

Hidden Politics and Governmentality in Transitional Justice and Peacebuilding: The problem of bringing the local ‘back in’

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Key words: transitional justice, peacebuilding, power, governmentality, local

Acknowledgements: I would like to thank Catherine Baker, Maria O’Reilly, Laura Martin, Henry Redwood, Pol Bagues Pedreny, Louis Monroy Santander and the two anonymous reviewers for their comments and suggestions on earlier drafts. A version of this paper was presented at the International Studies Association Conference in New Orleans, 2015.

Introduction

The turn to ‘the local’ in peacebuilding and transitional justice suggests that various forms of local agency and ownership may be able to counter the top-down impositions by ‘international’ powers and institutions in post-conflict contexts (Leonardsson and Rudd 2015; Randazzo 2016). Despite acknowledgements that it is difficult to conceptualise what ‘the local is’, and what it does (Bjorkdahl and Gusic 2015:269; Macy Ginty 2015) local agency is nevertheless understood predominantly as emancipatory (Randazzo 2016; Bagues Pedreny 2016) and formed within the context of a mutually constitutive local-international relationship (Kappler 2015; Paffenholz 2015). This view implicitly privileges ‘the local’ that looks like ‘something that corresponds...to the form that ‘civil society’ has taken in modern Western societies’ (Pouligny 2005:498). Despite an emergent critique of such ‘romanticisation’ of the local (Richmond 2015; Visoka 2011; Mac Ginty

and Richmond 2013; Millar 2016); the question of power relations that constitute the local, is somewhat neglected. This paper enriches the existing debate by suggesting that current discussions do not allow us to see the constellations of power that the local is capable of producing.

This is especially the case in transitional justice - the practice and discourse of confronting violent past, and a core component of numerous peacebuilding interventions (Baker and Obradovic-Wochnik 2016; McAuliffe 2017) - where the idea of 'local ownership' remains opaque (Sharp 2014), and power relations are generally unacknowledged. Transitional justice has been selected as it is a core site through which key ideals and norms of peacebuilding are enacted, including its strong focus on 'the local' (Sharp 2104), where the local is meant to be the core facilitator of post conflict justice, but often without acknowledging that inequalities between local actors exist. Transitional justice is thus a productive site through which to examine power; it allows an insight into local power hierarchies and exclusionary practices, are obscured through the continual emphasis on empowering the local (both in donor-led practice, and scholarship).

Bringing local voices 'back in' (Richmond 2009), is often presented as unproblematic, but, as I argue in this paper, the production and inclusion of local voices in post-conflict contexts, is an exercise of power and government: how are voices brought back in, when and by whom, and how is this selection reflective of existing power hierarchies? What do 'empowered' locals do once they have 'power'? Indeed, what is power, and what is its relationship to 'the local'? Or, as Randazzo (2016:7) asks, 'what dictates the terms and characteristics of what or who needs to be emancipated, how and in what direction'?

This paper challenges the view of 'the local' as emancipatory and as a locus of resistance towards the 'international' peacebuilders (Bargues Pedreny 2016), by suggesting that 'the local' - particularly when it is expressed as the 'civil society of the Western imaginary' (Richmond 2011:117) - can also be a site of exclusion, governmentality and hidden power relations. We need to look critically at the local-empowerment dynamic because current debates obscure the processes by which empowered locals can become marginalising elites, and enact exclusionary practices. The paper thus investigates how NGOs - key actors in 'local' transitional justice projects

and local actors with the 'good' kind of local agency (Randazzo 2016) - become complicit in governance of 'the local', by making decisions about which (other local) marginalised voices are heard, and under what conditions.

The paper thus proposes that 'the local' peacebuilders should also be conceptualised as a *governing agents*: able to discipline and regulate other local actors' voices (victims, former combatants) and their agency, further entrenching existing inequalities, or creating new ones (Englund 2006:7). Such inequalities and power asymmetries amongst local actors in peacebuilding contexts, are reproduced through externally-funded projects (Sampson 1996): short term activities funded by external donors, often implemented by local, liberal NGOs, premised on ideas about 'local ownership', and circumscribed by their own logic and technologies of power (Kurki 2011). Projects and external donor funding are crucial mechanisms of bringing peacebuilding concepts to life, given that in post-conflict countries, human rights and transitional justice NGOs often have trouble accessing domestic funding for their initiatives. Projects are thus crucial for norm diffusion and translation of global visions of post-conflict justice, but they are not equally accessible by, or inclusive of, all local actors (Kurki 2011; Vogel 2016).

Power, as I argue, is enacted locally through internationally-funded projects. Projects (re)produce power hierarchies, regulatory practices, disciplinary rules and subjectification: in a Foucauldian sense, projects are sites of power. Here, elite actors (NGOs), create subjects such as 'victims' (Renner 2015) and decide how they ought to behave in transitional justice contexts. Peacebuilding and transitional justice literature rarely examine how 'locals' with such asymmetric power and ability to command international attention, shape visions of what the local is. Hence, this paper takes a Foucauldian approach to power and builds on Kurki's (2011) work on governmentality, to open up a discussion of the subtler forms of power enacted by local agents upon other locals. This approach allows us to ask: *who* is making claims about bringing local voices back in (Richmond 2009:333), and *how* this is done, because organisations, projects and initiatives are not 'power-free' (Kurki 2011; Randazzo 2016). How do locals with access to social, financial and economic capital silence and marginalise other local voices? How do they create hegemonic discourses of 'the local' and local empowerment?

A Foucauldian approach to power also allows us to locate sources of local power; or key, dominant actors able to create disciplinary rules. Hence, the paper responds to Paffenholz's (2015) critique that peacebuilding does not pay enough attention to power or elites. A Foucauldian reading of power shows that locations of power and elitism are not always obvious, and liberal local actors such as human-rights based NGOs, can also be agents of oppression and exclusion, rather than emancipation. They are not merely local gatekeepers who mediate access between the local and the international: rather, they speak on behalf of other locals (becoming voices *of* the local), and impose their, and their donors', visions of transitional justice onto victims and former combatants, who become the subjects of externally funded projects.

