social need

Mention has already been made of the need for on-going economic investment in Northern Ireland. However, it is crucial that such investment targets social need. At the moment, too much has been invested by the government in showpiece buildings and by private business in speculative housing which has now been hit by the recession. What people living in the poorer parts of Northern Ireland desperately need is investment that will generate jobs and investment in infrastructure that will outlast concert halls that many cannot afford to frequent.

Investment in Northern Ireland's economy is now needed more than ever, as there is clear linkage between economic deprivation and violence. It is no surprise that the now decommissioned paramilitary groups sprang mainly from the heartlands of poverty, nor that those dissidents who are, regrettably, still active are particularly so in deprived areas.

There are many other areas where progress is needed if Northern Ireland is to successfully complete its transition to peace and reconciliation.

Segregated education

The vast majority of school pupils in Northern Ireland attend segregated schools, dependent upon their religion. Generally speaking there is a greater propensity for Catholics to attend Catholic schools. In our view, these very high levels of segregation of children of all ages is one of the most significant obstacles to a shared future in Northern Ireland. If children do not mix on a regular, shared basis throughout their childhoods, it will always be harder to overcome stereotyping, prejudice and sectarianism. As the Commission on Integration and Cohesion found:

> "Research in Northern Ireland, for example, has found that people with more complex and multiple sources of identity are more positive about other groups, more integrated and less prejudiced."[5]

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[5] *Commission on Integration and Cohesion - Our shared future*, 14 June 2007, paragraph 2.51

Integrated education has measurable effects on children's attitudes towards the issues that divide Northern Ireland. In 2006, research by Professor Bernadette Hayes, Professor Ian McAllister and Lizanne Dowds of Queen's University Belfast showed that:

- Protestants who attended an integrated school were less likely to say that they were British or unionist; however, they were not willing to adopt an Irish or nationalist identity.
- Catholics who attended an integrated school were less likely to endorse an Irish identity, but were more likely to say they were neither unionist nor nationalist.
- 80% of Protestants who attended a fairly mixed or segregated school favoured the union with Britain, compared to 65% of those who went to an integrated school.
- 51% of Catholics who attended a segregated school supported Irish re-unification, compared to 35% of those who had experienced integrated education.[6]

Many in Northern Ireland question the wisdom of segregated education along religious lines. Although only 5% of children in Northern Ireland attend integrated schools, this is partly because the small number of such schools lays the pupils open to stigmatisation and abuse. For so long as Catholic and Protestant children grow up separately, there can be little hope for lasting peace and even less for reconciliation.

Democratic deficit

Northern Ireland still suffers from a huge democratic deficit. BIRW has monitored every election in Northern Ireland since 1992, and the results and our analysis of them are posted on our website[7]. The trend over the past 25 years has been to ever greater polarisation, to the point where the majority of voters favour those parties at the furthest extremes of the political spectrum, the DUP and Sinn Féin. Smaller parties have been squeezed out and Northern Ireland is divided almost entirely along geographical lines, unionist to the east and nationalist to the west.

This is a far from healthy state of affairs. Voters have less and less choice, their vote has less and less meaning, there is no meaningful middle ground, and only the loudest voices can make themselves heard. Northern Ireland's ablest people, with a few honourable exceptions, have not chosen to go into politics, and by and large the voters have not been well served by their political representatives, who have failed to provide inspirational leadership time and again. BIRW has viewed with consternation the apparent unwillingness of many Northern Ireland political representatives to engage in any constituency work, and their apparent lack of any sense of accountability to their electorate.

All elections in Northern Ireland operate under a system of proportional representation using a single transferable vote. This system allows tactical voting, in that if voters do not exercise their second and other preference votes, they can weight the results in favour of a particular political party. Unionists in particular took advantage of this in the 2007 Northern Ireland Assembly elections: the DUP had 31% of first preference votes, but ultimately gained 33% of seats, and the UUP had 15% of the votes but 17% of the seats. A single non-transferable vote system allows less room for tactical voting, but Northern Ireland has become so polarised that smaller parties would not necessarily benefit.

An acid test of progress in Northern Ireland will be the day that votes depend on issues rather than unquestioning political allegiance.

