

instruments that could and have been used to address post-conflict peacebuilding and reconciliation. They have, however, operated in very different circumstances and under different mandates. The ICTY operated in the middle of ongoing conflict, amidst a wide array of international governmental organizations (IGOs) and nongovernmental organizations (NGOs) including the NATO peace support operations – the NATO-led Implementation Force (IFOR) and the NATO-led Stabilization Force (SFOR) – and dozens of NGOs. In contrast, the ICTR operated after the conflict had ended and in a virtual political vacuum, as only a handful of IGOs and NGOs continued to operate in the region. The ICTR itself, worked from a small office for the prosecutor in Kigali and the Tribunal conducted its hearings in Arusha, Tanzania. The ICTR worked under a very restricted mandate that was bound in terms of time and territory. The ICTY's mandate, in contrast, was more open ended. This allowed the ICTY to continue its work in Kosovo, whereas the ICTR could not investigate any activities which took place before or after 1994 or outside of Rwanda.

One of the difficulties that the Tribunals have encountered in their work has been a strong resistance on the part of the military to support the enforcement of proper conduct by combatants. One would have thought, Arbour said, that the military would have an interest in supporting the prosecution of those who violated the 'warrior's honour', but in her experience this was not always the case. The ICTY had been given a chapter VII mandate from the UN Security Council, but there seemed a general reluctance on the part of military units to work with it in the field. The ICTY, for its part, relied on the military rather extensively for logistical support in conducting its on site investigations of war crimes. This was necessitated by the need to operate in high-risk areas, at times when the conflict was ongoing, and the need to keep the 'scene of the crime' secure while the prosecutors completed their investigation.

The military eventually became more cooperative and IFOR was subsequently tasked to aid in the apprehension of indicted war criminals.