

Apologizing for the historical wrongs and its role in establishing reconciliation among nations.

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Abstract:

In some countries, apologizing for historical wrongs against some people has become a widespread phenomenon. In the late twentieth and early twenty-first centuries, apology has become a feature of society, leading some to call it the age of apology or the era of apology culture. In this paper, the author raises the question of whether political apology is effective in establishing international and national peace. Is political apology possible as a means of ending and resolving conflicts so that constructive relations can be reopened? In order to answer this question, the paper identifies some basic concepts related to political apology, as well as its most important contemporary applications based on the following axes: First axis: apology's meaning, types, and most significant conditions. The second axis: Apology and Reconciliation

Keywords: historical wrongs, apology, dispute resolution, reconciliation, historical responsibility, reparations.

1. INTRODUCTION

In some countries, apologizing for historical wrongs against some people has become a widespread phenomenon. In the late twentieth and early twenty-first centuries, apology has become a feature of society, leading some to call it the age of apology or the era of apology culture. In this paper, the author raises the question of whether political apology is effective in establishing international and national peace. Is political apology possible as a means of ending and resolving conflicts so that constructive relations can be reopened? In order to answer this question, the

paper identifies some basic concepts related to political apology, as well as its most important contemporary applications based on the following axes:

First axis: apology's meaning, types, and most significant conditions.

The second axis: Apology and Reconciliation

Keywords: historical wrongs, apology, dispute resolution, reconciliation, historical responsibility, reparations.

Introduction:

It was noted that apology has become a feature of the late twentieth century and twenty-first century¹, which made some call it the age of apology (Gibney et al. 2006) or the era of culture of apology (Mils, 2001). Since it became known that crimes against humanity are not subject to a statute of limitations, some countries have apologized for historical wrongs committed against some people. The Nuremberg Treaty was the first international document to address this type of crime under which the Nuremberg Tribunal was established to put on trial war criminals in Germany. Article VI of paragraph (c) of the said treaty provides for crimes against humanity and defines the acts falling within its jurisdiction, namely acts of intentional killing, extermination, enslavement, deportation and other inhumane acts committed against any civilian population before or during the war or persecution for political, ethnic or religious reasons in the execution of any of the crimes, whether or not they constitute a violation of the national law of the State in which they were committed. The text was then repeated in the Tokyo Court Regulations in Article V/C and in the German Supervisory Board Act. Then followed international conventions and treaties calling for the criminalization of these acts, the latest of which was the treaty establishing the International Criminal Court.

The Nuremberg Charter made a quantum leap in the field of international crimes because the crimes committed by Germany are crimes against humanity, although they were not recognized at the time of their commission in domestic law, that is, in

¹ Maclachlan Alice, The State of sorry: official apologies and their absence, Review (Essay-Journal of Human rights, on line publication date 19 august 2010,9:3,373-383)373

the law of the country in which they were committed. The acts committed by the Nazi regime against civilians were not yet criminalized under German law, and international criminal law had not yet been developed. Therefore, it is possible to apologize for acts that were not criminalized at the time of their commission, but retrospectively they became so with the development of the humanistic norms governing contemporary societies. It is also noted that the campaign of apologies issued by some Western countries to indigenous peoples was accompanied by the adoption of the Convention on the Rights of Indigenous and Tribal Peoples of 1989¹, which are peoples who have been colonized, whether in Africa, the American continent or New Zealand. Based on this, it is possible to identify the reasons that led to the spread of the phenomenon of apology, namely²:

1. A qualitative shift in international moral standards and the growing ideology of human rights and their acceptance.
2. The growing importance of the reputation of the state or other international institutions in light of globalization and global multiculturalism.
3. The shift in the balance of power led to an increase in the influence of the former colonial states and other peoples who suffered from the policy of discrimination.
4. Apology has become a widespread culture in political circles, especially in Western countries.

First axis: apology's meaning, types, and most significant conditions

But what does it mean to apologize for a historical wrong? What is the position of international law on the issue of historical error and apology? Does an apology have any legal value? If it is issued by the State concerned, what are its

¹ Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries Adopted by the General Conference of the International Labour Organization on 27 June 1989, at its seventy-sixth session Entry into force: 5 September 1991, Human Rights Library website, University of Minnesota <http://hrlibrary.umn.edu/arab/b063.html>

² BILDER B.,Richard, The Role of apology in International Law AND DIPLOMACY,(University of Wisconsin,Virginian Journal of International Law, volume 46,No.3,spring 2006)below434

consequences? What is the importance of an apology in international relations? Can it be adopted as a means of settling international and internal disputes?

