Discourses, Truth and the ICTY in the former Yugoslavia

How does the ICTY affect social realities through the discourses and frameworks they use and follow and what does this mean for the contentious search for truth in the former Yugoslavia?

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(Serbs in northern Kosovo protest against the Kosovo agreement, B92, 22. 04. 2013)

Abstract

This paper operates under the basis that the best way to influence social realities is to alter the discourses which create them. It is the goal of Social Movement Organizations like the ICTY to do precisely this. By altering antagonistic discourses circulated in the former Yugoslavia through judgments and verdicts, the ICTY can contribute to deterrence of further violence and violent discourses, as well as reconciliation. This paper is based on a variety of sources, some quantitative and some theoretical. The entire goal and tone of the paper remains contemplative throughout and is not necessarily a critique of the ICTY. Nor does this paper hope to provide alternatives to the ICTY. It aims to assess firstly; the role of the ICTY in the former Yugoslavia. Following which, effectiveness of this role will be evaluated. This evaluation is based on the presence of certain theoretical principles from the field of Conflict Studies. Once this analysis is completed this paper will attempt to illustrate the effects of the success or failure of the ICTY on its credibility within the region. The final step is to determine how the ICTY affects social realities within the former Yugoslavia. The main argument within this paper and which needs to be kept in consideration is that social realities are constructed by truths. These truths however are ambiguous, relative, contentious and arbitrary. It is precisely this which makes reconstructing discourses an essential part of reconciliation and justice.

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Introduction

Serbia, Bosnia Herzegovina, Macedonia, Kosovo, Croatia, Slovenia and Montenegro used to be part of a single state known as Yugoslavia.[1] This was a single party state with a socialist regime. Following the death of Tito in 1980, cracks started to form in the unity which had defined the multi-ethnic country. Tensions rose throughout the 80's and culminated in 1990, when the regime collapsed. Regions that formed core components of the Yugoslav state started to demand autonomy. Slovenia and Croatia held referendums for independence. The respective new states would be defined by an ethno-religious majority, who would form the basis of a new nation. However, due to the multi-ethnic nature of the Yugoslav state as a whole, drawing definitive borders based on religious, ethnic and national demographics was impossible. The ethnicities were distributed in patchworks throughout Yugoslavia; any new state would therefore adopt entire minorities. War broke out in 1991 when the Serbian minority in the Krajina region of Croatia resisted attempts to place the region under Croatian jurisdiction. The Serbian government, which was in control of what used to be the Yugoslav People's Army, aided the Serbian minorities. Consequently, war erupted between the Croatia and Serbia. The region of Bosnia and Herzegovina followed suit, held a referendum and declared independence in 1992. This region however included significant Serbian and Croatian minorities. Indeed in the areas bordering Serbia, Serbs comprised nearly the majority of the population. They boycotted the formation of the state of Bosnia and Herzegovina. In defiance the Serbian majority created the Republika Srpska, which demanded to join the new Yugoslav Federation of Serbia and Montenegro. In Kosovo the demographic was comprised of a majority of Muslims. The conflicts which erupted due to these political tensions are known as the Yugoslav wars, which only ended with the signing of the Dayton agreement in 1995 (Percy 1995: Documentary).

These wars are thus typified by the breakup of multi-ethnic unity and the dissent into ethnic war. These ethnic wars were comprised of consecutive and at times simultaneous conflicts and battles between Serbia and Croatia, Bosnian Serbs and Bosnian Muslims, Muslim Serbs and Serbs, Serbs in

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[1] Kosovo was at this time not an independent state, but an autonomous region within Serbia. It gained independence in 2008.

Croatia and Croats, and Croats and Bosnians. These ethnicities were, and still are, defined by their ethno-linguistic and religious differences, which were framed as being part of a national identity.[2]

This was not the first time the region experienced violent conflict. Indeed, much of Balkan history is dominated by tales of conflict and oppression. The Yugoslav Wars are often thought of as the inevitable culmination of ancient ethnic divisions and hatred (Kaufman 2006:49). It is however a big step from ethnic division to violent conflict. What were the conditions necessary for violent conflict to occur? Many Yugoslavs came to see themselves as predominantly Bosnians, Croats and Serbs, despite having cohabited under one Yugoslav identity for decades. Conditions had to be created in which this switch of identity could occur. More importantly, this new identity needed to be perceived as important enough to supersede other components which comprise ones identity and social reality. Fear is a powerful incentive and when ethnicities become associated with threat, boundaries can begin to solidify. This surge in ethnic identity *"is relational, any activation of group pride in one group, is bound to activate it in another"* (Ignatieff: 1998:52*)*.

The International Criminal Tribunal of Yugoslavia (ICTY) was established in 1993, through a Security Council resolution. It was the first International Criminal Tribunal of its kind and the first attempt to create justice on an international standard. The concept behind the creation of the ICTY was that justice would aid the process of peace building (About the ICTY, ICTY Website).Their policies would affect the warring factions and the scarred society which was left in wake of the war. In order to do that, they have to counter the discourses which shaped their identities before and during the war and create a new social reality. The ICTY needs to construct new bases upon which to build the future if they hope to reconcile Bosnian, Croatian and Serbian ethnicities.

Until 2000, Serbia, Croatia and Bosnia were ruled by members of the political and military elites which had thrived during the war and were themselves under ICTY investigation (Klarin 2009:90). Needless to say, the ICTY had experienced little, to no local support. Following a switch in power, the ICTY could effectively begin indicting war criminals as part of their justice framework. Once they had a stronger foundation from which to operate, the verdicts issued by the ICTY would carry enough weight to counter the social realities and identities which polarized Yugoslav society during the wars. Or so they hope…

In the chapters 'Discourse and Social reality' and 'Discourse and conflict' I will assess how the construction of violent and antagonistic social realities can be countered to create new social realities. Also they will address hoe the ICTY hopes to form those discourses, so they will contribute to a

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[2] The main picture taken in April 2013, is an image of young Serb nationalists protesting their subjection to the Kosovo state, which they refuse to recognize.

peaceful future. In the following three chapters I will address the frameworks and goals of the ICTY and discuss the effect that they have on the construction of social realities and the contentious search for truth in the former Yugoslavia. Finally in the chapter 'Side effects' I will examine the effects these efforts have on social realities and discourses in the former Yugoslavia. In the conclusion I will answer the question if the work of the ICTY aids the process of peace building and if not what other alternatives exist.

Discourse and social reality

How do discourses and frameworks combine to create a social reality?

Conflicts like the Yugoslav wars do not just appear out of thin air, although they are often sparked by a solitary event. The conditions which allow for violence to occur, take time to form. A social reality must be created in which violence is seen as a legitimate and necessary action (Grigorian and Kaufman 2007). In these social realities, violence as an outcome is seen as inevitable due to the memories and histories which frame it as such.