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6 *Mixed schools 'not as sectarian'*, BBC Internet News, 18 January 2006

7 http://www.birw.org

Policing

Although there have been many much-needed reforms of policing in Northern Ireland, and responsibility for justice has now been devolved to the Northern Ireland Assembly, reform has been very much top down. For many people in all communities in Northern Ireland, policing has changed very little on the ground. Many people are still afraid to go to the police and still live under the iron grip of paramilitary godfathers who control their neighbourhood, running the drugs trade and serious organised crime. Although some individual officers do great work in local communities, in general the PSNI's culture is not community-friendly, their emphasis being on control and containment rather than working with local people to find local solutions to local problems.

We have also seen since 1998 an increase in the arsenal of so-called non-lethal weaponry in use by the police. Instead of progress to a mainly unarmed police service and the replacement of plastic bullets with a less lethal alternative, as recommended by the Patten Commission on the reform of policing[8], we have seen the introduction of a different sort of plastic bullet, and the introduction of tasers (electronic stun guns), CS spray, and, in prisons, pepper spray. All of these weapons have the capacity to induce death or serious injury. Our approval of an unprecedented show of restraint by the PSNI during rioting over the summer of 2010 during the marching season was marred by reports that PSNI officers were using plastic baton round guns in inappropriate ways and that a journalist who filmed them doing so was attacked with a water cannon and had his expensive cine camera destroyed.

Prison conditions

There are only three prisons in Northern Ireland: Maghaberry and Magilligan for adult males, and the Hydebank Young Offenders Centre, which also houses females – there is no separate women's prison, which is highly problematic. Also, men on remand are house with convicted prisoners at Maghaberry, in contravention of all best practice.

At Maghaberry, a high security prison, those on remand for or convicted of involvement in dissident paramilitary activity are held in separated conditions from other inmates. They clearly have a political agenda in wanting to return to a fully segregated regime, like the one that pertained in the Maze prison, now closed, where paramilitaries had unacceptable levels of control over prison wings. However, the housing of dissidents with opposing political allegiances clearly poses safety problems which require a level of separation. Unfortunately, the regime for separated prisoners is very restricted compared to that of other prisoners, with less access to education and other services, very frequent strip-searching, and restricted movement within the prison.

Over the summer a single prisoner at Maghaberry went on hunger strike. Luckily, the strike was resolved, but it had the capacity to spark a wider hunger strike among dissident republicans in the run-up to the marching season, which would have been disastrous. However, dissident republicans did embark on a "dirty protest", which also threatened to escalate. A deal was brokered by a group of independent mediators who facilitated intensive negotiations between the prisoners and the Northern Ireland Prison Service. A compact between the prisoners and the Northern Ireland Prison Service was signed and the use of strip searching ceased pending new technology. The Prison Service also pledged to implement the recommendations of the Prisoner

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8 *A New Beginning; Policing in Northern Ireland*, Report of the Independent Commission on Policing for Northern Ireland, 1999

Ombudsman, who had issued a comprehensive critique of conditions at the prison[9], by December of this year. The progress of the reforms are to be independently monitored and a Prisoner Forum has been established to enable dialogue between the prisoners and the prison authorities.

However, as at 23 August the prisoners have complained that the agreement is not being adhered to by the Prison Service and there has been little improvement. The prospect of further dispute is therefore a reality. The mediation group worked long and hard to resolve the dispute, and we would hate to see their sterling efforts go for nought.

Emergency laws

Many of the "emergency" laws which related to Northern Ireland, which in reality became permanent, have either been retained or restored, mainly in response to international terrorism, but also because of the rise in dissident paramilitary activity. In some cases, the situation is worse now than it was prior to 1998. For example, in 1998 the longest period of time a person could be held in detention was 7 days. Now it is 28 days, without any possibility of bail. A lot can happen in 28 days: a man can lose his job, be unable to pay his rent, lose his home, miss an important hospital appointment, miss out on study, and so on. Such consequences may be inevitable if he is ultimately found guilty by a court, but they are disproportionate in the case of a man who is innocent or is not even charged with any offence at the end of his month's imprisonment. Some would characterise such lengthy periods of detention as internment without trial.