First of all, it is necessary to distinguish between two types of apologies at the level of international relations. There is a legal apology and a political apology. A legal apology is one that falls within the scope of international responsibility and is considered a type of compensation for legal error. As for the political apology, it means an apology for the historical wrong.

a-Apologies for international legal error:

The apology was mentioned in the International Law Commission's draft on State responsibility¹. Article 37 stipulates that an apology is a form of satisfaction for victims for damage caused by international wrongdoing. This is when full compensation is not available. In some cases, it is difficult to restore the situation that existed before the damage occurred. A formal or diplomatic apology is a moral compensation that includes an acknowledgement of the fault and responsibility for its commission. In some cases, material compensation is not possible if the damage is of such a nature that it cannot be materially assessed and compensated in monetary terms.

Hence the distinction between two types of apologies, a formal diplomatic apology for an international error and a historical/political apology for a historical error. What they have in common is that both can be issued by the State but a historical apology can also be issued by groups or companies. The second common feature is that both are issued after harm has been caused by an act that constitutes an obvious violation of human rights. But what distinguishes an apology for a legal error is that the error is a violation of international obligations. A State would have breached an established international obligation in an international treaty or a well-established international custom and the breach had caused injury to another State or States.

¹ Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries 2001, http://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf

Accordingly, in order for State responsibility to arise, an international obligation must first exist, either under a treaty or under established international custom. Such as China's apology to Japan for the seizure of the Tatu Maru in 1908 and Britain's apology to Chile for Britain's violation of Chile's sovereignty in 1915. The United States apologizes to Iran for capturing an Iranian minister in 1935 and China apologizes to Britain for shooting at a Cathay Pacific in 1954. These apologies are diplomatic apologies that can be monitored since the nineteenth century¹. The refusal to apologize may lead to an increase in tension between countries, for example, the Soviet Union demanded from the United States an official apology for violating Soviet airspace or punishing those responsible as a condition for the resumption of the summit between them in Paris, but President Eisenhower refused the apology request, which led to strained relations between the two countries reached its peak in 1962 in the name of the missile crisis in Cuba.².

b- the historical wrong and apologizing for it:

A historical wrong is an act committed deliberately and premeditated in the past by states and entities against groups. The wrongdoing here is deliberate, not an emergency or unintentional accident. This act constituted a historical injustice committed in a systematic and institutionalized manner. Issued by the government of a State / institution towards a group of individuals (tribe / people / racial or ethnic group). What distinguishes historical error from international legal error is That the former at the time of its commission (i.e. the act) was not in itself a clear violation of conventional international law or of an international treaty. However, the act and its consequences have become contrary to contemporary international law and later to contemporary international standards. Two examples were the transatlantic slave trade and the extermination and violation of the rights of indigenous people of the Americas, Australia and New Zealand.

¹ Azuolas Bagdonas, Doctora thesis "The Practice of State Apologies: The Role of Demands for Historical Apologies and Refusals to Apologize in the Construction of State Identity",224,last accessed 29/3/2019 ,<http://www.etd.ceu.hu/2011/iphbaa01.pdf>

² BILDER,The Role,442

What also distinguishes a historical error is that its victims are groups, not individuals or States. Therefore, an apology for a historical wrong is defined as a speech designed to strengthen or promote reconciliation between two or more parties issued in the name of or on behalf of the government, as it may be issued by a government institution, whether parliament, cabinet or head of state .¹

A-Various apology forms:

An apology can take different forms, it may be issued in the form of official verbal statements, or it may be issued in the form of a joint statement between several parties². The apology may be issued in the form of a law or an official document, or it may be issued within a court ruling. An apology can also be issued during a general amnesty ceremony or public reconciliation marches in memory of victims of grave violations in which official delegations, survivors, families or their representatives participate. All these images express regret and regret at the occurrence of the historical error. However, most researchers in the field of reconciliation and conflict resolution agree that an apology should come in a specific form in which formal and objective conditions are met. In order for an apology to achieve its desired results in healing the wounds of the past, a historical apology must include elements complementary to each other. They are interrelated and interrelated elements that cannot be separated from each other. If one element is absent, the apology becomes incomplete and useless. The combined elements of apology are what give the apology meaning, effectiveness and credibility.

B- Conditions to be met in a successful apology :³

Verbal statement: Researchers in the field of reconciliation and conflict resolution believe that an apology should be issued verbally. It is not considered an apology if the government only publishes the apology in the official newspapers.

