**Keynote Lecture**

**‘Coming to Terms with a Difficult Past: What Can Be Learned from Other Contexts?’**

**Conference: *Interpretacije jugoslovenskih sukoba i njihove posledice: između suštinskog neslaganja i dijaloga***

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It is by now a widely accepted fact that the notion of ‘coming to terms with the past’ has emerged as ‘the grand narrative of recent times’.[[1]](#footnote-1) Originating from the German terms *Geschichtsaufarbeitung* or *Vergangenheitsbewältigung*, it denotes ‘dealing with the past, ‘treating the past’, ‘working over the past’ and—in the latter case, even ‘overcoming the past’. These terms are generally used interchangeably to refer to a process of remembrance (a type of ‘memory work’, again to use a phrase with reference to the German) and the construction over time of a repository of public knowledge about a traumatic past and acknowledgment of the crimes that were perpetrated during that time. Such processes of ‘memory work’ include both official acts and discourses and (to use the historian Carol Gluck’s term) vernacular terrains of memory, created through interventions in the media, culture and civil society.[[2]](#footnote-2)

The question of how governments and societies coming out of violent conflict and periods of state repression—with their concomitant large scale violations of human rights, including in some cases genocide and crimes against humanity—should confront these pasts has been a preoccupation of many scholars, writers, artists, politicians and activists. It particularly gained momentum over the last few decades, as a result of the ‘commemorative fever’[[3]](#footnote-3) beginning in the 1980s, when scarcely a month passed without a celebration of anniversaries (notably of the 50th anniversary of the end of the Second World War) or the inauguration of some public memory project, the holding of some public debate about the past, or the issuing of some form of apology for past wrongs (to the point that the historian and international relations scholar Elazar Barkan spoke in 2006 about a ‘wave of apology’ working its way through global politics).[[4]](#footnote-4)

In scholarship, the burgeoning field of ‘memory studies’ has in the last two decades focused in particular on the relationships between memory and conflict, memory and justice, memory and democratisation, and—most recently—memory and peace-building.

One of the results of this work has been the broadly held conviction that memory of past conflict tends to play a role in the emergence of new conflict—contributing to some parts of the world experiencing cycles of recurrent violence. Exactly what that relationship between memory and conflict is, and the importance of various factors has been the subject of lively scholarly debate. Some of these debates concern how important the underlying ideological and social structures are in generating cycles of conflict, when compared to the role played by elites in reviving (or indeed, according to some scholars, even ‘inventing’) and harnessing memory of past conflict in the construction of discursive justifications and psychological motivations for violence. In light of these debates, it would be fair to say that, over time, a normative position has emerged among many scholars and practictitioners that, in any case, dealing with the legacies of past conflict and large-scale human rights violations is a necessary part of both peace-building in the present and conflict-prevention for the future. As a result, what we are seeing is that historical narratives and processes of ‘coming to terms with the past’—which were previously very much the preserve of states and their societies—have now become integral building blocks of a liberal international agenda aimed at fostering peace, democracy and the respect of human rights.

This evolution can be seen in the emergence of a new area of scholarly inquiry, human rights activism and policy focus, designated by the umbrella term of ‘transitional justice’, which has emerged over the past 20 years. ‘Transitional justice’ denotes an array of mechanisms and processes designed to address past human rights violations following periods of political turmoil, state repression or armed conflict.

Generally speaking, scholarship and policy making in transitional justice include four main areas of focus: prosecutions, truth commissions, reparations—which can be both material and symbolic in the form of public monuments, apologies, or commemorations—as well as institutional reform, including policies of vetting or ‘lustration’ of state and security institutions, political parties and so on. This is by no means an exhaustive list, but much of the scholarship and policy activism in this field has coalesced around these mechanisms. In its initial conception, transitional justice was linked to periods of political transition from authoritarian rule in Latin America, Africa and Eastern Europe. However, since the mid-1990s, it has been increasingly associated also with the aftermaths of civil war or armed conflict.

In practice, the last 15 years have also seen the spread of a veritable ‘transitional justice’ industry,[[5]](#footnote-5) made up of the myriad of consultants, legal experts and practictioners working for various state and international institutions and NGOs, offering advice to domestic groups and goverments on how to implement policies related to the mechanisms outlined earlier, and providing guidance on how to promote justice and what is referred to as ‘truth-telling’ in postauthoritarian and post-conflict countries. A few years ago, in 2009, even the UN Human Rights Council adopted a resolution on ‘the right to the truth’ and in 2011, it created the post of a ‘UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of nonrecurrence’, currently held by the Colombian scholar and human rights activist Pablo de Greiff.