The reality in which we live is based on what we consider to be true. The social interaction of these realities and truths lead to what is known as social reality. Fundamentally speaking, social reality is based on what a collective considers to be true about the world and environment in which they live and about the identity to which they believe to belong. Identity is not just determined by ethnicity, religion or nationality but it intersects along many different components like, age and gender. It is however possible for components like the latter mentioned ones to gain precedence over the former. The creation of social reality about collective identity is not so much a conscious choice but a fabrication built upon layer after layer of discourses

These layers are comprised of memories which are believed to consist of strong historical foundations.[3] The power of memory should not be underestimated since it has the ability to steer the future. Its powers derive from the amount of people that follow these collective memories and the extent or ferocity with which they believe them to be true. The manner in which these memories are spread throughout cultures and communities are narratives, language, images. Combined together these

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[3] They don't consist of historical foundations but must be believed to do so in order to be considered valid.

components are known as discourses or essentially, *"stories about social reality"* [4](Jolle Demmers 2012:125).

Discourses are like a continuous linguistic ripple effect. This takes on a life of its own and frames events, stories, memories and histories in such a way that they morph into a social reality that a collective community considers to be true. This is called "*materialization of discourse*", when new identities can become inculcated as ancient steadfast truths (Norman Fairclough 2003:207).These truths shape the identity of people within that respective community, who in turn perpetuate that social reality. "*We are born into the social structures of our time. These in turn do not exist independently but are made by us"* (Giddens 1984 in Demmers 2012:120). It is therefore a continuous cycle, and like with the chicken and the egg, it is difficult to determine what came first.

Discourses have the ability to create and shape perceptions, which is known as agency.[5] Frameworks give discourses the ability to act within a context and carry the weight necessary to shape social reality. Goffman augments this idea, describing frames as *"schemata of interpretation that enable individuals to locate, perceive, identify and label occurrences within their life space" (*in Benford and Snow 2000: 614). These frameworks are in turn shaped through discourses, myths and ideologies in order to gather support. On their own discourses are not meaningful enough to inspire collective action. Frameworks, therefore organize discourses as to enhance their importance (Benford and Snow 1998:189). For a framework to be successful enough to encourage mobilization and consensus though, it cannot be based solely on the attitudes of one specific individual or section of a society. It must but be aligned with established components which determine identities and social realities. These can be drawn on to reinforce the validity of the framework.

Essential aspects of these identities and the discourses which create them are; that they are relational (Saussure in Sayyid and Zac 1998:131). Through defining what we are, we imply what we are not. We construct boundaries to determine who belongs and who by relation does not. Furthermore, discourses conveying how things were, are, ought to have been and should be, subsequently also describe what they were not. Truth is thus a quintessentially contested concept. When multiple truths circulate in society which are incompatible, social realities and identities may become perceived as antagonistic and conflicting. Once this occurs, fear and threats become associated with identity and pride. During the Yugoslav wars these pride and fear induced identities were amplified (Oberschall 2000:984). Ignatieff argues that Nationalism like this is a kind of narcissism. It takes neutral facts about

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[4] *"The underlying assumption of discourse analysis is that social texts do not merely reflect or mirror objects, events and categories pre-existing in the social and natural world. Rather, they actively construct a version of those things. They do not describe things, they do things. And being active they have social and political implications"* (Jabri 1996:94-95).

[5]Agency implies that it is capable of acting out and creating, as described by Jabri above.

peoples and turns these into a narrative to illuminate the self-consciousness of a group. If the differences between these conflicting groups are small the narratives need to be more reinforced, to make these differences seem absolute (1998:51).

Discourse and conflict

What discourses shaped social realities capable of legitimizing mass violence and conflict among the three cultural groups in the former Yugoslavia between 1991 and 1995?[6]

Discourses as illustrated above can legitimize the use of violence during a conflict. This use of violence is usually determined by the ethnicity of one's opponent. Whether before the war this opponent was ones oldest friend became of secondary importance to their ethno-linguistic, religious and by relation, newly discovered national identity.

It often takes years for a society to solidify into a coherent commonly accepted structure. None the less when carefully selected memories or discourses are combined with a framework, it can create a chain reaction that influences the thoughts, morals and cohesion of an entire society. This causes it to mobilize for violence. During the Yugoslav wars, a nation which placed emphasis on brotherhood was transformed into one where differences between new identities superseded belonging and tolerance.

During the conflict ethnic groups developed what Ignatieff calls; social realities with delusions of grandeur, which sets one group apart from its ethnic counterparts. Furthermore because people are associated with an identity, they automatically belong to one, whether they consider themselves to belong to it or not. For example, "*because a Serb is a Serb to his enemies, he becomes one himself*" (1999:37). Discourses which legitimized violence during the war are still in circulation to this day. This is because discourses are resilient. They also validate the course of action taken during the war, however brutal it was. There are three main discourses which play a large part in facilitating the validation of conflict.

The first discourse that achieves this is the narrative of innocence and victimization. All factions believe that their actions during the war were in self-defense. Many Croats and Bosnians claimed then, as they do now, that their actions during the war were in response to the "Serbian aggression" (Percy, the Death of Yugoslavia: 1995). This truth is predominantly contested by Serbs. A myriad of Serbs claim that their actions were in defense of the Serbian minorities being threatened and mistreated within

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[6] Culture as used here is based on ethnic-linguistic and religious characteristics which determined national identity. Though it has been argued that the differences between Serbs, Croats and Bosnians are so small they are hardly worth mentioning, were it not for the war.

Croatia and Kosovo. In 1990 for instance, the Serbian church claimed that Orthodox minorities were suffering and that if Bosnia and Herzegovina and Croatia would achieve independence, they would be left to their own fate. Therefore as a good Orthodox state the Serbian government needed to defeat the rise of Islam in Kosovo. [7] In Croatia it was told that it was Serbia's duty to rebel against Tudjman and his growing 'fascist' state. [8] The Serbs thus considered the war, not an attempt to create a greater Serbia, but an interethnic civil war started by those who were intent on destroying Yugoslavia (Powers 1996:239).

The second discourse which is predominantly believed and circulated by and amongst Serbs is that Croatia and Bosnia defected from Yugoslavia and thus threatened Yugoslavia's cohesion and prosperity. In Serbia the war is often also referred to as a civil war. This implies that they considered the factions involved in the war as part of one community. Serbs wanted a more united Yugoslavia, whilst others, fearing Serb domination, wanted a decentralized Yugoslavia (Powers 1996: 223).

The third discourse is the myth of the "defense of the homeland" (Clark 2012:407). This predominantly circulated within Croatia. This insinuates that Croats then, as well as now, consider Serbia and Croatia to be two separate nations. They defended their nation when Serbs attacked and consider themselves void of all wrongdoing and aggression. Many of the Croats on trial at the ICTY are thus not seen as perpetrators but as heroes and protectors of the homeland (Clark 2012:407). Instead of accepting blame as instigators and perpetrators during the war, both Bosnians and Croats, claim that all their actions were in self-defense in the face of Serbian attacks on their Homeland. Ironically, Serbia is no stranger to this narrative. Claiming that Bosnia used to be part of a larger Serbian Empire, it might be considered that they believed their actions equally justified.