¹ Craig W. Blatz, Karina Schumann, Michael Ross, Government apologies for historical injustice, (*Political Psychology*, Vol. 30, No. 2, 2009), Government apologies for historical injustice,2 https://web.stanford.edu/~omidf/KarinaSchumann/KarinaSchumann_Home/Publications_files/Blatz.Schumann.Ross.PoliticalPsychology.2009.pdf

² MACLACHAN, The state of soory, 375

³ BAGDONAS ,the state, op.cit., 4-6

The second condition: public written apology: This means that the apology is made publicly, and this usually requires the preparation of an official ceremony to commemorate the victims and honor them officially, the condition here is the publicity of the apology. And publicity here is a prerequisite ¹ because it concerns two parties, an apologetic party and the victim, and the latter must hear the apology directly. The public speech must be readable and audible by all and recorded to become an official document to be added to the state records.

A written apology is a prerequisite for there to be no controversy or discussion about the seriousness or content of the apology. It must be clear, frank and precise, unambiguous about its meaning or content. The apology may come in the form of a law to be announced in the audio-visual and print media.

The third condition: the official capacity of the apology: What indicates the seriousness and authenticity of the apology is that it is issued by a higher official authority, usually the government represented by the prime minister or sometimes issued by the head of state or the speaker of parliament.

Fourth condition: The apology was issued within an official ceremony held specifically for this fundamental historical event in the life of the State and the people². This requires prior preparation in which the entire community participates, including the media, the press, ministries and civil society of all spectrums, in addition to the accredited bodies that represent the victims or their relatives. These preparations demonstrate the importance of the event, which is not repeated every day, but rather a historic event that will record a radical transformation in the country³.

C-Objective conditions for a historical apology:

¹ SANZ, Eneko, Edited by Jeremy Tomlinson, National Apologies, Mapping the complexities of validity, A practical paper, The Centre for Peace and Conflict Studies, 31, www.centrepeaceconflictstudies.org

² PÁEZ Darío, Official or political apologies and improvement of intergroup relations: A neo-Durkheimian approach to official apologies as rituals, (University of the Basque Country, Spain, Revista de Psicología, 2010, 25) 107

³ SANZ, Mapping, op.cit, 38

Because a historical apology is a discourse designed to strengthen and promote reconciliation between two or more parties, an apology must be effective and can only be achieved if objective conditions complement each other are met.

The first condition is that the essential element of an apology revolves around the clear acceptance of the responsibility of the apologizer for the attack or act committed in the past and for the negative consequences that resulted from it. An apology does not only mean showing sympathy, regret or remorse that everyone can do and does not entail any legal consequences. It is a formal apology that produces specific results. In addition to regret and regret, it includes an explicit admission of responsibility. An acceptable or valid apology is one that means the state acknowledges its responsibility for serious mistakes. that occurred in the past to be spade a spade.

If the violations consisted of enforced disappearances, the apology must mention the specific crime committed, or if the mistake was mass murder or other gross violations of human rights. The apologizer must state what actually happened and describe it in a manner that fully applies to the facts. Added to this is a pledge not to repeat what happened. Nor does the apologetic have the right to ask for forgiveness from the victims¹. In view of the results of the apology and during the United Nations Conference in Durban in 2001² Countries such as Britain, the Netherlands and Portugal refused to use the word apology and insisted on replacing it with the word regret for its role in the transatlantic slave trade in order to avoid . For any future liability³ The consequences of apologizing to the victims of slavery if it is issued, especially since the representatives of African countries at the conference demanded that slavery be considered a crime against humanity that does not have a statute of limitations.

¹ PÁEZ, Official or political apologies, 106

The United Nations Conference against Racism, Racial Discrimination and Xenophobia was held in Durban, ² South Africa, on 31 August - 8 September 2001 <http://www.un.org/ar/events/racialdiscriminationday/pdf/ddpa.pdf>

³ Britain blocks EU apology for slave trade, <https://www.theguardian.com/world/2001/sep/03/race.uk>, last visited 17/3/2019

The second condition is that the recognition of responsibility must be accompanied by the provision of appropriate compensation. An all-out apology for historical injustice is an apology that represents a formal attempt by the government concerned to make reparations. ¹The credibility of an apology is at stake if it is not followed by any material compensation allocated to the victims of the historical error, whether they survived or to their families. An apology that is not accompanied by adequate compensation will not be interpreted as a sincere apology and does not lead to historic reconciliation.

Any apology without compensation is considered a failed apology and will not achieve reconciliation. But compensation here is not intended merely to pay exorbitant money, but the compensation sought from the apology must meet the basic and clear demands of the victims, and tolerating, denying or indifferent to these demands will not help to move forward with reconciliation, nor will it turn the page on the hateful past. Also, in most cases of historical injustice, and because it is an injustice passed down through generations, most of its victims still suffer from the lack of decent livelihoods and lack the basics or elements of a decent life, especially if the historical injustice results in the loss of their property, either because it has been portrayed by the government, as is the case of the indigenous people in the American continent. ² Or they were destroyed.

