

# Peace and Reconciliation Diplomacy Challenged by Religious Hatred, Dissimulation and Denial

By Morten Bergsmo

Policy Brief Series No. 149 (2024)

## 1. The Problematic Context of Religious Prejudice and Hatred

Peace and reconciliation actors find themselves battered by religious hatred and prejudice, in societies as varied as Bosnia and Herzegovina, India, Iran, the Middle East and Myanmar. Religious prejudice foments hatred and violence, obstructs cessation of hostilities, and erodes respect for precarious peace agreements. Religious leaders wield power over the hearts and minds of several billion believers around the world. They have the capacity to further accentuate religious prejudice and thereby neutralize the efforts of peace and reconciliation actors.

The promise of the freedoms of religion and expression for all motivated the very creation of the United Nations – these freedoms frame international law on religious hate speech.<sup>1</sup> As a matter of fact, the commitment to freedom of expression runs so deep that many states have filed reservations against Article 20(2) of the International Covenant on Civil and Political Rights, thus weakening its obligation to prohibit “advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence”.<sup>2</sup> This limitation of international human rights law could perhaps be partially mitigated by international criminal law, should the International Criminal Court decide to prosecute religious incitement to violence.<sup>3</sup> The sober reality, however, is that the role of international law in this area remains limited. So even if international justice has made historic progress since the 1990s, it still speaks to fewer people around the world than religion does.

A realistic approach therefore also needs to consider steps that can be taken within religious communities in countries affected by religious hatred and hate speech that lead to violence or where religious prejudice sustains systemic persecution of minorities.<sup>4</sup> At a minimum,

religious leaders should never themselves engage in public hate speech or condone such speech by others, and they should publicly distance their community from hate speech.<sup>5</sup> They should use available sanctions such as excommunication or referral of serious cases to the secular criminal justice system.<sup>6</sup> They should also consider informal sanctions, such as denial of access to some events or locations of worship, denial of the ability to make certain donations to the community, suspension of access to some religious leaders, and barring service on boards or in other capacities in humanitarian or educational institutions of the community.<sup>7</sup> Religious hatred turns fundamental precepts of the world religions on their head, bringing religion into disrepute, making us wonder how effective the prayers and meditation professed by leaders of the hatred-fomenting communities are.

In these circumstances, how should peace and reconciliation actors – including diplomats from countries such as Norway – navigate *vis-à-vis* religious leaders?

## 2. Implications for Peace and Reconciliation Diplomats Who Encounter Religious Prejudice and Hatred in and Behind Governments

Most mediators and conflict diplomats come from secularized societies (such as Finland, Norway or Switzerland). They may not always be well-placed to appreciate the concerns and mindset of religious leaders who allow hate speech or the extent of the power they wield. But the failure to engage religious leaders can have serious consequences. It is now common knowledge what Serbian Orthodox leaders said and did in 1992–95,<sup>8</sup> while international mediators such as the late Norwegian

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pages on measures for more effective action (Chapters 23–31), including national law, criminal justice and the use of local regulations (interestingly, drawing on an Osaka city ordinance, Myanmar adopted a presidential directive against hate speech in response to the proceedings before the International Court of Justice, see Office of the President, “Prevention of incitement to hatred and violence”, Directive No. 3/2020, 20 April 2020 (<https://www.legal-tools.org/doc/mqiq91/>)).

<sup>1</sup> They were two of four core values referred to by Franklin D. Roosevelt in his 1941 ‘Four Freedoms Speech’ (<https://www.legal-tools.org/doc/0ao7w5/>), see Morten Bergsmo, “On the Problem of Hateful Expression in the Name of Religion”, in Morten Bergsmo and Kishan Manocha (eds.), *Religion, Hateful Expression and Violence*, Torkel Opsahl Academic EPublisher, Brussels, 2023, pp. 7 ff. (<http://www.toaep.org/ps-pdf/41-bergsmo-manocha/>).

<sup>2</sup> Including Australia, United Kingdom and the United States (‘US’), see *ibid.*, pp. 9–10 (including fn. 42). Efforts to expand the scope of Article 20(2) – to include, for example, the public burning of sacred texts, as does United Nations (‘UN’) Human Rights Council Resolution 53/1 (‘Countering religious hatred constituting incitement to discrimination, hostility or violence’) of 12 July 2023, A/HRC/RES/53/1 (<https://www.legal-tools.org/doc/htzxt0/>) – probably risks further reinforcing State reservations about the provision.

