Dialogues on Historical Justice and Memory Network

WORKING PAPER SERIES

Caterina Bonara
"Opening Up or Closing the Historical Dialogue: The Role of Civil Society in Promoting a Debate About the Past"
Working Paper Series No. 4
September, 2014

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Opening Up or Closing the Historical Dialogue:
The Role of Civil Society in Promoting the Debate About the Past

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Summary

Until not so long ago, the search for justice in the aftermath of a period of mass violence was exclusively associated to internationally- or state-led trials and truth commissions, and the primary dilemma faced by scholars was about the choice of the mechanism that could better further justice and/or reconciliation. More recently, the attention of scholars and practitioners has shifted to the question about which level – the global, the national or the local – should conceive and implement the strategies of post-war and post-authoritarian justice. A growing part of the literature on transitional justice now argues that only the effective inclusion of the un-heeded local voices would allow for a successful process of justice and reconciliation.

The current paper endeavors to critically reflect on this assumption, by confronting it with the case study of local justice-seeking initiatives in Bosnia and Herzegovina, in the aftermath of the wars of the 1990s. It will do so by starting from the literature itself, showing how transitional justice moved from more universalistic conceptions of justice, to the current, growing attention for the local context (Par. 2). Then, it will review the most relevant positions of the authors that engaged in the discussion about the role of local actors in transitional justice, so as to highlight the main themes and assumptions touched upon by this scholarship (Par. 3).

The paper will then turn to briefly describe the case-study object of this research, showing how local initiatives for dealing with the past emerged in Bosnia and Herzegovina out of the partial failure of the international tribunals to bring about an understanding of the past able to promote reconciliation (Par. 4). It will particularly focus on a regional initiative for truth seeking, the Coalition for REKOM, by collecting the views of the local Bosnian actors on this bottom-up initiative. In Par. 5, the assumptions drawn from the literature will be used as a main point of reference for the analysis of the empirical data. The material analyzed consists of about 30 qualitative interviews conducted in Bosnia Herzegovina and in Serbia between May and August 2013, with activists of local initiatives for justice seeking, both members and non-members of REKOM. Due to the preliminary character of the empirical analysis carried out so far, only some tentative conclusions will be presented in the last paragraph (n. 6).

Transitional Justice From the Universal to the Local: An Overview

Countries that have been characterized by widespread violence, either coming from an external power in the course a conflict or from the state itself in an authoritarian context, face the similar challenge of bringing some justice to the victims and thereby re-establishing some normality in the aftermath of the unrest. This is also the case for the country constituting the empirical case-study of this work, Bosnia and Herzegovina, scene of one of the most destructive of the conflicts that signed the collapse of the former Socialist Federation of Yugoslavia.

Transitional justice is the practitioners and scholarly field that has developed in the second half of the 1980s1 around the question on how to deal with such widespread violence and traumatic pasts. The field originated out of the discussions about the rights violations committed in South America in the 1970s and 80s by the military dictatorships against their own citizens.2 Hence, the central question was how to bring some justice for the suffered crimes, without jeopardizing the inchoate democracies arising out of the juntas’ rule.3

This tension between search for justice and awareness of the political context is reflected in the field’s wavering between idealistic and pragmatist approaches to justice strategies.4

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1 See for instance, Arthur, 2009 and Teitel and Rangelov, 2011.
4 See for instance Teitel, 2000:3-4; Snyder and Vinjamuri, 2004:346.
“Idealistic” or “legalist” scholars and practitioners have dominated the field for a long time, by arguing that the attainment of accountability for past rights violations should constitute a priority in post-conflict or post-authoritarian settings, because it represents a prerequisite for maintaining peace and stability. Subsequently, “pragmatist” studies have contributed the first explanatory analyses by relating the justice responses chosen by a particular state to the social, political and economic features of that country’s particular context. Thus, the awareness of the contingency of justice on the political context, raised by pragmatists, has partially mitigated the universalistic claims of the legalist scholars.

A greater attention for the local populations and in particular for the victims has accompanied the expansion of the field of transitional justice, which in the 1990s came to encompass new conceptions of justice. However, the new restorative approach, primarily incarnated in the model of the truth commission, just like the legalist one, in the form of international tribunals, fell short of having a real impact on the local audiences. This is generally attributed to the fact that both of them relied on prefabricated models often imposed from the top down to very different contexts.

The nearly unanimous reaction of transitional justice scholars and practitioners alike was to turn to local civil societies and bottom-up approaches of justice seeking. Even international organizations started requiring that the local civil societies and the affected populations own the processes of peace-building and transitional justice. Concomitantly, the greater participation and involvement of local and transnational NGOs in the processes of justice seeking had become a fact. In fact, the normalization of transitional justice procedures as a necessary set of interventions due in the aftermath of traumatic events, together with the expansion of the agenda of transitional justice to include new forms of justice, some of which are not anymore monopoly of the state, have meant the necessary involvement of a growing number of non-state actors.

