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The Yugoslav truth and reconciliation commission

Overcoming cognitive blocks

In March 2001, a Yugoslav truth and reconciliation commission was formed. In 2003 after much internal wrangling and little achieved, it faded away into insignificance. How could such a commission which has proved such an influential and important tool in countries like South Africa fail so spectacularly? Dejan Ilic investigates what went wrong and analyses why the country still seems unable to confront its war crimes.

1. A historical prelude

Among the questions that are still put forward in an attempt to understand and explain the political scene in Serbia of the 1990s, the following two are very frequent: a) how come that the regime, which was blown away in only eight hours, between noon and 8 p.m. on 5 October 2000, managed to stay in power the whole of the previous decade; and, as an aspect of it, b) why did the huge protests from several years before 2000 fail to achieve the same success?

The end of 1996 and beginning of 1997 in Serbia were marked by large civil protests against the regime of the Socialist Party of Serbia and its leader Slobodan Milosevic. Citizens poured into the streets and squares throughout Serbia, protesting against Milosevic's attempt to annul the results of the local elections, held at the end of the autumn 1996, in which opposition parties had claimed a clear victory. In the last days of December 1996 and first days of January 1997, citizens' expectations went much beyond the claim for recognition of the local election results. Encouraged by a big number of protestors that were persistent and quite well organized, they endured for more than 100 days, amongst a shared belief that the end of Milosevic's power was about to come. However, Milosevic found a surprisingly easy way out: he just accepted the results, and the whole story was over. Months after the end of the protests, in the vacuum of political depression, political analysts tried to explain why opposition political parties and protestors had not come a long way. The shared feeling was that, in spite of making the regime recognize the opposition parties' victory on the local elections, the protests failed, since the main, although vaguely articulated goal — removing Milosevic from power — was not achieved.

A year after the end of the protests, in February 1998, Drinka Gojkovic¹ offered her rather unexpected view on the failure of the protests: she pointed out that the protests could not meet the most important expectations since they did not raise the issue of responsibility for war crimes committed in the ethnic conflicts that succeeded the fall of Yugoslavia. She explained that it had been clear that the political coalition that led the protests ought to have a firm point

of integration, which could help suppressing tensions embedded in an intrinsic coalition heterogeneity. She suggested that this point ought to have been a kind of a shared political aim that had to go beyond the claim for the recognition of election results as a reason for and coming together as a technique of removing Milosevic from power. "It would have been not only logical", she continues, "but also necessary if that aim had been grounded in clarifying a thick fog of nationalism and wars" (Gojkovic, 1998: p. 137). Eventually, "this starting point would have meant at least — putting aside everything else — a clear and convincing distancing from the regime that was sought to be removed" (Gojkovic, 1998: p. 137). Without such an integrative point, she concluded, the protests were doomed to fail.

Towards the end of her analysis, Drinka Gojkovic also tried to explain the coalition partners' inability to focus on clarifying the "nationalistic fog". She introduced the concept of "cognitive block" to point to a mental closure against a world beyond a narrow nationalistic framework made from obsessive national phantasms, which led her to a quite pessimistic conclusion: the protest leaders, as well as the regime, were unable to face the reality of Serbian responsibility for the Yugoslav collapse and the conflicts that proceeded it. This inability precluded the opposition parties to bring about democratic changes in Serbia, since democracy is decisively embedded in principles of accountability (Gojkovic, 1998: p. 140).

However, from the standpoint of the 5 October events, it appears that Drinka Gojkovic was deeply wrong, since the October protest, viewed by some as a revolution, was successful although, again, no one raised the issue of responsibility for the war crimes or pointed at the Serbian key role in massive abuses and violations of human rights in the post-Yugoslav conflicts. Yet, on the other hand, taking into account that the state Truth and Reconciliation Commission was formed by decree of the newly elected federal president as early as March 2001, only several months after the change of power, it could be argued that bearers of democratic changes in Serbia were fully aware how much the issues of truth and responsibility related to massive human rights violations were actually important. In that view, establishment of the commission can be understood as a deliberate attempt of transcending the "cognitive block", which ought to enable political actors as well as citizens of Serbia in general to really engage in democratizing processes.

Unfortunately, even a quick look at the results of the commission's work over a period of three-years — by establishment of the State Union Serbia and Montenegro, which succeeded Yugoslavia in February 2003, the commission faded away without leaving nearly any document or evidence either about its activities or events that it was meant to examine — is sufficient to conclude that the attempt of transcending the "cognitive block" failed and that, in Gojkovic's terms, national phantasms prevailed once more. Furthermore, taking into account events that occurred in the period from 2001 to 2003, that almost fully overlapped with the time of the commission's work — for instance, the assassination of the Serbian Prime Minister Zoran Djindic in March 2003, and the parliamentary elections in December 2003 that demonstrated a significant strength of a radical right-wing political option — one is inclined to conclude that Gojkovic's analysis of the events from 1996/1997 is still applicable and sound. Her insights about a kind of mental closure within a framework of nationalistic phantasms, that precluded democratic transition in Serbia in 1996/1997, seem to provide a suitable ground for understanding an unstable political situation and uncertain democratic prospects in Serbia today. Furthermore, this train of thought might

lead to the conclusion that Milosevic himself was a smaller obstacle for democratic transition in Serbia than the nationalistic "mental closure" evident in political discourses of both sides — the regime as well as the opposition. The Truth and Reconciliation Commission's work can serve as an instance of such a current.

The objective of this paper is to depict the formation and the three-year work of the Yugoslav Truth and Reconciliation Commission, formed on 30 March 2001, as well as to analyse its failure to achieve what it was aiming to do — that is, to outline the reasons why the commission neither got closer to any truth nor achieved any reconciliation. However, taking into account the way it was formed and the conditions under which it worked, I am inclined to argue that the commission was doomed to fail not only because of the national phantasms, that is, the narrow-minded nationalistic framework. There is at least one more reason to be added to this. The Commission had an inappropriate role model to draw on — the South African Truth and Reconciliation Commission. More generally, this means that the Yugoslav commission was formed and worked under the strong influence of at least two different but interrelated tendencies, which eventually led to an impasse. These tendencies are closely related to two discourses: a) the discourse of "national phantasms", and b) the human rights discourse in its particular version related to transitional justice and truth and reconciliation commissions. I will give an account of these discourses and their interactions, stressing that both of them, although in opposite ways, aimed to help in transcending the "cognitive block".

2. "Cognitive block"

The "cognitive block", as Drinka Gojkovic used the term, refers to a complete detachment from reality, that is, to an inability to understand real problems and deal with them, which causes a lack of accountability. In the case of understanding post-Yugoslav conflicts, this term refers to a persistent unwillingness of Serbian politicians and citizens in general to accept what happened and their responsibility for it. The unwillingness ranges from biased interpretation of what actually happened to partial denials that something really happened at all. In the second half of April 2001, Svetlana Logar and Srdjan Bogosavljevic led the public opinion research on the sample of 2,173 interviewees from Belgrade, Vojvodina and Central Serbia (Logar, 2001: p. 7), whose results outline the perception of the 1990s in Serbia.