The former Yugoslavia is comprised of very old cultures which have cohabited in the Balkans for centuries, albeit not always peacefully. History has a tendency to focus on conflicts to ensure that we are not 'doomed to repeat the past' as it were. It must also be considered though, that not all history is comprised of an endless and continuous array of conflicts. During these times of conflict, attention was given to those memories and histories which verified the incompatibilities of the newly emerging states, in order to validate their defense or to portray them as a threat. Consider for instance the battle of Blackbirds Field in 1389. Here a Serbian prince attempted to hold off the Ottoman and Muslim advance into the Balkans. This battle ended in Serbian defeat. In the 1990s this was made into a movie,

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[7] As ethnicity started to focus on their differences, religious convictions which had in previous years not played a large role in people's lives started to become a vital part of one's identity and determined ones nationality. Bosnians were predominantly Muslims, Croats were mainly Catholics and Serbs were considered Russian Orthodox. There were no exceptions; being one of these three nationalities (Serb, Bosnian or Croat) automatically implied which religion you practiced.

[8] This was a reference made to the fact that Croatia had had a large fascist population during World War II. It is an example of how history is drawn upon in discourse to highlight a certain aspect of identity in order to validate violence against it.

filmed in Kosovo, which was portrayed as the ancient Serbian homeland. The narrative was not one of defeat by a stronger army but the glorious and brave battle in defense of a great empire threatened by Muslim aggression (Percy 1995: Documentary). The full extent of this discourse is illustrated in Milosevic's commemoration speech at Blackbird Field in 1989. Here he refers to this battle as a great battle, and the rise and unity of the Serbian peoples. It is difficult not to make the connection between the image depicted of 1389 and that in 1989. This speech is often seen as the beginning of nationalist discourses in Serbia (Milosevic Commemoration Speech 1989 [translation BBC]). Whether this movie was a true historical account is irrelative, since the truth and history which is believed, is the one which shapes values and ideas.

Discourses like the movie described above are means of activating group pride and mobilizing consensus for the plight of a particular ethnic identity. Because activation of ethnic pride in one group triggers a defense reaction in another, it is easy for a conflict to spin out of control and land in a vicious circle of continued aggression and besting. These three discourses created a sense of victimization and blame which solidified ethnic identity and was hard to counter. Historical accounts like that of the battle of Blackbirds Field are used to legitimize the course of action an ethnic group takes. Once such a memory or narrative becomes part of social history, it becomes part of a vicious circle which only spirals downwards into chaos and conflict.

Much of the focus during these wars (as it was prior to the war) is on the past and solidifying past grievances and creating new ones where they are needed to both, perpetuate the conflict and keep up support. These discourses start becoming a core component of one's identity. Losses suffered during the conflict because of association with an identity, reinforces its importance. The discourses become even harder to relinquish lest it all have been for naught. The violence of war, added to patriotism and nationalism does not inspire rational discourse, but definitive: 'with us or against us' attitudes.

Suffice to say that if this process is capable of instigating the legitimization of conflict, it can also be reversed to initiate narratives of peace which might counter the animosities that were created. The war might be over but the battle between discourses to see which one comes out on top is far from over.

Creating social history

How and through which frameworks does the ICTY hope to counter these discourses?

In order to ensure that all cultural groups within a society get along, a social reality needs to be created that inspires and encourages ethnic cooperation. Often in the wake of ethnic conflict measures are taken to ensure the reconciliation of warring factions. This in the most basic terms can be described as the alteration of violent and antagonistic discourses into ones of peace and cooperation.

The ICTY is part of the peace building effort in the former Yugoslavia. The first president of the ICTY, Antonio Cassese stated that *"far from being a vehicle for revenge, it is a tool for promoting reconciliation and restoring true peace"* (Clark 2012: 398). The three frameworks of the ICTY include justice, deterrence and restoration of peace (Clark 2012: 400)[9]. I have classified these goals as frameworks because the actions, verdicts and discourses of the ICTY are framed to fit within these larger frameworks. The idea behind this is that concentrated actions will be seen as part of a cohesive greater goal, which will garner more support for the verdicts.

Previously, I reflected on the manner in which discourses shape social realities and that these can create both peace and conflict. Verdicts passed by the ICTY are discourses which will hopefully establish an objective historical record of events. These records will then dictate the manner in which future generations perceive their ethnicity and role in the conflict. Furthermore, I argued that discourses need to be framed in order for them to seem applicable and relevant to the everyday lives of the people it affects. It is especially important for the ICTY to operate within effective frameworks if they wish for their discourses to carry weight within a fractured social setting.

The first framework the ICTY operates under is: justice.

*"The purpose of a trial is to render justice and nothing else …" (*Arendt 1994:253-254*)* Hannah Arendt stated when writing about the Nuremburg trials, which were also a means of prosecuting war criminals for crimes against humanity.

In my opinion however, verdicts are discourses which have agency. Like all actions they carry consequences. It does not rest merely with passing a verdict. For instance, by marginalizing leaders the

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[9] The ICTY makes no official classification of their mission as the twin responsibility of justice and reconciliation. This is however the generally accepted concept behind the uses and functions of justice. The UN General Assembly President Vuk Jeremic even maintained that *"efforts to achieve justice and reconciliation should reinforce each other, and be bound together in what they hope to accomplish- to put an end to enmity, thus breaking for good, the vicious cycle of hatred"*(B92, 10, April 2013). The misunderstanding often comes I believe, because Justice can lead to Reconciliation but that is not a given, merely a possible result. Furthermore I employed the term peace building as opposed to reconciliation in this paper because the ICTY does not mention it as a goal themselves. They do plainly state that they have achieved results in peace building. The two terms are very similar; Peace building however is not so ambiguous. It implies merely that there is a state of peace upon which can be built and improved in the future.

ICTY creates a platform for judgments which are not directed to the public, but is capable of influencing them. In this instance three things need to be taken into consideration. Firstly, the concept that marginalizing leaders will alleviate guilt is not infallible. By concentrating responsibility it robs the rest of the population of the need to feel responsibility. This might hinder them in reconsidering their discourses of collective innocence and victimization. Secondly, when war criminals were indicted in the 90's they still held positions of power within the governments. These governments had been elected through popular consensus; therefore the crimes for which they had been indicted had been sanctioned by the general masses. Concentrating guilt might therefore reinforce defensive narratives. Thirdly, a necessary amount of shared liability, needed to empathize with other ethnic groups, is lost. This liability should form the fundamental components for restoring peace. Through this process, the ICTY hopes that their discourses will form a historical basis for the future. Law and history however, do not use the same method of reasoning. Their verdicts and narratives will always have a hard time being objective because they have to pass judgment. (Richard 2005: 909) The power to preside over the immediate past can also dictate the future identity of a country, so needless to say, all ethnicities involved are eager to maintain their narratives of righteousness, lest they are left the guilty party. In order to protect the national psyche all governments will therefore protect the victimized image and counter anything the ICTY might say which contradicts this. Following the conflict as well as during, the control over the interpretation of violence is at least as important, if not more, than the outcome of specific struggles themselves (Demmers 2012:134). So justice always comes with side effects, and at times at a cost.