The paper's argument is illustrated through the politics of one transitional justice initiative: a grassroots, NGO-led transitional justice initiative operating in the former Yugoslav space. The initiative is called 'RECOM', or '[the] regional commission for the establishment of facts about war crimes and other violations of human rights in the former Yugoslavia, from 1 January 1991 until December 31, 2001.' The coalition is one of the most visible and far-reaching grassroots initiatives in the post-Yugoslav space. Operating since around 2006, consists of approximately 2000 regional NGOs, victims' groups, veterans, prisoner of war associations, international organisations such as the EU (from which it receives monetary support), individuals and some regional political leaders. Its main aim is to establish a truth commission that will help establish facts about the 1990s Yugoslav wars. To achieve this, it has, since 2006, held more than 100 public gatherings, where it invites input from victims, veterans, former prisoners, experts, academics, journalists, artists and other local civil society actors.

This case has been chosen to illustrate debates about the local and the reproduction of power through projects, because, in many ways, the coalition epitomises a vision of the emancipatory 'local': it is almost wholly local in its membership, and most of its work is premised on inclusion of victims' voices. It operates in a specific geographic 'local' (the Yugoslav successor states), and apart from a small number of international experts who talk at the public gatherings from time to time, it engages almost exclusively with geographically-local actors. Yet at the same time, the coalition illustrates the more complex and globally fairly common intersections of external-

international-local peacebuilding, in that it is almost entirely dependent on international donors (c.f. Englund 2006), and is engaged in diffusing global norms of transitional justice by applying them to a local context, and communities its activities and findings to both local and international audiences (Nagy 2008; Gross 2015; Merry 2006). Further, whilst the coalition does include local voices in creating a vision of a transitional justice mechanism suitable for the region, it also, as a close reading of the coalition's public meetings shows, *disciplines* local participation and input and is not always as inclusive as may be expected.

The data for the paper consists of a close reading of 125 publicly available transcripts of RECOM's main events (meetings with the public, victims, academics, veterans, students, families of the missing, refugees and the displaced). This extensive set of data was analysed to better understand the interactions between the NGO facilitators of each public meeting, and the individual participants. I was mainly interested in finding out how participation and speaking (of groups of 'locals') are governed (by other 'locals'). I looked at how, for instance, the structure or programme of each event creates and reinforces hierarchies, and whether the event facilitators interrupt the participants giving testimonies. As the paper discusses, further below, I also looked at the roles that NGO facilitators assigned to themselves (experts) and participants (victims, and the 'subjects of reconciliation', Renner 2015) and what this suggests about power, government and conduct of 'the local'. The overall aim of the empirical section is not to 'uncover' the local or give voice to local actors but rather, to problematise the idea that local transitional justice initiatives are always inclusive and empowering.

The paper is structured as follows. The subsequent section outlines the theoretical premise for the paper and discusses the concepts of governmentality and power. The following section discusses the idea of 'projects', through which power and inequality are reproduced. The paper then gives a brief overview of transitional justice projects in the former Yugoslav space, before going on to discuss the case study at length, and showing how local actors can act as governing and disciplining agents.

Governmentality and Discursive Power

This paper adopts a Foucauldian understanding of governmentality, in order to examine how local actors with access to symbolic and discursive power, 'participate in governing both themselves and others' (Englund 2006:37). Governmentality is broadly understood to refer to 'the conduct of conduct' (Lemke 2002), which works through 'political rationalities and governmental technologies in order to foster and produce a mode of subjectivity that is self-disciplining and self-governing' (Tagma et al 2013:378). Applying framework to debates about 'the local' can offer insights into how local subjectivities are produced, and how power and government may be expressed amongst different local actors (c.f. Paffenholz 2015).

Within this framework, power is fluid, and it 'bypasses binaries' (inside/outside, domestic/international, micro/macro-levels)...foundational to I[nternational] R[elations]' (Vrasti 2011:51). Further, Joseph (2010:243) argues that 'we are required to carefully examine how governmentality works in specific social and historical contexts.' Similarly, Selby (2007:332-3) suggests that rather than 'scaling up' Foucault to the level of the international, it is more productive to apply Foucauldian insights to 'to investigate local sites, strategies and technologies of power pertaining to the international' with a focus on 'distinct empirical sites and technologies of political and social control', and analyses into how truth and power constitute institutions and subjects. Government, Lemke (2002:191) argues, 'defines a discursive field in which exercising power is "rationalised"'. This paper shows how transitional justice projects become frameworks which "'structure[s] the possible field of action of others" in ways congruent with the disciplinary injunctions of juridical power yet not fully dependent upon its direct intervention' (Vrasti 2011:52).

Governmentality, following Selby's reading of Foucault, will be used to show how 'populations are administered and subjects are constituted' (Selby 2007:337) through the projects of transitional justice, and how specific subjectivities are (re)produced through the discursive and institutional arrangements.

Government offers frameworks, structures, tools and technologies of action, since it 'enables a problem to be addressed and offers certain strategies for solving/handling the problem' (Lemke 2002:191). Importantly, political rationality is not 'neutral knowledge' which 're-presents' the

governing reality but 'it itself constitutes the intellectual processing of the reality which political technologies can then tackle' (Lemke 2002:191). Lemke (2002:191) notes further that these techniques can include 'agencies, procedures, institutions, legal forms' that are 'intended to enable us to govern the objects and subjects of a political rationality'.

Scholars have already discussed how discourses of 'reconciliation' or 'transitional justice' become dominant forms of knowledge, and thus key framing narratives (Moon 2008; Renner 2015). This paper extends these insights by discussing how such 'naturalised' and dominant forms of knowledge help produce other unproblematic assumptions: for instance, that experts and NGOs - the 'empowered' locals - are somehow uniquely positioned to help victims of war, and that their engagement with other locals is necessarily empowering.