To start with the beginnings of the wars: in their comments on the results, Logar and Bogosavljevic stress the incredible breadth of answers that people give to the question when the conflicts started (Logar, 2001: p. 33). Interviewees placed the beginning of the conflict in Slovenia between October 1989 and March 1993 which is amazing considering the fact that the whole conflict lasted 10 days, in June/July 1991. According to interviewees, the war in Croatia started between January 1990 and June 1993, yet, it was finished by the Vance peace proposal from 15 January 1992, eight months after it began. War in Bosnia and Herzegovina, according to the answers, broke out in January 1990 and lasted until March 1998, nearly three years after it actually ended. However, more than half of the interviewees, 53.2 per cent of them, placed the beginning of this war correctly in April 1992. The beginning of the Kosovo conflict erupted according to 61.9 per cent of the interviewees, with the beginning of the Nato air campaign in March 1999, notwithstanding the bigger conflicts between regular police, military forces and armed Albanian groups that broke out in February 1998 (Logar, 2001: pp. 24–25). Logar and Bogosavljevic conclude that, although it is true that there is no clear consensus

about the beginning of these wars, "it is still surprising that half of the interviewees put forward dates that are far from any date that can be reasonably discussed" (Logar, 2001: p. 33).

The chronological confusion about the beginnings of the conflicts is just one element of the blurred public perception of the 1990s. The temporal disorientation is accompanied with a lack of knowledge about the conflicts' consequences. Some 70 per cent of interviewees did not know or did not want to answer how many people were removed from their home towns in Bosnia and Herzegovina, how many people got killed in Sarajevo, or how many people got killed in Srebrenica (Logar, 2001: p. 27). One is inclined to think that people felt uncomfortable to speak about casualties of violations perpetrated on the Serbian side, yet the high percentage of interviewees, 49 per cent, 57.1 per cent, and 49.1 per cent, did not know how many Serbs were expelled from Croatia, Bosnia and Herzegovina, and Kosovo, respectively (Logar, 2001: p. 26). The explanation that people were simply not informed ought to be set aside. For, 91.5 per cent heard that people were killed in Sarajevo by snipers, only 54.7 per cent of them believed it; 80.7 per cent heard that Serbs shelled Markale market in Sarajevo, 11.2 per cent believed it; 80.7 per cent heard that the Albanian civil population was killed in the village of Racak, 22.8 per cent believed it (Logar, 2001: p. 22).

At first sight, it seems that the Srebrenica case is an exception from the rule: 78.6 per cent heard that a huge number of Bosnians were killed in Srebrenica and 60.8 per cent of them believed it (Logar, 2001: p. 22). Yet, it seems that these 60.8 per cent were willing neither to ask who was responsible for the Srebrenica massacre nor to draw any conclusion about it, for when interviewees were asked who did most for the Serbian cause, Mladic, Karadzic, Arkan and Milosevic were listed as national heroes (Logar, 2001: p. 21). Logar and Bogosavljevic crossed the data on Srebrenica and Serbian heroes and this is what they got: "It turned out that 61 per cent of those who believed in what happened in Sreberenica viewed Mladic (25 per cent), Karadzic (17 per cent), Arkan (14 per cent) and Milosevic (6 per cent) as protectors of the Serbian nation. [...] Thus, it is hard to conclude what these people really believed in, since it is to assume that heroes do not perpetrate war crimes" (Logar, 2001: p. 9). Indeed, the analyzed results make room for yet another conclusion. Namely, it is possible to state that this data reveals a kind of tacit approval of massacres, as they were perpetrated for the sake of the nation. However, until today no one has explicitly stated that those who killed people in Srebrenica did so for the sake of the Serbian nation. This does not exclude the possibility that there are people who think in that way and justify the Srebrenica massacre. Yet, as long as they do not make their opinion explicit and public, it is to be assumed that moral values in Serbian public discourses are still going beyond the limit of ethnic belonging.

The ambiguous image of war crime perpetrator and, at the same time, national hero makes it possible to sketch contours of the "cognitive block" consisting of national phantasms. It is not enough to say that a kind of mental closure makes people blind to facts; in this case it should be added that if we are faced with such a blindness it is to be assumed that a kind of national phantasm prevails over evidence. Therefore, regardless of the evidence, a number of interviewees who believed in what they learnt about crimes committed against Serbs is significantly higher than a number of those ready to believe in what they learn about crimes committed by Serbs against other ethnic groups (Logar, 2001: p. 34). Furthermore, the majority of interviewees were able to list three crimes committed against Serbs, when they hardly could recall one crime committed

by Serbs (Logar, 2001: pp. 18–19). An image of a national hero prevails over the reality of a war criminal. Regardless of the evidence, they said they did not know: interviewees were inclined to state that the fall of Yugoslavia and the wars that succeeded it were caused by Croatian nationalism (77.8 per cent), interests of the United States (73.5 per cent), Nato interests (72.3 per cent), Muslim separatism (68.9 per cent), and, finally, Serbian nationalism (41.2 per cent) (Logar, 2001: p. 12), which means that more than half of Serbian citizens were ready to look for causes on the other side, implicitly excluding the possibility that Serbs are also to be blamed. The strength of the "cognitive block," that is, national phantasms was ultimately demonstrated when interviewees were asked whether the knowledge of new evidence changed their view about the sides involved in wars: the answers of 85.5 per cent of them were negative, that is, only 14.5 per cent were willing and able to adjust their opinion in accordance with the new evidence (Logar, 2001: p. 30).

So, what is to be done when people are willing neither to accept evidence nor to change their already established opinions when they happen to come across new evidence? Is it possible to forge democracy within a community which persistently neglects evidence and avoids responsibility? Is there any way of transcending this "cognitive block"? A truth and reconciliation commission was suggested as a solution.

3. Truth and reconciliation commissions -- general frameworks

3.1. International framework

In his deliberation on justice after social and political transition, and particularly about facing an evil past of a previous oppressive regime during the transition toward a just and democratic one, Luc Huyse² distinguishes four possible approaches: a) massive prosecutions of all those who collaborated with the old regime and participated in abuses, b) lustration or disqualification of the former elite and its associates, c) amnesty for all, and d) amnesty, but not forgetting what was done. Each of these approaches in its own way deals with two basic issues of transitional justice: a) is evil past to be remembered or forgotten — "the issue of acknowledgment"; and b) whether perpetrators should be faced with juridical or some other consequences for what they did — "the issue of accountability" (Huyse, 1995: p. 337). Although these approaches are not necessarily mutually exclusive, it seems that Huyse implies that in a society in transition only one of them can be implemented coherently and successfully. Which one is to be implemented is then a matter of an assessment of social and political circumstances, that is, existing power relations. Taking this into account, it is possible to argue that in cases of stable political and social environment, ensured by consensual support to transition, within which new regimes feel strong enough, either a) "prosecution" — full responsibility and full acknowledgment — or b) "lustration" — partial responsibility and full acknowledgment — type of approach is to be considered. In cases of transition as a result of negotiating processes between old and new elites, in which the power balance is quite fragile, and consensual support to transition quite uncertain, the other two approaches seem to be more applicable and effective, that is, either c) amnesty — no responsibility, no acknowledgment — or d) amnesty accompanied with full acknowledgment. A form of the last approach, according to Huyse, is – a truth and reconciliation commission (Huyse 1995: p. 338).

Drawing on her extensive account of truth and reconciliation commissions from 21 countries that experienced transitional processes and had to deal with

transitional justices, Priscilla B. Hayner³ listed the commissions main purposes: "Though presented with varying degrees of emphasis, a truth commission may have any or all of the following five basic aims: to discover, clarify, and formally acknowledge past abuses; to respond to specific needs of victims; to contribute to justice and accountability; to outline institutional responsibility and recommend reforms; and to promote reconciliation and reduce conflict over the past" (Hayner, 2001: p. 24). Beyond these purposes there might be various reasons for setting up a truth commission, some of which are: distancing new government's policies from the former regime and highlighting a new rights-respecting era, or closing the book on the past, or achieving national reconciliation (Hayner, 2001: p. 24). I think that the last one is, in an inverted way, extremely important in analyzing the Serbian case. It points to an aspect that is often mentioned but rarely discussed in studies on transitional justice and truth commissions. Before more is said about it in relation to the Yugoslav Truth and Reconciliation Commission, we are to see which of these aims and reasons were pointed at in domestic discussions about a truth commission.