The second framework the ICTY employs is deterrence. Akhavan suggests that by marginalizing leaders like those on trial at the ICTY, the likelihood of retaliations is diminished. Instead of focusing on the other ethnicity as perpetrators, crimes are given a face which to blame (2001: 9). Transitional justice creates incentives for new leaders to cooperate with other ethnic groups, lest they be indicted. Furthermore the ICTY offers encouragement for cooperation in terms of aid, financial support and EU membership. Failure to cooperate will lead to the removal of these incentives thus promoting cooperation. As I will illustrate later, these incentives also carry consequences.

The third framework of the ICTY is creating the basis for peace. The thought behind this is that following conflict, the truth must be told in order for individuals to be able to move on. Eastmond and Mannergren Selimovic 2012: 502). The general idea behind this is that a *"Society cannot forgive what it cannot punish"* (Landsman: 1996 in Parker 2009:82). This is the component of justice which creates the possibility of peace. Justice provides recognition for the victims and by so doing promotes peace. It also allows for the realization of an accurate historical record as previously stated (Spoerri 2011: 1829). This Historical record is based on the official memories which create closure for those affected by the war.

The benefits of this westernized form of prosecution are thought to be: strengthening rule of law, reeducating people about the wrongs of the past, identifying victims and punishing the culprits responsible in order to deter any future violations. It is thought that this combination of factors will allow war torn societies to heal.

Diana Johnstone reported in 1997 in *the Nation* that the *"ICTY does not have the budget to be objective".* My fascination with this quote lies, not with the budget, but with the idea that perhaps it is fundamentally impossible for the ICTY to be objective. Their goals are guided by the discourses that preceded the end of the war. They are based on generalized concepts of blame and guilt which tend to divide the world in a polarized and Manichean view of good and evil. In order for them to assign guilt they will always have to side with one party over the other. This might impede rather than encourage peace building. Furthermore, objectivity is a relative term, groups are likely to only consider a decision objective if it is ruled in their favor. If it is not then it might reinforce their sense of victimization and force the ethnic cleavage of society further apart. This is because *"History is never one story"* (Clark 2012:418).

The next step is to see how their frameworks and discourses are created and perpetuated in order to gather support for them.

Core framing tasks

How are the frameworks (justice, deterrence and peace building), through which the ICTY hopes to achieve its goals constructed?

*"Collective action frames are constructed in part as movement adherents negotiate a shared understanding of some problematic condition or situation they define as in need of change"(*Wilson 1973 in Benford and Snow 2000:615).

The key component of this definition is shared condition in need of change. Collective action frames can only be established effectively if there is some manner of consensus about how to fix a problem. More importantly, all sides need to agree on the nature and scope of the problem. Seeing as due to persistent antagonist discourses, this is not the case in the former Yugoslavia, the core focus of the ICTY is frame alteration. This implies countering all the other frameworks which give weight to antagonistic discourses and replacing them with new ones that can diffuse tensions. Finding similarities between frames, aligning and amplifying them in order to expand their ranges and make them more compatible, is one method of achieving this (Benford and Snow 2000: 623).

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The ICTY thus attempts to reconstruct and devalue ethnic mobilization frames. At the same time they try to gather support for the reconciliation and justice framework under which they operate. In order to do this they need to construct solid frameworks within which their discourses of peace can operate and gather support. The effectiveness of altering and aligning these ethnic mobilization frames with their own depends on the efficiency with which they execute the core framing tasks (Benford and Snow 2000: 615/623).

These core framing tasks are diagnostic framing, prognostic framing and motivational framing (Benford and Snow 2000:615). They form the basis of successful collective action frames. The frameworks of the ICTY need to have national support, if they hope to succeed. Their verdicts need to be internalized by the people they hope to affect. It therefore stands to reason that they need to operate under these core framing tasks to be successful. In order to assess the effect and scope of the ICTY's presence the effectiveness of these components will be addressed.

Diagnostic framing is the construction of a framework, problem or situation which needs to be addressed. The ICTY diagnosed that in order to alter the existing frames and discourses within Balkan society, justice was needed. Ipso facto, this would alleviate collective guilt and responsibility and pave the way for peace building. The problem with the justice frame is that there is little academic consensus about its effectiveness. Many argue for alternate forms of reconciliation which are more grass-root[10]. Other ways to uncover the truth like truth committees have also become more popular. This creates problems for the credibility of the ICTY, since its method is under constant scrutiny (Benford and Snow 2000: 615).

The second core aspect of framing is prognostic framing. This implies that they frame their goal as one which will benefit the collective. Due to the political climate prior to 2000 and the lack of consensus within the ICTY and the International Community, this framing aspect was seriously missing during the start-up. When the ICTY was formed it wasn't formed within an existing or coherent structure. The primary goal of the ICTY was thus becoming functional instead of credibly working towards justice and peace building. This lasted until the change of the millennium. Following this, the primary goal of establishing the ICTY had been achieved. The political climate had also changed to such an extent that cooperation between the ICTY and governments in the Former Yugoslavia were possible (Klarin 2009:90). Finally one of their prognoses is that through indictments and verdicts they would build a new foundation for peace.

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[10] This refers to organizations like Pax Christi, Europe House and NGO Youth Peace Group

The third and arguably the most important part of the core framing tasks is frame motivation. In order for the ICTY to reach the goal that it has set, it needs to mobilize consensus and support. The broader and more flexible the frame the larger amount of supporters a frame will attract (Benford and Snow 2000:618).The problem with this concept is that the frame of the ICTY is neither flexible nor broad. Due to the judicial framework of the ICTY they categorize ethnicities and occurrences as either good or bad, but cannot do both. Furthermore, in order to reach their end goal, mass mobilization will be needed to ensure that frameworks of justice and peace supersede those of victimization and blame. They also need to manage mobilizing the masses for something they will initially resist.

The following section will assess whether the prerequisite core components of a framework (diagnosis, prognosis and motivation) are present at the ICTY and how these might affect their frame resonance.

Frame Resonance

How have their ability to construct frameworks affected the role and credibility of the ICTY in the former Yugoslavia?

The resonance of frames such as that of the ICTY depends on two interacting factors: the credibility and the relative salience of the frame. [11] This implies that if the ICTY wants their goals to be credible and have a chance of achievement they need to successfully apply all the core framing tasks mentioned above or face the consequences of this in the efficiency and attainability of their goals. The ICTY uses frameworks of justice, deterrence and peace building to mobilize consensus and support for their cause, which is to reconcile the polarized ethnic frameworks and discourses and align them.

