

**SALIENCE, AUTHORITY, AND RESOURCES:
EXPLAINING VICTIMS' COMPENSATION IN POST-
WAR BOSNIA AND HERZEGOVINA**

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ABSTRACT

The aim of this thesis is to probe subnational varieties in compensation enacted for war victims in post-war Bosnia and Herzegovina. The current literature in transitional justice posits that mainly the nature of previous conflicts, democratic and economic development, international normative pressures, and the regional clustering of justice explain why only some post-war countries award material assistance to victims (Olsen et al. 2010; Kim 2012; Risse and Sikkink 2013; Powers and Proctor 2015). While these explanations provide critical insights into the processes behind compensation adoption across states, they do not explain why only some victim categories within a state secure compensation. Drawing on a large database of qualitative data ranging from interviews to newspaper articles collected during fieldwork in Bosnia, this thesis explores compensation for military and civilian war victims, victims of torture and sexual violence, and families of missing people. By zooming in on these victim categories in the Bosnian context, this thesis advances a new understanding of compensation for victims as an outcome of complex political, external, and economic influences exerted on the main domestic policymakers. This thesis uses a new analytical framework about the inter-category varieties in compensation that draws upon arguments about bounded agency of war victims who are constrained by the parameters of post-war political structures that to a large degree shape their strategies. I show that the different compensation outcomes can primarily be explained by the varying effectiveness of victims in convincing domestic political authorities that compensation is in their political interest by using framing and advocacy strategies at the domestic and international level. While such strategies are limited by the political and socioeconomic characteristics of the state, victim categories that are able to strategically frame their demands and access resources to mobilize are more likely to secure compensation adoption. Therefore, this thesis introduces three tools that victims can leverage – *international salience*, *moral authority*, and *mobilization resources* – that are shaped by both structural conditions and the victims' agency.

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ABBREVIATIONS

ABiH – Army of Bosnia and Herzegovina

AI – Amnesty International

BiH – Bosnia and Herzegovina

BORS – Organization of Fighters of RS

CEN – Central Records of Missing Persons

CRSV – Conflict-Related Sexual Violence

CWV – Civilian War Victims

DDR – Demobilization, Disarmament, and Reintegration

EBRD – European Bank for Reconstruction and Development

EU – European Union

EUFOR – European Union Force

EUPM – European Union Police Mission

FARG - Le Fonds d'assistance aux rescapés du genocide (Assistance Funds for Survivors of the Genocide)

FBiH – Federation of Bosnia and Herzegovina

FRY – Federal Republic of Yugoslavia

HDZ BiH – Croat Democratic Union in Bosnia and Herzegovina

HULDR – Croatian Association of ex-Detainees of the Homeland War in BiH

HR – High Representative

HRW – Human Rights Watch

HVIDRA – Association of Croatian Defenders and War Invalids

HVO – Croatian Defence Council

ICC – International Criminal Court

ICG – International Crisis Group

ICMP – International Commission for Missing Persons

ICRC – International Committee of the Red Cross

ICTJ – International Center for Transitional Justice

ICTY – International Criminal Tribunal for the former Yugoslavia

ICTR – International Criminal Tribunal for Rwanda

ICJ – International Court of Justice

IFOR –Implementation Force (of NATO)

KM – Convertible Mark

IMF – International Monetary Fund

IMP – Institute for Missing Persons

IOM – International Organization for Migration

IPA – Instrument for Pre-Accession Assistance

IPTF – International Police Task Force

JNA – Yugoslav National Army

JOB – Unified Organization of Fighters

MHRR – Ministry for Human Rights and Refugees

MWV – Military War Victims

NATO – North Atlantic Treaty Association

NGOs - Non-Governmental Organizations

OHR – Office of the High Representative

OHCHR - Office of the United Nations High Commissioner for Human Rights

OSCE – Organization for Cooperation and Security in Europe

PDP – Party of Democratic Progress

PIC – Peace Implementation Council

PM – Prime Minister

PTSD – Post-Traumatic Stress Disorder

REKOM – Regional Commission Tasked with Establishing the Facts about All Victims of War Crimes and Other Serious Human Rights Violations Committed on the Territory of the Former Yugoslavia in the period from 1991-2001

RS – Republika Srpska

SBiH – Party for BiH

SAA – Stabilization and Association Agreement

SDA – The Party of Democratic Action

SDP – Social Democratic Party

SDS – Serb Democratic Party

SLBH – Union of Camp Inmates of Bosnia and Herzegovina

SLRS – Union of Camp Inmates in Republika Srpska

SFOR – Stabilization Force (of NATO)

SFRY – Socialist Federal Republic of Yugoslavia

SNSD – Alliance of Independent Social Democrats

SPONA – Serb Movement of National Associations

TRIAL – Track Impunity Always

UK – United Kingdom

UN – United Nations

UNDP – United Nations Development Program

UNFPA – United Nations Population Fund

UNHCR – United Nations High Commissioner for Refugees

UNICEF – United Nations International Children’s Emergency Fund

UNPROFOR – United Nations Protection Forces

USAID – United States Aid Agency

USD – United States Dollar

VRS – Army of Republika Srpska

WB – World Bank

WHO – World Health Organization

NOTE ON PRONOUNCIATION

Throughout this work I use the local spelling of names, places and other terms. This is a brief explanation of transcripts and how to read these sounds in English.

c is pronounced as *ts* (as in *cats*)

č is pronounced as *ch* (as in *cheese*)

ć is pronounced as a softer *ch*

dž is pronounced as *j* (as in *jingle*)

đ is pronounced as *dj*

lj is a diphthong pronounced as a combination of *l* and *y*

nj is pronounced as soft *n* (as in *new*)

j is pronounced as *y* (as in *Yugoslav*)

š is pronounced as *sh* (as in *show*)

ž is pronounced as *zh* (*Zhdanov*)

INTRODUCTION

1.1. THE PUZZLE

Almin is one of the estimated 200,000 survivors of torture during the 1992-1995 war in Bosnia and Herzegovina¹. As the leader of a Sarajevo-based victim association, he has been at the forefront of the struggle for formal recognition of victims of torture who suffered in brutal camps as prisoners of war. In the Bosnian system of war-related compensation these victims are the only category of victims that remains without any formal rights. Pressing the state into legally including them in compensation legislation has been the declared objective of Almin's association, as well as dozens of similar associations across the country. Recognition, encapsulated in the legal 'victim status', would provide victims of torture (also called 'ex-detainees') with free social and medical services, preferential job opportunities, and monthly payments. It would also give them the moral satisfaction of having their suffering recognized in law. To Almin, ex-detainees not only suffered during the war, but also from what he sees as discriminatory policies that have left them 'on the margins of society'.²

In contrast, in 2006, Elma became one of the hundreds of Bosnian women that have been recognized as war victims and granted compensation.³ During the war, she was brutally raped and repeatedly sexually abused. Not only a rape survivor but also an internally displaced person from northern Bosnia, she moved to the capital Sarajevo after the war in 1995. In 2002, Elma joined the women's section of the local ex-detainee association that had campaigned for recognition of women as war victims alongside victims of torture. After years of activism and awareness-raising, her category was at last successful in June 2006 when a legal amendment was passed in the larger Bosnian entity (the Bosniak-Croat Federation) that granted rape survivors a victim status. Thereafter, some survivors of sexual violence were given monthly compensation in the equivalent of 250 Euro and free healthcare.

¹ I use 'Bosnia' and 'Bosnian' as shorthand for 'Bosnia and Herzegovina' and its citizens. I also use the abbreviation BiH (*Bosna i Hercegovina*) as is common in the country.

² Interview 98/CV/SA 2015.

³ Elma is not her real name. This story was described in an interview with the author by a social worker. Interview 17/TZ/NG 2015.

Almin and Elma are representatives of broader victim categories that have each received a different compensation treatment from the Bosnian state. Not only have survivors of rape and torture been treated differently; several other categories, such as families of missing and killed persons, paraplegics, and victims of other injuries have been granted different types of compensation in post-war Bosnia. These varied approaches invite questions into the mechanisms behind awarding compensation and the factors that influence compensation adoption in a post-war state. It is indeed this variation in such state-provided compensation for victim categories emerging from the 1992-5 Bosnian war that is the key focus of this thesis. The main question of this thesis thus is: How do we explain the different compensation outcomes for war victims in Bosnia after the end of the war? Through the lens of different compensation outcomes in Bosnia, I explore factors that assist victims to succeed with their demands for compensation (that are often in parallel to their other pursuits such as criminal justice and truth) and examine the strategies they have used to secure new compensation laws.

While this Bosnia-specific puzzle sparked my research interest, it is the complex phenomenon of victims' activism in the aftermath of wars that this thesis probes. Unlike the majority of transitional justice literature that examines state-level justice outcomes, this thesis studies the inter-category dynamics of redress in a post-war state. Such an enquiry invites wider questions that are at the heart of the transitional justice scholarship, i.e. questions about how post-war societies deal with their violent past and how collectives of individuals victimized by war pursue justice. Indeed, the broad research question of this thesis is thus: How do victims in post-war states pursue policies of transitional justice? As I demonstrate throughout this thesis on the example of compensation, victim organizations and their leaders utilize a variety of advocacy and framing strategies to achieve their goals at the domestic and international level. However, although victims choose different strategies and tactics, their pursuits are to a large degree bounded by the post-war space in which they operate that endows them with different opportunities to demand compensation.

Drawing on extensive fieldwork, media sources, and secondary literature, I use Bosnia to illustrate how these questions featured in a context that has undergone both a brutal war and a complex post-

war recovery. I introduce an analytical framework for compensation adoption that combines the uneasy relationships between structural conditions and the agency of domestic and external actors on the one hand and victim associations on the other. Studying compensation adoption as the first step on the path to compensation, this thesis focuses on the often overlooked and under-researched process of compensation-making that is frequently overshadowed by studies that explain structural and bureaucratic obstacles to policy implementation. Rather than focusing on the second step of the compensation process, implementation, i.e. victims access to compensation, this thesis only traces the history of compensation adoption.

Therefore, I advance a political approach to compensation within post-war states. As a victim-centric tool that accounts not only for victims' rights but also needs, state-administered compensation in the form of payments and service provisions can assist victims to re-establish their lives and recognize their suffering. At the same time, it can also create new forms of identification and types of victimhood (such as economic marginalization). Rather than a tool of justice alone, it represents a policy loaded with war narratives, ideas about socioeconomic redistribution, and moral codes of societal solidarity with vulnerable groups. Despite its seemingly technical nature, compensation adoption is a deeply political process where power interests of domestic political authorities clash with victims' ideas of justice and external actors' efforts to impose the norms they advance. While compensation policies offer an opportunity for post-war societies to reintegrate their victimized populations, they also include threats of selective recognition and assistance that may further undermine stability. This thesis thus offers a new way of studying the adoption of an important transitional justice tool that has been increasingly put forward as desirable for victims.⁴

Previously, much research in transitional justice has explored the cross-country varieties of state-provided benefits for victims. It has mainly argued that structural conditions and normative pressures determine the different types of compensation that post-war states offer to their victim population.⁵ A main thread of these works emphasizes the role of external actors as key motors of policy adoption

⁴ See Bloomfield et al. 2003.

⁵ Cf. Wolfe 2013; Powers and Proctor 2015.

and reform. However, these factors cannot explain the puzzle of this thesis, which is not about cross-country differences but the variation of state-administered compensation among victim categories. Additional explanations such as regional distinctions and financial pressures have been also proposed to explain such variations within states.⁶ Although these propositions can account for different patterns of access to compensation by individuals (or groups of individuals), they offer only partial explanations to why governments adopt compensation only for some victim categories. Financial and regional determinants would also affect all categories across the state similarly. Unless there are some other factors at play, when governmental budgets are depleted, why would compensation be adopted at all? Indeed, we need to look for other explanations of the varied patterns of compensation for victim populations in post-war countries. This thesis identifies such key factors in the case of Bosnia, blending the common structural explanations (that include the distance from the conflict, the type of political system, the level of socioeconomic development, and the involvement of external actors⁷) with the role of victims. As factors accounting for compensation adoption have not been explored in a systematic manner to date, this thesis represents the first attempt of its kind.

In the following five sections of this chapter, I first introduce and define the concepts of victimhood and compensation while situating them within the broader scholarship of transitional justice that this thesis builds upon. I then offer a brief explanation of my main arguments and introduce three key concepts that offer explanations to the observed variation. In the third section, I review the existing literature in post-war transitional justice and synthesize approaches in other scholarship to explain how my arguments improve our theoretical understanding of compensation adoption. The fourth part is dedicated to the research design and the methodological choices underpinning my work. Here I pay a special attention to the case selection, evidentiary standards, and analytical steps. I also explain the extensive fieldwork that informed this thesis. I conclude by outlining the plan for the chapters in the rest of this thesis.

⁶ Cunneen 2006; De Greiff 2006a; Segovia 2006; Correa et al. 2009.

⁷ See especially Powers and Proctor 2015.

1.2. VICTIMHOOD AND COMPENSATION

It is first important to define key terms I use throughout this thesis – ‘victimhood’ and ‘compensation’ – and situate them in the broader discussions of transitional justice.⁸ The initial concern in this field was for legal approaches in the form of amnesties. Later, the focus shifted to trials and lustration. Subsequently, restorative efforts in the form of truth commissions, apologies, and institutional reforms gained in prominence. However, transitional justice debates have gradually turned towards socioeconomic and distributive justice that concentrates on victims. These debates have dominated the most recent trends in the field that Sharp calls the ‘fourth generation’ in transitional justice.⁹ Instead of assessing the benefits of trials or truth commissions, or the ways of how to deal with perpetrators, this literature studies the local approaches to and experiences with justice and the demands of victims, which is where compensation plays a critical role.¹⁰ These developments have also tallied well with the recent trends in peacebuilding which have been described as a ‘local turn’¹¹. Steering away from liberal political and economic institutions (especially the role of elections and bureaucracies), this scholarship has stressed the role of local and bottom-up approaches to security, reintegration, and recovery.¹²

These shifts have influenced approaches to victimhood and compensation too. Mirroring the developments in transitional justice, several conceptualizations of victimhood have been utilized, ranging from legal interpretations to individual identities.¹³ In law, war victims are defined as people who have suffered from gross violations of international human rights and humanitarian law. According to a standard United Nations (UN) definition from 1985, victims are ‘persons who, individually or collectively, suffered harm, including physical or mental injury, emotional suffering,

⁸ Transitional justice denotes ‘the array of processes designed to address past human rights violations following periods of political turmoil, state repression, or armed conflict’ (Olsen et al. 2010, 11).

⁹ See Sharp 2013. For an overview about the previous generations, see Teitel 2003.

¹⁰ See especially Stover and Weinstein 2004; Shaw et al. 2010; Sriram 2012; Fircchow and Ginty 2013; García-Godos 2013; Sharp 2014; Hourmat 2016; Kostovičova 2016; Méndez 2016; Saeed 2016.

¹¹ Mac Ginty and Richmond 2013.

¹² Chandler 2013; Baker and Obradović-Wochnik 2016.

¹³ See Moffett 2016.

economic loss or substantial impairment of their fundamental rights'.¹⁴ However, as the 'fourth-generation' scholarship argues, such definitions are often linked to legally established war crimes, which exclude many people who may equally identify themselves as victims. Moreover, legal victimhood may at times be imposed on those who do not feel as victims. Such narrow definitions are especially rejected by scholars of psychosocial and victimologist approaches to justice who propose letting war-stricken populations define their identities in their own ways.¹⁵ As civil wars affect most residents of war-stricken countries, it could be argued that everyone who survived wartime malaise is a victim. Therefore, while legal definitions can be too restrictive, the victimologist terminology may become overstretched and too broad.

Anchored in the field of political science, this thesis avoids both stringent legal and loose victimologist definitions. While recognizing that victim identities can bear more than one label due to multiple victimizations (being a victim of multiple types of suffering) and re-victimization (repetition of the same suffering),¹⁶ I draw on political sociology that defines victims according to the sources of their disproportionate victimization through lasting injuries, harm, or losses. This literature links victim identities with individual and collective types of victimization that are not necessarily connected to crimes or personal identities but to the sources of their suffering. Therefore, I focus on those individuals whose harms have had lasting consequences such as loss of life, limbs, or health. Although clear-cut definitions are difficult to produce, I define war victims in Bosnia as the war-generated population disproportionately affected by the wartime suffering through inflicted wounds, injuries, losses, and harm. This interpretation further reflects the Bosnian usage of the term 'victims of war' (*žrtve rata*), which denotes all killed individuals and those who survived various war atrocities and harm such as rape, torture, physical injuries, or the loss of a loved one. Victim categories, as used in this thesis, are thus collective classes of victims that have a shared source of victimization. Given the focus of this work on compensation, I am interested in victims that have

¹⁴ UN General Assembly 1985a, Art. 12.

¹⁵ See Mani 2005; Wemmers 2014.

¹⁶ Bloomfield et al. 2003, 61.

survived the war and have been able to demand compensation from their state. Therefore, I often use the term ‘survivor’ as synonymous to ‘victim’.¹⁷

Akin to definitions of victimhood, compensation has also evolved from legal definitions to broader conceptualizations. Historically, compensation has been used as a synonym for retributive material reparations in the form of inter-state payments imposed by a victorious state on the vanquished. They have also been conceptualized as court-administered payments to individual or collective victims after a war-crime sentence.¹⁸ However, given the contemporary prevalence of civil wars, compensation has been shifting to domestic politics, bringing to the fore questions of responsibility of states to protect and provide remedy for their citizens. This shift has been reflected in the international human rights arena when compensation was included in the *Basic Principles and Guidelines on the Right to a Remedy and Reparation*¹⁹ of the UN in 2005 as a material remedy for irreparable harms (henceforth ‘*UN Reparations Principles*’). This document anchored compensation as part of responsibilities of states towards their citizens and identified the need for a ‘victim-oriented perspective’ in post-war justice.²⁰

The document highlighted that unlike trials that focus on the perpetrators and fight against impunity, or truth commissions that seek to establish factual narratives of the past to facilitate societal reckoning, the key aim of reparations has been to address the needs and rights of victims.²¹ The *UN Reparations Principles* distinguish compensation from four other forms: restitution as a remedy for material damages (such as destroyed houses), rehabilitation as the restoration of one’s social position (such as employment), satisfaction as an array of truth-seeking efforts, memorialization, and apologies, and guarantees of non-recurrence as institutional changes.²² While the rest of these tools

¹⁷ See van der Merwe 2014, 210. Additional evidence suggests that socioeconomically privileged individuals prefer to identify as ‘survivors’ while poorer populations as ‘victims’. See Saeed 2016, 176.

¹⁸ See especially Torpey 2006.

¹⁹ UN General Assembly 2005.

²⁰ Compensation was included in the Rome Statute (Art. 75) of the International Criminal Court (ICC) in 1998.

²¹ See De Greiff 2006; van der Merwe 2014.

²² See, for example, Powers and Proctor 2015. I further explore the term reparation in the next chapter.

are aimed at restoration and rebuilding, compensation aims to offer a replacement and substitution that is appropriate for the suffering that cannot be undone and irreversible harm.

This conceptualization has further been applied in domestic politics, where new compensation policies have been seen as a tool to help victims regain their livelihoods, provide them with acknowledgment of their suffering, and signal society's acceptance of responsibility.²³ The key distinguishing feature of compensation to other tools of reparation has thus been its aim to offer material provisions as a replacement for what has been lost and can no longer be returned to the situation *ex ante* (i.e. prior to victimization).²⁴ Therefore, compensation addresses irreversible losses of life, physical abilities, and other harm. Following from this, in this thesis, I define compensation as a set of state-provided material and in-kind benefits for war victims with irreversible losses. This definition captures the domestic characteristics of compensation, as well as the combination of its material and symbolic content, i.e. assistance and recognition, as discussed above.²⁵

I thus adopt a political and state-centric definition of compensation. While court-distributed compensation belongs among legal measures for individuals, state-provided non-judicial compensation is more suitably positioned among reparative approaches to transitional justice that are related to redistribution of resources and recognition of collective victims. I study compensation as a policy driven by a variety of political, economic, and social tensions in a post-war state. Rather than discussing the benefits of compensation (and its implementation), I focus on how and why compensation policies are adopted by domestic political authorities. Casting a political lens on a transitional justice tool in a field that has been dominated by normative and moral arguments of what is just and fair remains a minority approach.²⁶ However, this approach is much needed given the growing evidence of how transitional justice efforts can be misused by political elites and how their side-effects can further polarize societies as explored in the empirical material of this thesis.²⁷

²³ De Greiff 2007.

²⁴ Cf. Satz 2012.

²⁵ See also Fraser 2003.

²⁶ See Thoms et al. 2008; Balasco 2013.

²⁷ Subotić 2009. See also Payne 2007.

1.3. THE ARGUMENT IN BRIEF

In order to explain the variation in which compensation is enacted only for some victim categories, i.e. classes of victims that have a shared source of victimization, I use induction to build on the case of Bosnia to derive propositions about factors that influence the varied compensation outcomes. I propose an analytical framework of compensation adoption, which suggests why compensation policies vary among victim categories within a post-war state. The analytical framework blends structural constraints that victims are faced with in a post-war state with their agency while highlighting the ways in which they can apply strategies to increase their chances of compensation. Assuming that compensation is among victims' priorities, I propose that victims can strategically present compensation and their grievances to political authorities by leveraging their international salience, amplifying their domestic authority, and mobilizing their resources. I propose that while each category is endowed with a certain set of these tools, those categories that leverage, increase or amplify them better can expect higher returns in compensation. Domestic authorities, as the main proximal policymakers, subsequently respond when they consider these demands to be beneficial for harnessing public political support, as well as to reap economic or reputational benefits.

I draw on transitional justice and social mobilization to develop these three concepts. By 'international salience' I mean the amount and quality of external attention to a victim category or its demands. International salience generally captures how prioritized a victim category is on the agendas of external actors and donors. It is encapsulated in advances of human rights, such as UN conventions and resolutions, international court decisions, and the key topics of the day on the humanitarian and human rights agendas of some primary international and regional organizations such as the UN and the European Union (EU). As it is time-variant and shifts from issue to issue, it allows victim categories to align their demands with some broader trends and press domestic authorities to comply with them. It is influenced by the context but its resonance is shaped by the ability of victims to boost their visibility through their campaigns, appeals, and framing efforts.

When domestic authorities are sensitive to reputational and economic pressures (e.g. foreign aid), it can be costly to neglect categories of high international salience.²⁸

The second concept is ‘moral authority’ that is domestically attributed to a victim category. I define it as the public recognition of a category’s worthiness for compensation. Each victim category is endowed with a different moral authority among its co-nationals that it can subsequently shape. As some argue, ‘only those victims considered to be morally deserving have their human rights protected’.²⁹ Depending on the strength of such moral ‘deservingness’, victims are empathized with and perceived by the public and domestic authorities as legitimate compensation claimants and not as scroungers. Moral authority includes a range of attributes, some of which are constant and some of which vary over time and can be influenced by victims. For example, public and political authorities may be more sympathetic to those whose ethno-national, gender, or social identities correspond to theirs. Other sources of moral authority – such as new revelations about the category’s extent of suffering – are time dependent and can be strategically amplified in the public sphere by the victims themselves. Like international salience, moral authority can be shaped by the actions of victims and their framing strategies. When domestic authorities are responsive to domestic pressures or have a war-related political agenda, compensating some victim categories may become a beneficial political strategy.

Finally, the third factor that increases the likelihood of compensation are a category’s resources that facilitate their mobilization, which I call ‘mobilization resources’. Each victim category consists of a variety of victim organizations with varied capacities for mobilization and leadership that are first and foremost influenced by some contextual constraints. However, such resources can also be increased (or reduced) by victims. As the broader social movements literature argues, structural factors constrain the type of resources available to actors that are then able to voice their demands.³⁰ The more actor-centric literature on resource mobilization further argues that differences in

²⁸ Cortell and Davis 2000, 69.

²⁹ Humphrey 2012, 67.

³⁰ See McAdam et al. 2001.

endowments between organizations such goods and skills in their possession explain why some are more successful with their demands than others.³¹ This literature suggests that the broader the membership and networks of a victim category, the greater its financial and informational resources, as well as the depth of its skills and organizational capacities, the more successful it will be with its demands. Those with wide networks and support can act as more effective pressure groups not only because they can be perceived as a potential electoral threat but also because they may acquire influential allies. Mobilization resources can vary over time, partially dependent on structural factors but also on a progressive build-up of such resources. As suggested above, such resources are important for victims' activities and their capacity to voice their demands.

Combining these three tools and generating them at high levels can increase chances of adoption in a particular time and space. In the empirical material, I find that high values on at least two of these tools resulted in compensation enactment in Bosnia. The logic of change I apply here thus draws on the conjunctural logic advocated by Charles Ragin who studied complex social phenomena as outcomes of combinations of various 'ingredients'. He argued that a 'change emerges from the intersection of appropriate preconditions – the right ingredients for change.'³² He called it the 'conjunctural or combinatorial nature' of causal complexity. While I make no claims to causality in this thesis, I adopt a similar approach here because none of the tools on its own could plausibly effect change. However, their combinations under certain contextual conditions explain the observed compensation patterns. Indeed, I find that political authorities have been more responsive to victims that have either challenged or advanced their domestic political power, or those that have facilitated reputational and economic benefits from external actors. Such incentives are highly unlikely to be occasioned by one factor only.

Therefore, I expect that a victim category would be more likely to succeed with its compensation claims when it is generally framed as deserving of compensation (i.e. high moral authority). This category would also be able to mobilize its members and have a network of allies (i.e. high

³¹ McCarthy and Zald 1977; Melucci 1980.

³² Ragin 1987, 25.

mobilization resources). Finally, it would also be highly placed on external agendas that influence domestic policymaking or set rewards (i.e. high international salience). Such a category would be more successful at times when its demands deliver electoral support or when governments are more sensitive to external pressures (i.e. when they seek to join an international organization). Therefore, structural socio-political and economic conditions and time (especially *vis-à-vis* the end of war and the level of political pluralism) are important factors that influence the result. While the most potent recipe for success is the combination of all three factors at high levels, there can be further combinations for success, as I discuss later. Thus, compensation is mainly influenced by a combination of strategic approaches by victim categories to amplify and use their salience, authority and resources to influence domestic authorities who seek political, economic, and reputational rewards from international actors. Therefore, rather than moral reasoning about what is just and fair for victims, I argue in this thesis that compensation is a policy driven by political calculations of domestic authorities, combined with structurally bounded agency of victim categories that is influenced by contextual factors linked to the distance from the conflict (also linked to security conditions), the openness of the political system and the nature of the political competition, the level of socioeconomic development, and the engagement of external actors, among other factors.³³

1.4. EXISTING EXPLANATIONS FOR COMPENSATION OUTCOMES

The proposed arguments build on a varied set of scholarship. Due to the scarcity of theories of differential state-administered compensation, designing this thesis has been a theoretically challenging task that necessitated synthesizing many literatures in different disciplines. In this section, I review the existing literature that has dealt with a variety of issues relevant to my research questions in the field of transitional justice and beyond. Although I first analyse works on the determinants of transitional justice that have stressed the role of post-war balances of power, structural determinants, and the impact of norms, this scholarship has so far failed to account for different outcomes within states. Therefore, I further integrate propositions from social movement

³³ See Section 2.4.3. for a more detailed description.

theories and the role of transnational actors, which have increasingly been adopted in anthropological approaches to victims and reparation from a human rights perspective.³⁴

The literature on determinants of post-war transitional justice has paid attention to how and why new political elites adopt trials, lustration, amnesties, or truth commissions.³⁵ The first set of this scholarship has built on theories of democratization, which suggested that the balance of power between the new and old elites determines the choice of a transitional justice tool.³⁶ Depending on the course of the transition – whether it is negotiated or the previous regime collapses – transitional justice is applied either as a tool of reckoning by the negotiating parties or as retribution imposed by the victor, respectively.³⁷ Among post-war states, this literature has also been closely related to the objectives of stability and peacebuilding. The key debate has been over the objectives of peace and justice, i.e. whether instrumental or moral goals should prevail in post-war politics. Even the most recent debates in transitional justice in Colombia suggest that peace can be jeopardized by retributive efforts (i.e. trials or lustration) at times when stability is fragile and peace negotiations are on-going.³⁸ Overall, this literature has been concerned about balances of political and military power and about post-war (or transitional) stabilization of states. However, locating compensation in these debates would be futile as it is not a policy that tops the priorities of policymakers in transitional and post-war times. As some argue, compensation is a ‘post-transitional’ measure.³⁹

The broader scholarship on cross-national determinants of transitional justice provides more insights. This scholarship has stressed structural factors such as legacies of repression, democratic and economic development, and the regional clustering of justice tools. In their pivotal contribution to the field, Olsen et al. in 2010 showed that the strength of civil society, availability of international advocacy networks, the course of transitions, and previous regime types influence transitional justice

³⁴ Bosnia-specific literature is further included in the third chapter.

³⁵ For an overview see Teitel 2003. See also Hayner 2001; Wilson 2001; Hagan 2003.

³⁶ See O'Donnell et al. 1986; Linz and Stepan 1996; Arthur 2009; Balasco 2013.

³⁷ See especially Elster 1998.

³⁸ For an overview of these debates see contributions in Sriram 2004.

³⁹ Powers and Proctor 2015, 10.

choices.⁴⁰ They further argued that economic development explains why some countries are more likely to distribute reparations.⁴¹ Their analysis and dataset provided a starting point for other scholars, such as Hun Joon Kim, who revisited arguments of previous regime types as determinants of trials, together with the role of the regional clustering of transitional justice.⁴² Supporting these findings, Powers and Proctor later argued that the higher the level of pluralism, economic development, and the number of other transitional justice tools in a country, the more likely reparations become.⁴³ This scholarship provides the foundation for any exploration of drivers of justice tools; however, the focus on structural causes only is less applicable to different compensation outcomes. In other words, contextual factors related to the state level by and large influence compensation outcomes for all categories within a state in a similar fashion while it is the category-related properties combined with structural factors that explain the different compensation outcomes. Focusing on state-level structural determinants only is thus more relevant for studies interested in cross-national variation.⁴⁴

Furthermore, important scholarship that has advanced our understanding of normative influences is the constructivist literature on transnational advocacy networks in human rights. This literature argues that accountability for past human rights abuses emerged in the 1980s in Latin American and later in South Africa with a shift towards new norms and practices of accountability, truth-seeking, and global justice.⁴⁵ These norms gradually spread across the world through networks of activists, advocates, and scholars that influenced governments' policies, in what Lutz and Sikkink called the 'justice cascade',⁴⁶ i.e. the chain-effect of adopting new legal measures. This cascade resulted in external normative pressures on domestic actors that eventually complied with the human rights regime in order to be considered respectable and full members of the international community. This literature also suggested that transnational activists and advocates that operate across the world

⁴⁰ Olsen et al. 2010, 107.

⁴¹ See Letschert and Van Boven 2011.

⁴² See Kim 2012.

⁴³ Powers and Proctor 2015.

⁴⁴ On psychological determinants of compensation at the level of individuals, see also Adhikari et al. 2012.

⁴⁵ Risse et al. 1999; Hayner 2001; Risse and Sikkink 2013; Teitel 2014; Della Porta et al. 2015.

⁴⁶ Lutz and Sikkink 2001.

through networks and alliances can pressure governments on behalf of repressed or weak domestic groups and persuade them to change their policy preferences.⁴⁷ In other words, by using a combination of ‘soft power’ and a variety of other strategies to shame repressive regimes in the public (such as leveraging financial support or moral arguments), transnational advocates can over time succeed in convincing defiant governments to comply with the norms they champion.⁴⁸ Consequently, domestic political authorities adopt these norms not because they are forced by ‘hard’ domestic political rewards or punishments but because of the power of such norms to increase a government’s reputational acclaim, or conversely shame it.

The normative arguments clearly feature in reputational considerations of governments and in ideational shifts propelled by legal and judicial practitioners, as analysed in works on judicial mechanisms.⁴⁹ I draw on these insights in my analysis of ‘international salience’ and the role of external pro-victim advocates. However, I must stress several limitations of these constructivist propositions. They tend to be based on the paradigm that ‘the power of human rights’ is progressive and a one-way advancement, only marginally considering reversals of these processes, so painfully demonstrated in recent years, or selectivity in which human rights address victimized populations.⁵⁰ The normative mechanisms of incentives suggested in the justice cascade have failed to trump economic concerns or ethnically driven politics in some post-war states such as Bosnia. This is caused by the fact that the normative propositions of these works often underspecify the role of local interactions between actors and groups of actors. While there are many cases where transnational activism has been an effective tool to influence one-off governmental policies or even longer approaches to issues such as gender, these works posit that the combination of external pressures and power of norms eventually not only lead to adoption but also to an internalization of such norms. However, as I show here, in countries with extensive peacebuilding missions on the ground, such networks may in some cases be second only to external peacebuilders that can directly influence

⁴⁷ Keck and Sikkink 1998.

⁴⁸ Finnemore and Sikkink 1998; Keck and Sikkink 1998; Risse and Sikkink 1999.

⁴⁹ Cf. González-Ocantos 2016.

⁵⁰ For example, Sikkink and Walling (2006, 309) assumed that Bosnia alongside Kenya and Northern Ireland were headed for a truth commission, which is not the case.

policymaking and the interactions between domestic and external actors are thus of a different nature. The question then becomes not about the power of norms and mediation only but also the hard power of economic, political or security incentives that may stem from adopting such policies (without following through). Despite their benefits in explaining the role of external networks, there are thus certain limits to how these theories can explain the full range of why some categories with comparable types of victimization are compensated or not.

Such concerns have been voiced in the scholarship on adaptational strategies of domestic actors to many norm-driven external pressures. Most notably, Jelena Subotić showed through the cases of post-war Croatia and Serbia how the EU's pressure *vis-à-vis* criminal prosecution and other justice reforms has been 'hijacked' by domestic elites in order to legitimize their rule and delegitimize the opposition and/or external actors.⁵¹ She argued that the EU's insistence on compliance with international norms of justice and trials encouraged domestic elites to 'go through the motions of fulfilling international demands while in fact rejecting the profound social transformation these norms require'.⁵² As a result, domestic authorities adopted half-hearted measures to extract international rewards (political progress towards the EU and economic aid) without any intent of implementation. Similarly, using other post-socialist cases, Brian Grodsky proposed that national leaders pursue their preferred justice policies when these 'pose minimal political or economic risk' and when they are advantageous for their political ambitions.⁵³ He concluded that direct external pressures have had ambiguous domestic effects because too much external coercion (e.g. in Serbia) weakened the domestic political position of more liberal politicians.

I endorse many of these findings and the pragmatic approaches of Grodsky and Subotić. Yet due to their focus on retributive tools and truth commissions, they have worked with different assumptions. Namely, they assume that trials, vetting, and lustration can pose a threat to incumbents, which is why political elites resist their adoption. However, compensation is qualitatively different. As a policy of

⁵¹ Subotić 2009, 167.

⁵² Other scholars titled this 'tactical concessions'. See Risse and Sikink 2013.

⁵³ Grodsky 2011, 32.

both material assistance and recognition, it stands poised between policies of transitional justice and welfare. It does not pose the same type of threat but can under certain circumstances provide positive political returns. It can be a political opportunity for domestic elites to gain supporters and additional reputational benefits without endorsing tools that could potentially incriminate them. The political stakes of trials and truth commissions are generally high both economically and politically.⁵⁴ While compensation can be expensive (and as I argue can also be polarizing), it does not pose much threat to political power. Instead, it can increase the legitimacy of ruling elites. Additionally, rather than being elite- and urban-driven as with other transitional justice tools, compensation is driven by victims and their real-life demands. Therefore, it does not tally well with the existing scholarship in transitional justice that mainly focuses on the dynamics between domestic elites and international actors, only marginally including the key beneficiaries – victims and the wider population.

Therefore, the study of post-war compensation within a state requires an analysis of the dynamics between official domestic and international authorities, as well as activists and the new war-generated population that seeks compensation, i.e. victims. While the scholarship reviewed above provides important foundations for my thesis, it is insufficient to explain the puzzle of my research. I thus include the literature on social mobilization, which had already provided foundations for the normative scholarship on transnational networks. Specifically, within the rich literature on social mobilization, I combine works in resource mobilization theory and insights of the social movements literatures. Specifically, the rationalist ‘resource mobilization theory’ pioneered by McCarthy and Zald in 1977 posits that the desired policy is the result of the available financial, organizational, and networking resources of contentious groups and the strategies these groups apply. Instead of stressing the role of political structures and top-down influences of institutions as stressed in the earlier scholarship in social movements⁵⁵, McCarthy and Zald focus on the role of agency and bottom-up dynamics of mobilization. They define resources as ranging from money, technical skills,

⁵⁴ Snyder and Vinjamuri 2003.

⁵⁵ Especially in ‘political opportunity structures’ discussed later. Theda Skocpol is a representative of these approaches. She saw ‘political activities, whether carried on by politicians or by social groups, as conditioned by the institutional configurations of governments and political party systems’ (1995, 41).

support of important allies, to the density of mobilization networks.⁵⁶ While this literature is based on the simple assumption that groups with more resources and broader networks will be more successful and persuasive with their demands, it somewhat downplays the impact of structural constraints on shaping such resources. In the broader field of social movements, there is a recognition that resources are co-determined by structural boundaries of their states that can also be linked to wartime legacies. These aspects become clear in the empirical chapters where wartime narratives of the Bosnian war feature as important forces for mobilization or lack thereof. In general, though, resource mobilization is important to show that only some groups are able to apply their resources in the most efficient manner to pursue their goals. This is why these theories have been used previously when analysing the role of victim associations as pressure groups; however, such analyses have focussed on resources in a narrow instrumental manner as technical tools and capacities.⁵⁷

Instead, an additional body of works in social movements has built on the ideas of resource mobilization and introduced the concept of ‘frames’ and ‘framing’⁵⁸. Frames are symbolic tools and composites of public perceptions about a group and its role in society while it is framing as a strategic action that gives cognitive cues to evaluate such actions.⁵⁹ Frames can be amplified in the public sphere, linked to other frames, or altered in order to make demands more appealing. They can be narratives about a group’s past, identity or their rights, which is highly relevant to post-war contexts and transitional justice scholarship.⁶⁰ It is important to stress that frames are the result of both structural (also historical) and agency-driven factors. While some frames are rather resistant to change (e.g. gender perceptions), scholars of this branch argue that framing in a strategic fashion can be an extremely powerful resource to change narratives about a group (in my case a victim category). This is highly relevant for the discussions here *vis-à-vis* wartime narratives. As some scholars in transitional justice such as García-Godos already showed, victimhood frames can be strategically used by victims as political levers. She argued that that victim associations (in Peru and Colombia)

⁵⁶ See McCarthy and Zald 1977; Meyer and Minkoff 2004.

⁵⁷ Rombouts 2004; Wolfe 2013.

⁵⁸ Snow et al. 1986; McAdam 1990.

⁵⁹ Zald 1996, 262.

⁶⁰ Symbolic politics is based on similar dynamics. See Kaufman 2001.

have used their rights ‘to frame demands, to engage in processes of contestation, call for recognition and protection, and to mediate a diverse number of claims in terms of victimhood’⁶¹.

These discussions are thus important for how we perceive victims – whether as passive recipients of policy impositions or as shapers of such policies. The latter view is adopted in this thesis alongside García-Godos and others in a growing trend in transitional justice that approaches victims not through the prism of their traumas and passivity but as ‘protagonists of transitional justice’ within the boundaries of a post-war state.⁶² This was recently stressed by the *International Journal of Transitional Justice* (Issue 1 in 2016), the authoritative source of developments in the field. Importantly, Bosnia-specific scholarship has in fact spearheaded some of these developments. The anthropological contribution by Elissa Helms on female activism among female victims demonstrated the political dimensions of their mobilization through the usage of frames of innocence and motherhood.⁶³ Similarly, Cécile Jouhanneau in her doctoral research (in French) on the politics of Bosnian victims of torture alerts to their framing of the ‘guardians of memory’ as a strategy to increase public empathy for their cause.⁶⁴ Finally, Isabelle Delpla’s work (also in French) on Bosnian victim associations in general shows how Bosnian victim leaders have been co-opted by Bosnian political parties.⁶⁵ These three works are critical for any scholarly engagement with the politics of victimhood, i.e. that war victims can in divisive and polarized contexts become political actors. I align with their arguments that have so far been generally taboo in victim-centric transitional justice. However, I conceptualize their anthropological work more systematically to tease out some broader patterns to explain compensation varieties beyond Bosnia.

Therefore, given the scarcity of explanations to the puzzle of this thesis, I offer the first exploration of its kind into the question of why only some victim categories achieve compensation from post-war states. I synthesize varied bodies of literature in transitional justice, social movements, and

⁶¹ García-Godos 2013, 245.

⁶² See also Dixon 2016.

⁶³ Helms 2013.

⁶⁴ Jouhanneau 2013b.

⁶⁵ Delpla 2014.

anthropological approaches to victimhood, which offer insights into how and why post-war regimes adopt compensation. Given the lack of solid theoretical foundations in transitional justice this thesis thus fills critical theoretical gaps.⁶⁶ I further explore the political exploitation of the variety of frames of victimhood and the strategies used by victims. As the following chapters document, I draw on post-war transitional justice, normative arguments, and victimhood studies in designing the concepts of moral authority and international salience. I further rely on the literature in social movements to define mobilization resources and contextual factors. Therefore, instead of rejecting the existing scholarship, I synthesize it in order to contribute to our understanding of how and why only some victim categories succeed with their compensation claims in post-war states.⁶⁷

1.5. THE RESEARCH DESIGN

Having explained the main arguments of this thesis and its scholarly foundations, this section focuses on my research design and the methodological choices that guided this thesis. I clarify the case selection, describe the procedures of collecting evidence, and explain the evidentiary standards used to evaluate the collected data. The present thesis is a comparative study that relies on qualitative methods to build a new analytical framework using the country case of Bosnia.⁶⁸ Given the topic of interest and the complexity of factors that may influence compensation outcomes, I relied on qualitative methods and a close empirical analysis of the observed variation in the case of Bosnia. The study of policy processes in a single country case does not easily lend itself to quantitative analyses that would quantify complex developments, but rather invites an ‘intimate connection with empirical reality’ that permits the development of relevant theories.⁶⁹ I have thus relied on the comparative case study method to derive and empirically probe a new analytical framework as an approach suitable to uncovering new ideas, mechanisms, and propositions.⁷⁰

⁶⁶ For an overview see Buckley-Zistel et al. 2014.