<sup>3</sup> Provided the Court examines the alleged hate speech and its context thoroughly, see Kyaw Tin, “Mapping Some Controversial Public Utterances in Myanmar 2015–2020”, in Bergsmo and Manocha (eds.), 2023, *supra* note 1.

<sup>4</sup> See Bergsmo and Manocha (eds.), 2023, *supra* note 1, which offers 230

<sup>5</sup> The first two of these basic norms largely reflect Article 20(2), and all three are echoed in the 2012 ‘Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence’ (<https://www.legal-tools.org/doc/jh1bel/>) and the 2017 Beirut Declaration on the role of religions in promoting human rights by “faith based and civil society actors working in the field of human rights and gathered in Beirut” with “18 Commitments on ‘Faith for Rights’” (<https://www.legal-tools.org/doc/q9nv2/>). For a matter-of-fact analysis of the clear limitations of these documents, see Bergsmo, 2023, *supra* note 1, pp. 22–27.

<sup>6</sup> *Ibid.*, pp. 21–22.

<sup>7</sup> *Ibid.*, p. 22; Mohamed E. Badar and Rana Moustafa Essawy, “How Should Responsible Religious Leaders React to Hate Speech in Their Community?”, in Bergsmo and Manocha (eds.), 2023, *supra* note 1, pp. 978–988.

<sup>8</sup> For a comprehensive overview of relevant public statements and acts, see

Foreign Minister Thorvald Stoltenberg focused on politicians and military leaders. Similarly, radical Buddhist monks were not a priority for diplomats in Yangon in the years leading up to the military coup on 1 February 2021, although the Senior General of Myanmar's National Defence Forces publicly manifested his closeness to several monks.

Given the lack of success in engagement with military leaders in both situations, how could relevant diplomats neglect the Myanmar monks and Serbian Orthodox clergy? And what would they have said had they managed to properly sit down with them? Simply restating international human rights standards – echoing concerns in Geneva or New York – without regard to what the religious communities think and can do themselves, rarely leads to meaningful dialogue or change,<sup>9</sup> nor does it aid religious leaders to fulfil their potential role as reconciliation actors, capable of moderating fellow-clerics who foment conflict. Real engagement requires that diplomats understand the religious leaders concerned.

It is particularly important that peace and reconciliation diplomats are clear-eyed when they are in contact with surmised secular actors within regimes where religion holds overarching power, such as in the Islamic Republic of Iran or, for that matter, Hamas.<sup>10</sup> To take an example, Norway, long recognized for its extensive peace and reconciliation diplomacy, has defended its open communication channels with Hamas, Hezbollah and Iran in the face of growing criticism.<sup>11</sup> As Foreign Minister Espen Barth Eide<sup>12</sup> remarks: “Yes, we are in contact with Hamas, as we are in contact with Hezbollah, with the Houthis, and everybody else in the neighborhood”; “if we are trying to contribute to a cease-fire between the Israeli army and Hamas, someone has to talk to Hamas”.<sup>13</sup> The President of the Norwegian-Israeli Chamber of Commerce, Mette Johanne Follestad, notes that “Norway’s opinion may no longer be respected by Israel, and Norway may become irrelevant as a

mediator in the conflict”.<sup>14</sup>

The critique intensifies when it comes to Iran, with whose Vice Foreign Minister Ali Bagheri Kani (now acting Foreign Minister) the Norwegian counterpart, Deputy Foreign Minister Andreas Motzfeldt Kravik, sometimes speaks several times per week.<sup>15</sup> Kravik – an eminent international lawyer, currently with political responsibility for Norway’s peace and reconciliation efforts – says of his Ministry: “through long-lasting work, we have managed to position ourselves so that many countries have great confidence in Norway”.<sup>16</sup> He acknowledges that his government has taken on a “messenger role between Iran and the USA”: “we, who have managed to build confidence with many sides in the Middle East over time, can convey messages between the parties. The contact is based on trust, credibility, long-termism and the ability to preserve discretion over time”.<sup>17</sup> He also observes that it is a “rallying cry for Norway to defend international law regardless of who violates it”; “[d]ecisive is that we insist that equal cases are treated equally, and that all states are subjected to the same rules”; and that “[o]ur most important contribution towards a peaceful and just world order, and our own national security, is to avoid international law double standards and promote that other states do the same”.<sup>18</sup>