Applying Foucauldian insights to 'local' transitional justice projects opens up a discussion of how material power obtained with funding and grants, translates into symbolic and discursive power (Mac Ginty 2016; Renner 2015). This in turn allows NGO practitioners to construct and maintain particular ideas and subjectivities of 'the local' (Mac Ginty 2015) and make specific claims about transitional justice and reconciliation. These claims in turn create 'subjects of reconciliation' (Renner 2015), the 'other locals' whom projects seek to govern. The subjects of reconciliation and the project world, are of course, capable of self-regulation and exercising their own power; (Englund 2006:40-42) seen, for instance, in critiques of local NGO initiatives or the refusals of certain groups to participate and engage with their initiatives, as discussed below

Projects, power and local elites

Post-conflict spaces are subject to converging discourses and practices of intervention: liberal peacebuilding aimed at strengthening institutions and states, transitional justice addressing legacies of the past, democracy promotion and the strengthening of civil society through aid and training (Spoerri 2015; Dawson 2014; Helms 2013). From the 1990s, a 'turn to the local' called for greater inclusion of grassroots approaches to conflict resolution and resulted in a burgeoning critical peacebuilding literature emphasising the local's emancipatory potential (Leonardsson and

Rudd 2015:831-834). However, post-conflict and post-authoritarian societies and the push towards engaging locals has also resulted in a context in which 'civil society has become a development goal in itself' (Vetta 2009:27) and where civil societies were 'built' by external intervention (Gabay and Death 2012:3). In the former Yugoslav space, by no means unique in this respect, donors and intervention agencies 'encouraged the formation of more and more NGOs as evidence for the growth of civil society, and ultimately, democracy' (Helms 2013:62), ⁶² to the extent that 'donor money has created a peace industry in which peace has become a business, a platform on which jobs can be created' (Lemay-Hebert and Kappler 2016:18)

In transitional justice, there has also been a move towards exploring and engaging grassroots responses (McEvoy and McGregor 2008), particularly those that adopt a participatory approach (Lundy and McGovern 2008). This shift mirrors 'the local turn' in peacebuilding, but conceptually, the fields of transitional justice and peacebuilding have developed largely in parallel (Millar and Leccy 2016; Baker and Obradovic-Wochnik 2016). As Sharp (2014:73) notes, in transitional justice, terms like 'local ownership' are used in a variety of ways, 'by different actors for different ends, often being associated more with aspirational rhetoric than concrete policy reality.'

Key donors in transitional justice projects also have equally opaque definitions. For instance, the EU's Policy Framework on Supporting Transitional Justice states that transitional justice must be 'nationally and locally-owned and inclusive', 'driven by government authorities and local civil society', but does not offer definitions (EEAS, n.d.).

The lack of clarity and consensus amongst donors on defining 'the local' allows actors such as the EU and its mechanisms of peacebuilding and transitional justice to visualise imagined-ideal locals (Richmond 2011). For instance, Kurki (2011) outlines how the European Instrument for Democracy and Human Rights (EIDHR) - a key donor to transitional justice initiatives such as RECOM - shapes civil society actors: as a precondition for receiving funding, the EIDHR sets up

rules, funding calls, application procedures, values, ideals and norms which can in theory be applicable to any 'local' actor, but in reality can be followed by only a minority of specific (liberal) NGOs able to write the kinds of applications EIDHR requires. And, it has been specifically NGOs that have thrived as a result of external funding, more than any other type of local actor (see Pouligny 2005). For instance, Lemay-Hebert and Kappler (2016:15) note that artists in post-war Bosnia are unable to obtain funding since 'Western donors often feel uncomfortable funding artists' and many 'do not have the capacity to comply with the funding guidelines'. External intervention mechanisms such as the EIDHR shape civil society by *governing* (Kurki 2011), and creating local actors amenable to broader peacebuilding goals. These are often grassroots movements or NGOs with the 'right' agenda, aligned to the donor's values; thus external intervention often ignores other local forms of social interaction (Kappler and Richmond 2011:263). However, as this paper shows, liberal peacebuilding NGOs often go on to replicate the same kind of governmentality (Isleyen 2015; Kurki 2011; Bilgin 2008) inherent in the external donor-local recipient relationship, by setting explicit or implicit discursive and practical limits on how other locals can speak and participate in transitional justice projects.

Peacebuilding and transitional justice are concepts that are made into a lived reality and operated through *projects*, such as those funded by the EIDHR. But, peacebuilding and transitional justice literature do not fully explain how these imagined, 'ideal' locals constructed through their interactions with 'the international' donors, engage and interact with *other* local actors (many of whom do not interact with external peacebuilders), and how they implement and operationalise concepts of truth, reconciliation and justice.

Projects are not, as Kurki (2011) notes, power-free. Writing about the immediate post-communist rush to fund projects, Sampson noted that donor-funded-NGO-led projects (and the donor-local activist encounters) create their own social worlds and frameworks through which power relations and ideas are reproduced (see Sampson 2002; Kurki 2011; Isleyen 2015). Sampson (2002) defines projects as short-term activities - seminars, education initiatives, 'training of trainers', peace camps and so on - which always end and may be replaced by other projects. They are funded by donors, and operate through frameworks of budgets, monitoring boards,

evaluations, targets and 'stakeholders' (Sampson 2002). Projects, in Sampson's definition (2002), have their own structures, practices and language that have now become familiar in peacebuilding literature: for instance, 'giving some control to someone else is called "empowerment"'. Often, 'symbols and concepts' of 'good governance', 'empowerment' and others, come from external actors (Sampson 2002). The emancipatory local that is so often imagined by peacebuilding literature is often an NGO, grassroots or other actor, deeply embedded in this 'social world' shaped by projects and dependent donor funding (c.f. Paffenholz 2015). In effect, imagined-ideal NGOs are disciplined into implementing projects according to templates and norms originating in 'the West' and its institutions (Sampson 1996:124). In implementing externally funded projects, local NGOs can mimic the governmentality of international intervention as they often adopt similar project structures and management techniques (Bilgin 2008; Kurki 2011). The 'local' can employ similar 'technical instruments' of projects, meetings, budgets and stakeholders, to help constitute 'new forms of subjects, relationships and behaviour and routines at the expense of others' (Isleyen 2015:259), as this paper illustrates below.