The third condition: The historical apology may irritate the current generation, which has no direct relationship with what their State committed in the past, so the language of apology usually comes in a way that does not hold the current generation responsible for the historical mistake. Asserting that what was done to the victims was wrong. An apology itself draws a line between the current regime and the regime that made the historic mistake. It is as if the government, by apologizing, declares that it is not associated with the regime that allowed such

¹ Blatz schumann, Government apologies,221

²JONES Shanon ,Apology diplomacy: Justice for all?(Netherlands Institute of international relations, No122, September 2011,)4

violations of a regime that adopted standards and values different from those adopted by the current regime. A historic apology means that the government condemns and separates itself from what happened in the past, and in so doing confirms that it is committed to justice.¹.

Fourth condition: ensuring that the act is not repeated and promising to act better in the future

The fifth condition: that the apology be followed by operational procedures. It mainly concerns compensation and reparations.

D-Characteristics of a historical apology:

1-Apology helps in the process of historical reconciliation Apologizing for historical mistakes or historical injustice. Because apologizing also means forgiveness. It is true that person who committed the original act most likely has died, but because the act has continuous results, it is necessary to apologize for it. It is a political apology for two reasons, first, because it comes from either an official political institution that has committed serious mistakes against citizens in the past. It may also come from political parties that were not in power as opposition parties or it may come from political leaders. Second, because the grave violations occurred for political purposes and political motives.

Also, an apology may be national. It is issued by the government of a particular country to apologize to its citizens. This distinguishes it from a historical apology that is made from one country to a foreign people or a diplomatic apology between one country and another.

2-Collective responsibility and collective guilt:

The apology carries two collective aspects, the first is related to collective responsibility, meaning that the actions that occurred in the past are not borne by one individual, but usually the State represented by its ministries or the government.

¹Blatz schumann, Government apologies ,223

Although the government that issued the apology had nothing to do with what happened and did not commit any of the historical errors, its responsibility comes from the principles of continuity and solidarity. The principle of continuity refers to the continuity of the State and the moral responsibility of successive Governments for the acts of previous Governments. and the principle of solidarity in other words, the current government stands in solidarity with its citizens and stands by them. At times, current governments, despite their rejection of what happened in the past, may not accept what happened but refuse to take responsibility, as happened with the Australian prime minister, who refused to apologize for the mistreatment of indigenous people because the current generation has nothing to do with the policy of previous governments.

The Australian government issued an apology in 2008 but contained no indication that the current generation felt guilty. It is a relative issue that may vary from one country to another.

The second collective dimension is the feeling of guilt, a feeling, although it seems personal or individual, but here within the framework of the official apology, the entire state as a moral person expresses its regret and regret for what happened. The phenomenon of national apologies is related to a speaker who apologizes on behalf of a group (state / army / military militias ..) for an act that occurred in the past, and in most cases neither the speaker nor the group on whose behalf he speaks has committed the act nor the party apologized for is the direct victim of the act, as it is often the victims' families, relatives or representatives to whom the letter of apology is addressed.

Examples of the most prominent apologies issued since 1990:

Southern Baptistery Church Apology¹ 1995 for African-Americans for supporting the slave trade. A law was also passed in Virginia ¹ In 2007 he regretted it on the

¹ Resolution On Racial Reconciliation On The 150th Anniversary Of The Southern Baptist Convention Atlanta, Georgia – 1995, <http://www.sbc.net/resolutions/899/resolution-on-racial-reconciliation-on-the-150th->

state's role in the slave trade and its remorse for the abuse of indigenous people ². Alabama passed a law in 2006 pardoning civil rights movement figures Rosa Parkers and Martin Luther King Jr. and hundreds of people arrested for violating racial discrimination laws at the time. Congress issued a formal apology to the native Hawaiians in 1993 for the overthrow of the Kingdom of Hawaii by the U.S. government in 1893 ³. United Church of Christ⁴ In the United States, it apologized to the people of Hawaii for the church's role in overthrowing the monarchy on that island in 1893, and the church itself apologized for its role in the slave trade on Rhode Island, where the first group of African slaves settled, and church bells rang to commemorate as a declaration of repentance.⁵.

