

Chapter 13

From International Courts to Grassroots Organizing: Obstacles to Transitional Justice in the Balkans

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Introduction

Despite the May 2011 arrest of Ratko Mladic, there is some consensus on the shortcomings of the International Criminal Tribunal for the Former Yugoslavia (ICTY) (McMahon and Western 2011). Although the court was seen as a judicial organ that would have both a legal and political impact, its effectiveness in both arenas has come under considerable scrutiny. Its primary intent was to prosecute individuals responsible for war crimes, crimes against humanity, and genocide in the Yugoslav wars, though it was also created to contribute to the restoration and maintenance of peace in the region (Hampson 1998). It was clear how the former would happen; it was never articulated how the latter would take shape. Most research suggested or assumed that these broader societal goals would transpire once domestic actors became more engaged in transitional justice and addressing the past (Peskin 2009; Subotic 2009; McMahon and Forsythe 2008; Meernik 2005; Kerr 2004). Yet, only recently, with the establishment of the Regional Truth Commission for the Former Yugoslavia (RECOM) have local organizations come together to organize around this issue. What are the origins of RECOM? What issues and strategies does it advocate? And, finally, does RECOM's development suggest that a regional justice movement is underway in the Balkans?

In the nearly two decades since the establishment of the ICTY in 1993, a substantial body of literature has emerged on transitional justice, its mechanisms, and practices (Forsythe 2011; McEvoy and McGregor 2008; Nettelfield 2010; Olsen et al.

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2010; van der Merwe et al. 2009). The early focus on international law and international institutions (Drumbl 2007; Paust et al. 2006; Akhavan 1998) has given way to more empirical studies that attempt to evaluate mechanisms, highlighting their relative weaknesses, and inability to deliver the desired outcomes (Miller and McMahon 2012; Lamont 2010; Subotic 2009; Grodsky 2007). Most research on transitional justice in the Balkans focuses on the problems with international and national transitional justice mechanisms, underscoring elites' instrumental behavior when it comes to cooperating with the ICTY (Nettelfield 2010; Fletcher et al. 2009; McMahon and Forsythe 2008; Kerr 2004). Little attention has been given to domestic activities because, until recently, there has been relatively little domestic participation and organizing around the topic of transitional justice. Our study seeks to fill this gap, examining RECOM's efforts to establish a regional truth commission, which began officially in 2006. Drawing upon insights from social movement theory and the literature on transnational advocacy networks, we analyze the conditions necessary for a regional justice movement to succeed in the Balkans. We begin by examining the origins of transitional justice in the Balkans, identifying *who* first started to push for accountability and justice. We then consider *what* RECOM is engaged in, explaining its origins and the motivations of local actors who united to form this coalition. We next turn to an analysis of *how* RECOM is doing, identifying the ongoing obstacles to its development, as well as the role and impact of international actors.

Given the recent development of RECOM and dearth of published material on this topic, we relied largely on primary sources, participant observation, and interviews for this research as well as secondary sources. Semi-structured interviews with elected officials, RECOM leaders, victims' and veterans' associations, (both RECOM and non-RECOM members), women's organizations, youth organizations, members of the media, and other civil society organizations were conducted during the summers of 2008 and 2011 in Bosnia-Herzegovina (hereafter Bosnia), Croatia, Kosovo and Serbia, and they constitute an important part of this qualitative research. We initially selected individuals in leadership positions in organizations affiliated with RECOM, but using a snowballing sampling technique we also interviewed individuals who were known to be actively involved in other transitional justice activities. In order to observe and interview a broad array of organizations operating in both urban and semi-urban settings, we conducted a total of 38 interviews in the capital cities and other towns of these countries—both entities of Bosnia and northern Kosovo were included in our visits and interviews. In these semi-structured and open-ended interviews, we asked participants specifically about the formation, goals and impact of RECOM. An important additional source of information was the International Forum on Transition Justice in the Post-Yugoslav Countries which one of us attended in June of 2011. Survey research, when available, as well as secondary material, together allowed us to develop an interpretive analysis of RECOM's intentions and ability to build a grassroots justice movement and to situate our analysis contextually and comparatively.

The arguments we present in this chapter are twofold. First, we contend that although justice and peace are moving forward in the Balkans, ongoing dilemmas underscore important lessons about transitional justice; specifically, grassroots

efforts to promote transitional justice must overcome significant obstacles in framing issues, creating coalitions and engaging the state. Different conceptions of justice and priorities among coalition partners, as well as struggles over coalition leadership and political partners have challenged RECOM's ability to create a viable regional movement. Second, we argue that international actors have fundamentally shaped the justice environment in the Balkans by affecting the supply and the demand for transitional justice in both the short-term and the long-run. In the short-term, the international community's decision to establish an international court directly affected the supply of domestic efforts to address the past, unintentionally rendering domestic mechanisms both unnecessary and undesirable. In the years since, the international community's narrow focus on cooperation with the ICTY has meant that it failed to elicit or sustain domestic participation in justice activities. Thus, although the region's transformation has indeed moved forward, we contend that domestic progress in this area has been slow in part because of the behavior and policies of international actors. To continue going forward, greater international support for grassroots efforts like RECOM may be necessary to affect real and enduring social change.

From International Prosecution to Domestic Organizing

Although there is still some debate over why the ICTY was established by the United Nations, there is little disagreement over its relative weaknesses, particularly its inability to deter violence and stop the conflict. Supporters of the ICTY contended that the court reflected the world's commitment to human rights and justice and it would help the region rebuild their judicial systems and foster peace (Hagan 2003). Skeptics of international criminal justice have, instead, contended that the establishment of the ICTY represented a "fig leaf for inaction" and a way for the international community to "do something" while avoiding a costly war (Hagan 2003, p. 60). Some critics even argued that the ICTY would do more harm than good, provoking a negative backlash in the region (Snyder and Vinjamuri 2003/2004).

Regardless of why the ICTY was created and the theoretical merits of international criminal justice, its utility and viability started to wane by the late 1990s, and ICTY judges already started to think about the court's exit strategy and how it would transfer its responsibilities to local authorities. Meanwhile, research demonstrated clearly how uncooperative Balkan elites were and how hostile or uninformed the average person was to the ICTY (Peskin and Boduszynski 2003). The court, nonetheless, continued to work on its primary goal of prosecution while its other intended objectives, such as fostering progressive liberal change and societal reconciliation, were only rarely and sporadically evident in the ICTY's activities. Obvious contradictions in terms of what leaders say and do related to addressing the past and imparting justice continue to exist, damaging the overall case for transitional justice in the Balkans. In Serbia, in particular, elite

decisions that followed ICTY dictates, such as handing Slobodan Milosevic over to the ICTY, happened alongside intense criticism of the ICTY and international justice (Orentlicher 2008). Thus, despite the ICTY's good work, which has culminated in 161 indictments and numerous arrests and prosecutions, even of "big fish" like Milosevic, Karadzic, and Mladic, the international court has seemingly had a minimal impact on political behavior and political culture in the Balkans which remains defined by ethnic nationalism.¹

Developing an exit strategy and shifting from international to domestic responsibility has proved complicated and domestic responses of any kind are, by definition, politically sensitive and financially costly. Domestic efforts to arrest, detain and try war criminals were considered arbitrary and politically motivated (Donlon 2008), and domestic trials were regarded as occasions for dispensing ethnic justice or exacting revenge (Bohlander 2003). In 2003, ICTY officials devised a Completion Strategy for its requiring cooperation and coordination with local justice systems in the Balkans. Although the Completion Strategy has moved forward, the ICTY has had to revise its timeline for closure because of unfinished and ongoing cases. During this same period, Bosnia, Croatia, and Serbia all established specialized War Crimes Courts to try cases that were transferred from the ICTY. In Kosovo and later in Bosnia, hybrid courts, containing foreign and domestic judges, were established because of the states' fragile institutional structures (Dickinson 2003).

