Recognising the Local Perspective: Transitional Justice and Post-Conflict Reparations

Quirine Eijkman*

*University of Leiden and the International Centre for Counter-Terrorism, q.a.m.eijkman@cdh.leidenuniv.nl

Recommended Citation
Recognising the Local Perspective: Transitional Justice and Post-Conflict Reparations*

Quirine Eijkman

Abstract

The importance of the local perspective on transitional justice processes in post-conflict societies is discussed in this article. By focusing not only on reparations as transitional justice institutions, but also on the perception of ordinary people of their legitimacy, it analyses how these kinds of efforts potentially contribute to a sense of justice, reconciliation, social reconstruction at the community level and lasting peace. It thereby relies on socio-legal research conducted in the former Yugoslavia and, to a lesser extent, in Africa, Latin America and Asia. This article concludes with the observation that there is no one-size-fits-all approach to post-conflict reparations in transitional societies, but that there are some general lessons to be learned from the case of Bosnia and Herzegovina.

KEYWORDS: transitional justice, post-conflict reparations, local perception, legitimacy, international community

*Quirine Eijkman (PhD) is a senior-researcher and lecturer at the Centre of Terrorism and Counterterrorism, University of Leiden Campus the Hague and is a research fellow at the International Centre for Counter-Terrorism, ICCT-The Hague. Currently, she is the President of the Dutch Section of the International Commission of Jurists (“NJCM”). For contact, please email: eijkman-qam@hotmail.com.
1. INTRODUCTION

In this article the local perspective of transitional justice is considered, thereby relying on a social-legal approach to study the aftermath of international crimes and human rights violations in transitional societies. In doing so I focus on the perspective of ordinary people on post-conflict reparations in the form of home restitution. My conclusions are based on a few published empirical studies about transitional justice institutions in the former Yugoslavia, but I also refer to perceptions about post-conflict reparations in Rwanda, Northern Uganda, South Africa, Chile, Colombia, Afghanistan and Iraq.¹

Why is this bottom-up approach? Because without understanding the local perspective transitional justice efforts lack legitimacy within society and this is crucial for the process as a whole. Hence empirical research on transitional justice and especially post-conflict reparations are deemed essential. The Secretary-General of the United Nations in his report on transitional justice refers to the importance of the local perception in relation to legitimate structures to implement transitional justice, whereas Oomen takes the discussion a step further and specifically mentions the role of local perception in the process.² To quote her “both, the normative assumptions and the empirical perceptions of legitimacy are


deemed important in working towards peace: the institutions have to be legitimate in moral terms, but the general public - in all its diversity - also have to perceive them as such.\textsuperscript{3} Hence in addition to its many goals the transitional justice process attempts, after a period of lawlessness, to (re)create respect for the rule of law and institutions.\textsuperscript{4} Therefore understanding the view of ordinary people of transitional justice and how they perceive the actors involved is crucial.

Primarily I discuss the local perspective of transitional justice institutions without specifically focussing on the victims’ perspective. In the first two sections of this article I discuss the concepts of transitional justice and transitional justice institutions. Then several empirical studies on the local perspective of post-conflict reparations are reviewed. There is a special focus on the former Yugoslavia. In the end I reflect upon the legitimacy of post-conflict reparations and the role of international community in transitional contexts.

2. TRANSITIONAL JUSTICE

There are numerous definitions of transitional justice. Some focus on the normative approach of international law and political transition towards democracy. Others are broader and concern the dilemmas, types of mechanisms and practices of the process of transitional justice.\textsuperscript{5} Roht-Arriaza and Mariezcurrena define transitional justice as “that set of practices, mechanisms and concerns that arise following a period of conflict, civil strife or repression, and that are aimed directly at confronting and dealing with past violations of human rights and humanitarian law.”\textsuperscript{6} Their definition stresses that the process is extraordinary and serves multiple goals. These may include justice or accountability, social reconstruction, reconciliation, truth-finding and lasting peace.