Both Millar (2016) and Paffenholz (2015) argue that more attention needs to be paid to local elites and power-holders in peacebuilding. Millar (2016) notes that local actors can 'manipulate' conflict management institutions, and Paffenholz (2015:867) argues that local resistance is not always directed at outsiders, but rather at local elites. This paper builds on these insights, by suggesting that locations of power and elitism are not always obvious: for instance, NGOs working in the post-Yugoslav space often face resistance from other local actors. NGO staff are often elites in their communities (c.f. Mandigozi 2010) - educated to a degree level, or are / have been journalists, lawyers, university professors and similar. This means that most projects carried out by NGOs - such as the transitional justice project discussed here - carry with them already-existing and entrenched inequalities (c.f. Englund 2006) that are usually neglected by the local turn peacebuilding literature, which has a selection bias towards particular kinds of agency (Randazzo 2016), and as such often views NGOs as positive agents of change, whose emancipation and empowerment should be encouraged.

The continual dependence of local grassroots or civil society actors on external donations for projects, means that they are in effect, hybrid forms of international-local governance (Richmond 2015; Richmond and Mitchell 2012; Richmond 2011); the quality of which, as Paffenholz (2015) states, has not been analysed thoroughly. Indeed, ‘the question of whether hybrid structures provide real agency for the majority of local people in their everyday lives, remains unclear’ (Paffenholz 2016:863). NGOs that are able to apply successfully for external project funding have far more social, political and economic capital than most other local actors, particularly groups such as victims’ or veterans’ associations, and this has huge, yet largely unexamined, implications for transitional justice and peacebuilding, since various forms of local *capital* are not the focal point of the local turn debate (see Pugh 2005; Lai 2016; Hronesova 2016). Whilst some victims’ organisations, such as Mothers of Srebrenica, from Bosnia, for instance, and some large veterans’ organisations in Bosnia and Croatia, do have prominence in the public and sometimes political sphere, the reality for the majority of local, grassroots organisations (i.e. those not in receipt of external funding, or presenting themselves as a liberal NGO that interacts with the international) is that they are poorly resourced, reliant on volunteers or simply unable to compete for funding as they do not have the necessary skills or resources.

Many of the tensions that arise out of this inequality can be seen clearly in the interactions between the large, peace-supporting, project-based actors like RECOM, and other groups of smaller, local actors. As this paper shows below, a close reading of event transcripts, shows how RECOM staff are able to govern the encounters between themselves, victims and other participants, and how this has the effect of disciplining local voices into a mainstream transitional justice script - that violent pasts must be reckoned with (Fletcher and Weinstein 2015) and that reckoning must consist of truth telling, openness and public deliberation (see e.g., Millar 2011; Daly 2008) which may not always be resonant with local narratives and practices (Guthrey 2016, Taylor 2013; Ekern 2010, Baines and Stewart 2011). RECOM engages in dealing with the past through ‘truth telling and for the disclosure of the truth about the past’¹: these discourses guide its engagement with the past, and its activities. RECOM holds public events, round tables and panels,

¹ ‘About RECOM’, <http://recom.link/sta-je-rekom/> accessed 20 October 2017.

organised and led by a group of internationally-funded human rights NGOs, and, as this paper shows below, at these events, audiences and victims are invited to participate, but their narratives often have to fit within the discursive frames of truth-telling and public deliberation. Plurality of approaches and discourses - that is deviation from the mainstream script - is not explicitly encouraged.

The ability of local institutional elites to 'capture' or hijack transitional justice agendas is well noted (e.g. Subotic 2015), but peace-supporting NGOs can also be capable of the same: capturing peacebuilding/transitional justice agendas to drive a particular vision or idea of justice. The grassroots-NGO elite who derive their power and legitimacy through their interactions with international actors, academics and financial capital (Mandligozi 2010; Englund 2006), are often asked to speak on behalf of other locals, at meetings, conferences, academic projects and interviews. They become the default voice of the local, and this reinforces a cycle through which some actors are empowered - they gain project funding, for instance - gain public visibility, and as such are approached by donors and academics, ensuring future visibility and 'legitimacy'. Meanwhile, groups and voices that do not gain visibility in the same way remain invisible and largely impenetrable - or unwelcoming - to outsiders, particularly those without the right local language skills. This then becomes an echo-chamber where like-minded peace-supporting organisations mainly talk to each other and 'the international' community (Obradovic-Wochnik 2013a), and less marginal voices do not become empowered in similar ways.

This selective empowerment (Randazzo 2016) creates privileged locals who assume speaking positions and re-present the 'other' locals to (often) international actors and donors. Hirblinger and Simons (2015:434) point out that scholars, practitioners and various officials are all implicated in 'struggles through which representations of the local are negotiated'. As such, the emphasis should not be on 'how local actors, practices, and institutions really are' but rather on the 'effects that representations of the local have on peacebuilding' (Hirblinger and Simons 2015:434, added emphasis). One effect is that 'empowered' local actors can thus tell particular stories about 'the local': for instance, according to the mainstream NGO activist narrative, 'locals' in Serbia are wholly resistant to reconciliation, or unable to confront the past, but a more nuanced engagement with

local narratives reveals a far more complex picture that rarely, if ever, emerges in the NGO-presented vision of the local and its approach to the violent past (Obradovic-Wochnik 2013b). Assuming that the non-elite non-NGO locals are to blame for the failure of transitional justice or reconciliation projects, creates, as Englund (2006) suggests, the need for more projects. The endless cycle of projects, entrenches inequalities (Englund 2006) that allow the privileged-elite-local to speak on behalf of others in the first place, and constructs and maintains visions of the resistant/uneducated/illiberal locals, in need of help and empowerment from NGOs and other project-implementors (c.f. Richmond 2011).