Attempts to establish national truth commissions were uniformly not successful. For example, under pressure from the international community, Serbian leader Vojislav Kostunica, who came to power after the 2000 elections, established the National Truth Commission or "Kostunica Commission." Its stated purpose was to establish "the truth" and gather the facts about victims of violence during the wars of 1991–1995 and 1999. Generally seen as half-hearted and ineffectual, the commission was allowed to die a quiet death in 2003, having produced nothing of value. A similar effort was undertaken in Croatia shortly after Ivica Racan's government came to office in 2000 also producing little. A National Truth Commission was established in Bosnia in 1997, producing only periodic roundtables and discussions (Heil 2000). Perhaps the most successful of these efforts in Bosnia was the Srebrenica Commission, which produced a report in 2004 concluding that "grave crimes" had been committed in the region in 1994 in "violation of international humanitarian law" (Dragovic-Soso and Gordy 2010, p. 204). Nevertheless, while international actors lauded the commission's proceedings and conclusions, the local population viewed the commission with considerably more skepticism (S. Djuderija, personal interview, June 22, 2011).

Brian Grodsky (2007) argues that in the absence of strong domestic pressure and with only moderate international pressure, these forms of "compromised justice" have contributed little to transitional justice in the region. Thus, for almost

¹ See the ICTY's website for more information on indictments and arrests: <http://www.icty.org/action/cases/4>. Accessed December 12 2011.

two decades, there has been a dearth of domestic engagement and few grassroots organizations that focus squarely on addressing the past and justice. Public opinion, moreover, has reflected considerable apathy, if not overt hostility toward the ICTY and international criminal justice. Surveys from Bosnia are telling; according to a 2002 survey, among international organizations, the ICTY was the least trusted, with 51% of Bosnians in the Federation, but only 4% in the RS indicating that they had trust in the court (International Institute for Democracy and Electoral Assistance 2002). Serbian views illustrate that the impetus for cooperation with the ICTY clearly does not spring from domestic support. Only 11% of Serbs in 2003 approved of cooperation with the ICTY; by January 2006, 16% felt this way, with 46% viewing cooperation with the ICTY as a “necessarily evil” to further relations with Western European countries and the US (International Republican Institute 2006). Many Serbs feel that the ICTY has targeted Serbs unfairly while many Croats object to the idea that any Croats should be tried for war crimes during what they consider a defensive “Homeland” war (G. Bosanac, personal interview, June 17, 2011). More general dissatisfaction with the ICTY has had to do with its lack of transparency, the belief that victims were not well served by the process, and by a general frustration with international involvement in the region.

This level of domestic apathy toward transitional justice is somewhat surprising and unusual because elsewhere in the world, domestic organizations and victims of abuses have generally led efforts to confront the past. As Eric Brahm (2007) observes, “civil society tends to be closely intertwined with the fate of transitional justice,” (p. 63) and if governments do not act quickly or appropriately, civil society has weighed in, even initiating its own investigations. Throughout Latin America, in Africa and Asia, there are countless examples of civil society organizations documenting human rights violations and pressuring governments to publicize and respond to these allegations, often at much risk to themselves (Hayner 2002; Bickford 2000). In most cases, domestic groups play a leading role in shaping the accountability mechanisms that have been adopted, bringing their legal expertise to bear and ensuring that proposed policies conform to the country’s legal structure. Frequently, domestic groups have had a hand in the construction of truth commissions and they regularly monitor the government’s behavior, provide assistance to victims, and, more generally, ensure that reconciliation efforts move forward.

Civil society has many potential and positive roles to play in seeking and promoting justice, but there are also dangers, including leaving the state outside the process, narrowing its scope too much on certain institutions or being co-opted by the state. Although the importance of civic activism and grassroots support cannot be overrated or ignored, the Balkans presents a very different model of transitional justice and the role of society in it because efforts to address the past have been dictated by external actors and imposed from above. Many analyses of the region not surprisingly conclude with the need for genuine local participation or with the expectation that civil society will eventually assume its natural role. Unfortunately,

there is neither a blueprint for how to inspire such actions nor a formula to ensure their success (Treves et al. 2005).

Establishing the RECOM Coalition

After more than a decade of internationally dictated transitional justice, a grassroots effort emerged in late 2005, with the goal of establishing a regional commission on human rights violations. According to McEvoy and McGregor (2008), efforts from below arise in a situation where the state has failed to put into place sufficiently robust transitional justice mechanisms. Given the shortcomings of international efforts and states' unwillingness to develop state-led mechanisms, organizations in society responded. Three human rights organizations spearheaded the effort to promote transitional justice at the grassroots: the Humanitarian Law Center in Serbia, Dokumenta in Croatia, and the Research and Documentation Center in Bosnia-Herzegovina. At an initial meeting in September 2005, along with several organizations, they launched a regional process of consultation and discussion on the best mechanisms of truth seeking and truth telling. The organizers emphasized two points: first, that while they supported the formal judicial mechanisms for trying and punishing war criminals, these mechanisms could not fully satisfy the victims' need for information and truth telling; and, second, that any efforts to establish a comprehensive understanding of human rights abuses during the wars would necessitate a regional approach.

Over the ensuing months, consultations were held throughout the former Yugoslavia, involving small, local groups such as human rights organizations, women's groups, victims' organizations, veterans' organizations, and youth organizations.² In addition, consultations were held in larger cities with groups of intellectuals, journalists, and artists. Initial discussions focused on the general needs of victims and whether a regional truth commission should be established; later discussions focused on "objectives, tasks, responsibilities and role of RECOM in criminal proceedings, public testimony, and other elements of a Regional Commission" (RECOM 2011c, p. 4). Periodic regional forums, attended by hundreds of representatives of local groups as well as international advisors, considered thematic questions concerning truth seeking and truth telling mechanisms and occasionally heard the personal testimonies of war victims. Practically every aspect of a possible regional truth commission was the subject of heated debate, from the definition of victims to the post-Yugoslav countries to be included in the commission.