All in all, over the last couple of decades, mechanisms of justice and ‘truth telling’ have become a staple of peace agreements, and in particular there has been a lot of emphasis on trials and truth commissions to promote these goals. We have seen the creation of several types of courts to deal with gross violations of human rights, war crimes and crimes against humanity—ranging from ad hoc international tribunals such as the ones for Yugoslavia and Rwanda, to a series of ‘hybrid tribunals’ combining international and domestic staff and legal codes, to the creation of a permanent International Criminal Court in the Hague to prosecute individuals charged with these crimes. At the same time, we have also seen the proliferation of truth commissions, which at the last count numbered over 40 world-wide.

As these mechanisms have proliferated, their mandates too have expanded quite considerably. Both trials and truth commissions are by now often explicitly mandated to promote ‘truth telling’ about the past—not just about the crimes committed but also to present comprehensive histories of conflicts and their consequences—and to foster ‘reconciliation’ and long-term peace and stability between the groups and countries that have experienced conflict. In addition to these formal mechanisms, there has been additional moral and political and economic pressure for new governments to extradite former political, army or police officials to international courts, and make gestures of atonement for past violations of human rights and crimes committed during periods of conflict—issue apologies, institute ‘sorry days’ or other forms of remembrance, create monuments to victims of crimes, etc. (though, it must be said that pressures have been principally on institutionalising symbolic forms of atonement rather than material reparations). These implicit or explicit demands are often tied to the new governments’ ability to access material benefits for their countries in the form of financial aid or loans, or to achieve membership of coveted financial or regional organisations—as reflected in policies of ‘conditionality’. In sum, it would be fair to say that processes of ‘coming to terms with the past’, including both areas of justice and the construction of memory, have become in the 21st Century a domain of considerable international attention, in ways that are really quite different from earlier periods of history—when such things were largely left to individual countries and their societies.

The questions that arise from this are: is this a positive development? And what are its implications? When thinking about how to assess the implications of this evolution, I have organised my thoughts around two related dimensions of this question: one is the temporal dimension and the second is the political dimension.

1. **The temporal dimension**

The first dimension I would like to consider is the temporal one. The evolution of international human rights practice that I have just described has produced a near consensus that governments of post-conflict states need to proceed fairly quickly with the establishment of transitional justice mechanisms. These are often built into peace agreements, or may even be set up—as was the case for example with the International Criminal Tribunal for the former Yugoslavia—even while the conflict is still going on. The assumption here is that dealing with the human rights legacy of violence and war and immediately confronting the ideological underpinnings of conflict through policies of truth and justice will lead to peace and democracy.

To my mind there are two problems with the temporal dimension of such claims:

First of all, this international emphasis on transitional justice constrains new governments from pursuing other options in the short run—options which have been employed in other cases of transitions from war to peace and authoritarianism and state repression to democracy—such as the use of amnesties, the adoption of an official silence about the past or, indeed, the construction of possibly historically inaccurate but socially and politically expedient narratives about past conflict that enabled peaceful transitions or nation-building.

Secondly, it seems to me that these mechanisms are at a temporal disjuncture with the more long-term processes of accumulating knowledge and achieving an understanding what happened, which may subsequently lead to a public acknowledgement of the crimes that took place and to something that is referred to as ‘reconciliation’.

Let me elaborate a bit on both of these points.

The first point is, that in contrast to the advocates of a quick reckoning with the past by the adoption of transitional justice mechanisms, some scholars and policymakers extol the virtues of leaving the past alone, of looking forwards rather than backwards. They argue that the use of amnesties in peace agreements, combined with a conscious decision not to engage in public discussion about past conflict, may actually help promote peace and social reconstruction in deeply divided societies, rather than hinder them.