3.2. Domestic one

Among authors in Serbia, Drinka Gojkovic,⁴ Nenad Dimitrijevic⁵ and Vojin Dimitrijevic⁶ gave the most coherent and convincing arguments in favor of establishing a truth commission. The following is a brief account of their contributions to the debate.⁷ As far as aims of a truth commission are concerned, Gojkovic stresses the importance of collecting documents, evidences, testimonies, and all other various materials that can demonstrate abuses, mistreatments and human rights violations (Gojkovic, 1998: p.); she terms such a work a "persistent facing the facts of our wars" (Gojkovic, 2000: p. 20) and puts it out against the "complete confusion" of perverted facts of an "official truth" that prevails in Serbia (Gojkovic 2000, 23). Knowledge that is created in this way ought to be public, officially sanctioned and in a particular way binding for the community, that is, the community has to behave through its institutions in accordance with this knowledge (Gojkovic, 2000: p. 23). Like Gojkovic, Nenad Dimitrijevic puts forward that a commission ought to examine particular cases of violation of human rights and of the law and customs of war committed during the post-Yugoslav wars, yet, he added, it ought to examine only those abuses perpetrated by the Serbian side (Dimitrijevic N., 2003: p. 80). Emphasizing specific characteristics of the Yugoslav case — a Yugoslav commission has to deal with events that, being initially interethnic, eventually turned out to be international, meaning that at the end victims and perpetrators found themselves on opposite sides of newly established states' borders — Vojin Dimitrijevic further narrows a possible realm of a commission's competencies: it has to examine only those events that occurred on the territory of Serbia and Montenegro (Dimitrijevic V., 2001: p. 73).

As far as reasons for forming a truth commission are concerned, all three authors agree that it has to contribute significantly to a clear and decisive distancing from the old regime (Gojkovic, 1998: p. 137); liberation from mental patterns of the repressive, arbitrary politics veiled in privileging collective over individual interests (Gojkovic 2000, 19); avoiding further abuses (Dimitrijevic V., 2001: p. 69); promoting democratic principles and values (Gojkovic, 1998: p. 138); autonomy of individual citizens (Dimitrijevic N., 2000: p. 14); strengthening accountability as a necessary condition of democracy (Gojkovic, 1998: p. 138); strengthening democratic and legal institutions (Gojkovic, 1998: p. 138). Nenad Dimitrijevic summarizes these

reasons in three points: "1) moral, political and legal distancing from crimes of the previous regime, 2) establishing and stabilizing new democratic legitimacy, 3) establishing basis for civil normality and just society after the period of brutality" (Dimitrijevic N., 2003: p. 66).

4. The Yugoslav Truth and Reconciliation Commission -- national phantasms strike back: the "cognitive block" is on the opposite side

4.1. The commission's short prehistory

Although there were other cases -- not necessarily the cases of dealing with evil past through truth commissions -- to draw on,⁸ the South African Truth and Reconciliation Commission turned out to be a relevant model for the Yugoslav one. Different reasons might cause this. The South African case of dealing with the evil past is probably the world's best-known one. Although its success has often been questioned -- for instance, it failed to make the key perpetrator P.W. Botha testify in front of the commission -- it is somehow taken for granted that it was actually effective in contributing to democratic changes and stabilization of state institutions in South Africa. As such, it could serve as an example to its Yugoslav counterparts.

Some other reasons can be added to this. The Open Society Institute chaired by one of the most prominent human rights activists, Aryeh Neier, considered the South African case as relevant for the Yugoslav situation, although a number of differences between the two can be easily listed.⁹ Since everything else differs, it is to be assumed that the relevance was established in respect to similarities of massive violations of human rights and other unlawful acts committed by the state in both countries. By no means do I intend to claim that similarities of drastic mistreatments of people in these countries are to be set aside due to different contexts in which they occurred; still, I want to emphasize that if we are to deal with them, we have to do it differently due to different conditions, if any success is to be achieved. Notwithstanding this, through the network of its regional branches and NGOs that work under their auspices, in 1999 the Open Society Institute arranged a meeting between Alex Boraine,¹⁰ one of the main architects of the South African Commission, and people from Kosovo, Serbia and Macedonia. The president of the Soros Foundation in Belgrade, Sonya Licht, attended the meeting. She invited Boraine to visit Belgrade. Boraine visited Serbia several times; first in October 1999, when he met with "a wide range of people representing alternative academic organizations, students, NGOs, independent media, and representatives of the Orthodox Church" (Boraine, 2000: p. 402). In April 2000, he was not given a visa to enter the country, which prevented him to participate in the first Yugoslav conference devoted to the issues of truth and responsibility, held in Ulcinj.¹¹ However, he participated in the second one, held in Belgrade in May 2001.¹² At that time, Boraine already became the special consultant for the matters of truth and reconciliation of both Vojislav Kostunica, at that time the President of Federal Yugoslavia, and the commission, formed by Kostunica's decree.

If we take into account that those who were in a position to decide and who actually decided about the formation of the Yugoslav commission and its aims were poorly informed about the South African commission, its work and influence it has had on the South African society, it is to be assumed that the involvement of both Open Society Institute and Boraine personally was more decisive in choosing the South African Commission as a relevant model than

the knowledge of their Serbian partners. On the other hand, a kind of neglect or lack of knowledge when the situation in Serbia is concerned is likely to be found on the other side, represented by Boraine. All of these led to pointing at an example inappropriate to be a relevant model. Before I show why the South African commission was not a good choice, I will give a brief account of the commission's establishment, aims and work, compare these with the suggestions made by Gojkovic, Dimtrijevic V. and Dimitrijevic N, describe the commission's stance toward reconciliation and "international community", and outline certain aspects of the South African commission aims.

4.2. Chronology, the "cognitive block" revisited

29/30 March 2001, beginning

The Truth and Reconciliation Commission, which is the official name of the Yugoslav truth commission, was formed by the decree of Vojislav Kostunica, the President of Federal Republic Yugoslavia, from 29 March 2001. Vojislav Kostunica issued the decree on the initiative of Goran Svilanovic, the Yugoslav Minister of Foreign Affairs, and the president of the Civic Alliance of Serbia.¹³

The Decree Of Establishing the Truth and Reconciliation Commission

The task of the Commission is:

- to organize researches and reveal evidences about social, interethnic and political conflicts which led to war and shed light on causal links between these events;
- to inform domestic and international audience about its work and results;
- to establish cooperation with similar commissions and bodies in neighboring countries and abroad, in order to exchange working experiences.

By this decree I appoint the following persons as members of the Commission: Radovan Bigovic, Mirjana Vasovic, Tibor Varadi, Svetlana Velmar–Jankovic, Mihajlo Vojvodic, Djordjije Vukovic, bishop Sava (Vukovic), Vojin Dimitrijevic, Ljubodrag Dimic, Slavoljub Djukic, Aleksandar Lojpur, Bosko Mijatovic, Radmila Nakarada, Predrag Palavestra, Latinka Perovic, Zoran Stankovic, Svetozar Stojanovic, Darko Tanaskovic and Sulejman Hrnjica. I allow the Commission to issue an appropriate program and organizational document in order to start its work.

no. 1/2–03–0004/2001–1

29 March 2001

Belgrade

President of Federal Republic Yugoslavia

Vojislav Kostonucia

By publishing the decree in the Official Gazette from March 30, 2001, the commission was officially established and began to work. Well, as a matter of fact, not exactly to work.