There has also been an unacceptably high use of stop-and-search powers, to the point where those powers have had to be temporarily suspended. People on all sides of the community complain that they have been stopped so frequently on the same day that they feel harassed and alienated from the police.

Conclusion

In conclusion, American concern about the peace and reconciliation processes in Northern Ireland has been tremendously beneficial, but it would be a mistake if the US took its eye off the ball now. Northern Ireland remains in transition. The peace is fragile, and dissident violence is on the increase. US concern about Northern Ireland has always been friendly and constructive, rather than critical, Northern Ireland needs all the friends it can get just at this moment in time.

We thank this honourable Subcommittee for your interest in Northern Ireland: long may it continue.

September 2010

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9 *Investigation into Roe House*, Prisoner Ombudsman for Northern Ireland, June 2010

Submission from the Human Rights Consortium to United States Congressional Subcommittee on International Organisations, Human Rights and Oversight

September 2010

Human Rights Consortium,
143 Royal Avenue,
Belfast, BT1 1FH
www.billofrightsni.org

Introduction

The Human Rights Consortium is a coalition of community and voluntary sector groups, trade unions and non-governmental organisations, that campaigns for the development of a strong and inclusive Bill of Rights for Northern Ireland. It was established in 2000 to encourage widespread community participation in the consultation process on the proposed Bill of Rights for Northern Ireland. Its membership has now grown to over one hundred and fifty organisations[1] that represent hundreds of thousands of people from a diverse range of constituencies and communities across Northern Ireland.

The unifying factor in the Human Rights Consortium is a firmly-held belief that a strong and inclusive Bill of Rights can play a fundamental role in the creation of a better, more just, inclusive and shared Northern Ireland.

Over the last ten years, members of the Human Rights Consortium have promoted awareness of and participation in the Bill of Rights consultation process by hundreds ofthousands of people across Northern Ireland. Member groups have made a series of detailed submissions to the Northern Ireland Human Rights Commission and Northern Ireland Office (NIO) consultation on a Bill of Rights, drawing upon this extensive outreach and on both expert local and international research.

The Consortium has helped to put the Bill of Rights onto the agenda of local churches and other faith groups, trade unions and civic society more generally. It has actively promoted dialogue with and between local political parties, meeting all the political parties on at least an annual basis to engage with any concerns they had. We continue to take this work forward by mobilising widespread popular and political support behind a strong and inclusive Bill of Rights for Northern Ireland.

A Bill of Rights for Northern Ireland

The Good Friday Agreement was a constitutional document. It was supported and endorsed as such by a majority of people in a referendum in North Ireland and the Republic of Ireland.

As with many constitutional documents, human rights and equality were central to the Agreement, they were part of what brought peace to Northern Ireland and what made the Agreement possible.

The commitment to a Bill of Rights for Northern Ireland in the Agreement has particular resonance as a peace building measure – it was always about creating a more stable, peaceful and shared future coming out of conflict.

As a mechanism of addressing past inequalities and providing a common framework of rights that all communities could find protection within, a strong Bill of Rights also has the potential to be a strong cohesive force for a shared future in Northern Ireland.

Current Bill of Rights process

After many years of engagement and consultation, the last Labour government produced limited recommendations, which were widely rejected by civil society, leading academics and experts, and the NI Human Rights Commission.

The new Conservative/Liberal Democrat coalition government has said they will consider incorporating additional rights for Northern Ireland within a chapter of a wider British Bill of Rights.

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[1] Current membership list attached in Annex 1

Overall the approach is seen by many as an attempt to kill the debate about a Northern Ireland Bill of Rights and more worryingly, in doing so to undermine existing and hard-fought protections from the Agreement.

It is contrary to the terms of the GFA, which talks of reflecting the 'particular circumstances' of Northern Ireland in a local Bill of Rights.

Levels of support

Despite a lack of political consensus among local parties and the UK government there is consistent and overwhelming public support for a specific Bill of Rights for Northern Ireland;

Public Opinion polling on a Bill of Rights for Northern Ireland 2001 – 2010

October/November 2001- [2]

73% of Catholics and Protestants said that a Bill of Rights reflecting the particular circumstances of Northern Ireland was either essential or desirable.