The Norwegian philosopher and civil society leader, Gunnar M. Ekeløve-Slydal, argues that “Iran is a state ‘that really is based on double standards’, using Kravik’s own words”, and asks whether “Iran is not prioritized in the *consistent* Norwegian policy” which the latter promotes.<sup>19</sup> Rather, Ekeløve-Slydal observes, “Iran is near and dear to Norwegian peace and reconciliation policy. Norwegian actors seem proud of the fact that our representatives are received in Tehran and that we can convey messages on precisely Yemen, Syria and Lebanon. Perhaps allies who currently seek reconciliation with Iran are content with Norway’s mediation role”.<sup>20</sup> Ekeløve-Slydal is not pricking the king’s conscience as mere posturing, but seems genuinely concerned for victims of human rights violations.

Kravik invokes his “regular contact with the American diplomat Brett McGurk, who co-ordinates President Joe Biden’s Middle East policy in the US National Security Council”.<sup>21</sup> But McGurk, a formidable actor, has been criticized for having “played a pivotal role in the team that laid the groundwork for the chaos in Iraq” (2004–09) and Iran’s dramatically increased influence in the country.<sup>22</sup> Another American with whom the Norwegian Foreign Ministry has co-operated closely on Iran in recent years, Robert Malley – “a polarizing figure

Svein Mønnesland, “Religious Leaders and Nationalist Propaganda: The Serbian Orthodox Church”, in Bergsmo and Manocha (eds.), 2023, *supra* note 1, pp. 325–383.

<sup>9</sup> Regrettably, some of those who engage in or legitimize serious religious hate speech do not consider international human rights law binding on them – arguments that they are violating international law have proven not very effective.

<sup>10</sup> See Yuval Bitton’s perspective on religious-ideological characteristics of Hamas in Ayelett Shani, “I Asked Sinwar, Is It Worth 10,000 Innocent Gazans Dying? He Said, Even 100,000 Is Worth It”, *Haaretz*, 13 April 2024.

<sup>11</sup> See, for example, the article by David Stavrou, “Israel and Norway: An Icy Relationship”, *Haaretz*, 11 April 2024: “Norway is seen by many as one of the most hostile European countries toward Israel”; “The list of Israeli grievances against [Foreign Minister Espen Barth Eide] and his government is long”; and “Norway’s decision not to recognize Hamas as a terror organization also drew anger”. See also “Norwegian FM photographed with daughter of Palestinian terrorist”, *Jerusalem Post*, 5 May 2024.

<sup>12</sup> Barth Eide is also a prominent intellectual, like his father whose *Festschrift* I edited in appreciation of his inspiring mentorship at the Norwegian Centre for Human Rights (Morten Bergsmo (ed.), *Human Rights and Criminal Justice for the Downtrodden: Essays in Honour of Asbjørn Eide*, Martinus Nijhoff Publishers, Leiden, 2003). At the time, Asbjørn Eide, a renowned international human rights expert, would often refer to the Palestine conflict and South African apartheid as the world’s two most persistent human rights challenges. This view was shared by his successor as Centre Director, Nils A. Butenschøn, whose monograph *Drømmen om Israel: Historiske og ideologiske forutsetninger for staten Israel* ([*The Dream of Israel: Historical and Ideological Preconditions for the State of Israel*], Universitetsforlaget, Oslo, 2006, first edition in 1984) – with its profound sense of sympathy with the Palestinian predicament – has been influential in Norway.

<sup>13</sup> Stavrou, 11 April 2024, *supra* note 11. With reference to Israel, Barth Eide observes: “Sometimes peace must be imposed, and when Israel was established by the UN, it was without negotiations with those who lived there before”, see Kyrre Lien, “Barth Eide: – En slags brodd mot Iran” [Barth Eide: – A kind of sting against Iran], *Verdens Gang* (*VG*), 28 April 2024 (translations from Norwegian newspapers are by the present author).

<sup>14</sup> Stavrou, 11 April 2024, *supra* note 11, as confirmed by Israel’s ambassador to Oslo, Avi Nir-Feldklein (see Sven Arne Buggeland, “Israels ambassadør til VG: – Anerkjennelse vil ikke hjelpe palestinerne” [Israel’s ambassador to VG: – Recognition will not help the Palestinians], *VG*, 22 May 2024). See also Hanne Skartveit, “Har Barth Eide glemt hva Hamas er?” [Has Barth Eide forgotten what Hamas is?], *VG*, 23 March 2024.