15 April 2001, two weeks later

Vojin Dimitrijevic withdrew from the commission. He explained the decision to step out by listing basic objections against the aims and purposes proclaimed by an internal commission document. Dimitrijevic states that, "in respect to the Decree and materials for the meeting scheduled for 17 April, "the commission's competencies "are very narrowly defined". The commission "will focus on the period before the fall of SFR Yugoslavia", tending to produce a historical account of it. However, there are people "who lived and

worked in that Yugoslavia and do not live and work in this Yugoslavia", therefore, this commission, being made only of the citizens of the latter Yugoslavia, "will not be viewed as an impartial one when judging about events occurred on territories that are outside its borders". Furthermore, tasks assigned to the commission, continues Dimitrijevic, are so huge that it can hardly cope with them. He exemplifies that the commission has to deal with "terrifying images forged about Serbs and Serbia", or to examine "the nation's demographic situation", and concludes, "I am not sure that the commission can do it." Eventually, "there are many reasons and causes of wars, but there is only one international humanitarian law that ought to be respected by both aggressors and defenders, being a lawyer", and here Dimitrijevic makes his ultimate point, "I am mostly interested, as it is to be expected, in brutalities of our wars. I am afraid of big truths and explanations: in the name of these truths severe violence was done. The reconciliation might start with more modest aims and goals. It is not the matter of who was right and who was wrong, but who behaved as a human being and who did not." On the same day, Latinka Perovic also left the commission.

17 April/10 December 2001, nine months later

In an official document, it is said that the commission defined the basic principles of its work on the meetings held on 17 April and 20 December 2001. It is not clear why it took them so long to define these principles, mainly about the internal procedures, stamp, reimbursement, as well as what was going on in the meanwhile. However, they termed "tasks" from the initial decree "way of work" and slightly modified them, making them more logical, and formulated two additional points termed "goals":

"By facing the truth about conflicts in SFR Yugoslavia and its successors states, which caused crimes against peace, violations of human rights and the humanitarian law, the Truth and Reconciliation Commission aims at contributing to general reconciliation within SR Yugoslavia and with neighboring nations."

"The Commission's aim is to thoroughly examine and establish causes and developments of conflicts, which caused disintegration of the former state and war, accompanied with terrifying suffering and destruction during the last decade."

15 January 2002, ten months later

The commission issued the Basic Program Document. These are its main points:

The commission is to encourage and organize researches of: a) principal causes of political, economic, social and moral declination of SFR Yugoslavia; b) wars and other conflicts in the region of former Yugoslavia, which caused huge human casualties, ethnic cleansings, refugee flood, camps, economic destruction, destroying and ruining cultural monuments, emergence of dictatorships, isolation of the country, criminalizing society; c) human rights violations and violations of the international humanitarian law.

By establishing the truth, the commission intends to get rid of various misunderstandings and their causes and thus reconcile social and ethnic groups.

"The commission views its dialogue with the international community, its bodies and institutions (including the Tribunal in The Hague), as its basic need and one of its main tasks."

Among others, the commission will form groups for investigating: a) "crucial historical events in the period 1980–2000", b) "human rights violations and violations of the humanitarian law", and c) "impacts of foreign factors".

The second and the third point of the document are particularly interesting. In the third point, out of three areas that were to be investigated, two were related to reasons and causes of wars. As it was mentioned in the previous paragraph, nine months before this document was issued, explaining why he left the commission, Vojin Dimitrijevic wrote to its members, "there are many reasons and causes of wars, but there is only one international humanitarian law that ought to be respected by both aggressors and defenders." However, the commission's members were resolute, as Radmila Nakarada put it, "to explore our tragedy on two levels — on the level of victims, and on the level of causes and protagonists".¹⁴ Not only that complete and ultimate historical research of causes and reasons of the post–Yugoslav conflicts cannot be done by one commission within the limited time, but also even if we accept that the commission cannot but say something about the causes and reasons, it is still striking that its members took the aspect of causes and reasons as being much more important for their work than establishing the facts about the war crimes. Setting the date from which historical investigation has to begin at 1980, more than ten years before the wars started, and including "foreign factors" in the researching areas were immediately understood by human rights activists as the commission's way of "looking for excuse".¹⁵ The second point then shows to whom the excuse was to be addressed: to "international community, its bodies and institutions".

28 May 2002, fourteen months later

The commission organized a round table named "One Year After".¹⁶ The round table, according to the statements of the commission's members, was an opportunity to present the commission's plans to a wider audience. At the round table the commission's members faced criticism for their inactivity and avoidance to explore the massive violations of human rights perpetrated by Serbian forces.

28 November 2002, twenty months later

The commission suggested to President Kostunica to replace four of its members — in the meanwhile Tibor Varadi withdrew and Bishop Sava died — by new ones. On 28 November 2002, 19 months and two weeks after the withdrawal of Vojin Dimitrijevic and Latinka Perovic, the president Kostunica responded by naming 9 new members: Mira Bleham, Djordje Vukadinovic, Miomir Dasic, Mustafa Jusufspahic, Andrija Kopilovic, Emir Kusturica, Ljubisa Lazarevic, Slobodan Reljic, Ljiljana Smajlovic.

May 2003, twenty–six months later

The commission issued the Draft Program of the Truth and Reconciliation Commission. The draft was to be discussed in June 2003. The draft is a detailed description of things that were to be done, with a precise timeline and who was to do them. For instance, under the title "1. Facing the Past", reporting on massive human rights abuses in conflicts in former Yugoslavia in 1990s was listed as a first task. Dubrovnik, Vukovar, Sarajevo, Bijeljina, Srebrenica, Strpci were mentioned as sites of war crimes committed by Serbian forces, followed by Croatian forces and their crimes in Croatia and Bosnia and Herzegovina. The stress on human rights violations, brutalities and destruction

from the 1990s is much stronger than in previous documents, probably, among other reasons, due to the critics addressed to the commission at the round table. However, in an attempt to "secure the excuse" or to keep the "balance" between "causes and reasons" on one side, and committed crimes on the other, what follows under the title "2. Report: Causes of West Balkan Wars in the 1990s" is the description of historical analyses to be done in order to explain causes of wars. The time span that these analyses have to encompass is amazing: among others, the commission seeks an explanation of "historic background of creation of Kingdom of Serbs, Croats and Slavs [sic!]," that is, "Yugoslav or South Slavic movement in Serbia, Croatia, Slovenia in nineteenth century." Then follows: World War (!), "assassination of King Alexander" in 1929 (!), "assassination of Croat MP Radic" (!), "raise of totalitarian ideologies in Europe" (!), World War II (!), "system of socialist self-management" (!), and so on.

Month — unknown, year — 2003, many months later

The commission faded away. When it was just about to start to work, the commission stopped to exist without any official announcement, that is, decree.

4.3. The Commission vs. Gojkovic, Dimitrijevic V., and Dimitrijevic N.

From the initial decree to the very end of its existence, the commission in its statements and the commission members in their public appearances emphasized the need for interpretation, that is, explanation of what happened. It seems that the issues of serious abuses, mistreatments and massive violations of human rights were of secondary importance throughout its "work"; the main concern of its members, what they really wanted to figure out and point at, were "causes and reasons". Being a member of the commission, Radmila Nakarada phrased its main aim as follows: "It is important to explore the roots of the conflicts in order to point at dangerous erroneous beliefs, unwanted consequences, and, above all, that there is always another solution. Thus, we will make space for peaceful conflict resolutions in the region..."¹⁷ However, she did not specify what she meant by "dangerous erroneous believes" and "unwanted consequences", to put aside "another"/"peaceful" solutions. Svetozar Stojanovic, her colleague from the commission, was more "precise": "The main issue is relation between elements of the whole on one side and the truth on the other. [...] I do not see how anyone can reveal a partial truth of any element, if that truth is not placed within some totality."¹⁸ Stojanovic explained that the totality of the post-Yugoslav conflicts went beyond the former Yugoslavia's border and had to encompass "international actors". Establishing such a "totality" is the first task of the commission. Its second task Stojanovic saw in revealing truth about all crimes, "not only war crimes, because there were other crimes as well." Yet, Stojanovic did not see the commission capable to fulfill the second task, because it lacked the competence to do it.¹⁹ Therefore, Stojanovic simply concluded that the commission had to deal with the "totality" or the "total truth", leaving the war crimes to The Hague Tribunal or to the domestic courts of law.²⁰ Yet another member of the commission, Mira Beham, perceived the "totality" of the post-Yugoslav conflicts in her own way: she saw the conflicts from the 1990s as continuation of the conflicts from World War II. Eventually, the commission shifting the date from which historical investigation has to begin from 1980 back to the mid-nineteenth century also demonstrates how strong the "explanatory" tendency was. It is possible to understand the enormous enlargement of a time span that was to be encompassed by the explanation in direct relation to increasing awareness of

the size of crime that the commission had to deal with.