The ICTY diagnosed that the core problem in the region hindering reconciliation was collective guilt and that nobody had been held accountable for the crimes committed. Akhavan stated that the ICTY would contribute to interethnic reconciliation by telling the truth about the underlying causes and consequences of the war (1998:741).The truth would set the citizens of the region free- so to speak (Eastmond and Mannergren Selimovic 2012:502). The problem with this diagnosis however is that: A) it is based on western ideals which might not even be applicable to the region. B) Some do not believe it necessary to speak of the past and rub salt in old wounds. Instead they advocate that silence and forgiveness are more adequate roads to reconciliation. (Eastmond and Mannergren Selimovic 2012:503) C) Truth and justice incompatible and might in fact hinder each other (Richard 2005:912). D)

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[11] Credibility of frames is determined by: frame consistency, the credibility of the articulators and empirical credibility. The salience of frames is based on its centrality. For instance to what extent do the beliefs of the frame match that of the target group, are they applicable for the everyday person and finally do they follow the generally believed myths and culture? (Benford and Snow 2000:620-622)

The ICTY hopes to reduce the amount of discourses that can be circulated unchallenged in public discourse by creating an official truth. Not all parties agree on what these truths are though. E) What is often used against the ICTY is that, it was created through a Security Council resolution, but never backed by the General Assembly. This is often used to attack its credibility.

The prognosis the ICTY made for the justice and the peace building process was focused almost solely on indicting war criminals and then convincing their respective governments to extradite them. Following this they would be placed on trial. Hardly any funding was invested in justifying and internalizing the verdicts and judgments of the ICTY. Their prognosis in 1993 was to establish the first international criminal tribunal and trial all those responsible for crimes against humanity. In short their goal was that they would create justice and that peace building would follow suit. Justice and truth however, are not reinforcing concepts but might in fact hinder each other. Furthermore the lack of war criminals indicted prior to 2000 and in the consecutive years has seriously affected their credibility. It was also thought that they would indict more criminals. All sides either believe that there weren't enough indictments and all believe too many of their own were indicted. [12]The ICTY thus fell short of the expectations it had created for its self. Especially in Bosnia and Herzegovina, where hopes for the ICTY were the highest, the results were disappointing. They believe many verdicts were too lenient and the proceedings take too long. The elusiveness of the main war criminals for so many years also had an impact on the credibility of the ICTY in the eyes of Bosnians (Orentlicher 2010: 17).

The final core framing task necessary to generate support for their frameworks and discourses is mobilization. In essence this component is the most important task. In order to mobilize support for the verdicts, discourses and frameworks of the ICTY, they need to be accessible and transparent to all they hope to affect. It is essential that justice is seen to be done, if they hope to gather support for their verdicts (Clark 2012:402).The problem in the former Yugoslavia is that; even though truth is subjective it needs to be accepted by separate and often conflicting ethnic groups. This makes the matter of creating an all-encompassing framework rather difficult. Of course, the ICTY can create an official social memory, but this will not contribute to national reconciliation if this record is not recognized and internalized by the peoples of the former Yugoslavia (Parker 2009: 86).

Trials are held in The Hague and within the former Yugoslavia there are only outreach offices in Belgrade and Sarajevo (Outreach programs, ICTY website).This geographic divide means that there's not a lot of connection between the ICTY and everyday life (Akhavan 1998:793).This lack of

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[12] The ICTY convicted 45 Serbs who got 718 years in prison in total, 12 Croats got a total of 167.5 years, 5 Bosnians got a combined total of 42.5 years and 2 Kosovo Albanians got 19 years (Klarin 2009:92).

transparency makes it difficult to garner support because people do not have a clear view of what they are supposed to be supporting. The ICTY hearings have not been broadcast on TV in Croatia for example. This makes it easier for the media and the government to frame the judgments to gather support for their own cause and, portray the ICTY in a negative light (Cruvellier and Valinas: 2006 in Sara Parker 2009:87). Figure 1 indicates the limited medium that soldiers in the Bosnian and Herzegovinian army have to follow the verdicts of the ICTY. Although this is a limited survey, which does not cover all three countries, Bosnian and Herzegovina is most supportive of the ICTY. If the level of information is as low as indicated in the table below there, one can only speculate what it is in Serbia and Croatia.

In defense of the ICTY, there are outreach programs which visit schools and offer insights into the workings of the ICTY. Furthermore the trials can be viewed and the verdicts read on the ICTY website. All are readily accessible online. This however, appears to be insufficient to inspire collective action towards peace building (The Cases, ICTY website).
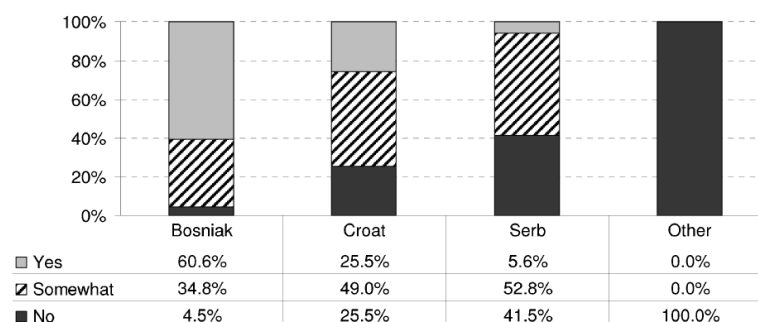

	Bosniak	Croat	Serb	Other
☐ Yes	60.6%	25.5%	5.6%	0.0%
☑ Somewhat	34.8%	49.0%	52.8%	0.0%
■ No	4.5%	25.5%	41.5%	100.0%

Figure 1. Is the ICTY a Credible Institution?   13

(Nettlefield 2010:101)

This lack of clarity towards the average citizens comes at a high cost to mobilization for the cause of the ICTY. For instance the ICTY exchanges plea agreements in the hope it will contribute to the truth. These plea bargains come without due explanation for victims. The need for verdicts and justice thus supersede the need for truth. This illustrates the at times, incompatible nature of the two frameworks. This lead to protests on the 30th of May 2008 that war criminals ought to be judged not traded with. [14]

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[13] These figures are based on a survey of soldiers of different ethnicities within the Bosnian Herzegovinian army. It is therefore not a complete representation of thoughts and opinions present within the former Yugoslavia.

[14] On 30 May 2008 there were protests against the plea agreement and nine year prison sentence of the Fustars co-accused. They were holding banner saying"Sudite umjesto da trgujete" translation: [judge war criminals instead of trading with them] (Clark 2009: 427)

On top of this, opinion polls in Serbia indicate that the majority of its citizens believe that the ICTY is dangerous to their national security (Clark 2009: 427). Albanians used have nearly limitless confidence in the ICTY. This is until the first indictment was issued against KLA leader Ramush Haradinaj.