<sup>15</sup> Bjarne Johnsen, “Bekrefter samtaler med Iran: – Det er ikke koseprat” [Confirms talks with Iran: – It is not cuddle talk], *VG*, 17 April 2024.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> Andreas Motzfeldt Kravik, “Betydningen av et prinsipp” [The meaning of a principle], *Klassekampen*, 26 February 2024. He has elaborated his message on double standards in a subsequent English article, see Andreas Motzfeldt Kravik, “We must avoid double standards in foreign policy”, *Al Jazeera*, 18 April 2024.

<sup>19</sup> Gunnar M. Ekeløve-Slydal, “Gjelder Norges prinsippfasthet også overfor Iran?” [Does Norway’s principled approach also apply to Iran?], *Klassekampen*, 8 April 2024 (italics added). See Human Rights Watch, “‘The Boot on My Neck’: Iranian Authorities’ Crime of Persecution Against Baha’is in Iran”, April 2024 (<https://www.legal-tools.org/doc/izriqi/>).

<sup>20</sup> *Ibid.*

<sup>21</sup> Johnsen, 17 April 2024, *supra* note 15.

<sup>22</sup> Gokhan Celiker, “Brett McGurk stands out as dark side of US policy on Israel, Middle East”, *Anadolu Agency*, 5 December 2023, who seems to draw on two articles by Akbar Shahid Ahmed in *HuffPost* (“Biden’s Top Middle East Adviser ‘Torched The House And Showed Up With A Firehose’”, 26 May 2022, and “How A Deeply Controversial White House Adviser Is Running The Agenda On Gaza”, 1 December 2023).

with strong supporters and detractors” – lost his security clearance and was placed under FBI investigation in 2023 reportedly for Iran-related conduct.<sup>23</sup>

Despite unstable US congressional support, there may nevertheless be valid reasons why the Norwegian Foreign Ministry should be eager to go between the US and Iran and take pride in having “managed to build a relation and a channel where [Norway and Iran] can talk together”.<sup>24</sup> Historians will be exploring whether perhaps the Ministry has enjoyed particular qualifications for a contested messenger role *vis-à-vis* Iran, which cannot be ruled out. They may consider relations between individual Norwegian diplomats and Iranian leaders which have informed Norway’s Iran policy, including with Qasem Soleimani, Ali Akbar Salehi and Ali Akbar Velayati. When Soleimani was killed in a targeted US attack in Baghdad on 3 January 2020, he led the Revolutionary Guards’ Quds Force which, *inter alia*, has responsibility for Iran’s foreign military operations (such as through Hezbollah or Palestinian Islamic Jihad). Salehi and Velayati were both placed on the US sanctions list. Whereas Salehi has led Iran’s nuclear energy work (AEOI) for years, the US Treasury explained that Velayati’s conduct was “directly facilitating Iran’s lifeline to the Assad regime”.<sup>25</sup> Conservative UN estimates suggest that more than 340,000 have been killed in Syria’s armed conflict since 2011, probably three times as many as Palestinians killed in the conflict with Israel since 1948.

The risk of having inadvertently legitimized key actors of the Iranian regime must have featured in the stock-taking of the diplomats who built the relations:<sup>26</sup> Did I harm my own integrity?<sup>27</sup> Did we have the necessary expertise on Iran?

### 3. Detecting Dissimulation and Responding More Incisively to Denial

Involved diplomats will necessarily have learned to decode *ta’aruf* (تعارف), the refined Iranian form of civility by which “[s]peakers of Persian have many cultural resources for performing sincerity in interaction”.<sup>28</sup> What about recognizing and deciphering a *jáy-i-muhr-i-namáz* (جای مهر نماز) on an interlocutor’s forehead, and its social func-

<sup>23</sup> Josh Rogin, “Inside the saga of the State Department’s missing Iran envoy”, *The Washington Post*, 6 September 2023: “At the time of his security clearance suspension, Malley was deeply involved in a complicated set of multilateral negotiations. His extensive network of relationships, including with Iranian officials and various go-betweens, was surely an asset in those diplomatic endeavors. But the question is whether he crossed the line by sharing some sensitive information he shouldn’t have with the wrong person”. Malley remains innocent until proven guilty.