During the 1980s and 1990s justice and truth were often presented as two separate goals of the process. Now, however, there is growing consensus that the


\textsuperscript{5} See, for example, Secretary-General of the United Nations op.cit. (note 2), p.4; Teitel, R.G., Transitional Justice, Oxford, Oxford University Press, 2000, pp.3-6.

form former does not necessarily exclude the latter.\(^7\) Therefore the objective of implementing the process of transitional justice is a combination of justice, truth and social reconstruction. One explanation for this development is that in comparison to two decennia ago, when transitional justice processes were set in motion in post-authoritarian societies, a lot has changed. For instance, the Cold War has ended. In the 1980s democratic transition in Latin America and in Eastern Europe was mostly set in motion by internal pressure. Authoritarian leaders such as General Pinochet in Chile gave up their absolute political control without losing all their influence. Additionally many enjoyed amnesties or non-prosecution guarantees. Since the 1990s the transitional justice debate increasingly affects post-conflict societies where rivalling parties after a truce or peace accord share political power or the military influence of third countries is persistent. Amongst others these post-conflict societies include Bosnia and Herzegovina, Iraq, Afghanistan and the Democratic Republic of the Congo. In these types of post-conflict societies the peace is fragile and attempts to hold powerful groups accountable carry a risk of political upheaval and destabilisation.\(^8\)

Furthermore, as every post-conflict- and post-authoritarian context has its own logic it is important to recognise that the content and form of a transitional justice process is based upon political negotiation and compromise, is developed ad hoc and is to a certain extent symbolic. Even though the Secretary-General of the United Nations recognises that transitional justice plans should be holistic, not static and that during different phases different institutions and processes should enjoy the priority, in practise these objectives remain challenging.\(^9\) For instance, a continuance of a lack of the rule of law is destabilising transitional justice initiatives.\(^10\) Therefore the process of transitional justice needs to be linked to judicial and security reform. Also socio-economic - and political factors play a tremendous role. By recognising the national - and local dimension to rebuilding a society in transition one might be able to influence efforts to reconcile and socially reconstruct communities.\(^11\)

---


\(^9\) Secretary-General of the United Nations op.cit. (note 2), p.32.


\(^11\) Roht-Arriaza op.cit. (note 6), pp.4-5.
3. POST-CONFLICT REPARATIONS: ONE OF MANY TRANSITIONAL JUSTICE INSTITUTIONS

In a post-conflict context there is a combination of transitional justice efforts which in practice are being implemented ad hoc and during different timeframes. There is a narrow- and broad approach to identifying types of transitional justice institutions, practices and dilemmas.\textsuperscript{12} The narrow approach usually consists of criminal accountability mechanisms, material - and non-material reparations, institutional reform, truth-seeking commissions and amnesty procedures. Whereas the broad approach is believed to include not only the former, but also demobilisation, disarmament and reintegartion (‘DDR’) programmes for former combatants, traditional practices, searching for clandestine burial sites, identifying victims, realising prisoners, formal apologies by the state, psycho-social support, legal reform, developing educational curricula, creating memorial sites and dealing with structural causes of the conflict. (Inter) national actors tend to favour a combination of several transitional justice institutions, which mostly reflect the narrow approach. This does not necessarily mean that other initiatives such as educational reform are not supported, but they are not considered to be linked directly to the transitional justice process.

Below, I consider the narrow approach in relation to the former Yugoslavia and especially Bosnia and Herzegovina.\textsuperscript{13} In this region of the world individual criminal accountability has been implemented through several institutions including the International Tribunal for the Former Yugoslavia (‘ICTY’), hybrid tribunals like the Bosnian War Crimes Chamber and domestic prosecutions by district courts. Institutional reform has occurred by vetting and discharging public officials, members of security forces such as generals who have a war crimes record, and contemporary politicians, who failed to live up to the requirements such as enforcing property laws. Efforts to initiate a truth commission are still debated. Only the governments of Serbia, Bosnia and Herzegovina and some NGO’s have considered the possibility of establishing national commissions. For different reasons there is local opposition. Even though there are no formal amnesty laws, de facto many war criminal and human rights violators enjoy immunity. In general the objective of post-conflict reparations is to remedy past harms, but more specifically the reasons are to recognise the suffering of the victim, accountability by the state or other groups, an expression of social solidarity. Even though it is more the exception than the rule that reparation for victims in a transitional context is provided, they are an important transitional justice mechanism. Post-conflict reparations are both material - and

\textsuperscript{12} Lutz op.cit. (note 7); Secretary-General of the United Nations op.cit. (note 2), p.4.
\textsuperscript{13} UNDP, Transitional Justice; Assessment Survey of Conditions in the Former Yugoslavia, Belgrade, United Nations Development Programme, 2006.
non-material and enjoy an individual - or collective character. They can entail full restitution, compensation, formal apologies, rehabilitation and guarantees of non-repetition. Furthermore, there is the question to whom the victims should direct their request: the state, the local government, private actors, the perpetrators or the international community?