⁶⁷ This gap has been already recognized in the literature. See especially García-Godos 2013.

⁶⁸ Sartori 1991.

⁶⁹ See Glaser 1967.

⁷⁰ George and Bennett 2005; Gerring 2006.

Specifically, I have adopted a within-country comparative research design, where Bosnia provides the contextual setting, while the cases on which the variation is studied are victim categories as wide classes of victims that are defined by their shared sources (or circumstances) of victimization. Victim categories are further subdivided into victim associations (i.e. smaller groups within the categories), i.e. the units of analysis. While I explain compensation outcomes for categories, I empirically study the collective actions of the key victim associations. The timeframe of the thesis is from the end of the war in 1995 until mid-2017, i.e. the submission of this thesis. This long period allows for an exploration of time variance of how influential the proposed factors have been over time although some periods are paid more attention due to their importance.

This comparative research design is suitable for several reasons. It allows for the study of variation across categories. By studying categories of victims rather than all victims as one case, I overcome the problem popularized by Lijphart of ‘too many variables, too few cases’.⁷¹ By breaking the universe of war victims into categories and studying them comparatively, I increase the number of studied cases to five (see below). This approach is also suitable for the external validity of my thesis. As case studies putatively ‘trade’ generalization for ‘in-depth knowledge and contextual insights’⁷², they are often criticized for their alleged weak external validity. However, small-N case studies that put forward new theoretical propositions provide an opportunity for intensive empirical work that takes stock of the existing literature, concepts, and theories. The analytical framework developed in this thesis may thus be portable to other post-conflict cases. Therefore, the within-country design not only tallies well with my research question but it also excels at advancing our understanding of complex issues, building on previous research, and generating new theoretical insights. Nonetheless, qualitative case studies still have limitations in terms of their generalizability and it is not possible to offer clear causal arguments; however, the aim here is to propose some possible combinations of factors that have led to compensation in Bosnia that may then be refined elsewhere.

⁷¹ See Lijphart 1967.

⁷² Landman 2008, 93.

1.5.1. WHY BOSNIA AND WHICH VICTIMS? JUSTIFYING THE CASE SELECTION

A critical part of this thesis is justifying the selection of both the contextual setting (i.e. Bosnia) and the cases (i.e. victim categories). With its complex ethno-national identities⁷³, extensive international interventions, peacebuilding, and a large victim population, Bosnia makes for a particularly suitable setting for the study of inter-category variation in compensation. The Bosnian conflict transformed our understandings of civil wars, peacebuilding, and post-war justice. The 1992-5 brutal war between Bosniaks (Bosnian Muslims⁷⁴), Croats, and Serbs came as a tangible proof that ethnicity and nationalism were to be lasting and potent political tools in domestic politics and international affairs at a time when many believed in the victory of liberal peace.⁷⁵ To settle the animosities through an external arbiter, the *International Criminal Tribunal for the Former Yugoslavia* (ICTY) was set up in 1993 as a new transitional justice tool to deal with the great amount of human rights violations and to serve as a deterrent for further crimes.⁷⁶ As a beneficiary of the first *ad hoc* international tribunals for war crimes, Bosnia has since then turned into a ‘laboratory of transitional justice’⁷⁷ and a trailblazer for legal justice, just as Latin America spearheaded amnesties and later the diffusion of post-atrocity human rights protection.

More importantly, the ending of the war was an unprecedented peace experiment of external intervention. The so-called ‘Dayton Peace Agreement’ stopped the fighting and created a formally unified state through the enactment of complex power-sharing structures in two so-called ‘entities’, the smaller Bosnian Serb Republika Srpska (RS) and the larger Bosniak-Croat Federation of BiH (FBiH).⁷⁸ It also introduced a new type of external guardianship through the Office of the High Representative (OHR), which directly linked domestic policymaking to international politics.⁷⁹ Finally, the extent of war suffering, targeting of the civilian population in some of the most atrocious

⁷³ I use the term ‘ethno-national’ to describe Bosnian identities, see Chapter 3 and Hronešová 2012.

⁷⁴ As explained in Chapter 3, the term ‘Bosniak’ emerged only in 1993.

⁷⁵ See Bojičić-Dželilović 2009.

⁷⁶ See Rudolph 2001.

⁷⁷ Dragović-Soso and Gordy 2010, 193.

⁷⁸ Although I do not specifically analyse the District of Brčko, I often mention it in comparison to the other two entities. Its inclusion would also not have strengthened or falsified my arguments.

⁷⁹ See Caplan 2004.

ways since World War II, and the sweeping levels of war destruction have left a large and complex legacy of thousands traumatized war victims.

In order to account for this large-scale victimization in a systematic manner, I study all Bosnian ‘victim categories’ as collective classes of war-generated populations that have been disproportionately affected by the wartime suffering. These are specifically: military war victims, civilian war victims, families of missing people, victims of torture (ex-detainees), and victims of sexual violence (rape). In general, conflicts result in large populations of ‘direct victims’ (also called primary) – i.e. those killed, disappeared, abused, detained or persecuted – and ‘indirect’ (also called secondary) victims as ‘family members of a direct victim’.⁸⁰ Each conflict ‘produces’ different victims with various identities that necessitate tailored approaches and understanding of the context. As noted above, victim identities can be determined by specific events or regional crimes; however, the key criterion for categorization of victims is their victimization, which not only shapes their demands but also the general ways in which they mobilize.

Therefore, I study not only injured civilians and those who lost their loved ones but also maimed war veterans, veterans who were tortured, and families of fallen or missing soldiers, i.e. all victims with irreversible losses and harms. Together with refugees and displaced persons (who are not discussed here as their suffering is to a certain degree restorable through restitution and returns), war victims and veterans are direct ‘products’ of wars, as one of my respondents put it, and form the universe of the war-generated population. However, only the above-listed five categories cannot return to the situation *ex ante* and thus can be redressed through compensation. Including the universe of Bosnian victim categories that pertain under compensation is theoretically and empirically insightful and allows the study of both positive and negative compensation outcomes.⁸¹

Nonetheless, the inclusion of military victims is less common in projects on war victimization. Ex-soldiers are generally treated in studies of peacebuilding as part of Demobilization, Disarmament,

⁸⁰ Bloomfield et al. 2003, 54.

⁸¹ See Geddes 2003, 45.

and Reintegration (DDR). In addition, the existing legal definitions of victimhood exclude servicemen unless their injuries were the result of grave breaches of the international human and humanitarian law (especially the Geneva Conventions).⁸² Moreover, as some scholars stressed, transitional justice often sees ex-soldiers as (potential) ‘thugs or perpetrators of violence’ rather than victims.⁸³ However, such portrayals fail to capture the reality on the ground. As Hourmat convincingly argued in the case of Rwanda, ‘defining a rigid victim-perpetrator dichotomy can be profoundly excluding and limited in capturing the diversity of victimhood’.⁸⁴ Huyse further stressed that victimhood is relevant for all ‘those killed and tortured, those bereaved and maimed, those assaulted and raped, those injured in battle and by mines, those abducted and detained, ...’.⁸⁵ Although victimized soldiers may have put themselves in harm’s way and thus bear partial responsibility for their wounds, they have also been victimized by wars.⁸⁶

In addition to this conceptual justification, the inclusion of military-defined victims has also practical and theoretical repercussions. In Bosnia – as well as elsewhere – some victim associations (e.g. victims of torture) gather both civilians and veterans, i.e. forming mixed civilian-military categories that share their victimization. Such mixed categories also share their compensation claims, not only because they pertain to similar budgetary constraints but because their practical needs are comparable (e.g. therapies or prosthetic devices).⁸⁷ Although there are some categories where the military identity plays a key role, such as disabled veterans, I do not study demobilized war veterans without any specific victimization. While forced military service may be a source of victimization too, it cannot be compared to the permanency of disability or loss of a loved one.⁸⁸ Finally, the theoretical arguments I propose are to be applied in other cases where victimized ex-soldiers may be of a different character than in Bosnia. Excluding victimized servicemen would limit the scope of

⁸² A full discussion of victim categories is included in Kiza et al. 2006.

⁸³ Nettelfield 2010b, 90.

⁸⁴ Hourmat 2016, 44.

⁸⁵ Huyse 2003, 54 (emphasis added).

⁸⁶ See Sriram 2012, 164.

⁸⁷ Hourmat 2016.

⁸⁸ A similar approach has already been applied. The 2005 reparations plan in Peru included individuals who suffered damages as soldiers, members of rural militias and the police. See García-Godos 2013, 248.

the applicability of this research design elsewhere and would fail to recognize the variance of victimization in other contexts.⁸⁹

As for the different outcomes, each of the studied categories in Bosnia has been treated differently at the state and the subnational (entity) level. Compensation has been predominantly included in legal regulations that define the rights of each victim category. While families of missing people have been granted state-level compensation, other categories have either been included in entity-level legislation, or have not secured any compensation at all (victims of torture). As entities have extensive powers regarding victim and veteran policies, I not only assess state-level compensation but also compensation at the subnational level of entities where the same victim categories also manifest their demands. Nonetheless, the analytical framework proposed in the next chapter theorizes compensation outcomes at the state level only for the sake of parsimony and applicability to other contexts. It is then in the empirical chapters, where the subnational level is re-introduced.

As noted, I study victim categories through their victim associations. I focus on the most prominent associations (most commonly their so-called ‘unions’ at entity levels) that lead the official policy agendas of each category. As circumstances of injuries in battle are qualitatively different and as military and civilian victims have organized in distinct organizations, I analyse civilian and military war victims as two separate categories despite some overlap in their source of victimization (i.e. injuries and killings). Only these two categories have organized on the basis of their distinct victimization and civilian/military identities. The rest of the categories are in theory mixed (include war veterans and civilians) although victims of rape are nearly exclusively civilians. Table 1.1. summarizes the source of victimization, cases (categories), and the outcomes.⁹⁰

⁸⁹ I recognize that the inclusion of veterans may be problematic for scholars of ex-Yugoslavia where veterans have often been included in the top echelons of the political structures. As explained, this choice is driven by both the theoretical arguments of this thesis as well by the need for a consistent research design.

⁹⁰ See Annex 1 for the full list of compensation outcomes.

TABLE 1.1. Cases and Units of Analysis

Cases (categories)	Source of victimization	Main Units of Analysis	Compensation Outcome
1. Military War Victims	Physical injuries, disability, and killings of soldiers	Entity Unions of Disabled Veterans; Families of Killed Soldiers	Entity Laws
2. Civilian War Victims	Physical injuries, disability, and killings of civilians	Entity Unions of Civilian War Victims; Associations of Families of Killed Civilians	Entity Laws (expired in RS)
3. Families of the Missing Persons	Disappearance of a loved one of both soldiers and civilians	Associations for Families of the Missing; Srebrenica and Prijedor associations	State Law
4. Victims of Torture (ex-detainees)	Torture and abuse, incl. detention of both soldiers and civilians	Entity Unions of Ex-Detainees	None
5. Victims of Sexual Violence	Sexual violence and abuse (rape) of both soldiers and civilians	Entity <i>Women-Victims of War</i> associations, women's sections of ex-detainee associations	FBiH Law Amendment

Source: Compiled by the author.

1.5.2. WEIGHING AND COLLECTING THE EVIDENCE

In this section, I address the analytical methods I use throughout this thesis. To weigh the evidence, I rely on process tracing as a method of uncovering factors behind the adoption of compensation policies.⁹¹ The procedures of process tracing consist of evaluating ‘histories, archival documents, interview transcripts, and other sources to see whether the causal process, which a theory hypothesizes or implies in a case, is in fact evident in the sequence and values’ of the factors.⁹² Therefore, process tracing is suitable for qualitative studies as it is based on a careful description and sequencing of events, statements and observations, which are then linked to the research question.⁹³ Unlike quantitative works that rely on correlations, process tracing relies on observable pieces of evidence that are then weighed based on their validity and truthfulness. Such evidence provides information about contextual factors and mechanisms that contribute to my findings.⁹⁴ Process

⁹¹ Mahoney and Goertz 2006, 41.

⁹² George and Bennett 2005, 6.

⁹³ Collier 2011, 823.

⁹⁴ Cf. Brady et al. 2004, 185.

tracing is also more suitable than methods that assign strict values to large amounts of factors such as the formal Bayesian analysis.⁹⁵ Given the complexity of the studied concepts, assigning them strict values would fail to capture their complex dimensions and the many pathways in which they influence compensation. I return to these discussions in the next chapter.

To document each of the steps in the mechanisms leading to the change of interest, I trace the various combinations of factors that could have led to the outcome. At the beginning of each chapter, I present a qualitative narrative that characterizes each of the studied categories and the compensation outcomes achieved until 2017, i.e. legal changes and failures. I then trace political developments and the preceding strategies and tools, which the categories through their associations used, analysing the evidence how the strategies were aimed at achieving the outcome. I use media articles and secondary literature to review the political and societal context at that time and look for existing statements by policymakers about why the change was approved or blocked. I also analyse evidence that both confirms or disconfirms how a change in a category's moral authority, resources, and international salience (and other factors) influenced the outcome.

Subsequently, I pose several questions: When and how did the victim category frame its demands? What types of strategies were used? Was there any statement of external endorsement or international support? Have external actors been in negotiation with the government about the issue? What was the response by the media, public, and policymakers? By answering these questions and sequencing the events and developments prior to the legal change, I can make inferences about what led to the outcome. After establishing the comparative levels of international salience, moral authority, and mobilization resources, i.e. their levels relative to the other categories in the system, I then look for evidence from respondents at key turning points and compare their explanations to the collected evidence. In sum, I use the collected data to substantiate evidence that supports (or weakens) my propositions.

⁹⁵ Fairfield and Charman 2017.

The evidentiary standard I use relies on looking for the most persuasive pieces of evidence. There are two main types of evidence I have used. First, I primarily relied on the so-called ‘hoop-type’ of evidence that consists of pieces of data that may be necessary but not sufficient.⁹⁶ Such evidence is quite common and can be used to increase my confidence that the outcome was caused by the proposed factors; however, while passing through the hoop is necessary to keep a proposition under consideration, it is only a larger number of such hoop-types of evidence that can increase my confidence in the accuracy of the proposition.⁹⁷ This strategy is particularly useful for finding some consistent explanations such as levels of networking among victim categories and the ways they are perceived among the public and my respondents. Once the evidence is consistent and not rendering any conflicting insights, I can feel reasonably confident that the found explanation passed through the ‘hoop’ and reflected some durable patterns.⁹⁸ Following Bennett and Checkel, I stop pursuing ‘any one stream of evidence when it becomes so repetitive that gathering more of that same kind of evidence’ has little influence on confirming or disconfirming alternative explanations.⁹⁹ Indeed, hoops can also rule out alternative explanations. For example, the prevalent argument about uneven compensation in Bosnia is the lack of state’s financial resources. However, the financial explanation does not pass through the ‘hoop’ as new legislation for veterans (and other social groups) was adopted at the time of economic crisis. This suggests that the variation in compensation is the result of other preferences rather than financial constraints only.

The second strategy I use is ‘smoking gun’ evidence, i.e. looking for pieces of evidence that are sufficient to confirm my claims but that are hard to find. ‘Smoking gun’ evidence provides ‘sufficient but not necessary criterion for accepting the causal inference’¹⁰⁰. This means that such evidence strongly supports a proposition but is very rare. For example, no political representative in Bosnia is willing to admit the ways in which victims politically feature in their calculations. In contrast, they use moral arguments for why some victims should or should not be compensated although their

⁹⁶ Collier 2011, 825–28.

⁹⁷ See also Small 2009.

⁹⁸ Geertz 1973.

⁹⁹ Bennett and Checkel 2014, 35.

¹⁰⁰ Collier 2011, 827.

objectives are based on electoral concerns, as several private statements and the evidence suggest. In an interview I conducted in 2014, a party representative admitted that a new law was passed with instrumental electoral objectives (he verbatim said to ‘quench the thirst’ of military categories). Another piece of such ‘smoking-gun evidence’ was a letter from a ministry that documented sums of money provided for a leader of a victim organization, who denied ever having received it. This can be used as strong evidence about the links between the leader and the formal political authorities. Combining these strategies of evaluating the collected data, I can design an analytical framework for the key factors driving compensation outcomes.

1.5.3. FIELDWORK AND INTERVIEWS

The main method for collecting such evidence was fieldwork. Given the scarcity of data about compensation policies, the challenges of accessing any demographic and statistical data in the fragmented Bosnian system, and the lack of understanding of the variety of victim-centric policies in Bosnia, fieldwork was the most suitable method for collecting evidence. I conducted four separate fieldwork trips each lasting two to three months from early 2014 to late 2015. Multiple trips allowed me to study developments across time and gain distance from the field to reflect on the data. It was also a strategy how to avoid turning into a *Bostranac* (literally ‘Bosnian foreigner’), i.e. adopting the Bosnian viewpoints and understandings of reality which may be tainted by individual experiences of trauma and suffering.¹⁰¹ This approach has been encouraged by Burawoy who suggested that reflexivity and iteration in data analysis is important not only after fieldwork but throughout.¹⁰²

While I started my research in the capital Sarajevo, where I already had a network of contacts from my previous research, most fieldwork locations were not preselected but driven by the progress in the research and the residence of respondents. I aimed to cover as many locations in Bosnia as feasible to gain data from the two entities, various regions, and also from all three ethno-national groups. I spent prolonged times in Sarajevo, Banja Luka, Mostar, and the border town Bihać in the

¹⁰¹ A more detailed description of the ethical consideration of fieldwork research is included in Annex 3.

¹⁰² Burawoy 1998.

north-west, where remoteness from the capital allowed for the exploration of victim associations that were less dependent on their central institutions in Sarajevo. Although I do not include an analysis of the Brčko District in this thesis, I also conducted fieldwork there as it was important to see the views of victims there and how they perceive their counterparts in FBiH and RS. Map 1.1. depicts the key fieldwork locations.

MAP 1.1. Fieldwork and a Political Map of Bosnia and Herzegovina



Source: Wikicommons. Key: Green ovals = fieldwork locations of the key ethno-national centres and Brčko; red ovals = the rest of the main fieldwork locations.

Given the choice of my methods and the research question that necessitated detailed probes into the mechanisms of compensation politics, I relied on nonprobability (selective) sampling rather than the use of probability sampling, applied in survey research. Specifically, I used a combination of convenience sampling (i.e. with key informants and experts) and the ‘snowballing method’ that is based on references from each respondent for further interviews. The aim was to interview respondents with varied perspectives in many locations to get a broader understanding of the issue of compensation. I gained interview contacts not only via references but also when participating in commemorations, military events, burials, exhibitions, and cultural events organized by local organizations. The interviewed individuals were diverse in their political views, ethno-national identities, and residence. In total, I interviewed 114 respondents (69 males and 45 females¹⁰³), including Bosnian civil society workers, military and civilian victims, veterans, leaders of their associations, and political elites of all ethno-national backgrounds. I also interviewed a range of experts and activists.

I organized the respondents into 1) direct beneficiaries, that is victims based on their victimization (39 interviews), 2) state and international elites, that is political representatives of local structures and international organizations (24 interviews), and 3) local and international human rights workers (51 interviews). I also organized them by the content of our discussion, i.e. by the types of victimization. The distribution of interviews reveals that it is the civil sector that is overwhelmingly involved in these issues, much more than any state representatives. Table 1.2. provides a breakdown of the distribution of interviews.¹⁰⁴ In the table, I combine torture and rape, as well as civilian and military victimhood into one topic, as these are later analysed in a comparative way in the individual chapters (see below). All interviews that covered topics of victimhood and compensation more broadly or that contained information about other topics are listed under ‘General topics’.

¹⁰³ Interviews that involved more than one person are counted as one (see References to Analysis). I interviewed only two female military victims as service women were rare in the war. See Berdak 2013, 9.

¹⁰⁴ As most experts were in Sarajevo, I conducted 78 interviews in the Federation, 27 in RS, three via email/skype (and one in person in New York), three in neighbouring states, and three in Brčko.

TABLE 1.2. Interviews by Topics

Civilian and military victimhood	Missing people	Torture and rape	General topics
• direct beneficiaries (18) • state and international actors (9) • local/international human rights workers (10) • Number of interviews: 37	• direct beneficiaries (10) • state and international actors (6) • local/international human rights workers (5) • Number of interviews: 21	• direct beneficiaries (11) • state and international actors (5) • local/international human rights workers (10) • Number of interviews: 26	• direct beneficiaries (0) • state and international actors (4) • local/international human rights and NGO workers (26) • Number of interviews: 30

Source: Compiled by the author (numbers in bracket represent the number of interviews).

The interviews were open-ended and semi-structured with broad questions about each respondent's background and more detailed questions about the issue of compensation.¹⁰⁵ Each interview thus differed and was mainly driven by each individual's background. In terms of research ethics, I have taken special care to remove any affiliation and identifying characteristics of five respondents who asked not to have their names included.¹⁰⁶ I have also included pseudonyms when I believed full names were unnecessary for the purposes of this thesis even when given consent to use the respondent's full name. I assigned a code to each respondent that consists of a number, location and affiliation, which provides a better overview of the data and does not necessitate including names throughout the thesis. I discuss the interview process in detail in Annexes 2 and 3.

In addition to interviews, I pulled together materials provided by formal institutions in Bosnia (such as official documents and letters from Bosnian authorities), media articles, secondary literature, and policy reports.¹⁰⁷ Therefore, the collected material was triangulated, i.e. at least three sources were combined and cross-checked, to validate the research findings.¹⁰⁸ Media sources were particularly important for evaluating the proposed explanatory factors. I relied on the *Infobiro* media library that has a collection of articles from the main newspapers and magazines in Bosnia such as *Oslobodenje*,

¹⁰⁵ See Annexes 2 and 3 for sampling methods, interview questions, and research ethics.

¹⁰⁶ Please see References to Analysis on page 292 where anonymity is clearly marked.

¹⁰⁷ Yin 2009, 103–18.

¹⁰⁸ Denzin 1982.

Dnevni Avaz, *Nezavisne novine*, *Dani*, and *Slobodna Bosna* since the end of the war. While the database is far from perfect and has problems with missing sources, it is sufficient for a comparative study that looks at general patterns rather than conducting a rigorous content analysis. I further relied on a combination of secondary literature and consulted expert reports published by international organizations and judicial bodies to enhance my confidence about the role of the proposed factors.¹⁰⁹

Nonetheless, despite triangulation, the complex nature of this qualitative research must be understood in light of some limitations in terms of reflexivity and potential research biases, replicability, and access to all potential sources of data. In observational projects, the role of the researcher can be deemed as subjective since ‘interpretive research begins and ends with the biography and self of the researcher’¹¹⁰. In the Bosnian case, it is important to acknowledge that contested narratives from the past and media spins can influence responses and narratives of the respondents, while others may ‘want to present themselves in a positive light to the interviewer’ or have a hidden agenda for their claims.¹¹¹ As Clark lamented, conducting fieldwork in Bosnia is ‘an extremely disorientating experience, with members of each ethnic group insisting that their version of events is the correct and truthful one’.¹¹² There may also be a retrospective remembering bias when respondents recall only some events. It is thus critical to corroborate interview evidence with a broad variety of sources to build resilient arguments.¹¹³ Deep understanding of the context is also necessary to set the respondents’ views within a broader framework.

The additional challenge is replicability of the empirical findings. Making inferences from observational and fieldwork data poses challenges to how similar conclusions would be made by other researchers. As the bibliography section demonstrates, I relied on a vast range of sources to reduce potential bias of interview inference and in order to increase replicability. I address data analysis and sources further in Annex 2. Nonetheless, I must recognize that the explanations I offer

¹⁰⁹ Annex 2 discusses the sources used.

¹¹⁰ Denzin 1986, 12.

¹¹¹ González-Ocantos 2016, 25.

¹¹² Clark 2014, 104.

¹¹³ See Tagg 1985.

in this thesis are also the result of constraints in terms of access to other respondents, availability of time, and financial resources. These limitations of fieldwork-driven doctoral projects that rely on intensive, deep, and ‘thick’¹¹⁴ analyses are inevitable. However, I have tried to reduce their impact on the final interpretations and inferences made in this thesis by using varied data sources.

1.6. CONCLUSION AND THE PLAN AHEAD

The aim of this introduction was to set out state-administered compensation for war victims as an important but underexplored topic of transitional justice. I presented compensation as part of post-war transitional justice and set out the key aims of the thesis, which are to explain the adoption of compensation in post-war states – specifically in the Bosnian case – and empirically examine how victims engage in transitional justice in the aftermath of wars. Throughout the thesis, I integrate structural determinants and global networks with the subnational dynamics of politics within a post-war state. By placing compensation outside of the dominant normative transitional justice framework, this thesis breaks new ground by explaining why compensation policies vary among victim categories in a post-war state. While this introductory chapter laid out the puzzle of this research and justified the methodological choices and analytical steps, it is in the rest of the thesis where I show why and how the context and victim categories shape the elites’ political calculations.

I divide the rest of the thesis into six additional chapters. The second chapter offers a detailed analysis of the proposed analytical framework for compensation and examines the main propositions about the influences of international salience, moral authority, and mobilization resources on compensation outcomes and their combinations. I further explore several mechanisms that influence change and study the role of time and context. I conclude by providing some alternative explanations. I then contextualize the analytical framework in Chapter 3, which provides the overall historical and political background to the study of post-war Bosnia. I pay special attention to the 1992-1995 war, the Dayton Peace Agreement, the political developments in post-war Bosnia, and the emergence of

¹¹⁴ Geertz 1973.

victim associations and their demands. In this chapter, I introduce three post-war phases that structure my arguments in the subsequent empirical chapters. This chapter demonstrates that compensation emerged as a victim demand only after the first post-war emergency phase had passed.

The subsequent three empirical chapters are the ‘building blocks’ for my proposed analytical framework.¹¹⁵ To present my arguments more clearly, I examine the victim categories in ‘paired comparisons’¹¹⁶, i.e. I study most similar cases that produced different outcomes. This strategy allows for the examination of my cases in smaller comparative chapters. In Chapters 4 and 6, I show the different compensation outcomes of comparable categories, while Chapter 5 is dedicated to what some experts call an outlier case of the Srebrenica survivors compared to other families of missing.¹¹⁷ The first building block (Chapter 4) compares the categories of civilian and military war victims that were physically harmed and families of those killed during the war. This chapter contrasts the combinations of high moral authority and resources for military victims with the combination of rather imperfect moral authority and international salience for civilian war victims. This chapter is more complex than the subsequent chapters as it deals with a series of compensation changes.

The second comparison looks at the case of families of the missing that achieved a state law in 2004 (Chapter 5). The reason for the focus on one victim category only is that Srebrenica survivors have created a separate subcategory that have in many ways been treated as a special case because of their external and internal prominence. In this chapter, I argue that not only international salience but also the two other factors were at high levels when the category received compensation in 2004. The final comparison is that of victims of torture and victims of sexual violence (Chapter 6). Here I offer the case of a successful reform that affected only victims of sexual violence in the Federation. I explain this as the result of powerful mobilization resources and international salience, which made domestic authorities realize that compensating women would provide external reputational and economic benefits, as well as domestic political returns.

¹¹⁵ Eckstein 1975.

¹¹⁶ See McAdam et al. 2001.

¹¹⁷ See Leydesdorff 2011.

In the Conclusion, I revisit propositions made in Chapter 2 and revisit the concept of compensation for victims. This final chapter aims to assess the five studied victim categories in comparison to each other. I also dedicate a separate section to a brief empirical exploration of access to compensation, which is not the focus of this thesis; however, it is an important aspect of compensation worth mentioning. I argue that regional variation and clientelism have accounted for much of the observed discrepancies in access. I further evaluate the internal and external validity of my thesis by assessing alternative explanations and applying my propositions to other post-war countries around the world. Nonetheless, the main aim of this chapter is to draw some key lessons from this thesis that can be applicable to the broader scholarship of transitional justice and discuss how compensation plays out in post-war societies and what role victims play in these considerations.

CHAPTER 2

AN ANALYTICAL FRAMEWORK FOR COMPENSATION: INTERNATIONAL SALIENCE, MORAL AUTHORITY, AND MOBILIZATION RESOURCES

2.1. INTRODUCTION

The aim of this chapter is to provide the analytical framework guiding this thesis' enquiry into the variation in compensation policies for different victim categories in the aftermath of war, as well as explore the further theoretical assumptions regarding post-war transitional justice. As noted above, I argue that much of the observed variation can be explained by understanding how victim categories are able to engage in pursuing their objectives through framing strategies and mobilization at the domestic and international level. In this chapter, I theorize that compensation awarded to victim categories, represented by their associations, is mainly explained by how effectively they convince domestic political authorities that compensation is in their political interest. Specifically, I argue that victims' success can primarily be understood as the result of how they are able to influence and strategically use their international salience, moral authority, and mobilization resources.

I develop a framework that relies on the logic of qualitative comparative analysis that is suited for the study of complex phenomena where an outcome (compensation) is explained by several different possible combinations of factors.¹ As the outcome may result from many pathways, the analytical framework is based on the principle of equifinality.² I aim to fill some of the gaps in the overly normative transitional justice literature that pays limited attention to the factors behind compensation adoption for groups. I present compensation adoption as resulting from complex political, moral, and economic influences exerted on domestic and external actors that are bounded by the political context in which they operate.³ Although a growing amount of transitional justice literature looks at structural conditions such as legacies of repression, democratic and economic development, and the regional clustering of justice in order to explain why some countries are more likely to award

¹ Ragin 1987, 19.

² See Hall 2003, 389.

³ Snyder and Vinjamuri 2003.

material assistance to victims than others, these works do not explain the variation at the level of categories within a state. As our understanding of macro-determinants of transitional justice improves, it is equally important to further our analyses of the complex relationships between domestic authorities, external policymakers, and victim categories while probing how they are constrained by structural factors. Therefore, this framework is not only designed to guide the empirical analysis of Bosnia but possesses utility in analysing other cases.

This chapter is divided into four parts. I first return to the definitions of compensation, explain how it features in post-war politics, and define its measurements. Second, I discuss the applicability of the framework in post-conflict societies. I also adopt assumptions about the main types of actors and their preferences. Third, in the core section of this chapter, I introduce three proposed concepts which vary across the victim categories. I suggest that their combinations and how victims utilize them explain compensation adoption for some categories over others. Although these concepts cannot be measured precisely, they can qualitatively differ and have low, medium, and high values. I find that a combination of at least two factors with high values results in a higher likelihood of compensation adoption. Building on the case of Bosnia, I narrow the range of factors that influence compensation to the three most important ones by triangulating a large set of sources. I propose that when a victim category's compensation demands have some political (mainly electoral), economic (mainly foreign aid), or reputational (mainly positive external evaluations) rewards attached to it, compensation becomes more likely. If that is not the case, the likelihood of adoption drops. Finally, I evaluate alternative explanations.

2.2. DESIGNING AND ASSESSING COMPENSATION AS A POLICY

The aim of this section is to define compensation as a victim-centric policy within post-war states and introduce its assessments in the form of adopted policies. As already stressed, this thesis primarily focuses on the first step of compensation politics, i.e. the adoption, rather than the implementation of compensation. The conceptualization of compensation has been inspired by the previously utilized definitions within the broader umbrella term reparation and as a tool used to

redress victims with irreversible losses. While victims of socioeconomic harm and displacement such as refugees have benefited from restitution, compensation has been applied as a substitute for losses and harm that cannot be undone. Unlike court-administered compensation that has primarily encompassed monetary payments only, compensation policies within states have combined state-provided material (monetary) but also in-kind benefits (services and privileges). Either lump sums or monthly payments have been in practice combined with free medical care, psychosocial support, employment privileges, and other services. Therefore, the practical application of compensation has also included some aspect of rehabilitation as means to care for victims. Following from this, I define compensation as a set of state-provided material and in-kind benefits for victims with irreversible losses. Building on this definition, this section discusses the political dimensions of compensation and then sets out its measurements.

Compensation for war victims is a set of measures adopted by post-war state authorities that combine the aspects of recognition and assistance (that can also be understood as having rehabilitative effects).⁴ However, compensation differs from other transitional justice tools in its material and symbolic dimensions that are directed at victims but also in the amount of threats it poses to incumbents. While trials can be perceived as threatening to post-war elites and even remove them from power, truth commissions may open old wounds and extenuate previous conflicts. Compensation seems to be more threatening to post-war budgets, bureaucracies, and understandings of victimhood. Rather than threatening domestic political elites, it can be used as an opportunity to redefine identities through symbolic means, redistribute resources, and extract some domestic or external reputational and political benefits (see below). Therefore, it may become a post-war policy within which various political and victimized actors clash because of its material and symbolic content. It is also a policy that is ‘closer’ to victims and their needs, that does not rely on the impenetrable language of the other transitional justice tools.⁵

⁴ See De Greiff 2006a; van der Merwe 2014, 208.

⁵ See Weinstein et al. 2010.

The inherent problem with compensation is that it requires attaching values to suffering. Compensation is based on a key principle that defines its content and scope: proportionality to the gravity of the victimization.⁶ This principle represents the idea of establishing compensation on the basis of victims' needs as well as rights, i.e. what each harmed individual requires for a decent life and what his or her rights are depending on the crimes committed.⁷ While rights are often framed in vague terms such as 'justice', 'satisfaction', and 'material support', most debates about defining the scope and content of compensation focus on the various forms of services and amounts of payments.⁸ Some scholars believe that this is futile and harmful. For example, Slyomovics argues that compensation has the greatest distance from justice because it puts a price on suffering without linking it to the perpetrator.⁹ While such criticism is valid (and documented in this thesis), in reality governments need to be able to calculate the cost of their policies and thus a certain level of proportionality needs to be introduced. It also is not always possible to link a victim to a perpetrator directly. Even when that is the case, few perpetrators can compensate the thousands of victims they may have victimized. This criticism is thus more valid for criminal cases, rather than cases of mass human rights violations. Nonetheless, proportionality and 'assigning values' to suffering are important aspects of compensation that feature as a running thread throughout this thesis.

Analytically, the debates about what can truly be labelled as proportional compensation and about the ideal designs of compensation offer only limited opportunity to assess compensation as a policy outcome. While most studies focus on the aspect of how compensation is distributed, the interest of this thesis is in the formal adoption of compensation and the history of compensation-making. Therefore, in this thesis, I focus on the adopted legal regulations that target war victim categories within a post-war state. In some cases, compensation provisions may be reminiscent of peacetime social services.¹⁰ However, they are conditioned through its relationship to the war. In other words,

⁶ UN General Assembly 2005, Art. 20.

⁷ De Greiff 2006b; De Greiff 2007; van der Merwe 2014.

⁸ De Greiff 2006b.

⁹ Slyomovics 2009, 14.

¹⁰ For example, in the Bosnian cases, Amnesty International uses the term war-related 'social benefits', World Bank war-related 'social transfers', while others label it as a 'hybrid' tool. See Popić and Panjeta 2010.

claimants of victim-centric benefits are only eligible if their victimization resulted from war. Therefore, compensation can be assessed as a war-related policy in the form of new legal regulations or amendments that addresses individual victim categories. The official provision of compensation is then a formal recognition of a victim category, which accordingly gives its bearers a set of rights enacted in state laws, subnational laws, law amendments, executive orders, and the like. ‘Measurements’ of the existing compensation policies will thus vary across different contexts.

‘Measuring’ the extent and quality of legal regulations is a possible strategy to assess compensation. However, as there are no universally accepted approaches to how compensation should look like as each context invites different measures, a more fruitful approach is to compare the demands formulated by victims to the outcomes. By comparing victims’ demands through their statements and the adopted changes, we can assess the varied ‘success’ of the victim categories’ claims. While some categories demand legal amendments, others may demand a new law. I thus study the purported ‘success’ or ‘failure’ of compensation not as a normative ideal of what compensation should look like, or offer a critique of the existing provisions, but as a real-world policy that was accepted or rejected by the key domestic policymakers. I thus assess compensation outcomes as formal policy adoptions, i.e. new laws or amendments, *vis-à-vis* victims’ demands.

Following Gamson’s classical study of the effects of protests, ‘success’ can be measured as a two-step process.¹¹ According to Gamson, the first step consists of achieving a policy change, while the second step consists of the involvement of the group in the subsequent policymaking processes through consultations. Gamson’s dual measurement of success is a useful starting point. However, for a policy such as compensation, what seems to be more suitable is to replace the second step (consultations) with ‘access’ as policy implementation. A law adopted does not automatically mean success if its beneficiaries have no access to its provisions. While I cannot explore implementation theoretically due to the scope of this thesis and for reasons of parsimony, the empirical chapters each integrate some aspect of access in different ways. Yet these analyses are far from exhaustive and

¹¹ Gamson 1975.

only offer a snapshot of the key problems. For example, Chapter 4 integrates poor access as part of the continuous demands for changing compensation while Chapters 5 and 6 include a separate section on poor access. Therefore, the theoretical arguments presented below, as well as the majority of the empirical analysis, are valid for compensation adoption as the first dimension of compensation. Implementation of policy (also called access of victims to the provisions) is partially explored in the empirical chapters but is not the focus of this thesis as another study would be necessary to explore the second dimension of compensation exhaustively. I only offer some tentative conclusions about the poor access to compensation in Bosnia, drawing on official reports provided by local and foreign organizations, and based on self-reported satisfaction. Table 2.1. depicts the two dimensions (adoption and access) of compensation.

TABLE 2.1. Two Dimensions of Compensation

Compensation	Adoption (policy outcome)	Access (policy implementation)
Measurement	Positive legal change or new law based on victims' demands	Actual access to legal provisions by the beneficiaries
Studied in this thesis	Yes: Theoretically and empirically	No: Only partial empirical exploration

Source: Compiled by the author.

2.3. SCOPE CONDITIONS AND ACTORS

Having defined compensation and explained its assessment on the basis of legal outcomes as successes or failures of victims' demands, I can now proceed with outlining the proposed framework. I start by explaining its aim and applicability. As noted, I argue that the inter-category variation in the levels of a victim category's international salience, moral authority, and mobilization resources explains why some categories achieve compensation while others fail. Acting as strategic actors, domestic policymakers do not adopt compensation until its adoption offers some political, reputational, or economic rewards. Unless domestic and external factors raise the value to elites of accepting compensation, there will be no change in the status quo, i.e. the situation before any

change. However, when a victim category is well positioned and has tools to alter such calculations, the status quo is offset and compensation may become part of their policy agendas. I must stress that although states may have varied levels of decentralization, for the sake of clarity and parsimony, the proposed framework explains compensation outcomes only at the state level.¹²

2.3.1. THE FRAMEWORK'S APPLICABILITY: CONTEMPORARY POST-WAR STATES

In general, proposing theoretical frameworks based on small-N studies necessitates defining the scope conditions for the validity of the propositions.¹³ This thesis is interested in post-conflict countries, more precisely states after civil wars. Let me explain the main characteristics of such states. Post-conflict states following the end of the Cold War emerge from predominantly internal (civil) wars. As the existing conflicts literature shows, the internal nature of conflicts is driven by complex motives that are often sustained by underlying cleavages over identity, resources, economic interests, and inequality.¹⁴ As these differences are rarely fully resolved by the conflict, they may manifest themselves in post-war politics, structuring political life around war-related issues. Such states are also characterized by a variety of external governance models exercised by international actors, which would have previously been considered as intrusive into a state's sovereignty.¹⁵ International organizations such as the UN have been increasingly guiding and managing such war-to-peace transitions.¹⁶ They have been involved through an array of peace- and statebuilding missions that have employed various economic and institutional strategies. The normative aim of these missions has been 'liberal peace'; a concept derived from democratic principles¹⁷ and proposed as an antidote to violence.¹⁸ The putative establishment of liberal peace as a goal has thus justified intrusions into sovereignty.

¹² I introduce subnational variation later in the empirical analysis.

¹³ See Eisenhardt 1989.

¹⁴ Collier and Sambanis 2005; Kalyvas 2006; Collier et al. 2009.

¹⁵ For a summary see Caplan 2005a, 2–4.

¹⁶ Newman et al. 2009, 8–9.

¹⁷ Norms are here defined as 'collectively shared systems of meanings'. See Risse 2002, 598.

¹⁸ Paris 2004, 4.

Another characteristic of such states is that the combination of the internal nature of conflicts and external multilateral involvement has been accompanied by the predominance of negotiated peace processes (or protracted peace negotiations) rather than clear military victories. Because victories are more frequent in states where one side is substantively stronger, ‘when the UN intervenes in a civil war, it increases the probability of both truce and treaty’¹⁹. In other words, such wars frequently (though not always) result in negotiated peace settlements rather than victories of one side. This can lead to domestic power sharing between politically relevant groups²⁰ in the form of proportional representation, territorial autonomies, and inclusive governments in order to accommodate collective interests and secure peace.²¹ Unlike in inter-state wars when belligerents return to their home countries, the end of civil wars may result in a negotiated peace²², where there is a need to accommodate the ‘other’ side and where justice-related issues are not framed around victor’s justice but around negotiations and power divisions. In situations where important sections of the population do not identify with the post-war state, the so-called ‘stateness problem’²³ can occur and further compromise post-war stability.²⁴

In addition to these complex characteristics of contemporary post-war states, this analytical framework is suitable for societies where state capacities are stable enough so that victims can direct their claims at state authorities and expect a response, i.e. where physical peace and prevention of state failure are no longer urgent concerns. Similarly, it is applicable to situations where there is a certain level of plurality of opinions and political actors are chosen in elections where they compete for office with a reasonable level of openness. Under such conditions, we can expect victims to possess the opportunity to demand compensation without fear. This analytical framework thus applies to post-civil war states that can be considered as undergoing stabilization with a certain degree of plurality and with the presence of international peace- and statebuilders. Failed and

¹⁹ DeRouen and Sobek 2004, 311.

²⁰ Posner 2004b.

²¹ The most complex system is called *consociationalism*. See Lijphart 1994; Roeder and Rothchild 2005.

²² Mac Ginty 2008.

²³ See Linz and Stepan 1996, 16.

