

**An analytical framework for reconciliation processes.**

**Two case studies in the context of post-war Bosnia and Herzegovina.**

Author: Ignasi Torrent Oliva  
Tutor: Rafael Grasa  
Module: Research thesis  
Master's Degree on International Relations,  
Security and Development  
Universitat Autònoma de Barcelona  
Course 2010/2011



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*Abstract*

*This thesis aims to design an analytical framework to develop analysis on reconciliation processes within post-violent contexts. The text exposes two specific analytical methodologies: the quantitative and the qualitative one. The qualitative methodology is chosen to analyze two initiatives carried out in the frame of post-war Bosnia, to explore how these practices have been implemented and whether they had a really impact on the process of reconciliation. Through the exposition of an analytical approach and its specific methodologies, the text opens future analytical research on the path of reconciliation processes.*

Key words: Bosnia, post-war, reconciliation, analytical framework, case study.



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## Introduction

The Bosnian War has been the most complex conflict in Europe since the World War II. The literature about it is large and comes from a broad variety of fields of study: historians, anthropologists, psychologists, educators, political scientists, sociologists and experts on peace studies among many others have spent so much time and effort on studying this topic. Such a multidimensional focus illustrates the complexity of the nature of the conflict. After 15 years of the DPA (Dayton Peace Agreement) nearly all questions about the causes as well as the effects of the war remain unresolved. As Florian Bieber asserts, the Bosnian conflict has not been resolved but pacified (Bieber 2006:3).

Due to the fact that Bosnia and Herzegovina<sup>1</sup> has been the target of many academics in the recent years, it has represented a difficult task for me to find the right point to focus on in order to not write over a theme yet widely treated by other authors. In this sense, a 15 years perspective since the end of the war and the brevity this work requires has helped me choose an issue that I have attempted to cover from an original point of view. The text aims firstly to design an analytical framework to measure a reconciliation process and secondly to describe the role of two specific reconciliation policies at a micro and macro levels and the impact they have had. Because of a personal experience during a couple of stays in Bosnia I was astonished by the divided attitude a group of muslims friends from Tuzla showed toward the Bosnian Serbs. That is how I started being interested in studying further the process of reconciliation among the three previously confronted communities: Bosnian Muslims or Bosniaks, Bosnian Croats and Bosnian Serbs.

This final thesis of my Master's degree was the best chance to bring into being this research work. The most problematic phase was perhaps to design the structure of the thesis, the appropriate methodology and how to use it to obtain worthy conclusions. Before all, three premises were quite clear: to know vastly about the historical and sociopolitical context (specifically the post-conflict context), to read those academics specialized in peacebuilding and reconciliation theory and, finally, to choose two case studies and which analytical frame I would use to obtain from them what I was looking for: the role of these two reconciliation policies and their effects in the context of post-war Bosnia.

It is difficult to **justify** why to do research or just to write over a topic so academically squeezed as the Bosnian War or any possible matter related to it. Choosing a theme is the first subjective influence any research work will be impregnated with. As Max Webber used to state, pure objectivity does not exist. One would never choose a topic randomly, but because there is some

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<sup>1</sup> The text uses equally the names Bosnia, Bosnia and Herzegovina and Bosnia-Herzegovina.

personal motivation behind. In my case, this biased task of selecting an area of study was determined by the fact that I have Bosnian relatives in the city of Tuzla. I visited them twice and the country and its history has completely captured my devoted attention.

Although there is indeed a personal motivation, there has to be as well an academic and objective reason that will take you to finally choose a topic. In this sense, my concern was the reconstruction of a relationship among three communities that had been broken by an ethnically manipulated armed conflict. Furthermore, this conflict brought about an ethnic division within the country that had never existed before the break out of the war. Thus, the focus on two specific policies aimed at reconciliation will enhance my knowledge on how to get people living together peacefully side by side considering they already did it before the conflict started. So that through this research, I expect to fully enroll in reconciliation processes in a theoretical and practical frame in order to have the right tools to implement or put in practice this knowledge on the ground in the future.

As we will see, the DPA, among other outcomes of the war, allowed some political decisions that has not helped the reconciliation amongst communities. Bosnia is an unstable state socially, economically and politically. Reconciliation process is, in my opinion, a specific area of study that has to be further treated in order to turn the Bosnian state into a place where its inhabitants could live with the dignity any human being deserves.

The **research questions** that pushed me to this theme were basically the following: can we measure reconciliation? How can we act for the enhance of reconciliation? Do actions for reconciliation have a real impact on relationships among people? That is to say, can we asses actions for reconciliation? This work aims to study in detail two specific experiences (at micro and macro level) to enlarge the knowledge of the role of reconciliation policies within the Bosnian post-conflict context. The two case studies chosen are (i) the Project DiaCom (micro level), through which the American Karuna Center for Peacebuilding carried out its project based on intercommunal dialogues and community building to build bridges between Bosnian and Serbs educators and (ii) the task carried out by the Association of Citizens Truth and Reconciliation (macro level), under the mandate of Jakob Finci.

The **structure** of the thesis consists of four chapters. Firstly I briefly describe the historical context of Bosnia in the pre-war time and then since the signature of the DPA. In this part, I take a look at the main political, social and economic events that occurred in the country before the war to understand the likely causes of the struggle as well as the recent history since last 15 years in order to raise the effects the war has had. The aim of this chapter is to contextualize the reader and to enhance the understanding of the rest of the thesis.



Secondly, the text presents the heaviest part of this work: the conceptual framework. This chapter unfolds the theoretical framework where reconciliation takes part, a general an operational definition of reconciliation and the steps to follow throughout any process of reconciliation. This second chapter has three main parts:

a) An exhaustive and summarized subchapter that exposes the main ideas of what the theory about peacebuilding and reconciliation expects from a successful reconciliation process. Through this initial phase, the most acknowledged theories of academics such as John Paul Lederach, Johan Galtung, Yaacov Bar-Siman-Tov, Erin Daly or Jeremy Sarkin, among other authors, are reviewed. Thus, the text draws the appropriate theoretical frame to move by.

b) Secondly, a general definition of reconciliation as well as a more operational and workable one are presented. This subchapter enables to delimit a specific frame for the concept of reconciliation and thus to ease an analytical work applied to real cases.

c) Last subchapter exposes and describes the five specific steps to track in order to accomplish a successful process of reconciliation among communities previously in conflict.

The third chapter exposes the specific analytical methodologies one may use to analyze the degree of reconciliation in a specific context. Two methodologies of analysis concerning reconciliation processes are introduced. Once presented the unit of analysis and a few valid indicators, the text summarizes one quantitative methodology and a qualitative one. The two case studies are analyzed using a qualitative approach. The non-used quantitative methodology open a path for a future research that would deserve a longer period of time invested and more disposable means. Following this analytical path I would be able to asses whether the studied policies have had a real impact on Bosnian reality, how this impact has come to be and if this impact was the one expected by both the experts on reconciliation theory and the designers of the experiences. Although I will basically use a conflict or peace studies based approach, I inevitably and promptly have to cope with a psychological, political, historical or even anthropological focus in order to best illustrate the Bosnian reality in its post-conflict context. Then the text widely describes the two case studies: the Project DiaCom developed by the Karuna Center for Peacebuilding and the Association of Citizens Truth and Reconciliation of Bosnia and Herzegovina. The chapter explores their nature, their origin, the goals they initially challenged to achieve their task and the tangible outcomes of their work. It is of special relevance in this part to expose the impact both experiences have had in the field. The information I base on are on-line resources, a few reports published by the protagonists of the experiences and some literature written about these initiatives.

Finally, the conclusion points out the main ideas developed through each chapter: the complexity on defining the concept, the difficulty on designing an analytical approach to assess

reconciliation processes, the peculiarities of the Bosnian context that hinder even more the analysis, the existence of a real impact caused by the described case studies and the key role of reconciliation within the field of conflict studies.

### *Acknowledgements*

I am sincerely grateful to Rafael Grasa for his wise and precise advice, to Paula Green for her generosity providing unpublished valued documentation on the Project DiaCom, to Jaume Llaó for the design of the figure 1 and, specially, to my Bosnian family (Admir, Sanela, Jasmina, Melisa and Sekib) for his moral support.

## 1-. Historical context

It is widely acknowledged within the academic community that the Bosnian War constitutes the most complex conflict since the end of the World War II. The match of ethnic, religious and socioeconomic cleavages turned the Bosnian conflict into a case study worth approaching from several disciplines such as anthropology, political science, international relations or even economy. This chapter does not describe the events occurred during the violent phase, but it instead raises a brief summary of the principal events that took place since the eighties until the current century jumping the violent period in order to help understand the causes and the effects of the war as well as the difficulty of the Bosnian people to overcome and heal the wounds caused by the conflict. Only thus one may understand the current situation of the Bosnian state bordering on political and economic collapse. The chapter does not attempt to present an exhaustive historical description of the Bosnian context over last 30 years, but it instead points out the key events that will help the reader understand the following content of the thesis.

Although the Balkans had been a conflictive region for centuries<sup>2</sup>, under Tito's communist mandate the three communities (Serbs, Croats and Muslims) lived together peacefully and ethnically mixed for almost fifty years within the Socialist Federal Republic of Yugoslavia. Marshal Tito treated each state<sup>3</sup> of the federation equally and kept a significant distance to the USSR. The great achievement was to consolidate a politically decentralized system where each state had power to govern itself. It is the events after his death in 1980 that led to the most atrocious episode between the three groups (Ignatieff, 1999). When Tito dies, the system fell apart without leadership.

During the eighties, the economic situation of the federation suffered an accelerated process of worsening. Poverty increased among the poor states (Slovenia, Bosnia and Herzegovina, Macedonia and Montenegro) and corruption increased among the rich (Crampton, 1994). It was specially devastating the growth of the foreign debt, what deterministically strained the relations between the ethnic groups. Where citizens suffer from economic insecurity without an adequate social safety net, they have low levels of loyalty to the state and become disaffected with the democratic process (Cox, 2001:9). In terms of politics, the decentralized political system led to an increase of the nationalist movements within the different states. Accordingly, some regional leaders started considering to take power over the whole federation as Tito did years before. In the early eighties, Slobodan Milosevic began his attempt to take over the country, becoming yet in 1986 the

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<sup>2</sup> The greatest reported conflicts in the Balkans are: the battle of Kosovo in 1389, the Ottoman invasion during the World War I, the Bosnian War (1992-1995) and the Kosovo War (1998-1999).

<sup>3</sup> The Socialist Federal Republic of Yugoslavia was composed by 6 states (Slovenia, Bosnia and Herzegovina, Croatia, Serbia, Macedonia and Montenegro) and two autonomous provinces (Kosovo and Vojvodina).

leader of the Serbian Communist Party.