International- and or national actors tend to create a special fund, legislation, strategies or programmes to ensure post-conflict reparations. Sometimes they are part of peace agreements at others they are the result of democratic political-decision making or private initiatives. In Bosnia and Herzegovina, for instance, home restitution, compensation or reconstruction was part of the 1995 Dayton Peace Agreement, of the Constitution and the 1998 property laws. Initially the Commission for Displaced Persons and Refugees was mandated to handle the restitution claims and a few years later a special strategy was designed to facilitate a more effective implementation. The strategy was called the Property Law Implementation Plan and involved increased coordination and monitoring of the property laws. This development indicates that post-conflict reparations tend to be developed ad hoc. In practice there is little coordination and cooperation with other transitional justice institutions initiated by the national- or local government, international donors or civil society.

In the particular case of Bosnia and Herzegovina there was a lot of internal political and administrative resistance, public ignorance and pre-war documentation on home ownership or occupancy rights was missing. Therefore during consecutive periods new mechanisms were designed to facilitate the process of providing post-conflict reparations. For instance, at the local level people were not really aware of the possibility to reclaim their home. Only by initiating other transitional justice efforts like public campaigns, did Bosnians become more aware of claiming reparations. Also they experienced the difference between the theory and practice of implementing transitional justice. As Buyse in his book pleads for flexibility in the housing restitution process, he recognises that transitional justice processes, and probably also the perception of local

---


16 Later this commission was referred to as the ‘Commission for Real Property Claims of Displaced Persons and Refugees’. Annex 7 Dayton Peace Agreement.

stakeholders, changes over time.\textsuperscript{18} These additional efforts to secure the implementation of post-conflict reparations proved to be somewhat successful. Because even though in the late 1990s very few properties were returned to their pre-conflict owners and in 2000 only 21\% of the 200,000 properties that were subject to a claim under the property laws had been returned, in 2005 this was 93.34\%.\textsuperscript{19} Yet according to human rights organisations less than half of refugees who actually reposed their pre-war homes returned to live there permanently.\textsuperscript{20} Therefore even though most resources for this transitional justice effort were spend on home restitution, compensation for property loss became the real success.\textsuperscript{21} Hence what is unique about Bosnia and Herzegovina is that this transitional justice effort had a basis in the law and enjoyed strong international political support. This situation is exceptional for any a particular form of post-conflict reparations.

In many post-conflicts society’s reparations are not a priority. To some extent this is related to the context. Has the country been affected by the conflict? Is it in a developing phase or perhaps a failed state? In comparison to other post-conflict situation like Northern Uganda necessities and possibilities in Bosnia and Herzegovina differ. In a recent report by the Office of the High Commissioner for Human Rights on Northern Uganda respondents explained how they understood reparations, which in addition to truth-telling was identified as the primary favoured form of transitional justice:

\begin{quote}
Compensation should be given as repayment for the harm caused in the form of cows. (A male youth -Amuria District, Teso).\textsuperscript{22}

The Government needs to compensate victims of abductions, lootings and killings. The UN needs to help out in this area….. Uganda is a developing country. Compensation needs to be decided on a case-by-case basis…. But some of our property was not registered, for example our lands had no land titles, so compensation may be hard to claim. There is a need for the international community to come in, especially because they have sent missions that have witnessed the destruction that has taken place. Such help should not come through the Government;
\end{quote}

\begin{footnotes}
\item[18] Buyse op.cit. (note 17), pp.363-364.
\item[21] Buyse op.cit. (note 17), pp.342.
\end{footnotes}
otherwise it will not reach the beneficiaries. (A former male abductee - Lira District, Lango).  

These two quotes suggest that local people have their own ideas about what kind of reparations would be appropriate. Furthermore, the second interviewee comments on local complexities in returning property and the role of the international community (see section 6). In Northern-Uganda home restitution is difficult, because whole communities have been uprooted and villages destroyed. Therefore the type of post-conflict reparations and how they are implemented relies heavily on the local context and available resources.