On the other hand, none of Gojkovic, Dimitrijevic V. and Dimitrijevic N. saw any reason to go back beyond 1991 in dealing with the war crimes committed in the 1990s. As I briefly described in, all three of them stated that the commission's field of research had to be precisely delineated in temporal and spatial terms, that is, the commission has to deal exclusively with the events that occurred in the 1990s in the region of former Yugoslavia. Furthermore, they stressed the importance of the establishment and description of concrete data and particularities of the events, thus putting forward the issues of mistreatments, abuses and human rights violations and setting aside possible causes and explanations.

The other aspect of the commission's interpretative "distortion" can be revealed in its repeatedly stressed need to inform the foreign audience about the results of investigations, or to be in a constant dialogue with the "international community, its bodies and institutions (including the Hag Tribunal)". None of Gojkovic, Dimitrijevic V. and Dimitrijevic N. mentioned a word about informing anyone outside the country. For them, it is assumed that all pieces of information about abuses, mistreatments and violations of customs of war are aimed at Serbian citizens and have to contribute to a normalization of domestic affairs, and particularly to establishing accountability.

The Third interesting "explanatory" aspect, not mentioned, indeed, by Gojkovic, Dimitrijevic V. and Dimitrijevic N., is the investigation of "foreign impacts". It is beyond doubt that other countries interfered in Yugoslav and post-Yugoslav affairs and conflicts. However, it is hard to believe that their interference can justify or be excused for breaking the laws and customs of war, that is, for massive violations of human rights. It is also hard to see how data about international involvement can change evidence about war crimes and their perpetrators.

The forth aspect follows directly from the previous three. In order to outline it, I will quote parts of Djordjije Vukovic's discussion from the round table. Vukovic, also a member of the commission, presented to other participants of the round table his opinion of literature about the Yugoslav collapse and the subsequent conflicts:²¹

These books, and many others, they use concepts that are, at least, wrongly defined. It is hard to understand these concepts in terms of their definitions. Neither the concept of war crime, nor ethnic cleansing, nor genocide, nor guilt, various concepts of guilt, is clear; and we can ask what the authors meant by them. I have recently read some philosophical works, and there I found that it is not clear at all what a war crime is, and what ordinary crimes are being perpetrated in all wars. [...] When we are talking about explanations of a war, we all know from the books about wars that there are many causes of wars, and it is not easy to define them. When we are talking about Yugoslavia, there is a tendency to reduce various causes of the wars to one cause. Then this cause has been replaced by a concept of guilt. Then this guilt is personalized, assigned to certain actors. And thus we get a very simple pattern, convenient to be used in propaganda, but useless for a serious exploration of causes of wars. Therefore we also had to deal with such biased notions.

At the same round table, Slobodan Samardzic, the president's domestic advisor for the issues of truth and responsibility, supported Vukovic's discussion: he emphasized that the partial truth "is not acceptable any more"; the truth has to be reconstructed in order to make it possible "to determine the guilt of all sides involved in the conflicts". These discussions make it possible to conclude that the members of commission "revealed" a "cognitive block" on the "international" side. In accordance with such a finding, they understood their mission, at least partly, as breaking through this "block" and promoting the "total truth". Their focus was on enlightening international audiences, not the domestic one. Therefore extended historical investigations, explanations, and interpretations; therefore dialogue; therefore stressing the "involvement of international factors" in domestic affairs.

4.4. Reconciliation as foundational narrative

As it was discussed in 3.1., Priscilla Hayner listed achieving national reconciliation among the reasons for setting up a truth commission (Hayner, 2001: p. 24). Reconciliation can be understood in various ways. In this paragraph I will explore and outline the specific understanding of the "reconciliation" purpose that can be revealed beneath the commission's documents and its members' statements.

In his letter to the commission, Vojin Dimitrijevic referred to the material for the meeting scheduled for 17 April 2001, in which it was stated that the commission had to deal with "terrifying images forged about Serbs and Serbia", or to examine "the nation's demographic situation". In the official commission documents I did not find these phrases. However, from the statements of some of its members (e.g. Stojanovic and Vukovic) it is possible to infer that their main concerns actually were terrifying images forged about Serbs and Serbia. Yet, the part about "the nation demographic situation" from Dimitrijevic's letter is even more interesting and revealing. It is an almost direct reference to the "Memorandum of the Serbian Academy of Science and Arts" from 1986.²² If it was really in the early commission material, and I do not see any reason to question Dimitrijevic's letter as a reliable source of information, it is possible to closely relate the commission's documents with the prime document of reinforced Serbian nationalism,²³ that is, it is possible to understand and interpret these documents within the context of the Serbian nationalistic discourse. What follows is the presentation of the national demographic situation taken from the "Memorandum": "According to the 1981 census, 24 per cent of all Serbs live outside the territory of the Socialist Republic of Serbia — that is, 1,958,000 people, which is a greater number than the number of Slovenians, Albanians, and Macedonians in Yugoslavia respectively, and almost as many people as there are Muslims in Yugoslavia. Outside the region of Serbia proper, there are 3,285,000 Serbs, or 40.3 per cent of the total number of Serbs. In the general disintegrative process that is affecting all of Yugoslavia, the Serbs are more affected than anyone else" (Rusinow, 1995: p. 341). In relation to Kosovo, these are the findings about the demographic situation offered by the "Memorandum": In the course of the last war, over 60,000 Serbian colonists and natives were exiled, but after the war this wave of emigration really reached its crest: in the last 20 or so years, 200,000 Serbs left Kosovo and Metohija. The remaining Serbian people are not only leaving their land at an undiminished pace, but, being persecuted by oppression and physical, moral and psychological terror, they are preparing for the final exodus, according to all sources of information" (Rusinow, 1995: p. 339). It is possible to assume that Nakarada, Stojanovic, Vukovic, and

Samardzic had in mind these data when they were stressing importance of investigating causes and reasons, that is, "roots", in overcoming "simple explanatory patterns" and "partial truths".

Furthermore, Svetozar Stojanovic was a special advisor of Dobrica Cosic in 1992/1993, when Cosic was a president of FR Yugoslavia (and when the war in Bosnia broke out).²⁴ Another member of the commission, Slavoljub Djukic, is Dobrica Cosic's close friend. In 2001 he published a book of autobiographical conversations with Cosic. The tone of these conversations reflects the relation of long-lasting and respectful friendship between the two.²⁵ This is particularly important, since Dobrica Cosic, "widely regarded as Serbia's outstanding living writer", drafted the "Memorandum" with others from the Serbian Academy in the spring of 1986 (Rusinow, 1995: p. 403). Therefore, it is not surprising that the commission historical approach outlined in the Draft Program under the title "2. Report: Causes of West Balkan Wars in the 1990s" is structured in the same way as the historical argument of Serbian sacrifices for Yugoslavia and Serbs impoverishment and deprivation of the statehood in SFR Yugoslavia (Rusinow, 1995: p. 403) was structured in the "Memorandum".