A more formal organizational structure for RECOM was established at the Fourth Regional Forum for Transition Justice held in Pristina in 2008. At this meeting, a decision was made to establish a coalition to promote the establishment of a regional

² For a full list of the RECOM members and information on RECOM's history, goals and strategies, see <http://www.zarekom.org>. Accessed 21 October 2011.

commission and to solicit membership. Membership in the Coalition for RECOM grew steadily during the next several years. By 2011, RECOM membership has grown from approximately 100 organizations in 2008 to 342 organizations and 1,357 individuals. RECOM members claimed that consultations had reached at least 8,700 individuals (RECOM 2011c, p. 1). Nevertheless, the level of involvement among member organizations varies considerably and many organizations understand their membership to be more an expression of support for the idea than a commitment to participate in the process (S. Sarnavka, personal interview, June 16, 2011; G. Obradović, personal interview, June 17, 2011). Additionally, at least some member organizations have already withdrawn from the coalition even though their names remain on the membership roster, making a real assessment of organizational membership difficult.

In the spring 2010, experts drawn from the RECOM Coalition presented a draft statute for the establishment of a regional truth commission for consideration by RECOM Coalition members (RECOM 2011c, p. 4). The draft statute, adopted by the Assembly of the RECOM Coalition in March 2011, proposed a regional commission of 20 commissioners with a 3-year mandate, appointed by their national governments. Located in Sarajevo, the commission's objective would be to "establish facts about war crimes and other gross violations of human rights committed on the territory of the former SFRJ," as well as "the political and societal circumstances that led to the commission of these acts, and the consequences of these violations" (RECOM 2011a, p. 468). With the statute approved, and armed with public opinion polling that suggested high levels of approval for transitional justice initiatives in all ex-Yugoslav countries except Croatia and the Republic of Serbia in Bosnia, the RECOM Coalition launched a media campaign to familiarize the public with the RECOM process and mobilize popular support. This media effort included television and radio clips, newspaper ads, newspaper supplements, and on-line initiatives (RECOM 2011c). It culminated in a "One Million Signatures" campaign from April 26 to June 30, 2011 to gather signatures on a petition calling for the establishment of a regional truth commission to be presented to national governments. Youth groups, in particular, were enlisted and an effort was made to draw attention to the campaign in the press (M. Mažić, personal interview, June 16, 2011). When the signature drive was completed in June 2011, a total of 543,870 signatures had been collected, with the largest number, 122,540, coming from Bosnia (RECOM 2011c). The campaign fell considerably short of its goals in Croatia where only 19,674 out of the anticipated 220,000 citizens signed and where, as we discuss below, popular resistance to a regional approach to transitional justice remained high. Nevertheless, according to some participants, the effort was effective in drawing public attention to the proposed regional commission (E. Jaković, personal interview, June 18, 2011). In any case, at the Eighth Regional Forum on Transitional Justice in Sarajevo in July 2011, the Coalition decided to move forward with its next phase of activity in which the draft statute will be presented to the national parliaments of the seven ex-Yugoslav states for adoption.

As encouraging and necessary as these grassroots developments are, the coalition is still evolving and its future is unknown. In June 2011 Nataša Kandić, the Director of the Humanitarian Law Centre and one of the founders and leaders of the coalition, resigned as a member of RECOM's Coordinating Council. Although Kandić indicated that she was leaving because of lack of time, interviews in the region suggest that Ms. Kandić is a controversial figure and that some organizations did not join the coalition because of her leadership. A representative of Catholic Relief Services explained that Bosnian organizations were not very active in RECOM, in part, because of Kandić's leadership and because of the perception that the idea for RECOM was coming from Belgrade (G. Bubalo, personal interview, May 16, 2011). As RECOM moves forward, it is evident that the coalition of member organizations faces numerous and perhaps paralyzing obstacles.

A Movement in the Making?

Although RECOM's efforts are relatively recent, theories on transnational social movements provide insight into the domestic conditions essential to the success of a regional justice movement (Tarrow 2005; Keck and Sikkink 1998). Drawing upon cultural theories of social movements that stress identity formation and issue framing, scholars such as Keck and Sikkink demonstrate the importance of framing issues in such a way that they can provide cross border unity while maintaining the flexibility for local applications. Resource mobilization approaches stress the importance of resources—organizational, financial, and leadership—necessary to building an effective transnational movement (McCarthy and Zald 1987). Finally, political process theories of social movements stress the importance of political allies in the formal political sphere (Meyer and Minkoff 2004). The following section discusses how the RECOM coalition tackled the tasks of framing issues, building coalitions, and engaging the state.

Framing Issues

Most important to the success of a transnational social movement is framing; without a clear articulation of the aims of a justice movement and the best means for achieving them, collective action is unlikely to ensue. In the case of RECOM, efforts to frame domestic action on behalf of transitional justice have revolved around the mandate of the proposed truth commission. According to founding member Natasa Kandic, at the minimum the RECOM process aims for “opening public dialogue on facing the past.”³ Nevertheless, from the outset, fierce disagreement erupted about

³ International Forum on Transitional Justice in Post-Yugoslav Countries, 27 June 2011, Sarajevo, Jill Irvine's notes.

these aims as well as the means of achieving them. Disagreement has revolved around three major questions: justice for whom?; what kind of justice?; and how should justice be pursued? These were all issues that international actors either decided on—on behalf of victims and citizens of the Balkans—or failed to weigh in on, because of the international community’s desire to end the conflict quickly without significant losses. Without condemning or praising these decisions, we merely suggest that debates and outcomes today are path-dependent and the initial choices and behavior of the international community has constrained and shaped RECOM’s debates and the dilemmas it faces.⁴

Justice for whom is the most crucial and contentious issue because the RECOM process emerged from attempts to address the needs of victims which had not been fully met through formal judicial mechanisms. Are victims only those who had suffered directly or should it include those who had lost a family member? Should the notion of collective victimhood be considered? Were some nations, like Bosnian Muslims, by virtue of the sheer numbers of losses they suffered, be entitled to a special status (M. Tokaca, personal interview, June 20, 2011)? Should this definition of victimhood be based on the particular human rights abuses they or their loved ones had suffered? For some this is self-evident; while others worry that without a specific list of abuses, important classes of war crimes, especially gender-based crimes, might be overlooked (M. Mažić, personal interview, June 16, 2011). Relatedly, members have debated the question of whether perpetrators should be publicly identified. While everyone agrees that the commission should compile comprehensive documentation concerning victims of abuses, there is less agreement about whether and how to compile documentation of the perpetrators of these crimes or who, for that matter, should be considered a perpetrator? Should journalists, for example, whose “message of hate” contributed to the outbreak of war, be considered perpetrators?⁵

What kind of justice, or the kind of justice pursued, is also a subject of debate. Much of the literature on how civil society contributes to transitional justice assumes that while the courts meet out retributive justice, civil society concerns itself with restorative justice, or efforts to promote reconciliation and social peace (Kurze 2010). Judging from the RECOM consultations, this assumption must be reexamined. During the consultation process at local and regional levels, tensions emerged between the truth commission’s goal of responding to victims’ needs and its goal of promoting reconciliation. Participants in the consultation process across, particularly victims associations, overwhelmingly focused on the need to identify and punish perpetrators. When asked to describe what victims needed from the regional truth commission, the leader of the Movement of Mothers from the Enclave of Srebrenica and Žepa, Munira Subašić, asserted that the “best thing would be if judicial bodies

⁴On this point and the role of the international community in statebuilding, see Patrice C. McMahon and Jon Western, “Introduction: the supply side of statebuilding,” in McMahon and Western, eds, *The International Community and Statebuilding* (London: Routledge Press 2012), 1–24.