Moreover another aspect is political power. Who in a post-conflict context runs the country: one or more of the warring parties, external forces or elected politicians? For instance, Rwanda is a post-conflict society where unlike Bosnia and Herzegovina one of the parties, who participated in the conflict, is in charge. Transitional justice is implemented one sided. For example, the local Gacaca 24 courts allow for request for reparations on the basis of community service by the convicted as well as individual claims, which are determined by the lay judges according to a legal schedule and then forwarded to a compensation fund. 25 Yet as for political reasons only Hutu perpetrators are held accountable, predominantly Tutsi victims of the genocide and not the Hutu victims of crimes against humanity issue claims. Therefore the socio-political and the local context of post-conflict societies must be taken into account in the design of any reparations scheme.

23 Idem.
4. THE LOCAL PERSPECTIVE ON POST-CONFLICT REPARATIONS

For the neighbours of displaced ethnic minorities in Bosnia Herzegovina, post-conflict reparations, such as the restoration of property rights are a mixed bag.\textsuperscript{26} This while for war victims the restoration of property rights are both a material - and a moral recognition of their suffering.\textsuperscript{27} By being able to - lawfully - return to one’s home or receive compensation, individual suffering is acknowledged. Maybe victims feel rehabilitated and are able to reclaim bits of their former life. In addition, restoration of property rights is about state recognition of individual suffering. Yet, do communities at large recognise displaced minorities as victims? Do they feel that they should be eligible for post-conflict reparations and if so in what form? Because the process of transitional justice is broader than justice for victims at the individual level, it is important to consider local perspectives on post-conflict reparations. These are likely to influence reconciliation, perception of justice and social reconstruction at the community level.

At the abstract level, local people strongly support material compensation for war victims. For instance, a 2007 survey conducted by the United Nations Development Programme in Kosovo, showed that not only a vast majority of respondents supported material compensation, but that there were no dramatic differences in opinion amongst Kosovo Albanians and Kosovo Serbs.\textsuperscript{28} Widespread support was also reported in Afghanistan, Iraq, Colombia and Northern Uganda.\textsuperscript{29} This suggests that post-conflict reparations are a form of transitional justice that could potentially contribute to justice, reconciliation, social reconstruction or lasting peace.

However, in one’s own community perception is not always concurrent with what people believe at the abstract level. Amongst others it is influenced by personal war experiences and perception may change over time. In multi-ethnic post-conflict communities like Vukovar, Mostar and Prijedor in Croatia and in Bosnia and Herzegovina there is a strong sense of nationalism and denial about

\textsuperscript{26} For instance, the European Court of Human Rights ruled in the Krtina Blečić versus Croatia case that because of temporal jurisdiction they could not reverse the decisions of the domestic court, who denied her claim to her property rights. The case reflects the thousands of tenants and house owners who during the civil war in the 1990s in the former Yugoslavia had lost their occupancy rights. The majority of victims of property loss are ethnic minorities (ECTHR, Krtina Blečić versus Croatia (partial decision on admissibility), 29 September 2000 (Appl.no.59532/00). See Buyse op.cit. (note 17), pp.3-4; UNDP, 2006, op.cit. (note 13), pp.145-152.
\textsuperscript{27} Roth-Arriaza, N. op.cit. (note 25).
\textsuperscript{28} 78% agree and 18% partly agree. See UNDP, 2007, op.cit. (note 1), pp.29-30.
the involvement of one’s own ethnic group in ethnic cleansing.\textsuperscript{30} Therefore in these kinds of localities inhabitants and politicians are not likely to recognise that ethnic minorities were forced to leave their homes during the war or are unable to return. Thereby finding it difficult to take collective responsibility for what has been done to victims.\textsuperscript{31} Even though by now most property claims have been settled, communities in the former Yugoslavia remain ethnically divided. On average only a small number of the pre-war population has returned to their former home.\textsuperscript{32} For these reasons one can question to what extent post-conflict reparations contribute to feelings of justice, social reconstruction at the community level or reconciliation. These goals of the transitional justice process are probably only achieved in combination with other transitional justice institutions.