This has, for example, been the position of Helena Cobban, the author of an influential comparative study of post-conflict transitions in Rwanda, South Africa and Mozambique.[[6]](#footnote-6) Cobban concluded that Mozambique’s peace process, based on a general amnesty and a conscious decision to foster ‘forgetting’ rather than remembrance, was fundamental to that country’s successful end to its long civil war. For Cobban and other analysts of the Mozambican case, the country’s decision to opt for local level, traditional ‘cleansing rituals’ rather than Westernised mechanisms of transitional justice, was a more constructive way of creating a ‘clean break’ between the era and the norms of war, on the one hand, and those of the peace that followed it, on the other. As such a large part of its population had been involved in the decades-long civil war, the devastation was so extensive, and the atrocities committed were so systemic and widespread, the leaders of both sides in the civil war eventually came to an agreement that they had to—I quote—‘Look for what unites us, and put aside what divides us’.[[7]](#footnote-7) Instead of adopting transitional justice mechanisms, the new transitional government focused on disarmament, demobilization and the reintegration of former combatants into civilian life (known in UN jargon as DDR), while also trying to establish a functioning democracy and rebuild the economy. What is remarkable is the extent to which this approach was accepted and endorsed by ordinary Mozambicans and the support it received also by religious and community leaders, who were integral to this process.

While Mozambique’s approach to the past is obviously culturally and contextually specific, it does raise questions about the common and often made assumption that an effort to deal with the past through the application of transitional justice mechanisms is necessarily the best option in the immediate aftermath of violent and divisive conflict. Personally, I struggle with this position from a moral point of view—steeped as I am in a Western culture of retributive justice—but we must be willing to accept that such solutions should be possible if (and this is the real caveat) there is widespread internal consensus about them, as there was in the case of Mozambique. In any case, all options must be on the table and must not imposed from outside.

My second point regarding the temporal dimension of processes of ‘coming to terms with the past’ is simply that these processes are difficult and take time.

Even if we look closer to home and we examine European history of the last half century, we see that a combination of ‘forgetting’ and myth-making about national unity and resistance to the Nazi occupation in most of western and eastern Europe after 1945 represented a type of unspoken social pact that enabled these countries to put behind them the deep divisions and unsavoury actions carried out by their citizens during the Second World War and focus instead on economic and political reconstruction. Countries such as Austria, the Netherlands, France or Switzerland—to name just a few well established democracies—didn’t actually begin to address their own wartime role in the deportations and extermination of the Jews and other populations, or their histories of wartime collaboration, until many decades later. And even today, many west European democracies are still not managing to confront their histories of colonialism and their painful and brutal wars of decolonisation that continue to affect relations between them and the countries of the so-called Global South.

Here it is also useful to remember that West Germany’s impressive reckoning with its Nazi past did not begin until the late 1960s, and that in the previous decade the early Allied policies of de-Nazification were quickly abandoned, so that some 20 years after the war you could still have a West German Chancellor (Kiesinger) and President (Hans Lübke) who were former members of the NSDAP. As the historian Robert Moeller and others have shown, until the end of the 1960s, the dominant narrative in West Germany was one of German suffering, focused in particular on the expulsion of the Germans from the east and on the treatment of German prisoners of war in Soviet captivity. And, as he has convincingly argued, this ‘parallel history’ of German suffering remained in the public domain throughout the post-war period,[[8]](#footnote-8) resurfacing again in the the 1980s both in the well-known ‘historians’ debate’ and in official discourses of Chancellor Helmut Kohl and the German political right.

Even when we look at some of the transitions that were the pioneers in the study and practice of transitional justice, such as Argentina or South Africa, we can see that the process of addressing their difficult pasts and human rights abuses took place over the course of years and decades and included a series of compromises and amnesties along the way. And even so, in many ways, in these countries the historical legacy of the periods of dictatorship, state repression and institutionalised racism remains a salient characteristic of social and economic relations and a source of deep divisions even in the present.

In fact, what these various experiences teach us is that a genuine reckoning with the past only really happens after a passage of time, possibly following the rise of new political and intellectual generations, and in contexts of political democracy and economic prosperity, after the creation of robust civil societies and a more open and tolerant public space which enables the presence of multiple narratives and fosters dialogue in the public sphere. It seems to me that putting countries under pressure to do so in a context of precarious statehood (with still unresolved status issues), imperfect democratic transition characterised by a continuity of political and institutional power from the previous period, and a deep and debilitating economic crisis that shows no sign of letting up, is a recipe for failure.

1. **The political dimension**

This brings me to the second dimension I would like to discuss, namely the political one. And, once again, here there are two related aspects that need consideration: first, the actions of political elites; and second, the inherently political nature of the transitional justice mechanisms themselves.