⁵There was strong sentiment at the most recent regional forum that journalists should be held accountable for their reporting before and during the war. International Forum for Transitional Justice in Post-Yugoslavia Countries, 27 June 2011, Sarajevo, Jill Irvine’s notes.

could bring perpetrators to justice.”⁶ Similarly, a representative from the Serbian Victim’s Association in Brčko answered in much the same way, emphasizing the need for local authorities to identify perpetrators and bring them to justice (Association of Missing Serb Fighters and Civilians of Brčko, personal interview, May 22, 2011). Victims continually expressed frustration about the courts’ inability to process the high number of potential war crimes cases they had before them in places like Jajce, where according to one RECOM member, “we won’t be able to complete all the cases in 100 years.”⁷ In Brčko and in Sarajevo, victims’ association members made similar comments. Given that retributive justice is a main goal of many RECOM Coalition members, it was not clear exactly how or if RECOM will fulfill their expectations. Indeed, relatively few participants in the consultative process expressed a desire to engage in one of the main mechanisms of restorative justice—telling their individual stories (RECOM 2009, 2011a). While the truth commission could gather evidence of crimes and allow victims the opportunity to share their experiences, it was clearly not a judicial body with the power to punish.

Finally, “justice how?” is a question that has continued to arise, even after RECOM’s draft statute was completed. Is the Commission only to be tasked with establishing facts about crimes committed during the war, or is it also necessary for the Commission to identify the causes of the war? This goes to the heart of transitional justice for many, who feel that mere documentation of abuses is only a small part of the larger, most important role of a truth commission. That is to say, true justice demands a deeper understanding of causes of, and by extension, of guilt for, the wars and human rights abuses they brought. It was precisely this issue of the “relativization of guilt” that some objected to, while others questioned whether collective (national) guilt and apologies ought to be the business of the commission at all.⁸ In any case, it is clear that for those whose main purpose is to create an “accurate” or at least more common narrative of the past, documenting abuses without examining causes is bound to end in failure.⁹ Such a new narrative, which should form the basis of education about this period of history, is seen by proponents of examining causes as an indispensable part of the regional commission’s aims.

The RECOM statute adopted by the Coalition attempted to address these concerns and competing visions. While the statute emphasized the primary goal of

⁶ Speech given at the International Forum for Transitional Justice in Post-Yugoslavia Countries, 27 June 2011, Jill Irvine’s notes.

⁷ International Forum for Transitional Justice in Post-Yugoslavia Countries, 27 June, 2011, Jill Irvine’s notes.

⁸ Ivan Pšenica, Savez udruga obitelji zatočenih i nestalih harvatskih branitelja, Hrvatska, speech given at International Forum for Transitional Justice in Post-Yugoslavia Countries, 27 June, 2011, Jill Irvine’s notes. A representative of the Government Commission on Missing Person’s in Kosovo argued that Serbia must be held responsible for its role in the wars and its obligation to pay reparations. (Prenk Gjetaj speech given at International Forum for Transitional Justice in Post-Yugoslavia Countries, 27 June, 2011, Jill Irvine’s notes).

⁹ Several panelists from the panel, “Tranziciona pravda iz ugla epistemološke zajednice,” reflected this view. International Forum for Transitional Justice in Post-Yugoslavia Countries, 27 June, 2011, Jill Irvine’s notes.

establishing a record of human rights abuses, it also endorsed an investigation into the causes of the wars. A precise list was included of the human rights abuses the commission would consider, as well as a disavowal that any particular national group would be accorded greater victim status. Finally, the commission rejected any role in granting amnesty or compensating victims. Nevertheless, various aspects of its proposed mandate continue to be contested by Coalition members as well as the public.

Failure to successfully frame the justice issues around a regional truth commission has made it difficult to garner popular support. Mobilizing widespread public support for a regional truth commission looked to some RECOM activists like “mission impossible” (G. Bosanac, personal interview, June 17, 2011). On the one hand, there was considerable opposition and disappointment with the ICTY throughout the region, which provided an opening for a grassroots strategy. Yet, opposition to a regional, grassroots approach was also high because of differing accounts and perceptions of the war (Stover and Weinstein 2004). This lack of public support for a regional body became increasingly evident during the one million signatures campaign, particularly in Croatia.

Creating Coalitions

The framing of the regional truth commission directly affects the coalition’s ability to create a viable regional network of civil society actors and organizations. The literature on social movements draws our attention to the fact that transnational movements must address crucial issues related to membership, leadership, and linkages. These issues have proved difficult for RECOM to resolve thus far, particularly its ability to secure key constituencies and problems with its leadership. Perhaps the biggest challenge involves the cross border character of the RECOM effort, which requires overcoming significant resistance to establishing any regional bodies.

A serious organizational failure that emerged, at least as far as many Coalition members were concerned, was the overly centralized nature of the RECOM structure. As it turns out, RECOM did not emerge spontaneously or organically from many active organizations that finally came together but, instead, the structure is quite centralized, with the preponderance of power and authority resting in the Humanitarian Law Center in Belgrade (RECOM Coalition Members, personal interviews, June 13–July 4, 2011). The problems emanating from this appear to be twofold. First, international donor funding for the RECOM Coalition was funneled through the Humanitarian Law Center. While there may indeed have been sound accounting reasons for wanting the money to originate in one place, it had the result of alienating other organizational partners, particularly the two founding organizations, Dokumenta and the Documentation and Research Center (E. Jakovčić, personal interview, June 18, 2011). Second, the perception of over centralization was reinforced by Kandić’s

leadership style, which many found “dictatorial” and “imperial.”¹⁰ As one leader of a veterans’ group IZMIR put it, “this non-violent group is using very hierarchical methods, eliminating groups of undesirables along the way” (G. Bodog, personal interview, June 15, 2011). Another member of the Muslim Victim’s Association in Brčko explained that “RECOM is not of interest to us; it doesn’t represent us” (confidential interview, May 21, 2011). These remarks illustrate how some organizations in the Balkans feel about the RECOM process. Other NGO leaders complained that agendas for the RECOM regional meetings were routinely ignored or changed at the last minute, and that representatives of organizations deemed “recalcitrant” were deliberately driven from RECOM or silenced in other ways.

