
Professor Clark examines the relationship between an international court (primarily the International Criminal Tribunals for the Former Yugoslavia or ICTY) and its impact on reconciliation efforts in Bosnia, Croatia and Kosovo. She is critical of those who think that creation of an international court by itself will result in reconciliation. She points out that there is popular dissatisfaction with the work of the court and that each ethnic group only incorporated the verdicts of the courts that supported their narrative and rejected those that opposed it (p. 6). As a result, the differences between various communities in Bosnia have not diminished, but have remained despite 20 years of work (p. 7). She argues that reconciliation only occurs when there are multi-prong approaches to peacebuilding that include institutions to address truth, justice, reparation, and so on (p. 8).

The greatest strength of this book lies in her argument that in the absence of a well-designed framework for groups to reconcile and have what the author calls “thick” peace, well intentioned institutions of justice will fail to provide a meaningful mechanism towards reconciliation. In the areas of justice, truth, and inter-ethnic cooperation, Clark illustrates masterfully how each ethnic group (Bosnian Muslims and Bosnian Serbs) had their own views of the role of the court, its procedures, and its verdicts. She illustrates how each ethnic group selectively accepted certain aspects of the ICTY that was congruent with their narrative and rejected those elements that were incongruent. She confirms the same pattern holds when discussing the trials involving cases in Croatia and Kosovo.

I think there are also two added issues mentioned throughout the book that require more attention: outreach by the court and “local” community involvement. The ICTY could have improved some of the perceptions regarding justice and truth if it had initiated its outreach activities much earlier and on a more regular basis. The ICTY assumed that once the decisions were made, the local communities would embrace it. The idea of outreach seems to have been an afterthought (p. 105). Second, local community involvement is a bit more controversial. Clark recommends that all communities get involved in the creation of courts, but given the great split among the communities in Bosnia, would involving them have led to better results? What she mentions however is a response to the first topic—absence or delayed community outreach. As a result, there was a huge gulf between what the community members thought the ICTY should do and what it actually was doing. One possible solution links the two ideas together. It is often assumed that the community members are willing to live together and forgive and forget (South African model). This often ignores the role of the leadership in South Africa that actually advocated for reconciliation (i.e., Rev. Desmond Tutu), in situations where leadership is silent on reconciliation, there is a need to teach the members of the community about transitional justice and topics related to it (truth, justice, history, reparation and so on). Community education will not only result in better educated community members, but will also force the community members to adopt a more realistic expectation of the courts and better understand what they are established for and, more importantly, what they are capable of delivering. This may not solve the split between the affected communities, but at least within each group there would be better understanding of the role of the court in post-conflict situation.

The weakness of the book lies in the assumption that there is a consensus that justice alone will lead to reconciliation. Clark should have provided more on the scholarship regarding justice-reconciliation nexus. As she points out, this is the first study to look at this issue (p. 4). It may be because others have
looked at the courts as a means of accountability-only one aspect of reconciliation-but not its totality. As Carmel Agius, the president of the ICTY stated recently, the purpose of the court was to address truth, not reconciliation.\(^1\) On this front, I think the author needs a bit more work.

Despite this criticism, I think what Clark has done is remarkable in terms of looking at complex legal cases and issues and examining how each ethnic group viewed these and adopted and/or rejected them. I think this suggests that for reconciliation to work, and for the courts to contribute towards it, there is a need to work more in the communities. Only then will the courts have a better chance of bringing the communities together. In case of Bosnia, it seems that the parties ceased to fight with weapons, but never agreed to live together. The Dayton Accord ended the military hostilities, but not interethnic hostilities. In light of those circumstances, no court will contribute to reconciliation. Perhaps we should be looking more at the shortcomings of the Dayton Accord in terms of bringing communities together or keeping communities separate as a beginning point for reconciliation or its failure in Bosnia.

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