The biases of the "Memorandum" views on the Serbian demographic situation and historical sufferings were thoroughly discussed,²⁶ and therefore there is no need to investigate them here. The important question for my argument is: How come that Stojanovic, Nakarada, Djukic, Vukovic became members of the Yugoslav truth commission? As mentioned before, the commission was established by the decree of the president Kostunica, due to the initiative of Goran Svilanovic, at the time Minister of Foreign Affairs and president of the Civic Alliance of Serbia. In 2001, regarding the issues of war crimes and responsibility, Kostunica and Svilanovic occupied opposite positions within the ruling coalition in Serbia. As high official in the Civic Alliance of Serbia, and member of the commission, Vojin Dimitrijevic promoted the policy of exploring and establishing facts about war crimes, prosecution of perpetrators, and cooperation with The Hague Tribunal, the same one that was, within the realm of foreign affairs, endorsed by Goran Svilanovic. Kostunica and his party, the Democratic Party of Serbia, were, and still are much closer to the authors of the "Memorandum", which is, for instance, evident from public appearances of Kostunica's domestic special advisor for the issues of truth and responsibility, Slobodan Samardzic. From the documents issued by the commission, it was obvious that there were two main concerns that its members wanted to address: as Radmila Nakarada put it — one is to be find on the level of victims, and the other on the level of causes and protagonists. While the former was obviously in relation to the "cognitive block" described in 2., the latter was about dealing with "terrifying images forged about Serbs and Serbia". When Vojin Dimitrijevic and Latinka Perovic²⁷ left the commission, it was to be expected that the latter one would prevail. As a matter of fact, the prevalence of the latter was already the reason why Dimitrijevic left the commission, as it is evident from his letter. By Dimitrijevic's withdrawal, Svilanovic's initiative failed.

What was Kostunica's reason for establishing the commission? At the time of the commission's establishment, Serbia was exposed to a huge international pressure aimed to make Serbian government to cooperate with The Hague Tribunal and to arrest persons suspected for war crimes. One of the reasons for establishing the commission, from Kostunica's standpoint, could be the demonstration of willingness to deal with the evil past, which had to contribute to the decrease of international pressure. Furthermore, Kostunica and his

advisors could see the commission as an instrument of spreading the Serbian side of the truth about the Yugoslav collapse and subsequent conflicts. This reason was explicitly formulated in the commission documents and statements of its members. Eventually, from their being close to the authors of the "Memorandum", and from their acceptance of the "Memorandum" standpoints, it is possible to assume that the commission members saw its work as an opportunity for reinforcing the nationalistic foundational narrative and justifying the aggressive, expansionist and exclusionary policy of an emerging nation state, especially in relation to "international factors". It has to be taken into account that this state has been formed as recently as in 1991, from the scratches of the previous state, and, as a matter of fact, it is still in a process of formation. Metaphorically speaking, Kostunica and the commission's members appointed by him (i.e. Svetozar Stojanovic,²⁸ Radmila Nakrada,²⁹ Slavoljub Djukic) aimed to reconcile the newly formed state with the international community, simultaneously trying to deny, relativize, and justify war crimes perpetrated by Serbian forces by underlying the long history of Serbian suffering.³⁰ From this perspective, there is no significant difference between the perceptions of the 1990s events outlined by the public opinion research from 2001 and standpoints expressed in the commission documents. Therefore, Serbian citizens were not the commission's main addressees; the commission shaped its message for the "international community, its bodies and institutions".

However, by using the commission for the purposes of strengthening and spreading the nationalistic foundational narrative of the new state, its members actually did not misuse it. That is, I am claiming that truth commissions have already been used for constituting and reinforcing foundational narratives, although this aspect of their purposes has not often been explicitly reflected on.

4.5. Alex Boraine

"National reconciliation", "uniting a nation", "the healing of the nation"; or "the wounds of the past must be confronted", "the wounds of the past could not heal unless..."³¹ — what these phrases point at? On one level, which has been explicated so far in this paper, their meaning is clear. However, what else does it mean when past abuses, mistreatments, unlawful acts, human rights violations are termed "the wounds of the past"? What else does it mean when instead of saying to "consolidate a government whose legitimacy is founded on democratic participation, justice and respect for human rights", one speaks about "healing the nation"? "That South Africa as a nation needs healing is not in dispute. The nature, extent and method required may be debated by the different sides of the historic conflict, but few would question the need for healing and reconciliation", states Boraine (Boraine, 1995: p. xiv).

Such metaphors usually point at a particular conceptualization of nation — an organistic one. They reveal the concept of the nation as a body unified within and bounded by the borders of the state. Citizens are limbs of this body, and if something harms them, it hurts the whole body. This analogy between the state and the body is indeed an old one, and can be traced back to Plato's *Republic*. And it does not necessarily imply negative connotations, although usually it does. Yet, something else is important here. These organistic metaphors reveal an endeavor of reorganizing the symbolic order framed by the existing foundational narrative of a nation. They reveal the idea that not only the rule of law which implies the application of universal criteria and is based on the principle that all citizens are equal before the law is to be established, but also the new narrative is to be constructed in order to help consolidating the

restructured state institutions.

Regardless of presenting themselves as universal or natural, that is, applicable to all human beings, foundational narratives often serve as the measure for deciding who will be acknowledged as fully-fledged citizen: that is, as a tool of political and legal exclusion.³² In South Africa, under the racist regime of apartheid, the foundational narrative that operated on the symbolic level legitimized segregation, and veiled that any state violation of human rights was actually occurring.³³ This narrative referred to natural and absolute difference between races, as well as to right of peoples of different race to "separate developments". At the same time it tacitly preserved the existing power relations which in fact produce the difference (Laclau, 1995: p. 100). On the opposite side, the counter-narrative formed by oppressed was getting stronger over time. These two narratives were mutually exclusive. Apart from contributing to the promotion of democratic values and stabilization of democratic institutions, the South African truth and reconciliation commission was also effective in negotiating these narratives on the symbolic level.

Discussing the possibilities of identity formation in a post-apartheid society, Aletta J. Norval asks: "[W]hat are the implications of recognising that the identity of the other is constitutive of the self, in a situation where apartheid will have become something of the past?" And she offers the answer: "[A] post-apartheid society will then only be radically beyond apartheid in so far as apartheid itself is present in it as its other. Instead of being effaced once and for all, 'apartheid' itself would have to play the role of the element keeping open the relation to the other, of serving as watchward against any discourse claiming to be able to create a final unity" (quoted from Laclau, 1995: p. 103). Like Boraine with his organicistic metaphors, Norval is trying in her own way to construct new, all-encompassing and ever-open identity pattern for members of a newly formed post-apartheid society.