***Political elites***

An oft noted fact, captured in much of the literature, is that new governments are able to ‘play the transitional justice system’ to some degree—they may extradite suspects and issue apologies or other forms of reparation, but they generally manage to do so while evading any genuine reckoning with the past. The result is that the form of transitional justice is—to some degree—satisfied, but the mechanisms employed and the outcomes achieved are largely devoid of any meaningful content. This has, of course, often been identified as a problem here in the post-Yugoslav region, but if we look at other historical cases this should really not come as a surprise.

This was already evident, for example, with West Germany’s decision to pay reparations to Israel in 1951. This decision by German Chancellor Konrad Adenauer was made despite considerable domestic opposition from within Adenauer’s own party and a broadly hostile public opinion, and was ratified in the German parliament by the narrowest of margins. While this policy represented a clear commitment by Adenauer to make amends, many scholars noted that the Chancellor was largely motivated by his desire to persuade the Western Allies that Germany should gain full acceptance as an equal partner in the postwar Western Alliance. The reparations policy certainly did not give rise to any public debate in Germany about the nature of National Socialism nor any genuine reckoning with the crimes involved. In fact, this material acknowledgement of Jewish victims of Nazism, directed largely at an international audience, enabled the German government to then call for a return acknowledgment of German victims of the Red Army and of East European communism.

Scholars have also cast a critical eye on the myriad of official apologies that have proliferated over the last couple of decades. Once again, critics have pointed out that many such apologies are empty rhetoric—a cheap and easy way for politicians to assuage their guilt and evade more serious reckoning with the past—or that they represent window-dressing for what is in fact the outcome of hard-nosed negotiation with political rivals or international interlocutors. As the historian Robert Weyeneth pithily put it ‘these days it seems that everyone is consumed with remorse about historical injustices’.[[9]](#footnote-9)

Insincere political apologies often use vague language and employ grammatical constructions that avoid designating perpetrators or taking an unequivocal moral stance regarding the crime committed. They might also include calls for a return apology (‘we are sorry for what we did to you but we hope you will also apologise for what you did to us’)—like the Srebrenica Declaration that was issued by the Parliament of Serbia in 2010.[[10]](#footnote-10) The real target of such apologies is often not the group that is the nominal recipient of the proferred apology but a third party, such as the international community from whom the apologising government is hoping to accrue benefits, particularly if there has been international pressure for such an apology to be made.

In this respect, Willy Brandt’s iconic kneefall at the Warsaw Ghetto memorial in 1970 was an exceptional gesture precisely because it came following the onset of a real reckoning in Germany with the crimes of the Nazi era, and was made spontaneously, not in response to outside pressure, without any apparent calculation of benefit or interest. Apologies and reparations that do not live up to this standard will never be satisfactory to the victims of the crimes or contribute to any real processes of reconciliation.

In fact, I would argue even further that adopting forms of transitional justice without fundamentally changing either the official policy or the discourse about the past in order to satisfy international donors and achieve membership in coveted international organisations—in other words, in response to moral and financial pressures from abroad—leads to the veritable **discrediting** of the transitional justice mechanisms themselves in the eyes of the population, as well as of the aims they should have served. Insincere apologies are worse than no apologies at all. The extradition of war crimes suspects that is unaccompanied by any public discussion of the crimes which these individuals are accused of renders the whole justice process meaningless to the wider public. Going along with projects pushed by international sponsors without any real commitment to these mechanisms’ underlying purpose discredits the very mechanisms themselves. And if they are not publicly perceived as instruments of justice, truth or acknowledgement, then they lose any possible usefulness they may have for processes of reckoning with the past.

***Mechanisms of transitional justice as political instruments***

This brings me to the next, related, point, namely that experiences around the world have shown that official transitional justice mechanisms and institutions—because of their inherently political nature—have not shown themselves to be great writers of what Richard Wilson has called ‘monumental history’,[[11]](#footnote-11) in other words of comprehensive accounts of the past and that their claims to have done so should be viewed with a good dose of skepticism.

