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Lynn M. Malley

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OBSERVATIONS FROM AN AMERICAN CONFLICT RESOLUTION PROFESSIONAL IN SERBIA ON THE EFFECTS OF THE ACCESSIBILITY OF INTERNATIONAL MEDIA

LYNN M. MALLEY*

I. BACKGROUND

In this Essay, I will address media coverage of four incidents that occurred while I was living and teaching in Belgrade, the capital of Serbia and Montenegro,¹ during 2003 to 2005: the March 2004 violence in Kosovo; a visit to Sarajevo, the capital of Bosnia and Herzegovina, in January 2005; the International Competition for Online Dispute Resolution (ICODR) during the winter of 2005; and a remembrance of the tenth anniversary of the Srebrenica Massacre in May 2005.

It is the business of conflict resolution² professionals to look beyond the contours of the conflict situations in which they work. Filling in this background is done by asking many questions—questions about the context out of which the conflict arises, questions about the facts and the feelings that give form to the conflict, questions about where continuing the conflict in its present form will lead—and by listening carefully to the answers, both what is said and what remains unsaid.

As a person without a personal stake in the outcome of the dispute, the conflict resolution professional helps those involved in a conflict examine the various aspects of the situation from outside themselves, perhaps from the shoes of the other, through the lens of history, or from the viewpoint of

* Principal in Creative Conflict Engagement Services, attorney and mediator, sometimes law professor or citizen diplomat, always a conflict resolution professional for twenty-five years. Many thanks to Andrea Schneider and Natalie Fleury for their organization of and kind invitation to participate in the conference for which this Essay was written. A thank you is extended also to the Fulbright Scholar Program and the Council for International Exchange of Scholars for making the experiences underlying this Essay possible.

1. I use the terms “Serbia” and “Serbia and Montenegro” interchangeably in this Essay. No inferences should be drawn about the use of either term.

2. While I will use the term “conflict resolution” or “conflict resolution professional” throughout this Essay, as that is the more common term, my belief is that many conflicts are not ever resolved, but engaged, and that engagement is a positive result.

children of the future. Often, even with the assistance of the neutral, the conflict does not go away but may take on a size and shape that is manageable enough to be contained.

To what extent is the job of the reporter or journalist similar to the job of the conflict resolution professional? Or perhaps more to the point, to what extent does the reporter or journalist perform a better service by exploring the context, history, and ramifications of the event about which he or she is reporting?

II. INTRODUCTION

After nearly twenty years as a conflict resolution practitioner and teacher, I returned to school in 2000 to complete a Master of Laws in Dispute Resolution. After earning an LL.M. in 2003, I accepted a position as a Visiting Faculty Fellow³ at the University of Belgrade, Faculties of Law and Political Science. I taught various conflict resolution courses at the two faculties during 2003 and 2004. I was invited to stay on for the 2004–2005 academic year and accepted a Fulbright Scholarship⁴ to do so.

Before and while living in Serbia, I read as much about the Balkan region as I could to prepare myself to teach about methods of conflict resolution in a post-Communist and post-civil-war region. This included reading about the impact of the Serbian government-controlled press on the people of Serbia during the disintegration of the former Yugoslavia.⁵ During the two years that I lived in the region, it became apparent to me that things had changed since the 1990s, at least for those living in the larger cities⁶ and those able to afford cable or satellite television, dial-up or cable Internet, or both, all of which

3. During this year, I was a Visiting Faculty Fellow with the Civic Education Project. My role, in addition to teaching, was to mentor junior faculty members at the University of Belgrade, particularly to teach them about interactive methods of teaching.

4. “At the end of World War II, Senator Fulbright established the world’s largest international education program to give life to his thesis that better international understanding could help avoid future wars.” Fulbright Center Teachers Institute, Teachers from the United States Teach English to Latin American Students (June 24, 2009), <http://jwhfulbright.org/teachersinstitute/news.html>. The Fulbright program is an example of the type of conflict resolution program mentioned by Susan Hackley that sprung up in reaction to the horrors of World War II. Susan Hackley, *In the Global Village, Can War Survive?*, 93 MARQ. L. REV. 25, 26–27 (2009). More than just a scholar and citizen-diplomat creating good will by presence, I taught courses that were directly related to conflict resolution, and my students were law students, bureaucrats, and psychologists; that is, those who could be expected to have an influence on how their country approaches conflicts in the future.