What is common for both Boraine and Norval, is their insistence that the new foundational narrative, either in terms of the nation-as-a-unified-body metaphor or in terms of the post-apartheid identity with "apartheid" as its other, has to encompass all members of the South African society on equal terms. It is possible to argue that the South African truth and reconciliation commission provided the ground for and actually constructed this narrative. The new South African government was not strong enough to bring perpetrators to justice, although it had a kind of consensual support to undertake democratic transition. Since juridical tools were out of reach, only the truth and reconciliation commission, in the name of the state, could do the work of acknowledging past sufferings and recomposing the symbolic field. The commission expanded the narratives of both sides: by acknowledging the sufferings of the oppressed, the South African truth and reconciliation commission publicly acknowledged victims' capacity to be harmed as human being, that is, as fully-fledged citizens. This recognition was, indeed, retroactive, since at the time of oppression a victim was lacking such a status due to the legal measures and dominant narrative. It can be viewed as a kind of trade off forced by a balance of power on both sides — amnesty for acknowledgment. Thus, the commission has drawn the line between the previous regime and the new one; it enacts the rule of law against the arbitrary/particularistic rule; it marks the point from which on "all" citizens will be treated as equal before the law. Therefore in the South African case the stress was more on reconciliation than on truth. Or, in other words, truth was in service of reconciliation, it gained its importance through reconciliation, and by no means it was treated as a value in itself. Former South African president

P.W. Botha's case demonstrates that the commission was ready to give up from truth for the sake of reconciliation.³⁴ Only in this way, I am inclined to argue, the commission was able to contribute to consolidation of the government whose legitimacy was founded on democratic participation, justice and respect for human rights under the conditions of fragile power balance.

4.6. Crossing the South African and the Yugoslav experience

If the main purpose of the South African commission was reconciliation rather than revealing truth, and if the reconciliation was sought to recompose foundational narrative of a post-apartheid society, the following can be said about the South African commission and its Yugoslav counterpart. The South African truth and reconciliation commission sought to unite two previously segregated social groups into one nation; the Yugoslav commission had to face the consequences of disintegration of at least two kinds: national, in terms of state, and ethnic. The South African Commission had to negotiate two confronted constitutive fables and merge them into one foundational narrative; the Yugoslav commission sought to somehow explain and justify disintegration and ethnic separation. The South African commission had to contribute in establishing and stabilizing multicultural and multiethnic society; the Yugoslav commission was not faced with such a problem. After Nato intervened in Kosovo, and practically made it independent from Serbia, according to the latest census nearly 85 per cent of Serbian citizens are ethnic Serbs. The South African commission had to provide the ground for victims and perpetrators to live together; the Yugoslav commission did not have to do it: victims and perpetrators mostly found themselves on the different sides of newly established borders. And, as far as Serbs are concerned, as Vojin Dimitrijevic puts it, they "already reconciled between themselves" (Dimitrijevic V., 2001: 74). By acknowledging human rights violations and unlawful acts, the South African commission contributed to the legitimization of reformed legal and democratic institutions; by acknowledging crimes and abuses committed by Serbian forces, the Yugoslav commission would inevitably contribute to formation of constitutive fables and thus the legitimization of institutions of the former Yugoslavia successor states. It is hard to imagine that these 24 members of the commission would like to do something of that kind. In conclusion, the South African commission was meant to work within the framework of one state; it does not make much sense if any truth commission formed by Serbian side deal only with abuses and crimes committed on the territory of Serbia, although Vojin Dimitrijevic rightly pointed out that it would be the only coherent solution.

It is hard to say whether these insights can be rephrased in more general conclusions. Probably it is possible to argue that a truth commission can be effective if it works exclusively within a framework of one state. Furthermore, probably it is possible to state that a truth commission is needed when it turned out that a state is in crisis: that it has to reconceptualize its basic premises. As far as I know, the Yugoslav case is the first one in which the commission had to cross the state border. Yet, regardless of whether this need revealed the limitations of truth commissions in general, or it is just an individual case insufficient for making any general remarks, it is important to pay attention to this problem. Eventually, it is possible to conclude that if we put all other purposes aside, it seems that as far as reconciling purpose is concerned — the crucial one in the South African case — the Yugoslav truth commission could not do anything else but to fail.

Therefore, the South African commission could not serve as a relevant model for the Yugoslav one. It is evident from his statements about the necessity of either forming a regional truth and reconciliation commission or establishing regional cooperation between truth and reconciliation commissions, that Alex Boraine, acting as advisor, was trapped by the "reconciliation" logic in discussing the Yugoslav case.³⁵

It is necessary to rebuild bridges destroyed by crimes, hatred, and propaganda, and not only those bridges made of stone and iron, but also bridges between people hearts and minds... it is necessary to heal the wounds, to establish regional and national unity within deeply divided communities. Therefore, our approach has to be holistic, it is necessary to devote ourselves — in an all-encompassing way — to justice, truth, reconciliation and institutional reforms.³⁶

If Kostunica, Svilanovic, Boraine and others had paid more attention, they would have opted for some other model. It was not enough to point at similarities of massive violations of human rights and to similar need to establish the rule of law; the other aspects had had to be taken into account as well. For instance, one had to think what kind of trade off was possible in Serbia considering the fragile power balance and lack of consensual support to transitional processes.

Final remarks

Something can be learnt from the failure of the Yugoslav commission: the way it chose obviously leads to an impasse. Is there any other way? There is, as I have sketched out in this paper.

Reconciliation is one of truth commissions' possible purposes, and exactly the one that is less important than others as far as the Yugoslav case is concerned. People who participated in the post-Yugoslav conflicts, aggressors as well as defenders, mainly do not live in the same states any longer. Bosnia and Herzegovina is in a way an exception of this rule, but it suffices here to say — the exception that, by its federal organization and volatile relations between two federal units, confirms the rule. Juridical institutions (i.e. The Hague Tribunal) can do much more for inter-state/national/ethnic reconciliation in the region of former Yugoslavia than truth commissions. But it is still possible to argue that Serbia needs the commission.

This is simply a consequence of the fact that Serbian national identity no longer exists. The project that was aimed at the homogenization of all Serbs into the *Great One* led to the total destruction of the nation. What ideological planners attempt to impose in the shape of 'the continuity of the tradition and true identity' is pure nationalistic mysticism, which sees human beings as instruments for the achievement of expansionistic aims and the preservation of the internal status quo. (Dimitrijevic N., 2000: p. 16)

At this moment, in January 2004, it is hard to define the Serbian nation in terms of a nation state: the state in which ethnic Serbs mainly live today does not have sovereignty over its territory, clarified borders, valid constitution, president and parliament. And the authority of the current Serbian government has been put into question by the December elections. These are the results of

the aggressive, expansionist and exclusionary state policy that was seen as the best solution of the Serbian national question. There is no consensus about the nature of changes that are needed in Serbia. There is no consensual support to democratic transition.

In most of the countries that had the truth commission there was a kind of general more or less clear consensus about the needed democratic reforms. These consensuses, confirmed by election results, actually offered a ground for the commissions' work. In return, by their findings, commissions contributed to strengthening such consensuses. However, we do not know whether any commission is able to produce a consensus about needed reforms of society, since there has not been such a case yet. It is interesting to reflect on whether a truth commission can help people to decide between possible options for social changes. If there is to be a new truth commission in Serbia — and Nenad Dimitrijevic, for instance, convincingly argues that there should be³⁷ —, it will be inevitably involved in the political struggle of making a choice. By dismantling the collectivist ideology veiled in national phantasms still strong in Serbia today and focusing on violations of individual political and human rights perpetrated by Serbian state and paramilitary forces in the immediate past, new truth commissions can decisively contribute to formation and stabilization of the individual political and human rights narrative as constitutive of an emerging society and its institutions.

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² Luc Huyse, "Justice After Transition: On the choices successor elites make in dealing with the past," in: Neil J. Kritz (ed.), *Transitional Justice. How Emerging Democracies Reckon with Former Regimes*, Vol I, United States Institute of Peace Press (Washington D.C., 1995), pp. 337–349.

³ Priscilla B. Hayner, "Unspeakable truths. Confronting state terror and atrocity", Routledge (New York and London, 2001).

⁴ See Gojkovic's articles: "Za pocetak, skica" ["A draft, to begin with"], *Rec* # 42, February 1998; "Kuda dalje" ["What Do We Do Now?"], *Rec* # 55, September 1999; "Buducnost u trouglu: o krivici, istini i promeni" ["The future in a triangle: On guilt, truth and change"], *Rec* # 57, March 2000, pp. 17–24; "Politika proslosti" ["Politics of the past"], *Rec* # 65, March 2002, pp. 45–57.