In the late eighties, there was an action that would foreshadow the Serbian philosophy drastically. A memorandum was issued by the Serb Academy of Arts and Sciences implying that the other ethnic groups in Yugoslavia were systematically repressing Serbs (Ignatieff, 1999; Little and Silver, 1998; Lucarelli, 1996). This event was used by Milosevic to increase ethnic tension. Related to the ethnicity issue in Bosnia, it is worth highlighting that, as some authors state, before the war non-ethnic differences, such as of class and status, of rural and urban origin, and of access to resources were far more salient than much analysis suggests (Sorabji, 93:33-35). Categorizations like gender, generation, work relations and local networks were as important and sometimes even more than ethnic and religious matters (Bringa, 1995). However, nationalists knew how to prefix the ethnic cleavage beyond socioeconomic issues aiming to gain enough political power to take the institutions. It is widely accepted that Serb nationalism was at the heart of the conflict (Salmerón, 1995).

In 1990, in the context of the fall of the USSR, Slovenia, Croatia and Bosnia elected non-communist parties to government in the first democratic elections after almost fifty years of communism. On the other side, Milosevic won the elections in Serbia and transformed its party into the Socialist Party of Serbia (SPS). At first, ethnically based parties were going to be banned from the polls, but an unexpected decision of the constitutional court allowed nationalist candidates to present their parties. So that the first post-communist parliament was a mirror of the ethnic distribution of the population (Bieber, 2006:29-33). Cross-cutting or multiethnic parties were preferable in the pre-election period, but not viewed as offering sufficient protection in case the national party of another community wins the elections (Arnautovic, 1996:13).

In this climate of political tension among the Yugoslav states, on 23 December 1990 Slovenia held a referendum for independence. After an overwhelming victory of the independence position and the following declaration of independence, the Yugoslav People's Army attacked the territory of Slovenia attempting to drown the secessionist movement. Nonetheless, the Slovenian Territorial Defense opposed a successful resistance. Similarly, Croatia held a referendum for independence on 9 May 1991. The victory of the posture for independence was also notorious. As what happened with Slovenia, the Yugoslav People's Army increased the hostilities against Croat territory, starting a conflict that would last until 1995. Both Slovenian and Croatian parliaments passed their laws for independence in June 1991. Bosnia and Herzegovina preferred to ask the EU what to do in front of that situation of national decay. However, the EU did not know how to deal with the situation displaying internal division and lack of consensus. This prompted the UN to become involved in the matter (Rathgeber, 2000:11-17).

From the 29<sup>th</sup> of february to the 1<sup>st</sup> of March of 1992, the Bosnian government celebrated its referendum for independence. While the SDA (Party of Democratic Action) and the HDZ (Croatian Democratic Union) claimed for the independence, the SDS (Serbian Democratic Party) boycotted the referendum. With 64% of participation, the result was an overwhelming 99% in favor of the secession. So that in the early April Bosnia declared its independence. After the approve of the international community, in the 6<sup>th</sup> of April, the Serbian troops gathered Sarajevo. It thus started the Bosnian War, that would last four years.

With a balance of about 125.000 victims, a genocide by which 8.000 Muslims were killed in the city of Srebrenica in July 1995, one million of refugees, one more million of internal displaced, the destruction of basic public infrastructures as well as the majority of urban areas, a ridiculous role of the international institutions ans specially the task of the peacekeepers, a deep-rooted socio-psychological wound and the general discredit of the interethnic living together, the three presidents of each part in conflict (Alija Izetbegovic for Bosnia, Franjo Tudjman for Croatia and Slovoan Milosevic for Serbia) signed in November 1995 in the city of Dayton the peace agreement that would mean the end of the war. Among the members of the Contact Group<sup>4</sup>, whose fundamental goal was to establish a strong core of decision making through which main international actors could reach peace (Neville-Jones, 1997), it is worth pointing out the role of the american diplomatic Halbroke, named by the president Clinton, who had a deterministic role along the negotiations (Cohen, 1996).

The Dayton Peace Agreement (DPA) meant the institutionalization and territorialization of the ethnicity within the whole country. The country was divided into two entities by the IEBL (Inter-Entity Boundary Line), the Federation of Bosnia and Herzegovina and the Republic of Srpska. While Muslims remained mostly in the part of Bosnia and Croats in the part of Herzegovina, the majority of Serbs occupied the Republic of Srpska. Perhaps the most incident characteristic of the DPA in the post-conflict reformation of the Bosnian state is the complexity of the designed political system, which unfolded seven different levels of governance, passed thirteen constitutions, named 100 ministries and 600 deputies in all. Furthermore, the presidency of the country was composed by seven members: two Bosnians, two Serbs, two Croats and one belonging to a minority group (Bieber, 2006).

After the war, Bosnia found itself in a situation of extreme dependence on international agencies (coordinated by the Office of High Commissioner of the UN) that turned the country into a de facto international protectorate. Main international institutions working on the field in Bosnia were the OSCE (Organization for Security and Co-operation in Europe), responsible for the

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<sup>4</sup> The Contact Group members were the USA, Russia, Great Britain, France and Germany.

transparency of the elections and the democratization of the country in general; the UN, with the OHC (Office of High Commissioner) attempting to ensure the defense of human rights and coordinating the international intervention in the Bosnian state, the IPTF (International Police Task Force) monitoring the Bosnian police forces and the UNHCR (United Nations High Commissioner for Refugees) managing the return of the refugees; the NATO, with the IFOR (Implementation Force) aiming at the implementation of the DPA and the later called SFOR (Stabilization Force) mainly carrying out peacekeeping and peace-enforcing tasks; the EU, providing humanitarian aid; and the World Bank investing capital for the reconstruction of the country (Bougarel et al., 2007).

The first period of the post-conflict context was basically aimed at the reconstruction of the basic infrastructures, the transfer to the Federation of most Serb-held suburbs around Sarajevo and the celebration of the first general elections after the war in September 1996. The objective of the first elections were (i) to provide elected institutions to allow the withdrawal of the international intervention, (ii) to replace wartime elites with legitimate office holder and (iii) to build a democratic Bosnia. Nonetheless, nationalist parties won the elections and all the initial goals came to fail. The outcome of the war consisting of ethnic segregation of the territory had been consolidated (Bieber, 2006).

Facing general elections in 2002, the High Representative Wolfgang Petritsch promoted the unification of non-national based political forces. It had its effects as the elections held in the Federation in December 2000 were won by the recent formed Alliance for Change, led by the Social Democratic Party. Nonetheless, again in general elections celebrated one year later, in November 2002, the three national based parties obtained the majority of the votes of their ethnic group. Although the context looked like back to early nineties, it did not lead to a renewal of violence (Bougarel et al., 2007).

All this ethnic tension has been specially bad for the return of refugees. All Bosnians who had either fled to another country or moved within the Bosnian territory have found three main difficulties to come back. First, the lack of security has been a key obstacle. In this sense, it has to be mentioned that interethnic attacks to returnees have been frequently reported in those places where the returning people constitutes the minority group. Secondly, the lack of economic prospects for refugees has also delayed their return. Currently, the country browses in a context of economic and social inequality. While former war-profiters have evolved to criminal networks, general wages are decreasing notoriously and unemployment rates are reaching disappointing levels. Moreover, the unequal distribution of international aid, that benefits most the Bosniaks, does not contribute to a social stabilization either. And finally, the lack of certain services such as schooling, social services or health care deficiencies, also pushes the refugees not to return. A decade after the war

had finished, only 500.000 out of two million refugees and displaced had returned home and those who did were people who returned to regions where their ethnicity constituted the largest group (Bieber, 2006). What's more, the consequence of the lack of progress in interethnic confidence, distrust in institutions and socioeconomic decline has been the emigration (or wish to do it) by a significant share of the population (Bieber, 2002).

One political attempt to overcome the issue of the refugees, among others, was the constitutional reforms passed in 2002. These reforms aimed to sort out the minority issues and to grant the safe return of the refugees by increasing political representation of all ethnic groups. However this turned out to be not useful in enhancing the protection of minority rights, and so the interethnic reconciliation, because of three main reasons: (i) political representation does not matter if there is no cooperation between the different communities; (ii) political representation in Bosnia did not include those non-belonging to Bosniaks, Serbs or Croats; and (iii) political representation did not include Bosniaks, Serbs or Croats living in place where they represented the minority group.

This constitutional reform also attempted to contribute to an improvement of the interethnic relations in the field of the languages. So far, the three languages had been official at the state level, and since 2002 the languages would also be official in the entities. On the other side, the reform also aimed to overcome the differences of the three educational systems designed for each community by implementing a non-biased educational policy. However, as in many aspects of political life, education will likely remain decentralized due to a strong opposition among politicians and Bosnian Serb citizens (Perry, 2003:98-99). The effects of the 2002 constitutional reforms, as a few posterior attempts of constitutional reforms, have been far from successful and institutional, political and socioeconomic instability still endures within the Bosnian state.

It is in this post-war context where one may find the first initiatives for reconciliation. Apart from public policies aimed at the diminution of ethnic boundaries and the living together of communities, Bosnia also witnesses the work of non-institutional initiatives carried out by the civil society. As we will see at the end of the thesis, the lack of success of institutional reconciliatory policies pushes the civil society to adopt a key role in the reconciliation process.





## **2-. Conceptual framework**

Throughout this chapter, which contents the theoretical and analytical weight of this thesis, I first describe the theoretical framework where the notion reconciliation comes from, in the sense we want to study it. This explanation is supported with a clarifier graphic. In the second part, the text examines deeply and in detail the definition of the concept reconciliation, how it develops on the ground and how it suits in theory with concepts such as justice and multi-ethnicity. And thirdly, the chapter presents the different actions for reconciliations one may implement in the field. These actions are subdivided in those institutionally based and those that are not. An illustrative table is presented for best understanding of the reader.