The scholarly literature contains many critiques of criminal trials from this perspective. As Hannah Arendt famously argued in her account of the Eichmann trial in Jerusalem, the purpose of courts is to administer justice, in other words to determine the guilt or innocence of an individual, and not to write history.[[12]](#footnote-12) Critical of what she perceived to be the Israeli government’s instrumentalisation of the Eichmann trial for its nation-building purposes, Arendt argued that trials are not the appropriate place to consider broader questions of why conflict occurred or take sides in historical debates—something that has been echoed in other legalist critiques of international criminal trials since then. As the British lawyer and scholar Geoffrey Robertson noted in regard to the Milošević trial, ‘criminal trials are not truth commissions’ nor a ‘means for retrospectively testing the morality of a political policy’and, in his view, the symbolic importance of putting Milošević on trial was squandered partly because of the prosecution’s misguided attempt to produce a comprehensive history of the Yugoslav conflicts.[[13]](#footnote-13)

A number of historians have pointed out that international criminal trials can in fact distort history, due to their inherently political nature. For example, if we relied on the International Military Tribunal at Nuremberg to tell the history of the Second World War, we would get a very distorted picture, as that tribunal was overwhelmingly focused on the crimes of the Nazi leadership against the Allied countries themselves—contained in the counts of ‘crimes against peace’ and ‘conspiracy to commit aggressive war’—while equally significant crimes committed by the Allies, such as the notorious bombings of German and Japanese cities, the dropping of the atom bombs on Hiroshima and Nagasaki, or the war crimes committed by the Red Army following the conclusion of the Nazi-Soviet Pact were simply ignored (or in the worst case, as with the Katyn Forest massacre of Polish officers, imputed to the Germans). ‘Crimes against humanity’, which included the genocide of the Jews—the one incommensurate crime that could not be compared to those of any other party in the war—was not central to the proceedings and, contrary to popular belief, Nuremberg was not primarily about the Holocaust. The Holocaust became central only in the early 1960s in the trial of Eichmann in Jerusalem and the Frankfurt trials of the Auschwitz and Majdanek concentration camp guards.

Other scholars have argued that courts can at best offer only partial histories—by focusing on certain criminal acts, but not on others. This has been one of the main criticisms of the International Criminal Tribunal for Rwanda, which—by making the political choice of narrowing its mandate only to the period of April-December 1994—avoided dealing with any of the crimes perpetrated by the victorious Rwandan Patriotic Front against ethnic Hutus. The history constructed by that court is thus a narrow history of the Tutsi genocide devoid of any contextualisation of the broader conflict in which this genocide occurred.

So where does this leave us? Do criminal trials have anything to contribute to processes of considering the past? I would argue that they do, even beyond the narrower remit of judging individuals responsible for some of the most reprehensible crimes known to man, and there are to my mind two significant ways in which they do so. First of all, they can contribute to micro-histories of specific events by providing a verified evidentiary base, and second, they provide a wealth of forensic knowledge and testimonies that can serve future history writing. While a trial will rarely settle disputes over why certain events occurred—which are the subject of a more interpretive historical analysis and will always remain a matter of scholarly difference—they can provide very useful and sometimes conclusive evidence of how something happened, who was involved, and what the consequences were. This factual archival base and the record given by those interrogated, whether as defendants or witnesses, can be a way into discovering the inner workings of a regime, an ideology and possibly the motivation underlying the events and crimes described. This kind of material is a treasure trove for history writing and for the processes of acknowledgement and reparation that might derive from it in the future. And, Nuremberg, despite all its shortcomings served that purpose well.

This then brings me the other central mechanism of transitional justice, namely truth commissions. And these have similarly not been spared criticism. As scholars such as Claire Moon, Mahmood Mamdani or Richard Wilson have shown in their analyses of the South African Truth and Reconciliation Commission—the best known and most far-reaching truth commission so far—the discourse of reconciliation that the TRC employed during the process of the post-apartheid transition was very much in the service of nation-building and maintaining peace in what was a highly volatile transfer of power in the country.[[14]](#footnote-14) As Mamdani pointed out already at the time, the African National Congress made a clear compromise with the National Party to include in the truth and reconciliation process only those human rights violations that were considered crimes even under apartheid law—such as murder or torture—but not to address the more structural forms of racial, economic and political discrimination of entire groups under the apartheid regime.[[15]](#footnote-15) In the views of the critics, the South African TRC was more beholden to the political necessity of ensuring a peaceful negotiated transition than to a clear commitment to a comprehensive ‘truth-telling’ about the past.

In more general terms, some scholars have argued that the truth presented by official truth commissions inevitably represents a reflection of the politics of a given situation—whether it be the need to legitimise regime change, or in order to provide stability and foster nation-building, or to ensure a peaceful transfer of power in the context of a negotiated political transition. As scholars such as Bronwyn Leebaw or Erin Daly have argued, multiple narratives inevitably co-exist with each other about past conflict, defining in different ways who the victims and perpetrators are, and often establishing causation and responsibility in diametrically opposed ways.[[16]](#footnote-16) Some of these narratives may be mutually incompatible, and an official decision about which story to tell represents a political act of considerable importance.