February 2004- [3]

69% of Catholics and Protestants said that a Bill of Rights reflecting the particular circumstances of Northern Ireland was either essential or desirable.

November 2007- [4]

76% of people think that it is important for Northern Ireland to have its own Bill of Rights

February 2009 - [5]

70% of people said that it was very important or quite important that Northern Ireland has a Bill of Rights.

June 2009 - [6]

83% of people believe that it is important that Northern Ireland has a Bill of Rights

July 2010 [7]

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[2] Oct/Nov 2001 Source: Northern Ireland Social Omnibus Survey, RES, October 2001
Available from: http://www.borini.info/uploads/documents/BoR_RES_surveyOct01.pdf

[3] Feb 2004 Source: NIHRC Opinion Survey, Market Research Northern Ireland, March 2004
First published in *Progressing a Bill of Rights for Northern Ireland: An Update, NIHRC, 2004*
Available from: http://www.borini.info/uploads/documents/bor_survey_04.pdf

[4] Nov 07 Source: The Northern Ireland Omnibus Survey, Millward Brown Ulster, Nov 2007

[5] Feb 09 Source: The Northern Ireland Omnibus Survey, Millward Brown Ulster, Feb 2009

[6] Jun 09 Source: The Northern Ireland Omnibus Survey, Millward Brown Ulster, June 2009
Available from: http://www.billofrightsni.org

82% of people believe that it is very or quite important that Northern Ireland has a Bill of Rights.

Current Issues

The approach by the UK government *(to subsume additional rights for Northern Ireland within a British/UK Bill of Rights)*is clearly at variance with the provisions of the Good Friday Agreement that made provision for a distinct Bill of Rights for Northern Ireland. It is also at odds with the clearly stated views of the overwhelming majority of the people in Northern Ireland.

Attempts to consume rights to reflect the 'particular circumstances' of a post conflict society within a wider UK wide Bill of Rights would be a mistake. The specific protections required of a Bill of Rights in Northern Ireland would no doubt fail to be properly reflected within a wider UK process that has a different genesis, remit and focus. It is also ten years behind the comprehensive process of deliberation and community involvement in the Northern Irelandprocess that has looked distinctly at what rights we require locally to address the issues of our deeply divided past.

The Human Rights Consortium therefore clearly rejects the current process being laid out by the UK governmentas their response to fulfilling their duty to deliver the provisions of the Good Friday Agreement. Their proposals clearly run contrary to the Agreements provisions. Additionally the Irish Government have recently outlined their position that what is required is a 'specific and substantial Bill of Rights for Northern Ireland'[8]

The provision to develop a specific Bill of Rights for Northern Ireland therefore still remains an undelivered element of the Belfast/Good Friday peace agreement that has yet to be given any clear and acceptable pathway for delivery by the UK government.

Conclusion

The Human Rights Consortium and clearly the majority of people in Northern Ireland wish to see a specific and distinct Bill of Rights for Northern Ireland that could begin to provide the essential element of a human rights framework to underpin the shared future which we wish to see realised.

The current efforts by the UK government are unsatisfactory in this regard and do not reflect the ten years of consultation, deliberation, discussion, polling and evidence gathering among civil society and the public which evidences the support for a separate and distinct Bill of Rights in Northern Ireland.

The influence of the United States has been fundamental in our recent past to securing and progressing our peace process at vital stages. With this in mind we would again call on the United States to apply any and all pressure they deem possible on the UK Government to clearly set out a process by which a Bill of Rights can be developed for Northern Ireland outside of their own plans for a British Bill of Rights.