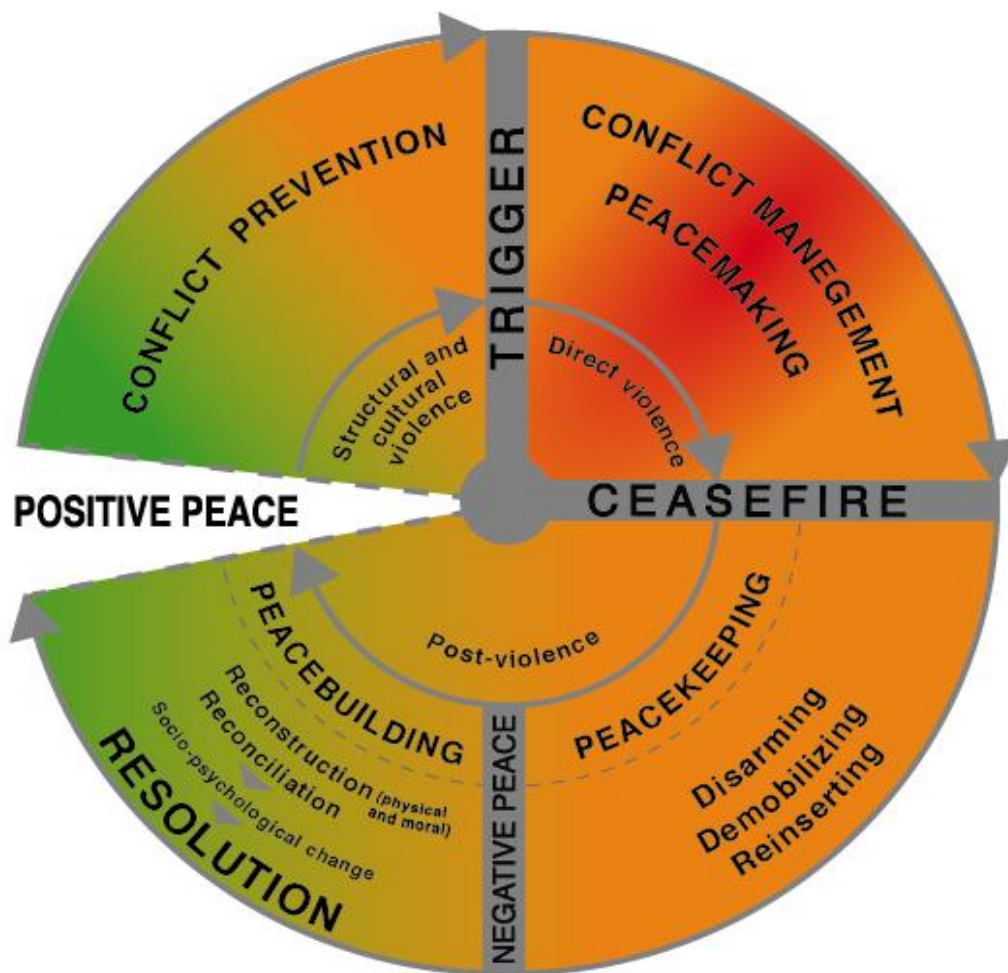
### *2.1-. Theoretical context*

In this thesis the concept of reconciliation is understood as that specific process that takes place along a process of conflict resolution. Some authors state that reconciliation is a condition that goes beyond the conflict (Bar-Siman-tov, 2004:3-9), however, the approach adopted in this thesis focuses on reconciliation as the last challenge to reach in order to sort out a conflict. As long as you have people previously confronted not reconciled, the conflict is still there and violence is likely to flourish anytime. So that, broadly speaking, we are coping with peace studies, understood as that academic field that studies conflictive contexts in order to get people living together in long term peace.

Peace or conflict studies deal with the whole process of a conflictive situation, from the structural causes of the struggle to its resolution and the assurance of a peaceful living together (see figure 1). The first phase of the cycle is know as conflict prevention, and it copes with structural and cultural violence and attempts not to allow those to turn into direct violence (Galtung, 1998:13-28). Usually, a trigger (be it political, social, economic or military) is the last and most tangible cause for violence to erupt. Once violence breaks out, academics introduce into conflict management or peacemaking, field that basically seeks to end violence and minimize its consequences. A ceasefire and/or a peace agreement ends with direct violence. At this point, experts of peace studies face post-conflict situations, seeking first to consolidate a non-violent state by disarming, demobilizing and reintegrating soldiers in society, which is also know as peacekeeping or peace-enforcing process. This phase takes the society to a state of negative peace, which consists of a state where the eruption of violence will hardly happen but the previously confronted communities has not yet resolved the structural causes of the conflict. And secondly, experts on post-conflict stages study

how to build up a new context where people sort out their structural incompatibilities and thus can live together in peace and diminish at minimum levels the risk that violence erupts again. This final and perhaps the most complex field is known as peacebuilding, and here is where reconstruction, reconciliation and, finally, resolution take place. When structural causes of conflict have been removed and society enjoys lasting peace, we talk about a state of positive peace. In our specific context of study, reconciliation takes place after the end of direct violence, that is to say, right after the signature of the Dayton Peace Agreement, officially signed in Paris on December 14, 1995.

Figure 1: Cycle of conflict or peace studies



Source: the author.

Peace studies emerged as a consolidated discipline in 1959 with the foundation of the Peace Research Institute Oslo founded, among other researchers, by Johan Galtung, surely the most acknowledged peace researcher in the world. Since its beginning, the approach used to study international conflict was marked by the nature of international relations in the context of the Cold War era, which basically was an state based focus. Nonetheless, at the end of the XX century the nature of this international conflict would change reshaping the whole theory of both international relations and peace studies. The events that brought about this change were (i) the fall of the Soviet Union and the consequent birth of new states, process that often induced violent conflict; (ii) the appearance of non-state actors such as paramilitary groups, multinational companies, NGO's, etc., ending thus the classical conception of interstate conflict that had ruled international relations approach for almost a century (Kaldor, 1999:15); (iii) the advances in military technology and the brutality of new weapons, that caused an increase of the civilian casualties (Hirst, 2002: 330); (iv) and the globalization process, that blurred the barriers between domestic and international affairs.

Accordingly, the nature of the contemporary conflict was dramatically transformed: parties are unequal in power and structure, this complexity protracts conflicts taking them to violent vicious cycles and, finally, this prolongation wraps societies, economies and entire regions giving place to local and global struggles supported by non-state actors, for example, arms trade (Miall, 2004). So that the old paradigm of analysis based on interstate conflict becomes inefficient and useless. Currently, the complexity is greater and academics need to use different analytical approaches, as for instance human security, in order to better understand and further study conflicts of nowadays.

Intrastate conflict is a paradigmatic case that exemplifies this new nature of contemporary conflict. This sort of conflict covers not only civil wars where one has two clear parties confronted. Intrastate conflict, also know as identity conflicts (Frieberg, 1992:62), concerns those situations where one or more groups keep a violent relationship against their legal state or among themselves. Usually the origin of these conflict has to do with governance and identity. The Bosnian War is fully considered an intrastate conflict, even though some radical Serbs still state that it was a usual civil war. The peculiarity of this kind of conflicts is the shared history the victims had before the violence broke out. Whereas a classic international conflict can be resolved through a single peace agreement, an identity conflict causes emotional and psychological wounds to their protagonists, mainly civilians who had lived together for long time and suddenly found themselves fighting each other, that much greater efforts will be required to overcome the conflict (Kelman, 1965).

It is in this context of intrastate conflicts where reconciliation processes become worthy of further academic studies. To conclude this brief theoretical introduction, I want to point out that

while reconciliation in international conflict simply acts as an instrument to sort out a conflict of interests (political scientist approach), intrastate conflict also requires the moral focus and aims at identity issues (socio-psychological or even anthropological approach), as mentioned before (Howard, 2004: 197-224). Next subchapter describes in detail the concept of reconciliation.

### *2.2-. The concept of reconciliation: a complex definition*

Desmond Tutu said reconciliation is the most natural thing in the world (Tutu, 2007). Nevertheless, academics can not reach an agreement on defining the concept. The complexity starts with the multidimensional nature of the notion, that is to say, one may study reconciliation from so many fields of study and theoretical approaches: socio-psychology, economics, international relations, political science, peace studies or even from an anthropological perspective. I did not choose one single approach to deal with the concept; what I did instead was to construct a definition from an integrated approach. Thus, I first extracted the common notions found in several definitions. Based on this methodology, reconciliation has three fundamental points: it induces a psychological process, so that it is transitional, ergo, it changes; there is a relationship taking place between at least two parties (usually a victim and a perpetrator); and there is a perspective for a common future among them.

By attempting to make the concept more operational, some authors conceive it from two different optics. The first one, refers to reconciliation as an output, in so far as it is a result of a process through which the parties change their relationship (Howard, 2004: 197-224). When talking about reconciliation as an output one expects from it: mutual recognition and acceptance (among parties), invested interests and goals in developing peaceful relationships, mutual trust or sensitivity for the other's party needs and interests (Bar-tal and Bennink, 2004:11-38). On the other hand, reconciliation can also be described as a process. Then, the attention is paid to how reconciliation unfolds, regarding thus motivations, goals, beliefs, attitudes, initiatives and emotions. As the analytical method developed in this thesis is based on the concept of reconciliation understood as a process, this optic deserves further development.

Thus reconciliation is that process through which victim and perpetrator transform the nature of their relationship aiming to build a new social context for a peaceful common future. To better understand this, experts on peace studies has developed a new paradigm. While one may state that what matters most are both the victim and the perpetrator, main authors in the field have been arguing that it is the relationship among them, that takes place during the whole process, what is most worthy studying (Daly and Sarkin, 2007:180-202). So that, it is necessary to leave behind the

old paradigm focused on the resolution of a single conflict, to move forward to a new conceptual framework where the aim is the construction of a new relationship. In this sense, reconciliation becomes a structure-process: there is a transitional frame (structure) where the construction of a new relationship takes place in (process) (Lederach, 1998:101-115). So that reconciliation turns out to be developed within an integrated frame: it is not only an end of violence or conflict, but also the construction of a new relation among the parties (Lederach, 1998:51-65). The success of reconciliation then, depends on the ability of turning a zero sum or win - lose situation (victim - perpetrator, or viceversa) into a win – win frame, where both will be benefited from a common future in lasting peace (Maoz, 2004: 225-238).

Accordingly, the conflict, in a holistic sense, becomes a system of parts, ergo, non-static, where the attention is paid to the relations within the system (Asefa 1993; Wheatley, 1992). In fact, a relation is both the cause as well as the solution of the conflict (Saunders and Slim, 1994:43-56). The key role of the relation among the parties within the system has taken some authors to compare the nature of the process of reconciliation to that of the quantic theory, whose studied systems keep the same shape throughout the time in spite of having a non static structure.

### *2.2.1-. The process of reconciliation*

If defining the notion of reconciliation is complex in theoretical terms, when put it into practice this difficulty increases. Many authors have attempted to trace a path with different phases aiming to design and develop a successful process of reconciliation in a specific context where two or more communities had been involved in a violent conflict. In the following lines I expose, chronologically ordered, the five fundamental requirements for a reconciliation process to become a reality: truth, apology, forgiveness, reparation and, finally, initiatives to promote interaction.

The truth of what actually happened has to be revealed in order to write a common history for all communities previously confronted. The need of a common history marks the beginning of shared beliefs that will unify the communities in the future and thus enable a peaceful living together. The truth is a transformative power for all stakeholders: public, victims and perpetrators (Daly, 2007:140-179). However, the process of truth telling is not always easy nor comfortable. Quite often, unless events present absolute evidence, the parties and their protagonists display a biased attitude and position about the succeeded facts. Due to this reason, a truth and reconciliation commission is undoubtedly needed in resolving complex conflicts.

The apology is also necessary because it is a formal acceptance of responsibility, so that both parties are labelled: the victim and the perpetrator. Furthermore, an apology is a speech act that

seeks forgiveness (Tavuchis, 1991:27), but it has to be noted that if the apology does not seem natural, it may be counterproductive. Finally, when we talk about an apology as an official and diplomatic act, we have to be aware of the fact that states are legal abstractions, not ethical persons. Accordingly, apologizes can never mean the same thing for states as for individuals (Cohen, 2004:177-196).