⁵ See Nenad Dimitrijevic's articles: "Kojim cemo jezikom govoriti kada bombe prestanu da padaju" ["What language will we be speaking after the bombs stop falling"], *Rec* # 55, September 1999; "Proslost, odgovornost, buducnost" ["The Past, Responsibility, and the Future"], *Rec* # 57, March 2000, pp. 5–16; "Srbija kao nedovrsena drzava" ["Serbia as an Unfinished State"], *Rec* # 69, March 2003, pp. 5–20; "Suocavanje s losom proslocu: treba li Srbiji i Crnoj Gori komisija za istinu" ["Facing the Evil Past: Does Serbia and Montenegro Need a Truth Commission"], *Rec* # 71, September 2003, pp. 65–83.

⁶ See: Vojin Dimitrijevic, "Izgledi za utvrdjivanje istine i postizanje pomirenja u Srbiji" ["Prospects of establishing truth and achieving reconciliation in Serbia"], *Rec* # 62, June 2001, pp. 69–74.

⁷ Two conferences devoted to the issues of truth, responsibility and reconciliation, with a particular focus on truth commission's — its necessity and purposes —, were held in Serbia and Montenegro. The first conference, "Truths, Responsibilities and Reconciliations," was held on March 17–18, 2000, in Ulcinj (see *Rec* # 57 and *Rec* # 58). The other one, "In Search for Truth and Responsibility – Toward Democratic Future," was held in May 2001, in Belgrade (see *Rec* # 62). The latter conference was opened by Mr Kostunica, at that time

President of Federal Yugoslavia, and Mr Djindjic, the late Prime Minister of Serbia, participated. The results of Bogosavljevic and Logar public opinion research were presented at the conference. These two conferences decisively outlined the framework for discussing war crimes and issues of truth and responsibility.

- 8 Arie Nadler presented the Israeli/Palestinian experience in overcoming past and present conflicts at the Ulcinj conference. Many participants viewed his presentation as quite enlightening and helpful for the Serbian/Albanian case. See Arie Nadler, "From Tel Aviv to Ulcinj: Can learn from each other about reconciliation and peace-building," *Rec* # 58, June 2000, pp.
- 9 See Boraine, 2000: p. 401. Describing his conversation with Sonya Licht, President of the Soros Foundation in Belgrade, Boraine said that: "I immediately stressed the difference between South Africa and Serbia..." Yet, he added: "[...] but outlined what we had attempted to do here."
- 10 Alex Boraine, *A Country Unmasked*, Oxford University Press (Oxford and New York, 2000). About Boraine's visit to Serbia see: pp. 401–404.
- 11 See footnote 8. *Truths, Responsibilities, Reconciliations: The Example of Serbia* (Dejan Ilic and Veran Matic, ed., [Beograd: Samizdat B92, 2000]) presents English translations of the speeches given at the conference.
- 12 See footnote 8.
- 13 See at <http://arhiva.glas-javnosti.co.yu/arhiva/2001/04/04/srpski/D01040302.shtml>.
- 14 It is interesting that Nakarada used the term "protagonists" instead of, for instance, "perpetrators".
- 15 Biljana Kovacevic Vuco, available at <http://www.svetlost.co.yu/arhiva/2001/296/296-1.htm> [my translation].
- 16 After what? Some fourteen months passed since the decree was issued. In respect to the "working experiences" of other truth commissions, two months is too much time to be so easily neglected.
- 17 Available at <http://www.b92.net/trr/2001/diskusija/index.php?lang=srpski&nav-id=51229> [my translation].
- 18 Available at <http://www.b92.net/trr/2001/diskusija/index.php?lang=srpski&nav-id=51239> [my translation].
- 19 This was exactly the reason why Vojin Dimitrijevic left the commission. Stojanovic obviously did not mind this lack of competence.
- 20 Available at <http://www.b92.net/trr/2001/diskusija/index.php?lang=srpski&nav-id=51239> [my translation].
- 21 These are mainly books written by foreign authors, since there is not more than couple of books on the same topics written by domestic authors.
- 22 English translation available in: Dennison Rusinow, "The Yugoslav Peoples," in: Peter F. Sugar (ed.), *Eastern european nationalism in the twentieth century* (Washington DC: The American University Press 1995), pp. 332–346. All quotations are taken from this translation.
- 23 About the status and importance of the "Memorandum" in reinforcing Serbian nationalism see: Milosavljevic, 2002; Dragovic-Soso, 2002; Dimitrijevic 2001; Jovic, 2000; Russinow 1995.
- 24 Stojanovic's biography is available at <http://www.komisija.org/osnovna.html>.
- 25 Slavoljub Djukic, *Lovljenje vetra* [Hunting wind] (Beograd: Samizdat B92, 2001).
- 26 See footnote 35.
- 27 Latinka Perovic has been closely related to the Helsinki Committee for Human Rights, for whom she prepared and edited several publications.
- 28 In the 1970s and 1980s Stojanovic worked together with Kostunica in the Institute for Philosophy and Social Sciences.
- 29 Nakarada and Samardzic are colleagues from the Institute for European Studies.
- 30 About the strategies of denying, relativizing and justifying massive state violations of human rights see: Stanley Cohen, *States of denial*, Polity Press (Oxford, 2001).
- 31 These phrases are taken from: Alex Boraine and Janet Levy (ed.), *The Healing of a Nation, Justice in Transition* (Cape Town, 1995). They have been used by the authors whose texts are collected in the book.
- 32 For instance, see: Uday S. Mehta, "Liberal strategies of exclusion", in: Frederic Cooper and Ann Laura Stoler (ed.), *Tensions of empire. Colonial cultures in a Bourgeois world*,

University of California Press 1997, pp. 59–86; Mehta analyzes how Locke theorized the concept of universal and natural capacity to reason, the ultimate ground of equality, and concludes that in Locke's terms this concept is not at all natural but rather highly artificial and actually used for establishing inequality among human beings (pp. 63–70).

- ³³ See: Stanley Cohen, *States of denial*, Polity Press (Oxford, 2001).
- ³⁴ Boraine wrote: "It was a tragedy that Botha did not enter the witness box to respond to the allegations made against him" (Boraine, 2000: p. 216). However, it was not a tragedy because Boraine and hundreds and thousands of people who suffered under apartheid wanted "him to be thrown into jail": "All we want is that he should come before the Commission and we would deal with him with sensitivity and respect" (Boraine, 2000: p. 204). Yet, in spite of promised "sensitivity and respect", Botha refused to come before the Commission. He was not even sentenced for it (Boraine, 2000: p. 216). And what follows is a possible explanation of turns in the Botha vs. Commission case (Boraine, 1995: pp. 200–218): "Botha was strongly supported by a number of former generals, including Magnus Malan, former Minister of Defence and former head of the South African Defence Force. Others who supported him [...] included [...] Constand Viljoen, former head of the Defence Force [...] Johan van der Merwe, former police chief, and other retired military generals" (Boraine, 1995: p. 203).
- ³⁵ See at <http://www.danas.org/programi/interview/2001/11/20011120064249.asp>
- ³⁶ Borane, at <http://www.b92.net/tr/2001/diskusija/index.php?lang=srpski&nav-id=42424>
- ³⁷ See: Nenad Dimitrijevic, "Suocavanje s losom prosloscu: treba li Srbiji i Crnoj Gori komisija za istinu" ["Facing the evil past: does Serbia and Montenegro need a Truth Commission"], *Rec* # 71, September 2003, pp. 65–83.

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