To some extent everybody in a post-conflict society is (or feels) victimised. In a 2005 survey by the Afghan Independent Human Rights Commission, a considerable majority of the respondents stated that they have suffered from a human rights violation during the last two decades.\textsuperscript{33} To quote this respondent from Kandahar “All the people of Afghanistan were the victims of atrocities and there is no family that has not experienced a death or disability.”\textsuperscript{34} Subsequently there is a risk of creating animosities between those who receive post-conflict reparations and those who did not. This happened in Chile and in South Africa were reparations that were handed out after the reports of the respective Truth and Reconciliation Commissions created tension at the community level.\textsuperscript{35} The primary cause being that some victims were denied victims status and therefore did not receive compensation.
Furthermore, local opinion is partly influenced by the question: who should be responsible for executing post-conflict reparations? In general communities feel that the state, sometimes supported by the international community, has to be in charge. In surveys in Iraq and Colombia the majority of respondents indicate that the state should carry the burden.\textsuperscript{36} Yet when there is a risk that communities or individuals themselves have to compensate victims their view might be less supportive. Research in Rwanda shows that Tutsi genocide victims tended to be more positive about reparations as a form of transitional justice than Hutu’s respondents.\textsuperscript{37} This could suggest that Hutu’s are fearful on the burden that post-conflict reparations might place on them. Subsequently post-conflict reparations in a post-conflict society could potentially also negatively affect the process of transitional justice.

5. LOCAL LEGITIMACY AND THE INTERNATIONAL COMMUNITY

As the goals of transitional justice are broader than primarily doing justice and serving the needs of victims of human rights violations and war crimes, it is vital that the extraordinary efforts to implement the process is experienced as legitimate by post-conflict communities. In relation to the aforementioned example of Rwanda, one could argue that Hutu respondents are likely to perceive post-conflict reparations and especially community service as illegitimate.\textsuperscript{38} Thereby the transitional justice process as a whole runs the risk of not meeting goals like reconciliation and social reconstruction. Furthermore, in the case of Bosnia and Herzegovina’s post-conflict reparations the international community played an exceptional role. Subsequently local perception of their involvement should be considered.

Obviously resistance at the local level influences perceptions of legitimacy. Also it is likely to vary among different groups of people and subject to change over time. For instance, even though in a 2001 survey by the Institute for Justice and Reconciliation the majority of South Africans state that they support reparations by the government for human rights violations committed during the apartheid regime, there are different views on who should carry the burden.\textsuperscript{39} Black South Africans are more likely to hold a variety of institutions and groups responsible, whereas white South Africans predominantly feel the government should pay.\textsuperscript{40} One can only guess whether the outcome of this

\textsuperscript{37} Longman and Rutagengwa op.cit. (note 25), pp.173-175.
\textsuperscript{38} Idem; Roth-Arriaza, N. op.cit. (note 25), pp.132-133.
\textsuperscript{39} Gibson and Macdonald op.cit. (note 1), pp.8-10/24-27.
\textsuperscript{40} Idem. Actually the survey distinguished between four groups of South Africans: Blacks, Whites, Coloured and Asians. On average black South Africans felt that 9 different institutions or groups
research would have been similar in the early 1990s when the apartheid regime was abolished. This kind of information could assist (inter)national actors in drafting post-conflict reparations that are perceived as legitimate by a broad section of society.

Some actors attempt to deal with local resistance by allocating post-conflict reparations as part of community development. In this approach not only the victims but also their neighbours benefit, thereby diminishing the chances for local discontent. For instance, in 2005 the Inter-American Court of Human Rights ruled that Suriname had to ensure that the victims of human rights violations committed in 1986 in the Moiwana village received individual material and non-material reparations, but that also a development fund for housing, health and educational programs for the community was to be created. In general, however, victims tend to feel that the collective reparations have more in common with development projects than accountability for past harms. What is especially problematic is that the distinction between who is a victim and who is not blurs. Therefore collective post-conflict reparations should strike a balance between community needs and individual recognition of suffering.

Post-conflict reparations became more effective in Bosnia and Herzegovina when local legitimacy of this transitional justice effort was taken more seriously by the (inter)national actors involved. For example, part of the strategy of the Property Law Implementation Plan was to first deal with restitution in cases where the occupiers of the house were living on more than one address (see section 3). Subsequently when these residents were evicted they had another place to live. This sort of measures attempted to influence popular approval. Nonetheless, one of the reasons that despite these efforts many people did not return to their pre-war home was that there was a lack of economic, social and political opportunities. This signifies the need for a holistic and integrated approach to transitional justice.

should pay, whereas for white South Africans this was 2.2, for South Africans of Asian decent 4.9 and for coloured South Africans 3.5.