The apology has called for forgiveness. This is the only act in the whole process of reconciliation that empower both the victim and the perpetrator in a moral sense. It is a sign sent by the victim of compassion, understanding and will to build a common and peaceful future. The forgiveness substitutes de culture of revenge and thus keeps further the possibility of a return to a violent context. It is eventually an expression of love and mercy (Auerbach, 2004:149-176) and the forswearing of resentment (Murphy and Hampton, 1998).

Truth, apology and forgiveness constitute the moral content of any reconciliatory process. Next requirement for this process to success is the reparation. This is the material punishment the perpetrator has to pay to the victim. It is a restorative fine to cover the physical and/or psychological damaged caused to the victim. It is usually an economic penalty but it can also be accomplished with properties.

And last but not least, once the moral wounds have been faced and the reparation has been paid off, it is time to promote initiatives aiming to consolidate a positive and constructive interaction among the previously confronted communities, that is to say, to bring the parties to an actual reconciled state. These initiatives can turn the negative peace (non-violent context) to a positive peace (interactive context) removing thus the possibility of a new conflict. As the thesis exposes in the next subchapter, the actions aiming at reconciliation are so varied and face many different challenges.

### *2.2.2-. Reconciliation and justice*

As many authors have argued, justice is the primary component for reconciliation (Kriesberg, 2004:81-110). Notwithstanding its relevance, justice does not figure on the list of the five fundamental requirements for reconciliation. The reason is that I consider justice as a transversal notion that has to be present anytime in any frame along the entire process of reconciliation. Furthermore, it is such a controversial concept that would be very hard to operationalize.

Some academics state that reconciliation and justice are not compatible, arguing that the former is merely a mask for impunity and forces victims to forget the past. Conversely, others argue

that under strict and responsible trials, justice empowers reconciliation, and that for those survivors of profound trauma the past is never over; it is not ever the past. Only recognizing the injustices of the past, one can build up a just future.

Indeed, justice is the most complex concept related to reconciliation. In the liberal tradition, justice evokes sake, good and maintenance of the status quo. In transitional contemporary contexts, justice is specially elusive and of great importance because the preceding injustice of the past are so layered, multifaceted and fuzzy. Universally, individuals identify their group as the just one, the one that has been the victim of the conflict (Fletcher and Weinstein, 2002:537-639). Therefore, it is necessary the intervention of a third part in order to impose and institutionalize impartial justice.

The role of justice is to conduct the protagonists of the conflict in understanding and dealing with the past but always expecting the consolidation of a common future. Some authors state that when the past is extremely hellish, it is preferable to step forward along the process leaving both justice and past behind. Without justice, one may stabilize a non-violent context. However, only bringing justice to the victims you will achieve true reconciliation and thus, lasting peace. Justice constitutes the first condition for humanity (Soyinka, 1999).

### *2.2.3 Reconciliation in multiethnic states*

In those cases where intrastate conflict is featured by two communities or more ethnically diverse, this mentioned complexity both theoretical and practical in achieving reconciliation, still increases much more. In nationally polarized polities, political parties are generally organized on ethnic lines and few people vote for parties associated with another group. So that intragroup competition determines who represents the group in intergroup context, in ways that can significantly constrain intergroup peacemaking and reconciliation (Horowitz, 1985). As Sumantra Bose asserts, questions such as boundaries, territory or citizenry must be resolved logically prior to any other issues concerning the make-up of the state (Bose, 2000:48).

Politics must follow ethnicity, not backwards. Migrations, which are natural of the human nature, causes nationality and ethnicity never acquired a stable territorial base. What the state can not do is to reproduce politically the pluralist pattern that immigrants and their children have spontaneously generated, for that pattern is inherently fluid and indeterminate (Walzer, 1980:1-28).

Our unit of analysis, the communities confronted during the Bosnian War, is a clear example of a cross national-relations frame. Moreover, in the Bosnian case events were specially awkward considering the three communities had lived together peacefully for so many years. Therefore, the consequences after the conflict were extremely tough in emotional and psychological terms. After

the conflict, the DPA institutionalized an ethnic division absolutely unnatural regarding the multiethnic and mixed shape the Bosnian state had presented so far. How could one sketch schemes for partition which must involve displacement, relocation and sacrifice among people who had lived together for centuries? Dayton's aims were odd and unrealizable (Whittaker, 1999:94-106).

From a socio-psychological point of view, reconciliation leads people to collectively internalize the meaning of peace and accept the differences of the other. In some way, through a reconciliatory process, one integrates the essence of “the other” creating thus a new common or shared identity. However, the core of the identity of each party must remain intact (Kelman, 2004:111-124). This mutual acceptance should be easier to reach when the two confronted communities shared a common day to day before the conflict. But, conversely to what one may think, DPA did not take advantage of the Bosnian shared history and divided the state instead.

Indeed, the peace agreement did not help the reconciliation process in Bosnia. There is still much work to do in deleting the psychological and cultural barriers that rule the state since the end of the war. A plural political system is a necessary condition for the Bosnian communities to reconcile and thus be able to build a common future. Pluralism is simply the expression of democracy in the sphere of culture.

### *2.3-. Actions for reconciliation: the need for a metastructure*

It is perhaps of major consideration the nature of the specific context of each conflict. There are no possible general theories for reconciliation: what may have worked in one place, may not work in another. Accordingly, it becomes fundamental to study the context of each specific case and to shape a metastructure for it according to its needs. Any social context requires a different kind of intervention or reconstruction that responds to the specificities of that society. The approach of this thesis focuses on the framework of Bosnia, so that in order to design an appropriate metastructure to cover this state aiming to develop a process of community reconciliation within it, I first have to be familiar with the sociological, political, economic, cultural and psychological conditions of this state.

The construction of this metastructure is multidimensional, so that it affects almost all aspects of human live. Moreover, this metastructure has not a clear beginning nor a clear end, but it is a continuous process that enhance the conditions of the social context for the reconciliation to take place successfully. The following lines unfold different dimensions of this metastructure that, in this case, are necessarily focused on the Bosnian social context.

From a symbolic perspective, the ruling power during the transitional process from non



violence to positive peace, may establish shared symbols for the previously confronted communities such as a common flag, currency, anthem or national holiday. In foucaultian terms, this symbolic gesture would be included in a institutional narrative.

The nature of the political system also deserves special attention. Indeed, communities only identify themselves with a system that represents them, therefore democratic participatory and representative rules are needed (Daly and Sarkin, 2007:203-238). The electoral system requires further study, specially when different ethnics or minorities live together, which is the case of Bosnia. Some authors have defended a preferential voting system for these sort of states (Daly, p 8 apunts). If governance has been one of the reasons for conflict to break out, power sharing structures are also worthy to consider (be these federal, confederal or autonomous).

From an economic optic, fair and equal economic policies are also required to keep social stability. A great gap between poor and rich do not help stabilization of social structure. In terms of physical security, the consolidation of an interethnic police corpse may give confidence and safety to the people. This measure was implemented in Bosnia during the unfolding of the DPA. From a cultural perspective, the state has to ensure the recognition of all languages within the entire state, that is to say, the implementation of true multilingual policies. Furthermore, the education system has to present a common history satisfying all communities. The odd measure of Bosnian education system set three different systems, one for each community, teaching children three different stories of the past. Anyone may guess this is not helpful for any reconciliation process.

These are the basis for a favorable metastructure when attempting to consolidate a reconciliatory process: symbology, political system, economics, security, culture and education system. Obviously, there are a few more fields that may help settle this metrastructure: a good and efficient health system, an impartial judicial system and a fair and equal legal framework.

A part from the shaping of this metastructure, there are a few natural dimensions of each context that influence the extent of the impact of reconciliatory actions: (i) the degree of integration the communities reached before the conflict; (ii) their extent of shared identity and culture; (iii) the clearness of boundaries and decision-making powers; (iv) and the multiplicity of parties and identities living together (Kriesberg, 2004:81-110).

### *2.3.1-. Institutional actions*

Theory makes no sense when not followed by its practical implementation. This subchapter draws a collection of practices carried out throughout the recent history aiming to fulfill each of the phases of the reconciliatory process and thus to consolidate a new peaceful relationship among

previously confronted communities. The varied nature of this actions requires a well organized typology. On one side, the text deals with institutional actions, that is to say, actions promoted by public institutions. On the other side, the thesis presents non-institutional actions, such as those initiated by civil society, individuals or NGO's. There is a table that may help figure out the whole structure (see figure 2).

Figure 2: Actions for reconciliation

	<b>Truth</b>	<b>Apology</b>	<b>Forgiveness</b>	<b>Reparation</b>	<b>Initiatives for interaction</b>
<b>Institutional</b>	- Truth and Reconciliation Commission - Trials - Ombudsman	- Official diplomatic act	- Official diplomatic act	- Trials	- Community projects: rebuilding houses, making food, reconstructing infrastructures
<b>Non-institutional</b>	- Individual or collective investigations - Professionals' documents or files	- Speeches of community leaders - Intergroup dialogue	- Speeches of community leaders - Intergroup dialogue	- Voluntary donation	- NGOs organizing community projects: intergroup dialogue - Civil society: artistic movements, intercultural exhibitions - Church: inter-community tasks - Mass media: impartial attitude - Tourist agencies: intercultural trips

Source: the author.

As mentioned before, institutional actions are those where public powers are responsible to implement policies or initiatives seeking to develop a successful process of reconciliation. Concerning the truth telling phase, institutions carry out three main tasks. First, it is necessary to establish a truth and reconciliation commission whose reports reveal what actually happened during the conflict and who were the perpetrators and who the victims. Secondly, trials (be these national or international) also help unmask the truth and allow victims to figure out the person (or group of persons) to whom blame falls on. The lack of transparent trials may lead to a situation of impunity for the perpetrators of atrocities, fact that would obstruct prosperous reconciliation. And thirdly, the task of an ombudsman may also be helpful in defending the victims and their right to know the truth.

In institutional terms, the apology is translated into a diplomatic act where usually a head of state or a leader of a community apologizes and asks for forgiveness. Likewise, forgiveness is expressed by the victims through a diplomatic act displaying compassion to the perpetrators. In both the apology and forgiveness, it is of special relevance the role of the leaders of the community. They are able to make the community accept the apology/forgiveness or not.

Once institutionalized both the apology and forgiveness and so solved the moral question, trials have to sentence what are the material reparations the perpetrators have to pay to the victims. As mentioned before, this restitution of caused wounds is usually materialized through an economic fine although it may also be expressed through the giving of properties.