The networks and alliances RECOM supporters hoped to build were further weakened by the failure of key constituents to endorse the regional commission. First among them were victims’ groups. While several important victims’ groups did indeed participate in the Coalition, including the Movement of Mothers of the Enclave of Žepa and Srebrenica, many others did not including the victims associations in the Brčko region. This reluctance to support the RECOM Coalition appears to stem from a variety of reasons, not least of which was the strong association of the RECOM effort with Belgrade and a sense that concerns of local groups were not being heard (M. Tokača, personal interview, June 20, 2011). This was a primary reason why the founding organization from Bosnia, the Research and Documentation Center in Sarajevo, withdrew from RECOM in 2008 (M. Tokača, personal interview, June 20, 2011).

A second key constituency that did not support RECOM in significant numbers was veterans’ associations. This is because the role of veterans in the RECOM process was contested from the outset and never resolved. Local consultations were held with numerous veterans’ organizations and those, such as Izmir in Croatia, which had been concerned with peace-building, were invited to RECOM meetings and to join the Coalition. Nevertheless, while some individuals joined during the next several years, the major veterans’ organizations withheld their support. Many, like those in Croatia, objected that the commission was engaging in the “relativization of guilt” and that any truth commissions should be formed within the confines of their particular states (Z. Pusić, personal communication, June 2011). Others suggested privately that they would like to join but worried that the government would withhold veterans’ pensions in retaliation (G. Bodog, personal interview, June 15, 2011). Whatever the reasons, and they are many, this key constituency did not throw its support behind the RECOM effort.

Finally, women’s organizations have expressed dissatisfaction with RECOM’s approach to gender and transitional justice. Many women’s organizations were initially receptive to the Coalition and were among the first members.¹¹ Over time,

¹⁰ One member described Kandić as brave but criticized her tendency to “see herself as a monument.” (RECOM Coalition member, interview with Jill Irvine, 16 June, 2011).

¹¹ For a discussion of how transitional justice mechanisms in Bosnia-Herzegovina have failed women see Amnesty International, ‘*Whose justice?*’: *The Women of Bosnia and Herzegovina are Still Waiting* (London: Amnesty International, 2009); <http://www.amnesty.org/en/library/asset/EUR63/006/2009/en/8af5ed43-5094-48c9-bfab-1277b5132faf/eur630062009eng.pdf>. Accessed 14 November 2011.

however, this enthusiasm waned. Some leaders of these women's organizations, particularly in Bosnia, felt that RECOM leaders were unwilling to pay serious attention to gender-based crimes and that requests to insert discussion or training related to gender and transitional justice in RECOM meetings were rejected without explanation by RECOM leaders (L. Somun, personal interview, June 20, 2011; N. Zvizdić, personal interview, June 23, 2011). Moreover, the story telling and witnessing central to feminist approaches to transitional justice appeared to be of secondary concern to RECOM organizers. As a result, women's organizations decided to pursue their own transitional justice initiatives and to form a Women's Tribunal modeled after similar tribunals previously held in other regions. Plans to hold such a tribunal are currently underway (N. Zvizdić, personal interview, June 23, 2011).

An additional structural impediment to creating a robust cross regional alliance has been the problem that not all states in the region recognize the independence of Kosovo. To date, Serbia and Bosnia have not recognized Kosovo, calling into question the very basis on which the commission is organized. Organizations unwilling to join RECOM have pointed to this as evidence that such a commission is premature and unworkable in the current circumstances (A. Masović, personal interview, June 22, 2011; S. Madacki, personal interview, June 20, 2011). While RECOM has managed to include participants from all ex-Yugoslav states in the consultation process, many question whether this can be the case once the discussion moves into the formal political arena.

Engaging the State

Literature on social movements also emphasizes the importance of engaging key allies within the state to build an effective social movement. Thus far, RECOM attempts to do this have proved only partially successful. The way in which political elites have instrumentalized transitional justice has been the subject of a great deal of recent attention. Scholars have pointed to ways in which political elites have "hijacked justice" to serve their own political ends, often creating forms of "compromised justice" that undermine the very processes they officially support (Grodsky 2009; Lamont 2010; Peskin 2008; Rangelov 2004; Subotic 2009). In this two-level game, elected officials weigh the necessity of international support, which rests on compliance with the ICTY, against the demands of a domestic electorate, which is perceived as hostile to the aims of the international court. Civil society organizations promoting transitional justice are relatively neglected in this analysis, though they have been the focus of other comparative approaches. Backer (2003), for example, attempts to account for transitional justice outcomes by examining this relationship between civil society and political elites, arguing that government support for transitional justice and the strength of civil society explain different outcomes. What he labels a "hands off the wheel scenario" where an activist civil society faces a lack of political will on the part of government structures seems an accurate description of the situation in the ex-Yugoslav coun-

tries we examine here. Nevertheless, there are signs of engagement with the RECOM process at some levels of government.

Political support for the idea of a regional truth commission has been sporadic at best, and thus far subject to the political calculations of particular leaders. The Serbian leadership has given it lukewarm support, although President Tadić has avoided publicly endorsing the commission. On the one hand, supporting the commission allows him to display his willingness to engage in transitional justice efforts to those in the European Union who are watching to see whether he is serious about meeting the conditions necessary for forming a closer relationship with the EU. On the other hand, the Europeans have been almost exclusively focused on Serbia's need to comply with ICTY demands when it comes to transitional justice, and President Tadić therefore has little incentive to take domestic political risks in order to appease EU officials. The Croatian government has been equally cautious, though for different reasons (Amnesty International 2010; Peskin and Boduszynski 2003). While President Josipović publicly endorsed the RECOM process in 2010, leaders of the two major political parties, the SPD and the HDZ, have been reluctant to lend their support.¹² Political support for RECOM in Bosnia runs strictly along ethnic lines; while Serbian leaders in the RS have opposed any transitional justice mechanisms, through judicial or extra-judicial processes, Bosniak leaders in the Federation are generally more receptive. Croat leaders in Bosnia have generally followed the lead of their counterparts in Croatia.

Although political leaders in Kosovo and Montenegro have recently endorsed the regional truth commission, support for RECOM from political leaders elsewhere has been lukewarm. Nevertheless, cooperation has taken place at the level of ministries and governmental departments. Indeed, representatives from the Ministry of Justice and the Prosecutors Office were present at the most recent RECOM meeting, where they expressed strong support for regional cooperation concerning transitional justice.¹³ While such participation in the RECOM process cannot compensate for the lack of political will from elected representatives, it nevertheless suggests their willingness to support these processes behind the scenes; such cooperation may form a stronger basis for a regional truth commission in the future. However, the reluctance of elected officials to engage in this process does not bode well for the next step of procuring parliamentary endorsement of the regional commission. There is evidence that international actors, particularly from the EU, may exert more pressure on Balkan political leaders to pay attention to RECOM. Meanwhile in the absence of international pressure and popular support, domestic political elites may not see RECOM as a useful tool for gaining and sustaining their own political legitimacy.