5. In contrast, Frediano Finucci addressed the effect of the purposeful use by the Slovenian government made of the international press in pressing for the efficient separation of Slovenia from Yugoslavia. See Frediano Finucci, *International Media and Conflict Resolution: Media on the Slovenian War of Independence*, <http://law.marquette.edu/lawreview> (click on “Conferences” link).

6. Belgrade, the capital, located in the center of Serbia, Nis in the south, and Novi Sad in the north.

were increasingly available and functional most of the time during the period from 2003 to 2005. From my reading and from conversations with colleagues, I came to believe that the contact with the “outside world” provided by cable television and the Internet had not been available to many people during the ’90s,⁷ and that such contact had the potential to matter very much once it became accessible. On the other hand, freedom of the media in Serbia often resulted in the same coverage of personal and social scandal that often headlines media in the United States.⁸

III. MARCH 2004: RIOTS IN KOSOVO

By spring of 2004, I had lived in Belgrade for almost a full academic year and was feeling fairly comfortable.⁹ Even with that increased comfort level, I was unprepared for March 17, 2004, a day that I had traditionally celebrated with Irish coffee and shamrocks. On that morning, I received an unexpected message. It came predawn, a text message from a colleague teaching in Kosovo,¹⁰ a territory which Serbia had lost in 1999,¹¹ saying that he awoke to see flames and hear shots near his apartment in Pristina, the capital of Kosovo, and asking if I was okay in Belgrade. This message forever changed the meaning of St. Patrick’s Day for me and marked only the beginning of a unique day. I later walked around the city center of Belgrade and to a mosque, the only one in the city, which Serbs had gutted by fire in retaliation for the damage caused to many Serb churches and homes in the Kosovar cities of Pristina and Metahoja.

Three Albanian children drowned in the Ibar River in Kosovo that day and a Serb teen was shot. Whether the drownings were related to Serbs chasing

7. For example, one colleague told me, “For media in Serbia, [the] 90s were full of nationalistic madness.” E-mail from Milan to Lynn M. Malley (July 7, 2009, 17:30:00 CST) (on file with author).

8. *See id.* “Nowdays [sic], there is no war in here, there is no authoritarian regime. You may find in media all kind[s] of [stances on] various political questions, and also a lot of tabloids covering all kind[s] of social and personal scandals.” *Id.*

9. I had learned a little Serbian and a few lessons that made life there easier, things like, if you do not walk around downtown just because you see a lot of police with riot gear on or because you see soldiers or police walking four abreast and carrying machine guns at their sides, you will never go out. I had also learned that there were times when it was wiser not to advertise that I was American and other times and places where it was fine.

10. During the time that I lived in Serbia, the disintegration of Yugoslavia was not quite complete, nor were the Serbs willing to see it continue. Although most of those I spoke with seemed to think that Montenegro would split off in a bloodless division, I knew few who could contemplate such a result with Kosovo.

11. Kosovo was still under international protection in 2004 and remains so even in 2009 as this Essay is being written. STEVEN WOEHREL, CONG. RESEARCH SERV., NO. RS21721, KOSOVO: CURRENT ISSUES AND U.S. POLICY 2 (2009), available at http://assets.opencrs.com/rpts/RS21721_20090819.pdf. Approximately 5% of the population is Serbian and the rest is mostly Albanian. *Id.* at 1.

the Albanian children, and whether the Serb teen was shot in retaliation by a member of an Albanian crowd, were matters reported by the local press in the ethnic voice of the reporter. In either case, very serious and widespread violence followed.¹²

In Belgrade, I had access to both sides of the unfolding story from the international media both on television and on the Internet, and local media clearly presented more from the Serbian perspective.¹³ Both sides agreed that the setting was tense prior to these events and that the situation was likely to get worse. It did—for weeks.