Finally, and perhaps the most complex goal, institutional powers have to endeavor in promoting initiatives that bring people interacting and thus consolidating a positive and constructive relationship. Throughout this phase, the social context has to move from a negative peace state (non-violence) to a positive peace state (interactive relationship among communities). The role of public powers in this stage is so important as the success of these initiatives will ensure a lasting peace and therefore the prevention from the return of violence. To build long-term peace, the parties need to experience constructive reconciliatory events (Bargal and Sivan, 2004:125-148). There are many policies that can be implemented to promote interaction among communities and truly achieve reconciliation. As an example, government may design community projects where the different groups establish a relationship while rebuilding houses, making food or reconstructing infrastructures damaged by the war. Through community projects, governments challenge a dual goal. Firstly, they get people previously confronted working together, which undoubtedly enhance the living together. And secondly, this shared projects mean a beginning of a common history in so far as people are reconstructing a context for the coming common future.

### *2.3.2-. Non-institutional actions*

Indeed, many actors apart from public powers may contribute to the realization of a reconciliatory process. As what happened when describing institutional actions, non-institutional actors are more or less relevant depending on the specific phase of the reconciliation process. In regard of the process of truth telling, individual or collective investigations can be useful whenever they provide documented and proved information. Furthermore, loads of professionals such as political scientists, journalists or jurists, may provide validated files or documents. In some occasions, scholars documented past atrocities that helped the flourishing of truth. And finally, perpetrators may also confess and reveal a crime committed easing to clarify the truth.

Concerning the apology, spontaneously speeches of public leaders as well as intergroup dialogues through which the perpetrators express apology, may contribute to the acceptance of this apology by the victims and so the giving of forgiveness. Although these concepts are personal and quite abstract, it is helpful for the whole process of reconciliation to make them public in order to reach the maximum people.

In this non-institutional frame, reparation has a vague role. Material restitution is something that must be dictated by a judge and the only possibility for reparation out of this legal frame would be an hypothetic voluntary donation from a perpetrator to a victim, which rarely occurs.

Finally, non-institutional actors also have a key role in developing initiatives that enhance and strengthen the beginning of a constructive relationship among communities. In this case, the possibilities are multidimensional and pursue a varied range of impacts. A lot of NGOs are committed to carry out inter-community projects such as the development of dialogue sessions among educators ethnically diverse. These dialogue groups reduce prejudices and intolerance among them (Kriesberg, 2004:103). Civil society initiatives can also be implemented, like artistic movements or exhibitions whose protagonists are people from different communities. The arts are a powerful process for bringing groups together through a creative process, to help rebuild social relationships and at times engaging the community (Zelizer, 2003:62-75). The church can also play a key role in getting communities together specially when the conflict had a religious cleavage, which is the case of the Bosnian War. There is the case of a group of franciscan and muslims priests from a small town of Bosnia who managed to unify local confronted communities (Shenk, 1993). The mass media and specifically the attitude it adopts during the post-conflict period may also be helpful in shaping the mentality of one group towards the other. As a last example, tourist agencies may organize inter-territorial trips aiming to involve communities in the culture of “the other”.

### 3-. Case studies

This chapter analyzes in detail the two case studies, which are two initiatives aiming at reconciliation among communities in Bosnia and Herzegovina. The first case consists of a project carried out by an American NGO in two northern Bosnian towns, Sanski Most and Prijedor, from 2000 to 2003. This project was called Project for Dialogue and Community Building for Educators (Project DiaCom). It was mainly about getting educators ethnically diverse together to allow them to share their suffered atrocities in order to heal the wounds and thus pave the path for a common and peaceful future. The second case describes the task of the Association of Citizens Truth and Reconciliation of Bosnia and Herzegovina (ATR), whose main goal is to establish in Bosnia a Truth and Reconciliation Commission (TRC), concept that is widely developed in this subchapter.

The reason for choosing these two specific actions for reconciliation is the obtaining of both a close and a general perspective. While the Project DiaCom may give us a micro-optic and the understanding of how a micro-policy works concerning reconciliation, the ATR may express from a macro-optic how the institutional net works when implementing policies for reconciliation. Once established the conceptual framework, the case studies express how all this theory is implemented on the ground. As we will see, although the study focuses on the Bosnian context, some general conclusions may be extrapolated to other reconciliation processes.

#### *3.1-. Analytical framework: methodology of study*

As usually in social sciences, analytical processes as well as assessments are more complex than in natural sciences. The analysis related to the process of reconciliation is not an exception. Some experts state reconciliation is deficient as an operational method for bolstering the process of conflict resolution as a whole (Hermann, 2004:39-60). Indeed, reconciliation is a difficult workable notion: if the theoretical frame is yet fuzzy, one may imagine the higher complexity of putting it into practice. Paradoxically, one may just and simply argue that reconciliation takes place when two or more communities previously confronted resolve a problem peacefully instead of violently. Nonetheless, scientific fundamentals deserve greater arguments pointing to the roots of the conflicts aiming to better understand the reasons and reproduce a process of reconciliation in future contexts.

There are two considerations worth exposing before to develop the analytical methods. Firstly, during the whole analysis and subsequent assessment one has to be aware of being dealing with a process, not a single static result. And secondly, one has to take in consideration at the same time both a general view and a close optic for specific episodes or actions. The need for an

integrated approach helps, on one side, not lose the general sense of what we are coping with and, on the other side, pay careful attention to the success of the specific actions that end in the accomplishment of the reconciliation (Lederach, 1998:159-180).

Moving on to the heavy analytical content, the first thing one needs is a unit of analysis. This need may be responded by the question “who is to be reconciled?” (Hermann, 2004:39-60). There are three levels of reconciliation: (i) oneself; (ii) interpersonal; (iii) and intercommunities, be it international or intranational (Daly and Sarkin, 2007:41-95). In the Bosnian case study, the interest remains on how the process of reconciliation among communities is being developed. Accordingly, the needed unit of analysis in this context, in other words, the element the study has to focus on, is the group, the community. One has to be aware that the smaller the relevant unit, the smaller its significance for the overall process.

The second step is to describe the indicators that may take one to argue that, indeed, there is a process of reconciliation among the studied groups being realized. Depending on the characteristics of these indicators, the analytical method may be qualitative or quantitative. On one hand, qualitative indicators are usually based on surveys. As an example, during the reconciliatory process in Rwanda, experts designed what they called the Reconciliation Barometer, consisting of a biannual public opinion survey and ongoing analysis of the sociopolitical trends. Another sort of polls may ask questions to the people like “How did the activities encourage the development of relationships among communities?”, “Were we efficient in responding the immediate crisis?” or “How would you evaluate the specific initiatives implemented in the field?” (Daly and Sarkin, 2007:239-258).

On the other hand, quantitative indicators may measure more precisely the actual level of reconciliation. This quantitative method is more complex, requires long time research and quite often it is not easy to obtain the indicators nor to interpret them. A few examples of these kind of indicators are: (i) the number of organized workshops aiming at reconciliation in a post-conflict context; (ii) the number of interethnic marriages given in a specific period of time; (iii) the number of returned refugees and if this has been problematic; (iv) and the number of complaints registered by the police, watching the content of the complaint and whether the demander and the demanded come from different ethnicities.

Our case studies are studied using the qualitative methodology and the goal is to analyze specific actions for reconciliation, what has been called in the text the close optic, completing thus this integrated approach that covers both reconciliation as a process and its specific episodes that shape it. This qualitative methodology consists of an ad-hoc analysis that compares the initial goals established by the promoters of a specific action to the impact it has at the end. Therefore, one can

somehow measure the success of the initiative. Furthermore, comparing the variations in reconciliation actions and their consequences in international and domestic context helps us understand the impact of reconciliation and thus, its role (Kriesberg, 2004:81-110).

To conclude, it is worth highlighting the four kinds of impact a reconciliation action may have in order to better understand the analytical process and not overestimate the possible consequences of an specific episode: (i) personal, which includes emotional and perceptive impacts; (ii) relational, which affects the relation among individuals; (iii) structural, which points to underlying causes; (iv) and cultural, which reshapes de cultural model of a group (Lederach, 1998:101-114).

Next subchapters analyze the case studies using the qualitative methodology. The first case is the Project DiaCom carried out by the Karuna Center from the United States. Through this project, many Bosnian educators with a background ethnically diverse were got together in order to draw a common past and instill in them a culture of peace for a common and peaceful future. The second case is the task implemented by the Association of Citizens Truth and Reconciliation of Bosnia and Herzegovina, presided by Jakob Finci. This is not exactly a truth and reconciliation commission, but its seed.

### *3.2-. The Karuna Center for Peacebuilding<sup>5</sup>: Project DiaCom*

The Karuna Center for Peacebuilding (KCP) is a non-profit organization founded by Paula Green in 1994 based in the city of Amherst, Massachussetts, in the US. This organization addresses growing global challenges of ethnic, religious and political conflict. It basically provides education and training in conflict transformation, reconciliation and healing, and non-violent change. Karuna is the Sanskrit word for compassion. The KCP started its work aimed at post-conflict reconciliation as a reaction against the atrocities committed in the Bosnian War. Paula Green has extensive international experience in peacebuilding and conflict transformation, working as an international consultant, facilitator and lecturer in Europe (Bosnia among others), Asia, Africa and the Middle East as well as in the US.

#### *Goals and methodology*

The KCP aims to:

a) Develop and implement innovative and sustainable strategies for community reconciliation and transformation in societies where ethnic, religious and sectarian conflicts threaten

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<sup>5</sup> <http://www.karunacenter.org/index.html>

the possibility of stable democracy.

b) Pioneer effective multisector training programs that promote genuine dialogue, reconciliation, cooperative problem solving and non-violent solutions.

c) Lead peacebuilding trainings and dialogues workshops specially designed to foster trust and connection between conflicting groups.

d) Promote international projects that can advance a healthy civil society capable of supporting viable democratic institutions.

The organization peruses these goals through a strict methodology that is basically based on four strategies:

1) Partnering: response to requests from in-country communities. In order to maximize the local capacity for resolving the conflict, they engage those who will have most significant impact in their particular communities through specific trainings appropriate to the local context.

2) Conflict transformation: peacebuilding trainings and workshops aim at conflict analysis as well as skill-building strategies for responding to conflict.

3) Dialogue: ease and means for structured dialogues. Revealing traumas, participants can come to profound recognition of the essential humanity of “the other”, to a sense of common purpose and will to move forward together. Dialogue is not conceived as an end itself, but as a mean towards action and social change.

4) Cascade model: programs last from two to three years ending with a “Training of Trainers” for the strongest participants to develop their own trainings and projects. Thus, the impact of the work done increases.

#### *Impact and benchmark of success*

Above all, participants in these sort of projects bring healing to their communities and also facilitate dialogues and teach peacebuilding skills throughout their countries. Furthermore, these projects induce more people to the commitment to promote peace and justice and prevent violence. The KCP points to four possible benchmarks to state that a project has been successful or partly successful:

1) Attitudinal and behavioral changes: participants shift their attitude from suspicion and hostility to understanding and cooperative relationship. This is the key to unfold conflict transformation processes and this change becomes the basis for new behaviors.