²⁴ In the field of ethnic politics, this was most clearly analysed by Horowitz 1993.

authoritarian states, as well as states without the involvement of external actors, would display a weaker congruence with my propositions.²⁵

2.3.2. DOMESTIC AUTHORITIES, VICTIM CATEGORIES, AND EXTERNAL ACTORS

With regards to compensation, there are three types of actors who influence the outcome: domestic political authorities, victim categories, and international actors. As suggested, the result of negotiated peace is a situation where previously hostile parties may have to live together tasked with the mission of jointly rebuilding their country. They are also assisted by an array of international peacebuilding and/or military missions, as well as humanitarian organizations that focus on assisting local displaced and victimized populations. Post-war social and political life is thus defined by the coexistence of old and new actors, some of whom may be committed to democratic progress and redress for victims while others may resist any activities that could alter the war-generated power hierarchies.

The first set of actors are **domestic political authorities**, defined as ‘persons who are able, by virtue of their strategic positions in powerful organizations, to affect national political outcomes regularly and substantially’²⁶, also referred to as elites. This definition suggests that such individuals are the primary policymakers such as elected officials in parliaments, party leaders, members of parliamentary committees and commissions, as well as ministers and their advisors. While governments can initiate laws and steer the agenda-setting processes, adoption of new laws is in the hands of parliamentarians and key political party representatives. These political actors may be in competition with each other, depending on the balance of power between old and new elites, their views about the previous regime, and their ideas about the future. Domestic authorities are not only defined by their specific institutional roles in governments or parliaments but also their party and previous affiliations.

²⁵ To illustrate, my propositions are appropriate for countries such as Kosovo, Macedonia, Colombia, Kyrgyzstan, and Rwanda, among others. It is also appropriate for Cyprus as this is a hybrid case of a frozen conflict and a post-war state. Other countries would only partially apply (e.g. Mexico as it is not a post-war state but its war on drugs has resulted in a large victim population and external actors have been present). War-torn countries that are grappling may apply in the future (e.g. Burundi, Iraq, Afghanistan, and Syria).

²⁶ Higley and Gunther 1992, 8.

Domestic **victim categories** are represented by collective organizations (associations) of war victims, established by and for victims with the aim of changing their existing situation or advancing their demands within the political arena. Individuals are categorized by their war roles (and their victimization) as either members of the military or civilians and by their victimization. Categories demanding compensation include associations of disabled veterans, civilian paraplegics, widows, victims of torture, victims of rape, victims of genocide, etc. Their organizations function as part of the civil society and formal representative bodies of survivors. Once victims gather in organizations under central leadership, they resemble formal pressure or interest groups.²⁷ Their leaders may demand policies in the form of drafted changes or as broad claims for monetary allowances, medical care, and other services. Because they gather based on their victimization, which was caused by ‘victimizers’ – their characteristics may also be related to people and groups that they identify against.²⁸ Victim categories may be assisted by activists, non-governmental organizations (NGOs) or domestic pro-victim groups. However, these groups are not part of the victim categories.²⁹

The last set of actors are **international peacebuilders and statebuilders**, for which my shorthand is **external actors**.³⁰ These include an array of external organizations including multilateral UN agencies³¹, international agencies³², militaries³³, financial institutions³⁴, regional organizations³⁵, international courts³⁶, and others, whose decision-making powers vary in strength and depend upon their mandates. In post-war states, these actors are often deployed in the form of mandated peace- and state-building missions that Richard Caplan called ‘international administrations’³⁷. There are

²⁷ See Rombouts 2004, 2.

²⁸ For example, the Rwandan organization *Avega Agahozo* is not only an organization of widows but of Tutsi widows, whose husbands were killed by the Hutu.

²⁹ I should stress that an additional set of actors represent international activists and advocacy groups that may influence domestic policies through their campaigns. As they are often indirectly involved in the decision-making processes, I study these actors within the concepts of international salience and mobilization resources.

³⁰ I chose the term ‘external actors’ rather than the vague a term ‘international community’ that misleadingly suggests that external actors are always uniform in their views and powers (cf. Jansen 2006, n. Footnote 2).

³¹ E.g. the United Nations High Commissioner for Refugees (UNHCR), the United Nations International Children’s Emergency Fund (UNICEF), and the United Nations Development Program (UNDP).

³² E.g. the International Committee of the Red Cross (ICRC) and the World Health Organization (WHO).

³³ E.g. the North Atlantic Treaty Organization (NATO).

³⁴ E.g. the International Monetary Fund (IMF) and the World Bank (WB).

³⁵ E.g. the EU, the African Union, the Organization for Cooperation and Security in Europe (OSCE).

³⁶ E.g. the ICTY, the ICC, and the International Criminal Tribunal for Rwanda (ICTR).

³⁷ See Caplan 2005a.

two basic types of such administrations. The first ones have ‘supervisory’ mandates through consultative functions and military peacekeeping (such as in Cambodia or Afghanistan). The second ones have ‘extensive’ (or ‘heavy-footed’³⁸) mandates with direct governance functions in the executive, legislative, and judiciary (e.g. Kosovo, Bosnia, or East Timor). Actors may be deployed with issue-focussed financial, security or judicial mandates, or as humanitarian agencies. External actors thus constitute an array of bodies with varied influences over domestic policymaking.

2.3.3. ASSUMPTIONS: ACTORS’ MOTIVATIONS AND PREFERENCES

Each of these three collective actors has a unique set of motivations and policy priorities. Assuming that people have limits to their cognition, all of these actors pursue their priorities with a partial understanding of reality and what can be achieved within the boundaries of the existing social and political system. They thus deploy tools and strategies that they consider as the most efficacious for their goals with the information they have and within the constraints of their states. While domestic political actors seek to consolidate and advance their political power, the objectives of external actors are to end violence and transpose their visions of peace into practice. Between these consequentialist objectives are victims’ needs of securing their livelihoods and their pursuit of symbolic recognition and their understandings of ‘justice’.

The main priority of **domestic political authorities** is the maintenance and advancement of their political power. They are primarily office seekers, whose actions are driven by rational and power-seeking aims. They prioritize peace only as long as it guarantees their political positions. They act as political entrepreneurs whose key objective is to cling to power. Preferences of political actors are grounded in rationalist thinking and the idea that incumbents primarily respond to incentives that augment their political control. However, within this context, compensation may enter their policy preferences. In the ‘logic of transition’, North et al. explained that elites find it in their interests to protect their privileges by turning them into rights of people.³⁹ From this perspective, compensation

³⁸ Term used by Newman 2009, 32.

³⁹ North et al. 2013, 190.

can serve several purposes. First, it can increase the credibility of those political actors who want to validate their legitimacy to rule by taking care of ‘their’ constituents or who want to show their commitment to welfare by caring for vulnerable groups. This may be important when political actors try to present themselves as the strongest defenders of ‘their’ groups⁴⁰ (i.e. nationalist parties), run on social platforms (i.e. social democratic parties), or platforms using the language of liberal norms and human rights (i.e. liberal parties), and the like. From this perspective, providing compensation can be a self-interested act to shore up wide political support.

Additionally, external assessments of domestic elites feature in domestic politics because they can boost a regime’s legitimacy, increase its international reputation, harness foreign assistance and investment, or increase chances of membership in international organizations.⁴¹ Compensation can be advantageous as a sign of goodwill or progress and facilitate obtaining such benefits. For example, the EU has applied the mechanism of ‘conditionality’ as a top-down strategic employment of incentives to spur a shift in state policies or behaviour.⁴² Domestic elites are driven by prospects of joining such organizations as it increases their domestic credibility and brings additional financial rewards. Therefore, compensation may constitute an opportunity. Incumbents may be willing to offer compensation when there are rewards attached to it, which can further their political power.

Alongside mechanisms such as trials and truth delivery, **victim categories** pursue compensation for a variety of reasons. Victims’ attention frequently turns to compensation due to its potential to improve their quality of life and recognize their suffering.⁴³ Individual preferences are channelled through victim associations as representatives of victim categories. The assumption here is that victims are represented by leaders in charge of demanding compensation, who formulate compensation claims and pursue them for both socioeconomic and symbolic reasons on behalf of their members. The individual claims are shaped by the profile and sources of victimization of the

⁴⁰ Horowitz 1985.

⁴¹ Dreher and Vaubel 2004; Grabbe 2006; Meernik et al. 2012.

⁴² Schimmelfennig and Sedelmeier 2004, 663.

⁴³ For example, instead of payments, mental health services, access to education, jobs and shelter were preferred by Iraqi victims in 2004. See Stover et al. 2005, 247.

victims and vary in their extent and scope. Material aspects of compensation feature especially prominently among impoverished victims, or those with special medical needs. Among the post-war states studied by Anna MacDonald, ‘in almost all cases, reparations and compensation are prioritized [by victims] over other processes, including, for example, trials’⁴⁴. In many poor post-war states, basic needs may trump the desires for justice. These findings differ from studies of victims of the Holocaust, ‘comfort women’ raped by Japanese soldiers, or families of *desaparecidos* (disappeared) in Argentina, who primarily sought truth and apologies.⁴⁵ As MacDonald and others explained, this difference can be explained by the lower socioeconomic background of post-war victims in poorer countries who fear for their economic survival.⁴⁶

Nonetheless, some individuals may still refuse compensation when it can lead to social stigmatization (e.g. when rape brings dishonour to the family) or when the individual’s demands bear security and legal costs.⁴⁷ For some victims, compensation may also represent ‘blood money’ or a tool to ‘buy silence’⁴⁸. In the case of missing people, accepting compensation can also symbolize the act of giving up hope that these people are alive.⁴⁹ Frequently, such criticisms have been voiced in the absence of other mechanisms – such as trials, apologies, and truth-seeking mechanisms – that signal a broader culture of recognition and willingness to address victims’ needs in a comprehensive way. In situations where other tools are already in place (including Bosnia), compensation can act as what de Greiff titled ‘solidarity’, i.e. the public and political acceptance that victims deserve to be redressed.⁵⁰ Similarly, compensation may represent what Philpott called ‘acknowledgment fortified materially’⁵¹ and Vermeule ‘rough justice’⁵² because it offers the symbolic public recognition of people’s suffering and the state’s willingness to bear responsibility and the cost of redress. Indeed,

⁴⁴ MacDonald 2013, 43.

⁴⁵ Wolfe 2013; Humphrey and Valverde 2007.

⁴⁶ See Laplante and Theidon 2007; van der Merwe 2014; Vinck and Pham 2014.

⁴⁷ Laplante and Theidon 2007; Adhikari et al. 2012.

⁴⁸ Olsen et al. 2010, 4; Philpott 2012, 3.

⁴⁹ Hamber and Wilson 2002, 45.

⁵⁰ De Greiff 2006b.

⁵¹ Philpott 2012, 196.

⁵² Vermeule 2012, 151.

as the existing evidence suggests, the symbolism of compensation should not be underestimated; even modest payments and recognition can provide a level of satisfaction.⁵³

External actors' short-term priorities are peace and stability but their long-term priorities are that domestic elites accept the democratic norms of accountability and the rule of law which they consider as the most effective guarantees of long-term peace.⁵⁴ The aims of statebuilding and democracy play out prominently. As Zürcher et al. noted, 'central to modern peacebuilding is the aim to bring peace *and* democracy to host countries'.⁵⁵ International administrations with extensive mandates also commonly include state-building efforts to 'establish effective or autonomous structures of governance in a state or territory where no such governance exists or where it has been seriously eroded'.⁵⁶ Caplan lists public order and security, return of refugees and displaced persons, economic reconstruction, and functioning civil administrative and political institutions among the key priorities of international administrations.⁵⁷ Similarly, Firchow and Mac Ginty argue that in post-war states external actors' 'main focus is often on constitutional, security, and governance reform issues rather than issues that are somehow seen as "soft" such as reconciliation and identity'.⁵⁸

Although it seems rare to include issues of victims' compensation on external agendas, justice measures may be included as far as stability is maintained.⁵⁹ Compensation may be included as a part of measures of the growing moral dimensions of international peacebuilding.⁶⁰ Since peacebuilding has started to draw on a new justification in the form of universal solidarity and protection of human rights in the past decades⁶¹, various post-war justice-related reforms have been included in peace deals, e.g. Nepal, Sierra Leone, Rwanda, and Kosovo. These developments were validated by the above-noted *UN Reparations Principles* that have increasingly been used as a global

⁵³ See Saeed 2016.

⁵⁴ Gleditsch 1992; Lake 1992.

⁵⁵ Zürcher et al. 2013, 20.

⁵⁶ Caplan 2005a, 3.

⁵⁷ Ibid. 44.

⁵⁸ Firchow and Ginty 2013, 236.

⁵⁹ Out of 84 transitions to democracy from 1970 to 2004 (including post-authoritarian cases) only 14 states implemented reparation. See Olsen et al. 2010, 53.

⁶⁰ Stedman 2002.

⁶¹ MacFarlane 2002, 7.

normative benchmark for states' obligations towards their citizens. The preference given to material redress is thus also guided by the fact that external actors are constitutive parts of those international norms of justice that they profess. Therefore, external actors may prefer to support some 'value-laden causes'⁶² such as compensation to justify their missions in front of the global public.

To summarize, I assume that victim categories seek compensation policies, domestic political authorities seek to maintain or further their power, and external actors seek stability and the adoption of the liberal norms that they advance. This framework is further based on the premise that victims pursue their demands through their formal victim associations. Focussed on peace and stability, compensation may enter international agendas only in as far as peace is secured and key institutions established. Given the potential economic cost and other policy concerns, elites are not expected to prioritize compensation. Only once peace has been consolidated and state capacities have been strengthened can compensation be expected to start featuring in domestic policymaking. Using these assumptions, I suggest that compensation results from complex calculations of domestic authorities, who respond to the domestic and external factors described below.

2.4. EXPLAINING CHANGE: TOWARDS COMPENSATION

Having specified the main actors and assumptions of this thesis, the main question of this section is the following: Under which conditions are domestic authorities willing to adopt compensation for a particular victim category? The process of compensation adoption starts with victim category's representative leaders formulating demands either as a policy or set of changes (e.g. free medical care and education, monthly allowance, etc.). They then present it to political elites, most likely to individual deputies, whom they consider as willing to listen, or through a broad public appeal. Assuming the state's budget is limited, domestic political actors will then deliberate whether it is in their interests to award or extend compensation (and in which form) to the claimants, or whether to reject it. To succeed, the leadership of the categories will be positioned differently to be able to use

⁶² Keck and Sikkink 1998, 9.

various tools and strategies in order to present its demands. The inter-category differences and the victims' efforts in leveraging their ability to convince the domestic actors are encapsulated in a range of factors that explain why some are more successful than others. I propose that they can be brought together as international salience, moral authority, and mobilization resources.

I propose that none of these factors individually explains the outcome. However, when a category is strong in all three or at least two combine at high levels at a particularly opportune time, as defined below, I propose they can result in success. This analytical framework is thus based on the qualitative comparative logic applied to complex phenomena advocated by Charles Ragin. 'It is the intersection of a set of conditions in time and in space that produces many of the large-scale qualitative changes',⁶³ he argued. Indeed, what interests me are not only the separate effects of the factors but how they play out when they combine. As Ragin reminds us, John Stuart Mill called such interactions 'chemical causation'.⁶⁴ While the right combinations of ingredients result in change, their absence maintains the status quo. This 'conjunctural or combinatorial nature' of social science is also the analytical approach I adopt here. While I do not propose a causal relationship, this section suggests how the three factors and their plausible combinations can have an influence over the outcomes.

2.4.1. THE EXPLANATORY FACTORS

In this section, I present the three developed concepts: 1) international salience of the category; 2) the victim category's domestic moral authority; and 3) the victim category's mobilization resources. All three of these factors can be characterized as tools of the victim categories that are greatly dependent on the existing structural conditions (such as levels of pluralism and socioeconomic development) but that can be further modified by various actors, including the victims. As specified below, I do not expect any one of the factors on its own to ensure that compensation is adopted; however, in combination and when used strategically during certain periods, they can increase the resonance of victims' demands and result in success. Additional set of factors studied next are

⁶³ Ragin 1987, 25.

⁶⁴ Ibid.

structural conditions that also influence these three factors. The three factors indeed may also interact and influence each other. While this may pose problems to statistical and formal modelling, the qualitative exploration of this framework is able to account for such interactions and build them into the narrative. I must stress that it is highly unrealistic to study the three factors as binary variables (i.e. either present or not). Therefore, the assumption made here is that each victim category has various levels (high, moderate, or low) on the above-proposed factors that may change over time by both structural changes and the agency of the victims. As this thesis is a comparative study, each assessment of a category is done in relation to the other categories within the state. In other words, levels of the factors are not absolute or discrete but relative to the other cases of the present thesis.

2.4.1.1. *International Salience*

The first factor that I propose influences compensation outcomes is international salience. By this I mean the amount of external attention to the demands of a victim category and the levels at which the category is prioritized in the international human rights regime and in external policy preferences. International salience has two dimensions – an international one and a country-specific one – and its ‘quality’ and level is influenced by both structural factors and strategies of victims as explained below. The international dimension is encapsulated in advances in the developments in human rights priorities, such as new UN conventions and prominent resolutions about warfare, minority or humanitarian issues, and the dominant topics of the day on the external humanitarian and human rights agendas. These can range from migration issues to establishing international institutions of criminal prosecution. As noted previously, since the 1980s, a wave of new justice measures – a ‘justice cascade’ – swept across many post-atrocity states, giving rise to a new international regime driven by norms of human rights and humanitarian law.⁶⁵ With regards to victims and compensation, the 1985 *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* was one of the first documents which defined the term victim and where compensation was framed as a state’s responsibility.⁶⁶ This document started a world-wide debate about the rights of victims. Other

⁶⁵ See Sikkink 2011.

⁶⁶ UN General Assembly 1985b.

examples are the UN Resolution 1325 (2000) on violence against women, which drew attention to the female experience in war, the above-mentioned 2005 *UN Reparations Principles*, which directed more attention to the topic of post-war reparations, and the 2006 *Nairobi Declaration* by Kenyan women, which brought the world's attention to rape.⁶⁷ Consequently, the domestic category's demands can become representative of some broader trends, ranging from human trafficking, support for minorities, and women's issues. Therefore, some categories may have a more favourable positioning at the international level given such prioritization.

International priorities have important implications for the priorities of peace- and statebuilders in the post-war states where they are present. As suggested, external actors are not only under the influence of their consequentialist peace objectives but also under the normative pressure of advances (or impediments) in human rights and international law. Although domestic authorities may be resistant to normative pressures, external actors must take them seriously as they are constitutive parts of such trends and because complying with liberal norms justifies their interventions. Indeed, audiences are not only within the country in question; rather they constitute international and even 'global' public.⁶⁸ Therefore, the individual victim categories and their demands will be ranked on external agendas, in relation to changes in international trends.

Additionally, country-specific atrocities co-determine international salience of some categories. For example, the findings about the extent of sexual violence during the wars in Bosnia and Rwanda resulted in a 'norm cascade'⁶⁹ as a campaign against violence against women in conflict (see Chapter 6). Similarly, the US acknowledgment and apology to interned Japanese Americans during World War II in 1988 led to a proliferation of debates about inter-generational reparations for historical injustices.⁷⁰ Importantly, international court decisions bring attention to victims of some crimes and reveal information about such events, implicitly recognizing their entitlements for redress in the international and domestic arena. Moreover, as Rangelov noted, trials represent a deliberative justice

⁶⁷ See Transparency International 2006.

⁶⁸ Wood 2014.

⁶⁹ Finnemore and Sikkink 1998, 901.

⁷⁰ See Wolfe 2013, 165–87.

because they open debates about crimes in the courtroom but later take on a ‘life of their own’ in the domestic public sphere and international arenas.⁷¹ Human rights violations and media reporting about atrocities can increase a category’s international salience. International salience is thus time-variant and fluid as it shifts from issue to issue, raising or lowering the victims’ external resonance.

While international salience is predominantly affected by the contextual changes at the international level as outlined above, victim categories can adjust to these shifts and amplify some resonant priorities. Victim categories can use various strategies to reflect such shifts. They can strategically align their demands with international trends and use them as an additional leverage for their demands, an idea that has already been expressed in Keck and Sikkink’s discussion about activists’ utilization of ‘informational’ leverage.⁷² Using such strategic framing can be very effective.⁷³ When victim leaders are aware of such trends, they can use them in their statements and policy demands to discredit domestic political authorities, expose their ignorance of external developments, and lack of commitment to international conventions (especially those that they have signed). Victims often use poor records in human rights as evidence of their country’s lack of respect for international norms.

Beyond leveraging external developments to pressurize domestic authorities, they can also actively seek out international allies through pro-victim and advocacy networks and participate in their activities and projects. They can implore external actors and insinuate their responsibilities (what Keck and Sikkink called ‘moral leverage’⁷⁴). They can further appeal to the world’s public by leveraging the potential complicity of international actors in crimes, which can facilitate an increased focus on some categories. They can also vocalize their demands and suffering during international days of remembrance and various campaigns. Vocal victims that feature in the international press often grab the attention of the world’s public, human rights activists, and international actors that may prioritize them on their agendas and thus increasing pressure on domestic authorities.

⁷¹ Rangelov 2014, 51.

⁷² See Keck and Sikkink 1998, 23.

⁷³ Givan et al. 2010, 4.

⁷⁴ Keck and Sikkink 1998, 23.

Drawing on the previous assumptions that domestic actors are responsive to reputational or economic rewards offered by external actors, when international salience of a category increases, domestic authorities can become more responsive to its demands.⁷⁵ External actors can exert influence over policies that they prioritize through their financial and technical assistance, the prospect of membership in regional organizations or cooperation, or positive evaluations about the state's progress. As noted, organizations such as the IMF, WB, OSCE, NATO, and EU have pursued various strategies to nudge governments into policy adoption in return for rewards. Economic benefits such as loans, foreign aid, or other financial support, which would stabilize public finances and allow domestic elites to further their power, are especially effective.⁷⁶ Also reputational leverage has been prominent in human rights issues. Finnemore and Sikkink argued that a state's 'international status or reputation' is an important factor in policy preferences of domestic elites.⁷⁷ However, this can only apply in situations when domestic elites seek credibility on the international stage or membership in organizations. In such situations, when their reputation is at stake, they may adopt the sought policy.

Therefore, categories with higher international salience have better chances of pressing governments into adopting compensation when the domestic cost of rejection is higher (e.g. loss of foreign aid, reputation, or membership prospects) than the costs of adoption (e.g. financial cost). This idea has previously featured in studies of Europeanization and the influence of EU leverage.⁷⁸ However, the mechanism there somewhat differs as EU policy preferences have been predetermined by the EU enlargement portfolios rather than domestic pressure groups as is the case with compensation. In the case of compensation, international salience is a more complex phenomenon that is not only conditioned by the nature of the international system but can also be influenced by a variety of actors, including domestic victims. Following from these debates, I thus propose that a victim category that has or is able to generate high international salience will be better placed to demand compensation:

⁷⁵ See Cortell and Davis 1996.

⁷⁶ See Dreher and Vaubel 2004.

⁷⁷ Finnemore and Sikkink 1998, 906.

⁷⁸ See Schimmelfennig and Sedelmeier 2005; Vachudova 2005; Fagan and Sircar 2015.

when victim categories succeed in strategically aligning their demands to its international salience, or use other activities such as advocacy and activism to adjust to the current external priorities, they can increase the power of their compensation claims.

2.4.1.2. *Domestic Moral Authority*

The second explanatory factor is the differential domestic moral authority – also defined as ‘deservingness’ – ascribed to each of the victim categories in the domestic public sphere.⁷⁹ Each victim category has a different moral authority among its co-nationals, the domestic authorities, and members of the public. This can be the result of some idiosyncratic historical and cultural factors⁸⁰, ethnic (or other) identities, or war-related experience and narratives. It is a property of the category and a function of the cultural, historical, and political context, but also the result of social constructions and the ability of others to empathize with victims.⁸¹ Social solidarity as the ability to empathize with the suffering of others is also what de Greiff identified as a key goal of compensation.⁸² Moral authority is thus defined as the aggregate public recognition that a category has the right to receive compensation and deserves to be compensated at a given time.⁸³ Depending on the strength of such deservingness, categories are empathized with and perceived by the public and domestic authorities as legitimate policy claimants. War survivors generally have a higher level of moral authority than other citizens, but not all victims share the same levels.

Given my focus on societies after civil wars, the ethnic, national, religious, and other identity properties of a category may become important idiosyncratic aspects of moral authority. The willingness of domestic authorities to provide for their populations is related to how the policy claimants correspond with the overall narrative of the nation or community, and its past. This also means that in divided states, domestic elites are more sympathetic to categories whose identity corresponds to theirs. For example, legitimacy conferred upon Anglophone Tutsi in post-genocide

⁷⁹ Public sphere is found between everyday life and the state. See Habermas 1991.

⁸⁰ Almond and Verba 1963; Inglehart 1988.

⁸¹ See Butler 2006.

⁸² De Greiff 2006b.

⁸³ Cf. Beetham 2001.

Rwanda was superior to that conferred upon Francophone Tutsi because it aligned with the ruling elite. Moral authority features in discussions about veterans' participation on the 'right' national side and victims' symbolic role as representative beacons of the nation's suffering.⁸⁴ This also leads to the fact that moral authority attached to one (ethnic) group can be disputed by the others. For example, while Serb victims in Kosovo have a high moral authority among Serbs in Serbia, their moral authority varies across the wider post-Yugoslav region. This can create tensions in situations when policymaking is shared across different identity groups. When no single set of elites can unilaterally decide on its own which policies to adopt, the outcome must result from a general agreement at an aggregate level if, in fact, such agreement is possible. Therefore, there will be significant differences in divided states where one community's victims may be another's perpetrators.

These differences can be best described through the so-called 'frames' as the composite of public perceptions, beliefs, symbols, and narratives attached to a category at a particular time.⁸⁵ Frames are 'deliberative, utilitarian, and goal directed'.⁸⁶ Additionally, they help people navigate through complex issues such as war experiences. Here, collective frames include types of suffering and heroism, as well as some key war narratives. In the American context, Skocpol demonstrated that after the American civil war, disabled veterans were viewed as deserving support for sacrificing their limbs for the state while women acquired a special morality through 'the universal civic value of mothering'.⁸⁷ The universality of the 'motherhood' frame was later used to enact social policies for women in the 20th century.⁸⁸ As framing is aimed at garnering sympathy and public attention, universal frames (e.g. humanity, womanhood or motherhood) that tap into broader political or social developments may prove more effective than particularistic frames (e.g. ethnic victimhood).⁸⁹

⁸⁴ See Mosse 1991; Carpenter 2006.

⁸⁵ Snow et al. 1986; Entman 1993.

⁸⁶ Snow and Benford 1999, 624.

⁸⁷ Skocpol 1995, 33.

⁸⁸ In Latin American, maternal frames mobilized women against dictatorships. See Noonan 1995.

⁸⁹ Edelman 1985; Payne 2001; Kaufman 2001.

Therefore, moral authority is shaped by some idiosyncratic features linked to the cultural and historical context that can be rather resistant to change. Ethno-national, religious and social identities as described above, the pre-war legacies that include some traditional values about gender roles, memories of the war, as well as the general social characteristics of community relations (e.g. informality and the importance of family) can weigh heavily on how moral authority is influenced by the context. As indicated, in highly traditional societies, mothers and elderly women may be treated with a particularly high respect due to their importance in the family. Consequently, resonant frames thus often relate to values of morality and shared societal ethics within a society. As Price argued, new moral codes or issues are more likely to be accepted when they can be ‘grafted’ onto some existing ideas and standards of a community.⁹⁰ This is also related to what Keck and Sikkink called ‘issue attributes’ of causes.⁹¹ They argued that the more understandable and widely applicable an issue was, the more resonant the demands of the activists were. They offered examples of slavery and women’s pursuit of universal suffrage as cases when either bodily harm or the protection of ‘innocent’ groups captured the public imagination. Victim-centric literature refers to such issues as relevant for clean-hand or ‘ideal victims’⁹² as groups with no responsibility attached to them.

However, victims that are able to change the existing frames through their activities, can alter their moral authority. While it is hard to imagine, for example, perceptions about victims of torture to transform from respect to loathing, they are not stationary.⁹³ Victim categories represented by their associations can increase their moral authority through ‘frame amplification’ or ‘strategic framing’ as the ‘creative constructions of social meanings with strategic considerations of political efficacy’.⁹⁴ Each category can decide which types of frames to stress in their actions. Examples of such strategies include the usage of new information about their victimization through campaigns or documentaries, application of narratives of the war in commemorative events, and participation in cultural events.

⁹⁰ Price 1998.

⁹¹ Keck and Sikkink 1998, 27; for a critique see Carpenter 2007.

⁹² Christie 1986.

⁹³ For example, African Americans achieved a sudden surge in their moral authority in the early 1960s in the USA; however, the policy change came only later after a series of mobilization efforts.

⁹⁴ Givan et al. 2010, 4.

There may be a selective approach to framing, i.e. choosing which stories to publicize and which to brush under the carpet. Stories that could attach guilt or responsibility to victims could negatively influence a category's moral authority and can thus be expected to be ignored.⁹⁵ The resonance of frames also depends upon contextual factors and policymakers' priorities (see below).⁹⁶

Channelling demands through media is a potent way to influence moral authority. Media can be the main platform for amplifying frames strategically through publishing information, story-telling and other public appearances, which can gradually magnify a category's legitimacy for compensation. This can also lead to destigmatization and the strengthening of victims' cases for a policy change. The more exposed a category is in the public sphere and the more resonantly its demands are framed, the more its grievances and issues are discussed.⁹⁷ Aligning with events such as court decisions, new information emerging about war crimes, the uncovering of mass graves, and new domestic cultural projects such as pertinent films or exhibitions, can be used to increase visibility in the domestic public sphere. For example, the coverage of the Peruvian truth commission changed the historical record of the war as the Quechua were established as the most numerous victims. Their moral authority surged and after some mobilization, compensation for the Quechua was enacted.⁹⁸ Similarly, when a mass grave is uncovered, relatives of the disappeared are given media attention, providing them with an opportunity to draw attention to their demands. Yet each frame must be tailored to the audience. When a category seeks a state law from policymakers of various backgrounds it must frame its demands in a way that appeals to all stakeholders across the state. However, when it seeks compensation legislation from a smaller set of policymakers, it is more suitable to reduce the frame to appeal to political views of that particular set.

While constrained by the imagery of victimhood in a particular context, the leadership of each victim category can be strategic about how to mould its moral authority by amplifying suitable frames to

⁹⁵ The negative reaction from Jewish victims to Hannah Arendt's suggestion that Jewish leaders were partially responsible for the organized transports to death camps is an example of such frames. See Arendt 1963.

⁹⁶ I return to the issue of context in section 2.4.3.

⁹⁷ Keck and Sikkink 1998, 18.

⁹⁸ Hayner 2001, 37.

achieve its demands. Strategic framing within the boundaries of their system is thus a potent way to increase the resonance of their claims and domestic deservingness. Indeed, moral authority is important for victims to prove their deservingness in the public sphere in order to be able to confront domestic authorities with their compensation claims. On the contrary, it is difficult to envision a category without or with low moral authority being compensated. Therefore, it is to be expected that categories that have or are able to generate higher moral authority by using such strategic frames will be better placed to confront domestic authorities with their compensation demands and increase their likelihood to succeed.

The concept of moral authority and international salience may be at times related: how we perceive victims is co-determined by our worldviews. However, moral authority refers to the *domestic* arena and how a victim category features in the local discourse (which also varies across communities) whilst salience refers to the priorities of *external* actors. Therefore, these two factors are analytically distinguishable even if sometimes their effects are difficult to disentangle in practice because they may in some cases be co-constitutive, as many domestic and international factors are. For example, in the international discourse victims of rape gain sympathy through the frame of ‘innocent victims’ with high international salience, whilst in some countries they are treated with shame as bringing dishonour to the family (i.e. have low moral authority). International discourse may alter these local perceptions but not, I suggest, to a significant extent over a set time period because the local ‘habits of the hearts’ and ‘frames of the mind’⁹⁹ prevail. This distinction is made clear on the chosen indicators included at the end of this section.

2.4.1.3. *Mobilization Resources*

As the discussions of international salience and moral authority suggest, alignment with external priorities by amplifying international salience and using strategic framing to increase the power of moral authority are closely dependent on the category’s resources to mobilize and challenge domestic (or external) authorities. Therefore, the final important factor that must be considered when

⁹⁹ Elster et al. 1998, 11.

analysing the history of compensation-making is the ability of the category and its associations to mobilize. This concept somewhat differs from the first two and can be observed through the practical application of strategies and capacities. Theories of resource mobilization¹⁰⁰, though often dismissive of structural constraints, offer important insights into how differences in resources and goods between organizations explain why some groups are successful with their demands while others fail.¹⁰¹ According to these propositions, the higher the membership and its density, its structural and organizational qualities, financial and informational resources, professional skills, and bureaucratic capacities, the more successful the organization will be (which equally applies to associations representing a category in my thesis). Those with large, robust, and dense participation – especially those reaching out to a broad and varied set of constituents – function as more effective pressure groups as they can mobilize many people and influence elections. However, even smaller categories that offset their lower numbers through technical skills and financial means, or via the assistance of key allies, can organize campaigns through other channels.¹⁰² Although the category's size can be important, there is enough evidence to suggest that it is not critical to mobilize the public for a cause.¹⁰³ In general, the better resourced a category is, the more it features in political calculations of elites because when its mobilization resources are activated on the street or through allies, it can dramatically change the political scene.

Drawing on the literature on social movements, the quality and extent of resources are largely shaped by structural conditions as proposed in studies on political opportunities structure.¹⁰⁴ While such structural conditions place constraints on the types of resources victims can utilize, not all victim categories will be aware of the full scope of their resources and will opt for different mobilization pathways, ranging from protests, lobbying, and campaigns, to advocacy. Their strategic choices will shape their subsequent compensation pursuits. Some of these choices may further increase their resources and even lead to a dramatic rise of their international salience or domestic authority.

¹⁰⁰ Kriesi 1995.

¹⁰¹ McCarthy and Zald 1977; Tilly 1978.

¹⁰² Etzioni 1968.

¹⁰³ See Gleditsch et al. 2015. See also Opp 2009, 69.

¹⁰⁴ Tarrow 1994; Amenta et al. 2010.

Although some contextual changes may lead to a better access to resources (e.g. financial support for a victim group), such changes will mostly be incremental and will reflect the investments of victim categories into maximizing the effectiveness of their resources. Victims can invest in enlarging their membership, lobby domestic politicians and external actors through their leaders for more funding, and participate in seminars and meetings.

One of the most effective ways of increasing resources is networking as the creation of ‘voluntary, reciprocal, and horizontal patterns of communication’¹⁰⁵. A type of networking is for victim associations to create coalitions, which pool resources to jointly press domestic authorities. Conversely, when categories become fragmented and represented by many voices, or even when they become monopolized by one association that can be easily manipulated by domestic authorities, their mobilization resources may lower. A second type of networking is through pro-victim organizations, such as civil society and human rights groups. They can act as key allies, who further advocacy on victims’ behalf, empowering them via training and education about their rights and ways to progress their cause.¹⁰⁶

Early on after wars, there is often a clear imbalance between categories’ resources when some (such as military victims) are better situated to leverage their high numbers, power proximity, and war-generated links (e.g. stemming from the army). This will be more difficult for other victims with limited connections to wartime structures. Over time, though, this imbalance can be offset by shifts in international salience and victims’ strategic reliance on allies, pro-victim groups or advocates, and their networking capacities as case studies on Rwanda, East Timor, Nepal, and other post-war states suggest.¹⁰⁷ For example, after having studied Rwandan victim organizations, Rombouts suggested that victim organizations had over time become ‘rising stars’ in the politics of redress as they had acquired new allies and networks that allowed them to press domestic authorities for new policies.¹⁰⁸ She argues it was their activism that – despite their limited resources – subsequently led to their

¹⁰⁵ Keck and Sikkink 1998, 8.

¹⁰⁶ Posner 2004a.

¹⁰⁷ Kent 2011; Sajjad 2015.

¹⁰⁸ Cf. Rombouts 2004, 60.

prominence and the accumulation of more types of resources such as powerful allies. Once a category's networking resources increase, they can be activated in practice through the vast repertoire of contention, ranging from petitions, appeals, meetings, litigations, awareness-raising campaigns, and protests and strikes.¹⁰⁹

Protests and demonstrations, in particular, can lead to a government's loss of power or physical instability. The literature on protest is very rich but the most interesting debates focus on the distinction between violent and non-violent protests, which increasingly demonstrate the benefits of non-violence.¹¹⁰ For example, Gleditsch et al. in 2015 provided convincing arguments that non-violent protests can threaten the position of leaders by raising governance costs and causing defections from within ruling coalitions. Also less confrontational campaigns that often consist of long-term and sustained non-violent tactics in pursuit of political goals and objectives may prove to challenge political authorities effectively.¹¹¹ Other strategies, such as understanding foreign aid and increasing information resources is important for lobbying by presenting strong arguments for adoption.

Just as the normative literature that suggests that sustained activism may over time reach saturation in the form of a 'tipping point'¹¹², long-term mobilization can result in domestic tipping points when authorities concede. Therefore, while resources are also shaped by existing structural conditions, they can be increased and strategically utilized in order to improve the chance that compensation becomes a plausible policy choice. Categories that are able to mobilize their resources are hard to ignore because their activities can be dangerous for the incumbents' power ambitions. The broader and more diverse the networks and the higher their capacities, the more leverage categories can have over domestic political elites. Therefore, I propose that victim categories that have access to or are able to increase their resources for mobilization will be better placed to confront domestic authorities

¹⁰⁹ Tilly and Tarrow 2015.

¹¹⁰ Chenoweth and Stephan 2011; Gleditsch et al. 2015.

¹¹¹ Ackerman and DuVall 2000.

¹¹² Finnemore and Sikkink 1998, 901.

with their compensation demands and have a higher likelihood of success.

Activities to increase resources may simultaneously alter moral authority and international salience. Categories with higher resources may be able to amplify their frames of moral authority or international salience better. Indeed, constructivists see frames as a type of resource.¹¹³ This suggests that the three concepts are closely related – a key issue in any social science.¹¹⁴ However, this does not mean that they do not have different levels. For example, large categories who pursue violent modes of activism may be negatively perceived by the public. Indeed, a significant amount of literature shows that violence is rarely an expedient way to mobilize resources.¹¹⁵ The distinctions between how we can assess the three factors are made clear with the indicators specified at the end of this section.

2.4.2. COMBINATIONS FOR SUCCESS: SCENARIOS AND REWARDS

Up until this point, I have proposed how the three tools influence the outcome individually. I highlighted that when victim categories are able to generate potent authority, salience or resources and then apply them strategically, their likelihood of adoption may increase. However, none of the proposed factors alone can guarantee policy adoption. Instead, it is their various combinations that explain compensation adoption. The combinations proposed below highlight that it is highly plausible that a category with high levels on at least two of these variables is likely to be compensated. As noted, it is difficult to establish the exact levels on the proposed factors as they are not binary. Their values are more nuanced and offer a spectrum of results. Therefore, it is best to think of these factors in terms of relative levels to the other categories in the system and assign them accordingly low, medium, and high values. While I return to the issue of measurement below, I assess all categories in relation to each other. Since none of the factors is stationary, this also means that their values may change over time. From the Bosnian case, I derive four combinations that can

¹¹³ Keck and Sikkink 1998; Rombouts 2004.

¹¹⁴ Steel 2004, 59.

¹¹⁵ See Chenoweth and Stephan 2011.

lead to success and four that I propose lead to failure. However, these combinations are far from exhaustive as contextual factors shape the incentives to which domestic authorities respond in the real world. The proposed combinations thus represent a mere foundation for further explorations and refinements.¹¹⁶

I anticipate that at a specific time a category with the highest international salience, moral authority, and resources is the most likely to succeed with compensation out of all the victim categories in the system. I call this the ‘*Optimal Route*’ scenario. Domestic authorities are significantly more receptive to a victim category that is prioritized by external actors, domestically deserving, and that is able to mobilize. Without a high level of moral authority of the category, external actors and domestic authorities risk delegitimizing themselves by proposing compensation for ‘undeserving’ categories that would not be supported by the public. Victim categories with high moral authority can also leverage their international salience and raise the domestic cost of rejection when domestic elites seek external incentives. High mobilization resources also allow them to channel their demands through a variety of avenues and more effective framing strategies. Therefore, the three explanatory factors combined at high levels strongly predict positive outcomes for one category over others.

The next set of combinations are at least two factors at high levels so that domestic authorities can expect significant returns from adoption. I call the first one the ‘*Domestic Pressure*’ scenario, when high moral authority intersects with high resources to mobilize. This scenario is more applicable when domestic benefits trump potential external rewards. In some cases, post-war incumbents are unlikely to consider compensation requests from categories without moral authority and resources because their domestic (mainly electoral) utility would be limited. High moral authority on its own does not have enough leverage to make actors enact compensation. The argument can always be made that other policy priorities are more important. Therefore, mobilizing resources represent effective ammunition for victims: they can threaten political legitimacy or power. Protests, campaigns, and other activities are effective tactics which can gain traction among the public and

¹¹⁶ Given the limited generalizability of case studies, these factors need to be adjusted to different contexts.

other critical social groups (such as workers' unions) that can result in broader support for a policy change. Therefore, I expect that public authorities would react to such pressures to keep some semblance of credibility as representatives of their electorates. Combining high levels of authority and resources is thus another plausible pathway to success.

Next, the '*Activist Route*' represents a case when a category has high international salience and mobilization resources. I expect a victim category that is highly supported by external actors and that is able to mobilize effectively in the domestic public sphere to be successful with its pressure on domestic authorities when domestic authorities are sensitive to external rewards. In some cases, external salience and vigorous domestic activism can offset the lack (or low levels) of moral authority. Indeed, this combination may work best in situations when domestic authorities are sensitive to external rewards ('carrots') and/or are worried that ignoring the victims would result in negative reactions from external actors ('sticks'). Such benefits can include reputational benefits (or losses on reputation), direct economic aid, and political support (or its retraction). A category that can mobilize and is also prioritized by external actors may well be able to turn its demands into a legal change even if its general level of moral authority is not too significant.