What effect did the media have? Would these disturbing events have ended sooner had the media in both Serbia and Kosovo reported from a neutral or balanced perspective, or had they looked evenly at the footprints from the past and the promise for the future? Did they even have the ability to do that? Perhaps the neutral perspective had to come from the international media. In 2004, that neutral perspective was potentially present for those who had access to cable, the Internet, or both. Eventually, the riots and burnings stopped.¹⁴

IV. JANUARY 2005: REFLECTIONS ON THE EFFECT OF THE MEDIA ON SARAJEVO, TEN YEARS LATER

During my time in Eastern Europe, I took many opportunities to travel and teach about alternative methods of dispute resolution as well as to learn about the cultures there. In the fall of 2004, I spent a week in Sarajevo with

12. OSCE in Damning Investment of Kosovo Judiciary, B92.net (July 3, 2008), http://www.b92.net/eng/news/politics-article.php?yyyy=2008&mm=07&dd=03&nav_id=51610.

The wave of unrest surged on March 17 and 18, 2004, throughout Kosovo, and was caused by two incidents that were allegedly believed to be ethnically motivated. Demonstrations, although initially spontaneous, were soon directed against Serbs throughout the province.

Nineteen people were killed—eleven Kosovo Albanians and eight Kosovo Serbs—over 900 were injured, including sixty-five members of the international police and fifty-eight Kosovo Police Service (KPS) officers, while 800 buildings were destroyed or damaged, including twenty-nine churches and monasteries.

Id.

13. Aside from international news sources like BBC, local sources that were translated into or reported in English were mostly Serbian. Indeed, I was unaware of any English translations of Albanian news reports in Serbia, and I did not know about the situation in Kosovo. The international news on television and on the Internet seemed to be reported in a more arm's-length and balanced way; the local news in Belgrade at least seemed to fan the flames of ethnic retribution.

14. Although being able to understand English was necessary to watch or listen to sources such as BBC World News, a relatively balanced perspective was also presented on B92 TV and Internet news, which were in both Serbian and English.

another Fulbright Scholar who was teaching there. My own experiences with the media and the conflict in Sarajevo consisted of watching the 1984 Winter Olympics in Sarajevo on television from my home in the midwestern United States. My impression of Sarajevo from international coverage of the Olympics was of a town without conflict, a town with a strong multicultural and peaceful identity. Ten years later, I had also watched the destruction of the Olympic ice arena¹⁵ during the Serbian siege of Sarajevo as the people there tried to find firewood to heat their homes during the forty-two months when commerce, and indeed most connection with the outside world, was cut off between 1992 and 1995. Even in the '90s, Western media coverage made clear that the people of Sarajevo were literally without food, water, and power to make heat, as well as other necessities of life. I could not understand why the world did not take action. Long before I saw this city, I was intrigued by the way in which the world allowed it to be destroyed.

Sleeping on the couch in my colleague's living room, I had a view out the living room window of the twinkling stars in the heavens and the twinkling lights in the houses on the hillside. I knew that those lights on the hillsides would not have been lit between 1992 and 1995 for fear of attracting fire—gunshots from the hilltops or bombings from helicopters.

Looking at that hillside each night left me wondering again how the international community could have watched nightly on television as the residents of Sarajevo struggled to maintain a basic existence and not done something about the shelling sooner. It was not that we did not know what was going on. It was not that there was any justification for what was going on. Even in hindsight, it appears that the international press was accurately reporting the devastation happening to Sarajevo. Yet the world watched nightly, perhaps as if watching a soap opera, and did nothing for forty-two months.

So what difference *does* accurate international reporting make?

V. FEBRUARY–MARCH 2005: INTERNATIONAL COMPETITION FOR ONLINE DISPUTE RESOLUTION—THE INTERNET AS MEDIA

Media—and perhaps the use of the media—has changed dramatically in the last ten years, even in developing countries like those of Eastern Europe. One dramatic change was from being unidirectional to bidirectional. In the 1990s, the dominant media in Serbia were government-controlled local

15. I remember news footage of the Sarajevans removing wood from the arena to heat their houses; the arena's copper roof had already been removed and used for munitions. Ethan Trex, *Past Olympic Venues: What Are They Now?*, MENTAL_FLOSS, Aug. 14, 2008, <http://www.mentalfloss.com/blogs/archives/17488>.

newspaper, radio, and television. The infrastructure was not yet in place for the Internet to have an impact by making accessible international newspapers or other forms of media from around the world. The government had not restricted access to various sites as the lack of infrastructure was itself effective at keeping access limited.