2) Length of the projects: to be affective or to have a minimum impact, any program has to last at least two or three years. Regarding to KPC initiatives, it happens in a 80-90% of the cases.

3) Participants' own projects: ex-participants of a program design their own peacebuilding



projects and trainings in their locales.

4) Evaluation process: employment of data collection instruments and methods to assess the immediate effectiveness and long-term impact of its trainings. Evaluation includes a participatory process whereby trainers, trainees and stakeholders can (i) reflect personal or societal changes occurred due to the project; (ii) generate knowledge of lessons learned and possible improvements; (iii) and identify project strengths and opportunities for future action.

### **Project DiaCom<sup>6</sup>**

It all started in 1997 when the KCP received the call of a Bosniak woman who invited the organization to work with women refugee from two northern towns in Bosnia, Prijedor and Sanski Most, who had lost extended family members, had been removed from cherished homes and land, and were dislocated and dispirited. Many of them had been raped. The context of these two towns was very complex. Before the war, both villages had about 100.000 inhabitants each, presenting an ethnically mixed population. During the war, Prijedor was ethnically cleansed of Muslims and many refugees went to Sanski Most, that was 36 km away. Likewise, most Serbs from Sanski Most fled to Prijedor fearing repression. After the war, the division of the country in two political entities affected the core of the region, leaving Sanski Most in the Federation and Prijedor in the Republic of Serbska. It is known that, during the war, over 58.000 Muslims from Prijedor were expelled either to camps or as a refugees in former Yugoslavia territory (Green, 2003).

The city of Prijedor gained reputation during the war for developing concentration camps using warehouses, factories, schools or hotels. It is documented that prisoners were tortured, murdered, raped and starved. In 1992 the reporter Roy Gutman discovered the first concentration camp of Bosnian War to the international community. Many of the Bosnian participants who involved in Project Diacom were survivors of those camps: Omarska, Trnopolje or Keraterm.

Therefore when Paula Green received that call from this Bosnian woman, being aware of the rough situation of the affected region, decided to design a project to implement in situ in order to help these disconsolate women. The core of the program was the realization of intercommunal dialogues between Bosnian Serbs and Bosnian Muslim women from Prijedor and Sanski Most. The initial goals of that first project designed in 1997 were:

1) To carry out workshops through which women could regain a sense of themselves and dignity.

2) To create a safe place to mourn their losses and bond with each other.

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<sup>6</sup> Information partly obtained of unpublished documents facilitated by Paula Green, the director of the KCP.

3) To share communal issues, educational initiatives, violence prevention methods and efforts for reconciliation.

Through the dialogues, women could serve their healing instead of creating further negativity towards the members of the other community, who often were former friends, neighbors, colleagues or schoolmates. First inter-ethnic dialogues were of great difficulty and the stories often caused deep suffering to the attenders. For Serb women, the situation was even harder, and they had an internal dissonance either denying what Muslim women were telling or acknowledging the violence perpetrated by their people. All time, mediators of the KCP attempted the speakers not to use accusative tone but at the same time were encouraging the victims to speak out their suffered horrors intending deep feelings to emerge. The key role of mediators was to strengthen and save the constructive relationship between the participants.

As the initiative grew and started being well perceived by the attenders, participants asked the KCP to initiate dialogues with educators. They considered that infusing in educators a culture of peace would be a helpful task for the consolidation of an interethnic peaceful future, as they would later teach children. Again, the organization responded positively, allowing themselves to be guided by the wishes of the community rather than assuming that as outsiders they would know what the victims needed.

So that in 2000, only three years after the first intercommunal dialogues took place among Muslim and Serb women in Sanski Most and Prijedor, this program evolved into the Project for Dialogue and Community Building for Educators (Project DiaCom), that would be supported by the Foundation for Community Encouragement, a Seattle-based NGO whose member Ann Hoewing would become the partner and colleague of Paula Green during the entire project. The KCP had to ask for permission to both ministers of education, the one from the Federation and the one from the Republic of Serbska.

#### *Goals and methodology*

Since the very beginning, the Project DiaCom established clear long-term goals to achieve:

a) To sensitize a significant number of educators in the two school districts in multi-cultural tolerance and active, pro-social, anti-discriminatory behaviors, so as to make repatriation possible for those Muslims and Serbs families who wish to return home.

b) To make the participants to practice and disseminate non-violent mechanisms for the prevention and resolution of conflict and to utilize their communication skills to more honestly address past injustices and perception of history.

c) To develop expanded or “cross-cutting identities”, so that participants learn to identify by

role and interests as well as by ethnicity.

d) To strengthen cross-border cooperation to actualize their shared visions of what they have named “welcoming schools”.

e) To design “Training of Trainers” programs for the strongest participants to allow them to develop their own trainings and projects. Thus, the impact of the project increases significantly.

Attempting to pursue these goals successfully, the project requires a strict and well organized methodology:

1) There were three seminars a year for over twenty ethnically diverse educators each. The seminar consisted of two dialogue workshops, gathering of former participants, meetings with educational administrators, local officials and crisis management assistants over logistics, enrollments and other organizational problems.

2) Participants were taught new concepts during the seminars: listening and communication skills, causes of violence and the cycles of revenge, behavior leading to recovery and reconciliation, conflict mapping, personal responses to conflict, theories of prejudice, legacies of stereotyping and social change.

3) When crisis group happened and the safety of the dialogue felt threatened due to a sharp expression of an ethnic prejudice, a blame, an issue of member dominance, an inappropriate verbal attack or a challenge to the history and memory, it was time for the mediators to shift the focus of the conversation to the participants' role as educators, where they could feel safer.

### *Achievements*

Throughout three years, from 2000 to 2003, hundreds of educators participated in the seminars. Quite often the task was hard and painful, and they witnessed tearful reunions between former educational colleagues separated since 1992. After the work done, a few signals express that the project actually had positive impacts for the reconciliation process and thus, for the resolution of the conflict.

First of all, the ownership of the Project DiaCom was transferred to those participants who had taken the “Training for Trainers” program, creating thus, the first post-war interethnic NGO in Bosnia and Herzegovina. Moreover, the experience of the project induced other citizens to found new NGOs to carry the work forward in local schools. For example, Vahidin Omanovic, who is an ex-participant of the Project DiaCom, set up the Center for Peacebuilding, a Bosnian NGO committed to rebuilding trust and fostering reconciliation among the peoples of Bosnia and Herzegovina.

In regard to the expected impact by the KCP mentioned above, one may conclude that,

indeed, the mediators' work enhanced the relationship among communities. Concerning attitudinal change of participants, by observing the growth of local NGOs aimed to strengthen interethnic relationships, one may state that this change has actually occurred. Secondly, regarding the expected length of the project, the period of 3 years that lasted the Project DiaCom is fully successful. Moreover, the case of Vahidin Omanovic also proves that the project also had positive results in terms of managing people to develop their own projects aiming at the same goals than the initiative of the KCP pointed. Finally, this thesis can not state the existence of a positive long-term impact of the trainings because of the lack of data collection instruments or other appropriated methodology. This sort of assessment would deserve a deeper research using the mentioned quantitative and qualitative methodology in the previous chapter.

### *3.3-. Association of Citizens Truth and Reconciliation of Bosnia and Herzegovina<sup>7</sup>*

The Association of Citizens Truth and Reconciliation (ATR) is a non-governmental organization founded by Jakob Finci, who is the current President, in February 2000 after a conference held in Sarajevo where about 120 NGOs agreed on coordinating efforts to achieve the establishment of the Truth and Reconciliation Commission (TRC) of Bosnia and Herzegovina. Jakob Finci is a Bosnian Jew and is the current Bosnia's ambassador to Switzerland. Along his life, he has been strongly committed to the defense of human rights and specifically he has been concerned about the Roma situation throughout Europe.

The goal of the ATR has been since its foundation to describe specifically how the TRC would be and would work, and to give arguments that evidence the need for this TRC of Bosnia and Herzegovina to be constituted. On the website of the ATR one may find the information about the goals, the mandate, the members as well as the status of the hypothetic TRC. In the following lines, the text presents these specificities of the TRC according to the will of the ATR:

*1) Justification:* the constitution of the TRC is necessary to heal the moral wounds caused by the war and to avoid the renewal of the conflict in the future.

*2) Goals:* the TRC would have two specific objectives:

- To examine and report from an objective and professional perspective, the nature of the abuses suffered and the societal, political and historical elements which made this pattern of abuses possible.

- To develop recommendations for steps to be taken to deal with this painful legacy and to prevent the recurrence of such inhumanity in Bosnia and Herzegovina.

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<sup>7</sup> <http://www.angelfire.com/bc2/kip/english/index.htm>

3) *Mandate*: the work of the TRC would be complementary to the crucial judicial process of determining individual criminal responsibility.

4) *Members*: the members of the TRC would be chosen through a process in which the public plays the primary role. Individuals selected must be of high moral standing, unimpeachable integrity and objectivity and credible to all the public as representing a honest search for the truth regarding our common history rather than the interests of any ethnic or political group.

5) *Status*: the TRC would be provided all due legitimacy and support by the government but would be wholly independent and autonomous in its work.

### *3.3.1-. A draft law for the establishment of the TRC of Bosnia and Herzegovina*

In 2002 all proponents of a TRC, gathered in the ATR, considered that the International Criminal Tribunal for the former Yugoslavia (ICTY) did not possess a monopoly on justice or on truth, and that, in order to bear fruit, its efforts must and should be complemented by some sort of national process. Working closely with international experts on truth commissions and the Tribunal's officials, the National Coordinating Committee prepared a draft law (see annex 1), which has not yet been passed by the Bosnian Parliament, on the establishment of the Truth and Reconciliation Commission in BiH (Basic, 2006:374).

This draft law exposes in the second article that the principal purpose of the TRC would be to promote feeling of friendship and reconciliation between the peoples of Bosnia and Herzegovina and to overcome conflicts and past divisions. According to the art. 7, the commission would comprise 7 members (including the chairperson) who will be appointed by the Parliamentary Assembly from a list. The commissioners would have to accomplish the following conditions:

- To be nationals of Bosnia and Herzegovina.
- To be representative of the ethnic composition of Bosnia and Herzegovina.
- To enjoy indisputable credibility of all peoples of this country.
- To be of high integrity.
- To act unbiasedly.
- To not perform high political functions simultaneously.
- To not have occupied a high political or military position during the war.

Regarding the methodology of work of the commission (art. 5), first of all, it would have to work politically independent and with absolutely transparency. Furthermore, the rules of procedure could not enter into conflict with the mandate of the ICTY. The outputs of the commission (decisions, conclusions or reports) would always be approved by consensus or, when not possible,

by the majority vote.