As a consequence of both the normative call to include civil societies, and the objective growth in participation of NGOs and other local groups in the processes of justice-seeking, scholarly accounts on the importance of the involvement of local civil society have been recently burgeoning in the transitional justice literature.

The role of local civil societies and bottom-up approaches in transitional justice: Themes and assumptions from the literature

According to a consistent part of the current literature on transitional justice, institutional approaches have so far failed because they have barely featured any participation of those most affected by the injustices. This has led to “distanced” forms of justice that were implemented from the top-down and were completely unaware of the local justice needs.

So as to mitigate this distance, some authors have advocated that extant mechanisms of transitional justice (international tribunals in particular) become more accessible and responsive

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8 Roth-Ariaza, 2006.
to the local audiences, their support or contestation. According to other authors, local groups like local civil societies are the necessary complement of institutional mechanisms of transitional justice, as they can involve local societies through cultural, artistic or symbolic un-official initiatives that are more accessible than institutional ones. Finally, a more radical interpretation of inclusion of local actors drawn from the Participatory Action Research propounds that all the phases of the transitional justice process, including inception and decision-making, rest on the active participation of local groups.

No matter in which phase of the transitional process local groups are included, they are generally believed to be able to improve justice seeking processes by reflecting the justice needs of the groups that were most affected by the injustices. Hence, they can draw attention on issues that had been neglected by institutional approaches of justice seeking, thereby expanding the agenda of transitional justice. Transitional justice has recently been criticized for being too legalistic, i.e. too narrowly focused on the concept of injustice emerging from international criminal and humanitarian law. This focus allegedly distorts the analysis of the violence by excluding aspects of the injustice like economic and social inequalities, or gender issues. In sum, it is accused of having become a de-politicized concept, which is therefore not useful to highlight the political roots of conflicts and of state violence in general. Local actors are deemed in contrast to be “engines of change” with the potential of re-adjusting the focus of current transitional justice.

However, some authors have also warned against an uncritical eulogizing of the “local.” The dangers most frequently mentioned are that local groups can be influenced by international donors and organizations, or remain trapped in local dynamics of power. For instance, local civil society may refer to a standardized agenda of justice seeking rather than reflecting local justice needs. Also, consulting with local groups about their justice needs might not be enough, if the solutions proposed to them are still contained in a limited framework. Instead, local civil societies should be able to express their own ideas, as independently as possible from pre-fabricated conceptual frameworks of transitional justice.

This review briefly sketched the main ideas of the transitional justice scholarship as to the role of local actors in processes of justice seeking. This paper will focus primarily on two assumptions that seem to emerge quite clearly from the mentioned literature about local actors: they are considered to be first of all able to reflect the justice needs from the bottom-up, either by directly representing them or by effectively including them in their initiatives; second, they are thought to be able to bring new perspectives to the by now standardized frameworks of transitional justice, thereby serving as “engines of change.”

**Seeking Justice for War Crimes in Bosnia and Herzegovina: Local Efforts of Dealing with the Past**

**The Bosnian Context**

The conflicts that shook the Western Balkans in the decade of the 1990s/beginning of 2000s not only meant the end of a political system, the former socialist federation of Yugoslavia, and the beginning of an epoch of political restructuration. It also caused enormous destruction of resources (for instance, 80% of Bosnian industrial plants) and left thousands of victims among soldiers and civilians. Bosnia and Herzegovina was one of the countries that were hit the harshest
by the conflict, with 97207 documented victims,21 about 30,000 people missing after the war,22 about 20,000 women and 4000 men (estimated) who suffered systematic sexual violence during the conflict, even more that underwent torture in concentration camps, out of a total population of 4.5 million (before the war).23

The peace treaty commonly known as “Dayton peace agreement”24 froze the territorial and political situation of the end of 1995, by sanctioning the (internal) borders that had been obtained through widespread ethnic cleansing, leaving a country divided in two different entities (the Federation of BiH, the Republika Srpska) and a mixed district (the Brčko District) each with their own constitutions and governments, as well as a complicated system of government that awards power and responsibilities in part also on an ethnic basis.

The numerous crimes committed by the various local or international armies and paramilitary groups active in Bosnia during the war are therefore being manipulated to favor the victimizing version of the story of one or the other nationalist party, so as to keep the citizenry segregated and preserve these parties’ electoral appeal. This further complicates the survivors’ struggle for the acknowledgement of their stories, and more generally the process of understanding the wars and their real causes.

The International Criminal Tribunal for the former Yugoslavia (ICTY) was the first institution that tried to bring the debate about the past on a more objective level by establishing some first paramount facts, and most prominently the international character of the Bosnian conflict.25 Since the Tribunal’s establishment, not only Bosnia, but all the countries of the region have become “laboratories of transitional justice”26 experimenting a broad array of different measures of transitional justice.