¹² MPs from the more liberal SPD ostensibly pledged their support earlier this year but were instructed by the party leadership to refrain from making such statements.

¹³ International Forum on Transitional Justice in Post-Yugoslav Countries, 27 June 2011, Jill Irvine's notes.

A Role for the International Community?

RECOM's challenges provide significant insight into why it has taken so long for grassroots organizations to mobilize. Such problems are not necessarily limited to the Balkans. In other parts of the world, civil society initiatives have also had a mixed record of success, and efforts have similarly been stymied by difficulties in framing issues, creating coalitions, and engaging the state effectively. Yet, efforts to address the past are still quite different in the Balkans than in most other parts of the world, such as Latin America and Africa, where transitional justice mechanisms have been shaped primarily by and for domestic forces instead of, as in the Balkans, by external actors for the region and different states. Given the unique situation in the Balkans, how have international actors responded to this grassroots effort, and what role should they play in the future? Using literature on transnational advocacy networks, which theorizes on when and how external actors support domestic organizations, the following section examines the international actors' outreach to domestic groups and how they have tried to influence and assist grassroots and normative change (Risse et al. 1999; Keck and Sikkink 1998;).

Transitional justice in the Balkans has been referred to as "justice from the outside in" (Olsen et al. 2010, p. 201) because of the predominate role of external actors. Much of the scholarly literature criticizes the international community for failing—or only belatedly—trying to reach out to citizens in the Balkans to educate them on what the ICTY does and to build domestic support for transitional justice. In 2004, for example, some self-described "moderate Serbs" acknowledged that they mistakenly believed that there had not been any indictments by the ICTY for crimes committed against Serbs, even though by that point 16 non-Serb individuals had been indicted (Humanitarian Law Center 2006, p. 29). Polls conducted by the Belgrade Centre for Human Rights in 2004 and 2005 confirmed how little Serbs actually knew about the ICTY, with some 77% of the Serbs polled indicating that they did not even know what the ICTY does (Humanitarian Law Center 2006, p. 29).

This ignorance is surprising given that in 1999 the ICTY established outreach programs throughout the region to inform the population and to offset such problems. Although no systematic research has been done on the effects of the ICTY's outreach, one Balkan commentator maintained that, "To be sure, few of the messages coming from The Hague have resonated with local audiences in Serbia as intended" (Rangelov 2004, p. 332). In the same year another commentator concluded that the ICTY's outreach program had very little visibility among the Serbian population (Mahieu 2004). More recently, a member of the war crimes division of the Bosnian national court indicated that a similar ICTY program in Bosnia seems to have had the same effect (Member of Bosnian National Court, personal interview, June 23, 2011). As members of the organization Track Impunity Always put it, the problem is that members of the international community and the ICTY have not supported victim's associations from the beginning and, thus, people in the Balkans did not know or trust what the international community was doing (L. Mamut and S. Korjenić, personal interview, May 17, 2011).

The behavior of the ICTY, its apparent disinterest in reaching out to the public, and the failure of other like-minded international groups to fill this void is at odds with international relations theory that explains how international actors act to encourage normative changes and support like-minded domestic groups. According to Keck and Sikkink (1998), transnational advocacy networks emerge when international groups work closely with domestic organizations to advance liberal norms in targeted countries, with the former providing the later with financial support, technical expertise, and in-kind assistance. The so-called “boomerang effect” that results from these contacts directly and indirectly strengthens the domestic organizations and pushes the targeted governments to change their behavior. Theoretically at least, transnational ties strengthen and empower domestic groups, raise awareness, and help push for domestic change.

In practice, however, outcomes in the Balkans suggest that sometimes transnational ties do not form and transnational advocacy networks do not develop. According to Christopher Lamont (2010), the failure or misfiring of the boomerang mechanism is due to the fact that much of civil society in the Balkans is still comprised of organizations that are hostile to transitional justice or the liberal accountability norms of the international community. That is to say, there is little to no demand for international support to seek truth or advance liberal norms of accountability. In discussing the relationship between the international community, the ICTY and civil society in Croatia he explains that, “To the extent that civil society did engage in the war crimes debate, major segments of civil society were intensely hostile to ICTY investigations of human rights abuses committed by members of the Croatian army” (Lamont 2010, p. 45). Thus, for more than a decade this transnational mechanism did not work in the Balkans; instead, civil society and local NGOs only served to “harden non-compliance” preferences, with local actors mobilizing against the ICTY and transitional justice (Lamont 2010, p. 42). Others in the region suggest that these transnational networks did not operate as theorized because international actors came to region with a finished program of what they wanted to accomplish and did not engage in consultations with local people (Member of Bosnian Ministry of Justice, personal interview, May 17, 2011).

This reluctance of local civil society organizations to engage international organizations and actors on behalf of transitional justice appears to have changed with the RECOM initiative. International NGOs have also played a significant role in the RECOM process, reaching out to members of civil society to strengthen and empower local actors. The International Center for Transitional Justice (ICTJ), for example, attended the first meeting of what would later turn into the RECOM Coalition, and it has remained an important advisor throughout the process, consulting with local organizations, drafting the RECOM statute and mobilizing popular support. The Institute for Missing Persons (ICMP) in Bosnia has also played a key role, particularly in helping with the collection and documentation of evidence concerning missing persons, though it has not taken an official position on transitional justice or reconciliation (M. Holliday, personal interview, May 18, 2011)

By far, the RECOM process has received its greatest financial and political support from the EU. Indeed, the European Instrument for Democracy and Human Rights (EIDHR) and the Dutch Embassy account for some 80% of RECOM's current budget (RECOM 2011b). American and European officials alike initially worried that the RECOM process might draw support and resources away from the ICTY, but these concerns appear to have abated when the ICTY officially endorsed RECOM in 2010, followed by EU bodies. The EU's Enlargement Strategy and European Commission reports praise the RECOM Coalition's effort to establish a regional truth commission. Meanwhile, American involvement in this process appears to be minimal, with officials initially expressing concern that a regional truth commission was an unrealistic goal in the current situation. USIP spokesperson, Neil Kritz, seemed to reflect this view when he cautioned that "A regional approach [to the truth commission] has no realistic future" (Gaffney and Alic 2008).

In total, international support for the RECOM process has been somewhat hesitant and mixed, and as of yet, no international actor has yet applied serious pressure on national governments in the Balkans to approve the RECOM statute. Perhaps most interesting is the impact that perceived international support and influence has on domestic actors. Although some see a regional truth commission as essential to improving their country's prospects for joining the EU, others view the RECOM process as "driven from abroad,"¹⁴ thereby robbing it of legitimacy.¹⁵ Such perceptions may prove crucial in either encouraging or discouraging domestic support for grassroots efforts to promote viable, homegrown justice mechanisms.