The remainder of this paper discusses how governmentality and regimes of power can be manifest in local projects of transitional justice and how they are (re)produced in encounters between local NGO staff and their audiences.

Bringing the local back in through disciplinary rule

Throughout the last two decades of transitional justice work in the Western Balkans, NGOs have generally been critical of the lack of engagement that the wider public has had with their initiatives, whilst the public, especially in Serbia, has generally held a negative view of NGOs as imposers of 'foreign' agendas (see Obradovic-Wochnik 2013b). The main problem has been that NGOs do not offer the kind of meaningful opportunity for discussing the past that many 'ordinary' people are looking for; their focus on implementing projects and sticking to mainstream transitional justice discourses alienates their audiences (Obradovic-Wochnik 2013b). This happens largely as a result of asymmetric power relations which allow project and budget-holders of transitional justice projects to choose the frameworks within which reconciliation or confronting the past happens - 'transitional justice', thus, is what the NGOs say it is, or more specifically, how they interpret it based on broader, global trends and narratives (c.f. Merry 2006).

Thus, transitional justice, implemented through projects, events and publications, becomes a disciplinary rule by which only specific kinds of activities and narratives 'count' as transitional justice. Grassroots initiatives making claims about bringing local voices in to the transitional justice

process, actually do so by disciplining and governing local agency and determining when, how and where local voices speak. This is most evident though the conceptualisation of transitional justice locally, by initiatives such as RECOM, where the transitional justice-as-a-disciplinary-rule is evident its discursive frameworks, rules, technologies of power, boundaries of what is acceptable, and in its clearly defined hierarchies of experts and their subjects.

Technologies of power are often discursive, or manifest in discourse. Broadly speaking, a Foucauldian understanding of discourse, which Kurki's (2011) analysis follows, applied in a transitional justice setting described here, can help shed light on the ways in which specific ideas about, for instance, 'reconciliation' or 'transitional justice' become dominant forms of knowledge, and thus key framing narratives (Moon 2008; Renner 2015). Following Foucauldian ideas about governmentally and discourse, helps problematises 'reified' and 'naturalised' discourses (Selby 2007), inherent in projects of transitional justice, and its engagement with other local actors: these include the unproblematic assumptions that public deliberation is the key mode of confronting the past, and the assumption that NGO-led projects are an appropriate means of engaging with 'the local', and ultimately that 'reconciliation' should drive all transitional justice efforts. As Moon (2006:273) argues, reconciliation, which also governed the work of the South African Truth and Reconciliation commission, is 'an ideological system of meanings that constructs objects of the political process it governs.'

Extending this logic further, Renner (2015:113) argues that globally, reconciliation politics are 'informed by a powerful discourse which shapes the global knowledge of what post-conflict reconciliation is and how it can be reached'. Renner (2015) notes further that this happens through discursive formation and signifiers which are positively correlated to 'reconciliation': "truth commission", "truth-telling", 'healing', 'victims', 'perpetrators', and 'human rights violations'.

The same discursive relationships govern and frame RECOM's work, and subsequently create a disciplinary rule about how other local actors participate in the transitional justice process. For instance, RECOM's focus is on 'public disclosure of the facts about the war crimes perpetrated in the recent past' and a 'victim-centric' approach, (resonant with global narratives of transitional justice; Nagy 2008; Renner 2015): this decision was the result of a 2005 meeting attended by 'ten

of the most prominent human rights NGOs' regionally, and 'experts from the International Centre for Transitional Justice'.¹ In a Foucauldian sense, as Moon (2008:259) points out, 'discourses discipline subject positions within a constellation of power relations'. Moon (2008:259) draws on the doctor-patient analogy to illustrate subject positions within 'hierarchical relationships governed by institutional forces'; following the same logic, 'the most prominent NGOs' and 'experts' clearly position themselves at the top of the power hierarchy of the RECOM project, implying superior skills and knowledge over other types of participants (victims, for instance, or war veterans).

For instance, the story told by RECOM's 'Brief History' webpage charting its events and shifts from 2005 until 2014, is one which highlights NGO meetings, declarations by the European Parliament, statements made by 'artists and intellectuals', 'Regional expert group' meetings, appearances by VIPs at RECOM events (experts, presidents and politicians from the region), high profile campaigns, appointments of RECOM envoys and creation of advocacy groups.² The 9-page 'Brief History' in fact, mentions very little about victim participation, and in comparison to the list of expert and other high-profile activities, victim testimonies appear incidental to the coalition's work. The discursive and institutional hierarchy that privileges experts and project work, is seen in the description of the final RECOM forum on transitional justice, which was 'dedicated to the achievements in the area of transitional justice, to the promotion of the use of facts in artwork and to hearing voices of the victims', and in which victim testimonies are not only listed as the last priority but actually took up a single, two-hour panel in the two-day programme.³

Discursive and institutional hierarchies order RECOM subjects into specific roles, and bring local voices 'back in' through heavily mediated and structured events: NGOs do the agenda-setting, decision making and the expert commentary, whilst everyone else is invited to contribute but only according to rules already set. Victims and other participants are governed in a way that raises questions about the 'emancipatory' effect of 'local' peacebuilding projects, and indeed, the project's claims of being victim-centred. The paper expands on this dynamic in more detail below.

Examining the RECOM meetings, in the broader context of transitional justice projects and funding discussed above, shows how structures such as project agendas, (re)produce technologies of government inherent in the donor-local recipient relationship (Kurki 2011).

Disciplinary rule which governs local participation in transitional justice is reproduced in this way because the NGOs in charge of RECOM position themselves as experts, and all other actors as subjects of transitional justice and RECOM itself. This has two key implications: first, it shows the process by which empowered local actors (NGOs) come to tell the story of who or what 'the local' is, and second, shows the power hierarchies and subjectification through which the local is reproduced.