The President of South Africa, Thabo Mbeki, announced on 16/4/2003 the payment of compensation to the victims of the apartheid regime worth 85 million dollars. Canada, September 22, 1988⁶ Its Prime Minister made a formal apology to Canadians of Japanese descent on 16/5/2014 and apologized to Canadians of Chinese descent for being subjected to racial discrimination during World War II ⁷. Canadian Foreign Minister John Stewart's 1998 apology to Indigenous people for outdated policies⁸ Australia expressed regret in 1998 to commemorate the historic injustice inflicted on Indigenous people.⁹ .Pope John Paul II apology ¹⁰ In 2000, he

[anniversary-of-the-southern-baptist-convention_also](https://www.washingtonpost.com/outlook/2018/09/14/american-churches-are-apologizing-centuries-old-mistake-that-still-reverberates-today/?noredirect=on&utm_term=.f83970183f97)

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https://www.washingtonpost.com/outlook/2018/09/14/american-churches-are-apologizing-centuries-old-mistake-that-still-reverberates-today/?noredirect=on&utm_term=.f83970183f97

¹ After 400 years, Virginia issues official apology for slavery, <https://www.theguardian.com/world/2007/feb/26/usa.topstories3>.

² **Virginia's Apology to Native Americans: Steps toward Reconciliation and Social Healing?**

³ Robert R. Weyeneth, The Power of Apology and the Process of Historical Reconciliation, *University of South Carolina – Columbia*, Published in *The Public Historian*, ed. Randolph Bergstrom, Volume 23, Issue 3, Summer 2001, pages 9-38.p13

⁴ https://d3n8a8pro7vbm.cloudfront.net/unitedchurchofchrist/legacy_url/11261/mccollough.pdf

⁵ Gregg Brekke, Episcopal Church apologizes for its role in slavery, <http://www.ucc.org/episcopal-church-apologizes/article> published in 6october2008.

⁶ Apology to Japanese Canadians leaves 'great legacy', <https://www.cbc.ca/news/canada/manitoba/apology-to-japanese-canadians-leaves-great-legacy-1.1865829>

⁷ Vancouver to formally apologize for history of discrimination against Chinese Canadians, <https://www.straight.com/news/1051141/vancouver-formally-apologize-history-discrimination-against-chinese-canadians>

⁸ The Government Apologizes, <https://www.facinghistory.org/stolen-lives-indigenous-peoples-canada-and-indian-residential-schools/chapter-5/government-apologizes>

⁹ Apology to Australia's Indigenous peoples: <https://aiatsis.gov.au/explore/articles/apology-australias-indigenous-peoples>

¹⁰ Pope says sorry for sins of church, <https://www.theguardian.com/world/2000/mar/13/catholicism.religion>

acknowledged the historical mistakes committed by the Church in the past 2000 years against non-believers and victims of the Inquisition, and the Church's position during World War II. Italy's apology to the Libyan people for its colonization of Libya and the conclusion of the Agreement of Friendship, Partnership and Cooperation under which Libya received compensation of \$5 billion in infrastructure investment on August 30, 2008.¹

The second axis: Why apologize for historical injustice? What does it have to do with transitional justice?

The historic apology is a tool of restorative justice or transitional justice that seeks to heal the wounds of the past and build reconciliation between the sons of the same people or between two peoples or even countries. It carries with it a kind of collective guilt that is different from collective responsibility, as explained earlier. The question may arise as to why a current Government should bear even moral responsibility for what was done by a previous Government? The answer is that the current government admits the mistakes committed against a particular group in the past and that her culture at the time enabled her to commit violations that have consequences and repercussions in the present and will not allow this to happen again. Some may raise another question about the effectiveness or necessity of apologizing for the past and that focusing on the future to achieve reconciliation is what works and benefits, especially since an apology will not restore the situation and will not revive the dead. A historic apology an apology with symbolic function. The credibility of a collective apology comes after the apology. Changing the basis for dealing with the other party, providing compensation, or developing projects that support the reconciliation process that enhance the content of the apology². The historical apology is based mainly on the existence of violations not related to

¹ Silvio Berlusconi apologizes to Libya for colonial rule, <https://www.telegraph.co.uk/news/worldnews/europe/italy/2658703/Silvio-Berlusconi-apologises-to-Libya-for-colonial-rule.html>

²Mihaela Mihai, Apology, <https://www.iep.utm.edu/apology/>, internet encyclopedia of philosopher ,a peer viewed academic resource,last seen 17/3/2019.

sovereignty but mainly related to gross violations of human rights, and their violation is affected by the organization of international values and can only be done by a historical apology, for example, an apology for the colonial era, the Crusades, the slave trade, the Inquisition. Genocide against Armenians or Herero people in Namibia. .