The last scenario that can lead to positive outcomes is the combination of high international salience and moral authority. I call this combination '*Poster Child*' scenario which expresses the idea that a victim category is used to solicit compassion.¹¹⁷ Even a category that does not possess extensive resources can be awarded compensation. This can result from amplifications of their suffering in domestic and international media or the growth of external and domestic attention to the plight of such victims. This may be the case for a victim category that symbolizes great suffering or a cause around the world as well as domestically. Even without many resources to mobilize, it may become an exemplary case of victimization that is compensated by domestic authorities who seek some strong reputational or political benefits from offering redress. While I do not find a case that perfectly

¹¹⁷ The term 'poster child' was originally used in the 1930s to refer to a child suffering from an illness whose picture was used in the media as part of a campaign for donations.

corresponds to this in my empirical material, civilian war victims partially comply with its logic, with relatively low levels of resources. Consequently, in BiH they also achieved only partial success.

Conversely, following from the previous debates, it is very unlikely that a category with low levels on all three factors would be compensated. This is because domestic political authorities cannot reap any benefits from enacting compensation for a category that is neither perceived as deserving, nor prioritized by external actors, nor organizing mobilization actions. I also expect that in situations when a category has a high level on one variable only, no compensation will be awarded because the incentives will remain too low. Therefore, I propose that in total, there will be four negative and four positive combinations. While I present cases where the outcome is bivariate – failure or success, as suggested above, there may also be many cases of partial success in practice. I explore this further empirically and return to this point in Chapter 7. For the sake of clarity, Table 2.2. summarizes the universe of the proposed theoretical combinations with bivariate outcomes as success and failure.

TABLE 2.2. Theoretical Combinations of Compensation Factors

Factor at high levels	Positive Outcome (Success)				Negative Outcome (Failure)
Moral Authority	✓	✓	✗	✓	✓ ✗ ✗ ✗
Mobilization Resources	✓	✓	✓	✗	✗ ✓ ✗ ✗
International Salience	✓	✗	✓	✓	✗ ✗ ✓ ✗
Scenario	Optimal Route	Domestic Pressure	Activist Route	Poster Child	No Compensation

Source: Compiled by the author.

2.4.3. TIMING IT RIGHT: THE CONTEXT

Above I presented a framework for understanding compensation adoption, explaining each of the concepts as resulting from a combination of structural factors and agency. Structural factors are critical for setting the boundaries for the space in which actors operate while also influencing how decision makers react. Indeed, what theorists of social movements call ‘political opportunity structures’ are characteristics of the political regime that either invite or constrain the activation and the mobilization of citizens¹¹⁸ while at the same time endowing victim categories with different qualities of moral authority, international salience, and access to resources. Political opportunity structures are factors that enhance or inhibit prospects for mobilization or claim-making and influence the specific strategies that citizens and their groups can use to affect institutions and top levels of power.¹¹⁹ While the previous section highlighted how these can shift in relation to external events and influence each category differently, in this section, I want to stress key contextual factors that may – to a high degree – influence all victims. These include temporal distance from war, the nature of the political and administrative system, the level of socioeconomic development, and the prominence of external interventions. I assume that each category has some control over when to voice its demands. Admittedly, in some cases good timing can come from serendipity and victim leaders have limited control over it. Nonetheless, when a category’s demands are voiced at opportune times, domestic elites are more likely to accept them. The effectiveness of the proposed factors will thus vary depending on the political, social, and economic constellations in the country in question.

Temporal distance from war is the first important factor that influences all categories. As suggested, although there are some exceptional cases when compensation enters peace agreements early on, it is more common to enter the agenda after the post-war emergency relief is over and security has been established.¹²⁰ The expectation would be that the further a state progresses from the end of the conflict, strengthening its security levels, the economy and its state institutions, the more likely it is

¹¹⁸ Tilly 1978; Tarrow 1983; Kitschelt 1986; McAdam et al. 1996.

¹¹⁹ McAdam et al distinguish between open and closed political systems; stability of elite alignment; presence of elite allies; and state capacity for repression (2006, 10). I adjust these to compensation claims.

¹²⁰ See Hartzell and Hoddie 2010, 221.

that the idea of compensation becomes a more realistic prospect for all victim categories. Naturally, this temporal distance is not unlimited, although some cases suggest that it is rather long (e.g. Korean ‘comfort women’ and interned Japanese Americans waited for half a century). The time elapsed since war may be further related to the capacity of the state to protect its citizens and deliver some key services. Beyond physical reconstruction, this also includes the establishment of relevant institutions, adopting suitable social policies, and putting in place the necessary security measures.

Second, the nature of the political and administrative system – whether it is open or closed (and how the rule of law matters), how political competition is structured, and whether it is centralized or decentralized, matters in terms of the channels victims are able to pursue to voice their demands.¹²¹

In open systems, political decisions are the outcome of competition of many groups. It may thus be less risky to mobilize on the streets than in closed regimes where any opposition may be suppressed immediately without any legal consequences as the rule of law may also be weak.¹²² There may further be many ‘windows of opportunity’ when some domestic authorities are more incentivized to ‘listen’ to victims’ demands. These may include domestic power struggles (e.g. elections or intraparty splits), changes in the regional context (e.g. democratic openings in neighbouring states), or periods of heightened competition between political parties over some economic resources. For example, electoral campaigns in divided societies frequently feature campaigns that focus on pitching a party or a candidate as the true representative of a community and its interests. When domestic authorities try to discredit the opposition (or the other identity group) and augment their credibility, adopting compensation can be expedient for their political ambitions. Finally, in states with high levels of decentralization, it may be more suitable to demand compensation at the local level while in more centralized systems, accessing key decision makers at the top state level may be critical. Either way, how the state is structured politically and administered will influence how victims can use their resources, amplify their moral authority, and use their international salience.

¹²¹ See McAdam et al 2006.

¹²² See Tilly and Tarrow 2015.

Indeed, the third important structural factor is related to periods when external actors steer governance in the country in question through peacebuilding efforts and human rights monitoring.¹²³ At these times, domestic authorities may be more responsive to victims' demands as it may increase their political and diplomatic reputation or bring direct economic benefits. Similarly, broader external political ambitions of a post-war state play an important role here too. At times when domestic authorities are dependent on some international support, foreign aid, or external evaluations of their political candidacies to join international organizations, compensating victims may be seen as a gesture of democratic goodwill and respect for human rights.¹²⁴ Therefore, in periods when external actors can effectively support their cause, victim categories can leverage their international salience (and also moral authority domestically) to raise the cost of rejection.

Finally, socioeconomic factors matter too. According to the literature on cross-national determinants of reparations and the literature on human rights, levels of socioeconomic development (alongside levels of democracy) are positively associated with reparations.¹²⁵ For example, Powers and Proctor established that 62 per cent of countries with a Polity score of 8 or higher (a high level of development) introduced reparations.¹²⁶ By socioeconomic development I mean a range of factors that impact the well-being of the communities in question. Beyond the standard set of macroeconomic indicators linked to the strength of the economy and labour market, they also include the plurality of the civil society¹²⁷ and the role of corruption, among other factors (discussed later). Consequently, compensation is less plausible during economic crises when public spending is reduced. For example, we can expect that in situations of economic crises, public interest in compensating victims falls and victims' moral authority becomes less resonant than international salience when external actors can offer some economic benefits. In the contrary situation, once the government becomes more interested in proving its levels of development and concerns for human rights by caring for its

¹²³ See Risse and Sikkink 2013.

¹²⁴ In a limited number of cases, external actors with extensive powers may be able to coax governments into adopting policies directly like in Bosnia, Kosovo, and East Timor. I discuss this in the alternative explanations.

¹²⁵ See Olsen et al. 2010; Adhikari et al. 2012; Powers and Proctor 2015.

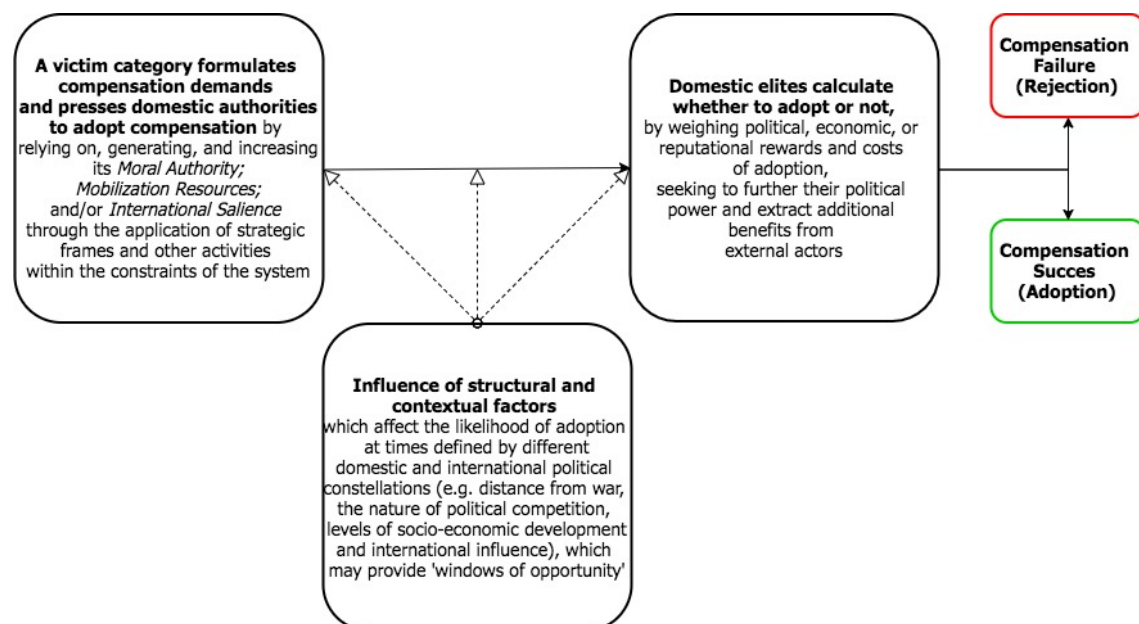
¹²⁶ Powers and Proctor 2015, 11.

¹²⁷ On civil society see especially Posner 2004a.

victim population, frames of victimhood and suffering may become more resonant. There may be more opportune periods for victims to mobilize when the state is economically stronger, which translates into responsiveness to citizens' demands.

To summarize, combinations of the three explanatory factors will also be influenced by the right timing *vis-à-vis* the changes in the political, socioeconomic and international context. During domestic power struggles, leveraging moral authority and mobilizing might be most effective because a category can offer symbolic backing to, for example, a political party competing in elections. Conversely, at times of heightened international involvement, leveraging international salience through appeals to international actors may result in benefits, especially if the category also has high mobilization resources. At times of high levels of political openness and pluralism, victims may be more successful with voicing their demands publicly. Therefore, while bounded by the parameters of the political and economic context, victims can be strategic about their demands. The analytical framework is summarized in Figure 2.1., which highlights the pervasive influence of structural factors. While this list of structural factors is not exhaustive, it represents the most important ones that are further detailed in the empirical chapters.

FIGURE 2.1. An Analytical Framework for Compensation Adoption



Source: Compiled by the author.

2.5. TOWARDS MEASUREMENTS

Let me now return to the issue of measurement validity of the explanatory factors, which is important for how I later assess their levels on the studied cases (categories). Measuring elusive concepts such as authority or salience is a challenging exercise that requires a detailed understanding of contexts. Moreover, linking concepts to observations requires making important choices about indicators which meaningfully capture the studied phenomena. To create a transparent way of studying my explanatory factors, I follow Adcock and Collier¹²⁸ in linking the ‘systematized concepts’ (i.e. the definitions of my explanatory factors) to indicators of the variables of interest. I assess the characteristics of each of the variables by evaluating the developed indicators. I rely on the views of my respondents, and over 700 policy reports with media articles that I have reviewed (see Annex 2). The indicators presented below are the result of a combination of structural factors and the victims’ activities. They were developed for the Bosnian situation and may necessitate recalibration for other studies (see Table 2.3.).

TABLE 2.3. Indicators for Explanatory Factors

<i>Factor</i>	<i>Indicator 1</i>	<i>Indicator 2</i>	<i>Indicator 3</i>	<i>Indicator 4</i>
<i>International salience</i>	World attention to the issue (e.g. UN conventions and human rights trends)	Country-specific discursive support (e.g. news reporting and advocacy)	Special offices or projects	Financial support (general trends and patterns)
<i>Moral authority</i>	Supportive public discourse and exposure	Alignment with war and/or national narratives	Invoked in significant events (e.g. holidays, commemorations)	Supportive popular cultural treatment (e.g. films, books, events)
<i>Mobilization resources</i>	Leadership and organizational capacities	Networking and cooperation among victims	Existence of allies and advocates	Financial means and capacities

Source: Compiled by the author.

¹²⁸ Adcock and Collier 2001, 531.

The indicators used for international salience pose an operational challenge as there are no standardized indicators at hand. However, I propose proxies that can be synthesized and studied empirically. The first one is **the world attention to the issue** or category at a global level, i.e. the global developments regarding the issue. I evaluate this using UN declarations, international media reporting, and official reports by human rights organizations.¹²⁹ These do not necessarily pertain to the studied context but to the general world trends. The second indicator is based on public statements documenting **country-specific discursive support** for each victim category or issue in the given context. I evaluate this by the use policy reports, foreign media articles, and interviews with policy actors in the country (such as the UN mission staff). This allows me to see whether some categories have a special position on their country-specific policy agendas. The third indicator is a rather simple one, the establishment of a **special office and/or project** in the studied country dedicated to the issue of the category by external actors. This may also include national action plans inspired by UN resolutions or EU guidelines. The last indicator is direct **financial support** by foreign donors for the categories. This can be measured from sources of funding of individual victim-specific projects and organizations. Each of these four indicators may be present in different ways and each can weigh into the aggregate levels of salience differently. For example, heavy financial support may offset the first two indicators; however, they will mostly be related to each other as preferring a category of country-specific agendas is likely to translate into financial support of that category.

For the concept of moral authority, there are also no standards or easily accessible measures I could use, so I relied on my fieldwork experience and the existing literature to create proxies. The first indicator is **supportive public discourse and exposure**, evaluated by media articles about the category's portrayals in the public sphere.¹³⁰ It further includes statements by leading politicians, intellectuals, and other key public actors that influence the public discourse. The second indicator is the **alignment with war and/or national narratives**, evaluated on the basis of secondary literature that deliver an assessment of the category's deservingness within its national community. It is a

¹²⁹ See Annex 2 and Bibliography for the full list of documents.

¹³⁰ I relied on the *Infobiro* media database (see Annex 2).

measure of assessing how a category represents the previous war's suffering and frames, as well as how it fits into the overall identity of a community and nation. The third indicator is the category's invoking at **significant events** (of great importance) such as national holidays, remembrance services, press statements, and court decisions. By studying the portrayals and participation of the categories, I can evaluate how their victimization features in collective memories or future directions of a community. Finally, the fourth indicator is the supportive **cultural treatment** of the category's suffering and experience in domestic films, exhibitions, and the like. This is a good proxy for how the categories have been present in the public imagination. Again, not all indicators must be necessarily present. For example, not all categories must feature in cultural events and they may instead participate in significant events. Nonetheless, it is again plausible to think that they will mostly co-exist and in combinations, these four indicators allow me to make an informed decision about the quality of each category's moral authority in comparison to the others.

Some of the indicators to evaluate a category's mobilization resources can be quantified and found in newspaper articles, conducted interviews, and other documents. The first one is **leadership and organizational capacities**, assessed as the quality of the leadership and the internal characteristics of the victim associations. For example, some leaders are versed in lobbying and campaigning while others struggle to organize any types of awareness-raising activities. The second is the extent of **networking and cooperation** with other victim associations. This can be evaluated on the extent and numbers of networks and partnerships. The third indicator is **the existence of allies and advocates** both domestically among pro-victim groups and externally among activists. This can be assessed on the basis of groups working with the victims and advocating for their causes. The fourth are the **financial means** of the category for their activities, office, and staff. The relative importance of these indicators dominates the literature on resource mobilization with debates covering issues from the types of contentious events (especially whether violent or non-violent) to the salience of size and leadership.¹³¹ Indeed, as some indicators may offset others, they are not all equal in 'weight'.

¹³¹ Tilly 2008; Chenoweth and Stephan 2011; Tilly and Tarrow 2015.

However, it is plausible to believe that most of them will be present at higher levels for categories with the highest resources. I return to these points in the empirical chapters.

These indicators allow us to assess the relative levels of international salience, moral authority, and resources that each of the categories possessed. Given the complexity of the studied topic, these indicators are not exhaustive and may vary across contexts. However, considering them in each individual case increases confidence in evaluating the explanatory factors against each other. Additionally, some indicators may be more important at a certain time and offset the lack of others while others may be related and interact with each other. For example, advocacy campaigns may benefit from external resources while leadership capacities may improve advocacy campaigns. While this could be problematic for quantitative assessments, the purpose of these qualitative indicators is not to arrive at absolute numerical values but to compare the factors of the studied categories against each other. Therefore, their interactions do not prevent us from assessing which category had the highest, medium, and lowest levels on the studied factors.

2.6. ALTERNATIVE EXPLANATIONS

Finally, the proposed framework must be assessed against rival theories in order to increase its internal validity. I have identified three alternative explanations, some of which I already mentioned. The first one can be found in the literature on externally imposed policies in peacebuilding (and Europeanization), the second in the field of external normative pressures in the realm of human rights, and the third in domestic distributive politics. As I argue, the first two are designed as theories of International Relations and globalization that neglect micro-foundations and the domestic subnational dynamics and agency. Despite their applicability to some of the studied cases, they cannot explain the full variance of the cases studied here. The third explanation of distributive politics may be illuminating for explaining some specific successful cases of compensation but as a theory it cannot capture the complexity of the factors driving compensation across categories. In this section, I identify how I predict their limitations influence their ability to explain these cases.

First, if compensation were the outcome of top-down peacebuilding processes (or EU imposition), I would expect its adoption to be the result of external policy impositions rather than domestic deliberations.¹³² The selective imposition of compensation policies would then explain the inter-category variation. This can be a plausible explanation especially in situations of extensive peacebuilding mandates where external actors have significant policymaking powers while domestic authorities are dependent of external administration. This has indeed been the case of Bosnia. Whilst there have been cases where external actors imposed a policy of critical importance to them in Bosnia, I proposed in the framework that compensation as a policy of low external prioritization does not feature among such policies. Additionally, I also propose that policies of lower prioritization will be adopted as the outcome of several factors and reflect the dynamics of domestic politics, rather than impositions without any domestic discussions. While I consider external priorities as part of the variable of international salience, I do not predict that a univariate explanation to compensation making will hold in Bosnia. I would have to find evidence to suggest that external actors pushed for compensation without victims' participation and input to confirm these propositions. However, if I find evidence that victim associations and domestic political actors have been absent from such policy deliberations, I would have to accept such explanations. I should reiterate that if these explanations were correct, then they should clearly manifest in Bosnia since it has been exposed to some of the most far-reaching and intrusive international administration with significant executive, legislative, and judicial authority.¹³³ Therefore, if I can rule them out in 'the most-likely case' of Bosnia, i.e. the case where we would expect this theory to be valid the most¹³⁴, it is highly likely that they can be ruled out in other countries with less intrusive external interventions.

Second, the growing literature in transnational advocacy networks¹³⁵ suggests that if enough activists across borders (otherwise referred to as 'norm entrepreneurs') embrace compensation for a category and exert pressure on the government, compensation may be adopted. This may again explain why

¹³² Cf. Paris 2002; Donais 2009.

¹³³ See Caplan 2005a.

¹³⁴ On the types of case types, see Bennett 2004.

¹³⁵ There is a vast literature on the various transnational types of networks. See Della Porta and Diani 2009; Risse and Sikkink 2013.

some categories are preferred over others because issues with more sway among transnational actors may be more successful. As noted, Keck and Sikkink in their 1998 book ‘Activists without Borders’ demonstrated that aligning with ‘transnational advocacy networks’ is a useful strategy to empower domestic victims by gaining financial and technical capacities, raising awareness, and helping push for domestic change through the so-called ‘boomerang effect’. It suggests that transnational advocacy networks strengthen domestic groups and push the targeted governments to change their behaviour. They show that where local organizations have difficulty influencing their own governments, they ‘bypass their state and directly search out international allies to try to bring pressure on their states from outside’.¹³⁶ The inter-category variation would, according to these propositions, be driven by the work of the diffusive activities of such networks. This is a powerful explanation for many ‘victories’ of war victims. While I incorporate networks as part of each category’s resources, it is hard to see how each of the distinct compensation outcomes is the result of such external factors and advocacy only. For example, despite the growing involvement of such networks in the issue of torture, ex-detainees remain unrecognized. At the same time, military victims have not had any supportive international activists on their side but compensation has been awarded to them. However, if I find cases where the category’s capacities and authority have no influence over the outcome, this alternative explanation becomes valid.

Finally, if compensation is the result of governments targeting categories that can change electoral results only, my propositions are also challenged. The literature on distributive politics proposes that the aim of governments is to allocate a fixed budget to competing social categories.¹³⁷ This literature suggests that there are two main explanations why some citizens receive compensation and others do not. In the first one, governments offer resources towards their ‘core’ political constituencies, while other constituencies are less privileged. In the second one, governments target benefits toward those ‘swing’ voters who decide elections. The distributive politics literature would propose that it is the political alignment of voters relative to the party that holds power that determines

¹³⁶ Keck and Sikkink 1998, 2.

¹³⁷ Golden and Min 2013; Stokes et al. 2013.

compensation. I partially express such alignments in the variables of moral authority and mobilization resources, i.e. how categories feature in political calculations. Indeed, electoral objectives are a critical part of the analytical framework I proposed above. However, they are not the only rewards that post-war elites seek. Instead, economic and reputational benefits are also part of their logic of political survival. While these propositions can partially explain some cases that I have studied (military victims), they fail to explain the rest of the studied cases. Moreover, these propositions ignore the influence of international actors that also exert pressure on domestic policymakers. However, if I find evidence that compensation in Bosnia has solely been determined by the logic of distributive politics, these propositions would pose a challenge to my propositions.

To conclude, I propose that while aspects of each of the alternative explanations may be found in my empirical material, none of them does justice to the multi-factorial dynamics of compensation outcomes as I suggest above. For example, transnational networks feature as part of explanations I offer in the *Activist Route* and distributive politics as part of the *Domestic Pressure* scenario. However, as I demonstrate across this thesis, neither of these propositions can explain the varieties in which compensation for victims in post-war states is enacted, mainly due to the range of rewards political authorities seek and the different pathways that victims follow. Thus, I integrate some of their insights and point out throughout the thesis how they have informed my analysis but I consider them insufficient to explain inter-category variation in compensation.

2.7. CONCLUSION

The framework I have presented in this chapter lays out basic propositions for intrastate compensation outcomes. It explains the variation in compensation policies for victim categories as a function of their different baseline attributes and subsequent strategies of leaders of their associations to improve these attributes. I argue that success in compensation is influenced by the levels of their international salience and domestic moral authority, as well as on how they strategically utilize their resources for mobilization to convince domestic and external actors that a new policy should be adopted. Categories that are able to generate high levels of at least two of these

factors may be more difficult to ignore with their compensation demands and the likelihood of their success is thus much higher. While the resonance of their demands may be time-variant, the more they invest in increasing these factors, the more likely it is that political authorities will be willing to change the status quo. However, the effectiveness of such investments is context-dependent. For example, strategies to achieve compensation are more effective when the political system is more plural and when the economy is strong enough to accommodate additional spending. I have further identified several scenarios as combinations of the proposed factors that highlight how authorities react to victims demands.

I must stress that these propositions are aimed at explaining broad patterns of change rather than to capture the full ‘blooming and buzzing’¹³⁸ complexity of the real world. They thus only lay the foundations for the empirical material that comes next but is also designed to serve for similar cases elsewhere. Case studies have their limitations and it is not possible to test a theory exhaustively on their basis. However, I have aimed to offer propositions applicable to other settings. This is why I have not explored the intricacies of subnational variation, decentralization, and the precise role of ethno-national identities that play an important role in the Bosnian case but may not be as important in other cases. These aspects are discussed in the next chapter where contextual complexities are added to this framework. Finally, it is in the cases studies that follow thereafter where I focus on subnational variation further by adding the dimension of access (i.e. implementation).

¹³⁸ King et al. 2001, 43.

CHAPTER 3

SETTING THE SCENE: BOSNIAN WAR AND POLITICS

3.1. INTRODUCTION

In this chapter, I turn to the contextual dimension of the study of victims' compensation. There is no singular type of compensation and each approach to redress must also be understood *vis-à-vis* the idiosyncratic and historical developments of the respective case. This chapter explains how the Bosnian context influenced attitudes of external and domestic actors towards victims' post-war compensation. The starting point is the destructive Bosnian war and how the peace process unravelled after its end. Much has been written about the 1992-5 war and equally enough has been written about the post-war peacebuilding efforts that tried to reverse the disruption of the Bosnian ethno-national patchwork. I summarize some of the key findings to explain how the wartime victimization, the Bosnian institutional structures that emerged from socialist Yugoslavia, and post-war politics played out in victims' demands for justice. This chapter also introduces three phases that help to structure my empirical analysis. I start by tracing the history of the war, the main crimes, and the ethno-national identities that have come to define Bosnian politics and society. I proceed by explaining the complexity of the 1995 peace agreement, which is critical for understanding the institutional context. I then present the three phases in which I analyse how political elites and external actors interacted, before discussing the post-war attempt to deliver justice. The focus of this chapter is not on victims and their demands that are studied in detail in the rest of this thesis, but on the contextual factors that have influenced their post-war pursuit of justice.

3.2. BOSNIAN WAR AND PEACE

Unlike the rest of Eastern Europe that transited from communism fairly peacefully, the Socialist Federative Republic of Yugoslavia (SFRY) plunged into 'Europe's bloodiest war since the Second World War'¹ in the early 1990s. Nationalist rhetoric of the main political actors coupled with the

¹ Hoare 2010, 111.

economic failure of Yugoslav socialism eventually led to the break-up of SFRY.² The war took a savage course in Bosnia, the most multi-ethnic country of the socialist federation, where Bosnian Muslims (also called Bosniaks) only had a marginal majority over Bosnian Serbs and Croats.³ The swift pitting of its ethno-national communities against each other, the war's 'intimate' nature where neighbours killed neighbours, and brutal methods of 'ethnic cleansing' by the Bosnian Serb military and paramilitaries sent shockwaves across the world.⁴ By 1995, nearly half of the 4.4 million pre-war population of Bosnia was displaced and over 100,000 people lost their lives, mostly Bosniaks. Although the war was initially portrayed in primordial terms as a religious and ethnic struggle, it was a deeply political conflict, fuelled by nationalist rhetoric and territorial claims made by Bosnia's two neighbouring republics – Serbia (officially called the Federal Republic of Yugoslavia then) and Croatia, which were both ruled by authoritarian and power-driven nationalist leaders Slobodan Milošević and Franjo Tuđman, respectively.⁵ In the spring of 1992, Bosnia found itself caught between their territorial claims that were supported by some local Serbs and Croats. The fundamental friction was over whom Bosnia belonged to, i.e. which ethno-national community had a right to take over its territory and people.⁶

3.2.1. 'THE PROBLEM FROM HELL'

War did not descend upon Bosnia overnight. Small skirmishes and violent incidents in the spring of 1992 across the country gradually engulfed the capital Sarajevo and other areas in the north and east. A full-scale war erupted on 6 April 1992 when Bosnian Serb forces began the indiscriminate shelling of the capital that lasted until the end of the war. Although the exact cause of the start of the war remains disputed, the conflict in Bosnia was part of a larger process of disintegration of SFRY, which had already begun in 1991. After SFRY de facto ceased to exist in the summer of 1991 when Slovenia and Croatia declared independence (followed by Macedonia) that was internationally

² For literature review of the various theories of the Yugoslav disintegration see Jovic 2001.

³ Burg and Shoup 2000, 27.

⁴ Clark 2014, 116.

⁵ See Cigar 1995; Gow 2003.

⁶ Cigar 1995; Silber and Little 1996; Bieber 2006; Sebastian-Aparicio 2014; Baker 2015; Merdžanović 2015.

recognized⁷, Bosnia could either stay in rump Yugoslavia or become independent. Bosnian Serbs (31.5 per cent of the population), Bosnian Croats (17.3 per cent), and Bosnian Muslims (43.8 per cent) each had a different idea about Bosnia's future – whether it should declare independence, remain part of the rump Yugoslavia, or break apart into smaller territorial units.⁸

These opposing ideas were represented by the main political parties that overwhelmingly won the last pre-war elections in 1990. The Serb Democratic Party (SDS), Croat Democratic Union of BiH (HDZ BiH), and the Bosniak Party of Democratic Action (SDA) were all founded in 1990 as nationalist parties for 'their' ethno-national electorate. In the case of Serb and Croat parties, the idea was also to potentially merge with their ethno-national brethren.⁹ Main leaders of these parties became the main belligerents: Radovan Karadžić for SDS, Alija Izetbegović for SDA, and Mate Boban for HDZ BiH. When on 3 March 1992 Izetbegović (the then President of Bosnia) declared independence, after he organized a referendum that most Bosnian Serbs boycotted, the first clashes erupted.¹⁰ What to call the war is another matter of dispute: while Bosniaks call it an 'aggression' and a 'defensive-liberation war', Serbs see it as a 'civil' or 'patriotic war' where they defended themselves after the Bosniaks declared independence, and Croats (and Croatians in neighbouring Croatia) refer to it as a 'homeland war'. These definitions remain key friction points but they are also critical national war-related 'master frames' of each group, as articulations and alignments of various events and experiences so that they 'hang together in a relatively unified and meaningful fashion' for each group.¹¹

These disputes notwithstanding, the war soon turned into a fundamentally tri-partite conflict with the involvement of neighbouring and external parties that supported armies in their own 'nationalizing statelets', as Brubaker called it.¹² Serbia supported Karadžić who formally declared Republika Srpska (RS) on 9 January 1992 and formed a separate Army of RS (VRS).¹³ Its wartime

⁷ For more see Caplan 2005b.

⁸ This data comes from the 1991 census. See Burg and Shoup 2000, 27.

⁹ See Manning 2004.

¹⁰ Its independence was recognized by the US and European Communities on 7 April 1992.

¹¹ Snow and Benford 1992, 137.

¹² Brubaker 1996.

¹³ For a full account of the war military see Hoare 2004.

seat became Pale by Sarajevo.¹⁴ Croatia supported Bosnian Croats who proclaimed their own separatist 'Community of Herzeg-Bosna' centred around Mostar (and a seat in Grude) and created their armed units as the Croatian Defence Council (HVO).¹⁵ The Muslims (and those who wished for an independent Bosnia) were caught in-between and only gradually created the Army of BiH (ABiH) by the end of 1992. Because of the international arms embargo imposed on ex-Yugoslavia in September 1991, ABiH lacked equipment and weapons. Meanwhile, HVO relied on supplies from neighbouring Croatia and VRS was supplied by the now disintegrated Yugoslav National Army (JNA). The military course of the fighting was tortuous. HVO initially fought under ABiH against VRS but this alliance broke down in the spring of 1993. The three official armies were thereafter pitted against each other until an agreement between Bosniaks and Croats about a united front was reached under heavy external pressure in Washington in March 1994. There was an additional inter-Bosniak conflict in north-western BiH between ABiH and the Army of the Autonomous Province of Western Bosnia led by a prominent SDA leader and businessman Fikret Abdić.¹⁶

Although the war was fought over power and resources, ethnicity and religion were instrumentally applied to frame the animosities between the belligerents. The unresolved constitutional issues from the Yugoslav period and traumas from World War II were used in Serbian and Croatian political propaganda to demonstrate their rights for Bosnian territory. Primordial notions of ethnic and national identities were exploited, creating a 'collective paranoia'¹⁷ where ethnicity became the key framing tool of politics.¹⁸ Stereotypes of bloodthirsty Croat *Ustaše*, Serb *Četniks*, and Muslims as barbaric *Turks* from World War II were revamped and amplified in the media. Religious communities only added an extra identity dimension. A Bosnian Catholic came to be taken for a Croat and an Orthodox Christian for a Serb. Bosnians, Muslims or 'Yugoslavs' (which no longer existed), i.e. those who were Muslims by religion or had Muslim-sounding names, were confounded

¹⁴ Banja Luka became the capital only after the war.

¹⁵ Bougarel 1996, 103–4.

¹⁶ Its members have been called pejoratively *autonomaši* (de facto separatists). The inter-Bosniak conflict lasted from 29 September 1993 until 7 August 1995. See Andreas 2004; Magas and Zanic 2013.

¹⁷ Woodward 1995, 228.

¹⁸ Baker 2015, 60.

about their identities, some even identifying with Croats or Serbs.¹⁹ As Bosnians of identifiable Muslim background were targeted for their religion (although many were non-practicing), their previously secular and only historical identification with Islam strengthened.²⁰ Faced with a lack of territorial identity, many Bosnians embraced a new territorial identity of *Bosniakhood* that was resuscitated from the old Austria-Hungary in 1993 by SDA.²¹ The result was a simplification of highly multi-layered identities and allegiances, and the emergence of a ‘group think’, i.e. ideas of ‘us’ as Bosniaks against ‘them’ as Croats and/or Serbs.²²

In addition to the multi-partite and ethno-nationalist nature of the war, it was also characterized by targeting civilians. The aim of Bosnian Serbs (and Croats) was to ethnically cleanse²³ territories and create mono-ethnic units that could be merged with the neighbouring states.²⁴ This strategy led to sky-high casualties, especially at the start and end of the war.²⁵ Indeed, the greatest numbers of civilians died in the first and the last months of the war in eastern Bosnia, the northern region of Krajina with Prijedor as its centre, and the capital Sarajevo, which staged the longest civilian siege in European history. The crimes committed during the war to many observers seemed incompatible with the putative victory of liberalism and human rights in the early 1990s: they included mass rapes, burning people alive, massacres of women and children (especially in and around Prijedor and in central Bosnia), and the well-documented killing raids of paramilitaries in north-eastern Bosnia in Bijeljina and Brčko. But the atrocity that shook the Western world to the ground was Srebrenica. In July 1995, over 8,000 mostly Muslim men were massacred by VRS soldiers under Ratko Mladić in the UN protected ‘safe zone’ of Srebrenica. The external failure of the UN protection forces (UNPROFOR) to save the unarmed men, who had been previously forced to give up their weapons, irreparably tainted the image of the United Nations.

¹⁹ See Campbell 1998.

²⁰ It was only in the 1971 census when Bosnians were given the option to identify with their nation under the term *Muslimani* (with capital M to distinguish nationality from the religious *muslimani*). See Babuna 2005.

²¹ Bougarel 2007, 119.

²² See Hronešová 2012.

²³ The term ethnic cleansing was re-introduced with the Bosnian war. See Petrović 2007.

²⁴ This was clearly expressed in the 1992 ‘Six Strategic Goals’ of Radovan Karadžić. See Donia 2014.

²⁵ Tokača 2012, 180–81.

The controversial external involvement in the war – or rather its tardiness and inability to act – is another legacy of the war that has influenced Bosnian post-war development. The then US Secretary of State Warren Christopher famously called the war a ‘problem from hell’.²⁶ Due to the framing of the conflict as a religious clash between Christians and Muslims²⁷ and Serbian propaganda that all parties were ‘equally guilty’²⁸, external reaction was slow and restrained. Diplomatic negotiations at international conferences, the deployment of UNPROFOR in demilitarized zones of the likes of Srebrenica, Žepa and Foča, and humanitarian aid through the UN and other agencies were the key tools used throughout the war. Additionally, given the scale of the crimes and the reports about large-scale victimization, the UN created a war-crimes investigation commission under the legal scholar M. Cherif Bassiouni in October 1992.²⁹ Based on his findings, the UN decided to set up an international court in May 1993 – the ICTY.

Against the backdrop of all the other failed attempts to stop the war, this external justice tool was meant to symbolize that the main perpetrators of war crimes would not go unpunished.³⁰ But the longer the conflict lasted, the clearer it became that local war thugs had little respect for justice or persecution and that a stronger message would be needed. Moreover, given the strong presence of foreign journalists in the country, the Bosnian war was under great scrutiny from the world’s public, growing dissatisfied with the lack of action. This so-called ‘CNN effect’³¹ made external neutrality increasingly untenable. The collected evidence also suggested that the death toll and atrocities were skewed to the Bosniak side, especially after Srebrenica. Shortly after Srebrenica, the US President Bill Clinton gave his consent to NATO forces to bomb Serbian posts in Bosnia (without a UN approval), forcing the Serb side to start negotiating.

²⁶ Power 2013.

²⁷ The infamous ‘ethnic hatred thesis’ was advocated in Robert Kaplan’s unscientific analysis of the wars. The paradox of Christian Croats fighting against Christian Serbs was downplayed. See Kaplan 1994.

²⁸ Williams and Scharf 2002, 50.

²⁹ Hagan 2003, 41.

³⁰ Williams and Scharf 2002, 20–22.

³¹ Robinson 2000.

By then, Bosnia was physically and psychologically decimated. The direct economic losses were estimated at around 60 billion USD. Industrial and agricultural production dropped by 80 per cent.³² In addition, 2,000 kilometres of roads and 445,000 houses were destroyed, while over 750,000 deadly land mines were scattered across the country.³³ Over half a million soldiers emerged from the war, many having spent their youth on the military lines.³⁴ Most importantly, the pre-war Bosnian patchwork of intermixed ethno-national groups had been reversed and territories had been ethnically homogenized (i.e. cleansed). Over half of the pre-war population of 4.4 million was uprooted, two thirds residing abroad. According to UNHCR statistics, 80 per cent of all refugees were Bosniaks, 13 per cent Bosnian Croats, and 6 per cent Bosnian Serbs.³⁵ By the end of 1997, 540,000 Bosnians (i.e. around one fifth of the pre-war population of BiH) had already been granted permanent status abroad – with no incentives to return. Thousands of those who returned initially found their houses ruined or inhabited by members of the ‘other’ group.

The human loss was tremendous but its true extent was a matter of speculation during the first post-war decade. While the Bosniaks and external actors reported over 250,000 dead, the Bosnian Serbs claimed the number of 25,000. The last pre-war census was carried out in 1991 and the first post-war census data was only released in 2016, leaving space for furious number wars. By 2007, a team of Bosnian investigators led by Mirsad Tokača established that 95,940 people were killed, mostly Bosniaks (see Figure 3.1.). According to their findings, 41 per cent were civilians, 64.6 per cent Bosniaks, and nearly 90 per cent were men (see Figure 3.2.). The fatalities were thus greatly skewed towards men, resulting in thousands of widows and father-less children. These findings were corroborated by the ICTY’s demographic unit, which concluded that war-related deaths amounted to 104,732, i.e. numbers higher to Tokača’s initial findings.³⁶ Additional investigations established that 20-50,000 mostly women were raped, up to 200,000 people were detained in war camps, and

³² Cousens and Cater 2001, 87.

³³ *Council of Europe Parliamentary Assembly 2007, 135.*

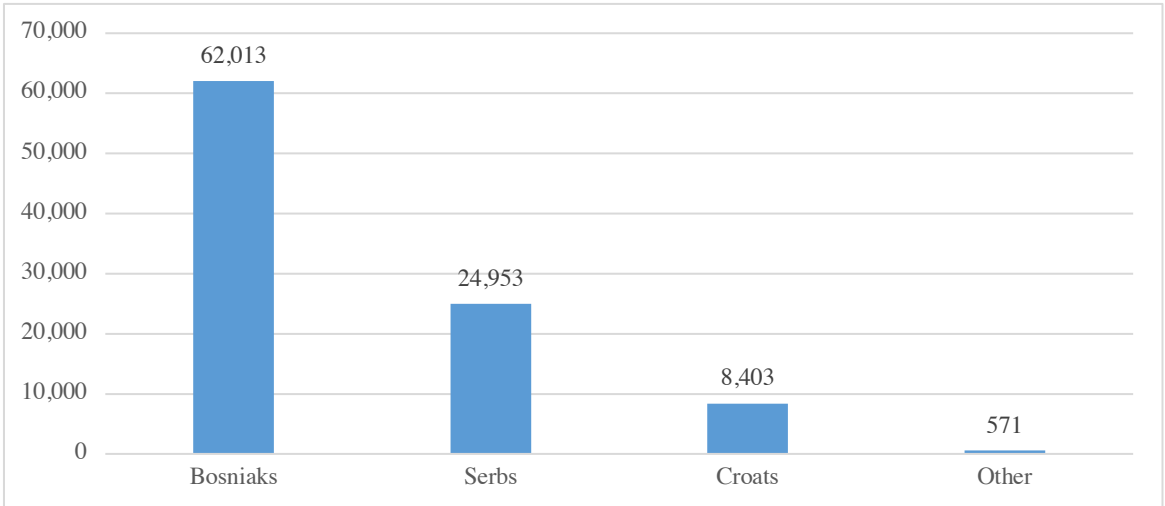
³⁴ See Gregson 2000.

³⁵ See UNHCR 2003.

³⁶ Tabeau and Zwierzchowski 2010. This has been mainly caused by the growing number of identifications of missing people. See Chapter 5.

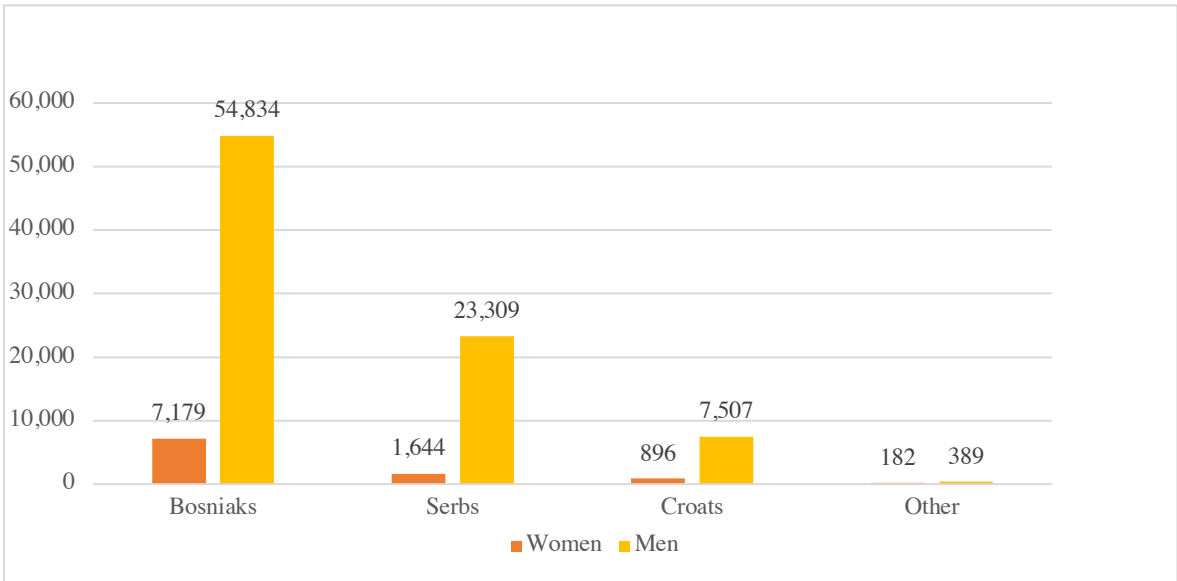
over 32,000 people went missing. As many as half of Bosnian citizens were estimated to suffer from the post-traumatic stress disorder (PTSD).³⁷

FIGURE 3.1. Fatalities of the Bosnian War by Ethno-National Identity



Source: Tokača 2012, 116.