Experts and the Subjectification of Others

In a discussion of reconciliation as a discourse, Moon (2006:264) notes that 'reconciliation organises subjects, objects and concepts in relationship to one another'. Similarly, RECOM's approach (drawn from global reconciliation discourses, Renner 2015), involves NGOs positioning themselves as experts, making decisions about the process itself and the extent to which other locals will participate and at which event. Local actors are therefore arranged in implicit and explicit power hierarchies in relation to each other: victims are those whose role is to give a testimony, but it is the experts/NGOs who determine the discursive frames for those testimonies, as well as the disciplinary rules they need to engage with in order to testify in the first place.

Hierarchies of power and disciplinary rules are illustrated by RECOM's main speakers and event convenors. RECOM events are dominated by NGO and expert commentary: a core group of NGOs and associated practitioners appears as either a speaker or moderator at almost every event run by the coalition. Privileging expert voice is identified by Autessere (2014) as a problem that often plagues international intervention and creates distances between the external actors and local communities; and that this happens also in local initiatives shows how international/donor technologies of power are replicated through projects (Kurki 2011). Not only are RECOM events generally dominated by expert discussions (where academics and NGO workers make abstract references to 'the literature' on transitional justice), as discussed above, but there are also instances where NGO practitioners' explicitly position themselves as experts and possessors of authoritative knowledge - during their discussions with victims.

At one consultation, a moderator repeats several times that the organisers wish to hear thoughts and opinions from the participants (mainly victims of the Kosovo war). Yet, when a former prisoner of war expresses his frustration with the RECOM process, he is interrupted by an NGO practitioner who interjects to state her more advanced understanding of transitional justice. The former prisoner states that he has little faith in the functioning of the proposed commission, and in response, a practitioner answers: 'I can only give you my opinion, and perhaps, it [may be interpreted as] politicised, but at the end of the day, this is what I went to school for.'

This positioning of NGO/expert voices as more 'authoritative' and legitimate, is also reflected in *how* victims and experts are asked to contribute. Victims are encouraged to talk about their feelings and experiences (as described below), whilst it is the NGO practitioners and other civil society members (academics, journalists, artists) who are asked to comment on transitional justice *as experts*. Their presentations sometimes precede victim testimonies (as in the Forum events) and are used to give general presentations on transitional justice and to comment on achievement of transitional justice institutions in the region.

What this shows is that 'the local' project elite creates 'subjects of reconciliation' (Renner 2015) whilst positioning themselves as *agents* of reconciliation and empowerment. It is not possible to participate in the RECOM public consultations without subjecting oneself to one of the pre-constructed categories. Claims to victimhood must also fit within the organiser's view of victims, and as Renner (2015) argues, their experiences as 'people', individuals, parents, professionals, are completely 'overwritten' by their positioning as 'subjects' who must be 'reconciled'.

This is not to say that inclusion of victims' stories and acknowledgement of their experiences does not occur at all: it does, but so does the disciplining and governing of their agency to contribute those stories. This, in effect, is the denial of agency of the participants and victims, whose participation is invited, but whose capacity to contribute meaningfully to the debate is regulated and at times, cut short by the practitioners. Whilst the NGO practitioners govern the encounters - by deciding on their format, content, speaking turns, subjectivities and key themes - the participants actively reassert and express 'hidden forms of agency' (Richmond and Mitchell 2011:2-3). This occurs frequently: participants' and victims' representatives, for instance, frequently

call out interruptions or complain that they've been trying to speak at the event but have not had a turn yet. They are often critical of the coalition and its work and openly express misunderstanding ('I don't know what it is we're doing here' and 'what is the purpose of this meeting'? are sentences that crop up a few times). They also implicitly and explicitly reject constructs of themselves as victim-subjects. This is seen primarily in the participants' rejection of the 'victim' label: throughout the consultations, participants assigned the victim speaking positions by the participants, rarely use this word to describe themselves. Rather, most of the time they introduce themselves through familial or kinship terms (as mothers, fathers or children of the missing), or as inhabitants of a particular place, rather than in terms suggested by the transitional justice project world ('the victims').

Subjectification is also apparent in that participants of RECOM events are pre-categorised into groups. For instance, some events are labelled 'consultations with civil society' or 'consultations with victims' Table 1 shows a summary of the participants invited to contribute to the consultations. There is no explanation of who is included and who is excluded from which category, nor why some categories are included in the first place ('intellectuals' and 'academics'), nor what their contribution to the transitional justice process might be, and how they constitute local voices. Instead, the categories reflect the more general, global trends in reconciliation and transitional justice, whereby civil society, often including journalists, artists and the media, are expected to have key roles in transitional justice.

Table 1: The table below shows how many public events RECOM ran with each specific category of local actor. The list has been collated using information about each public event provided by RECOM. The categories on the left relate to how RECOM identified each actor they invited to their public meetings, e.g. 'Consultations with local NGOs /local community.' The information has been collated using data from <http://www.recom.link/category/consultations/> accessed 11 July 2016.

Category of actor invited (Categories are as they appear on the RECOM site)	Number of consultations the group has been invited to (total held: 125, between 2007 - 2011)
NGOs	31

Local community' (mainly representatives of various local NGOs, victims' associations, journalists, and local government)	23
Young people & Youth Organisations	15
Associations of Victims & Associations of War Victims	11
Veterans	6
Intellectuals	6
Women's groups	5
Legal Experts & Law Professionals	5
Detention camp inmates	5
Religious communities	4
Journalists	3
Political prisoners	3
Artists	2
Families of the missing	2
Students	2
Educators	2
Academics	1
Minorities	1
"Erased" (<i>groups of people left without official and legal status in newly independent Slovenia</i>).	1
Women victims of war	1
Politicians	1
Refugees & Forcefully displaced persons	1

The 'local community' category, for instance, is made up of NGOs, local government officials and journalists, groups that are already well-represented in other 125 meetings. Victim associations' were the specific focus of only 11 out of the 125 consultations: certainly, some victims groups are also included in the 'local community' and 'prisoner' groups, but they are still far less

visible than NGOs, who are the focal point of 35 consultations (and also appear in the 'local community' category, the second most frequent focus group) and 'young people', who have been invited to 15 consultations. Refugees and internally displaced persons have been the specific focus of only one consultation event. This particular grassroots initiative is thus inclusive and reflexive of local concerns but selectively so: RECOM project leaders create categories such as victims, veterans, prisoners, young people,(as shown in Table 1) through which locals can participate. Individuals do not have the opportunity to speak about their experiences in their own terms, since they have to follow the format of the programme, speak when addressed and 'allowed' to, and speak only as a specific subject. As the paper shows below, not only are individuals asked to speak as specific pre-assigned subjects, but they are often disciplined into speaking in very specific ways, and the stories they tell are regulated by the moderators.