In Bosnia Herzegovina, besides the overwhelmed domestic tribunals, the War Crimes Chamber of the “Court of Bosnia and Herzegovina”, a hybrid mechanism featuring both international and domestic judges, started to take up war crimes cases in 2002, some of which transferred from the ICTY, by then in the process of implementing its completion strategy. Notwithstanding the efforts of international and domestic courts, a great number of perpetrators are still free.27 Also, both mentioned war crimes tribunals were not able to convey their decisions to the public, with the Court of Bosnia and Herzegovina faring slightly better.28 This lack of an effective outreach considerably limited their impact on the larger debate about the past.29 To make up for this lack of resonance with the Bosnian public, alternative measures of transitional justice were also attempted, first of all truth commissions. These are generally believed to be more focused on the victims and therefore able to obtain a broader impact.

21 According to the research project “Bosnian Book of the Dead” realized on the basis of a long process of investigation (2003-2009) by the non-governmental Research and Documentation Center (Istraživački i dokumentacijski centar) from Sarajevo. There are of course other estimates, but they all calculate about 100.000 among civilian and military victims (Nettelfield, 2010:97).

22 This number has now been reduced to 10,000 thanks to the work of various NGOs and international organizations, for instance the International Commission on Missing Persons: http://www.icmp.org/icmp-worldwide/southeast-europe/bosnia-and-herzegovina/.

23 The last census dates back to pre-war 1991. There are only estimates available for current demographics (3.8 million ca.) but a national census is taking place for the first time this year (1-15 October 2013).

24 Its formal name is General Framework Agreement for Peace in Bosnia and Herzegovina, reached at Dayton, Ohio in November 1995, but signed in Paris in December 1995.

25 This is substantiated by the conclusions of the ICTY in the case of Tadić (Tadić, ICTY, Appeals Chamber, Judgment of 15 July 1999, paras. 80-145). The Tribunal had to establish that the conflict was of international nature in order to be able to apply art. 2 of its Statute (“Grave Breaches of the Geneva Conventions of 1949”).


27 Only in 2010, in Bosnia Herzegovina there were 1382 cases of war crimes in the investigation phase of 8249 suspected of committing war crimes, see “Tranziciona pravda u post-jugoslovenskim zemljama, izvjestaj za 2010-2011 godinu” (Transitional justice in post-Yugoslav countries, 2010-2011 report), Humanitarian Law Center, Belgrade, p. 15.

28 According to the analysis of Jones, Jeffrey and Jakala, 2013.

29 Dimitrijević, 1996; Cibelli and Gaberek, 2000; Arzt, 2006.
Various commissions of enquiry on different episodes of the war were initiated, but only the Commission of Srebrenica succeeded in issuing a report. Apart from these inquiries into specific episodes, the first initiative for a Bosnian truth commission came from the US Institute for Peace (USIP), which, after establishing contacts with some local NGOs, tried three times to promote a law for the establishment of a national truth commission (in 1997, 2000 and 2005). Besides the obstacle represented by reticent politicians, the initiative enjoyed little popularity among local civil society, because the consultations with them were very limited and most decisions were taken by few local NGOs in cooperation with the USIP, thereby making the whole initiative felt as imposed.\textsuperscript{30} Considerable resistance came from victim groups, precisely those for whom the initiative for a truth commission had been thought for first.\textsuperscript{31}

**The Initiative for REKOM**

Taking stock of these unsuccessful efforts, as well as of a parallel albeit different attempt in Serbia in 2002 (at the time Federal Republic of Yugoslavia), three NGOs (the Research and Documentation Center from Bosnia, the Center for Humanitarian Law from Serbia and Documenta from Croatia) decided in 2006 to inaugurate a new attempt to establish a truth commission, but this time at the regional level, “REKOM” (= Regional Commission). They immediately found the support of experts from the International Center for Transitional Justice (ICTJ) in Brussels and New York. Their plan was therefore to constitute a regional truth commission, which would research about the crimes committed during the wars of the 1990s in a regional perspective. Because the conflicts of the 1990s had had a regional character and had involved with different intensity all of the seven republics of the former Yugoslavia, the commission would produce a much more complete overview of what happened if it could operate freely all over the region, reasoned the activists involved in REKOM.\textsuperscript{32}

Aware of the fact that part of the failure of the past attempted commissions, as well as of the work of the tribunals, was attributable to a very weak involvement of the local civil societies in their inception and work, the architects of REKOM organized broad regional and local consultations with NGOs, victims groups, war veterans, artists and intellectuals, for a total of 127 consultations from 2008 to 2011. Throughout these consultations it collected new members, reaching a current total of about 400 NGOs and 500 individuals.\textsuperscript{33} REKOM hence became a coalition of all these organizations and individuals. The draft statute for the future Commission for the Establishment of the Facts was issued as a result of this consultative process.\textsuperscript{34}

Thanks to its regional dimension and its bottom-up approach, the Coalition was able to win the support of the international organizations active in the region,\textsuperscript{35} as well as of some local politicians, for instance of the president of Croatia Josipović, of one of the members of the Bosnian tripartite Presidency, Željko Komsić, of Kosovo Prime Minister Thaci, of the President

\textsuperscript{30} UNDP, “Vodič kroz tranzičijsku pravdu u Bosni i Hercegovini” (A guide through transitional justice in Bosnia and Herzegovina), p. 56.

