

# When the Missing Contribute to Building Civil Peace

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«As long as George hasn't come back, I don't care about peace in Lebanon nor about reconstruction.» That was what George's mother told a journalist when asked about her thoughts on peace and the start of reconstruction.

Peace was declared in Lebanon (1990)\* without heeding the tragedy of missing persons and their families, which means that peace was and remains imperfect, fragile and at risk of relapsing into conflict. What is regrettable about an official course that got it wrong when closing the book on the war has now become laughable as this «official» side has now turned to accusing the families of the victims of undermining the civil peace and laying the ground for a new war, every time they demand for their right to know the fate of their missing.

What is most revealing of the fragility of this «peace» is the return of officials to belligerent discourse at every chance they get and with any disagreement, and their supporters taking it to the streets, threatening people's security and safety.

Twenty-nine years after the proclamation of that peace «a top down», externally enforced proclamation of peace, a law was passed a nationally driven grassroots, «bottom up law» was passed aiming to strengthen civil peace by revealing the fate of the missing and the forcibly disappeared according to its

explanatory statement.\*\*\*

The families of the missing and the forcibly disappeared succeeded in enshrining their right to know the fate of their loved ones in a legal document. The application of the provisions of this law is the inevitable path toward real reconciliation. Only the truth about the fate of the missing-alive or dead-would open the door to forgiveness. Recognizing the war crimes and the extent of injustice inflicted on their families will contribute to alleviating their chronic suffering and delivering them from their «victimhood».

Knowing the truth is a right enacted by the families. It is, first and foremost, a societal right that applies to knowing all the facts, and lays the groundwork for rebuilding the state on the basis of a unified memory, and of equality, justice and democracy. The State's formal approval of the search for missing persons means searching for them as human beings, as equal citizens without any sectarian, religious or regional discrimination rather than as subjects of religious groups. This is the first foundation of peacebuilding

and of inoculating society against a relapse into war. Some may say, enough with speculation and cheering for this law, there's no government in Lebanon to implement it, surely, you're dreaming?!

It is our right to dream of a homeland after our «chickens have hatched». To raise them, we need a «trough» of information from everyone, perpetrators and non-perpetrators alike. Let everyone benefit from our exchange of knowledge for forgiveness because we look forward to the resurrection of a nation that comes together on the basis of the true values of civil peace.

We ask the State to give us a hand and contribute to building civil peace.

\*On November 5, 1989, the Parliament ratified the Taif Agreement, by virtue of which hostilities were ended in Lebanon

\*\*Ibid., i.e. The meeting of Lebanese MPs in the city of Taif, Saudi Arabia, and the approval of the Taif Agreement

\*\*\*On November 30, 2018, the Parliaments enacted Law No. 105 (Law for the Missing and Forcibly Disappeared), as a result of the 36-year-long unflagging struggle of the families of these victims

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## The Fate of the Missing: The Right of Families and the Duty of the State and Society

Paul Ashkar\*

In the 1990s, thanks to the struggle of women from Latin America, the issue of missing or forcibly disappeared persons entered the international justice arena, and the legal framework for addressing it was formulated in the International Convention for the Protection of All Persons from Enforced Disappearance (2006). Of course, the issue of missing persons did not begin in the 1990s—it is an issue that is as old as the history of the human race and the history of war. What is new after 2006, however, is the classification of the crime and the availability of legislation to families of missing persons to restore their right to know the fate of their loved ones.

Conflicts among people, especially civil wars based on sectarian, ethnic or tribal partisanship, always require, when they are over, a kind of amnesty for crimes committed by all sides, especially when the different sides have to go on living side by side. But this indispensable amnesty should not be discriminatory (that is, an amnesty for some but not for others), and it cannot be separated from the other associated components, such as knowledge, truth and forgiveness, among other things. Just as memory has no meaning and cannot exist without forgetting. In Lebanon, the civil war, which ravaged us since the 1970s, ended with an amnesty law that incorporated discrimination and forgetfulness. To the exclusion of everything else.

A few months ago, thanks to an exemplary struggle led by a handful of women (and some men), and after many decades and so much waiting, a law was passed by the Parliament establishing a national body whose only task is to search for the persons who went missing during the Lebanese war (or wars), that is thousands of citizens and residents, men and women alike. This law enshrines the right of the families of the missing to know the fate of their loved ones. It is a right that has been established in international instruments, in addition to all secular and religious laws.

The right to know is the exclusive right of the families of the missing. In order for this right not to remain a dead letter, the State and society must now—unlike

what they did (or didn't do) at the end of the Lebanese war—fulfill their duty. At the time, the State did not search for the missing, who are its sons and daughters. Society chose to close its ears and look the other way. Law No. 105 of November 18, 2018 offers them a new chance to do what is right: It is the duty of the State to establish the national body and ensure that all conditions are met so it can carry out its work seriously and tranquilly. It should also, educate coming generations about what happened so that it does not happen again. As for society, it is its duty to come to terms with what happened in order to embrace our brothers and sisters the moment they learn the truth about their missing loved ones.

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