The approach also further subjectifies local actors by creating inadvertently hierarchies of victimhood, given that specific actors (for instance, victims' associations) are the subject of far more consultations than others (for instance, refugees). This means that specific local actors, subjectified through pre-assigned categories, have more opportunities for empowerment than others. The pre-determined categorisation also suggests that each group has its own specific concerns (not taking into account intersectionality, and that many refugees are also families of the victims, former war prisoners and so on). Victims' voices are heard because people have been *invited as victims* and their stories are sought out (c.f. Mandligozi 2010). This kind of pre-categorisation of voices by the project leaders empowered (financially and symbolically) to make these decisions, results in a selective agency, and a very specific picture of 'the local'. The consultation process *does* give voice and platform to victims ('and civil society') but at the expense of excluding anyone who does not, or cannot, fit into or identify with any of the categories created by the project leaders (and as shown in Table 1).

Further, as the table shows, most of the categories of invitees are those which require individual to be either a part of an organisation (e.g., a victim's association, rather than victim) or belong to a group with significant, already-acquired, political, social and economic capital, with visibility in the public sphere and access to decision makers (law professionals, journalists, artists,

academics). Even in consultations with 'young people' and 'students', the attendees are predominantly affiliated with NGOs or student activist groups. Thus, whilst the process is inclusive and accommodating of local needs - far more so than external initiatives such as the International Criminal Tribunal for the former Yugoslavia (ICTY) - it is still exclusionary and selective, given that it often engages other local actors who are already empowered, have public visibility or engagement and encounters with 'the international.'

Projects, meetings and technologies of power

Disciplinary rule, following Foucault and his work as applied by Kurki (2011) and Moon (2006) is reproduced through discourse and its implicit and explicit technologies of power. Kurki (2011) argues, for instance, that adopting the language of bureaucracy and governing through rationalities based on language which appears neutral (e.g. project 'objectives') allows actors to appear depoliticised and 'non-ideological'; this is also a feature of RECOM. RECOM not only mimics the international donor rationalities by expressing itself through project-related language (targets, advocacy, objectives, steering group, expert group, and so on) (c.f. Bilgin 2008), but it also implements events (forums, meetings) which use the language of bureaucracy which allow it to appear 'depoliticised' or 'neutral' (Kurki 2011, Isleyen 2015). The language of projects and bureaucracy appears depersonalised, de-ethnicised, unpolitical and therefore deflects the attention from power constellations embedded within various local hierarchies.

One of the key problems highlighted by aid-dependent local transitional justice initiatives like RECOM, is that whilst they may be successful in disrupting the dominant, top-down practices of international intervention and transitional justice, and demonstrating their own discursive power (Kent 2011; Englund 2004) (by, for instance, proposing their own programmes and outputs); they also create new frameworks in which power can be exercised over other local actors. New frameworks for grassroots participation *seem* more emancipatory because they are locally-led, but they are just as institutionalised and hierarchical as the donor-recipient relationship of international

intervention. Locally (re)produced power hierarchies inherent in grassroots projects, are rarely acknowledged.

At RECOM events, participants are subjected to technologies of power - language, structure and rationalities of projects - which governs how and when they speak, if at all, and therefore, whether they ever become a visible part of 'the local' community. A significant proportion of the 125 events is dedicated to discussing project artefacts - statutes, aims, objectives, rationales, achievements and priorities.

For instance, the 8th Forum for Transitional Justice event includes only one panel on 'meeting the needs of victims' at which victims address the meeting. The other four panels are dedicated to views from the academic community, international organisations (such as OSCE) and domestic courts.⁴ Incidentally, the speakers making up the victims' panel, are the same speakers who crop up throughout most of the other RECOM panels dedicated to victim voices: they are members of active, visible victims' associations that already occupy a prominent speaking position within RECOM, and often align with the dominant discourses. Engaging local voices actually ends up being the inclusion of *specific* local voices, at *specific* times, and only if they tell the right kind of story (as detailed further below). Even though 'the local' is brought back in, there is not a great deal of divergence from the normative, mainstream, transitional justice approach which focuses on victim empowerment, but with a 'professional body of international donors, practitioners and researchers assists or directs in figuring this out and implementing it' (Nagy 2008).

Testimonies of victims, are also subject to technologies and rationalises of bureaucracy and projects. Victims are not normally invited to comment on transitional justice itself - their role in the discursive/institutional hierarchy means that they are only 'allowed' to comment on their experiences and feelings. The project of transitional justice, with its aims, objectives and donors who demand outputs and targets, also demands of victims to present their testimonies in specific ways. Not only do experts (NGO practitioners in charge of the project) choose which victims can have an input, but they also give them specific instructions on *how* to deliver their testimonies. At one 'Perspectives from victims' panel, a prominent NGO activist, sets out the rules. Whoever wants to speak and tell their story, can do so by raising their hand, and:

‘Please, speak in your own name, think about yourself, what you have survived, and others who also suffered. Speak about what you feel is important to tell others. Speak as if you would speak to a close friend or child, tell us everything that happened to you, what affected you, [...] Without politics. [*Later, again, after the first set of speakers has been introduced*] Please do not speak in the name of organisations, institutions. Speak in your own name. And tell us about feelings and problems you’d like to solve’.