During the two years I lived in Belgrade, improvements to that infrastructure quickened their pace, at least in the three major cities: Belgrade, Nis, and Novi Sad. In Belgrade during this period, many of the apartment buildings¹⁶ were wired for Internet and cable television. Internet cafes were also available in all three cities. The various faculties of the University of Belgrade¹⁷ provided some Internet access for their faculty members and students, though it was often dial-up and unreliable. In spite of these problems, this accessibility was a great improvement from the previous decade.

Against this backdrop, in 2005 two teams of my students at the University of Belgrade Faculty of Law participated in the Negotiation portion of the International Competition for Online Dispute Resolution (ICODR).¹⁸ They were randomly matched against teams from other law schools around the world and each team participated via the Internet in the negotiation of two problems. In the end, these Serbian teams placed third and fifth out of thirty-seven international teams. Their excellence was recognized by their faculty¹⁹ and by the Serbian press:²⁰

Dear Professor,

Your students are becoming stars of the media! I am just waiting for the cashiers at supermarkets to start recognizing us! . . . OK, I'm exaggerating a bit, but not too much. So far, articles about the competition have been published in three daily newspapers (*Politika*, *Blic* and *Danas*) and this morning, Vanja, Sinisa and I were guests at the morning talk show on BK television (something like Good Morning

16. Apartments are the dominant form of living space in Belgrade, as in most European cities.

17. The university system there was a loosely affiliated group of faculties—what would be called colleges in the United States—and seldom located on the same campus.

18. ICODR was created by Professors Ben Davis, at the University of Toledo School of Law, and Alan Gaitenby, at the University of Massachusetts. Kudos to Ben and Alan for creating a forum where students of conflict resolution from around the world are able to interact.

19. See Press Release, Univ. of Belgrade Faculty of Law, Students from Law School University [of] Belgrade Among Top Five in the World On-Line Competition, http://www.ius.bg.ac.yu/informacije/students_bronze.htm (last visited Oct. 20, 2009) [hereinafter Univ. of Belgrade Faculty of Law].

20. Miloš Šterić, *Beogradski Studenti Prava Pobedili Kolege sa Harvarda* [Belgrade Students of Law Defeated Their Colleagues from Harvard], BLIC, June 29, 2005, at 4 (on file with the author); *Studenti Pravnog Fakulteta Osvojili Bronzanu Medalu*, DANAS, June 29, 2005 (on file with the author).

America)! All six of us just returned from a looong [sic] interview at Nedeljni telegraf (a popular weekly paper), so we'll be there too.

Actually, in *Blic*, our picture is on the front cover of the edition that sells in Serbia, except Belgrade. In the Belgrade edition, there is a headline on the front page and a very nice article inside. To our big surprise, in the column that recommends books for reading, they suggested the Serbian translation of *Getting to Yes*!!

OK, enough about the media.²¹

The media referred to above was of course Serbian, from newspapers to TV and radio. Information about this feat of six Serbian law students remains on the web site of the Law Faculty.²² Though this triumph was big enough in Serbia to headline in the national press, it did not earn a spot in international reporting. It would be fair to say that the fact that there were a number of international professors working in the country at the time also had not warranted reporting, even in the national media. The medium that had the biggest impact on the students involved in ICODR, both before and after the event, was the Internet itself and the way it was used to teach conflict resolution processes, other cultures, and the use of the medium itself.

VI. MAY 2005: SREBRENICA REMEMBERED

Among the atrocities of the Balkan civil wars covered by the international press was the killing of 8,000 Muslim boys and men in the town of Srebrenica.²³ Generally referred to as "genocide" or "ethnic cleansing" by the international press, the incident at Srebrenica was described quite differently by the Serbian press at the time and continues to be described that way by some even today.²⁴

21. E-mail from Jelena Manic, a former student of Lynn M. Malley, to Lynn M. Malley (June 30, 2005, 07:25:48 CST) (on file with author).

22. See Univ. of Belgrade Faculty of Law, *supra* note 19.

23. See, e.g., Bosnia Agonizes over Release of Massacre Video, MSNBC.com (June 3, 2005), http://www.msnbc.msn.com/id/8085091/ns/world_news/.