<sup>24</sup> Andreas Motzfeldt Kravik quoted in Johnsen, 17 April 2024, *supra* note 15.

<sup>25</sup> US Department of the Treasury, “Treasury Designates Supreme Leader of Iran’s Inner Circle Responsible for Advancing Regime’s Domestic and Foreign Oppression”, Press Release, 4 November 2019.

<sup>26</sup> Luban – today’s recipient of the M.C. Bassiouni Justice Award – remarks that when leaders of oppressive regimes are treated “*as if* they are legitimate, the common humanity of all of us is stained”, see David J. Luban: “The Romance of the Nation-State”, in *Philosophy & Public Affairs*, 1980, vol. 9, no. 4, p. 397.

<sup>27</sup> Although Luban proposes an antidote to integrity (“chronic skepticism and discomfort with oneself”), he implies that none exists, see David J. Luban, “Integrity: Its Causes and Cures”, in *Fordham Law Review*, 2003, vol. 72, no. 2, p. 310.

<sup>28</sup> William O. Beeman, “Emotion and sincerity in Persian discourse: Accomplishing the representation of inner states”, in *International Journal of the Sociology of Language*, 2001, no. 148, p. 54. Beeman refers to *ta’aruf* as “an extraordinarily difficult concept encompassing a broad complex of behaviors which mark and underscore differences in social status”, thus capable of informing questions of not just strategic interaction and “maneuverability”, but authority, loyalty and “community approbrium for maintaining social order” (see *id.*, “Status, Style and Strategy in Iranian Interaction”, in *Anthropological Linguistics*, 1976, vol. 18, no. 7, p. 312). Some Zoroastrian sources may suggest that *ta’aruf* predates Islám (see Minoos Asdjodi, “A comparison between *ta’aruf* in Persian and *limao* in Chinese”, in *International Journal of the Sociology of Language*, 2001, no. 148, p. 73).

tions, a more delicate factor than *ta’aruf*?<sup>29</sup> And how are the diplomats sensitized to contemporary practices of *taqiyyah* (تقیة)? The tradition of dissimulation – wrongful conduct for a pious goal – is particularly strong in *Shi’ah Islám*, historically as a precaution in majority Sunni environments.<sup>30</sup> Could assurances perhaps cloak religious hatred or lies to preserve perceived vital interests of *Shi’ah Islám*?

While religious dissimulation that conceals hatred may be hard to see, religious hatred expressed as public denial of genocide or other serious violations of international criminal law is not. Both can complicate the work of peace and reconciliation actors. In the context of Bosnia and Herzegovina, Bećirević has insightfully shown how such denial hurts victim families and communities.<sup>31</sup> It can also undermine reconciliation efforts and even contribute to the reopening of hostilities. Fearing that, High Representative Valentin Inzko, drawing on the German experience following World War II, adopted the 2021 Decision on Enacting the Law on Amendment to the Criminal Code of Bosnia and Herzegovina, which in Article 145a criminalizes public denial of “a crime of genocide [...] established by a final adjudication pursuant to the Charter of the International Military Tribunal appended to the London Agreement of 8 August 1945 or by the International Criminal Tribunal for the former Yugoslavia or the International Criminal Court or a court in Bosnia and Herzegovina”.<sup>32</sup>

The amendment proved controversial. As recently as 19 April 2024, the US Embassy in Sarajevo lamented that the

denial of the Srebrenica genocide by RS President Dodik and other RS leaders during yesterday’s RSNA session and rally in Banja Luka was reprehensible and irresponsible. Genocide denial insults victims of all ethnicities and compounds the suffering of their families. It tears at the fabric of the society of Bosnia and Herzegovina, threatens BiH’s stability, and is illegal under BiH law.<sup>33</sup>

The President of *Republika Srpska*, Milorad Dodik, objects to Article 145a and threatens to “pursue the secession of the RS from BiH and his support for unconstitutional RS election legislation are further evidence of his disregard for the Dayton Peace Agreement and his intent to undermine BiH state structures”.<sup>34</sup> The US Embassy states that “[g]enocide took place in Srebrenica in 1995. This has been repeatedly confirmed by the International Criminal Tribunal for the former Yugoslavia and the International Court of Justice. Nothing Mr. Dodik says or does can change the facts”.<sup>35</sup>

But these court decisions rest on the reasoning of judges in the

<sup>29</sup> These are “swellings or callosities [...] attributable to repeated, prolonged pressure and friction exerted on bony prominences when praying on hard surfaces” (Kelvin U. Omeje *et al.*, “Clinicopathologic features of forehead prayer marks in Kano, Northwest Nigeria”, in *Advances in Oral and Maxillofacial Surgery*, April–June 2021, vol. 2, p. 1). In Iran the favoured clay used to make the small prayer bricks is from Karbala, Iraq, where Ali Akbar Salehi grew up.