Historical injustice is past but always overshadows the present. An apology would push forward the establishment of long-term reconciliation and build constructive future relations with the victim groups to start a new page of their history and future based on accepting the apology, which is a key point to heal the wounds of the past before starting the reconciliation process. This is confirmed by many researchers and historians that apologizing for historical mistakes helps to heal the wounds of the past, and without it, psychological suffering will continue and be passed on from generation to generation. This is what has become known as intergenerational damage, hence the importance of apologizing because it targets not only the past but also the future.

A- Transgenerational harm/ intergenerational harm:

It is a new term given to moral damage or psychological pain resulting from crimes against humanity, namely mass murder, extermination, forced displacement, sexual violence during wars and armed conflicts, enforced disappearance. Exposure to such grave violations causes psychological trauma not only to the survivors but to society as a whole and leaves its mark on anyone who knows about them or witnesses them in an age when it is impossible to hide the details of any killing or any form of serious human rights violations. But the focus here remains on the society that has been directly exposed to such tragedies. The question that arises is, does the pain resulting from such crimes generate pain transmitted through generations? There is a strong assumption that an apology is a prerequisite for healing past wounds for both victims and society. .Psychologists¹ agree that trauma is not cured by time but

¹ Cheryl Regehr, Thomas Gutheil, Apology, Justice, and Trauma Recovery *The Journal of the American Academy of Psychiatry and the Law* Volume 30, Number 3, 2002)427

turns it into a chronic condition if it is not treated in a timely manner. It has been scientifically proven that psychological trauma experienced by parents is transmitted to children. Studies of samples of survivors of the Rwandan genocide revealed that two decades after the date of the genocide, 26 percent of 16-year-olds had posttraumatic stress symptoms. disorder (PTSD) ¹. It is an assumption that applies to the peoples who are still suffering from the pain of historical injustice, which is their present and its continuation also shapes their future for as long as it lasts.

The symbolism of an apology is very important for those who seek it, and it makes a real difference felt by the victims because it is a means of healing the rift and a fundamental turning point in order to rebuild moral, as it is a kind of moral reparation². Also, apology, according to some studies, ³ helps the victim to overcome the feeling of pain towards the perpetrator and to recover from it. An apology will make the victim replace feelings of revenge with positive feelings of compassion and forgiveness. This does not mean dropping the option of judicial justice and simply apologizing. However, you may resort to an apology in cases where the original offender cannot be prosecuted. Also, apology as a mechanism cannot be relied upon alone to achieve reconciliation and turn the page on the past, but can be adopted with other subsequent measures or behaviors, such as the establishment of committees to reveal the facts.

B-Apology-related mechanisms:

The historic apology is a transitional justice mechanism and an entry point to reveal the truth about gross violations of human rights and provide a set of precautionary measures for victims of violations or their families through material and moral compensation programs and rehabilitation of victims. The importance of reparations

¹ Rudahindwa S, Mutesa L, Rutembesa E *et al.* Transgenerational effects of the genocide against the Tutsi in Rwanda: A post-traumatic stress disorder symptom domain analysis .

² Weyeneth ,The power,30-31

³ Regehr, utheil, Apology, Justice, and Trauma,427

lies in the fact that they are symbolic reparations that show the apology as a human value provided by the State that committed the wrong. Offering public apologies to the victims of gross human rights violations is a historic moment and political will to move to and adhere to the principles of justice in a peaceful manner, with a view to achieving long-term stability and reconciliation, commemorating the victims and ensuring that the mistake is not repeated to build genuine reconciliation. Apology as a moral and symbolic value to political systems is a means of repairing relations between regimes and peoples. He drew lessons from the past, commemorated the victims, rehabilitated their existence, kept them alive and allowed their families to move forward with dignity. The most prominent example of an apology that an apology can be considered a transitional justice mechanism is Canada's apology to Indigenous people in June 2006. At the time, Prime Minister Stere Harper formally apologized to Indigenous people on behalf of the state for the practice of forcibly assimilating Aboriginal children in the past, preventing them from using their language and cultural traditions, and subjecting many to physical and psychological abuse.

2 -Objectives of the National Apology:

First objective:Reconciliation

Achieving reconciliation is the most obvious goal that the apologizer seeks to achieve ¹. The aim of the national apology is not to declare remorse and regret for what happened in the past, but to lay solid foundations between the state and its social components, as it aims to repair relations, or as it is expressed by restoring relations that have been affected or weakened by gross violations of citizens' rights. An apology is a necessary first step to pave the way for the national reconciliation process.