Lessons Learned

Although the international community has played a central role in transitional justice in the Balkans, it is not clear from the evidence that this involvement has been either efficient or even that effective. It is certainly true that after more than a dozen years of activity, the ICTY has accomplished a good deal in terms of its primary task to prosecute individuals responsible for war crimes. The establishment of RECOM in 2006 offers some reason for optimism that the international community's other broader outcomes related to peace and justice in the region are also underway. To some degree, the development of RECOM signals a change in attitudes, as well as behavior toward transitional justice. What can this case and the development of RECOM tell us about similar efforts in other parts of the world? We believe that there are lessons for both international and domestic actors.

¹⁴ Several panelists on the panel, "Tranziciona pravda iz ugla medjunarodnih organizacija tranzicione pravde," expressed this view (International Forum on Transitional Justice in Post-Yugoslav Countries, 27 June 2011, Jill Irvine's notes).

¹⁵ Vojkan Simić, Ministry of Justice Serbia, Speech given at International Forum on Transitional Justice in Post-Yugoslav Countries, 27 June 2011, Jill Irvine's notes.

First, it is difficult, though possible, to create crossborder networks related to transitional justice. However doing so may limit the scope and the effectiveness of a regional truth commission. Attempting to accomplish important tasks, such as determining the causes of the war or constructing a unified narrative may be extremely difficult in the context of a regional body. Second, any grassroots effort involves a trade-off between organizational efficacy and inclusivity; put differently, there will inevitably be winners and losers in the process and it will be impossible to please everyone. As McEvoy and McGregor have pointed out, there has been little attention paid to the way in which groups and individuals are marginalized in grassroots efforts to construct new justice mechanisms (2008). The RECOM process alerts us to the ways in which concerns that some groups of victims are privileged over others can reduce support for the justice process. It also reminds that victims and veteran's groups make uneasy coalition partners, who may not choose to associate with one another.

This leads us to a third, broad conclusion about efforts to promote reconciliation and societal peace. Despite the persistent theoretical association of civil society initiatives with restorative justice, an examination of the RECOM case suggests that the motivation of many of its participants may, in fact, be retributive in nature. Victims groups, in particular, are focused more on identifying and punishing perpetrators than any other issue. While these tasks may be partially accomplished by the fact-finding competencies of a truth commission, punishment will remain largely in the purview of formal justice mechanisms. Thus, the aims of the truth commission and the motivations of its supporters may be at odds. Finally, the RECOM experience cautions against confusing civil society with popular support. Although groups may come together for a variety of reasons in support of truth seeking and truth telling mechanisms, such efforts may continue to be opposed by the vast majority of the populace. Strategies like the One Million Signatures Campaign may create better knowledge and support, but they are no guarantee of success.

For the international community, it is obvious that its decisions, as well as its failure to decide on important issues—including who is deemed the winner in conflicts and who should be perceived as the victim—fundamentally shape the incentives and behavior of domestic organizations in a path-dependent way. Consequently, the effects of internationally led efforts, while positive in many ways, create certain dynamics and perverse incentives that negatively impact both the supply and demand for grassroots organizing. This leads us to reexamine the international community's choice for international criminal justice and to question its general effectiveness, weighted against the alternatives and in light of the international community's limited resources. The financial cost of using international criminal justice is significant and, by necessity, affects the resources and will for any form of domestic justice. Robert Hayden (n.d.) argues that the ICTY has not only been ineffective in promoting liberalization in the Balkans, but that it has also undermined reconstruction efforts, given the West's limited resources.¹⁶ The ICTY

¹⁶ Robert M. Hayden, "Justice Presumed and Assistance Denied: The Yugoslav Tribunal as Obstruction to Economic Recovery," unpublished paper, used by permission.

budget in 1993 was about \$275,000; the next year, its financial needs jumped to almost \$11 million (United Nations 2003). For 2010–2011 alone, the UN estimated that the ICTY required more than \$300 million to conduct its work. ICTY, “The Cost of Justice” <http://www.icty.org/sid/325>. This amount is quite a deal more than the budgets for other international organizations involved in helping to rebuild Balkan countries. Without trying to put a price tag on legal justice, the expense of the ICTY until 2011 is approximately \$2 billion. Given this, as well as the opportunity costs lost in the process of focusing on international justice, a better investment of resources would be to direct them, from the beginning, toward domestic as well as international processes.

Whether the regional truth coalition promoted by RECOM will prove to be a successful local justice initiative remains to be seen. It will be difficult indeed for RECOM to succeed in the absence of a consensus on the commission’s mandate, genuine support from political leaders, and a strong coalition with effective leadership. Nevertheless, sustained international support for domestic processes will undoubtedly increase the chances of success of this homegrown mechanism of transitional justice.

References

- Akhavan, P. 1998. Justice in the Hague, peace in the former Yugoslavia? A commentary on the United Nations War Crimes Tribunal. *Human Rights Quarterly* 20(4): 737–816.
- Amnesty International. 2010. *Behind a wall of silence: Prosecution of war crimes in Croatia*. London: Amnesty International.
- Backer, D. 2003. Civil society and transitional justice: Possibilities, patterns and prospects. *Journal of Human Rights* 2: 297–313.
- Bickford, L. 2000. Human rights archives and research on historical memory: Argentina, Chile, and Uruguay. *Latin American Research Review* 25(2): 160–182.
- Bohlander, M. 2003. Last exit Bosnia: Transferring war crimes prosecution from the international tribunal to domestic courts. *Criminal Law Forum* 14: 59–99.
- Brahm, E. 2007. *Truth and consequences: The impact of truth commissions in transitional societies*. Ann Arbor: University of Michigan Press.
- Dickinson, L.A. 2003. The relationship between hybrid courts and international courts: The case of Kosovo. *New England Law Review* 37(4): 1059–1072.
- Donlon, F. 2008. Rule of law: From the International Criminal Tribunal for the Former Yugoslavia to the War Crimes Chamber of Bosnia and Herzegovina. In *Deconstructing the reconstruction: Human rights and the rule of law in postwar Bosnia and Herzegovina*, ed. D. Haynes, 257–284. Burlington, VT: Ashgate.
- Dragovic-Soso, J., and E. Gordy. 2010. Coming to terms with the past: Transitional justice and reconciliation in post-Yugoslav lands. In *New perspectives on Yugoslavia: Key issues and controversies*, ed. D. Djokic and J. Ker-Lindsay, 193–212. New York, NY: Routledge.
- Drumbl, Mark. 2007. *Atrocity, punishment, and international law*. New York, NY: Cambridge University Press.
- Fletcher, L., H. Weinstein, and J. Rowen. 2009. Context, timings and the dynamics of transitional justice: A historical perspective. *Human Rights Quarterly* 31(1): 163–220.
- Forsythe, D. 2011. *The politics of prisoner abuse: The United States and enemy prisoners after 9/11*. New York, NY: Cambridge University Press.