\textsuperscript{31} Ibidem, p. 57.


\textsuperscript{33} Adopted by the REKOM assembly in March 2011, it can be found here: http://www.zarekom.org/documents/Proposed-RECOM-Statute.en.html.

\textsuperscript{34} For instance, of the Council of Europe, see “Post-war justice and durable peace in the former Yugoslavia”, Report of the Commissioner for Human Rights of the Council of Europe Thomas Hammarberg, March 19, 2012, p. 36; and of the EU, whose Human Rights Committee of the European Parliament was the first EU institution to declare its support to REKOM in September 2009; the UNDP makes an exception, as it has never officially given its support to the Coalition (interview with UNDP officials in Sarajevo, August 2013).
of Montenegro Vujanović, and of several MPs and other politicians from Macedonia. Through its grassroots appeal, it could also secure considerable funds from various international donors. Its next step will be to secure the sanction of the various former Yugoslav governments, who will then be in charge of establishing a regional Commission for the Establishment of the Facts, through an intergovernmental agreement.

Despite its bottom-up approach and its inclusiveness of a range of other local experiences of justice seeking, the Coalition for REKOM has also been object of criticism from the side of various local NGOs in the countries of the former Yugoslavia, and in particular in Bosnia and Herzegovina. First, in 2008, one of the funding NGOs, the Research and Documentation Center (RDC) from Sarajevo, dropped out, convinced that the Regional Commission for the Establishment of the Facts could not be realistically established with the sanction of the former Yugoslav governments. In order to coordinate the activities of the Coalition in Bosnia and Herzegovina after the withdrawal of the RDC, a new NGO was eventually founded in the beginning of 2012, the NGO for Transitional Justice, Accountability and Remembrance (TJAR). The major victims organizations of the country never accepted to be formally involved in the initiative.

Other Initiatives for Dealing with the Past in Bosnia Herzegovina

These briefly sketched mechanisms are by far not the only initiatives for dealing with the past in the region, and even less in Bosnia Herzegovina, where there have been numerous local and international initiatives in this field.

Among the international organizations, the UNDP somehow holds a monopoly on the subject of transitional justice in Bosnia and Herzegovina, as it has been cooperating directly with the Bosnian State-level government to set up a Strategy of Transitional Justice. The latter was proposed to the parliament in 2012 and, like many of the issues related to the wartime past, is still pending approval by the MPs. Notwithstanding the common focus on dealing with the past and on attending to victims’ needs, the UNDP has not given its official support to the initiative for a regional commission championed by REKOM.

But besides international organizations, local NGOs active in the field of transitional justice have been burgeoning, as a result of the initially abundant flow of international funds in the country, coupled with the conviction that re-building civil society was a priority for the country’s democratization.

Some, like the already mentioned Research and Documentation Center (RDC) have been specializing in collecting evidence about the victims of the war. These NGOs have been fundamental for establishing precise numbers as to the disappeared in the conflict, a topic subject to great manipulations from each nationalistic side. For instance, the RDC has carried out

37 Among the most import are the European Instrument for Democracy and Human Rights, the Netherlands Embassy in Belgrade, the National Endowment for Democracy (see for instance http://www.zarekom.org/documents/Financial-Report.en.html).
38 Among which for instance, the Mothers of Srebrenica and Žepa enclaves, the Women Victims of the War and the Council of War Camps Inmates Survivors of Bosnia and Herzegovina. These groups do participate to REKOM’s meetings, but do not want to give their official support to the initiative.
40 Although there are no precise data available, there are about 12000 NGOs in Bosnia Herzegovina, of which about 6000 are active at present (see “Looking back looking forward. Promoting dialogue through truth seeking in Bosnia and Herzegovina”, UNDP special report, 2010).
comprehensive research about the victims of the war, now published in the “Bosnian Book of
the Dead” (June 2007), which provides an accurate estimate of military and civilians disappeared
during the war.43 The ICMP, an intergovernmental organization, greatly contributed to
establishing the fate of the disappeared, primarily by carrying out the identification of the
exhumed victims of the mass killings.

Some other NGOs are specialized in providing therapeutic support to the victims of war
trauma, sexual violence or torture. Hence, they work on dealing with a difficult past at the
personal level, but thereby they certainly have an impact at the societal level.44 Others are more straightforwardly dedicated to education and awareness-raising about the
wartime past, among which most prominently the Youth Initiative for Human Rights, which has
offices all over the region.

The victims themselves have organized in many different associations, some of the most
famous being the Mothers of the enclaves of Srebrenica and Žepa, the Women Victims of the
War, and the Council of former War Camp Inmates-Survivors of Bosnia and Herzegovina.