Yet—as in the case of international criminal trials—the inherently political nature of truth commissions does not mean they cannot still play a significant role in processes of coming to terms with the past and in future constructions of history about periods of violence and repression. Perhaps more than any other mechanism, truth commissions provide repositories of oral and social history, stories of individual cases of abuse and human suffering and accounts of perhaps long-denied crimes, as well as of the role played by state security forces and other groups and institutions invloved in the commission of these crimes. Truth commissions in Argentina, Chile and in South Africa, have helped counter denial precisely because they did this. By giving a public voice to private grief and individual stories of suffering the South African TRC in particular generated public empathy with the victims.

Above all, both trials and truth commissions can act, in the words of the sociologist Mark Osiel, as ‘a stimulus to democratic dialogue between those who wish us to remember very different things’.[[17]](#footnote-17) Osiel aptly warns that we should not expect these mechanisms to resolve debates about the past, but they can provide a reference point and an impetus for such a debate to begin—if not in the immediate, then once conditions for it are ripe.

And here I think, history provides us with a degree of optimism. As I have been arguing, one of the main premises of transitional justice is that the employment of the mechanisms I have just described will contribute to the consolidation of peace and democracy—something that I am skeptical about in view of the historical record. But what if the relationship was actually the inverse? In other words, what the historical record seems to indicate is that, in consolidated democracies—even in those that had most successfully swept unsavoury historical legacies under the proverbial carpet—the past did eventually resurface in the public sphere, even creating pressure from below for some sort of reckoning to take place on the official level. So perhaps it is not the process of reckoning with the past that leads to democracy, but the consolidation of democracy that produces processes of coming to terms with difficult historical legacies. Whereas democratising countries usually struggle with this, consolidated democracies can and often do eventually face their pasts.

1. **What is missing: the vernacular terrain of memory**

I would like to finish off by raising something that I find is not often emphasized in the study and the practice of transitional justice because of its overwhelming focus on official policies and mechanisms. And this is the ‘vernacular terrain of memory’—the myriad of civil society and cultural initiatives that surface and interact in the construction of collective memory in any given society.

In fact, as Carol Gluck and other scholars have noted, it is on this terrain that much of the ‘memory work’ actually takes place and where a public demand for a change in official discourse about the past might be articulated.[[18]](#footnote-18) The actions of what one could call ‘memory entrepreneurs’ in society is what often keeps the past alive, even when there is little official interest in addressing or acknowledging it. And interventions in culture (especially popular culture), the media and civil society can be fundamental in provoking and furthering public debate about the past.

As many historians have noted, the highpoint of West German society’s acknowledgment of the Holocaust came in 1979, with the screening of the American mini-series ‘Holocaust’ on prime time television as a significant media event. While the soap opera was looked at with disdain by professional historians and intellectuals as low-brow culture, it produced a veritable outpouring of emotion—a type of catharsis—with chat shows and debates, where people could phone in, many of them in tears and uttering expressions of remorse and disbelief that such a great crime could have happened.

The post-Yugoslav region is certainly not short of ‘memory entrepreneurs’ of its own kind, and in fact much ‘memory work’ has already happened on the vernacular terrain—though, it must be said for the moment at least, without the kind of broad societal catharsis that I have just described.

For example, while the overall situation in the media may be pretty bad (and we will be hearing more about this tomorrow I think), there have been instances of superb investigative journalism that have uncovered some the worst episodes in the wars of the 1990s, along with the complicity of state institutions in these. Here I am thinking, for example, of Filip Švarm’s documentary on the Red Berets, *Jedinica*, and a whole series of other documentary films produced by B-92 collected in its *Kovčežić za istoriju*—to name just a few.

Another example of such ‘memory entrepreneurship’ is the project of the media agency SENSE to create an archive of all the material acquired during its 20 years of coverage of the International Criminal Tribunal in the Hague, and to put it at the disposal of the public—this will undoubtedly be an invaluable resource for future work on the conflicts of the 1990s.