<sup>30</sup> *Taqiyyah* as “prudential concealment of opinions” was the general rule in the centuries preceding the Safavid dynasty (1501–1736) (see H.M. Balyuzi, *Muhammad and the Course of Islám*, George Ronald, Oxford, 1976, p. 263), the doctrine going back to the 750s, see Moojan Momen, *An Introduction to Shi’i Islam: The History and Doctrines of Twelver Shi’ism*, George Ronald, Oxford, 1985, p. 39, and Etan Kohlberg, “Some Imāmī-Shi’i Views on *Taqiyya*”, in *Journal of the American Oriental Society*, 1975, vol. 95, no. 3, p. 396 (who observes that it is “the generally held view [...] that belief in *taqiyya* is a central tenet of Imāmī doctrine” (p. 395), citing a statement ascribed to one of the Imāms: “A believer without *taqiyya* is like a body without a head” (p. 396)).

<sup>31</sup> See Edina Bećirević, *Genocide on the Drina River*, Yale University Press, New Haven, 2014, Chapter 5 “The Eight Stage of Genocide-Denial”, pp. 144–179.

<sup>32</sup> The Office of the High Representative, “HR’s Decision on Enacting the Law on Amendment to the Criminal Code of Bosnia and Herzegovina”, 22 July 2021 (<https://www.legal-tools.org/doc/nez7o8/>).

<sup>33</sup> US Embassy in Sarajevo, Press Release, X-handle @USEmbassySJJ, 19 April 2024.

<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid.*



*Krstić* case.<sup>36</sup> That begs the question whether it is really necessary to restrict the freedom of expression of persons in Bosnia and Herzegovina who disagree with the judges in *Krstić*. The reconciliatory capacity of criminalizing denial of legal classifications by war crimes judges would seem to be rather limited. The US Ambassador in Sarajevo may himself have the answer to this conundrum when he calls “on political leaders to commit in earnest to acknowledge the past, *accept the facts*, and respect and honor the victims [...] to ensure that future atrocities do not occur”.<sup>37</sup> Surely the problem is the *public denial of the facts* of what occurred in Srebrenica as established by the ex-Yugoslav Tribunal, and not the legal classification of these facts?

It could be argued that Article 145a fights a symptom, not the underlying problem itself, namely that *Republika Srpska* was allowed to be created after it had committed the genocidal acts in Srebrenica in 1995 which its leaders continue to deny. Was *ex injuria jus non oritur* (‘no right can arise from an illegal act’) not a principle of international law for the mediators of Dayton and the International Conference on the Former Yugoslavia, capable of serving as a guide in peace and reconciliation processes?<sup>38</sup> The Co-Chairman of the Conference, Thorvald Stoltenberg, sent messages to the UN Secretary-General in early July 1995 warning against the use of armed force against the Serbs – claiming it could lead to World War III – just hours before the genocidal conduct occurred in Srebrenica.<sup>39</sup> When force was used a few weeks later, Serbian military and governance power turned out to be a house of cards.

Norwegian civil society leaders have been very critical of Stoltenberg’s role, and have asked whether a similar policy of regime-prolongation is being pursued *vis-à-vis* Iran’s government which has faced massive protests from Iranian youth and women.<sup>40</sup> The failure to recognize the depth and persistence of religious prejudice and hatred in Bosnia and Herzegovina has cost the West Balkans and Europe dearly – can we be confident that the mistake is not being repeated?

#### 4. No Peace Without Domestic Reconciliation

“*Religion* [...] was entirely absent from the Colombian armed conflict”,<sup>41</sup> where Norway’s peace facilitation contributed to a positive outcome. But Norway has had less success in conflicts where religious

<sup>36</sup> International Criminal Tribunal for the former Yugoslavia (‘ICTY’), *Prosecutor v. Radislav Krstić*, Trial Chamber, Judgement, 2 August 2001, IT-98-33-T (<https://www.legal-tools.org/doc/440d3a/>) and Appeals Chamber, Judgement, 19 April 2004, IT-98-33-A (<https://www.legal-tools.org/doc/86a108/>).