In this quick overview of the main actors of justice seeking in Bosnia Herzegovina,
REKOM emerges from the others first of all because of its regional scope. Moreover, REKOM
has made itself known both in the country and internationally for its self-declared bottom-up
approach, thereby securing funds and support from an array of relevant international actors in
the Bosnian context.

**Preliminary Knowledge about the Case Study and Methodological Notes**

This paper will explore the role of the local initiatives for justice seeking, by especially
focusing on the Coalition for REKOM, as it constitutes at the moment the best-known initiative
for dealing with the past in the region. Moreover, from the very beginning its leading
organizations consciously adopted a bottom-up approach, which makes it particularly fitting the
purpose of this research, i.e. understanding local justice-seeking efforts from the bottom-up. The
paper will analyze REKOM from the perspective of its relations with the various groups and
initiatives that work on transitional justice in Bosnia and Herzegovina, to see whether they
perceived their justice-needs to be reflected in REKOM’s approach.

Notwithstanding the bottom-up approach and the breadth of the consultations carried
out, many local organizations from various countries of the former Yugoslavia have assumed a
critical stance toward the initiative for REKOM, or have refused to become members of the
Coalition. According to the pilot interviews carried out with members of REKOM in 2012,45
there were some problems of communication between the more peripheral organizations and the
leader organizations in REKOM, whereby the first did not find their needs properly reflected in
the work of the Coalition. Hence, there seemed to be issues of inclusivity within the initiative.
Also, from a preliminary document analysis REKOM seemed to refer to a standardized discourse
of transitional justice. If this holds true, REKOM would not contribute to a process of
transitional justice much different from top-down ones, thereby not really promoting change as it
is interpreted in the reviewed literature.46

The presentation of the preliminary empirical findings will therefore be organized around
these two broad topics: inclusivity and change, as drawn from the literature review above (par. 3).
In fact, at a first sight, they seem to be relevant for the studied case as well.

Finally, the focus on one country only out of the seven former Yugoslav states will allow
taking into account the specific context of bottom-up justice seeking in Bosnia and Herzegovina.
This country has probably the most urgent reasons for finding ways to deal with its wartime past,

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45 The interviews were carried out with 2 Croatian and 2 Bosnian NGOs in summer 2012.

as the current manipulation of the past that the country’s politicians continue perpetrating is a concrete obstacle to the normal political functioning of the country.

The so far collected data consists of 32 expert interviews with various non-governmental organizations in Bosnia Herzegovina and Serbia. These were sampled so as to include both members and non-members of REKOM, REKOM’s leading organizations from Bosnia and Serbia, and so as to cover a variety of different NGOs (human rights, women, victims, more professionalized and less professionalized) from Bosnia. The interviews were semi-structured but were adapted to the interviewee and the circumstances. Their main purpose was to bring out the different conceptions of justice and justice needs purported by the different groups, as well as the perception of the role of these groups in achieving the different justice aims and needs. The interviews have not been coded yet, but they have been organized following the two main themes singled out in this paper: the inclusivity of local actors and their attitude to promote change. Hence, the present paper will merely present the main tendencies singled out so far in a first review of the data. If there are any citations, they are always in English (translation by the author), but an original Serbo-Croatian version is available in the footnotes. The analysis of a series of documents regarding REKOM or the other initiatives surveyed has also been resorted to and partially coded (reports, press-releases, newspaper articles etc.).

Local Initiatives for Justice-seeking in Bosnia and Herzegovina: Preliminary Findings

Local actors as inclusive

Local actors, like local civil societies and bottom-up initiatives, are supposed to be able to reflect the justice needs of the affected societies better than institutional approaches to transitional justice. What can be drawn on this matter from the experience of REKOM and in general, of local civil society initiatives in Bosnia and Herzegovina? How was REKOM perceived to fare in terms of inclusivity by the other members of local civil society in Bosnia and Herzegovina? This sub-paragraph presents some preliminary findings on the problems of inclusivity and representation for local initiatives for justice seeking.

REKOM as an inclusive initiative? Notwithstanding its intention of being inclusive of as many local groups as possible, many Bosnian organizations for some reason or another are very critical toward REKOM or have withdrawn from it. Of the 9 organizations that had been sampled as members of REKOM, only three openly support the initiative, while the others either do not completely support its approach or have withdrawn from it (but this has not been updated in the list of members). 47

Except for a few “hot” topics, like the inclusion of the causes of the war in REKOM’s investigation or the preference for trials (dealt with more thoroughly in the following paragraph), the reasons for such mistrust for the initiative are normally that REKOM was “not properly organized”, or it did not live up to the expectations of the organization. Most often, they claim that the initiative lacked transparency, which refers to the fact that it is difficult for them to determine who made the decisions in REKOM and to a sort of sense of exclusion. 48 In some cases, it refers also to the use of funds, which they think have been wasted by the leading organizations, e.g. in the organization of redundant seminars – although REKOM displays all the information relative to the use of its budget on its website. Another critique often addressed to REKOM is that it did not manage to involve the victims, 49 and in fact the best-known associations of victims did not become member of REKOM.