- Gaffney, C., and Alic, A. 2008. First regional truth commission runs into doubts. *Balkan Insight*, 5 August.
- Grodsky, B. 2007. Looking for Solidarność in central Asia: The role of human rights organizations in political change. *Slavic Review* 66(3): 442–462.
- Grodsky, B. 2009. International prosecutions and domestic politics: The use of truth commissions as compromise justice in Serbia and Croatia. *International Studies Review* 11(4): 687–706.
- Hagan, J. 2003. *Justice in the Balkans: Prosecuting war crimes in the Hague Tribunal*. Chicago, IL: University of Chicago Press.
- Hampson, F. 1998. The International Criminal Tribunal for the Former Yugoslavia and the reluctant witness. *International and Comparative Law Quarterly* 47: 50–74.
- Hayden, R.M. n.d. Justice presumed and assistance denied: The Yugoslav Tribunal as obstruction to economic recovery. Unpublished Paper.
- Hayner, P.B. 2002. *Unspeakable truths: Confronting state terror and atrocity*. New York, NY: Routledge.
- Heil, A.L., Jr. 2000. A truth and reconciliation commission for Bosnia and Herzegovina? *Washington Report on Middle East Affairs*, p. 26, June.
- Humanitarian Law Center. 2006. *Transitional justice report Serbia, Montenegro and Kosovo, 1999–2005*. Belgrade: Humanitarian Law Center.
- International Institute for Democracy and Electoral Assistance. 2004. South East Europe Public Agenda Survey. http://www.idea.int/europe_cis/balkans/see_survey.cfm. Accessed 4 April 2002.
- International Republican Institute. 2006. Internal survey.
- Keck, M., and K. Sikkink. 1998. *Activists beyond borders: Advocacy networks in international politics*. Ithaca, NY: Cornell University Press.
- Kerr, R. 2004. *The International Criminal Tribunal for the Former Yugoslavia: An exercise in law, politics, and diplomacy*. New York, NY: Oxford University Press.
- Kurze, A. 2010. Learning how to throw the boomerang: Justice and human rights activism after mass atrocities in the Balkans. Paper presented at the 2010 Annual Convention of the International Study Association, New Orleans, LA, February 20.
- Lamont, C. 2010. *International criminal justice and the politics of compliance*. Burlington, VT: Ashgate.
- Mahieu, S. 2004. Commanders vs. perpetrators? Post-war justice in the former Yugoslavia—The Ovcara Trials before the ICTY and domestic courts. Paper presented at Europa-University Viadrina, Frankfurt, Germany, August 7.
- Meyer, David S., and Debra C. Minkoff. 2004. Conceptualizing Political Opportunity. *Social Forces* 82(4): 1457–92.
- McEvoy, K., and L. McGregor. 2008. *Transitional justice from below: Grassroots activism and the struggle for change*. Portland, OR: Hart Publishing.
- McCarthy, J.D., and M.N. Zald. 1987. Resource mobilization and social movements: A partial theory. In: *Social Movements: Perspectives and Issues*. Ed. S.M. Buechler and F.K. Cylke. 1997. Mayfield Publishing Company, Mountain View, California. pp 149–172.
- McMahon, P.C., and D. Forsythe. 2008. The ICTY's impact on Serbia: Judicial romanticism meets network politics. *Human Rights Quarterly* 30(2): 412–435.
- McMahon, P.C., and Western, J. 2011. The Balkans after Mladic. *Foreign Affairs*. <http://www.foreignaffairs.com/articles/67962/patrice-c-mcmahon-and-jon-western/the-balkans-after-mladic>. Accessed 23 June 2011.
- Meernik, J. 2005. Justice and peace? How the International Criminal Tribunal affects societal peace in Bosnia. *Journal of Peace Research* 42(3): 271–289.
- Nettelfield, L. 2010. *Courting democracy in Bosnia and Herzegovina: The Hague Tribunal's impact in a postwar state*. Cambridge: Cambridge University Press.
- Olsen, T.D., L.A. Payne, and A.G. Reiter. 2010. *Transitional justice in balance: Comparing processes, weighing efficacy*. Washington, DC: United States Institute of Peace.
- Orentlicher, D. 2008. *Shrinking the space of denial: The impact of the ICTY in Serbia*. New York, NY: Open Society Institute.

- Paust, J., M.C. Bassiouni, M. Scharf, J. Gurule, L. Sadat, B. Zagaris, and S.A. Williams. 2006. *Human rights module: On crimes against humanity, genocide, other crimes against human rights, and war crimes*. Durham, NC: Carolina Academic Press.
- Peskin, V. 2008. *International Justice in Rwanda and the Balkans* (Cambridge 2008).
- Peskin, V. 2009. *International justice in Rwanda and the Balkans*. Ithaca, NY: Cornell University Press.
- Peskin, V., and M. Boduszynski. 2003. International justice and domestic politics: Post-Tudjman Croatia and the International Criminal Tribunal for the Former Yugoslavia. *Europe-Asia Studies* 55: 1117–1142.
- Rangelov, I. 2004. International law and local ideology in Serbia. *Peace Review* 16(3): 331–337.
- RECOM. 2009. *Report about the consultative process on the instruments of truth-seeking about war crimes and other serious violations of human rights in post-Yugoslav countries, May 2006–June 2009*. Belgrade: Humanitarian Law Center.
- RECOM. 2011a. *The consultation process on the establishment of the facts about war crimes and other gross violations of human rights committed on the territory of the former Yugoslavia*. Belgrade: Humanitarian Law Center.
- RECOM. 2011b. Process RECOM financial report for period December 15, 2008–August 31, 2011. http://zarekom.org/uploads/documents/2011/07/i_1596/f_1/f_2754_0.xls.
- RECOM. 2011c. RECOM development process—Report, May 2006–August 2011. http://zarekom.org/uploads/documents/2011/08/i_1631/f_1/f_2746_en.doc.
- Risse, T., S. Ropp, and K. Sikkink. 1999. *The power of human rights: International norms and domestic change*. Cambridge: Cambridge University Press.
- Snyder, J., and L. Vinjamuri. 2003/2004. Trials and errors: Principle and pragmatism in strategies of international justice. *International Security* 28(3): 5–44.
- Stover, E., and H. Weinstein. 2004. *My neighbor, my enemy: Justice and community in the aftermath of mass atrocity*. New York, NY: Cambridge University Press.
- Subotic, J. 2009. *Hijacked justice: Dealing with the past in the Balkans*. Ithaca, NY: Cornell University Press.
- Tarrow, S. 2005. *The new transnational activism*. New York, NY: Cambridge University Press.
- Treves, T., M.F. di Rattalma, A. Tanzi, A. Fodella, C. Pitea, and C. Ragni. 2005. *Civil society, international courts and compliance bodies*. New York, NY: Cambridge University Press.
- United Nations. 2003. Fifth committee takes up 2004–2005 budgets for Rwanda, former Yugoslavia tribunals (Press Release). <http://www.un.org/News/Press/docs/2003/gaab3594.doc.htm>.
- van der Merwe, H., V. Baxter, and A.R. Chapman. 2009. *Assessing the impact of transitional justice: Challenges for empirical research*. Washington, DC: United States Institute of Peace.