After the first testimony from a young man from Kosovo, the organiser reiterates the message:

‘I am sorry that [he] didn’t talk more about his feelings, about his struggle with the Serbian prosecutors, to issue indictments for the crimes committed against his family.... [To other speakers] Please, speak about what you are feeling, about life, with regards to what happened.’

This control over victims’ voice resonates with Mandigozi’s (2010:208) assertion that, ‘[d]espite the constant references to the need to have ‘victims’ voice be heard’ at ‘victim-centred or bottom-up transitional justice processes’, and to “victim empowerment”, transitional justice scholars and practitioners have not genuinely interrogated how their programmes and interventions have led to the disempowerment or empowerment of victims’.

The encounters at which stories are produced are circumscribed by an exercise of power which can call into question the relationship between ‘testimony’ and ‘empowerment’. Empowerment is governed, and NGO practitioners decide on the limits of that empowerment. This shows how ‘the local’ can also be a space through which victims become *silence*, or at the very least, not included in the ways that they expect.

Externally funded local projects are subjected to governance: meeting targets, fulfilling objectives promised to donors and so on (Kurki 2011). Within this context, a victim’s testimonies help fulfil those targets and also helps reaffirm the assumption ‘that victims of wrongdoing have a need to tell their story in order to seek recognition from perpetrators, family and community

members and the larger public or to speak on behalf of those unable to speak' (Stepakoff et al 2014:429). The victims' testimony affirms that the project and vast amounts of capital dedicated to it, were necessary in the first place. The victim testimony elicited at RECOM events also reaffirm the victims' (and the experts') hierarchy in the transitional justice project: victims need help, and experts are the only ones who 'know' how to provide it. Needless to say, that hierarchy is arbitrary and reproduced through project rationalities discussed thus far; there is absolutely no reason why victims cannot deal with the past on their own terms, outside of any external intervention, NGO project or 'meeting' (see e.g. Baines and Stewart 2011). However, project rationalities, bureaucracy and depoliticised language (Kurki 2011), which act to unify divergent experiences and discourses (Renner 2015, Moon 2008) naturalise the NGO-expert-led transitional justice project as *the only* means of confronting the past by disciplining participants and discouraging 'rebel' voices.

This has further implications: it means that local actors with access to economic, social and political capital, have the opportunity and the means to tell the story of 'the local', constructing and maintaining (c.f. Mac Ginty 2015) specific visions of 'the local'. More broadly, enacting transitional justice through projects such as RECOM also helps (re)produce the hierarchies of 'the local' in peacebuilding, where NGOs are positioned (by themselves, by academics, by unchallenged rationalities of projects), as locals with 'the good agency', and where all other locals are simply subjects who need the help of these expert, empowered locals.

Conclusion

This paper set out to destabilise the view of 'the local' in post-conflict peacebuilding and transitional justice settings as an emancipatory actor and one which is primarily constituted through its interaction with the 'international.' Using the example of a 'local' transitional justice initiative, the paper has shown how local initiatives claiming to be inclusive of local voices, can often be spaces hidden power relations, entrenched inequalities, subjectification and discipline. Claims to inclusion of local or victim voices should not be seen as unproblematic: 'local' agents should be treated with the same analytical scrutiny that might be applied to 'the international' peace builders, in order to

reveal the hidden power relations and politics. The current focus on 'the local' as a corrective to international intervention and dominant global norms means that the ability of the 'local' to disempower and not respond to a range of local needs and voices, is often overlooked.

The paper has shown that NGOs entrusted with the task of 'local ownership' of peacebuilding and transitional justice, operate in a donor-reliant, project-based context where power, privilege and elitism are not acknowledged - largely because the broader aim has been on empowering locals, and not questioning the conditions and consequences of that empowerment (c.f. Randazzo 2016). One of the consequences is that locals 'empowered' by projects and donor funding, will not only govern the terms of other locals' engagement, but will also be complicit in creating the subjects of peacebuilding, by deciding who speaks as a victim, and who stays silent.

There is a need to unpack 'the local' even more, and look at the distribution of power, not just between the 'internationals' and 'locals', but amongst the 'Western imaginary' local and civil society organisations supporting the overall goals of peacebuilding. There is a need to look at how access to symbolic and discursive power and various forms of capital, create and entrench inequalities amongst different local actors, and subsequently, how the machinery of transitional justice and peacebuilding projects helps to reproduce these inequalities further. Not all local actors have equal power or capital - access to project grants only helps to perpetuate the existing hierarchy where liberal, human rights based NGOs form an elite that is able to interact with donors and internationals, and decide how and when all other local actors will have the opportunity to speak, and shape the transitional justice and peacebuilding processes. It is crucial to underscore these inequalities, because they highlight that 'the local', as well as being shaped by its interactions with 'the international', is also the result of various local contestations, and stories told by more powerful locals, about other locals.

In sum, local transitional justice and peacebuilding initiatives - often assumed to be apolitical, grassroots countermeasures to top-down intervention - are nevertheless circumscribed by hidden politics and power, and are complicit in governing subjects, disciplining and regulating the behaviour and speech of individuals participating in their projects. Therefore, their claims of empowerment of local victims and inclusion of local narratives should be examined carefully. This

is not to say that any other 'local' process of transitional justice or peacebuilding would be any more successful or helpful to the victims, but rather, that more attention needs to be paid to hidden and un-acknowledge power relations and inequalities embedded within all projects and interventions, including those that make claims about local empowerment.

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³ The Tenth Forum for Transitional Justice in post-Yugoslav states, <http://www.recom.link/sr/x-medunarodni-forum-za-tranzicionu-pravdu-u-post-jugoslovenskim-zemljama-3/> accessed 21 April 2017

⁴ 8th Forum for Transitional Justice, <http://www.recom.link/wp-content/uploads/2015/01/Program.pdf> Accessed 12 April 2017