REKOM activists conversely think they made every effort to include and represent as many groups and views as possible. 50 For instance, an activist from a REKOM leading

47 The latter is updated to February 2012.
48 For instance, Interview n. 4, n. 5, n. 21, n. 28.
49 Interview n. 4, n. 21, n. 23, n. 28, n. 32.
50 E.g. interview n. 4.
51 Interview n. 8, n. 9 and n. 31.
organization describes how, in preparing the draft Statute for REKOM, they had to give up some of their original ideas, in order to find a solution able to satisfy the different groups members of the initiative.52 Regarding the victims, another REKOM activist says they are particularly important for the initiative, and even if they did not become formal members, they did participate in all meetings, by showing that they wanted their voice to be included in the initiative. The interviewee reiterates that if they choose not to participate “it is their choice, and it is a legitimate choice”, “but then, the next challenge is, […] to engage the victims that do not want to participate, because it is their right to participate, and you have to remind them that if they change their mind, if they think that it is worth a try, they should.”53 Similarly, another REKOM activist says that victims might need time to understand the initiative (and then support it).54

Perceived lack of cooperation within Bosnian civil society. This apparent lack of inclusivity or transparency on the side of REKOM leading organization must be considered on the background of a general sense of lack of cooperation among Bosnian civil society organizations.

For instance, Bosnian interviewees claim that there is a harsh competition among organizations on the available funds, which have been waning recently.55 They complain that there is a lack of cooperation and an efficient division of labor among the various organizations of civil society on issues of justice seeking,56 because the single organizations tend to do everything by themselves and not consult with each other.57 Some lamented that they “don’t have the experience” for a more productive cooperation,58 or that this cooperation is not likely to be attained at the present moment,59 alluding to the mistrust that has been lingering among ethnic groups ever since the war.

Among the various groups that compose active civil society in Bosnia, victims groups are perceived to be particularly difficult to cooperate with, both in and outside REKOM. “They have a very specific mindset”60 and their activism is “based on a very radical and dramatic experience.”61 Hence, victims pursue very specific, sometimes particularistic aims.62 Victims are often perceived as uncompromisingly pursuing their aims, such as finding their loved ones, if they are relatives of disappeared, receiving some economic help, if they are victims of sexual violence or torture and they are alone; but if they already enjoy some kind of economic subsistence, then they consider psychological support their priority.63

Another reason why they are perceived as difficult partners is that they felt to be vulnerable to political manipulation from one or the other side. For instance, those who lost their relatives in the Srebrenica genocide could be easily used for the purposes of the elites in power to feed their ethno-religious narratives that are at the basis of their electoral power. As to the women victims of sexual violence, they have been on the one hand used in a similar fashion, on the other they have been stigmatized by the same ethno-religious and thus patriarchal elites.64

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52 Interview n. 9.
53 Interview n. 31 (English in the original).
54 Interview n. 15.
55 Interview n. 4.
56 Interview n. 17.
57 Interview n. 24.
58 Interview n. 14, Bosnian in the original (“nemamo iskustvo za ovaj zajednički rad”).
59 Interview n. 20.
60 Interview n. 4.
61 Interview n. 31 (English in the original).
62 Interview n. 4.
63 Interview n. 21.
64 Interview n. 24; the interviewee has conducted more than 50 interviews with women associations in Bosnia and Herzegovina for her own research.
These might be some reasons why they are sometimes not believed to be part of civil society, or think that in order to accomplish projects broader than their particular aims, victims need to be guided by others.  

**Professionalized or leading organizations.** Through this latter comment about the victims the interviewed NGOs show to be aware of their role as leading organizations. As a matter of facts, this seems to coincide with a sub-division between professionalized and less professionalized organizations in Bosnian civil society, where the more professionalized ones perceive their role to be that of translators of ideas of transitional justice to the broader civil society and the public.  

For instance, as stated by the head of one of REKOM’s leading NGOs, in the consultation process’s first part, these leading NGOs “familiarized the participants with the experiences of other post-conflict societies, in order to facilitate the task of developing the REKOM model.” Hence, there seems to be an implicit understanding that these “leading” organizations will provide the basic ideas for the initiative, which will be then proposed for the discussion with the other members of the Coalition and with civil society. This, according to a first analysis, seems to be the meaning of bottom-up espoused in REKOM.  

**Local actors as engines of change**  
As mentioned above, there is a sizeable branch of the transitional justice literature that has become critical of the conceptions of justice implicit in “global” transitional justice, which is deemed now to be too narrowly focused on civil and political rights, by disregarding important aspects that might have been at the basis of the violence. As shown in the literature review, some authors think that these drawbacks can be made up for by including local actors in transitional justice processes.  