FIGURE 3.2. Fatalities of the Bosnian War by Gender



Source: Tokača 2012, 116–24.

³⁷ Ramet 2006, 467.

3.2.2. THE DAYTON PEACE AGREEMENT OF 1995

While the international intervention was delayed, ineffective, and controversial, NATO's bombardment of Serb positions in Bosnia in the fall of 1995 at last brought the adversaries to the negotiating table of the US diplomat Richard Holbrook. In November 1995 at a US military base in Dayton Ohio, the three leaders Slobodan Milošević, Franjo Tuđman, and Alija Izetbegović finally concluded the 'General Framework for Peace Agreement', better known as the 'Dayton Peace Agreement' or simply 'Dayton'.³⁸ Although neither of the parties was satisfied with its final form, Izetbegović famously calling it 'unjust', it appeared to have been the only possible compromise. Dayton has since then become a laboratory for political scientists, who have revelled in criticizing the agreement's flaws while stressing its peace-making success. On its 150 pages, Dayton presented a blueprint of comprehensive liberal peacebuilding. It covered extensive state-building clauses, ordered military consolidation, specified refugee return, proposed elections, and included a series of key human rights agreements. It also introduced a new institution – the OHR – tasked with supervising the peace. While Dayton was an unequivocal success for peace, it did not prove to be a framework for integrating Bosnia's centripetal ethno-national elites.

First and foremost, Dayton set out a byzantine constitutional structure in its Annex IV (de iure Bosnian Constitution), based on far-reaching consociationalist power-sharing, decentralization, ethnic vetoes, and proportionality. While power-sharing may be viable for states where some minimal level of accommodation is possible and some future political direction is shared, in the case of Bosnia – where the war was abruptly stopped without solving the underlying issues of whom the country belongs or what its future should be like – such extensive power-sharing resulted in paralysis.³⁹ Dayton created two entities – Republika Srpska (RS) and the Bosniak-Croat Federation (FBiH) – with the territorial proportion of 49:51 respectively. These units were divided by the so-

³⁸ Office of the High Representative 1995.

³⁹ See especially Bennett 2016.

called Inter-Entity Boundary Line, which de facto legitimized the military gains and ethnic cleansing of the Serbs by creating internal ethnic borders between Serbs and Bosniaks with Croats.⁴⁰

RS became centralized and divided into five regions and 63 municipalities. In contrast, FBiH was sub-divided into ten cantons with wide self-governing powers, three of which were under Croat majority (West Herzegovina, Posavina, and Canton 10), and two mixed (Central Bosnia and Herzegovina-Neretva). Thereafter, cantons differed in terms of their administration and the structure of their municipalities. Two cities – Sarajevo and Mostar – were set to be ruled by special provisions, and the disputed Brčko in the north-east was left to be decided later in an arbitration, which in 1999 defined it as a multi-ethnic internationally governed District.⁴¹ Therefore, most executive and legislative power was granted to the subnational level of entities, which, as Caplan argued, have enjoyed ‘many of the prerogatives of a state’⁴². The central state was initially so weak that only around 20 per cent of all state functions fell under the central institutions.⁴³ At the top has been a tri-national rotating Presidency (consisting of one Bosniak, one Croat and one Serb), Council of Ministers (*ipso facto* central government), and a Parliamentary Assembly (henceforth ‘Parliament’) comprising the House of Representatives and the House of People. Only three ministries were created at the central level (Foreign Affairs, Foreign Trade, and Civil Affairs). Entities were given control over the rest, including social care and veteran issues.

Article 6 of the Constitution also established the central Constitutional Court (opened in 1997) as a hybrid institution consisting of three international and six domestic judges (two from each ethno-national community). Both entities were to have their own presidents, governments, ministries, assemblies, courts (including entity supreme and constitutional courts), and police forces. Each entity has also had its own parliamentary assembly (henceforth ‘Assembly’ to distinguish it from the state-level ‘Parliament’). As a result, Bosnia has had over 140 different ministries at various levels

⁴⁰ Jansen described the two entities as ‘ethnic fiefdoms’ of nationalist political parties. See Jansen 2006, 179.

⁴¹ In 2009, it was included in the Constitution, which became the first and only constitutional amendment.

⁴² Caplan 2005a, 111.

⁴³ Merdžanović 2015, 163.

and seven separate electoral contests organized at different times.⁴⁴ In FBiH, a significant level of authority was devolved further down to the cantonal level to allow for Croat self-administration. While the entity level adopts the so-called ‘umbrella laws’, each cantonal assembly adopts its own specific laws.⁴⁵

With regards to human rights, the entire Annex VI of Dayton included a substantial set of human rights provisions. Chapter 2 of the Annex established the Commission of Human Rights, consisting of the Ombudsman and the Human Rights Chamber, tasked with processing human rights violations. The Commission’s functions were to be revised in five years, but it existed until 2004, when its cases were transferred to the Constitutional Court. During its existence, the Human Rights Chamber was a key institution, processing claims of returnees, victims, but also other minorities. In addition to addressing war-related claims, it also processed cases of ethno-national discrimination, paradoxically often in clash with the Dayton provisions. According to Dayton, the three so-called ‘constituent peoples’ of Croats, Bosniaks, and Serbs gained significant collective political rights at the expense of individual rights of citizens and minorities, which are referred to as the ‘others’ in the constitution. For example, on all issues deemed as ‘vital’ by any of the constituent peoples, a majority vote of all present delegates is required, effectively stalling many reforms.⁴⁶ Although Dayton also made Bosnia a signatory to every major international human rights treaty, which inherently contained anti-discrimination provisions, the ethnic key has been applied in all political functions and the local level⁴⁷, later leading to several anti-discrimination court cases.⁴⁸

Acknowledging that this system may have difficulty functioning at first, authors of Dayton tasked the OHR with supervising the peace, ensuring compliance with the rules, and coordinating the variety of externally deployed organizations (in Annex X). In other words, the OHR was to ensure

⁴⁴ At the state level, people vote for the two parliamentary houses and the presidency. At the entity level, for assemblies, presidents, and vice-presidents and for cantonal assemblies and municipal councils.

⁴⁵ Maglajlić Holiček and Rašidagić 2007, 154.

⁴⁶ Bieber 2002a, 215.

⁴⁷ For example, mixed municipalities in FBiH informally agreed to have a Bosniak mayor and a Croat deputy or vice versa. See Touquet 2012.

⁴⁸ For example, in March 2002, after the so-called ‘Constituent Peoples Agreement’ of Mrakovica-Sarajevo, all citizens gained equal representation across the Bosnian territory. See Chandler 2000, 111.

the transition of the country from war to peace and from chaos to stability. The High Representative (HR) was to be appointed and guided by the so-called Peace Implementation Council (PIC), an *ad hoc* coalition of 55 states and organizations that had come together independently of the UN to steer the implementation of the peace process.

The OHR and the stipulations of Dayton were initially fiercely opposed by Bosnian Serbs as it left them in a state whose existence they rejected. In contrast, Dayton was endorsed by Bosniaks – even if they called it ‘unjust’ as it recognized the Republika Srpska despite it being created by ethnic cleansing. Later, Bosnian Serbs became strong defenders of the Dayton-created statelets, but Bosniaks criticized it for freezing Bosnia in the state of 1995. A recent poll demonstrated that most Bosnians agree with the expert assessments that Dayton was a necessary measure to end the war but not a framework to build a state.⁴⁹ Overall, because of its institutional provisions, the role of external actors, and the human rights clauses, Dayton has been constantly invoked in Bosnia’s post-war realities. As a Bosnian legal expert noted, ‘Dayton stopped us from killing each other ... but we carry on fighting via different means’.⁵⁰ Another Bosnian political analyst argued that Dayton ‘created fertile soil for political interventions with an *ethno-national* prefix’⁵¹, suggesting that it solidified divisions created during the war.

3.3. POST-WAR POLITICS: BETWEEN GUARDIANSHIP AND POLARIZATION

Post-war development in Bosnia can be characterized by complex dynamics between external and domestic actors. The aim of this section is to trace how these interactions unravelled after the war and how they influenced victims’ calls for justice. As explained, the structuring of post-war political life has been the result of ethno-national divisions, legacies of war and Yugoslavia, and the Dayton framework. This has also influenced how domestic political authorities, external actors, and victim categories interacted with each other and pursued their goals. To provide more clarity to the post-

⁴⁹ Toal and O’Loughlin 2016.

⁵⁰ Interview 60/SA/EX 2014.

⁵¹ Abazović 2005, 195.

war Bosnian developments, I structure this section by introducing three phases after 1995, defined by broader policy priorities of the main proximal actors with powers over compensation. While the phases are not delineated by clear borders, they frame the main post-war developments in Bosnia. They highlight the changing priorities of external actors and the levels of cooperation or intransigency among domestic actors.⁵² They are as follows:

1. Emergency post-war stabilization (1995 – 1999);
2. Centralization and external state-building (2000 – mid-2006); and
3. Europeanization (mid-2006 – present).

3.3.1. THE FIRST PHASE: EMERGENCY POST-WAR STABILIZATION (1995 – 1999)

By the end of 1996, 17 different foreign governments, 18 UN agencies, 27 intergovernmental organizations, and about 200 nongovernmental organizations (NGOs) – not to mention tens of thousands of troops from across the globe – were involved in reconstruction efforts. On a per capita basis, the reconstruction of Bosnia-with less than four million citizens-made the post-World War II rebuilding of Germany and Japan look modest.⁵³

The final stages of the Bosnian war and the immediate post-war period were characterized by massive reconstruction efforts of a vast number of external actors, ranging from military organizations to humanitarian agencies. The key efforts of this multitude of actors was security, physical reconstruction, humanitarian aid, and refugee return. After NATO's military intervention in 1995, several peacekeeping missions were deployed to Bosnia. The wartime peacekeeping UNPROFOR forces were soon reinforced by 60,000 soldiers from the NATO Implementation Force (IFOR) that in 1996 turned into a Stabilization Force (SFOR). The initial policing was also taken over by a UN force (International Police Task Force, IPTF), which was not only tasked with policing but also vetting procedures and demobilization programmes, later taken over by the World Bank.⁵⁴ Over 10,000 civilian foreign officials were also deployed to secure the peace implementation under OHR's supervision.

⁵² The third phase could be further divided into two to reflect the growing marginalization of the HR after 2011. However, for the arguments presented here, the three phases are sufficient.

⁵³ McMahon and Western 2009, 69.

⁵⁴ Moratti and Sabic-El-Rayess 2009.

The humanitarian aid offered to the country's post-war reconstruction was immense. During the first five donor conferences (until 1999), external actors pledged to spend 5.25 billion USD.⁵⁵ The IMF later established that between 1996 and 1999, 3.7 billion USD were spent on civilian aid in Bosnia.⁵⁶ Bosnia was indeed inundated by foreign aid directed at physical reconstruction and infrastructure, financing the emerging NGO sector, and supporting up to 80 per cent of the population.⁵⁷ By 1997, nearly 1,500 local NGOs were set up either as spin-offs of international NGOs or through international funds with the aim to supplement – or even substitute – some key state functions.⁵⁸ While these efforts were an emergency response to the war, they later became a key feature of the Bosnian civil sector, which has been dominated by a small number of organizations whose lifespans and priorities were driven by foreign funding.⁵⁹

This first period was also marked by the highest number of returns, a policy area included in Annex VII of Dayton. The agenda of returns, implemented by the new Return and Reconstruction Task Force, was in line with the peacebuilding aims of the UN and the EU, both represented by the OHR, and in the case of the EU also by the newly set up Delegation of the European Commission (established in July 1996). Their aim was to re-create a multi-ethnic Bosnia and strengthen capacities for return at the central level.⁶⁰ However, returns were initially slow due to security concerns. Houses were mined and returnees intimidated.⁶¹ Therefore, UN agencies (e.g. UNHCR and UNDP) as well as the International Committee of the Red Cross (ICRC) and EU agencies first focused on majority returns, i.e. returns to areas under control of one's own ethno-national community, where returnees faced lower security risks.⁶² But as security improved by 1998, the emphasis shifted towards minority returns, i.e. people returning to areas where their ethno-national community was not in the majority.⁶³ Despite the wider deployment of SFOR and IPTF, many feared returning to an area ruled by the

⁵⁵ Bennett 2016, 93.

⁵⁶ International Monetary Fund 2005, 2. According to Fagan, the EU alone has spent over 2.5 billion Euro in BiH from 1991 until 2010. Fagan 2010, 95.

⁵⁷ Cousens and Carter 2001, 88.

⁵⁸ Black 2001, 180; see also Helms 2014.

⁵⁹ See Belloni 2001; Bieber 2002b; Sejfića 2006; Maglajlić Holiček and Rašidagić 2007; Fagan 2010.

⁶⁰ Jansen 2007.

⁶¹ Despite over a thousand attacks by 2001, post-war returnee violence was quite low. See Boyle 2014, 119.

⁶² ICG 1998a.

⁶³ Black 2001, 182.

‘other’ group. While Bosniak politicians encouraged minority returns, arguing that the international forces would protect returnees, Bosnian Croats and Serbs worked in the opposite direction to consolidate their territorial gains. They argued that minority returns would lead to the creation of fifth columns within their ethno-national turfs.⁶⁴ Radovan Karadžić famously led a fear-mongering campaign in 1996, threatening Sarajevo Serbs to move out unless they want to become victims of Bosniak vengeance. His campaign led to the 1996 exodus of up to 50,000 Serbs from Sarajevo, turning the capital into a largely mono-ethnic city.⁶⁵

The fearmongering nationalist rhetoric led to the fact that by 1998, only 570,925 individuals, i.e. 25 per cent of the displaced population, returned to their pre-war homes.⁶⁶ In addition to improving security, another strategy was needed. Property restitution was soon selected to offer an effective incentive encouraging people to come back. The HR in 1999 decided to amend procedures of the existing so-called Commission for Real Property Claims, which was created by Dayton, in order to facilitate people’s access to their pre-war property.⁶⁷ These changes simplified the procedures, leading to an increase in returns. The next year, 2000, was later dubbed the year of returns when around a million people returned. By 2003, over 90 per cent of all property cases were claimed to be resolved.⁶⁸ Despite such success, property restitution also became a lucrative business across all sides. The main Bosniak party, SDA, controlled the new property funds in FBiH and soon misappropriated large sums using their informal networks and corrupt services.⁶⁹ In a notorious case in RS, the government accepted a financial support of 1 billion USD to restore Bosniak and Croat houses for 70,000 people, but only 3,700 were housed while the rest of the funds disappeared.⁷⁰ Refugees wanting to return to Croat parts of Mostar were equally prevented by HDZ authorities that used intimidation and threats to discourage any potential Bosniak returns and repossession of

⁶⁴ Belloni 2007, 128.

⁶⁵ See ICG 1998b.

⁶⁶ Belloni 2007, 141.

⁶⁷ See Williams 2004. In 2008, the number of returnees reached a million.

⁶⁸ Ferstman and Rosenberg 2009, 511.

⁶⁹ Pugh 2002.

⁷⁰ Belloni 2007, 136.

houses.⁷¹ The property reconstruction was thus a continuation of the clandestine economy and violence of the war.⁷²

Although violence rapidly plummeted after 1995⁷³, the domestic political constellation in this period was warlike. The same actors and conflicts created during the war remained in place, manifesting themselves in the first elections in September 1996, i.e. only nine months after the end of the war. Against the backdrop of electoral fraud, intimidation, and voter manipulation, the belligerent nationalist parties won. The three presidential winners were the leader of SDA and the war-time President Alija Izetbegović, the co-founder of SDS Momčilo Krajišnik, and the former president of the separatist Herzeg-Bosna Krešimir Zubak of HDZ BiH. In the absence of any substantial political vetting, their transition from war to politics was smooth. Amnesty was soon granted for all economic crimes (including illegal commerce, tax evasion and misuse of humanitarian aid) and only serious human rights violations and crimes under ICTY's investigation were considered reasons for political vetting and decertification of electoral candidates.⁷⁴ As some noted, 'close relationships of loyalty and trust between nationalist politicians, the security apparatus and criminals' that were forged during the war remained intact thereafter.⁷⁵

Politics was so confrontational that the first HR Carl Bildt stated that the peace felt like another war.⁷⁶ Bosnian Croats refused to participate in governmental institutions of the Federation and the central state, further insisting on the creation of a third entity for Croats. Bosnian Serbs challenged the HR and led a political boycott of Dayton's provisions. On the Bosniak side, internal conflicts within SDA led to the April 1996 creation of a new Bosniak political party under the former wartime prime minister Haris Siljadžić – the Party for Bosnia and Herzegovina (SBiH). Initially created as a moderate Bosniak party, it later became the key vanguard of Bosniak nationalism. By the end of the first phase, its main aim became the centralization of the country and dissolution of the cantonal and

⁷¹ Bojičić-Dželilović 2006, 212.

⁷² See Andreas 2004.

⁷³ For post-war violence see Boyle 2014, 101.

⁷⁴ Zupan 2007, 333.

⁷⁵ Andreas 2004, 44.

⁷⁶ Cited in Sebastian-Aparicio 2014, 59.

entity system, best exemplified in its 2000 electoral slogan ‘Bosnia without Entities’.

Nonetheless, the first HR Carl Bildt had only limited powers and was reliant on these intransigent actors for cooperation in implementing the peace agreement.⁷⁷ As some poignantly argued at the time, ‘OHR’s powers are like those of the pope: it can issue an encyclical, but unless people believe, there is very little it can do about their behavior’⁷⁸. The HR also struggled to control the multiplicity of external bodies and actors involved in Bosnian post-war reconstruction.⁷⁹ For these reasons, Bildt’s successor Carlos Westendorp (in office from 1997-1999) demanded direct tools for dismissing politicians and imposing laws. The multilateral PIC allowed for such powers in December 1997 at a summit in Bonn.⁸⁰ It approved the HR to make decisions on ‘interim measures to take effect when parties are unable to reach agreement’⁸¹ and ensure the smooth running of institutions.

In effect, these so-called ‘Bonn Powers’ gave Westendorp and his successors the right to dismiss officials that violated legal commitments under Dayton, or in any other way obstructed peace implementation. This was used soon after when the HR imposed a citizenship law in December 1997.⁸² Strengthening HR’s position also led to the creation of an FBiH Ministry for Veterans’ Affairs in 1999.⁸³ The Bonn Powers were also used to sack some obstructionist politicians, such as in March 1999 when the HR removed the elected RS President Nikola Poplašen. Although the OHR expanded its powers only gradually, the institution became the key motor behind neoliberal reforms aimed at reducing welfare and state apparatus as remnants of socialism, while strengthening political institutions that had to be rebuilt after the collapse of the state.

⁷⁷ Ibid. 58–59.

⁷⁸ Daalder and Froman 1999, 111.

⁷⁹ Cf. Caplan 2005a, 36.

⁸⁰ Merdžanović 2015, 181–83.

⁸¹ See the OHR official website, http://www.ohr.int/pic/default.asp?content_id=5182#11.

⁸² Merdžanović 2015, 258.

⁸³ Under the title of Ministry for Issues of Veterans and Disabled Veterans of the Defensive-Liberation War.

3.3.2. THE SECOND PHASE: CENTRALIZATION AND STATE-BUILDING (2000 – MID-2006)

In the second phase from early 2000, the HR (since August 1999 Wolfgang Petritsch) launched a series of state-building interventions while the EU began to play an increasingly important role. This period was dominated by the HR and his application of the Bonn Powers. A new state media law, imposition of a common currency, vehicle licence plates, and national passports were all carried out through the Bonn Powers.⁸⁴ HR impositions were further used to introduce some key justice reforms. The Law on the State Court of BiH was enacted by the HR in 2000 and later adopted in 2002 by the Parliament, leading to the opening of the War Crimes Chamber in March 2005.⁸⁵ The state ministries of Human Rights and Refugees (MHRR), Treasury for Institutions of BiH and European Integration (later Directorate), and the State Border Service in 2000 were also the result of the external powers.

After Lord Paddy Ashdown took over the office in May 2002 (he also served as the first EU Special Representative, EUSR), the impositions were on average used fourteen times a month.⁸⁶ He was especially involved in military reform and pushed for the creation of the State Investigation and Protection Agency in 2002, the Prosecutor's Office (2002), the High Judicial and Prosecutorial Council (2002), Ministry of Justice (2003), Ministry of Security in 2004, Ministry of Defence in 2004, and joint Armed Forces of BiH in 2006. He also enforced the enactment of the new Criminal Code of BiH (2003) and enforced standard VAT in 2006. His interventionist approach to administering Bosnia (until January 2006) – best demonstrated in his so-called 'Bulldozer Initiative' of November 2002 to dismantle all obstructions to the labour and business market – resulted in the establishment of some key central institutions.⁸⁷

Despite positive centralization, by making key institutional decisions, the HR took over the responsibility from domestic elites, who had limited incentives for accommodation when the external actors took ownership over difficult decisions. The external governance led to what some

⁸⁴ Sebastian-Aparicio 2014, 61.

⁸⁵ For an overview of the court system see OSCE 2011.

⁸⁶ Sebastian-Aparicio 2014, 67.

⁸⁷ Until 2014, 921 decisions were imposed by the HR in economic, political, and constitutional matters. See Butenschön and Stiansen 2016, 141.

called a ‘dependency syndrome’⁸⁸ when external actors became the main guarantors but also culprits of any reform initiatives. The various views about the role of the HR to this day revolve around two bipolar camps of those arguing for either too much or too little external input.⁸⁹ Some experts even dubbed BiH an international protectorate while others compared it to the British colonial rule in India,⁹⁰ mainly due to the ‘proconsul’⁹¹ style of politics by Paddy Ashdown. Also because of the continuous presence of the HR, Bosnian democracy earned adjectives such as ‘faked’⁹² or ‘controlled’⁹³. The external practices of governance in Bosnia also produced a parallel world of international aid workers that Coles termed ‘Hyper-Bosnia’, where external actors became detached from the reality on the ground, often leading to domestic disgruntlement and opposition.⁹⁴ The role of the HR – Paddy Ashdown in particular – has been debated to this day. However, given the previously intransigent local elites, there is little evidence to suggest that key reforms would have been carried out without some initial input by the OHR.

Nonetheless, this phase also experienced a political moderation due to several factors. The ICTY indictments (and later trials) of Radovan Karadžić, Momčilo Krajišnik, and Biljana Plavšić, among others, removed these key nationalists from the political scene in RS.⁹⁵ Internal disputes in the nationalist Serb Democratic Party (SDS) also created space for a new political actor, Milorad Dodik and his Alliance of Independent Social Democrats (SNSD). Although Dodik served as an SDS-deputy in the RS Assembly during the war, he later created a reputation of a politician international actors could negotiate with. After the 1998 elections, supported by the OHR, he created a minority coalition government called *Sloga* (Concord), formally signalling to become a ‘moderate Prime Minister’⁹⁶. Though Dodik on paper vouched for Dayton’s implementation, he was as persistent

⁸⁸ Solioz 2007.

⁸⁹ For an overview see Merdžanović 2015.

⁹⁰ Knaus and Martin 2003.

⁹¹ Pond 2006, 156.

⁹² Chandler 2000.

⁹³ Bojkov 2003.

⁹⁴ Coles 2007.

⁹⁵ Karadžić was later sentenced to 40 years of imprisonment in 2016 with a pending appeal, Krajišnik to 20 years in 2009 (released in 2013), and Plavšić to 11 years (released in 2009).

⁹⁶ See ICG 2002.

about the separate RS state-like identity as the wartime government.⁹⁷ As a pragmatic and power-driven politician, he instrumentally cooperated with external actors to receive aid, which had until then avoided RS and led to sky-high unemployment in the smaller entity.

After the general elections of November 2000, the political monopoly of the three wartime parties (SDS, SDA, and HDZ BiH) was further undermined.⁹⁸ Although ethnic voting prevailed, the SDA lost some of their votes to SBiH in the Federation where the Social Democratic Party (SDP) won and the Party of Democratic Progress (PDP) won in RS. The subsequent governmental talks in FBiH led to a compromise and the creation of a reform coalition, ‘Alliance for Change’, under the wartime prime minister Zlatko Lagumdžija from SDP.⁹⁹ The elections coincided with an escalation of the Croat question when HDZ BiH threatened a referendum on a new entity. This initiative was abruptly stopped in March 2001 by the HR and the removal of the Croat leader Ante Jelavić from the Presidency. Thereafter, Croats at last started cooperating with Bosniaks in the Federation and even submitted Croat soldiers to the new single Bosniak-Croat army. Probably the key factor in the willingness of nationalist parties to cooperate was the eroding authoritarian regimes in neighbouring Croatia and Serbia in the death of Tuđman in late 1999 and toppling of Milošević in October 2000.¹⁰⁰ Another factor was the departure of Alija Izetbegović and the ascent of Sulejman Tihić as a more conciliatory SDA leader in 2001.

Moreover, the political elites started to frame their politics towards EU membership. The EU applied a combination of ‘carrots and sticks’, i.e. rewards and punishments, often called conditionality. The EU conditionality developed as a top-down pressure for democratic reforms in the form of compliance with the rules of the EU in exchange for significant economic aid and the eventual prospect of a membership. The preconditions included a range of neoliberal reforms but also the stability of democratic institutions, rule of law, and observance of human and minority rights. An additional set of reforms – especially *vis-à-vis* cooperation with the ICTY – was included for all ex-

⁹⁷ He was RS’s Prime Minister from 1998 to 2001 and 2006 to 2010, and the President of RS thereafter.

⁹⁸ Hulsey 2016, 55.

⁹⁹ Merdžanović 2015, 280–88.

¹⁰⁰ See Pond 2006, 154.

Yugoslav countries. The broad set of requirements was in March 2000 summarized in the EU Roadmap that stood at the beginning of the so-called ‘Stabilization and Association Process’ (SAP) that guides potential candidates through the EU accession process.¹⁰¹ In June that year at the summit in Feira, the European Council stated the EU prospects of all countries in the Western Balkans, including Bosnia. The roadmap was in November 2003 adopted by the European Commission in the form of a Feasibility Study on the preparedness of Bosnia to conclude the Stabilization and Association Agreement (SAA), following the June 2003 Thessaloniki summit.

This further crystallized into the ‘European Partnership’ document in June 2004 (updated in 2006 and fully amended in 2008) where Bosnia was asked to harmonize its legislation with the EU’s legal compendium, the *acquis communautaire*. The reform progress was monitored through annual reports by the European Commission (in the so-called Progress Reports). Since 2001 the main carrots became EU funds targeting democratic governance reforms, the civil sector, local projects, and that provided technical assistance to Bosnian institutions.¹⁰² EU sticks came with the transfer of policing and military oversight when the EU police mission EUPM took over from IPTF in 2003 and EUFOR from SFOR in 2004. All in all, by early 2004, leading political parties formally subscribed to the EU agenda. By November 2005, BiH officially opened negotiations about the SAA that took three additional years to sign (signed in June 2008) and was later frozen due to Bosnian failure to fulfil some conditions in the realm of constitutional reforms and human rights.¹⁰³

However, EU conditionality was not the only type of mechanism for change applied in Bosnia. Other examples were NATO’s requirements for civilian control over the military (which was established in 2004) and the Council of Europe’s (CoE) adoption of a variety of human rights requirements. CoE became an important critic of the persistent violations of human rights in the country. It conditioned membership to it on revoking several discriminatory legal clauses within Bosnian governance. Bosnia was eventually granted membership in CoE in April 2002. In economic and financial affairs,

¹⁰¹ Fagan and Sircar 2015, 36.

¹⁰² These were the Community Assistance for Reconstruction, Development and Stabilization (CARDS) and within the European Initiative for Democracy and Human Rights.

¹⁰³ See Weber 2014.

the International Monetary Fund (IMF) and the European Bank for Reconstruction (EBRD) were tasked with setting up the Central Bank (established in June 1997) and proposed fiscal reforms while continuing to provide economic aid. The World Bank became the main Bosnian creditor and through the so-called Poverty Reduction Strategies pressed the government to comply with its priorities, again in exchange for economic support. In electoral affairs, the OSCE conditioned its approval for transfer of electoral organization to domestic institutions by the adoption of a new Election Law and the establishment of an Electoral Committee (adopted in 2001). Until 2002, elections were run by the OSCE. Thereafter, the OSCE became an important watchdog in areas such as education, democratic governance, human rights, and social reforms.¹⁰⁴ In sum, this period was defined by centralization and intransigent national authorities that at times cooperated under external pressure.

3.3.3. THE THIRD PHASE: THE STRAINS OF EUROPEANIZATION (MID-2006 ONWARDS)

The third phase, from mid-2006 until today (mid-2017), can be traced back to June 2006 when the PIC stated that the OHR was to be closed within 12 months and the democratic (no longer peace) transition was to be left in the hands of domestic actors. This move was a reaction to the intensifying EU convergence process for Bosnia. The idea was to move Bosnia from ‘Dayton to Brussels’, i.e. from imposed peacebuilding to assisted democratization.¹⁰⁵ EU influence had been growing since 2002 when the HR was merged with the EU Special Representative (EUSR) as a double-hatted position, HR/EUSR.¹⁰⁶ At that time, the multilateral (mainly US) interest in Bosnia was waning. As a result, the EU took over the BiH democratization agenda, focusing mainly on civil society, financial assistance, and facilitation of a political dialogue.¹⁰⁷ Instead of scaling down, though, the initial period of this phase led to some of the greatest mishaps of interventionism in Bosnia. Two reform proposals of 2007 caused an uproar and a political crisis.

¹⁰⁴ For OSCE projects, see Stoessel 2001.

¹⁰⁵ Belloni 2007, 152.

¹⁰⁶ Already in 2003, BiH was identified as a potential EU candidate.

¹⁰⁷ Fagan 2010, 85.

In 2007, the new HR/EUSR Miroslav Lajčák tried to centralize the police to fulfil the last condition in signing SAA (originally proposed by Ashdown) and later reform the voting procedures used by the Parliament and the central government.¹⁰⁸ Bosnian Serbs under Dodik strongly opposed these efforts, leading to a protest resignation of the Serb chairman of the government (de facto PM), Nikola Špirić, who famously said that if the HR was allowed to freely intervene into Bosnian affairs, he could be Bart Simpson and nothing would change. Bosnian Serb deputies started blocking the state Parliament through walk-outs as a form of protest against HR's interventions.¹⁰⁹ After a series of visceral and protracted negotiations, Lajčák was forced to abandon the original plans about a united police force and find a compromise, effectively allowing for entity-run policing.¹¹⁰ He managed to streamline the voting procedures but only at the cost of growing political opposition.

This double crisis unfolded against the backdrop of broader constitutional debates. As Dayton was never meant to be a lasting document but a peace-management tool, a new constitution was needed and widely discussed. The report of the so-called 'Venice Commission' of the Council of Europe published already in March 2005 clearly outlined the need for amending Dayton, which was deemed discriminatory against some minorities in the country.¹¹¹ Four years later (in December 2009), these findings were confirmed by the *European Court for Human Rights* (ECtHR) that decided that Bosnia had to change its constitution so that Bosnian citizens, who do not belong to the three constituent nations, would be allowed to run for the state presidency and the House of the Peoples (in the so-called 'Sejdić-Finci' case). Although other judicial decisions reasserted this later, any reform of the ethno-national principle would require an overhaul of Dayton. Changing the ethnically defined political system of Dayton's Bosnia became an insurmountable problem.

Prior to that, wartime rhetoric was revamped in the nationalisms of Milorad Dodik and Haris Siljadžić. Although it first seemed that welfare and EU accession instead of nationalism were the key topics of the time, the electoral campaigns of 2006 were again run on the wartime master frames

¹⁰⁸ Ibid. 87.

¹⁰⁹ See Bennett 2016, 171.

¹¹⁰ Weber 2014.

¹¹¹ Perry 2016, 17.

propagated by Dodik and Siljadžić. While Dodik used respect for Dayton as a safeguard to keep RS as a separate entity to the extent that independence became an option, Siljadžić called for the abolition of RS and centralization, ultimately giving Dodik more ammunition to frame RS as under threat. Siljadžić became the main champion of the frame that the Bosnian entity was a ‘product of genocide’ and that Bosnia lived in an ‘ethnic apartheid’, antagonizing Serbs further.¹¹² Dodik soon realized that juxtaposing these centralization efforts was a ‘politically effective strategy’¹¹³. Gradually, he not only reinvented ‘Srpska nationalism’, i.e. nationalism of the separate RS statelet, but also became the main denier of war crimes committed by Serbs. The aggressive nationalism paid off for both – Dodik and Siljadžić won the 2006 general elections.¹¹⁴ In an atmosphere of ‘emotionally powered wartime rhetoric, securitization of ethnic issues in public discourse, and tensions over BiH’s territorial structure and constitution’¹¹⁵, the HR’s previously announced closure was soon conditioned by amending the Dayton constitution.

Yet key attempts to reform the constitution did not deliver any results: the so-called April Package in 2006, the Prud Agreement of 2008¹¹⁶, and the Butmir Process of 2009 all demonstrated that finding a common ground about how to overhaul the ethnic framework, streamline political decision-making, and introduce more effective policymaking was close to impossible.¹¹⁷ Frequent clashes between Dodik and Siljadžić dominated these failed debates, most prominently with Siljadžić blocking the April Package in 2006 and Dodik increasing his pressure to close the OHR thereafter. As the failed reforms dominated the public sphere, several high-level corruption cases that revealed the extent of pillaging of state industries, companies, and services, went nearly unnoticed at that time.¹¹⁸ Instead, Bosnian Serbs insisted on their increased autonomy, Bosnian Croats resuscitated the idea of a third entity, and Bosniaks maintained their position that more centralization was needed.

¹¹² Bennett 2016, 193–95.

¹¹³ Interview 86/SA/MD 2014.

¹¹⁴ The only outlier was the election of Croat Željko Komšić from SDP as a Bosniak member of the presidency.

¹¹⁵ See Bertelsmann Transformation Index 2010, 2.

¹¹⁶ The *Prud Agreement* was initially driven by the main political parties due to their EU aspirations but it was buried together with the rest of the reform attempts later. See Sebastian-Aparicio 2014, 154–57.

¹¹⁷ The only tangible results were the final inclusion of the Brčko District into the Constitution and the decision to organize a census in 2011. It was organized only in 2013 with results published in July 2016.

¹¹⁸ Bennett 2016, 214–18.

Political parties have remained dominated by ethno-nationalist parties even in the few instances where the old parties have been replaced by new political actors since the war. The only non-national party at the time, the Social Democratic Party, was unable to trump such an ethno-nationally defined political landscape that awarded aggressive and ethnically driven discourse. Although it emerged as the strongest party in 2010, it soon lost its sway after 16 months of protracted governmental negotiations when a series of corruption scandals about SDP officials erupted.¹¹⁹ After SDP de facto sacrificed its multi-ethnic platform only to stay in power, it lost credibility and the next elections in 2014 saw a return to ethnic voting. Indeed, despite the passage of time and the fact that Bosnia currently has a staggering number of registered political parties – one party per 20,000 citizens¹²⁰ – the incumbents have since the war been from the ranks of the wartime nationalist blocs.¹²¹ Dodik's SNSD has been able to replace SDS but its radicalism is on par with its wartime predecessor. Challengers from the Serb Party for Democratic Progress (PDP), especially under Mladen Ivanić, have also rarely offered anything other than nationalist platforms. In FBiH, the only political forces that have challenged the main war blocs were SDP, which has turned into a party of Bosniaks, the Party for BiH (SBiH), the Union for Better Future (SBB), and the Democratic Front (DF), which have at times successfully entered the governing coalitions.¹²² Among Croat parties, HDZ BiH and its radical splinter HDZ 1990 kept firm control over their constituencies. Parties such as Our Party (NS) that represent civic platforms have been limited to urban centres. Overall, the party system has remained swaddled in a contestation of nationalisms of Bosniaks, Serbs, and Croats.

In this last phase, the OHR became overshadowed by the EU. Yet without direct decision-making powers and with its inconsistent direction, the EU has struggled to face up to the centripetal tendencies of Milorad Dodik (and more recently HDZ BiH under Dragan Čović). In April 2011, the RS National Assembly voted to organize a referendum on the Bosnian State Court, a move interpreted as a direct attack on the fragile central state. It was later called off after a direct

¹¹⁹ European Stability Initiative 2014; International Crisis Group 2014.

¹²⁰ According to the 2014 data, the Bosnian electorate was 3.28 million with 7,748 candidates on the list. See online the official Central Election Committee, <https://goo.gl/an242G>.

¹²¹ See Pasic 2014.

¹²² Touquet 2012, 213.

intervention by top EU officials who created new justice projects, ultimately forcing the EU to take over the Bosnian democratization process and further marginalizing the OHR (also through splitting the previously double hatted HR/EUSR role).¹²³ The EU's carrots continued through visa liberalization to the EU for Bosnian citizens in December 2010 and through being 'the largest single donor to the country'.¹²⁴ However, the HR has increasingly become toothless. The last use of the Bonn Powers by the current HR Valentin Inzko was in March 2011.¹²⁵ With the direct interventionist powers of the HR long gone and with less EU hard-power influence over Bosnia¹²⁶, Dodik's rhetoric became more vulgar, separatist, and pro-Russian, while Bosnian Croats reinforced their calls for more autonomy. For example, in September 2016, Dodik organized a referendum on RS national day (9 January). As Bosnian Serbs voted in favour, Dodik ignored the previous decision of the Constitutional Court and EU warnings, and enacted 9 January as the 'Day of Srpska'.¹²⁷ Ignoring decisions of the Constitutional Court has become commonplace in BiH – as of March 2017, 92 of its decisions were being ignored, as were three rulings from the ECtHR, including Sejdić-Finci.¹²⁸

Worried about potential destabilization, the EU has become more prone to lowering its benchmarks.¹²⁹ Its progress reports have become catalogues of failures, rather than admonitions and incentives for reform. However, reforms are critical, as the economic crisis of 2008 demonstrated. Hit hard by the reduction in remittances and external aid, external debt increased and public-sector spending skyrocketed, leading to frequent delays in the distribution of state salaries and pensions.¹³⁰ Domestic authorities have attempted to use nationalist rhetoric to divert public attention from the rapid decline in living standards with limited success. Social tensions and mass protests first erupted in June 2013, when new-borns were not issued with identity cards, and then in full swing in February 2014. Although the protests failed to crystallize into a structured political opposition, they

¹²³ Bennett 2016, 215.

¹²⁴ See Fagan 2010, 96. A key instrument of economic aid in 2008 when an agreement was signed became the so-called IPA funds (*Instrument for Pre-Accession Assistance*).

¹²⁵ For all decisions see the OHR website online, http://www.ohr.int/?page_id=1196.

¹²⁶ The EUFOR mission was in 2012 scaled down to 600 soldiers. See Bennett 2016, 216.

¹²⁷ Bosniaks celebrate 1 March as the 'Day of Bosnian Independence', i.e. the day of the 1992 referendum, and with Croats also the 'Day of Bosnian Statehood' on 25 November as the historical creation of BiH in 1943.

¹²⁸ See Toe 2016 and author's collected data.

¹²⁹ See Weber 2014.

¹³⁰ World Bank 2015.

demonstrated the seriousness of the state failure and the dissatisfaction of the public. Using the slogan ‘we are hungry in three languages’, the public also signalled that Bosnians were concerned about the economy rather than nationalism.¹³¹ In response, the EU re-focussed on the economy in November 2014 and pledged 1 billion Euro over the next three years. It allowed for SAA to enter into force in 2015 despite previously conditioning it on addressing Sejdić-Finci, organizing a national census, adopting a new state aid law, and creating an EU coordination body (apart from Sejdić-Finci, all were later adopted).¹³² In February 2016, BiH submitted its EU application despite failing to adopt some key reforms.¹³³ Main rewards have become economic support and direct IMF loans. The IMF has periodically renewed its lending arrangements in return for pledges of economic reforms, which has kept entity budgets afloat with injections between 150 to 300 million Euro per year. It has continued to exercise its financial conditionality by postponing its cash injection in cases when desired reforms were not adopted. For example, in April 2017, the IMF announced a delay in its loans, amounting to over 550 million Euro, until the Bosnian central Parliament passes new tax reforms and an insurance law.¹³⁴ Overall, the lack of any progress in these last years has thus been marked by a strenuous and inconsistent Europeanization of Bosnia, with Bosnian politics oscillating between nationalism and economic deprivation.¹³⁵ The Bosnian legal scholar Goran Šimić compared the torn Bosnian statehood to an old car: ‘one group wants the windshields, the other bumpers, and the last group wants the roof, but no one wants the entire old car because it does not work’.¹³⁶ Figure 3.3. below depicts the key events in post-war Bosnia.

¹³¹ Belloni and Strazzari 2014.

¹³² Perry 2016; Petr 2016.

¹³³ Hronešová 2016.

¹³⁴ Latal 2016.

¹³⁵ Sebastian-Aparicio 2014, 6.

¹³⁶ Interview 60/SA/EX 2014.

FIGURE 3.3. Timeline of Key Post-war Political Developments



Source: Compiled by the author (data in red marks off the three phases).