41 On 29 November 1986 a military operation was conducted in Moiwana Village. State agents and others killed 39 villagers and wounded many others. Furthermore, property was destroyed and survivors were forced to flee. See Intern-American Court of Human Rights, Case of Moiwana Village versus Suriname (ser. C) No. 124, at 1. Judgement 15 June 15, 2005, paragraphs 186-218.


44 Buyse op.cit. (note 17), pp.324-333.

One of the reasons that post-conflict reparations in Bosnia and Herzegovina were a success was that the international community was committed to home restitution. However, the level of involvement of the United Nations and the European Union in this post-conflict state, which is not yet fully sovereign, is exceptional and often times their legitimacy is questioned by Bosnians.\(^\text{46}\) For instance, the High Representative as appointed by the United Nations used his far reaching powers to make sure post-conflict reparations were executed.\(^\text{47}\) This meant that not only laws were redrafted but also that public officials and politicians who obstructed the process were removed. Buyse in his book pleads for ensuring impartiality by temporarily including international elements at the highest levels of restitution and human rights adjudicatory institutions: my question is whether these international elements enjoy legitimacy at the local level?\(^\text{48}\)

Even though the rule based approach of the restoration of property rights in Bosnia and Herzegovina was successful, I am not sure whether the involvement of the international community was perceived as more legitimate than that of the local authorities. Is it just to remove politicians who have been elected in democratic elections?\(^\text{49}\) In comparison, consider the local perception of international involvement in prosecuting international crimes and human rights violations. As several other studies have shown, a 2000 and 2001 study in Vukovar, Mostar and Prijedor indicated that the ICTY is resented in the former Yugoslavia: Croats and Serbs feel that only their ethnic groups are persecuted and Bosniaks (Bosnian Muslims) feel that not enough perpetrators are prosecuted.\(^\text{50}\) These opinions question the role of the international community in transitional justice institutions. Furthermore, in order to assess the perception about the legitimacy of the international community, one has to take into account their role before, during and after the war. For example, even though the international community ended the conflict, many Bosnians continue to harbour negative feelings.\(^\text{51}\) For these reasons I am curious how Bosnians would evaluate the role of the international community in post-conflict reparations?

---


\(^\text{48}\) Buyse op.cit. (note 17), pp.364.


\(^\text{50}\) Biro et al. op.cit. (note 30), pp.192-195. See also UNDP, 2006, op.cit. (note 13), pp.64-65.

Last but not least, more than a decade after the conflict Bosnia and Herzegovina continues to be an ethnically divided state, where in towns like Vukovar or Sarajevo people live segregated. The former United Nations High Representative in Bosnia and Herzegovina, Lord Paddy Ashdown, was quoted as saying that the state itself is on the verge of collapse.\textsuperscript{52} As de facto Bosnian Croats, Bosniaks and Bosnian Serb are politically and socially separated, it is difficult to maintain that transitional justice efforts such as post-conflict reparations have significantly contributed to reconciliation and social reconstruction at the community level. This indicates that even if there was empirical data supporting that post-conflict reparations enjoyed legitimacy at the local level, their influence on and the role of the international community in the process of transitional justice as a whole can be questioned.

6. CONCLUDING REMARKS

By focussing on the local perspective on transitional justice, I have analysed post-conflict reparations in the form of house restitution in Bosnia and Herzegovina. Even though the context of post-conflict societies in Europe, Latin America, Africa and Asia differ and there is no one-size-fits-all approach to reparations, some general lessons can be learned from the case of Bosnia and Herzegovina. The most important ones being that local legitimacy is a crucial element to the transitional justice process and that the role of the international community in a post-conflict context is more ambiguous than is sometimes assumed. In other words people have to perceive transitional justice institutes as well as the actors involved in the process as legitimate.

In Bosnia and Herzegovina particular goals of transitional justice such as ‘legal’ justice have received more attention than reconciliation and social reconstruction. On an individual level the rule based approach of post-conflict reparations has been successful and perhaps to some extent enjoys local legitimacy. Many victims have been to reclaim their property, reinstitute their occupancy rights or receive compensation. Yet it appears as if at the community level post-conflict reparations have been less successful in contributing towards reconciliation, the social reconstruction of communities or lasting peace. Despite the strong international pressure to implement transitional justice in the form of post-conflict reparations Bosnians continue to live segregated.

\textsuperscript{52} The Observer (2008), ‘Europe Needs a Wake-Up Call: Bosnia is on the Edge Again’, 27 July 2008.
References