Because their verdicts are not explained or internalized within the ethnic communities, the verdicts and indictments are often seen as antagonistic to that particular ethnicity. Overall the general rule of thumb is that *"the popularity of the ICTY in the former Yugoslavia is inversely proportional to the number of accused that come from these countries and ethnic communities"* (Klarin 2009:89-91).

Ethnicity	Percentage optimistic about the ICTY
Kosovo Albanians	83.3 %
Bosnia Herzegovina	51%
Serbian	7.6%
Montenegrins	24%
Croatians	21%

(Klarin 2009:89-91)

Over the past years the situation might have even deteriorated. The Belgrade Centre for Human Rights reported that only 7% of Serbs believed the ICTY to be unbiased and 63% thought that too many Serbs were indicted. The *Politika* newspaper in Serbia called Serbs the ICTY's scape goats. Without counter claims from the ICTY, discourse like this will only hinder their ability and chances at reconciliation (Klarin 2009:92). Figure 2 offers an overview of the mediums available to the Bosnian Herzegovinian army for gathering information about the verdicts. These also indicate a bleak outcome for ICTY opinions in the former Yugoslavia.
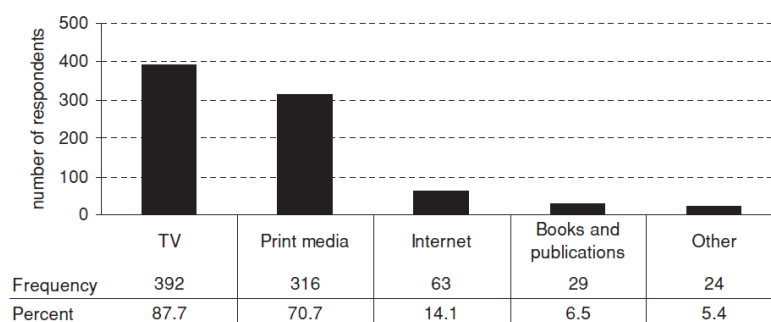

	TV	Print media	Internet	Books and publications	Other
Frequency	392	316	63	29	24
Percent	87.7	70.7	14.1	6.5	5.4

Figure 2. How Do You Get Information about the Work of the ICTY?[52]

(Nettlefield 2010:102)

"As the ICTY has learned, trials do not exist in a vacuum and must be accompanied by public discussion and education" (Zoglin 2005:74). The ICTY however does not possess the institutional man power to enforce and explain their decisions (Parker 2009: 90). Even when facts have emerged which have been established beyond reasonable doubt, it does not mean that people are willing to accept these facts. The Centre for Non-Violent Action in Sarajevo claims that there is no broad consensus, instead three irreconcilable discourses, where all portray themselves as victims (Clark 2009: 369).

The ICTY will need to mobilize popular consensus for their verdicts. Establishing a truth is useless unless that truth is acknowledged and accepted. If this is not the case it will promote antagonism and polarize a society even further.

For the moment the core framing aspects as discussed above and their efficiency don't predict much good for the ICTY. Their frames fail to resonate. Yet, the ICTY website reads that *"The tribunal has contributed to creating an undisputed record, combating denial and helping communities come to terms"* (About the ICTY, the ICTY website). As seen in the information illustrated, Yugoslavia has a long history of denials and diverse discourses. Their continued self-victimization also perpetuates the cycle of violence. Churchill once wrote that *"the Balkans produce more history than they can consume".* The only possibility for breaking this cycle is; to set up a unified discourse, or at least one in which responsibility for crimes is acknowledged.

Most notable is the inability to mobilize consensus for reconciliation. This is because the frame of the ICTY is too marginalized to articulate and amplify, even if they had the man power to do so (Nettlefield 2010: 97). Potentially, this means that any form of frame alignment becomes nigh to impossible. All the while one of their goals is to alter the discourses circulated within the former Yugoslavia yet they are unable to advertise and give weight to their own discourses. The credibility of their frame is thus affected because they are unable to meet their goals and don't mobilize support for their frame. Due to this lack of mobilization their frame has no salience because it goes directly against existing discourses, and has little support with which to do this. The data shown above might indicate that they in fact lose more popular consensus than that they gain it.

This does however not mean that the ICTY does not have an effect on the contentious search for truth in the former Yugoslavia. Nor does it mean that their discourses do not have an effect on social realities.

Side effects

How might the ICTY consciously or subconsciously affect social realities in the former Yugoslavia?

"Power consists in the ability to make others inhabit your story of their reality" (Gourevitch 1998:48).

If we are to use this as the definition of power then it is evident that whilst the ICTY makes a conscious attempt at creating a new social memory and reality, it is still failing to make the ethnic groups inhabit their story of reality. This is predominantly because the counter discourses of victimization and collective guilt prevail within the collective ethnic psyche. This asymmetrical distribution of power results in multiple social movement organizations and ethnic groups with the power to define many different discourses (Jabri 1996:96).

All three sides thus feel substantially affected in a negative way by the ICTY. Instead of acknowledging their responsibility all three sides seem more intent than ever on maintaining their discourses of innocence, victimization and ignorance. The discourses of the ICTY are thus not undisputed like they claim. In Croatia for example, institutions like <u>Foundation for the Truth about the Homeland War</u> raises money in support for those facing trial in The Hague (Parker 2009:89). This is part of a rhetorical strategy which claims that the tribunal's indictments are direct attacks on the legitimacy of their Homeland war.

The lack of frame resonance and credibility means that the ICTY has a hard time selling their frameworks and discourses as the right ones. Their lack of effective communication with the different ethnic groups as a whole affects the salience of their frame. On top of which very little is done to counter the negative frame amplification from the side of the local media (Benford and Snow 2000: 622). This Achilles heel of the ICTY allows for one of the dominant discourses of victimization to disrupt the peace building process. I believe that victimization is one of the mitigating factors polarizing ethnic society because it implies relativity. If you are not a victim, you are guilty. This provides incentive for people to focus on their ethnic and national identity. Trials might thus actually stigmatize ethnic groups instead of reconciling them. In my opinion this is only true as long as they maintain their discourse of victimization. By addressing the relationships between different ethnic groups and focusing on atrocities committed during the war, the ICTY subconsciously creates boundary and adversarial frames. An example of this is the comments made by the Serb president Nikolic. He claims that precisely for these reasons, The Hague hinders reconciliation (B92, 10 April 2013). Furthermore, nationalism is still the platform on which most politicians get elected, so their eagerness of cooperating with an institution that attacks their nation is small (Parker 2009:87).

Much has been said about the negative implications of the ICTY. One might thus inquire; why people in the Balkans tolerate the ICTY, despite their evident distrust and non-compliance? This is because the

Balkans are run on what is intrinsically a UN economy (Singer 2000:34). When faced with lack of government support or bureaucratic obstacles, the UN applies the threat of economic sanctions to ensure cooperation. For example, the United States suspended aid in 2002 until Serbia showed signs of cooperation. They now also use EU membership as an excuse (Spoerri 2011:1833).