3.4. VICTIMS' JUSTICE AND THE RISE OF COMPENSATION

Against the backdrop of these political developments, the thousands of people that were directly victimized by war crimes and violence had to adjust their lives to the new realities including the ethno-nationally structured social and political landscape. They emerged from the war with distinct identities produced by their wartime experience, but also by some of the existing socialist legacies. Given the levels of political polarization and the urgent need for security, concerns regarding justice for victims only gradually entered the public sphere in Bosnia. Although victimhood became part and parcel of Bosnian life during the war with the high levels of war crimes and displacement, the new *ad hoc* court, the ICTY, and justice-related programmes were rarely targeting victims directly.¹³⁷ Instead, the initial focus was on returning refugee and the criminal prosecution of perpetrators, while domestic actors worried about consolidating their territories. While 'justice' became a sought-after commodity in post-war Bosnia, it has been dominated by trials at the ICTY. Only gradually have victims started demanding not only legal justice and truth but also compensation.¹³⁸ This final section discusses the variety of their efforts to achieve compensation and how it emerged as a desired policy goal. While the rest of the thesis discusses these issues in more detail, the aim of this section is to introduce efforts in transitional justice and how they shaped the later demands for compensation.

3.4.1. VICTIMIZATION AND LEGAL JUSTICE

As some observers noted, '[i]n no other peace-building process in history has there been so much political emphasis placed on the need to employ the norm of justice'.¹³⁹ The Dayton agreement already included over 70 references to human rights, 16 international conventions, and commitments to cooperation with external judicial institutions, including the ICTY. Although victimization and justice have become key pillars of the three separate ethno-national identities – best exemplified in the various disputes over the nature of the conflict and numbers of fatalities – the main focus has

¹³⁷ See Clark 2014.

¹³⁸ The WB and the WHO launched rehabilitation projects for Bosnian victims in 1996, but by 2002 these efforts were transferred to local NGOs. See Maglajlić Holiček and Rašidagić 2007, 157–58.

¹³⁹ Williams and Scharf 2002, xviii.

since the end of the war been on the offenders (perpetrators) and the need for retribution rather than victims and their complex experiences and needs. Yet the scale of victimization outlined above provided only limited scope for creating clear-cut definitions of how each ethno-national group was victimized. While Bosniaks have considered themselves the greatest victims of the war due to their mass death rates and crimes committed on them, Bosnian Serbs and Croats argue that their losses and suffering have been belittled. Moreover, they have also argued that they have been victimized by staying ‘trapped’ in the post-war broken Bosnian state.¹⁴⁰

A variety of terms were introduced to denote these multiple wartime victimizations in the aftermath of the war. People have self-identified with victimhood frames defined by an injury, loss, impairment, their civilian or military status, and their gender, gradually forming categories that represented their experiences. At the general level, some have referred to themselves as ‘victims of war’ (*žrtve rata*) while the broader usage of the term ‘survivors’ (*preživeli*) as those who came out alive from the wartime hardship has also become common.¹⁴¹ Terms such as *nestali* (missing people), *žene žrtve rata* (women victims of war), *paraplegičari* (amputees), *logoraši* (camp detainees), or *ratni vojni invalidi* (war military invalids) also entered the Bosnian dictionary during the war, some even taken over from World War II. However, the polarized post-war landscape of Bosnia further added an ethno-national characteristics to these distinctions.¹⁴²

During the immediate post-war phase, the focus of victims was primarily on re-establishing their lives and reuniting with their families where possible. As many struggled with returns (both from abroad and internally), reclaiming and rebuilding their houses, and finding the whereabouts of their loved ones, many victims did not start organizing themselves until the late 1990s. While some victims renewed socialist unions of victims from World War II, hundreds of new ‘associations’ (*udruženja*) were established anew.¹⁴³ As Bosniaks accounted for a much higher number of victims,

¹⁴⁰ For more on these discussions, see Hronešová 2012.

¹⁴¹ See contributions in Bougarel et al. 2007.

¹⁴² For wartime categorizations, see Maček 2009.

¹⁴³ This term was used in ex-Yugoslavia. There were over 300 associations listed in the various registries across the country across 2016. Their vast majority gathered veteran organizations. The list is stored with the author.

they also formed most of these associations, which became part of the fragmented and aid-dependent Bosnian civil sector. Similar to other victims around the world at the time, their demands were framed in terms of ‘truth and justice’. Truth and justice soon became synonymous with legal truth and legal justice because of the existence of an external arbiter that victims looked up to with much hope, the ICTY.

During its first years of existence, the ICTY struggled with funding, external support, and enforcement of its indictments.¹⁴⁴ As a symbolic institution, it was put forward as an instrument to signal that crimes committed in Yugoslavia would not go unpunished and that whoever tried to commit similar atrocities, would pay a heavy price. The principle of deterrence was thus at the heart of its creation. When the first indictees finally arrived to the seat of the ICTY, The Hague, in 1996, there was much hope that the ICTY would remedy victims through punishing the perpetrators and delivering factual truth about the war. Indeed, when the first sentence of the Bosnian Serb private Dražen Erdemović was delivered in 1996 after he pleaded guilty to crimes against humanity in Srebrenica, the world heard for the first time a direct testimony of a soldier, who executed civilian Bosniak men. The ICTY later experienced its apex by prosecuting some key political orchestrators of the 1990s violence, including Slobodan Milošević who was extradited to The Hague in June 2001. Earlier that year, the breakthrough judgment of Radislav Krstić with a genocide conviction for Srebrenica marked a critical moment for Bosniaks and their memory of the war. Thereafter, Srebrenica became officially termed ‘genocide’.

A series of other cases influenced each victim category differently. Injured survivors of the Sarajevo siege and families of the killed men in Srebrenica were waiting for Radovan Karadžić and Ratko Mladić to appear at the court and celebrated when they were finally captured with much delay in 2007 and 2011, respectively. Amputees and families who lost loved ones in Sarajevo were also concerned with the Stanislav Galić case, which documented the brutal shelling of Sarajevo. Raped women focused on the case of Dragoljub Kunarac, which in 2004 defined rape as a war crime. In

¹⁴⁴ See Kerr 2007.

total, 161 indictments were issued by the ICTY throughout its nearly 25-year-long existence, which was in many legal respects path-breaking. While the ICTY offered much hope, its rarefied nature, physical remoteness in The Hague in the Netherlands, subsequent inconsistency in judgments, and lack of early outreach resulted in accusations of politicization and conspiracy theories about its political goals. Moreover, material reparation was never part of the ICTY's legal mission. Although compensation (and restitution of property) were formally included in the ICTY's original *Rules of Procedure and Evidence*,¹⁴⁵ they have never been applied due to the fear that compensation claims would prolong the court proceedings.¹⁴⁶

The literature assessing ICTY's legacy is rich and inconclusive.¹⁴⁷ It is certainly the case that the ICTY problematized one-sided nationalist narratives about the conflict and increased the factual knowledge about important historical events.¹⁴⁸ Yet the Tribunal was no panacea for breaking wartime divisions and narratives. As the ICTY remained silent on defining the war and concentrated on legal findings, procedures, and evidentiary standards that were often hard to translate into non-legal language, it did not convince the public about its impartiality and fairness.¹⁴⁹ Serbs and later Croats felt targeted by the ICTY while Bosniaks feared that guilt has been equalized.¹⁵⁰ Its findings also had only limited influence over the existing war narratives in the country. A 2010 survey found that around 70 per cent of all respondents in BiH believed that the relevant facts about the war in BiH remained unknown (84.4 per cent of Serbs, 57.9 per cent of Bosniaks, and 64.7 per cent of Croats).¹⁵¹ Each community has kept its own master frame, often not only incompatible with the others but also directly contradictory. According to the leader of the Bosnian Jewish community Jakob Finci, who is also one of the claimants in the famous Sejdić-Finci case, 'a hero for one group is a criminal for the other'.¹⁵² As some scholars noted, because compliance with the ICTY also

¹⁴⁵ ICTY, Rule 105 and 105, in *Rules of Procedure and Evidence* (IT/32), adopted on 14 March 1994.

¹⁴⁶ Ochoa 2013, 210.

¹⁴⁷ See especially Peskin 2008; Orentlicher 2010; Nettelfield 2010a; Clark 2014.

¹⁴⁸ In 2005, ICTY published a film of Serbian paramilitaries executing Bosniaks in Srebrenica, shaking the public opinion in Serbia. See Gordy 2013a.

¹⁴⁹ The ICTY outreach was opened in 1999.

¹⁵⁰ Gallup Balkan Monitor 2010.

¹⁵¹ Kostic 2013, 655.

¹⁵² Interview 02/SA/NG 2015.

became part of EU conditionality, the court turned into ‘a useful foil in the hands of political propagandists to solidify a sense that their national group is a misunderstood or unacknowledged victim of the conflict’.¹⁵³

Nonetheless, the ICTY was also critical in creating a domestic judicial tool – the War Crimes Chamber at the State Court of BiH. Established in 2005 and originally staffed with international judges and prosecutors (until 2012), it began working in 2008 and focused on war crimes, crimes against humanity, and genocide cases, some of which have been referred from the ICTY. From 2004 to March 2013, Bosnian courts at all levels completed a total of 214 war crimes cases, convicting 235 individuals.¹⁵⁴ However, due to the complex nature of the Bosnian court system with entity-level courts often using different legal codes, there has been a great level of judicial parallelism leading to a lack of understanding about how the justice system works.¹⁵⁵ Witness protection and counselling has also developed only slowly, resulting in several cases of domestic intimidation and violence on witnesses.¹⁵⁶ Moreover, although victims have a right to file additional civil cases to claim compensation, the cumbersome and slow judicial system has rarely awarded them any. Only a handful of claimants had succeeded by 2016.¹⁵⁷ Therefore, these issues have over time led to the fact that victims have become critical of legal justice overall.

3.4.2. DEMANDS FOR NON-LEGAL FORMS OF JUSTICE

Despite the failures of legal institutions to focus on victims, they have provided them with important information and leverage when demanding further forms of redress such as truth commissions and later compensation. All attempts to establish a national Bosnian truth commission were effectively buried by 2006 because of the opposition of Bosnian Serbs to creating one master frame of the war (which to them would be skewed to the Bosniak side). Even the ICTY opposed the creation of truth-

¹⁵³ Fletcher and Weinstein 2004, 600–601.

¹⁵⁴ See OSCE 2011.

¹⁵⁵ At the entity level are ten cantonal courts in FBiH, six district courts in RS, and a Court for the Brčko District. Cantonal and district courts as well as the judiciary in Brčko apply the socialist Criminal Code from 1976 (in force during the war). The War Crimes Chamber applies the new Criminal Code of BiH from 2003.

¹⁵⁶ Interview 29/SA/EX 2014.

¹⁵⁷ Interview 12/SA/EX 2015.

seeking mechanisms, wary of their potential to undermine its own investigations.¹⁵⁸ Although local commissions for Srebrenica and Sarajevo were set up in 2004 and 2006 respectively, both have been externally staffed and initiated, delivering politically contested or half-hearted results.¹⁵⁹ In the absence of top-down truth-seeking efforts, the civil sector created smaller and local initiatives. From early on, a plethora of NGOs stepped into a vacuum left by the malfunctioning state, to launch memory projects, offer psychosocial care for victims, and also re-educate victims. Gaining capacities, many victim associations later launched their own truth-seeking projects, partially increasing the cacophony of narratives and localized war interpretations. Ultimately, the only promising efforts have come with the regional ex-Yugoslav commission for the disclosure of facts and testimonies (called REKOM) in 2006. Although it initially gained momentum, it has so far failed to get wider support for its fact-seeking aims.¹⁶⁰

After victims realized that their needs were not at the centre of external or domestic concerns, their mobilization intensified. The longer the post-war stabilization and lack of economic progress lasted, the more victims became concerned with socioeconomic justice, rather than legal justice only. As the Bosnian legal scholar Šimić explained, ‘if you were raped and abused, Mladić’s trial will not save you or your children if you have nothing to eat’.¹⁶¹ The end of victims’ hopes for external reparations came with the final ruling of the *International Court of Justice* (ICJ) in February 2007 that Serbia was not obliged to pay reparations to Bosnia. Although BiH filed a genocide case against Serbia already in March 1993 (i.e. before Srebrenica), it took 14 years for the final verdict to be delivered.¹⁶² The court ruled that although Serbia funded VRS operations in Bosnia, Srebrenica or any crimes prior were not carried out by the Serbian state institutions but by individuals.¹⁶³ Subsequently, individual victims or smaller groups of victims have been filing their own cases at

¹⁵⁸ See Dragović-Soso 2016.

¹⁵⁹ I discuss this further in Chapter 5.

¹⁶⁰ See Jones et al. 2013.

¹⁶¹ Interview 60/SA/EX. Goran Šimić. (Ratko Mladić received a life sentence in 2017.)

¹⁶² International Court of Justice 2007.

¹⁶³ In February 2017, Bosniak representatives resubmitted the case to ICJ but it was rejected on procedural grounds because the submission was not endorsed by the then President of the Presidency.

foreign and domestic courts, some resulting in victories and legal compensation payments.¹⁶⁴ Such efforts represented unsystematic efforts for individual redress, rather than tackling the underlying lack of socioeconomic redress for victims and the recognition of some victim categories.

Aware of the limits of legal justice, victim associations turned their attention to achieving a victim 'status' granted by the Bosnian state that would entitle them to domestic benefits and privileges such as free healthcare, employment privileges, and educational benefits for their children. The pursuit of 'status' has according to some scholars become the victims' 'obsession'.¹⁶⁵ The 'status', i.e. the formal institutionalized recognition of victimization, has not only provided monetary support, it has also encapsulated the recognition of suffering, victimization, and de facto innocence of the beneficiary. Despite the meagre provisions of such a status, for many victims it also represented a form of inter-generational social justice, offering their children a better life.¹⁶⁶ I trace the pursuit of status in the next empirical chapters. Once the compensation demands became clearly formulated after the emergency phase, victim associations applied a variety of tools and approaches to secure such a status – some with higher success than others.¹⁶⁷ It was especially the second phase between 2000 and mid-2006, when some of the key compensation policies were adopted. Despite the growing demands for status, Bosnian victims have never ceased to insist on legal justice and the fight against impunity as one of their key demands.¹⁶⁸ Therefore, although compensation rose during the second post-war phase as a key priority, legal justice has remained a source of recognition and leverage. Against the backdrop of the general feelings of victims' injustice after the war, victim associations thus only gradually embarked upon a campaign to get what they believed was owed to them – recognition of their suffering and support from the state.

Thereafter, during the last post-war phase, the ICTY and domestic judgements remained critical as a validation of certain category's victimization and justification for their demands. However,

¹⁶⁴ See Ferstman and Rosenberg 2009.

¹⁶⁵ Delpla 2014, 246.

¹⁶⁶ Interview 16/TZ/NG 2015.

¹⁶⁷ See Gordy 2013b.

¹⁶⁸ Delpla 2007, 225.

victims' efforts for justice have moved away from the *ad hoc* Tribunal and concentrated on accessing their hard-won compensation provisions. They also invested in memorialization efforts, aimed at defeating the thriving culture of denial and relativization of wartime suffering. With the growth of nationalist rhetoric, victim associations have become defenders of wartime narratives and redress for individual victims. However, their ability to demand further compensation has been limited due to the growing economic malaise in the country that has defined domestic and external policy priorities as explained in the rest of this thesis. Only limited adjustments to the compensation legislation were adopted in this phase.

3.4.3. PERIODIZATION OF VICTIMS' DEMANDS IN BOSNIA

To offer more clarity into the role of time and context for compensation outcomes, I summarize the political and justice developments in Bosnia in Table 3.1. It depicts the three post-war phases with the main priorities of external and domestic actors as discussed above. It also includes a summary of the main goals of victims that are further described in the next chapters. The aim of the table is to show the temporal progress of the victims' demands and stress the delay in which compensation entered into their justice preferences. While I discuss these in more detail in the next chapters, the aim here is to highlight broader trends. In the first phase, where policymakers focused on returns and security, there was the dominance of 'truth and justice' and a focus on legal justice through the ICTY. In the second phase, with the rise of central institutions that included the strengthening of the domestic judicial system, these demands diversified into a variety of other non-legal claims. In particular, victims' efforts turned to their socioeconomic needs in the form of external and domestic compensation. While some individuals insisted upon compensation from abroad, most claims for compensation crystallized into articulated demands for status as a form of recognition and assistance from the Bosnian state. During the last phase, marked by the escalation of domestic politics and increased economic exigencies, victims continued with their previous demands but also insisted on implementation of the adopted laws and their expansion, as well as on memorialization of victims.

TABLE 3.1. Periodization of Victims' Demands *vis-à-vis* Justice and Compensation

<i>Phase</i>	<i>Timeframe</i>	<i>External actors' priorities</i>	<i>Domestic actors' priorities</i>	<i>Victims' demands</i>
<i>Emergency post-war stabilization</i>	1995-1999	Peace, security, and returns	Consolidation of ethno-national territories	'Truth and justice' and focus on the ICTY
<i>Centralization and external state-building</i>	2000-mid-2006	Strengthening central institutions	Consolidation of power	'Truth and justice', focus on the ICTY, domestic courts, and external and internal compensation
<i>Europeanization</i>	Mid-2006-mid-2017	Transfer to local authorities and EU reforms	Status quo/increase in territorial powers	'Truth and justice', focus on domestic courts, and internal access and memorialization

Source: Compiled by the author.

3.5. CONCLUSION

After each war, history is written by the winner. But here, no one won and everyone lost but all want to feel like winners. Croats got their independence and defended the territory, which was occupied by Serbs; Serbs created Republika Srpska as another Serb land outside of Serbia; and Bosniaks succeeded to prevail even if they were attacked from both sides. In such a situation, when Serbs consider this as a civil war and Bosniak as aggression, ..., it is very difficult to understand who owes what to whom.¹⁶⁹

This excerpt from an interview with Jakob Finci, the leader of the Jewish community in Bosnia, underlines the complex legacies of the Bosnian war and the inherent controversies about its nature, which have structured all post-war political life in Bosnia and victims' efforts to claim justice. It was my aim here to explore the war and the post-war conflicts to set the scene for the victims' struggle for compensation that I analyse next. Understanding the early 1990s when Bosnia was fragmented into ethno-national turfs is critical for studying the post-war developments in compensation.

As this chapter outlined through the three post-war phases, war-generated divisions have not only

¹⁶⁹ Interview 02/SA/NG 2015.

become institutionalized by the consociationalist structures of the Dayton peace framework but also by visceral rivalries of the main political actors, which have later used frames of victimhood to justify their claims for power. The external guardianship of Bosnia directed external attention towards stability and peace, rather than creating a socially inclusive political system. Especially in the first two post-war phases (until mid-2006), external actors dominated domestic policymaking, forcing the main nationalist parties towards cooperation and centralization. But with the end of externally guided policymaking, Bosnian politics returned to the polarized and nationalist discourse of the 1990s. This context has posed many challenges to victims' efforts and in many respects shaped the strategies they were able to pursue. Although many Bosniak victims initially believed that compensation would be delivered through legal means, it soon became clear that the matter of compensation would remain in the hands of domestic Bosnian institutions. By the end of the first post-war phase, some victim categories started mobilizing for new compensation policies as a form of material assistance and recognition of their victimization from the central and entity governments. A key goal became the pursuit of a formal 'status', i.e. a legal recognition of a victim category as eligible for material and in-kind support. However, as the rest of this thesis discusses, some victim categories have been more successful with such demands than others due to their positioning in the post-war state and their strategies as outlined in the previous chapter.

CHAPTER 4

‘WHY IS MY LEG WORTH LESS?’ COMPENSATING DISABILITY AND THE LOSS OF LIFE AMONG MILITARY AND CIVILIAN WAR VICTIMS

4.1. INTRODUCTION

‘I have not become this through my own doing. It is the war which did this to me and now I want the state to amend it, so that I can live a normal life like anyone else,’ says Sabina, pointing to her limp left arm and leg. She lost mobility during her childhood after a splinter from an exploded shell damaged her backbone in 1992. She is now 29 years old and probably the youngest leader of a civilian war victim association in Bosnia. Although her war-generated disability has made her eligible for a monthly disability payment and free healthcare since 1999, she was first able to access her compensation in 2004. Even then, though, her entitlements have been significantly lower than the benefits offered to military victims who suffered similar injuries. Under the law of the Federation of BiH, Sabina only receives 70 per cent of the entitlement of a military victim. Her additional benefits are reduced to healthcare only. Although Sabina is glad to receive compensation, she cannot hide her disappointment. ‘Why is my leg worth less?’ she asks.¹

Across BiH, civilians who were injured or lost relatives during the war have been subject to restrictive compensation. Meanwhile, military victims of war – that is families of fallen soldiers and disabled veterans – have been recipients of broad compensation benefits in both FBiH and RS. In this chapter, I contrast the two categories of victims and offer explanations to why these two categories have been treated differently under the post-war Bosnian law. Through the case of military war victims, I illustrate the scenario of *Domestic Pressure*, which proposes positive compensation outcomes as the result of a combination of high mobilization resources and high moral authority. Through the case of civilian war victims, I illustrate the *Poster Child* scenario, when compensation is driven by high international salience and high moral authority. However, as civilian war victims

¹ Interview 20/MO/CV 2015.

were only able to benefit from this combination for a short time, this scenario only partially applies as I explain below.

This chapter thus represents the first building block of my arguments and lays out the structure for the remainder of the thesis. I first characterize the studied victim categories and the sources of their compensation demands. I then review how they formulated their demands and describe the varied outcomes that have been achieved. The main part of the analysis focuses on explaining the outcomes based on the three explanatory factors. The subsequent section is dedicated to a discussion on the contextual factors and the specific combinations that led to policy changes. Unlike in the following chapters, I do not include a separate section on access (i.e. implementation) here. As compensation for military and civilian victims was initially enacted during the war as a legacy of socialism, the compensation demands of these categories have focused on the expansion of these frameworks, or their preservation, rather than an adoption of new ones. Therefore, enhancing implementation of compensation (i.e. access to payments, broader eligibility, and wider services) adopted during and immediately after the war has become part of their compensation demands.

4.2. CHARACTERIZING CIVILIAN AND MILITARY WAR VICTIMS

It is first important to outline some of the main characteristics of civilian and military victims of war as they represent diverse victim categories. In Bosnia, the main general distinction between war-generated categories is made between the civilian and military ‘war populations’. The so-called *civilne žrtve rata* (civilian war victims) have since the end of the war formed a distinct category of civilian paraplegics, civilians injured during the war, and the immediate families of civilians killed in the war (i.e. children, spouses, and parents). While this label in theory includes all civilian survivors of war, the primary connotation of civilian victims in Bosnia refers to injured or disabled civilians and the families of those who were killed. Other victim categories have identified with different types of victimization, such as sexual violence or torture. For the sake of clarity, in this thesis the term ‘civilian war victims’ (CWVs) means injured civilians (direct victims) and families of civilians who were killed (indirect victims).

I further introduce the term ‘military war victims’ (MWVs) to denote the population of military paraplegics, soldiers severely injured during the war, and the immediate families of fallen soldiers. This category consists of so-called ‘war military invalids’ (*ratni vojni invalidi*) and families of fallen soldiers. They are part of the broad ‘fighter population’ (*boračka populacija*) and the large war-injured population that seeks compensation for their harm.² As noted in the Introduction, military-related groups have been studied through the prism of security as potential ‘peace spoilers’³ rather than victimized individuals (unless their injuries resulted from illicit warfare). However, in many conflicts, soldiers also become victimized by wars while families whose loved ones are killed on the battlefield face similar exigencies and losses.⁴ Moreover, in cases where soldiers enter wars under duress, their victimization also results from their unwilling participation.

While many power differences remain between civilian and war military victims – as discussed in this chapter, it is useful to study them side by side due to their similarities in order to examine their compensation outcomes. They have suffered comparable impairments or personal losses, are organized in mono-ethnic associations with a hierarchical structure, and have been treated by their respective entity authorities. Both categories have suffered from comparable types of direct and indirect victimization with irreversible consequences. They have also organized into representative associations across Bosnia although they each identify with their respective civilian or military belonging. Moreover, both categories have benefited from the socialist legacies of war benefits that make them dependent on each other: civilian compensation is calculated on the basis of military benefits as discussed below. Their demands have thus concentrated on ensuring that legislation is either expanded (for CWVs) or not retracted (for MWVs). Therefore, I have included them alongside each other to underline some of the different ways in which they have pursued their common goal of compensation but also to illustrate the propositions presented in Chapter 2.

The two studied categories are not only conceptually difficult to define but there is also a lack of

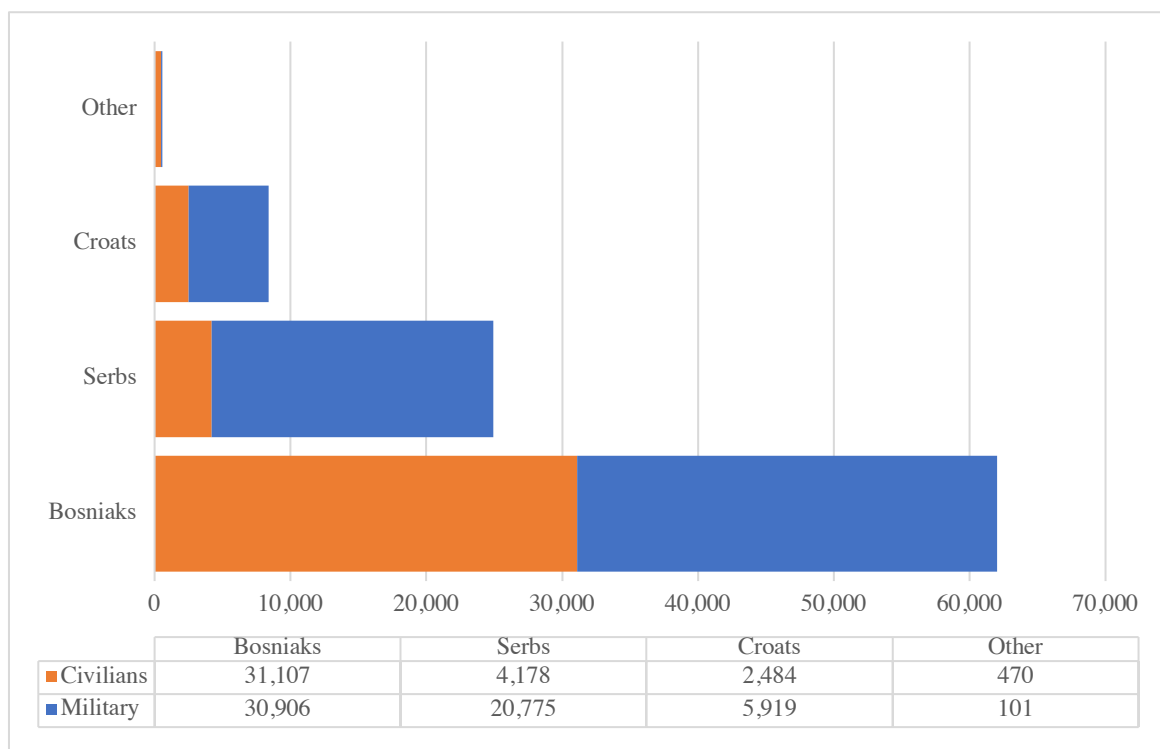
² See Berdak 2015.

³ Hoddie and Hartzell 2010.

⁴ Ballinger 2003, 135.

statistical data about their populations. Data about their size is incomplete because of a decentralized registration system of beneficiaries and a lack of evidence at the state level. However, using several sources, I have developed some estimates. As for wartime injuries, 174,000 people were seriously injured during the war, including 83,550 members of the military.⁵ However, the scale of these injuries has never been recorded precisely. As for the direct casualties, around 100,000 people were killed in the war. Therefore, it can reasonably be assumed that such large numbers of casualties would result in tens of thousands of bereaved relatives. While over 40 per cent of all casualties were civilians across all sides, the death toll is clearly skewed towards the Bosniak population: 81 per cent of all civilian deaths were Bosniaks.⁶ More than half of all military fatalities were also among Bosniaks (54 per cent). Furthermore, as Figure 4.1. depicts, the civilian casualties among the non-Bosniak groups were lower while the death toll among civilian and military Bosniaks is similar.

FIGURE 4.1. Casualties of the Bosnian War by Military/Civilian Deaths



Source: Tokača 2012, 116–24.

⁵ Cited in Bieber 2007, 157.

⁶ Tokača 2012, 116–24.

Given the passage of time and potential resettlements, the current victim population is likely to be much smaller. Current data is therefore needed. The data available from the entities merges the direct and indirect civilian victims. According to the data of the FBiH Ministry of Labour and Social Policy for 2015, there were 10,318 registered CWVs, most of whom were residing in Sarajevo (4,072). Data I received from the equivalent RS ministry stated that there were only 3,369 CWVs in 2014. In contrast, in 2013 military compensation in FBiH was provided for 47,787 family members of fallen soldiers and 54,000 military invalids.⁷ Data for 2014 in RS suggested that there were 26,103 family members of fallen soldiers and 34,250 military invalids. Therefore, the total numbers of registered MWVs are currently vastly higher than the registered CWVs. Table 4.1. provides some estimates of the current populations.

TABLE 4.1. Registered Civilian and Military Victims as of 2014 and 2015 (rounded)

Entity / Category	FBiH	RS	Total in BiH
Civilian War Victims	≈ 10,000 registered	≈ 3,000 registered	≈ 13,000
Military War Victims	≈ 100,000 registered	≈ 60,000 registered	≈ 160,000

Source: Author's data.

As noted, both categories of victims are represented by a variety of associations. Given their large numbers, the focus of my analysis are only the most prominent ones.⁸ In FBiH, civilian war victims fall under the umbrella *Union of the Associations of Civilian War Victims in FBiH* (*Unija udruženja civilnih žrtava rata FBiH*, henceforth '*FBiH CWV Union*'), which was set up as the renewal of the socialist civilian war victim association established in 1971.⁹ As the majority of disabled CWVs live in Sarajevo, their key representative body is the cantonal association in Sarajevo with 3,500 members.¹⁰ In RS, the main representative body is the RS *Union of Associations of Civilian War*

⁷ Bartlett 2014, 37.

⁸ For a list in FBiH see the Ministry of Justice's website, www.fmp.gov.ba/index.php?part=tabela&vrsta=ug.

⁹ Delpla 2007, 221.

¹⁰ Interview 83/SA/CV 2015.

Victims (*Unija udruženja civilnih žrtava rata RS*, henceforth ‘*RS CWV Union*’) whose membership is made up of disabled civilians and families of killed civilians from RS’s 63 municipalities. It reports a membership of 3,200.¹¹ Finally, the small Mostar-based cantonal *Union of Civilian Victims of the Homeland War* (*Udruga civilnih žrtava domovinskog rata*) gathers a few hundred Croat victims. I refer to it only marginally as it is not very active or prominent.¹²

As for military victims, families of fallen soldiers have primarily gathered in veteran associations (or cooperated with them), while disabled veterans have created their own unions of invalids. Veteran associations initially grew from the pre-war Yugoslav veteran organization for communist veterans from World War II, which had its regional branches across SFRY.¹³ Each military unit from the recent war established its own veteran and disabled veteran associations. In 1994, war invalids started uniting all cantonal associations in FBiH. Members of the mainly Bosniak Army of BiH joined the *Union for War Disabled Veterans BiH* (*Savez ratnih vojnih invalida BiH*) and Bosnian Croats of the HVO the *Association of Croat Disabled Soldiers of the Patriotic War* (*Hrvatski vojni invalidi Domovinskog rata, HVIDRA*).¹⁴ The *Union of War Disabled Veterans of RS* (*Savez ratnih vojnih invalida RS*) for members of the VRS was formally established in 1993.¹⁵ These organizations created coordination committees that gather all associations of military-related individuals relevant for each ethno-national group.¹⁶ Thus, military victims of the Bosnian war have become part of the broader movement of Bosnian war veterans.

¹¹ Interview 78/BL/CV 2015.

¹² There are many other associations such as *Užas, Parents of Killed Children in Besieged Sarajevo 1992-1995*, and three ethno-national associations in Brčko, among others.

¹³ Called the Union of Associations of Fighters from the National Liberation War (SUBNOR).

¹⁴ Interview 55/TZ/VT 2015.

¹⁵ Interview 40/BL/CV 2015.

¹⁶ Families of fallen soldiers in RS have organized under the *Organization of Fighters of RS* (*BORS*), as well as others. In FBiH families gathered also in the *Unified Organization of Fighters* (*JOB*) and the newer *Union of Demobilized Fighters*.

4.3. GOALS AND OUTCOMES: STATUS AND REFORMS

Civilian and military war victims were the first victim categories to include compensation among their goals both during and after the war. Given the large numbers of injured civilians in Sarajevo, the CWV cantonal association in Sarajevo became a leading association pressing for compensation, rehabilitation, requalification, and other material and mental support, as well as for legal justice.¹⁷ In the words of the current leader of both the cantonal and the FBiH entity unions, Senida Karović: ‘we do not need a truth commission but to prosecute all perpetrators and compensate all victims’.¹⁸ Similar demands were voiced in RS.¹⁹ Likewise, military victims demanded compensation for the harm suffered during combat as a ‘debt’ owed to them by their representative entities. Recognition of their suffering and material benefits stood at the forefront of their demands from early on, with the justification that they had sacrificed their limbs, health, and sons for the state (or ethno-national community).²⁰ All surviving soldiers initially received vouchers from the entity governments that they could use to buy business assets or flats. However, the military vouchers soon turned into a speculators’ business and most veterans sold them for a fragment of their initial value to ‘war profiteers’ as the new war-generated class of businessmen.²¹ After ‘we realized that the vouchers were the first fraud [*prevara*] in a series to come, we started demanding as much as we could get’, a leader of a MWV association explained.²²

The initial legislation for these categories was taken from ex-Yugoslavia in both entities, so neither started from zero (unlike most categories dealt with later).²³ In FBiH, compensation for military victims of the Army of BiH (though aimed to cover the whole territory of BiH) was initially stipulated in the *Law on Basic Rights of War Invalids and Families of Killed Soldiers*, adopted in 1992. After the war, the law had to be amended to include the variety of armies and forces that

¹⁷ As stated in the brochure of the association.

¹⁸ Interview 83/SA/CV 2015.

¹⁹ Interview 78/BL/CV 2015.

²⁰ Interview 40/BL/CV 2015; Interview 55/TZ/VT 2015.

²¹ See Bieber 2007, 392.

²² Interview 106/SA/VT 2015.

²³ Karge 2010.

emerged during the war.²⁴ Although the Federation's Ministry for Veteran Affairs (i.e. for Bosniaks and Croats) was established by the end of 1999, it took additional four years to create an FBiH Ministry of Defence and another year to agree upon a new law. Until then, cantons had powers to decide how to implement the existing law. In 2004, the FBiH *Law on the Rights of Defenders and their Family Members*²⁵ was adopted to address all MWVs and war veterans. The specific provisions for military victims (Section VI of the Law), allocated them rights-based funds (i.e. not income-tested) and fourteen additional rights. The two main reforms of the law were enacted in 2007 and 2010, at first increasing, and later marginally reducing the provisions for military victims.²⁶ RS applied the existing SFRY legislation for war veterans until it adopted a new law in 2004. In May 2004, the RS *Law on Rights of Fighters, Military Invalids and the Families of Fallen Fighters of the Defensive-Liberation War* entered into force.²⁷ The Law stipulated rights for military victims, irrespective of their income or employment and provided for monthly payments. Similar to FBiH, the Law has also granted them fourteen additional benefits. These benefits have ranged from preferential employment and retraining to additional medical benefits and free legal support. The law was first reformed in 2007 as in FBiH. In 2011, a more streamlined system was introduced with an additional monetary bonus paid out to all veterans.²⁸

In both entities, veterans with disabilities of over 20 per cent of bodily harm²⁹, along with dependent parents, spouses, and children of fallen soldiers, have been eligible for monthly payments and additional rights such as free housing, wheelchairs, and material aid. In order to be granted the necessary 'status' entitling them to support, all MWVs were issued with a medical and military certificate. This certification was distributed by the respective cantonal and entity ministries, confirming that the individual was a member of one of the recognized military units and suffered in

²⁴ In FBiH, these are the ABiH, police forces, and HVO from 18 September 1991 to 23 December 1996. RS recognizes soldiers of the JNA from 17 August 1991 to 18 May 1992 and the VRS thereafter until 19 June 1996. Veterans of the army of Fikret Abdić are not recognized, but since 2004 children of fallen soldiers have been able to claim some benefits.

²⁵ Official Gazette FBiH, 33/04, 56/05, 70/07, 9/10.

²⁶ See World Bank 2012; Interview 80/SA/INT 2015; Interview 61/EM/EX 2015.

²⁷ Official Gazette of RS, 46/04, 53/04, 20/07, 59/08, 118/09, 134/11

²⁸ Explained in detail in Bartlett 2014.

²⁹ A respondent explained that the loss of an eye is considered as 50 per cent disability, loss of leg below the knee is 70 per cent disability, while a loss of leg above the knee is full disability. Interview 112/BL/NG 2015.

the war. The base amount for the monthly allowance was set annually as a proportion of the entity's mean salary. In 2015, the full FBiH military disability pension with bonuses amounted to 1,884 KM (942 Euro) per month and the lowest category of support was set at 109 KM (54.5 Euro).³⁰ The allowances have been consistently lower in RS as its economy has been weaker. Families of fallen soldiers have received payments calculated as a percentage of the baseline amount for disabled veterans based on how many immediate family members were eligible.³¹ Both amounts peaked in 2010 in FBiH and in 2011 in RS.³² In general, military-related populations have received two thirds of all resources spent on social protection in BiH, mainly due to their much higher numbers.³³

The socialist legislation (from 1974) for civilian war victims was also still in force during the war. It only recognized serious physical harm and also allowed the pensions of the deceased to be transferred to their surviving family members.³⁴ The existence of two entities with separate administrative powers (and later the District of Brčko) resulted in the fact that after the war CWVs' rights came under entity legislation. While the socialist practice continued, there was a real need to adopt new entity laws given the chaotic implementation.³⁵ FBiH adopted the *Law on the Principles of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children* in 1999.³⁶ This law copied the 1974 Yugoslav law and adjusted it to suit the FBiH institutional arrangements.³⁷ The rights it granted to victims were limited and on par with the pre-war legislation. The law further tasked each canton with enacting their own law to regulate the payments and nine additional benefits (Art. 38). While Sarajevo and Tuzla cantons passed the necessary cantonal laws, others such as Posavina, Central Bosnia, Canton 10, and Herzegovina-Neretva did not enact such legislation until 2004.³⁸

³⁰ 1 Euro is approximately 2 Convertible Marks (KM). According to the *Agency for Statistics of BiH*, the net mean salary for 2015 in BiH was 830 KM.

³¹ See Božić 2014, 180.

³² See OSCE 2012, 15.

³³ See IBHI 2013.

³⁴ See Karge 2010, 81.

³⁵ Interview 16/TZ/NG 2015.

³⁶ Official Gazette of FBiH, 36/99, 54/04, 39/06, and 14/09.

³⁷ ONASA 1999a.

³⁸ This is also why Sabina did not receive her compensation until 2004.

An amendment in 2004 reasserted that cantons must enact special cantonal legislation and specified that compensation amounts were to be set at 70 per cent of the amount awarded to disabled veterans.³⁹ Therefore, civilian victims became dependent on the entitlements of military victims. The law also clarified three main types of eligible victims: disabled and injured civilian victims with over 60 per cent bodily harm (divided into six subcategories), families of killed persons (for women over 55, men over 65, and children until they start work), and families of missing persons (Art. 54).⁴⁰ The Federation was to bear 70 per cent of the financial cost and cantons the rest, including the distribution of other services. A further reform in 2006 affected victims of sexual violence as discussed in Chapter 6. The 2006 amendment also allowed civilian victims who moved from RS (and Brčko) to FBiH to claim compensation in FBiH.⁴¹

The *Law on the Protection of Civilian Victims of War* in Republika Srpska was first adopted in December 1993.⁴² Its actual stipulations were nearly identical to the socialist law. The Law set a five-year deadline for applying for a certificate to receive compensation for deceased family members or a medical assessment of disability after the end of the war (Art. 37). It was further extended in early 2007 and then again in 2010. However, currently no further victims can register as all deadlines have expired. The law was similar to the one in FBiH in terms of establishing entitlements for those who had sustained bodily harm, as well as benefits for affected families. It further specified that ‘people who were members of enemy forces and their accomplices’ were not eligible (Art. 4), which allowed for a very loose interpretation. It was later deleted. The allocated amounts were up to three times lower than in FBiH.⁴³

Therefore, although civilian victims were formally recognized as eligible for compensation during the war under the previous socialist legislation, their benefits were much lower than those of MWVs. Only later (in 2004) was this system adjusted to widen the scope of the laws but victims still only

³⁹ For more see IBHI 2013, 45–47.

⁴⁰ Missing people had to declare dead their missing relatives. See the next chapter. Additionally, non-war disability must be established at 90 per cent to enable the beneficiary to make any claims for support.

⁴¹ Ninkovic-Papic 2014, 48–50.

⁴² Official Gazette of RS No. 25/93, 32/94, 37/07, 60/07, 111/09, 118/09, 24/10.

⁴³ World Bank 2012, 36–39.

partially achieved their demands. While the law reforms have allowed victims to be granted their victim ‘status’, most of the additional services have never been implemented. The level of harm has not been lowered from 60 per cent, and their baseline amount has not been adjusted to match MWVs. In RS, CWVs have further demanded an extension to the deadlines established within the existing law as well as an increase in the payments. While civilian victims demanded an expansion of their rights, military victims have mainly sought to keep the status quo. MWVs have been successful but CWVs have achieved only partial success. The legal situation is summarized in Table 4.2.

TABLE 4.2. Compensation Outcomes for Civilian and Military Victims⁴⁴

Category / region	FBiH	RS	State
Civilian war victims	Partial success: Victim status recognized in the 1999/2004/2006 Law but not equalized with military victims	Partial success: Victim status recognized in the 1993/2007/2010 Law but registration expired in 2011	N/A ⁴⁵
Military war victims	Success: 2004/2007/2010 Law granted broad compensation	Success: 2004/2007/2011 Law granted broad compensation	N/A

Source: Compiled by the author.

4.4. EXPLAINING COMPENSATION FOR CIVILIAN AND MILITARY WAR VICTIMS

It is certainly the case that military-related claimants are generally more successful with their demands than civilians in any post-war setting because of the military service for their country. However, Bosnian military victims have benefited even further as a result of their superior mobilization resources and networks. It is also puzzling that while military victims have been treated preferentially, Bosnian ‘ordinary’ veterans have not been as privileged in the post-war Bosnian social system.⁴⁶ To make sense of these discrepancies, it is necessary to look beyond the traditional military covenant principles applicable to the western world, i.e. the idea that governments are responsible

⁴⁴ This table only includes the original laws and the key amendments. It does not include the provisions for Croat victims (since July 2006 subject to payments from Croatia) and Brčko.