Were the analyzed local actors in Bosnia able to reach these goals, and thereby become engines for change in justice processes? This sub-paragraph endeavors to put together some first findings about the relationship between local actors and change in transitional justice processes.  

**Attributing responsibilities and finding the roots of the conflict.** In general, the surveyed actors felt REKOM was not daring enough in its efforts of truth seeking. For instance, some interviewees have the impression that REKOM has chosen to give to all victims the same importance and weight. As an interviewee explains, this might well be appropriate at the individual level, as every victim has the right to see their sufferance acknowledged, but not at the collective level, where some groups have suffered more violations. REKOM “remains on the three-side logic [muslims, croats, serbs], all have their own stories, all are touching, all are terrible”. The fear of these organizations is that together with victimhood, responsibility of the political level will be equalized. Therefore, they worry “whether this is going to bring to reconciliation at all.”  

However, it is again useful to consider REKOM against the backdrop of Bosnian civil society. Some Bosnian organizations, like those member of the Mreža za Izgradnju Mira (Network for the construction of Peace) have been even more politically correct than REKOM in their truth seeking efforts, in that they avoided talking explicitly about transitional justice, as they consider it a too political topic, and therefore prone to spark controversies. Instead, they

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65 Interview n. 4.  
66 Interview n. 9.  
67 Interview n. 7.  
69 Interview n. 16 and n. 25.  
70 Interview n. 25, Bosnian in the original (REKOM ostaje na ove tri strane, svi imaju svoje price, sve je to dirljivo, sve je to strašno).  
71 Interview n. 25, Bosnian in the original (da li to zaista može da vodi do pomirenje).
have chosen to focus on “peace,” which they consider to be a much more neutral issue. For instance, they organize public “speaking out events” (javno govorenje) to provide the victims a space for telling their stories. But they make clear that “they just focus on the human stories personally”, and “they are not discussing the politics at all”. For instance, if the victim believes “there was no genocide in Srebrenica, no worries, your opinion, we don’t discuss it, we are just discussing how do you feel, personally.”

A strictly related problem is that of the causes of the war, which some interviewees do not perceive as properly addressed in the Coalition for REKOM. However, according to the Statute, the future Commission for the Establishment of the Facts is actually supposed to investigate on the events that lead to the beginning of a conflict. But the way that one of REKOM’s leaders seems to interpret this search for the causes consists simply in providing the circumstances of the disappearance of the individuals, which would not amount to figuring out the political responsibilities for the conflicts.

Perhaps for these reasons, REKOM is perceived sometimes to be too close to the official level, whose collaboration it has been actively seeking for establishing the intergovernmental agreement to form the future commission. In short, REKOM is perceived as somewhat shy in its search for truth, especially in relation with the political level. And some interviewees have interpreted this attitude as the Coalition being too ready to compromise with the political level.

For REKOM’s leading organizations, the search for cooperation with the governments through the ultimate sanction politicians are supposed to provide to the initiative is actually a sign of maturity of civil society in the region, which for once is not opposing the governments. From this point of view, REKOM’s approach can be regarded as innovative, because through its truth seeking effort it is trying to break into the official level.

Promoting new conceptions of justice? REKOM’s approach is considered as too soft also because some victims associations have more urgent priorities, like finding their loved ones, obtaining the status of victims and relative benefits at the State level, or simply seeing their perpetrators put on trial. One such interviewee states “we don’t see how with the participation in the mentioned commission we can in any way realize our mission and purposes, or somehow improve the status of our members.” Again, there is some misunderstanding of the idea of REKOM, in that its advocates have always made clear that the initiative should be complementary to trials and other initiatives of transitional justice.

The so far listed critiques directed to REKOM are motivated by the need to obtain very concrete rights, rather than pointing to the abstract conception of justice implied in REKOM. However,

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72 Interview n. 4, talking about the “Mreža za izgradnju mira” (Network for the construction of peace), of which the interviewee is one of the co-founders.
73 Interview n. 4, English in the original.
74 Interview n. 4, English in the original.
75 Art. 14, d) (Under „Functions“: „researching the political and societal circumstances that decisively contributed to the outbreak of wars or other forms of armed conflict as well as to the commission of war crimes and other gross violations of human rights“).
76 Interview n. 8.
77 Interview n. 14 and 18.
78 Interview n. 14 and 28.
79 Interview n. 9.
80 Interview n. 23.
81 Interview n. 23 and n. 28.
82 Interview n. 20, email exchange after the interview (June 7, 2013), Bosnian in the original (mi ne vidimo da participacijom u pomenutoj komisiji možemo na bilo koji način realizirati svoju misiju i ciljeve, te doprinijeti poboljšanju statusa našeg članstva).
83 See for instance, “REKOM questions and answers” (available at www.zarekom.org), where 11 of the 20 various questions devoted to explain the initiative to the public are concerned with separating the Commission from juridical bodies, reassuring that the Commission will not hold judiciary powers and that it will complement rather than substitute criminal courts; also, Interview n. 8.
there are few voices among Bosnian organizations that criticize more specifically the current model of transitional justice and how it is implemented in Bosnia and Herzegovina.