24. See, e.g., Roderick Moore, Deputy Chief of Mission, U.S. Embassy, Belgrade, Remarks at Srebrenica: Beyond a Reasonable Doubt Conference (June 11, 2005).

Unfortunately, a sense of denial has prevailed among large segments of the population about war crimes committed by Serbs. In public remarks I made on May 12, I noted that polls showed that just over one-third of Serbs believed that war crimes were committed at Srebrenica, despite the acknowledgement of the RS Government itself that these crimes occurred. I noted that less than one-third of Serbs believed that the bodies of over 800 Kosovar Albanians, most of

In May 2005, while 30,000 people gathered in Srebrenica to mourn the newly identified victims of the massacre that had happened ten years earlier, a student group at the Faculty of Law in Belgrade held its own memorial of the “Liberation of Srebrenica.”²⁵ While world leaders were offering apologies for the inaction of the international community ten years earlier, and those in Srebrenica were holding a memorial service for the 8,000 Muslim men and boys massacred by Bosnian Serb forces, the Law Faculty in Belgrade was the site of a conference to address the “false claims” of genocide in Srebrenica,²⁶ a conference on the “liberation” of Srebrenica²⁷ claiming that there had been no genocide.

What effect did the press have on the continuation of the beliefs underlying this conflict? What will it take for the people of Serbia to accept the neutral reporting of the international community and of some of their own press about events occurring ten years earlier?²⁸

VII. CONCLUSION

Andrew Lee makes two points about the media from the Chinese perspective: First, the media has the power to frame issues, and second, the media has the power to influence public opinion.²⁹ I would argue that these points are true from other perspectives too, and that they provide a useful framework for looking at the scenarios from the Balkans discussed above.

Similarly, Susan Hackley’s comments on how conflict resolution experts might frame the debate³⁰ offer a similar point of departure here. I certainly

them brutally executed, were located in mass graves in Serbia—despite the fact that your own government acknowledges this fact. . . .

And, more recently, a student group at the Belgrade Law Faculty sponsored a conference that aimed to cast doubt on the crimes at Srebrenica. By attempting to propagate such a dangerously irresponsible myth, they sought to excuse the war crimes perpetrated there. While we respect the right of free speech, the opinions expressed there dishonoured [sic] that right in an attempt to fan the flames of chauvinism and ethnic hatred. Such vitriol disgraces the dead on all sides of the Balkan conflicts of the 1990s.

Id.

25. See, e.g., Tense Panel Discussion on Srebrenica Held in Belgrade, Wikinews (May 17, 2005), http://en.wikinews.org/wiki/Tense_panel_discussion_on_Srebrenica_held_in_Belgrade.

26. *Id.*

27. See *id.*

28. Of course, we do not know the answer to that question, but it is a question that must be entertained when the initial and perhaps only available reporting of an incident is one-sided. It seems that it is much more challenging for a people to change their views than to accept a broader viewpoint from the beginning.

29. Andrew Wei-Min Lee, *Tibet and the Media: Perspectives from Beijing*, 93 MARQ. L. REV. 209 (2009).

30. Hackley, *supra* note 4, at 40–43.

agree that the language and tone used by a journalist both frame a conflict and set the parameters of the debate that will or can occur. More than that, I would suggest that this framework exists for a long time and is very hard to overcome once it is established. This tendency to remain and to color future reporting and dialogue is even more difficult to root out when there are multiple languages, multiple ethnicities, and multiple abilities to access a wide variety of media, both from one's home country and beyond.

In the Balkans, I saw firsthand the resilience of frames for conflict from centuries past. I also saw those who recognized the frames for what they were and who were working on a daily basis to put an infrastructure in place for new frames. That was my goal as an educator. Susan Hackley's plea for conflict management professionals to tell their stories more effectively so that others may be inspired to work in the field and so that people living in conflict areas may have hope³¹ is a welcome call and a call to which this symposium has responded.

31. *Id.* In a previous article, I wrote about the hope that participating in ICODR gave my Serbian students. Lynn M. Malley, *Hope: The Unexpected Outcome of an Online Dispute Resolution Competition*, 38 U. TOL. L. REV. 361 (2006).