⁴⁵ When victim categories have not formally demanded such compensation, I mark this as not applicable (N/A).

⁴⁶ See Berdak 2015.

for looking after their veteran populations. In this chapter, I show that the differing outcomes are best explained by the varied levels of the moral authority, mobilization resources, and international salience of the two categories.

4.4.1. INTERNATIONAL SALIENCE: THE SPECTACLE OF WAR AND THE ECONOMY

The international salience of civilian and military victims, defined as the international attention given to a category or its demands, has fluctuated since the end of the war. Similar to other post-war situations, the initial focus of external actors in Bosnia was on security and the demobilization of soldiers, which did partially affect military victims. Beyond that, little effort was invested in this category and the category has rarely engaged with external actors. Conversely, injured and killed civilians, especially in Sarajevo, featured prominently in the international media coverage of the Bosnian war. The savagery of the Sarajevo siege shaped a new generation of war correspondents who prompted the UN to increase its humanitarian aid. Nonetheless, although the salience of CWVs was high immediately after the war, they were superseded by other victim categories by the end of the first post-war phase. This section provides an overview of how military and civilian victims featured among international priorities.

4.4.1.1. *Humanitarianism and Legal Justice*

Since 1985, when the UN first called for states to take over responsibility for compensating injured civilians and the families of those killed in conflict, civilian victims have been formally included in post-war approaches to peacebuilding.⁴⁷ The Bosnian war provided additional justifications for external efforts in assisting victims of war and protecting civilians in war. The media coverage of atrocities committed against Bosnian civilians played an important role in this. Vivid images from the long siege of Sarajevo by Bosnian Serb forces were broadcasted around the world and transformed war correspondents from spectators into participants of the war.⁴⁸ Gruesome images of

⁴⁷ UN General Assembly 1985b.

⁴⁸ Reports by Christiane Amanpour, Stuart Little, John F. Burns, and many others, reported daily about the varieties of survival strategies in the besieged Sarajevo. See Franco 2012.

mutilated bodies, children without limbs in desperate need of proper medical treatment, and people shelled while queuing for water resulted in a concentration of humanitarian efforts being directed at the city. Symbolizing many others, the case of seriously injured five-year old Irma Hadžimuratović, who needed urgent evacuation from Sarajevo, resulted in August 1993 in the intervention of the then British Prime Minister John Major. Major sent a special aircraft to evacuate the wounded girl to London, triggering a subsequent large-scale evacuation of the wounded from the city, called ‘Operation Irma’.⁴⁹ Irma thus became a poster child for the need to increase medical evacuations from the city although she later died of her injuries.

As journalists continued feeding the world’s media with more evidence of the war’s savagery, the suffering of Sarajevans became a ‘spectacle’ for foreign audiences.⁵⁰ Additionally, the injured and killed represented tangible proof of the war’s brutality and the international community’s inability to save them. It was later established that 13,952 people were killed in Sarajevo (i.e. every 25th resident of the city), a number that the victim association have referred to in all of their demands.⁵¹ The sheer scale of killings and injuries have also led to a growing recognition of the need for compensation schemes to deliver rehabilitation projects. Several such projects were designed by the WB (called the War Victims Rehabilitation Project) in the first post-war years. The UN, WHO, European Community’s Humanitarian Office and the ICRC also concentrated on humanitarian relief and providing material assistance to people disabled by the war.⁵² These projects were short lasting and Bosnian CWVs were unable to successfully maintain the external attention to their plight. As the prominence of other victim categories (especially victims of Srebrenica) gradually grew, the initial media and humanitarian frenzy focussing on CWVs gradually wore off by the early 2000s.

The international community was also swayed by the vast media attention accorded to the war crimes prosecution at the ICTY. The establishment of the ICTY in 1993 gave victims hope not only that crimes would be investigated, but also that compensation might be introduced. As noted, this

⁴⁹ For the full case see Jaganjac 2015.

⁵⁰ See Hammond 2007, 39.

⁵¹ Tokača 2012, 123.

⁵² Maglajlić Holiček and Rašidagić 2007, 157–58.

expectation has not been matched by the mission and work of the Tribunal.⁵³ Although it has gathered evidence about war crimes and heard many victims' testimonies, it has not been involved in any national mobilization for changing the existing legislative provisions for the disabled or bereaved families after the war. The Tribunal has primarily invested its efforts in establishing the number of casualties and delivering facts about the scale of civilian victimization, rather than advocating for support for civilian victims.⁵⁴

Although the ICTY has not prioritized civilian war victims as part of its agenda, external judicial processes have had an impact on how civilians tried to amplify their demands for compensation domestically.⁵⁵ ICTY judgements have featured in their leaflets and appeals as justification for compensation demands. As the highest number of disabled civilians in Bosnia were a result of the shelling of Sarajevo, the victims utilized three key trials of the orchestrators of the Sarajevo siege – the 2003 ruling against Stanislav Galić, the 2011 trial of Ratko Mladić, and the 2016 judgment against Radovan Karadžić.⁵⁶ Victims viewed these cases as an opportunity to draw attention to their suffering and leverage the fact that the court established 'commander's responsibility, which means the political structures were guilty of what happened'.⁵⁷ The 2003 Galić judgment in particular was used as proof of their suffering and to press domestic institutions to reform existing legislation, especially forcing cantons to adopt their respective legislation through new legal submissions for reforms. When in 2004 the existing law (from 1999) was to lower the compensation by two thirds, civilian victims staged street protests invoking the Galić judgment to justify their rights and pointing to the large numbers of people without limbs.⁵⁸ As discussed below, the compensation was not reduced and cantons were tasked with taking over financial responsibility of implementation.

CWVs also relied on another external institution – the ICJ, which processed the inter-state case

⁵³ See especially Clark 2014.

⁵⁴ See Clark 2009.

⁵⁵ For more see Zupan 2007.

⁵⁶ See ICTY 2003.

⁵⁷ Interview 83/SA/CV 2015.

⁵⁸ Ibid.

between Bosnia and Serbia.⁵⁹ Victim associations were deeply involved in this case – both emotionally and through the process of investigations and evidence-gathering.⁶⁰ However, the ICJ's 2007 decision de facto exonerated Serbia of direct responsibility for the Srebrenica genocide, Sarajevo siege, and several other war crimes that resulted in civilian deaths and mutilations. The leader of the *FBiH CWV Union*, Senida Karović, described her reaction to the judgment as sheer shock: 'It was an outrage – Serbia should have paid [reparations]!'⁶¹ She further explained that the decision prompted them to redirect their focus on domestic institutions: 'Once Serbia was off the hook, it became clear to us that we have to ask Bosnia to compensate us because it failed to protect us as its citizens.' This frustration was preceded by the 2005 death in ICTY custody of the former Serbian president Slobodan Milošević, before the judgment on his role in the Bosnian bloodbath could be delivered. Much later additional controversial acquittals of prominent Serbian military and political wartime leaders such as Momčilo Perišić, Jovica Stanišić and Franko Simatović⁶² reaffirmed CWVs' conviction that external actors 'stopped caring' about them.⁶³

Indeed, since the mid-2000s, CWVs became only one small part of the external concern for public spending and transitional justice projects that have had limited impact on their demands. CWVs at first benefited from the support of external financial institutions like the WB that advocated for a more equal system of distribution of public spending in BiH. These changes did have some effects on civilian victims who had been until 2004 generally unable to access their compensation anywhere outside of Sarajevo and partially Tuzla. At the same time, the external financial pressure had also some negative side effects on civilian claims, as discussed below. More recently, there have been some attempts to create comprehensive compensation frameworks that would include them. In 2007, UNDP in Bosnia started a new project with the aim of creating a comprehensive transitional justice strategy for Bosnia. The strategy emerged out of a series of intensive discussions with the civil sector,

⁵⁹ International Court of Justice 2007.

⁶⁰ Interview 20/MO/CV 2015.

⁶¹ Interview 83/SA/CV 2015.

⁶² See ICTY cases: Prosecutor vs. Perišić (IT-04-81) and Prosecutor vs. Stanišić and Simatović (IT-03-69). See also Clark 2014, 72.

⁶³ Interview 83/SA/CV 2015.

victim associations, state-level ministries, and international experts to create a plan for addressing issues of the past war by 2012; however, despite the active involvement of many victim associations, it was never adopted as it lacked support from the RS deputies (who feared centralization efforts).⁶⁴ A less ambitious project on reparations for victims was launched in 2012 by the IOM in cooperation with several other external organizations operating in Bosnia.⁶⁵

International salience has also played out in the aspirations of domestic authorities to join the European Union. For example, formal recognition of rights of disabled persons is included in the Bosnian Constitution, which references and incorporates a range of international agreements. Bosnia adopted a new 'Disability Policy' in May 2008, followed by entity disability strategies and action plans.⁶⁶ Under pressure from the Council of Europe, and in the context of Bosnian aspirations to join the EU, it also signed the *UN Convention on the Rights of Persons with Disabilities* and the *Optional Protocol to the Convention* in 2009,⁶⁷ which led to the establishment of the Council for Persons with Disabilities at the state level.⁶⁸ These efforts somewhat raised awareness about this population and increased the range of offered rehabilitation services.⁶⁹ However, as some of my respondents noted, this concern came far too late for CWVs, some of whom died in poor conditions after the war.

4.4.1.2. From Security to Economic Concerns

As for military victims, the initial policy priority of external actors in Bosnia was on security, on establishing negative peace, and the 'demilitarization of politics'.⁷⁰ At the time, the now ubiquitous programmes of DDR were still in their infancy, with the focus on the 'Ds', rather than the 'R'.⁷¹ The objective was to pacify rather than reintegrate the diverse veteran population returning from the war. While soldiers and officers were demobilized and screened through a series of external programs run by the WB, UN, and IOM during the initial post-war years, military victims did not feature

⁶⁴ See Ministry for Human Rights and Refugees 2012.

⁶⁵ Interview 64/SA/INT 2015.

⁶⁶ Džumhur 2010.

⁶⁷ UNHCR 2010.

⁶⁸ OSCE 2012. See also the Progress Report of the European Commission from 2014.

⁶⁹ Hammarberg 2011, 13.

⁷⁰ Hoddie and Hartzell 2010, 221.

⁷¹ See also Torjesen and MacFarlane 2007.

prominently in any of the international packages.⁷² Senior officials of IOM argued that because of the fear of a relapse into violence, priority was given to demobilization rather than projects of retraining, psychosocial support, educational programmes, and other services to ease the transition from the battlefield to the workplace.⁷³ As military victims were not perceived to pose a risk to disrupting the peace process, they were not prioritized. External funding for their associations has been virtually non-existent – both after the war and today.⁷⁴ As a disabled war invalid in Mostar noted, external actors ‘have always seen us as criminals so we don’t even dare to ask for support from them’.⁷⁵ Therefore, military victims have only been an external priority for the maintenance of stability, not directly for compensation.

As security concerns waned, so did any attention paid to the general military population.⁷⁶ Instead, effects on the broader wartime military have been limited to growing efforts for centralization in Bosnia (e.g. the creation of a new state army in 2006) and reforms of its public financial systems. The main concern of external actors in the country *vis-à-vis* this population soon turned from security to the economy. Given the size of the veteran population and their families (estimated to be nearly half of the Bosnian population), external financial institutions, and later the EU, began exerting pressure on Bosnian entity veteran ministries to adopt reforms to cut their benefits.⁷⁷ Since the early 2000s, the WB and IMF started pressing the entity governments to create registers of ex-soldiers in order to monitor payments, avoid duplication, prevent registration of incorrectly certified veterans (the so-called ‘fake-fighters’), and reduce the overall spending in this area.⁷⁸ According to one international expert, the WB increased pressure to reform military benefits in 2004, including the deployment of a team of financial experts to propose reforms.⁷⁹ However, as each new round of negotiations was preceded and followed by massive veteran protests across all military categories,

⁷² See Martin-Ortega 2012.

⁷³ Interview 64/SA/INT 2015.

⁷⁴ See Gregson 2000. Only in 2017, new projects for war veterans were launched by the USAID.

⁷⁵ Interview 48/MO/VT 2015.

⁷⁶ Moratti and Sabic-El-Rayess 2009, 21.

⁷⁷ For various estimates of the veteran population, see Heinemann-Grüder et al. 2003.

⁷⁸ Interview 25/SA/NG 2015.

⁷⁹ Interview 61/EM/EX 2015; see also Bassuener 2016.

such reforms were largely unsuccessful. Instead of reducing veteran payments, FBiH authorities threatened to lower CWVs' payments, a move that victims vigorously opposed. Eventually, the external pressure led to the adoption of new entity laws for MWVs in 2004, instead of reducing CWVs' compensation. However, the new laws copied the previous levels of benefits while superficially complying with the WB's requirements to reform the military-related legislation. Three years later, new benefits for MWVs were introduced. The WB's engagement concluded with a 2009 report that provided a detailed account of the catastrophic state of Bosnian public spending. It stressed that financing was heavily skewed towards the military population, with two thirds of all social spending being directed to the many veteran categories.⁸⁰

Additional pressure came from the IMF, which had been providing Bosnia with critical loans. The situation in FBiH became even more convoluted as a result of the intermittent reluctance of Croat authorities to cooperate. 'There has been a high degree of corruption, forging medical documentation and certificates to get the benefits and to inflate their [Croat cantons] numbers to get more from the entity budget, so they did not want to verify their numbers,' an international expert explained.⁸¹ However, in light of the urgent need for IMF loans after the 2008 economic crisis began, combined with the gradual drop in foreign aid, the FBiH government partially caved to external pressure in 2009. In 2010, it announced plans to revise veteran pensions and military compensation. The changes were preceded by vigorous veteran protests in April (see below). A new law was eventually adopted in order to satisfy external funders and secure cash injections to FBiH from the IMF.⁸² However, the new reform has not substantially changed the opaque system of veteran payments and compensation provisions for military victims.⁸³ It mostly lowered unemployment benefits and introduced new verification measures for military victims.⁸⁴ According to a senior WB representative, 'out of the fear' of a strong backlash from veterans, compensation for MWVs has not been drastically reduced.⁸⁵

⁸⁰ World Bank 2009.

⁸¹ Interview 61/EM/EX 2015.

⁸² Interview 55/TZ/VT 2015.

⁸³ World Bank 2012.

⁸⁴ See Weber 2014; International Monetary Fund 2014.

⁸⁵ Interview 61/EM/EX 2015.

A similar situation followed a year later in RS. While domestic veteran categories in RS protested against the IMF, their leaders had been co-opted by Milorad Dodik's SNSD, which was in urgent need of the external funding. After a series of negotiations between the government and the military leaders, the reform was eventually passed in 2011. The RS reform led to a simpler distribution of benefits across all military populations, including MWVs. The number of categories was reduced, the payments became streamlined, monitoring improved, and demobilized fighters' payments changed into a flat rate. Yet military war victims largely maintained their compensation levels.⁸⁶ According to a veteran in Banja Luka, the RS minister for veteran affairs admitted in a private conversation that the government had to make some concessions and 'do something' because '20 per cent of the RS budget was dependent on the IMF tranche'.⁸⁷ While rank-and-file ex-soldiers were the main 'losers' of the reform, MWVs' compensation was kept nearly intact: as the leader of their association confirmed, 'given our economic problems, my category [MWVs] has been satisfied'.⁸⁸

The IMF and the EU with its NGO-focussed funding subsequently became the primary external organizations pushing for a revision of the existing system of benefits and compensation in both entities. As the IMF's loans have become an indispensable source of funding for entity budgets, financial pressure has been increasingly more successful in achieving reform. In 2012, the IMF again conditioned releasing further loans to Bosnia on the reform of the overall pension system, including making changes to war-related payments.⁸⁹ In 2013 FBiH adopted a reform that reduced average payments to veterans – especially the high-ranking officers as it also introduced an income census.⁹⁰ Although some veteran pensions privileges were reduced and their unemployment benefits scrapped, this reform had again limited effects on the compensation levels of MWVs.

⁸⁶ Veterans under 60 you get 150 KM per year, while those over get additional 1.60 KM per month spent in war. Interview 104/VT/BL 2015

⁸⁷ Interview 57/BL/VT 2015.

⁸⁸ Interview 40/BL/CV 2015.

⁸⁹ International Monetary Fund 2013.

⁹⁰ Interview 80/SA/INT 2015; Bartlett 2014, 37.

4.4.1.3. *Assessing the International Salience of Civilian and Military Victims*

The international salience of these two categories has changed since the end of the war. CWVs were initially treated by the international media as a ‘spectacle’, resulting in several rehabilitation projects and financial support being focused on providing them with support. Thereafter, attention to this category only rose after some judicial decisions such the Galić case at the ICTY. Unable to generate more attention to their causes and category, by the early 2000s, these victims were overshadowed by others that had much higher levels of international salience. Their international salience dropped from high to medium levels. In contrast, MWVs did not benefit from international support for their claims in the same way as other war victims in Bosnia. Although they were initially included in DDR programmes, they later became the target of external pressures that sought to lower their benefits. Perceived as an economic burden, external actors prioritized them in the opposite direction – for cost cutting. Instead of supporting their claims, they used financial leverage to retract veteran benefits, marginally affecting MWVs too. Although their international salience became negative, also influencing their benefits, the broader fighter population was rather successful in pushing back and largely maintaining their privileges. Table 4.3. summarizes the previous discussion, highlighting the influence of external developments and organizations, in order to succinctly characterize the overall levels of international salience of the two categories in the three post-war phases.

TABLE 4.3. International Salience of Civilian and Military Victims⁹¹

Category / indicators	World attention to the issue	Country-specific discursive support	Special office or project	Financial support	Overall
Civilian War Victims	First humanitarianism and then as transitional justice	High at first in the media, then lowered, only through ICTY	Part of larger projects (UNDP and IOM)	Initial rehabilitation projects	Moderate (at first high)
Military War Victims	As part of DDR	Focus on reducing their benefits (the IMF and WB)	None, only reforms by the IMF and WB	Limited DDR projects initially	Negative

Source: Compiled by the author.

⁹¹ All sources used for partial tables in empirical chapters are further explained Annex 2.

4.4.2. MORAL AUTHORITY: CULTS OF VICTIMS AND FIGHTERS

The second factor that I consider is the categories' moral authority, defined as the extent to which each category is perceived as deserving of support at a domestic level. CWVs featured prominently in the public discourse on victimization after the war. However, while CWVs were initially used as proof of the crippling effects of war and the extent of the death toll, their moral authority gradually waned. Similar to their international salience, the perception that CWVs are deserving of support declined by the early 2000s as they were unable to strategically frame their demands. Conversely, invoking their war credentials to justify their claims, military victims have enjoyed high moral authority and generate higher levels throughout the post-war period. As I discuss below, victimized combatants seem to have an unshakeable moral authority that is linked to their willingness to sacrifice themselves for their communities.

4.4.2.1. *From Symbols of the Scale of Suffering to Oblivion*

Both during and immediately after the war, the issue of the prevalence of disability and the human cost of the war made headlines in national media, particularly among Bosniaks in Sarajevo.⁹² The over 700 children killed and injured during the shelling of Sarajevo was central to the imagery used to showcase the suffering and horrors experienced in the capital.⁹³ CWVs became symbols of victimhood and the tendency to focus on the suffering of the Bosniak side of the war. In FBiH, they featured prominently in the discourse of the Bosniak leadership of SDA and SBiH as convenient manifestation of the scale of the suffering. As noted previously, the new concept of Bosniakhood, introduced in 1993, rested on the extent and brutality of the victimization of Bosniaks throughout the war. As CWVs played an important role in the newly forged Bosniak identity, the leaders of their associations have also used their ethno-national identification for their appeals and during campaigns to increase their benefits. However, the 'cult of the victim' as a pillar of Bosniak identity has, according to the human rights expert Refik Hodžić, only 'solidified' the rifts between the ethno-

⁹² See Ahmetašević 1995.

⁹³ For more on this see Maček 2009.

national groups in Bosnia.⁹⁴ It has featured in most commemorative and cultural events in FBiH after 1995. More importantly, it has become a political instrument for the main Bosniak political parties and the rivalries between them. Much later, when some political leaders tried to disentangle victimhood from Bosniakhood, they faced public uproar. For example, in 2008, the then leader of SDA, Sulejman Tihić, tried to remove the ‘philosophy of the victim’ from the Bosniak identity. Bosniak victims and Tihić’s main opponent Haris Siljadžić from SBiH accused him of belittling victims’ suffering and the extent of war crimes committed by Bosnian Serbs.⁹⁵

The framing of Bosniaks as the main victims of the war was vigorously rejected by Bosnian Serbs, who responded with their own frames of civilian victimization. Although the ICTY established that most crimes were committed by the Bosnian Serb Army⁹⁶ and that most civilian casualties were Bosniak, both Serb political authorities and victim associations insisted that the numbers of Serb victims had been underreported and that Bosniaks were trying to appropriate victimhood as belonging entirely to them.⁹⁷ In these conflicts over numbers, civilian victims became bargaining chips, ‘statistics’, and ‘dead heads’, as described by some of my respondents. The tensions over numbers increased after the emergence of the main champion of RS nationalism, Milorad Dodik, in the mid-2000s who used death statistics to ‘paint the bloodiest picture of the other side’.⁹⁸ In 2008, Dodik established the *Republican Centre for the Investigation of War*⁹⁹ to create a counter-narrative about Serb victimhood to the Bosniak one. Interviewing the Centre’s investigators was an insight into parallel war narratives and war crimes denial: they disputed not only the crimes committed in Srebrenica but insisted that the found bodies were relocated from other regions of BiH. As political analyst Srđan Puhalo noted, ‘if the official numbers were approved, the political manipulation with victims, and myths about the war, would be over’.¹⁰⁰

⁹⁴ On the issue of the Bosniak ‘cult of victim’, also see also *Dnevni Avaz* 2017.

⁹⁵ See *Nezavisne novine* 2008.

⁹⁶ Clark 2014, 98.

⁹⁷ *Nezavisne novine* 2010.

⁹⁸ Interview 21/BJ/NG 2015.

⁹⁹ See official website: <http://www.rcirz.org/index.php/lat/>.

¹⁰⁰ Interview 33/BL/EX 2015.

Against the backdrop of such tensions over statistics, by the mid-2000s the *FBiH CWV Union* had introduced a new frame of civilian victimhood in their appeals. In asking domestic authorities to reform their restrictive and meagre compensation, they attempted to present civilians as being on equal footing with military victims and as contributing to the war effort. Through media statements, commemorative events, and during important anniversaries such as the start of the war in Sarajevo, they altered the frames of helpless victims and ‘numbers’ into active defenders through issuing media statements. For example, a disabled civilian stated in 2004 that ‘we were working hard behind the lines just like soldiers were fighting but we are now not equally treated’.¹⁰¹ This has also led to the fact that leaders of the *FBiH CWV Union* began justifying their compensation demands as a rightful debt owed by the state to its civilian citizens because they were also a ‘product of the war just like [soldiers] were’.¹⁰²

However, this new framing of CWVs was heavily resisted by both war veterans and military victims. For example, in 2007, the coordination body for all veteran associations in FBiH sent a protest letter stating that they were against any planned equalization of compensation, arguing that civilians owed their lives to the military ‘because the aggressor would have killed them all’¹⁰³ had it not been for the military. Others expressed a view that soldiers had no choice but to put themselves in harm’s way, but civilians should have fled. According to this logic, it would seem as if it was the civilians’ fault that they were hurt. The military thus pushed back by trying to frame civilian victims as ‘collateral damage’ rather than as victims deserving the same treatment as them.¹⁰⁴

Subsequently, civilian invalids have come to be perceived as ‘social cases’¹⁰⁵ rather than a war category deserving recognition. ‘People in Bosnia do not understand what disability means’¹⁰⁶, Sabina from Mostar explained. ‘Since my elementary school, people thought I was ‘retarded’ because I could not walk properly. ... They did not make the link between the war and my disability

¹⁰¹ *Oslobodenje* 2004.

¹⁰² *Dnevni Avaz* 2010.

¹⁰³ *Oslobodenje* 2007b.

¹⁰⁴ Interview 21/BJ/NG 2015.

¹⁰⁵ Interview 83/SA/CV 2015.

¹⁰⁶ Interview 20/MO/CV 2015.

in the same way they would if I were an adult man', she added. Indeed, as previous research established, persons with disabilities in BiH have become viewed with little understanding as charity cases.¹⁰⁷ They have been 'victims...of second class as they did not suffer while serving the country like the servicemen'.¹⁰⁸ This has been compounded during the last post-war phase with the public becoming increasingly weary of the constant talk of victims and the war. As one person put it, such talk 'gets on people's nerves'¹⁰⁹ because some view CWVs as profiting off their lost relatives. It is also important to stress that some civilian victims have forged documents to register as military victims and thus receive higher benefits. The former veterans' minister in FBiH explained that the number of war veterans in FBiH overall increased from 300,000 in 1995 to 585,000 in 2015.¹¹⁰ Given civilian victims' ongoing struggle to obtain any compensation when their injuries fall under the benchmarks of 60 per cent, military benefits have become the only source of income for many such families. However, as these stories have come to light, the public perception that CWVs are deserving of state support has declined.¹¹¹ While they are still invoked during commemorations as symbols of suffering, their moral authority has decreased from high to moderate levels.

4.4.2.2. *Protectors of 'Ethno-Nations'*

Military victims of the war have drawn their moral authority from two key sources: by framing themselves as descendants of the socialist 'Partisan heroes'¹¹² from World War II and as the protectors of their respective ethno-nations. As noted above, the compensation outcomes for the military victims before 2004 were rolled over from former Yugoslav military provisions. During the socialist period, disabled ex-Partisans were generously cared for through a combination of payments, special housing, and other privileges, while families of fallen soldiers were socially respected and celebrated.¹¹³ This 'cult of the fighter'¹¹⁴ (*kult borca*) remained largely untouched after the war. The

¹⁰⁷ Cerimović 2012; see also IBHI 2013.

¹⁰⁸ Interview 25/SA/NG 2015.

¹⁰⁹ Interview 21/BJ/NG 2015.

¹¹⁰ Interview 91/SA/VT 2014.

¹¹¹ Tokača estimates that around 5,000 'false families' accepted military benefits. Interview 15/SA/EX 2015.

¹¹² Partisans were communist fighters led by Josip Broz Tito during World War II. Tito subsequently ruled socialist Yugoslavia from 1945 to his death in 1980.

¹¹³ Popić and Panjeta 2010, 6.

¹¹⁴ Interview 24/BGD/NG 2014.

previous cultural treatment of Partisan heroes in films and literature has in many respects been transposed to the new post-war state and has influenced the levels of moral authority of military victims, which the legal provisions for this category have reflected. As a journalist explained, ‘disabled veterans are considered as heroes who victimized [*žrtvovali*] themselves for our cause, so no one dares to touch them’.¹¹⁵

Like elsewhere around the world, war veterans and military victims in Bosnia have been treated as citizens who are deserving of special privileges but with the added glorification of the Partisan legacy that veterans in BiH have invoked. Indeed, veterans are perceived as having a state-building (and nation-building) role which endows them with a special social position.¹¹⁶ Theda Skocpol demonstrated that after the American civil war, disabled veterans were viewed as worthy of support for sacrificing their limbs for the state.¹¹⁷ As there is no single state-founding myth of Bosnia, but rather at least three ‘master frames’¹¹⁸ of the war, each veteran community (Bosniak, Serb, and Croat) has become a guardian of its frame. Veterans of ABiH see their role in the war as fighting for the survival (*opstanak*) of a Bosnian state that has been attacked from multiple sides. Veterans of the other armies see their roles as defending their communities.¹¹⁹ RS legislation refers to its veteran population as *borci*, meaning ‘fighters’. The word ‘fighter’ again draws on the Serbian culture of a ‘liberation fight’ from World War II.¹²⁰ In the legislation of the Federation of Bosnia, the ex-military are referred to as *branilaci* in the Bosniak and *branitelji* in the Croatian language versions (both meaning ‘defenders’), suggesting an implicit aggressor (i.e. mainly the Serbs).

However, there is a special value attached to military victims. Disabled veterans and families of fallen soldiers in BiH have generated a distinct social identity. Military victims have been able to claim a more privileged position than ‘ordinary’ rank-and-file veterans because they suffered such harsh personal and highly visible losses for the ‘greater cause’ of their ethno-nations. Adding a

¹¹⁵ Interview 97/SA/MD 2015.

¹¹⁶ Most theories of nationalism include the army as a key institution that unifies nations. See Gellner 1983.

¹¹⁷ Skocpol 1995, 33.

¹¹⁸ Snow and Benford 1992, 137.

¹¹⁹ Berdak 2013, 2.

¹²⁰ See Remington 1978. This cult lives on also in sports. The main RS football club is called *Borac*.

religious layer to these various frames of the war military, Bosnian Muslim fallen soldiers are also referred to as *šehidi* (Muslim martyrs) to indicate their sacrifice for Islam.¹²¹ Military victims regularly remind Bosnian political parties of their losses in order to maintain the belief that they are more deserving than other categories.¹²² Their superior moral authority has thus also become important political capital for Bosnian politicians and has been invoked in public gatherings, commemorations, and national days in an attempt to increase their political credibility. MWVs' moral authority indeed became 'untouchable'¹²³ early on: when in 2002 the SDP Prime Minister Zlatko Lagumdžija called Bosniak veterans protesting against potential cuts 'Četniks', they threw oranges at him for comparing the FBiH *branilaci* to the nationalist 'bloodthirsty' Serb fighters of World War II.¹²⁴

The moral authority of Bosnian Serb and Bosniak military victims is thus concentrated in their respective entities. Due to the scale of crimes committed by the RS Army, its veterans are framed in FBiH as criminals. Yet criminal prosecution of war crimes both at the ICTY and domestically has not changed these perceptions. On the contrary, as a respondent noted, the indictments have in practice only re-framed veterans as 'victims once again: first they suffered for their nation, sacrificing their legs, and now in front of an international tribunal they are sacrificed again.'¹²⁵ The president of a municipal MWV association in Banja Luka, Stanislav Brkić, complained that 'they [Bosniaks] keep calling us genocidal and telling us that we, the Serbs, are the ones guilty of what happened here as if they were all innocent'¹²⁶. In fact, Bosniak veterans are often framed as Islamic fighters in RS. A similar situation exists among the Croat-Bosniak military population in the entity. Most Croat veterans are regionally separated between three cantons in Herzegovina and draw on their frames as defenders within their respective communities. Therefore, there are three distinct military moral authorities in the country that draw on the various juxtaposed narratives of war.

¹²¹ Bougarel 2006, 482. However, many individuals resist this religious terminology.

¹²² See, for example, *Oslobođenje* 2007a.

¹²³ Interview 28/SA/EX 2015.

¹²⁴ Bougarel 2006.

¹²⁵ Interview 21/BJ/NG 2015.

¹²⁶ Center for Democracy and Transitional Justice 2015.

Overall, military victims have enjoyed some of the highest moral authority among Bosnian war-generated categories throughout the post-war years. Their right for compensation has rarely been questioned – especially among key political parties. Existing survey data suggest that the public perception of the military has been steadily high.¹²⁷ Given the fact that most adult men over the age of 45 fought in the war, public respect for this population is also this high because most families have a personal stake in it.¹²⁸ This consistency of their moral authority has differed from civilian victims, whose frames of victimhood have changed over time. Therefore, military victims have at their disposal a powerful tool to aid in pressing domestic authorities when resisting any retraction of their compensation – high moral authority within their ethno-national communities.

4.4.2.3. *Assessing the Moral Authority of Civilian and Military Victims*

Moral authority of civilian victims during and after the war was relatively high due to the context. Their numbers and the scale of suffering were used in the media, by political leaders, and the victims themselves, mainly as proof of the brutality of the ‘other’ side. However, as other victim categories gradually gained more prominence, they have slowly been pushed aside, unable to generate higher moral authority. In contrast, military victims have been perceived as actively sacrificing their limbs or loved ones in battles against the enemy.¹²⁹ They actively supported the master frames of the war – whether it was an aggression or civil war – within their ethno-national communities. During events of national importance, both categories continue to be presented as symbolic representatives of the scale of suffering; however, it is the military victims that are under the spotlight. The analysis above has also demonstrated that while the moral authority of CVWs has been only at moderate levels, military victims of war have been able to maintain high moral authority due to their usage of the longstanding idiosyncratic Yugoslav tradition of glorifying fighters as heroes. Table 4.4. summarizes the previous discussions.

¹²⁷ See, for example, National Democratic Institute 2010.

¹²⁸ See especially Berdak 2015.

¹²⁹ *Nezavisne novine* 2006.

TABLE 4.4. Moral Authority of Civilian and Military Victims

Category / indicators	Supportive public discourse	Alignment with war and national key narratives	Invoked in significant events	Supportive cultural treatment	Overall
Civilian War Victims	‘Cult of the victim’ (especially among Bosniaks) initially, later reduced	Initially used as statistical proof of suffering	Frequent, as evidence of victimization	Limited – as general victims of war	Moderate (at first high)
Military War Victims	‘Cult of the fighter’ as sacrificing limbs and lives for his people	Strategically framed as ‘protectors of the ethno-nations’	Frequent, as honoured defenders	Featuring in heroic portrayals of fighters	High

Source: Compiled by the author.

4.4.3. MOBILIZATION RESOURCES: PROTESTS AND NETWORKS

The final factor that influences a category’s chance of compensation is the quality of its mobilization resources. While constrained by their ability to access resources, organizations with large, robust, and dense participation – especially those that are able to reach out to a broad and varied set of constituents – function as more effective pressure groups as they can mobilize people and endanger incumbents.¹³⁰ Although civilian victims have suffered from a serious lack of resources, when their compensation was under threat, they were still able to utilize their small networks and organize in protests. For the most part, though, they have been relatively poorly equipped to put pressure on domestic authorities and only relied on the civil sector. In contrast, military victims have been well organized and skilled protestors that have drawn on their large networks of political allies, in many respects mimicking the pre-war inclusion of Yugoslav veterans into political bodies.¹³¹

¹³⁰ See McCarthy and Zald 1977.

¹³¹ SUBNOR was an integral part of local assemblies during SFRY.

4.4.3.1. *Civilian Victims' Uphill Struggle*

Civilian victims of war have had only low mobilization resources throughout the post-war period. Given the cost of human life and the number of injured, civilian victims could have had the potential for very high membership within their associations and large networks. However, total membership has never reached beyond a few thousand and their networks have always been rather scattered. Although the formal establishment of the entity unions came early on, their leaders have been poorly skilled and lacked powerful allies. The Bosnian Serb associations lacked resources because they could not draw on either civil-sector support or foreign humanitarian aid after the war. As most humanitarian aid was directed to the Federation¹³², only victims there were able to benefit from aid that focused on resolving the housing situation of victims, offering some rehabilitation services, and providing for children.¹³³ Such structural constraints have thus limited their access to important resources.

Civil-sector support in FBiH somewhat increased victims' capacities to run their own activities, including street protests and campaigns in the mid-2000s. In 2004, supported by local NGOs¹³⁴, CWVs organized a protest of thousands of invalids in front of the FBiH Assembly in Sarajevo to fight against the proposed reduction of disabled civilian victims' compensation benefits.¹³⁵ As the reform would have affected all civilian invalids, including non-war invalids, a broad protest coalition was created that brought several thousand people to the streets. The proposed reduction was also rejected by the WB, who advocated for reductions in military, not civilian, benefits. FBiH political authorities eventually adopted an amendment that retained existing provisions and simplified registration procedures at the entity level. This movement was short lived, though. While another amendment came in 2006, this change was driven by different victim categories, as I discuss further

¹³² By 1997, 98 per cent of all humanitarian aid went to FBiH. See Boyd 1998, 47.

¹³³ Delpla 2014, 239.

¹³⁴ These were, for example, the Center for Life (*Centar za življenje*) and the Foundation Light (*Svjetlo*).

¹³⁵ *Dnevni list* 2005.

in Chapter 6. In fact, the 2004 movement is the only example of CWVs in FBiH successfully mobilizing to retain their benefits.¹³⁶

Similarly, in 2006 RS victims pressed the government, with support from its growing civil sector, to renew expired legislation and remove some discriminatory clauses from existing laws (such as the residence of the claimants) to allow new victims to register. After a series of protests, appeals from the civil sector and external actors in BiH, the RS Assembly agreed to extend the law that allowed civilian victims to register for benefits for one additional year in 2007, even if they had moved from the other entity (RS or FBiH). Thereafter, all CWVs' campaigns and protests across BiH have been poorly run and experienced only limited results. For example, only 100 people attended a 2009 rally in support of the ratification of the *UN Convention on Rights of Persons with Disabilities* at the state level.¹³⁷ While the Convention was later adopted, this was the outcome of EU requirements for funding and joining the EU rather than the victims' mobilization powers.¹³⁸ As some of my respondents noted, the CWVs leadership has not been very active in seeking out allies and has limited its activism towards advocacy and appeals.

In addition to exercising pressure through civil society, victims also pursued access to entitlements through 'legal mobilization'¹³⁹ in the form of class actions. The *FBiH CWV Union* in Sarajevo commenced litigation campaigns in 2005 suing RS for the siege of Sarajevo. Following a series of favourable court decisions in which officers of the Bosnian Serb Army were found responsible for the indiscriminate shelling of Sarajevo citizens, individual victims of the siege filed compensation cases against RS.¹⁴⁰ While this initiative gained momentum among other categories, including the associations for camp inmates, these individual cases have never succeeded. The courts have mostly ruled that the victims filed their cases too late and that the statute of limitations for making

¹³⁶ See also Delpla 2014, 245.

¹³⁷ *Oslobodenje* 2009b.

¹³⁸ Cerimović 2012.

¹³⁹ Zemans 1983; Woodward 2015.

¹⁴⁰ *Oslobodenje* 2007c.

complaints had expired.¹⁴¹ ‘They are turning us into victims again’, those affected commented on the judgments.¹⁴²

As noted, cooperation with other civilian victim associations has been poor. As Delpla in her analysis of victim associations suggested, CWVs have limited their networking to within their own victim categories without reaching out to other associations or cantons.¹⁴³ Sabina from the Mostar-based association confirmed this in complaining that it is rarely the case that local associations are informed about the plans of the Sarajevo centre. As noted, the *FBiH CWV Union* has been attempting to push through a reform of the distribution of disability compensation that would put civilian victims on par with the military population. The main point of controversy has been whether to means-test beneficiaries, a measure that most victims disagree with. The introduction of this point, however, has not been offered up for wider debate among the civilian victim population and has instead been decided upon in Sarajevo. ‘I found out about it from the media’, Sabina complained.¹⁴⁴

The coordination of the various associations partially improved thanks to a post-Yugoslav initiative called REKOM that aimed at bringing victims together to support a single regional truth commission.¹⁴⁵ While this initiative has so far failed to gain the necessary momentum as a result of opposing views about the past, it has brought some associations together.¹⁴⁶ The president of the *RS CWV Union* Predrag Babić explained that there have been some recent attempts to resuscitate an association at the state level for all civilian victims that existed pro forma in 1997.¹⁴⁷ The urgency for cooperation is much higher among Serb victims, as they have had only limited access to foreign projects and aid. Overall, as a respondent noted in 2015, leaders of CWVs ‘are old and do not know how to use a computer’.¹⁴⁸ Because of their lack of skills and leadership, many associations have closed. The mobilization resources of the civilian victims have been among the lowest of all victim

¹⁴¹ For an overview of the early and later successful cases see Nowak 2005.

¹⁴² Interview 83/SA/CV 2015.

¹⁴³ Delpla 2014, 241.

¹⁴⁴ Interview 20/MO/CV 2015.

¹⁴⁵ For more see Dragović-Soso 2016.

¹⁴⁶ Interview 90/BL/NG 2015.

¹⁴⁷ Interview 78/BL/CV 2015.

¹⁴⁸ Interview 62/SA/EX 2015.

categories in BiH, demonstrated by the absence of important allies and networking capacities, and an ill-equipped leadership.

4.4.3.2. *Between Politics and the Flexing of Muscles*

In contrast, the mobilization resources of military victims have been substantial thanks to the wide networks of political allies that they gained and maintained as a result of their wartime roles. McAdam's concept of 'structural availability' of mobilization resources is best expressed for this category as the vast network of allies, contacts, and bonds stemming from their shared war participation.¹⁴⁹ Together with family members of the 60,000 killed soldiers in BiH, disabled veterans have, since the end of the war, closely cooperated with the population of demobilized fighters, or have been parallel members of their associations within their ethno-national communities. They have been well organized and have superior mobilization capacities. Most of the varied ex-military associations have held regular meetings with the goal of encouraging demobilized fighters' organizations to present their joint demands and statements to their respective governments. For example, in Sarajevo, there is a coordination committee of all Bosniak fighters' associations, including disabled veterans and families of those who were killed, that is comprised of up to ten organizations. Their ability to lobby the domestic political authorities with a single united voice has very much been an advantage when their benefits have been at risk of being lowered or when they have demanded increases in payments.¹⁵⁰ The leader of the main veteran association in FBiH (*Unified Organization of Fighters*, or JOB) explained that disabled veterans and demobilized fighters, 'stand as one body when we deal with the government and with one voice'.¹⁵¹ He went on to describe how in 2015 all the veteran associations successfully came together and prevented cuts, by giving the FBiH government their 'recommendations and suggestions about the new budget'.

¹⁴⁹ McAdam 1986, 65.

¹⁵⁰ For example, the funding distributed across victim associations in Mostar in 2006 was 22 times higher for military than civilian victims (data obtained from the Mostar municipality is with the author).

¹⁵¹ Interview 106/SA/VT 2015.