The work of NGOs has been particularly significant here—particularly when it comes to projects of documenting the human losses of the wars of the 1990s. Mirsad Tokača’s pioneering work in this domain, which has provided us with the most reliable figures for Bosnia and Herzegovina, has now been extended to the other conflicts. Regional cooperation has been key here. For example, the Kosovo Book of the Dead—jointly produced by the Humanitarian Law Centres in Belgrade and Priština—provides an overview of how many people died during the Kosovo war, in combat, in killings of civilians and also as a result of the NATO bombing campaign. Documenta in Zagreb is working on a similar project on the casualties of the war in Croatia, and has also produced some wonderful oral histories available on-line, which can be used in scholarly research as well as by students—including some of my own in London. In Bosnia, there is much valuable work being done by NGOs in regard to documenting war crimes, including torture and sexual violence, the destruction of cultural heritage, the location of mass graves, the identification of the remains of missing persons, and the preservation former camps and other crime scenes as sites of memory.

In terms of seeking to generate public demand for an official reckoning with the past, we have seen the remarkable project initiated by the Coalition for RECOM—a large regional coalition of NGOs, victim associations and other civic groups—who are collectively seeking to persuade publics and governments in the region to create a regional truth commission that will officially agree and validate some of the most disputed facts about the wars of the 1990s. Whether such an official body on the regional level ever actually sees the light of day or not, the sheer ambition of the project, the numerous encounters it has facilitated among groups that may not have otherwise come together, the harrowing testimonies it brought to the fore by victims on all sides, by associating itself with artists, writers and actors, along with intellectuals and scholars in the region, has been an incredible example of ‘memory entrepreneurship’.

In the end—and here I return to my original point about the expansion of the international transitional justice practice—it would be fair to say that very few of these initiatives could have gotten off the ground without some sort of external support and involvement. So, perhaps it is appropriate to end my talk by saying that—despite all the shortcomings of transitional justice that I have discussed at some length today—possibly the area where the greatest dividends of international involvement are be reaped may very well lie in this vernacular terrain of memory.

1. Barbara Misztal, *Theories of Social Remembering*, Maidenhead: Open University Press, 2003, p. 147. [↑](#footnote-ref-1)
2. Carol Gluck, ‘Operations of Memory: “Comfort Women” and the World’, in Sheila Miyoshi Jager and Rana Mitter (eds) *Ruptured Histories: War, Memory and the Post-Cold War in Asia*, Cambridge, Mass: Harvard University Press, 2007, pp. 47-77. [↑](#footnote-ref-2)
3. Misztal, op. cit., p. 2. [↑](#footnote-ref-3)
4. Elazar Barkan and Alexander Karn, ‘Group Apology and Ethical Imperative’, in E. Barkan and A. Karn, *Taking Wrongs Seriously: Apologies and Reconciliation*, Stanford: Standfor University Press, 2006, p. 6. [↑](#footnote-ref-4)
5. Claire Moon, *Narrating Political Reconciliation: South Africa’s Truth and Reconciliation Commission*, Lanham: Lexington, 2008, p. 2. [↑](#footnote-ref-5)
6. Helena Cobban, *Amnesty after Atrocity? Healing Nations after Genocide and War Crimes*, Boulder: Paradigm, 2007. [↑](#footnote-ref-6)
7. Ibid., p. 149. [↑](#footnote-ref-7)
8. Robert Moeller, ‘War Stories: The Search for a Usable Past in the Federal Republic of Germany’, *American Historical Review,* 101/4, Oct. 1996, pp. 1008-1048. [↑](#footnote-ref-8)
9. Robert Weyeneth, ‘The Power of Apology: The Process of Historical Reconciliaiton’, *The Public Historian*, 23/3, p. 10. [↑](#footnote-ref-9)
10. Jasna Dragović-Soso, ‘Apologising for Srebrenica: The Declaration of the Serbian Parliament, The European Union and the Politics of Compromise’, *East European Politics*, 28/2, June 2012, pp. 163-179. [↑](#footnote-ref-10)
11. Richard Ashby Wilson, *Writing History in International Criminal Trials*, New York: Cambridge University Press, 2011. [↑](#footnote-ref-11)
12. Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (1963), London: Penguin, 2006. See also Wilson, ibid., p. 3. [↑](#footnote-ref-12)
13. Geoffrey Robertson, ‘Foreword’, in Gideon Boas, *The Milošević Trial: Lessons for the Conduct of Complex Criminal Proceedings*, Cambridge: Cambridge University Press, 2007, p. xiii. [↑](#footnote-ref-13)
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