In reference to its mandate, the art. 6 states that the commission would examine events occurred in Bosnia and Herzegovina from the elections of November 19 1990 to the approval of the Dayton Peace Agreement, signed in 14<sup>th</sup> of December in 1995. Thus, the commission would shed light on the nature, causes and extent of human rights violation committed during the conflict. The TRC would not carry out investigations on matters that are in the ICTY's jurisdiction. The important here is not to obstruct the work of the ICTY, but to complement it.

Concerning this issue of the cooperation with the judicial bodies, the art. 8 clarifies that the TRC would fully cooperate with the ICTY, facilitating to it documented reports. The function of the commission is to reveal the truth, no to judge anybody. All authorities in Bosnia and Herzegovina would cooperate with the TRC: police corpses, the SFOR (Stabilization Forces), the IPTF (International Police Task Force), NGOs, peacebuilding organizations, etc. Within 24 months since its establishment, the commission would present a final report to the Parliament (art. 16). The publication of this final document would be public and once presented, the TRC would be considered completed and therefore dismissed.

### *3.3.2-. Considerations on the establishment of the TRC of Bosnia and Herzegovina*

The DPA did not content any part. Some say Dayton meant a defeat for the three parties of the conflict. In addition, the political division of the territory into two entities along with other measures such as the establishment of three different educational systems, one for each ethnic group, did not help consolidating an appropriate context for reconciliation and for multiethnic living together. As Finci pointed in 2002, “during last 6 years of a “cold war”, we (the Bosnians) were subjected to many tests, but the fact is that nobody is happy with the results obtained. A TRC is not a magic ward, but it will surely help us in facing our past openly, although painfully, as well as improving interethnic and interpersonal relations”. (Finci, 2002).

A TRC would give voice to over 6.000 thousand witnesses (victims, military mobilized people and civilians who protected the victims) of the three parties in order to convince the populations that the only real victim of the war is the Bosnian nation. Furthermore, the commission would also call for the presence of those institutions that can not be judged but, indeed, had a significant role during the conflict. So that the TRC would shine spotlight on sectors that would never be the focus of criminal persecution, those who helped shape the atmosphere whereby the evil acted: media, judiciary, intellectuals, education system or religious institutions (Finci and Kritz, 2002).

Nonetheless, among many factors that obstruct the creation of the commission, there are a couple of institutional drawbacks that directly hamper the constitution of the TRC. Firstly, the judiciary system in Bosnia and Herzegovina can not be qualified of independent and professional. It depends on the centers of political power and it is highly corrupted (Dizdarevic, 2002). And secondly, ethnic divided elites have grown rich, enjoying enormous privileges for themselves, so that one should not expect these elites to work on reconciliation process (Todorovic, 2002), which would suppress ethnic based divisions throughout the country.

It is also worth mentioning the attitude of the ICTY towards the hypothetical TRC in Bosnia and Herzegovina. Above all, this tribunal points out that the commission would have to simply complement the work of the ICTY by allowing a more effective contribution to the reconstruction of national unity without which democracy and deep-rooted lasting peace are impossible (Jorda, 2001). In this sense, the mandate of the TRC could not be similar to that of the ICTY. The former President of the ICTY, Jorda Claude, exposed in a speech in Sarajevo in 2001 that the draft law elaborated by the proponents of the TRC failed to define clearly the commission's obligations to the international tribunal and suggested a redefinition of the objectives, mandate and tasks. In spite of this, the ICTY is fully aware of its impossibility to face an overwhelming number of cases and demands against perpetrators of atrocities so that, while it knows that somehow needs the commission, it does not want to loose face nor respect in the international scene.

During last years, evidence of a hostile institutional, political, social and economic context has pushed back the strength of those who have been working for years on the constitution of the TRC. Throughout 15 years, there has not been a clear political will from any of the sides to create the commission, the lack of financial and technical assistance has not helped either, nor the poor coordinating among international community in the field (Nowak, 1998).

### *3.3.3-. Expected impact of the TRC for Bosnia and Herzegovina*

Historical experiences tell us that efforts made to establish bodies seeking truth (see the cases of South Africa, El Salvador, Chile, Guatemala or Argentina) are actually rewarded and that the basis for the beginning of a successful process of reconciliation are set. As the TRC of Bosnia and Herzegovina does not exist yet, one can not analyze its role nor its impact on the conflict resolution process, and specifically, on the reconciliatory process among ethnic communities. However, thanks to the previous studies of experts as well as to similar historical experiences, one may design a map of the likely effects a TRC would have on Bosnia and Herzegovina. In the case of Bosnia, experts argue that the consequences of the establishment of a commission would be:

a) In so far as interethnic living together would be enhanced, the number of returned refugees and displaced people would increase. Nowadays, people are not returning to their former environments fearing an unequal treatment or even attacks by the other community (Todorovic, 2002).

b) It would help Bosnian to explore and understand what in their socio-cultural make-up resulted in the inhuman nature of the latest breakdown of their society, and thereby, avoid the same mistakes in the future (Finci and Kritz, 2002).

c) As the TRC sets a “bottom-up” approach concerning the process of reconciliation, it would strengthen the civil society of Bosnia and thus put the bases for a sustainable democratic system.

d) It would bring the opportunity to encourage change at societal level, as it would allow all individuals in Bosnia and Herzegovina to become involved in the process. On the contrary, judiciary system seems to deal only with the perpetrators (Rathgeber, 2000).

e) As many sectors of society would be involved in the TRC and its time frame is longer than that of the ICTY, it would address multiple issues within many areas of society. The ICTY can only address issues occurred during the war.

f) It would cope with those matters that are secondary for the tribunal such as the property claims or the disappearances. If missing persons are officially declared, it would give the family and friends the opportunity for closure.



#### **4-. Conclusions**

From a general perspective, I tried to maintain a coherence throughout the thesis in order to give a sense in a whole to it. First of all, the text presents a non-exhaustive historical context whose goal consists of raising the key events that occurred in Bosnia over last 30 years aiming to help the reader best understand the rest of the content. The second chapter, broadly speaking, describes the conceptual framework in order to draw the theoretical field where reconciliation is academically situated and also to define in detail the concept of reconciliation and all its theoretical implications. Finally, the third chapter describes an analytical framework for reconciliation processes and chooses the case study methodology to analyze the two examples of actions for reconciliation.

Attempting to overcome the complexity and lack of agreement on defining the concept of reconciliation, the text bases on an integrated approach to cope with its multidimensional nature. Indeed, the proposed definition picks the essential content of the notion mixing several approaches: political science, international relations, socio-psychology or even economy. Eventually, the thesis proposes as the three main features of any process of reconciliation (i) the existence of a transitional psychological process, (ii) the existence of a relationship taking place between at least two parties and (iii) the evidence of a soon to be common future for these parties.

Through the following step, the text presents a more operational definition of reconciliation aiming to allow the design of analytical methodologies that would serve us to carry out a workable analysis of an specific context. Thus, reconciliation is defined as a structure-process where what matters is the relation taking place among the parties of this system of relations, not the parties as whole. While old authors focused on the nature of the featuring parties (usually a victim and a perpetrator), the new paradigm focuses on the nature of the relationship taking place among them. Specifically, reconciliation seeks to transform this relationship and turn it into a positive and constructive one in order to ensure a lasting peaceful living together. That is why the concept is defined as a structure process, because there is a transitional real frame (structure) where the constructions of a new relationship takes place (process).

The relevance of the specificities of any context is well reflected in our context, Bosnia and Herzegovina. If difficulties are found when trying to define the concept in the theoretical frame, when seeking to apply the notion to a real and specific ground to actually reconcile two or more parties previously confronted, the complexity increases notoriously. In addition to, as we have observed through the text, this complexity even worsen when the specific case presents a multiethnic nature. Concerning the case of Bosnia, it is not only the presence of several and diverse ethnicities, but also the existence of different religions as well as socioeconomic inequalities.

Indeed, there are no general theories on reconciliation processes, hence the importance of paying attention to any specific context. For example, no one may face the case of Bosnia not being aware that the state was ethnically divided after the war and that 15 years after the peace agreement, only a quarter of the refugees and displaced have returned home. In interethnic conflicts such as the case of Bosnia, deep socio-psychological wounds are caused because “the other” usually had been the amicable neighbor for long time. These cases deserve the theory of reconciliation to be studied carefully and further.

Through the subchapter on actions for reconciliation as well as through the analysis of the case studies, it is proved that practical work implemented on the ground perusing a successful process of reconciliation has actual impact on the relationship among communities. By tracking the five phases adequately (truth telling, apology, forgiveness, reparation and initiatives for interaction), one may see eventually how the communities confronted get closer and pave the path for a common future. In our case studies, the work carried out by the Karuna Center for Peacebuilding brought about, among other consequences, the foundation of Bosnian NGOs focused on peacebuilding processes. On the other hand, the attempts made by the Association of Citizens Truth and Reconciliation to create a Bosnian truth and reconciliation commission is spreading an atmosphere and a general conscience within the population for the need of this commission to achieve true reconciliation among communities.

In regard of the description of the analytical methods and, specifically, the methodology used to analyze the two case studies, it first has to be highlighted that its nature is constrained by the shortcomings and restricted possibilities of this thesis. The quantitative methodology deserves long time research, expensive means and work in the field. Taking into account that I am not provided by enough time nor means, the suitable methodology is necessarily qualitative one. Through it, the text analyses carefully and in detail two specific actions comparing their initial goals and the impacts they had at the end. Thus, one may measure the efficiency of the implemented actions and if they had a real effect on the process of reconciliation. But at the same time, the non-used quantitative methodology presented opens a future larger thesis. Researchers may use quantitative indicators exposed and thus complete a deeper research on the path of reconciliation.

This study fulfilled the initial expectations answering the research questions raised in the introduction. Firstly, we argued that using specific indicators one may design an analytical methodology to find out whether reconciliation is taking place among previously confronted communities. Furthermore, the text also states that actions can be implemented to enhance this process of reconciliation and thus enable a peaceful common future. Through the case studies, we proved how these actions actually have a real impact on people's mind and, therefore, on the

relationship among communities. To sum up, the thesis, basing on the idea that reconciliation is necessary for lasting peace, argues that a process of reconciliation can be assessed and so we may distinct between actions that have a positive impact on reconciliation processes and those that do not.

This thesis presents reconciliation as the necessary step to take for negative peace (non-violence) to become positive peace (constructive relationship among the parties). So that only achieving a true process of reconciliation one may ensure a common future for communities and a phase of lasting peace. That is why theory of reconciliation within peace or conflict studies deserve further academic attention. In a hypothetical world where there would be no place for violence, reconciliation studies would be absolutely senseless. However, in a world where violence erupts too often, getting previously confronted parties together is presented as a key process. As showed in figure 1, once the relationship is rebuild and positive peace established, it is time for deepening conflict prevention research and thus avoid the return of violence. Accordingly, reconciliation takes a key role within conflict studies. Without successful reconciliation a conflict may be pacified, but never fully resolved.