<sup>37</sup> US Ambassador Michael J. Murphy, X-post at @USEmbassySJJ, 22 April 2024 (italics added).

<sup>38</sup> Referred to by Lauterpacht as “a well-established principle of law”, see Hersch Lauterpacht, *International Law: Collected Papers*, Volume 5, Cambridge University Press, 2004, p. 548.

<sup>39</sup> The author is grateful to Dr. Bertrand Ramcharan – former Director of the Conference and right-hand colleague of Stoltenberg – for his information on this. See also Bertrand Ramcharan, “CILRAP Conversation on World Order”, CILRAP Film, 17 February 2024 (<https://www.cilrap.org/cilrap-film/240217-ramcharan>).

<sup>40</sup> See Ekeløve-Slydal, 8 April 2024, *supra* note 19. This echoes Herzog’s warning that “Europe has to wake up and urgently, because they don’t get it”, see Paul Ronzheimer and Joshua Posaner, “Europe needs to ‘wake up’ and face the Iran threat, says Israel’s president”, *Politico*, 21 April 2024.

<sup>41</sup> Shlomo Ben-Ami, *Prophets without Honor: The 2000 Camp David Summit and the End of the Two-State Solution*, Oxford University Press, 2022, p. xv.

hatred or prejudice has played an important role, such as in Afghanistan, Bosnia and Herzegovina, Myanmar or Sri Lanka. One exception seems to be Northern Ireland, where the Norwegian legal scholar and friend of Thorvald Stoltenberg’s, Torkel Opsahl, engaged in a broad consultation and listening exercise that prepared the ground for the 1998 Good Friday Agreement.<sup>42</sup>

It is no feat to be able to speak with regimes or terrorist organizations widely seen as pariahs, especially if it is an unstable regime that may not be there for the next visit. The allure of insider access should not cloud our reading of reality. Rather, the challenge is to find reasonable actors in their ranks<sup>43</sup> and ways to increase their respect for fundamental principles of international law. To achieve that, we need to understand how those who foment religious hatred think, how they use their main religious texts, and how they view the relevant principles of international law. More should be invested in knowledge-generation on religious hatred and peace and reconciliation diplomacy.

Peace-making has come a long way, from old boys’ arenas, to inclusive teams of peace and reconciliation workers. Unable to rest on their laurels, they must continuously generate trust in order to have a role – reconciliation is not an evergreen with shiny leaves. Absent collective security as prescribed by Chapter VII of the UN Charter, peace-making will continue to depend on contributions by willing and able national governments. The small, transnational teams of diplomats that *de facto* run such processes should be informed by proper country-expertise from a diversity of countries. Bosnia and Herzegovina shows how high the stakes are. Failure to recognize the extent of religious hatred or persecution can prolong human suffering immeasurably and erode trust. Shortcomings of mediators can cast shadows decades into the future, risking that diplomatic careers are stained later in life.

Perceptions of inadvertent regime-prolongation – perhaps in search of short-term diplomatic gain – come with their own risks in relation to the victim population. One factor to consider when assessing the value of being a messenger between the US and Iran is the will of Iranian leaders to reconcile with their own population and large diaspora. This is the real reconciliation waiting to happen, without which peace in the Middle East may remain elusive. Attempts by Norwegian and other actors to exercise “strategic leadership” in the region will surely not fail to consider this.<sup>44</sup>

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*ISBN: 978-82-8348-233-1.*

*TOAEP-PURL: <https://www.toaep.org/pbs-pdf/149-bergsmo/>*

*LTD-PURL: <https://www.legal-tools.org/doc/92h9h798/>*

*Date of publication: 23 May 2024.*

<sup>42</sup> See Andy Pollak *et al.* (eds.), *A Citizens’ Inquiry: The Opsahl Report on Northern Ireland*, The Lilliput Press, 1993.

<sup>43</sup> If necessary, by consulting the foremost international country-expertise to avoid making unintended mistakes.

<sup>44</sup> See Espen Barth Eide, “Finnes det en vei til fred i Midtøsten?” [Is there a road to peace in the Middle East?], *E24*, 9 May 2024: “Now is the time for strategic leadership [...]”.



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