Kevin Hanratty

Campaigns Manager
Human Rights Consortium
September 2010

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[7] July 2010 Source: The Northern Ireland Omnibus Survey, Millward Brown Ulster, July 2010
Available from: http://www.billofrightsni.org

[8] Statement by Michael Martin TD, Minister for Foreign Affairs, Irish News, 15th March 2010

Annex 1

List of Consortium Members as of September 2010

Action on Medical Negligence Association
Advice NI
Afro-Community Support Organisation NI
Age Concern Help the Aged Northern Ireland
Al-Nisa Association NI
Alternatives NI
Amnesty International
AnMuniaTober
Artscare
Autism NI
Aware Defeat Depression
Barnardos
Belfast & District Trades Council
Belfast Carers' Centre
Belfast Unemployed Resource Centre
Cairde
Carers Northern Ireland
Carers UK, Belfast Central Branch
Centre for Global Education
Changing Faces
Children in Crossfire
Children in NI
Childrens Law Centre
Chinese Welfare Association
CO3
Coalition on Sexual Orientation
Committee on the Administration of Justice
Community Arts Forum
Community Change
Community Development & Health Network
Community Dialogue
Community Foundation for Northern Ireland
Community Relations Forum
Confederation of Community Groups
Conference of Religious of Ireland
Conflict Trauma Resource Centre
Contact A Family
Corrymeela Community
COSTA
Council for the Homeless (NI)
Currynierin Women's Action Committee
Dennett Interchange
Derry Trades Council
Disability Action
Ely Centre
EPIC – Ex Prisoners Interpretive Centre
European Movement NI
Family Planning Association
Forthspring
Foyle Women's Information Network

Glenshane Community Development Ltd
Good Shepherd Congregation
Groundwork NI
Hands That Talk
HIV Support Centre
Housing Rights Service
Include Youth
Indian Community Centre
Interaction Belfast
INTERCOMM
Irish Congress of Trade Unions - NI Committee
Kilcranny House
LatinoamericaUnida
Law Centre (NI)
Learn and Grow
Linc Resource Centre
Lower Castlereagh Community Group
Making Women Seen and Heard
Mencap
Men's Advisory Project (MAP NI)
Mercy Sisters
Mindwise
Morton Community Centre
Multi-Cultural Resource Centre
Newstart Education Centre
NIACRO
NICDA Social Economy Network
NO CIRC NI
North Down &Ards Trades Council
North West Community Network
North West Consortium on Human Rights
North West Forum of People with Disabilities
Northern Ireland African Cultural Centre
Northern Ireland Anti-Poverty Network
Northern Ireland Assoc.of Citizen Advice Bureau
Northern Ireland Business Education Partnership
Northern Ireland Council for Ethnic Minorities
Northern Ireland Council for Integrated Education
Northern Ireland Council for Voluntary Action
Northern Ireland Public Service Alliance (NIPSA)
Northern Ireland Women's European Platform
Northern Ireland Youth Forum
NUS/USI
Old Warren Partnership
Omagh Ethnic Communities Support Group
Omagh Forum for Rural Associations
Organisation of the Unemployed Northern Ireland
PAKT
Parkanaur College
Pat Finucane Centre
Peace People
PILS Project
Pobal
PPR Project

QUEERSPACE
Rainbow Project
Real Network
Relate Northern Ireland
Rights in Community Care
Rural Community Network
Save the Children
Seven Towers Residents Group
Seymour Hill and Conway Community
Signature
Simon Community Northern Ireland
Social Economy Agency
Soroptomist International
South Down Action on Healing Wounds
South Tyrone Empowerment Programme
Springboard Opportunities
St Columb's Park House
St Luke's Family Centre
Star Neighbourhood Centre
Strathfoyle Women's Centre
Stravaganza (Cresco Trust)
STEER Mental Health
Tada Rural Support Network
Tar Isteach
Terry Enright Foundation
TESOL Project
Nexus Institute
Trademark
Training for Women Network
Ulster Human Rights Watch
Ulster Peoples College
UNISON Northern Ireland
Upper Springfield Development Trust
Victim Support
Waterside Womens Centre
WAVE Trauma Centre
West Belfast Partnership Board
Willowbank Community Resource Centre
Windsor Women's Centre
Women into Politics
Women's Aid Federation Northern Ireland
Women's Centre (The) Derry
Women's Common Paths Network
Women's Information Group
Womens Resource and Development Agency
Women's Support Network
Workers Educational Association
Young Citizens in Action
Youthnet