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## **Annex**



In accordance with the Preamble and articles II and III of the Constitution of Bosnia and Herzegovina,

in furtherance of the Constitutional dedication to peace, justice, tolerance and reconciliation

the House of Peoples at the session of \_\_\_\_\_ and  
the House of Representatives at the session of \_\_\_\_\_

have passed the

**LAW  
ON THE  
TRUTH AND RECONCILIATION COMMISSION**

It is acknowledged that:

- (a) an armed conflict occurred on the territory of Bosnia Herzegovina during which human rights violations were committed by a number of individuals belonging to all parties involved;
- (b) understanding the context within which these violations were committed is paramount to reconciliation between all the people of Bosnia Herzegovina; and
- (c) a need exists for the creation of a Truth and Reconciliation Commission, complementary to the mandate of the ICTY, in accordance with the spirit of the General Framework Agreement for Peace in Bosnia Herzegovina signed on 14. December 1995.

**PART I**

**ESTABLISHMENT OF THE TRUTH AND RECONCILIATION COMMISSION AND ITS  
OBJECTIVES**

**article 1**

**Establishment of the Truth and Reconciliation Commission**

Truth and Reconciliation Commission is established in Bosnia and Herzegovina (hereinafter: TRC) with the mandate as set forth by this law.

**article 2**

**TRC Purpose**

The purpose of the TRC is to promote feeling of friendship and reconciliation between the peoples of Bosnia Herzegovina and to overcome conflicts and past divisions by:

- providing a forum where victims and persons with information about human rights violations in the past war can be heard;
- shedding light, on the basis of information obtained, on the events which led to the commission of human rights violations between November 19, 1990 and the conclusion of the General Framework Agreement for Peace signed on 14 December 1995;

- offering its conclusions and recommendations in the form of a final report to Parliament regarding measures to be taken to respond to such violations and prevent their recurrence;
- recommending symbolic reparations to victims.

## **PART II**

### **ORGANIZATION AND WORK OF THE TRC**

#### **article 3 TRC Organization**

The TRC shall have seven members (including the Chairperson) who will be appointed by the Parliamentary Assembly from a list.

The Commissioners shall be nationals of Bosnia and Herzegovina, individuals who are representative of the ethnic composition of Bosnia and Herzegovina and who enjoy indisputable credibility of all peoples of this country, who are persons of high integrity, unbiased and who do not currently perform high political functions and who did not occupy high political or military positions during the period the Commission deals with.

The TRC will establish an international Advisory Board consisting of experts amiable to Bosnia and Herzegovina.

#### **article 4 TRC Chairperson**

The TRC has a Chairperson.

Upon the recommendation of the Chairperson, the Commission may relieve of duty any member of the TRC who is not acting in accordance with his/hers obligations and the TRC rules and regulations by a majority vote.

In case a member of the TRC passed away, is relieved of duty or resigns during the mandate of the TRC, the Chairperson will make a recommendation to the Parliamentary Assembly to nominate a new member to replace the member who left the TRC.

The Chairperson shall appoint his/her deputy (deputies) among the TRC members who will act on his/her behalf in the Chairperson's absence.

#### **article 5 Work of the TRC**

The TRC is entirely independent in its work. The TRC, its members and all employees will work without political or any other influence and will be independent and separated from any political party, state body, administration or any official or a body that represents their interests directly or indirectly. The members and staff of the TRC will not:

- compromise their independence by their acts, statements or in any other way damage credibility, impartiality or integrity of the TRC;
- use for their own or somebody else's benefit a confidential information learned in capacity of

the TRC member;

- pass any such information to another person, except insofar as acting within his/her duties as a member of the TRC

The TRC will perform its work with maximum transparency. However, if needed, it can be decided that certain activities are carried out without the presence of the public. The TRC will develop and adopt its own Rules of Procedure which will not enter into conflict with the mandate of the ICTY.

The TRC will make decisions, conclusions and adopt the final report by consensus. If that proves to be unattainable, decisions made by the majority vote will be considered valid.

### **PART III**

#### **THE MANDATE AND POWERS of the TRC**

##### **article 6**

##### **The Mandate of the TRC**

The mandate of the TRC is to examine, on the basis of the information obtained, events in Bosnia and Herzegovina and the Former Yugoslavia during the period from the elections of 19 November 1990 until the conclusion of the General Framework Agreement for Peace signed on 14 December 1995 in order to shed light, as far as possible, on the nature, causes and extent of human rights violations committed during the conflict. The TRC shall not carry out investigations on matters that are in the ICTY's jurisdiction.

Acting as a complement to the work of the International Criminal Tribunal for the Former Yugoslavia, TRC will not obstruct the work of the ICTY.

The TRC will examine and conclude on the nature and pattern of violations that happened but will not be limited to:

- circumstances that produced ethnic mistrust and lack of understanding which resulted in unprecedented human rights violations;
- whether activities or inactivity of actors outside of Bosnia and Herzegovina contributed to the violations;
- the political and moral responsibility of individuals, organizations and institutions for abuse of human rights;
- the role of media, political parties, religious communities, international non-governmental actors and other relevant sectors as determined by the TRC;
- existence of acts of individuals who refused to take part in the oppression and abuse of their neighbors thus preserving, at high risk, human dignity by trying to protect their neighbors of different ethnic and religious groups from abuse;

In cooperation with other official enquirers, the TRC will embark on research and enquiry related to establishing the

- the number of people who died, who were killed, wounded, missing, tortured, raped, imprisoned without a just cause and forcefully displaced;
- the number of damaged and destroyed religious objects and similar apparent attacks at different religion;
- the locations of mass graves.

## **article 7**

### **TRC Powers**

The TRC, in executing its mandate, has the power to:

- receive information it considers relevant including reports, video and audio recordings and documents from any private and public individual or organization who voluntarily cooperates with the Commission;
- appoint committees as needed to help the TRC on a voluntary basis in order to ensure maximum involvement of the public;
- hear, publicly or privately, individuals, groups and members of organizations or institutions;
- freely visit any institution or place;
- organize and participate in public activities related to its mandate which promote the process of national reconciliation. The TRC will invite various organizations, including civic, religious, victims', refugees', women' and human rights organizations to actively contribute to the TRC's work;
- invite any individual who has knowledge about the relevant events to appear before the TRC

The TRC will have no authority to grant amnesty to any individual.

The TRC may inform the public through official reports and press conferences of any refusal to cooperate by any body or any individual, public or private, or of any attempt to obstruct the work of the TRC. The TRC is empowered to issue non-binding recommendations to local and international Prosecutors.

## **PART IV**

### **COOPERATION OF THE TRC WITH OTHER ORGANIZATIONS AND BODIES**

#### **article 8**

##### **Cooperation with judicial bodies**

The TRC will fully cooperate with the International Criminal Tribunal for the Former Yugoslavia (ICTY), the mandate of which is to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. This will include, in particular, provision of any information or documentation obtained by the TRC that the ICTY may request. Regular liaisons with the Tribunal shall be maintained allowing ICTY liaison officers to attend its proceedings.

The function of the TRC is revelation of truth, it is not a judiciary body. It is to complement the juridical processes undertaken or those that will be undertaken and not to interfere with them. Since the primary role of the ICTY is the establishment of criminal accountability of individuals, the TRC will not carry out investigations for the purpose of criminal prosecution and the final report of the TRC will not determine the criminal responsibility of individuals, in respect of the rights of the accused and to avoid prejudices related to the court procedure. Statements made by the citizens to the TRC will not be used at any state, entity or any other lower court in the territory of Bosnia and Herzegovina without their consent.

**article 9**  
**Cooperation with other agencies and organizations**

All authorities in the territory of Bosnia and Herzegovina shall cooperate with the TRC.

The police or army authorities are obliged to provide support and protection to the TRC at its request, should there be such a need during its mandate. The TRC may also request such support and protection from SFOR and IPTF.

The TRC will cooperate with the International Red Cross Committee, International Commissions for Missing Persons and local organizations for missing persons and will exchange information deemed to be useful for solving problems of missing persons. It will also cooperate as appropriate with parallel commissions in neighboring countries.

To allow the public to engage in discussion of the work of commission, the public media shall provide adequate and appropriate coverage of the hearings and activities of the TRC.

## **PART V**

### **FINANCIAL AND ADMINISTRATIVE REGULATIONS**

#### **article 10 Financial regulations**

Funds for the TRC operation will be secured from the budget of Bosnia and Herzegovina and contributions from foreign sources.

International financial and in-kind donations will be tax free and free of customs charges.

#### **article 11 Working hours and Wages**

The TRC members will serve in a full-time capacity during the TRC mandate. They will not engage in any activities or hold other offices or positions that may create a perception of their being biased or politically influenced.

The TRC members will receive wages at the level of the Constitutional Court judges of Bosnia and Herzegovina.

#### **article 12 Offices**

The TRC will establish central and regional offices and employ personnel as needed. Related to that, the TRC can employ any national or local war crimes commission, its personnel, equipment, material and facilities as needed and deemed fit.

## **PART VI**

### **CLOSING REGULATIONS**

#### **article 13 Taking solemn oath**

The members of the TRC will take a solemn oath before the Parliament that they will perform their duty in an objective manner, without prejudices and free of political influence.

All the members of the TRC and the personnel will also take a solemn oath that they will keep secret the confidential information learned during the mandate of the TRC.



**article 14**  
**Immunity**

A member of the TRC or a person performing a duty on behalf of the TRC cannot be held accountable for his/hers statements made in good will in a report, finding, expressed opinion or recommendation related to the work of the TRC.

**article 15**  
**Establishment of the TRC**

The TRC will be established and become operative within 6 (six) months from the date of enactment of this law. During this period, its budget, Rules of Procedure and other acts needed for its operation will be adopted.

**article 16**  
**Final Report**

The TRC will deliver its final report, with a comprehensive review of its activities, findings and recommendations to the Parliament within 24 (twenty-four) months from the day of its official establishment.

The final report will include recommendations regarding appropriate legal, political, and administrative measures to prevent the recurrence of such violations of human rights and to promote reconciliation and mutual understanding among the peoples of Bosnia and Herzegovina. Among these, the TRC shall propose appropriate measures to address the needs of victims, such as acknowledgment and memorialization and other forms of assistance.

The report, upon its adoption, will be announced to the public and the TRC will ensure its wide dissemination in the three months that follow.

After submission of the final report and completion of the public promotional campaign, the mandate of the TRC is considered completed and the TRC is dismissed.

**article 17**

The Council of Ministries of Bosnia Herzegovina shall give serious consideration to implementation of the TRC's recommendations and, for a period of five years following submission of the TRC's final report, shall issue semi-annual reports regarding progress in such implementation. In the event of rejection by the Council of Ministries of any of the TRC's recommendations, such progress reports shall include reasons for such rejection.

**article 18**  
**Coming into effect**

This law becomes effective 8 (eight) days after its publication in the Official Gazette of Bosnia and Herzegovina.