Peskin and Boduszynski argue that no issue has polarized the Croatian political scene as much as the issue of cooperation with the ICTY (Parker 2009: 84). The death of Tudjman before he could be indicted stopped the Croatian government from denouncing the ICTY outright. The Croatian government also does not try very hard to hunt down indicted criminals. Only when they are threatened with refusal to join the EU, do they become more pragmatic (Parker 2009:84).The European Commission has described Croatia's attitude to the ICTY as lukewarm at best (Zoglin 2005:58). Serbian governments are faced with the same dilemma. They cannot justify the extradition of war criminals. Arbitrarily, they try to extradite war heroes without losing support, so they place the arrests in the context of its EU ambitions (Subotic 2011:157). Even Serbian newspapers reported that *"The arrest of Karadzic was a sign that the Serbian government had a very ambitious EU agenda"* (B92, 22 July 2008).

Voluntary surrender is the second incentive offered by the ICTY to ascertain the truth and create a new collective memory. This incentive freed the Serbian authorities from tracking down war criminals. The result was that the people applauded the war criminals for doing their patriotic duty and paid more attention to that than their crimes. Conditionality made all this even more evident and provided the building blocks for cults of personality surrounding war heroes (Spoerri 2011:1844). The influence of nationalist leaders like Milosevic should not be underestimated, as it persists to this day.

Humphrey argues that the success of the ICTY in achieving its goals depends not only on the truth of past violence being revealed but also in the changes in the political landscape within the former Yugoslavia. This is a process which the ICTY hinders without meaning to do so. The result is the continued glorification of war criminals which further impedes the process (2003:502). Glorification allows people to identify their ethnic group with something positive. These incentives which are thus supposed to alleviate collective guilt have the added effect of making the association sanguine and inspiring ethnic and nationalist cohesion based on victimization and innocence, instead of breaking down associative boundaries.

The ICTY's goal is to determine guilt, but all the while it wishes to maintain the ability to convey a historical record of past events. In order to achieve this sometimes leverage is used to ensure cooperation. This has a subconscious side effect though. People must know the reason for the decisions in order to support them. Conditionality has made this more difficult; it has commandeered the debate of ICTY cooperation and impedes the already limited transfer of knowledge and awareness

(Spoerri 2011:1837). Domestic coverage of the war crimes devotes the bulk of its time to the impact of compliance on EU integration (Spoerri 2011:1883).

Serbian leaders have had to justify cooperation with the ICTY on pragmatic instead of principled grounds (Orentlicher 2008 in Spoerri 2011:1840). Countries acquiescence to the ICTY is dictated by necessity; this has made the conviction of war criminals material gain instead of moral conviction. The Organization for Security and Cooperation in Europe and the Belgrade Center for Human rights have conducted polls which indicate that: out of 50% of Serbs that support the ICTY 22% do so out of a concern for justice (Spoerri 2011:1839-1841). One can imagine the impediment this places on the goal of assuming responsibility and acknowledging guilt. Figures 4 and 5 illustrate the opinions about the reasons for cooperation with the ICTY among different ethnicities within the Bosnian Army. Even within a target group influenced heavily by the war and with a large stake in reconciliation, motivation for cooperation is based on incentives by the international community.

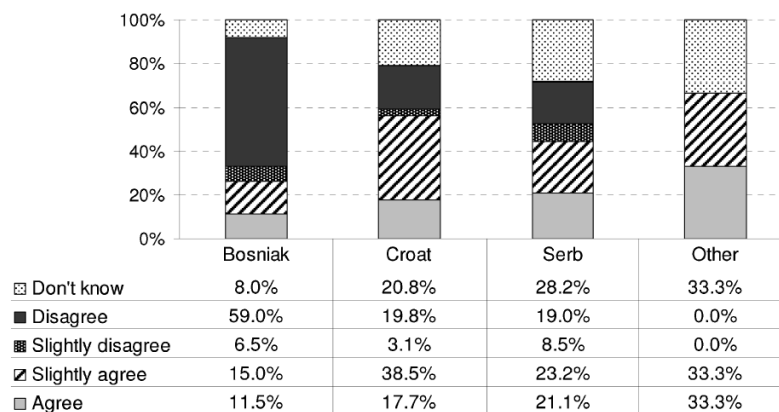From the Battlefield to the Barracks   **105**

	Bosniak	Croat	Serb	Other
⊠ Don't know	8.0%	20.8%	28.2%	33.3%
■ Disagree	59.0%	19.8%	19.0%	0.0%
▩ Slightly disagree	6.5%	3.1%	8.5%	0.0%
▨ Slightly agree	15.0%	38.5%	23.2%	33.3%
▢ Agree	11.5%	17.7%	21.1%	33.3%

Figure 4. Bosnia and Herzegovina Should Cooperate with the ICTY ONLY Because If It Does Not It Will Be Punished by the International Community.

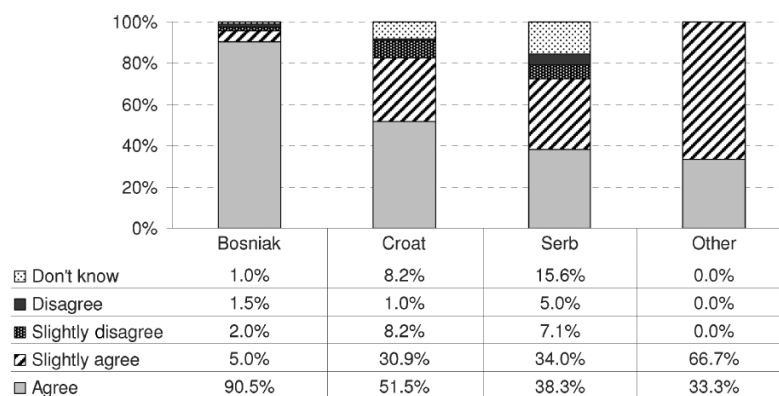|	Bosniak	Croat	Serb	Other
⊠ Don't know	1.0%	8.2%	15.6%	0.0%
■ Disagree	1.5%	1.0%	5.0%	0.0%
▩ Slightly disagree	2.0%	8.2%	7.1%	0.0%
▨ Slightly agree	5.0%	30.9%	34.0%	66.7%
▢ Agree	90.5%	51.5%	38.3%	33.3%

Figure 5. Bosnia and Herzegovina Should Cooperate with the ICTY Because Perpetrators of War Crimes Should Be Brought to Justice.

(Nettlefield 2010:105)

The purgative function of justice tends to operate much better for the victims than on the other side. While victims feel justice has been done, the other side only feels like scape goat (Ignatieff 1996: 118). Since all sides are indicted, neither side feels like it has received justice from the ICTY which hampers their incentives for reconciliation and accountability.