Some interviewees from women associations for instance claim that transitional justice in Bosnia and Herzegovina does not really take into account the problems of gender in any significant way, and tends to focus on women almost exclusively as victims of violence, and especially of sexual violence.\textsuperscript{84}

Another interviewee points out that in fact, funds are awarded quite often to projects that focus on women issues, but then the focus, most of the time determined by international donors, is rather on violence against women during or after the war, i.e. on the effects rather than the causes of the problem. Instead, she thinks many of the problems women suffer nowadays in Bosnia and Herzegovina are related to the changed socio-economic conditions in the country as a consequence of the war. The destruction of many industries that used to be sources of employment for women on the one hand, and the drastic cuts to the welfare on the other have worsened the social condition of innumerable women. Although the rights of women were not addressed enough under socialism either, they are now object of state policies only when international obligations come into play, and then again they regard exclusively physical violence against women.\textsuperscript{85}

There is yet another critique of the current way transitional justice is applied by local civil society. An interviewee argues that the service-providing function that many local NGOs have to perform in Bosnia Herzegovina does not leave them the space and time to become real advocates of change.\textsuperscript{86} Bosnian NGOs had to take up many tasks that would otherwise be of competence of the State, like providing social and psychological assistance to war survivors, providing legal assistance to survivors who want to pursue their rights in court, collecting the evidence of war crimes and researching about the disappeared—all activities that are carried out by local or international NGOs, mostly through international funding. And some literature has in fact pointed out that international donors in Bosnia Herzegovina have tended to invest in service-providers rather than in advocacy type of NGOs.\textsuperscript{87}

At the basis of both mentioned critiques there is also the problem, referred to explicitly by the interviewees, that local civil society initiatives are often donor-driven. Hence local actors are often constrained within the framework dictated by the international donors when choosing the initiatives to promote.

\textbf{Conclusions}

This paper examined the current general assumption of the literature of transitional justice that the involvement of local actors is the key to developing more efficacious and resonant justice seeking processes in transitional countries. To do so, it confronted this assumption with the empirical case of the regional Coalition for REKOM on the background of Bosnian local groups involved in justice-seeking initiatives in Bosnia and Herzegovina. With this purpose, it analyzed the view of many NGOs and associations of Bosnian civil society regarding the truth seeking initiative for REKOM and, more in general, about their priorities and conceptions of justice. It did so by taking especially into account the concepts of inclusivity of local initiatives and of their capacity of spurring change in transitional justice.

The case study showed that it was particularly difficult for the analyzed initiative, REKOM, to include and represent the numerous views on justice present in the panorama of local civil society in Bosnia. REKOM’s approach has spurred many critiques often because it failed to include the actors in its decision-making (alleged lack of transparency) or because the priorities of the single groups were different from what the Coalition (and the leading

\textsuperscript{84} Interview n. 5. This has also been repeatedly pointed out by the literature of transitional justice, see for instance, Buckley-Zistel and Stanley, 2012: 6, Potter and Abernethy, 2013:165.

\textsuperscript{85} Interview n. 24.

\textsuperscript{86} Interview n. 21.

\textsuperscript{87} Rangelov and Theros, 2011; Belloni, 2001; Fagan, 2013.
organizations behind it) proposed. Even if the Coalition very clearly propounded a complementary approach to the other justice-seeking initiatives at the national and regional level, some groups preferred to focus exclusively on their priorities, like finding their loved ones, seeking a better status as victims at the state level, or promoting more decidedly the juridical prosecution of their perpetrators. This is not negative *per se*, but it belies the idea that there is one common indigenous sense of justice, or one harmonic local civil society.

Local actors are also believed able to promote a more significant investigation into the past, by highlighting the political responsibilities at the basis of the violations, and the consequences on structural inequalities. In a certain sense, by manifesting unease at the idea that the causes of the war might not be thoroughly researched in REKOM (actually a misunderstanding), local actors from Bosnia showed to support a reconstruction of the past that is not limited to the circumstances surrounding the individual crimes, as in retributive forms of justice, but that includes the broader circumstances that brought to the conflict, and the political responsibilities behind them.

A few critiques point directly to some features of the current transitional justice framework in Bosnia and Herzegovina and why the latter cannot stimulate change, e.g. because it is focused rather on the consequences of the violence, it is service-oriented, and donor-driven. If this is confirmed by further empirical analysis, one could observe that the current tendency of international organizations and donors to invest in the reconstruction of a local civil society, so as to guarantee that processes of justice and democratization be locally owned, should be coherently accompanied by a more open and flexible approach as to the projects to be carried out. As already pointed out by part of the literature,88 if local actors are presented possibilities for justice-seeking that are already constrained in a closed range - the traditional framework of transitional justice – even their contribution might not be able to bring any change to transitional justice and to their own societies.

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