Second Objective: Building mutual confidence-building

¹ SANZ ,Mapping,12

There is no doubt that genuine, sustainable (long-term) reconciliation needs mutual trust between the State and society. Refusing to apologize or accepting an apology necessitates negotiations between the parties of society with its formal and civil institutions at the same time. Because society after any conflict such as a civil war is in a state of division and divergence, reconciliation can only be achieved through dialogue and confronting each party with the facts that occurred and holding each party responsible for the facts. The page on the past cannot be turned by denying the occurrence of Errors. But what should be done if victims or their families do not accept an apology? Victims or those affected by serious mistakes and violations will not be forced to accept an apology, as they are not obliged to do so. The state and official institutions that had a role in harming them have a duty to compensate and not to eradicate the truth, as the obligation is not to apologize, but to make reparation for the damage and apologize falls within the scope of moral compensation¹.

Admitting mistakes and taking responsibility for them will bring reassurance, especially to victims or survivors of tragedies. Which brings us to the third goal.

Third Goal: nation and identity-building

The apology, as made clear in its main elements, carries an acknowledgement, not implicitly, but explicitly of the grave violations. It is necessary to restore trust between the members of the same society on the one hand and between them and the state and its institutions. The goal is to conclude a new social contract that will serve as a basis for the establishment of a new society.

C-Motives for apology:

Some believe that countries to apologize for the historical mistake want to confront the wrong acts committed in their name in the past to get rid of guilt, as it is any

¹ Ruben Carranza, Cristián Correa, and Elena Naughton, REPARATIVE JUSTICE, More Than Words, Apologies as a Form Of Reparation,(International Center For Transitional Justice,December 2015) ,p5

apology as a moral agreement between them and the victims¹. Whoever apologizes has motives and goals, the first of which is to reconcile the past with the present, restore international reputation in the international and local community. An apology would end a page of history marked by continuous injustice.²

But this view can be too idealistic in international relations. States usually apologize if they see it in their own interest through one of two things. First, an apology could enhance its national security, such as Serbia's apology for the Sprincia massacre, which was linked to Serbia's efforts to join the European Union. Belgrade applied to the EU in 2009, but European leaders have made clear that Belgrade must take responsibility for past massacres. So in In 2010, a decision was issued to apologize for the massacres in an effort to speed up the process of regional reconciliation. The second thing that may push countries to apologize and achieve their interests is to seek to improve their international reputation, as Britain did in the case of children deported to Australia and Canada, as humanitarian organizations were demanding an apology and compensation for many years, but Britain did not admit its mistake and did not apologize until after Australia, which received these children between the years 1920, 1940 and 1950, and the last 1967, apologized in 2009, when Britain realized that its position had become embarrassing and that its international reputation on At stake, apologized in 2010³.

The apology for the historical mistake is that it is a political decision born of a political settlement resorted to by some countries to strengthen or support their national security by establishing political and economic relations with the "victim" countries or peoples. Or just to improve its international image and reputation in the international community, so that it shows through its apology to the victims that it is keen on the values it professes and adheres to. In both cases, apologizing for a historical mistake is a political tool for which the apologetic state pursues.

¹JONES, Apology diplomacy, 7-8

²Weyeneth, The power of apology, 22

³ <https://www.theguardian.com/society/2017/feb/27/britains-child-migrant-programme-why-130000-children-were-shipped-abroad>

Therefore, it is said that the apology is only a political tool that does not really express regret and remorse for what was committed against the victims.¹ .Therefore, some question the credibility of the apology and its role in establishing a real reconciliation because it stems mainly from purely political interests ². It was also noted that the submission of an apology was subject to double standards, as some States might accept to make an apology while in others they would refuse to apologize. Several cases have been recorded in which countries refused to apologize, such as Turkey's repeated refusal to recognize the Armenian genocide and therefore refused to apologize for it. Australia also refused to apologize for the policy of separating children from their families between 1910 and 1969. The United States refused to formally apologize for the period of slavery.³ .

While stressing that the apology is not enough alone as a compensatory measure, studies that dealt with the apology have confirmed that it must be issued in parallel with material measures to compensate for the damage caused to the victims, especially those damages that resulted from events that occurred in the past and successive generations still inherit pain and a sense of internal defeat.

The importance of an apology comes from being an explicit acknowledgment of what happened in the distant or recent past, whether the perpetrator was identified or not. The state declares responsibility for grave violations without specifying the perpetrator or the actual perpetrator. The apology also reflects that what happened will not happen again.

Therefore, the apology is a historic opportunity to carry out a real dialogue between the members of the same community or between the relevant parties to build a new phase. Establishing a unified agreement or consensus on the need to make an

¹ JONES Shanon ,Apology diplomacy: Justice for all?(Netherlands Institute of international relations, No122, September 2011,)1.