Serbs for instance claim that they had a harder time getting jobs because they are held collectively responsible. This sense of victimhood amongst all ethnicities has helped to foster antagonistic relations (Clark 2012:406). It is important to emphasize that this feeling of victimization is present within sections of all ethnic groups (Klarin 2009:93). Part of the reason for this is also because the focus of the trials tends to rest on the accused as opposed to the victims, which is a potential side effect of justice as a form of peace building. The ethnic cohesion created by the sense of victimization and the selective approach to the truth leads to the "Ethnization of memory", despite the ICTY's efforts to counter this process (Clark 2012:414). It is an impediment to reconciliation because if people view the past from an ethnic point of view, they are likely to view the present and the future in the same way.

Discourses which hinder the ICTY and reinforce these dominant discourses are for instance Croatia's defense of the homeland discourse. In October 2000, the Croatian Sabor adopted a declaration of the homeland war. According to this the republic of Croatia led a just and defensive war. Ex-commanders are always hailed as: branitelji [defenders] (Clark 2012:407). Any judgments and indictments by the ICTY are thus seen as undermining the understanding of the war. Discourses like these are influenced by the conscious policies of the ICTY and their unforeseen side effects.

I previously addressed the various discourses which validated the war. These discourses persist to this day, despite the ICTY's hope to counter these. For example Serbs still call it a civil war, while Croats and Bosnians call it Serbian aggression. Serbs talk about the liberation of Vukovar and Croats talk about the fall of Vukovar. Discourses like these are still woven into the social realities which shape post conflict society in the former Yugoslavia on a daily basis. For instance on the 4th of November 2010: Serbian president Boris Tadic visited Ovcara to pay his respects to the victims and apologize for the crime. Thereafter Tadic travelled to the village of Paulin Dvor where 18 Serbs were killed. This immediately drew claims that he was attempting to equalize the crimes (Clark 2012:417). Croats are thus still very clear about trying to distinguish between the levels of atrocities and directing guilt to other parties. Another example is the 5th of August, which is a national holiday. On this day there is an annual celebration of Dan Pobjede Zahvalnoosti I Hrvatskih Branitelja [Day of victory/ thanksgiving and the

Croatian Defenders.] and Heroj t-shirts of Ante Gotovina are sold as if it were a rock concert (Clark 2012:417).

The vacuums created by the lack of information by the ICTY allow local and national media to fill the knowledge gap with their own discourses. Croatian state TV (*HTR*) news coverage between the 15th and 30th of April 2011, focused entirely on verdicts but never the context or the victims. The magazine *Vecernji List* gave readers a free Gotovina poster, whilst in magazine *za Vojnu Povijest* all the articles were pro Gotovina and anti-ICTY(Clark 2012:418). The extent of public support for war heroes in Croatia can be seen in figure 6. All the while information about the everdicts remain schrouded by the media and beaurocracy.

Figure 6: A romantic graffiti image of Gotovina looking heroic.

The ethnic nature of Serbian politics is that the national story line for the past 20 years has been one of a victimized nation engaged in self- defense, which is difficult to counter(MacDonald: 2002 in Subotic 2011: 165.) Serbs can therefore not hold the ICTY in high esteem because it contradicts this.

Bosnians have less of an effort to make to achieve a sense of victimization, since the amount of Bosnians indicted by the ICTY is minimal. This does however still affect their support for the ICTY, which studies indicate to be limited. This is also due to the small number of indictments in relation to the amount of crimes committed against their ethnicity (Clark 2009:473).

Despite their conscious intentions to do the opposite, the inadequacies and inconsistency in the frameworks adopted by the ICTY subconsciously hinder the peace building process in the former Yugoslavia by creating antagonistic discourses.

Conclusion

Can the ICTY aid the process of peace building in the Former Yugoslavia and what are the alternatives?

The core question was how the ICTY affects social realities and the contentious search for truth and whether these effects hinder or enhance their success.

The data shows that one might hypothesize that the ICTY reinforces existing social realities instead of countering them. This is due to them not fully succeeding in the core framing tasks. The crippling shortcomings in their frameworks and the unavoidable side effects they encounter in their attempt to encourage new discourses create counter discourses which blossom as a result. This polarizes the truths and social relations between ethnic groups in the former Yugoslavia. To be fair, it is easier to

judge than it is to defend the ICTY. December 6th 2004 marked the first official apology from a Serbian leader (Subotic 2011:164). One might attribute changes like this to the work of the ICTY. The ICTY does challenge existing discourses; it's therefore not like they don't have an effect at all. As with all important things in development, it begins with baby steps.

Ignatieff defends the ICTY claiming that it is easy to judge methods of reconciliation for what they do not achieve, it is however more important to consider what they can achieve. Namely, what they accomplish or at least should be commended for trying to do is *"to reduce the number of lies that can be circulated unchallenged in public discourse."* What would be the alternative anyway?

Nietzsche argued that *"The past has to be forgotten if it is not to become the gravedigger of the present"* (Clark 2009:367). This point is acceded by Eastmond and Mannergren Selimovic who argue that silence is a better option than actively constructing new discourses. They do however argue that silence is not synonymous with forgetting. Silence is more than the absence of speech, rather a form of social communication that has agency of its own and might help create a sense of normality (2012:505-506).Perhaps the creation of collective memories is something that should be avoided after war. A clean slate allows for people to build on their personal feelings instead of going along with the discourses of the masses.

The idea that dwelling on the past hinders the Balkans from moving forward is gaining support. BBC reporter Alan Little went to the Balkans in 2012 and interviewed an 80 year old man in the street. His first question was: "are you a Croat or a Muslim"? This he did in order to determine who he was talking too. The man answered him: "I am a musician" (Alan little, BBC 6 April 2012). This was a reprimand to the manner in which ethnic generalization is used by society, institutions like the ICTY, media, politics and now myself to reduce the identity of innocent individuals as part of a larger collective which is considered to carry a certain amount of blame. [15]

Finally, "*tribunal's legacies are not necessarily fixed, but may change over time as the domestic perceptions of the past and domestic politics of the present change" (*Clark 2012:400). Without any doubt we will look back in time and will conclude that the ICTY and their work within this region formed the basis for new discourses. It remains to be seen if in time these newly formed discourses are better than the ones in place today. If these new discourses have ,if only partly replaced the old ones and reconciliation has taken place, even if it is a little, then their effort has not been in vain. For the moment though, antagonistic discourses remain. Two days ago for instance, Serb nationalists in northern Kosovo protested against the Brussels agreement. Their arguments are based on the

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[15] This is with regard to the fact that, in this paper I have defined and restricted the scope of my research by defining societies and their social realities by the ethno-linguistic, religious and national identity.

remaining fear that their nationality would be under threat if controlled by the 'false' Kosovo state (B92, 22 April, 2013).

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Image on the front page: B92, Serbs in northern Kosovo protest against the Kosovo agreement, 22. 04. 2013. http://www.b92.net/eng/gallery/photo.php?categoryId=99#imgId=171849

Figure 6: Clark. (2012), "The ICTY and reconciliation in Croatia." *Journal International Criminal Justice* 10:397-422 Oxford University Press, 417