² JONES,6

³ ibid

apology is a necessity to confront the past and reaffirm values and obligations towards victims.

Some apologies were issued in the places where the accusations were committed, which carries a strong symbolism to eradicate images of the past and replace them with an apology that carries regret and decides responsibility for what happened. The most effective apologies are those issued based on prior consent between the victims or their representatives and the state. It is a first step - although not the only one - to restore confidence in state institutions and achieve real reconciliation that supports the peace process ¹.

Conclusion

- National apologies are key elements of the transitional justice process. An apology is a symbolic mechanism for compensation, a public acknowledgement that the gross human rights violations of the past have caused irreparable damage at any cost or caused irreparable victims and it is difficult for survivors to regain their lost rights or dignity. An apology is the acceptance by the government, groups or individuals of responsibility for what happened in the past. The apology is issued in order to support the process of justice and build a future vision towards laying the foundations of peace and reconciliation. It is a clear and unequivocal message that the gross violations of human rights were a mistake and that what happened will not be repeated in the future.
- Apology is a turning point. Before the apology is a historical stage, and after the apology, a new historical stage begins. The apology would create an atmosphere of dialogue and discussions to reconsider the relations between members of society and the state, especially since the project of submitting the apology will receive media attention that would allow all segments of society to participate in the discussion. Which will push officials to be

¹Ruben Carranza, Cristián Correa, and Elena Naughton, REPARATIVE JUSTICE, More Than Words, Apologies as a Form Of Reparation,(International Center For Transitional Justice,December 2015)1-2

careful about how to produce the apology by selecting the words of the apology, its content, timing and even its place. .

- An apology should embody the intention of the state or parties responsible for the violations to recognize responsibility towards the victims and society and to encourage them to confront the root causes that led to grave violations, conflict or persecution.
- The apology itself outlines a strong message in favour of the truth, supports the state's intention and helps it to carry out its duties towards the victims, and when the apology is accompanied by operational-material measures in favour of the victims, the moral apology becomes an actual means that enables the state to restore the relationship between it, the victims and society as a whole. The apology is of a collective nature with a clear collective message with a future framework dimension in which the parameters of the new relationship that the state aspires to build on the foundations of justice, equality and respect for the rights of citizens and human beings in general. At the same time, do not claim to forget the past by hiding the facts, despite their horror, but by revealing them, presenting them, taking responsibility and ensuring that they will not be repeated in the future.

No doubt, apologizing for historical wrongs made in the past is still an emerging practice that needs to be explored and studied by academics, politicians, sociologists, and jurists. A practice must take root in order to become a political culture with its own justifications and conditions.

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Azuolas Bagdonas, Doctora thesis "The Practice of State Apologies: The Role of Demands for Historical Apologies and Refusals to Apologize in the Construction of State Identity",224,last accessed 29/3/2019 ,<http://www.etd.ceu.hu/2011/iphbaa01.pdf>

Maclachlan Alice, The State of sorry: official apologies and their absence, Review (Essay-Journal of Human rights, on line publication date 19 august 2010,9:3,373-383)373

Ruben Carranza, Cristián Correa, and Elena Naughton, REPARATIVE JUSTICE, More Than Words, Apologies as a Form Of Reparation,(International Center For Transitional Justice,December 2015)

JONES Shanon ,Apology diplomacy: Justice for all?(Netherlands Institute of international relations, No122, September 2011

Cheryl Regehr, Thomas Gutheil, Apology, Justice, and Trauma Recovery The Journal of the American Academy of Psychiatry and the Law Volume 30, Number 3, 2002)427

Rudahindwa S, Mutesa L, Rutembesa E *et al.* Transgenerational effects of the genocide against the Tutsi in Rwanda: A post-traumatic stress disorder symptom domain analysis .

Robert R. Weyeneth,The Power of Apology and the Process of Historical Reconciliation , *University of South Carolina – Columbia*, Published in *The Public Historian*, ed. Randolph Bergstrom, Volume 23, Issue 3, Summer 2001, pages 9-38

BILDER B.,Richard, The Role of apology in International Law AND DIPLOMACY,(University of Wisconsin,Virginian Journal of International Law, volume 46,No.3,spring 2006

Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries Adopted by the General Conference of the International Labour Organization on 27 June 1989, at its seventy-sixth session Entry into force: 5 September 1991, Human Rights Library website, University of Minnesota <http://hrlibrary.umn.edu/arab/b063.html>

Mihaela Mihai,Apology, <https://www.iep.utm.edu/apology/>, internet encyclopedia of philosopher ,a peer viewed academic resource,last seen 17/3/2019