Moreover, the diverse military population has a key mobilization resource that is potentially dangerous for any government: they can rapidly organize protests that may turn violent. This potential explosiveness has materialized frequently on the Bosnian streets, especially at times when military benefits have been threatened. Examples from Tuzla to Sarajevo demonstrate that veterans have the power to be destabilizing. The first protests of disabled veterans were organized in the north-eastern city of Tuzla as early as spring 1996 when their payments were delayed.¹⁵² Additional protests were organized during the first negotiations with the WB and IMF in 2003 and 2005. Both successfully prevented dramatic reductions in veteran benefits.¹⁵³ In fact, a law reform in early 2007 in FBiH reintroduce some of the previously excluded individuals. Most prominently, in 2009, when the Federation government, under SDA's Mustafa Mujezinović, signed an austerity agreement with the IMF to reduce spending on veteran benefits and introduce means testing, mass protests of over 10,000 veterans and military victims erupted and the FBiH government building was violently attacked and set on fire.¹⁵⁴ As a result, the proposed reform was scrapped. The following year, their compensation was lowered by estimated 10 per cent (although precise numbers are hard to obtain) instead of by the proposed reduction of up to a third.¹⁵⁵ A disabled veteran leader from Mostar stated that 'burning houses was a means to show Mujezinović that he should not mess with us'.¹⁵⁶ Indeed, the final reforms in 2010 were described by a senior World Bank representative as 'cosmetic changes'.¹⁵⁷ Moreover, since FBiH government was not created until 2011, the implementation of the new changes lagged behind.

However, the most important resource of military victims has been their ability to generate links with the main political echelons of the Bosnian entities (in the case of Croats – cantonal governments). While individual military victims are not directly linked to the top political elite, their leaders have been de facto co-opted into the Bosnian political structures. Direct negotiations have

¹⁵² *ONASA* 1996.

¹⁵³ *Nezavisne novine* 2003a; *Oslobodenje* 2005b.

¹⁵⁴ *Dnevni Avaz* 2011.

¹⁵⁵ *Oslobodenje* 2009a.

¹⁵⁶ Interview 48/MO/VT 2015.

¹⁵⁷ Interview 61/EM/EX 2015.

been the most effective and accessible way of influencing laws. Since the end of the war, the main nationalist political parties have recognized their respective veteran associations and provided their members with high housing benefits and even private businesses since shortly after the end of the war.¹⁵⁸ All war veteran associations have gained representation in their respective entity assemblies through elected deputies and ministers (i.e. they became policy insiders).

Key politicians in FBiH such as the former member of the Presidency Željko Komšić and the FBiH Prime Minister Živko Budimir made their political career by invoking their war credentials. One of the first presidents of the *Union of Disabled Veterans in FBiH* was Zahid Crnkić, who in 2006 became the Minister for Fighters' Affairs. His appointment was one of the key factors in the 2007 amendment of the fighters' law that increased compensation to families of killed soldiers and military invalids.¹⁵⁹ His successor, Safet Redžić, in 2010 even suggested that all political party candidates that fought in the war should sign a memorandum of cooperation with the Union because it is their duty.¹⁶⁰ Military-related associations have been declared as 'organizations of special interest' and received direct governmental support. This allegiance has been even stronger among Croat associations that have been in the minority in FBiH.¹⁶¹

In RS, a similar situation existed after the war with veteran associations linked to the wartime's SDS leadership. Weary of the ascent of Milorad Dodik and his lip service to external actors in Bosnia, military victims were initially critical of his reform proposals for budgetary savings in 2007. However, after their associations were granted annual funding in 2009, the military victims joined the main veteran association (*Organization of Fighters of RS*, or BORS) in its support for Dodik. As a veteran in RS explained, the former leader of BORS, Pantalija Ćurguz, was a very close ally of Dodik and his association has always benefited from generous RS funding. He argued that 'thanks to the close partnership of Ćurguz and Dodik, all military populations eventually got a better law'.¹⁶²

¹⁵⁸ Interview 89/SA/EX 2015.

¹⁵⁹ Omeragić 2007.

¹⁶⁰ *Oslobođenje* 2010a.

¹⁶¹ See Bojičić-Dželilović 2006.

¹⁶² Interview 57/BL/VT 2015.

All RS military associations have also become part of the *Serb Movement of National Associations* (SPONA),¹⁶³ which has acted as the primary protector of Srpska nationalism and in support of Dodik.¹⁶⁴ RS authorities under SNSD have also been aware of the events in FBiH and the potential for conflict with the ex-military. ‘Flexing their muscles’¹⁶⁵, as a political analyst described it, represented by street protests in expectation of any reforms, has become part of the relationship between the veteran population and domestic political authorities. ‘They would not dare to cut the benefits. They would rather take money from pensioners than touch the military population and especially the disabled fighters,’ a former RS fighter explained.¹⁶⁶ ‘They know that if the veteran associations get mad, this could mean the end of the government [*ciao vlast!*].’¹⁶⁷

Although direct links between association leaders and the main political parties are the main avenue for change (or lack thereof), the potential of military victims and their veteran allies protesting on the street has featured heavily in their political calculations. As a Bosnian analyst noted, all military associations are ‘an electoral machine but also a Pretorian guard, which can be reactivated.’¹⁶⁸ Frequently, the lead up to elections is accompanied by veteran protests designed to ‘demonstrate that we are still here and they must factor us in’.¹⁶⁹ Indeed, in a clear admission of this relationship, a cantonal functionary of SDA stated: ‘Do not forget that all we care for is to stay in power. That is why we must quench the thirst of those veteran organizations’.¹⁷⁰ Thus, the close links to parties and protests of military victims within the broader veteran movement have allowed MWVs to be more successful in realizing their demands than any other category.

¹⁶³ Bjelajac 2008. SPONA has acted as what in other contexts has been termed GONGOs, i.e. government-organized NGOs (for an explanation of the origins of the term, see Fagan 2005).

¹⁶⁴ Katana 2008.

¹⁶⁵ Interview 42/SA/EX 2015.

¹⁶⁶ Interview 57/BL/VT 2015.

¹⁶⁷ Note that in 2004 pensioners’ mass protests contributed to the fall of Dodik’s government.

¹⁶⁸ Interview 28/SA/EX 2015.

¹⁶⁹ Interview 48/MO/VT 2015.

¹⁷⁰ Interview 68/BC/VT 2014.

4.4.3.3. *Assessing the Mobilization Resources of Civilian and Military Victims*

The studied two categories have had dramatically different resources to mobilize after the war, mainly due to the existing broad range of political allies of military victims that have often acted on their behalf and created strong networks within their entities with close ties to prominent demobilized soldiers' associations. The extent of their resources has been visible especially in the immediate period before elections when they organize 'flexing-the-muscle' protests directed at the leading political parties to signal that their support is a *sine qua non* for their re-election. These resources have thus even offset their lack of advocacy and other campaigns. In contrast, civilian victims have had a poor starting position to access resources but they have also demonstrated a poor capacity to utilize their existing links to the civil society and other victim associations. Relative to other victim categories, civilian victims have been poorly coordinated in their campaigns and access to alternative sources of financing beyond the direct local funding. Their campaigns for changes through protests, litigation, and appeals have been only partially successful due to their lack of organized networks and limited involvement with other victim categories. A summary of mobilization resources utilized by civilian and military victims can be found below (Table 4.5.).

TABLE 4.5. Mobilization Resources of Civilian and Military Victims

Category / indicators	Leadership and organizational	Networking and cooperation	Existence of allies and advocates	Financial means	Overall
Civilian War Victims	Poorly skilled, equipped and led	Poor, mainly among NGOs and victim associations	Very few prominent allies or international advocates	Limited, dependent on local budgets	Low
Military War Victims	Skilled and supported by other veterans	Broad veteran and political alliances and networks	Among the military and the broader public	Strong, through direct government financing	High

Source: Compiled by the author.

4.4.4. CONTEXT AND COMBINATIONS FOR SUCCESS AND FAILURE

In addition to the factors analysed above, it is equally important to demonstrate how the changing context of the three post-war phases influenced the outcomes. In the first post-war emergency phase up to 1999, the confrontational nature of politics prevented any major reforms to the old Yugoslav system. Military victims emerging from the war on all sides benefited from the generally accepted special provisions for the military and invoked the existing ‘cult of the fighter’ in their demands. They became the main protectors – both in a symbolic and physical sense – of the nationalist parties; their moral authority was high. This, combined with the high mobilization resources that manifested themselves through wide networks of political allies and better access to policymakers, made them well placed to directly demand benefits through lobbying and other forms of direct pressure. The result was a preservation of the generous Yugoslav system in FBiH and RS until 2004. In other words, MWVs utilized the combination proposed in the *Domestic Pressure* scenario of high mobilization resources and moral authority to maintain their benefits.

At that time, CWVs also held significant moral authority within their ethno-national communities but later failed to maintain it. Their numbers and injuries were initially tangible evidence of the extent of suffering of each ethno-national community and their share in civilian targeting by the ‘other’. Their international salience at this time was also rather high, especially thanks to the media coverage of the war in Sarajevo. As a result, despite the need to reduce public spending, they benefited from a 1999 compensation law in FBiH.¹⁷¹ Although the Law followed the restrictive Yugoslav legislation, it represented a symbolic recognition of CWVs at the entity level.¹⁷² Meanwhile, RS kept its wartime law from 1993 which was also a copy of the Yugoslav legislation. It was in force until 2000 when it expired. Overall, compensation adoptions during the war and in the first phase were driven by the previous understandings of victimhood from Yugoslavia, i.e. only severe injuries were considered. CWVs thus partially correspond to the *Poster Child* scenario that I outlined as the combination of high moral authority and international salience. While they were not

¹⁷¹ Interview 21/BJ/NG 2015.

¹⁷² Seksan 2004.

fully successful with their demands (cantonal legislation was still lacking), they benefited from their still rather high, though lowering, moral authority and international salience.

During the second phase of centralization, which lasted until mid-2006, military victims actively expanded their networks and allies (i.e. mobilization resources) and their moral authority became unshakeable as a critical component of the ex-military vanguard in both entities. In FBiH, the key issue was how to ensure that the entity government controlled both the Croat and Bosniak fighters. The compensation system became an important part of this ‘control’. The unification of the Croat and Bosniak military forces, through the creation of an entity ministry for veteran affairs in 1999, paved the way for the adoption of entity legislation that catered for their needs through generous provisions adopted in 2004. Another key factor, though, started to play an important role – the international salience of the ex-military started to shift in a negative direction as financial institutions such as the IMF and WB pressed both entities to reduce their public spending on veterans and consolidate their military forces under centralized state structures.

In response, the military population started demonstrating their potential destabilizing power on the street. The first time a political party, the SDP, tried to reduce general ex-military benefits in order to assuage external pressures and address domestic shortages in the FBiH budget, they faced mass veteran protests.¹⁷³ Since MWVs maintained high levels of moral authority, their protests were politically dangerous. They accused the SDP of dishonouring their sacrifice and being ‘unpatriotic’¹⁷⁴, eventually contributing to the fall of the SDP coalition government in 2002. Also in RS, military victims of war, following an explosive period of shifting alliances between the wartime SDS, PDP, and the SNSD of Milorad Dodik, consolidated as a strong power bloc behind the ruling coalition, alongside the powerful fighters’ organization BORS. Although both entities adopted new laws in 2004 to satisfy external creditors, MWV benefits were preserved. Overall, the outcomes for military victims in this period again reflected the *Domestic Pressure* scenario.

¹⁷³ Helms 2013, 205.

¹⁷⁴ See Roll 2014, 173.

The international salience and moral authority of the civilian victims declined due to the changes in international salience but also their poor skills to strategically use the attention given to other categories. The triage of victimhood, i.e. the selective prioritization of some victim categories over others, decreased CWVs' ability to be viewed as symbols of suffering in the international arena. They were also impacted by the declining amount of humanitarian aid sent to Bosnia, which they had benefited from until the early 2000s.¹⁷⁵ In this period, they began leveraging the findings of the ICTY to amplify frames of their suffering through legal means. Assisted by the civil sector, they used litigation against the RS government, and later the state of BiH, to mostly unsuccessfully achieve compensation through the courts. Their mobilization resources at times temporarily increased: when compensation of all civilian invalids was under threat in 2004, due to the imminent reform of veteran payments, CWVs responded with protests.

As the public cuts were occasioned by the WB pressure to reduce public spending for the military victims, i.e. not CWVs, the reductions were scrapped. As some respondents noted, the FBiH government realized that the savings would have been minimal. Instead, an agreement was found in distributing the financial burden of compensation across cantons and ensure that each canton adopts appropriate legislation. In RS, civil society pressure resulted in reopening the window for victims' registration in 2007 and 2010 but with only a few dozen additional victims to be able to register. As a respondent noted, the aim was to show goodwill to 'internationals' and 'formally satisfy their demands ... without any real consequences for the victims'.¹⁷⁶ CWVs have thus been only partially successful with their demands in this phase as they achieved broader access to the existing legislation without any significant reforms. These partial successes are closest to the *Poster Child* scenario because of the category's fluctuation between high and moderate salience and moral authority. Despite their one-off protest in 2004, the ultimate reason why they were partially successful was due to the concerns for international benefits and reputational rewards from cutting provisions for CWVs.

¹⁷⁵ Maglajlić Holiček and Rašidagić 2007, 158.

¹⁷⁶ Interview 21/BJ/NG 2015.

During the last phase (since mid-2006), the increased attention given to constitutional reforms, including from the EU, combined with poor economic development has influenced these categories. From 2008, the worsening economic situation eroded the military's 'electoral machine', as some sections of the broader veteran population were affected by verification and austerity measures imposed by external creditors.¹⁷⁷ Military victim organizations created new political alliances and domestic authorities became increasingly weary of their fledgling loyalty. In FBiH, they have been viewed as more difficult to control by the main political party blocs.¹⁷⁸ Due to the external pressures by the IMF, new reforms were adopted in 2010 and 2011 in FBiH and RS, respectively. Although the RS created a more transparent system, these reforms were again a sign of the domestic reluctance to reduce military benefits. Unlike demobilized soldiers, whose pensions were cut in 2013, MWVs maintained their levels of compensation. Indeed, legislation for the broader 'fighters' population' has continued to be revised and marginally reduced, usually as a response to external pressure of creditors. However, after some wider changes in terms of military pensions for demobilized soldiers in 2013, no major reforms have been carried out. The last substantial changes with effects on MWVs were introduced in 2010 in FBiH and 2011 in RS. In other words, the negative international salience has played a more important role but has failed to overhaul the system of privileging MWVs.

Civilian victims were affected by decreasing external involvement and domestic financial difficulties to a higher degree. The substantial drop in funding of the civil sector since 2008 (i.e. following the first drop in the early 2000s) left NGOs, their main ally and mediator with domestic authorities, scrambling for funds even more desperately than before.¹⁷⁹ Consequently, while maintaining their litigation efforts, CWVs have since 2008 focused more on advocating for the maintenance of the current legislation, even if small. Despite some formal changes being implemented during the processes of European integration, particularly regarding disability strategies, they have not been able to align their goals with any concrete policy measures. Economic downfall was later exacerbated

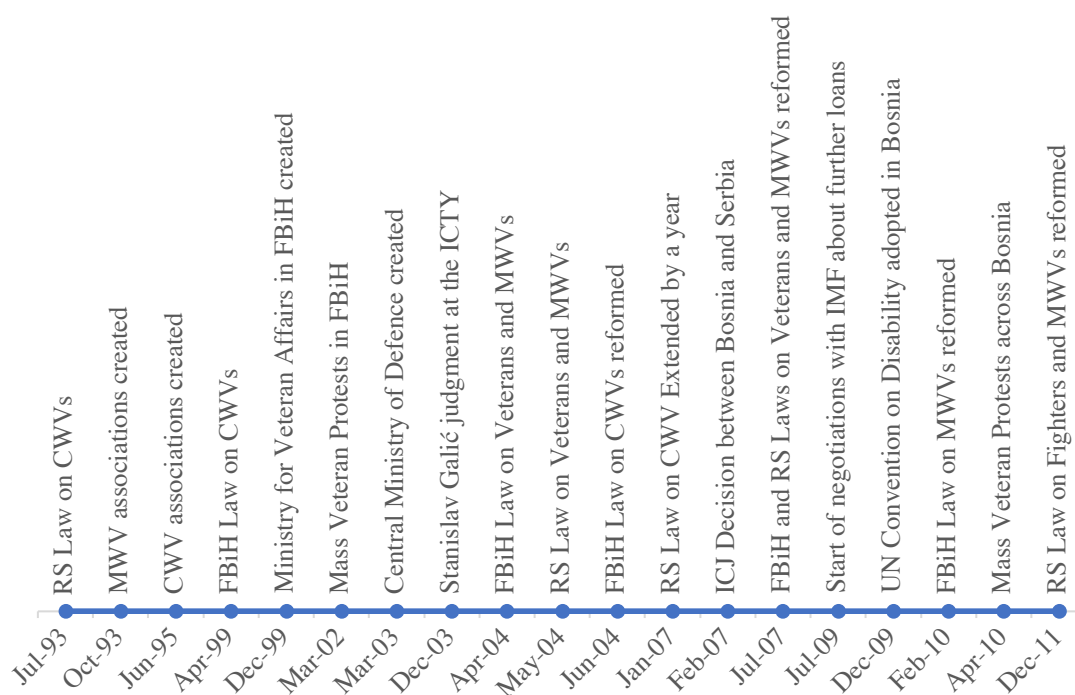
¹⁷⁷ International Monetary Fund 2014.

¹⁷⁸ Interview 61/EM/EX 2015.

¹⁷⁹ Bartlett and Uvalic 2013.

by 2014 floods that again diverted attention to other vulnerable groups.¹⁸⁰ The parallel rise of nationalism that has trumped any concern for Europeanization has also led to politics of fear-mongering as an efficient political strategy especially in RS. ‘Since Dodik came with his rhetoric that RS will be abolished [*da nestane*], his electoral support has grown,’ an analyst noted.¹⁸¹ The effect on CWVs seems to have been negative: ‘They [politicians] no longer care about any European standards. People are homogenized by fear not the aspiration to join the EU,’ an expert stated.¹⁸² The following timeline (Figure 4.2.) summarizes the key milestones on the path to compensation. It shows how structural changes shaped their abilities to align themselves with some external and domestic events while utilizing their existing resources and generating new ones.

FIGURE 4.2. Milestones in Compensation for Civilian and Military Victims



Source: Compiled by the author.

¹⁸⁰ See IBHI 2013.

¹⁸¹ Interview 42/SA/EX 2015.

¹⁸² Interview 113/SA/NG 2015.

4.5. CONCLUSION

The answer to Sabina's question of why her leg is worth less than that of a military war invalid lies in the superior moral authority of MWVs and their framing and mobilization efforts. Combined with their vast resources after the war, they have been well poised to insist on keeping their socialist special treatment in place. They thus followed the *Domestic Pressure* scenario when a category possesses high mobilization resources and moral authority. Framed as defenders of their ethno-nations, military victims have pitched themselves as deserving beneficiaries to domestic political actors. Their extensive networks and ability to protest, as well as their well-designed organizational structures, have only increased the persuasiveness of their demands. On the contrary, CWVs' ability to secure compensation was first the result of their high moral authority and international salience generated through their vast numbers immediately after the war. While they initially utilized what I called the *Poster Child* scenario, poorly equipped and resourced to navigate the post-war political world, they have subsequently posed only a limited challenge to domestic political authorities.

This chapter also introduced two key tensions that have accompanied all victim-centric policies in Bosnia since the end of the war. The first one is the competition between victim categories over compensation, best highlighted in the adamant opposition of MWVs to increases in compensation for other victims. Arguing that civilians did not contribute during the war as much as the military, they pushed to prevent expanding compensation for CWVs. The other aspect is the role of external actors, best exemplified in the attempts by the WB and IMF to cut down veteran benefits that would ultimately also lowered civilian benefits. As Bosnian authorities were under pressure to introduce reductions in public spending, they turned to the already meagre CWVs' benefits and threatened to lower them. While Bosnian military victims have succeeded to preserve their benefits through their vigorous mobilization, civilian victims were successful only until their victimhood frames resonated. However, the subsequent competition between these two categories over 'status' resulted in additional fragmentation. The new hierarchies of victimhood and its values have only reinforced the perception of discrimination experienced by civilian victims such as Sabina and the other victim categories discussed next.

CHAPTER 5

BONES AND RECOGNITION: FAMILIES OF THE MISSING AND THE 'SREBRENICA EFFECT'

5.1. INTRODUCTION

'I have never experienced anything similar before or after', a human rights activist from Sarajevo explained when I asked about the negotiations that preceded a legal reform for families of missing persons in 2004. 'Mirsad Kebo¹ put a blank paper on the table and said, "this is the Law on Missing Persons". So we all got to work and produced a draft, which I think is very good,' she added.² By 'all', she meant not only the civil sector and governmental advisors but also victims. The result of their work was a new law that granted a variety of material and social rights to families of the missing and offered them compensation at the state level. Responding to the victims' demands with support from external actors, the civil sector, and the public, the central Parliament unanimously adopted the law in October 2004. The *Law on Missing Persons* (henceforth 'Law') remains the only legal provision for Bosnian war victims at the central state level. It foresaw the creation of a new state institution for the search of the missing, a central registry, and a special fund for families.

Unlike in the previous chapter, where I discussed combinations of two factors at high levels through the *Domestic Pressure* and *Poster Child* scenarios, here I stress the combination of all three factors at high levels. In other words, I illustrate the *Optimal Route* scenario when high salience, authority, and resources combine. Families of Bosnians who went missing during the war were exposed to high levels of external attention because this category also included victims whose suffering came to define Bosnian post-war transitional justice: Srebrenica survivors. The Srebrenica genocide of July 1995 not only conferred superior international salience and moral authority upon families of the missing among Bosniaks and most Croats but Srebrenica associations have also utilized and enhanced these tools as well as augmenting their mobilization resources. In what follows, I first

¹ The then Minister of Human Rights and Refugees from SDA.

² Interview 04/SA/NG 2014.

characterize the victim category of the missing persons' families and the associated legal outcomes. I then discuss how the three explanatory factors influenced the design of the 2004 Law. The final two sections analyse the conjuncture of these factors in the second post-war period, and the lack of access to the provisions of the Law thereafter.

5.2. CHARACTERIZING FAMILIES OF MISSING PERSONS IN POST-WAR BOSNIA

Families of missing persons form a category that belongs to the so-called 'indirect' (secondary) victims, i.e. victimized by the loss of a loved one (alongside families of the killed). In Bosnia, the term 'missing' (*nestali*) is used for both civilians and soldiers who disappeared during the war. The 2004 Law defined the missing persons as individuals 'about whom their family has no information and/or are reported missing based on reliable information because of the armed conflict that happened on the territory of the former SFRY'.³ Families of missing persons share the victimization of what some called 'ambiguous loss', caught between the past and the future without knowing whether their loved ones are dead or alive and without the ability to bury their bodies.⁴ Indeed, anthropological work in Bosnia by Sarah Wagner showed that entire families have been affected by the absence of closure after the disappearance of a family member.⁵ The lack of knowledge has been in Bosnia compounded by the active efforts of the mostly Bosnian Serb authorities to cover up traces of the crimes and even question whether the disappeared individuals ever existed. As Hamber and Wilson argued, '[t]his eradication of the identity of the victim leave survivors in a state of profound ontological insecurity'.⁶ Gaining information about graves and finding bodies or bones of their loved ones not only provides families with personal relief but can also be an important sign of a reckoning.⁷ As bodily remains represent forensic evidence of crimes, their recovery through information shared by potential perpetrators is an important sign of solidarity and societal willingness to move on. Enabling families to bury their loved ones may thus function as a gesture of reconciliation and

³ Art. 1, *Law on Missing Persons*, Official Gazette of BiH No. 50/04.

⁴ Clark 2010, 431.

⁵ Wagner 2008.

⁶ Hamber and Wilson 2002, 40.

⁷ Stover and Shigakane 2002, 850.

personal closure. At the same time, while most families of the missing demand to know what happened, finding out about their death can result in double victimization – that of an ambiguous loss and that of a full loss after the remains of their loved ones have been identified and ending any possibility that they may still be alive.

The issue of *nestali* has featured prominently in Bosnian daily life, as discoveries of mass graves have been a common occurrence: in 2015 alone, over 800 bodies were identified across the country. Although there are still over 7,500 people missing, 75 per cent of the missing had been identified by 2017 – the highest percentage of any post-war country.⁸ As discussed previously, there have been significant controversies over numbers of victims, including missing people, whereby each ethno-national group has tried to inflate their numbers. However, thanks to the work of the *International Commission for Missing Persons* (ICMP), it has been established that around 32,000 civilians and soldiers went missing between 1992-5 in Bosnia.⁹ Bosnia thus accounts for nearly 80 per cent of all the disappearances from the wars in ex-Yugoslavia in the 1990s. The ICMP further established that most missing victims were Bosniaks (88 per cent), followed by Serbs (9 per cent), Croats (3 per cent), and a very small number of the other groups.¹⁰ The vast majority of the reported disappearances were men (over 90 per cent), resulting in those left behind being mostly their wives, parents, and children.¹¹ In addition, nearly half of the reported missing people were in the eastern parts of Bosnia along the Drina River (*Podrinje*) and the majority in Srebrenica (one quarter of all cases). There has thus not only been a great predominance of Bosniak victims, but also a regional distribution of where people went missing, providing good evidence about the course of the Bosnian war and where the main atrocities were committed. Figure 5.1. depicts the regional distribution. It also indicates the total numbers of identified bodies by 2017.

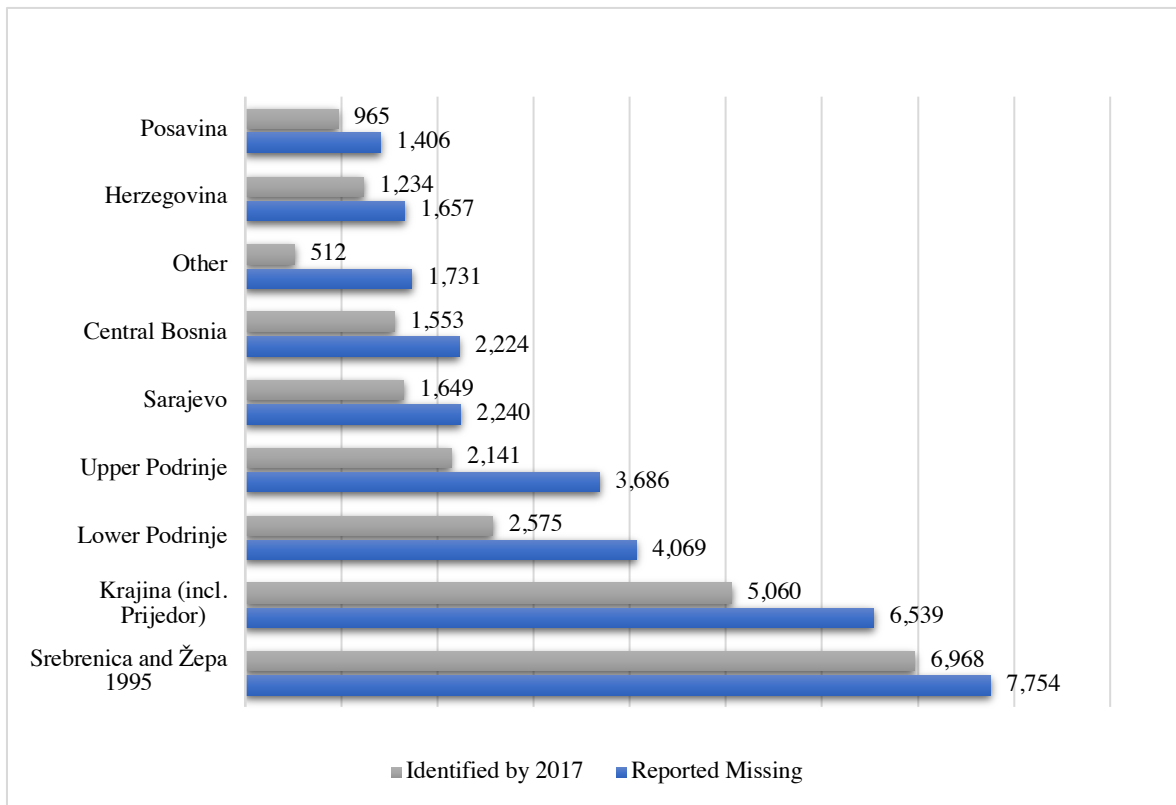
⁸ See ICMP 2017.

⁹ The exact figure was 32,169 in 2017. See Ibid.

¹⁰ Wagner 2008, 86.

¹¹ Tokača 2012, 118; Sarkin et al. 2014, 93.

FIGURE 5.1. Missing Persons by Regions/Events as of 2017



Source: Compiled by the author from data by ICMP 2017.

Given such distinct type of victimization and the regional distribution of the disappearances, Bosnian families of missing persons organized themselves separately from the rest of Bosnian victims. They initially set up small local organizations run by returnees that were located close to the areas where their loved ones went missing in the hope that they would be found. This is particularly the case with female Bosniak survivors of Srebrenica, who created several organizations in Tuzla in north-eastern Bosnia in 1996 and Sarajevo, such as *Mothers of Srebrenica and Podrinje*, *Women of Srebrenica*, and the *Movement of Mothers of the Enclaves Srebrenica and Žepa* (henceforth ‘*Movement*’), which has over 8,000 members. Bosniak families created twelve municipal associations of missing civilians and soldiers. They united in 2001 in the *Bosniak Union of Associations of Families of Missing Persons* (henceforth ‘*Bosniak Union of the Missing*’).¹² Given the lower numbers of victims among the other ethno-national groups, Bosnian Serb and Croat associations were less visible. In 1996, the

¹² There were later other associations, see Delpla 2014, 282–83.

first organization for families of missing Serbs was established as the *Republican Board of Families of Missing Persons*.¹³ Later, eight associations created an umbrella organization known as the *Republican Organization of Families of Captured and Fallen Fighters and Missing Civilians RS* (henceforth '*Republican Organization*') in Banja Luka. A splinter minority *Union of Serb Associations of Missing Persons* was also set up in Bijeljina, and later another one in Eastern Sarajevo in 2012.¹⁴ Croat victims accounted for the smallest number of victims and gathered in municipal associations that unionized as late as 2011. In total, it is estimated that there are at least 35 associations of families of missing persons in BiH¹⁵ with a membership of around 40,000.¹⁶

5.3. GOALS AND OUTCOMES: BONES AND RECOGNITION

Because the source of victimization of the families of the missing differed from other categories, such as rape survivors and invalids, information was an inherent part of the remedy they demanded. They campaigned to reveal the truth about what happened to their loved ones and recover their bodies (or bones). These efforts were soon matched by calls for punishing perpetrators. Their primary need was thus emotional but also urgent. This urgency resulted in their early protests, appeals, and silent demonstrations.¹⁷ In particular, the mothers, daughters, and wives of those 'disappeared' in Srebrenica appealed to international and domestic authorities to investigate what happened in the area in July 1995. Once the extent of the crime was clear, they turned to commemorating their loved ones. A Bosnian expert on transitional justice Aleksandra Letić explained that the hope of finding the bodies of their relatives at first 'kept the women alive', while the memory of them and their commemoration later became their life purpose.¹⁸ Their initial goal was that 'of their "right to know" ... the right to have their relatives' remains returned to them; and the right to a sanctified burial of those individual sets of recovered remains'.¹⁹

¹³ Sarkin et al. 2014, 124.

¹⁴ Eastern Sarajevo is the mostly Serb-inhabited part of Sarajevo that belongs to RS.

¹⁵ There are also three ethno-national associations in the District of Brčko.

¹⁶ Juhl 2009, 257; see also Sarkin et al. 2014.

¹⁷ Delpla 2007, 223.

¹⁸ Interview 21/BJ/NG 2015.

¹⁹ Wagner 2008, 248.

By the early 2000s, compensation became a key part of their aims as they began to face existential and psychological issues.²⁰ As most of the missing were men and thus the main breadwinners in the rather traditional Bosnian society, their wives and families were exposed to economic vulnerabilities in the precarious post-war state. The survivors realized that in addition to demanding the location of graves and punishment of those responsible, they also needed material benefits such as housing, support for burial costs, and privileges for children.²¹ In particular, they struggled to exercise their inheritance and property rights because of the complex governance structures of post-war Bosnia and their lack of documentation that had been lost during the war. As the Dayton framework devolved social welfare to the subnational level of entities, families whose loved ones had gone missing in the other entity struggled to obtain documents that would entitle them to their property and economic rights. While FBiH and later RS formally included missing persons in their entity laws for civilian victims, families were asked to declare their relatives deceased and present evidence of property ownership to be able to return to their homes, receive benefits, pensions, and inheritance.²² A state-wide framework of redress was thus needed.

Such a framework came into existence in 2004 when the *Law on Missing Persons* was adopted.²³ Alongside the War Crimes Chamber set up in 2005, the Law became the only state-wide legal framework for war victims. The Law enabled the survivors to exercise property rights, enter into new marriages and partnerships, and a variety of other social benefits, alongside monetary compensation.²⁴ The Law established a time frame (30 April 1991 to 14 February 1996) in which a person that went missing could be considered a direct victim, and clarified that all immediate family members (spouses, parents, and all dependents) were eligible for compensation as indirect victims. To satisfy the families' search for truth, it prescribed the opening of the state *Institute for Missing Persons* (IMP) and the creation of the *Central Records of Missing Persons* (*Centralna evidencija nestalih*, CEN) that all missing persons had to be entered into. After a period of three years, they

²⁰ Delpla 2007, 224.

²¹ Interview 39/SA/EX. See also Nettelfield 2010a, 108.

²² Interview 38/SA/EX 2014.

²³ Official Gazette of BiH No. 50/04, 9 November 2004.

²⁴ Dewhurst and Kapur 2015, 27.

were to be declared deceased (Art. 27). This later became a topic of dispute as many families did not want to declare their relatives dead.²⁵ However, for legal reasons – for example, to be able to receive pensions of their late husbands – it was enforced.

Recognition of the status of victims was an important part of the Law. It guaranteed families the right to know about the fate of their missing family members, the circumstances of their disappearance, and the right to receive their remains. In an attempt to at least formally standardize victims' rights, it invoked the need to treat all bereaved 'on equal conditions, regardless of whether a missing person had been a member of the armed forces or a civilian' (Art. 10). Most importantly, the Law foresaw the establishment of a *Fund for the Families of Missing Persons* (henceforth the 'Fund'). The Fund was to provide families with financial support including the period after the remains have been identified. However, this right would cease once a spouse remarried or a child finished schooling. The Law specified that relatives could choose whether to benefit from compensation under this Law or other entity laws for civilian victims (as families of the killed). Although the Law only spoke of full financial support at the amount of 25 per cent of the mean salary in the respective entity, it was to help the most vulnerable individuals by providing other social and medical services. These included educational and social privileges for children, preferential employment, and free healthcare. The Fund was to cover the cost of burials, memorials, commemorative events, and finance victim associations across the country.

On the 'International Day of the Disappeared'²⁶ on 30 August 2005, the IMP was founded as the first unified domestic body tasked with the search for missing people. Since its opening in 2008, it has established offices across Bosnia with the aim of carrying out investigations and liaising with prosecutorial offices, supporting the families, and generally complementing the forensic and scientific work of other institutions. Mimicking the three-sided administrative structures of Bosnia, IMP has been led by a Supervisory Board consisting of one Croat, one Bosniak, and one Serb. Representatives of the families became part of its six-member Advisory Board (two from each ethno-

²⁵ See Citroni 2014.

²⁶ Set up in 1981 in Costa Rica as a day to commemorate those abducted in Latin America in the 1970s.

national group) with the aim to ‘convey what the families were thinking about the governing body and to act as a stream of information from families up’²⁷. Finally, by merging twelve databases and sources, an official list of names was created in 2014, which is currently being verified. As a result, this database might be the most accurate victim statistics in BiH.

As demanded by the victims, the Law included a mechanism to streamline the search for the missing, offer socioeconomic support to the relatives, and finance the activities of victim associations. Therefore, evaluating compensation outcomes on the basis of demands and achievements, the Law’s adoption was a success at the state level, as depicted in Table 5.1. As families for missing persons were formally included in entity laws alongside families of killed, no additional claims were made for entity legislation. Therefore, I mark these outcomes as non-applicable (N/A). However, as I discuss below in section 5.5., the Fund was never established; therefore, despite the initial ‘success’ at the state level, families of the missing have had to rely on entity legislation rather than the Law to receive compensation.

TABLE 5.1. Compensation Outcomes for Families of Missing Persons

Category of victims	FBiH	RS	State legislation
Families of missing persons	N/A (but included in legislation for CWVs and MWVs)	N/A (but included in legislation for CWVs and MWVs)	Success: 2004 State <i>Law on Missing Persons</i>

Source: Compiled by the author.

²⁷ Interview 34/SA/INT 2015.

5.4. VARIATION IN OUTCOMES: THE PRIMACY OF INTERNATIONAL SALIENCE

In many respects, the 2004 legal breakthrough seems rather anomalous in the history of policy adoption for victims in BiH. Bosnian policymaking in the realm of compensation and social policies has only rarely been conducted at the state level, given that entities have significant rights in terms of administration, policies, and legal frameworks. State-level laws have usually addressed areas of key importance, such as security (state army), taxation, judiciary, and state symbols. It was thus remarkable that a victim category was treated at the state level. In this section, I demonstrate that the primary reason for this outcome is the combination of domestic and international resonance of the *nestali* issue because of the Srebrenica genocide of July 1995 combined with the high levels of activism and mobilization of the victim associations. High levels of all the three factors among the Srebrenica associations brought the rest of the families together and towards a state Law. Their success thus represents the *Optimal Route* scenario when a category attains high levels on all three factors.

5.4.1. INTERNATIONAL SALIENCE: SREBRENICA AND ITS AFTERMATH

The external attention given to the issue of missing persons is critical for understanding the 2004 Law. The levels of international salience were far superior among families of the missing and their demands to any other Bosnian victim category. The key reason is that the issue gradually became identified with the Srebrenica genocide of July 1995. No other crime during the Bosnian war has been given such international attention as the fall of the Srebrenica enclave and the disappearance of 8,000 Bosniak men under the auspices of UN soldiers. As the anthropologist Wagner argued, ‘if inaction characterized the international community’s response to the events in July 1995, then documenting the story of the enclave and its fall, its mass graves, and its missing has become a principal means of redressing the failure to act’.²⁸ Indeed, thousands of articles, reports, and books have been written documenting the genocide. It has since become a point of reference invoked when

²⁸ Wagner 2008, 21.

reporting about other war crimes and atrocities around the world, including contemporary violations in Syria and Iraq.²⁹

5.4.1.1. The Shame of Srebrenica and Legal Justice

Between 11 and 19 July 1995, over 8,300 Bosniak men and boys ‘went missing’ from the UN-protected ‘safe haven’ of the enclave of Srebrenica, which had been established and demilitarized in May 1993, after the Bosnian Serb Army under general Ratko Mladić seized the enclave. Their bullet-filled bodies were later found in over 90 mass graves scattered across eastern Bosnia.³⁰ Some body parts were uncovered in multiple graves, indicating an active effort to cover up traces of the killings.³¹ The men had their hands tied and were unarmed³², thus classifying them as civilians. The vast number of documents and eye-witnesses allows for an accurate reconstruction of the events. After the RS Army gained control over the enclave, it loaded around 2,000 men who had previously sought refuge at the UN compound onto buses. The powerless Dutch UN battalion (UNPROFOR Dutchbat) showed poor resistance and even assisted the RS soldiers with loading the buses. The Bosniak men were later executed in the nearby fields, schools, and warehouses. Women and children were separately driven to the nearby city of Tuzla. An additional 15,000 men fled to the woods but only 9,000 made it out alive.³³ The rest were executed by the RS forces and Serbian paramilitaries.

Once the first reports about the killings appeared in the media, public bodies and human rights activists worldwide demanded an urgent investigation of the crime and punishment for the executioners. Human Rights Watch (HRW) argued that Srebrenica ‘made a mockery of the international community’s professed commitment to safeguard regions it declared to be “safe areas”’³⁴. It called for external actors ‘to fulfil their moral and legal duty’ and bring those responsible to justice. In reaction to the international failure, the UN Special Representative for Human Rights

²⁹ See Noack 2016.

³⁰ See Rohde 2015.

³¹ Several women were also uncovered in the graves, as well as a few Croats.

³² The UN previously ordered all men in Srebrenica to surrender their weapons so that the zone could be demilitarized.

³³ For a detailed description see Nettelfield and Wagner 2013, 9–14.

³⁴ Human Rights Watch 1995, 1.

Tadeusz Mazowiecki resigned from his post and accused international actors of a 'lack of consistency and courage'³⁵ in Bosnia.

The 'shame' of not preventing Srebrenica has haunted the UN and external actors after the war and has also shaped their subsequent actions.³⁶ Srebrenica pushed Western countries to intervene in the conflict and commit to Bosnian peacebuilding. Some authors even claim that while the act of establishing the *ad hoc* Tribunal, the ICTY, in 1993 was merely a 'public relations device', it was Srebrenica that impelled external actors to commit to its work.³⁷ While the ICTY had already been under growing pressure from human rights activists who were firmly set on seeing it succeed,³⁸ Srebrenica certainly helped its operationalization: only after Srebrenica did the ICTY gain sufficient resources and foreign assistance to indict and capture suspected war criminals.³⁹ By the end of the war in November 1995, the ICTY indicted the two main suspects of orchestrating Srebrenica – Radovan Karadžić and Ratko Mladić. And only after Srebrenica did US President Bill Clinton give his consent to the NATO bombing of Serb forces in Bosnia, leading to the US management of the Dayton peace talks. The ensuing diffusion of the international norms of justice and the 'Responsibility to Protect' of 2005 are partially also the result of the UN failures in Bosnia.⁴⁰

The international and media interest was critical for local victim associations that were able to maximize this attention to drive home the message that their loved ones must be found and identified. The ICTY became their key ally as it soon legally defined their suffering as amounting to genocide. As early as November 1996, a low-ranking soldier of the RS Army Dražen Erdemović pleaded guilty to executing hundreds of Srebrenica men and shared valuable information about the other perpetrators.⁴¹ The key turning point came in August 2001 when the Bosnian Serb general Radislav Krstić was found guilty of genocide. In its judgement, the ICTY established that at least 7,500

³⁵ Mazowiecki 1995.

³⁶ Shame later featured in commemoration projects, most notably in a memorial called the 'Pillar of Shame' in 2010 in the shape of letters 'U' and 'N' filled with shoes symbolizing disappearance. See Simić 2012.

³⁷ Williams and Scharf 2002, 92.

³⁸ See Orentlicher 2010.

³⁹ Nettelfield 2010a, 83.

⁴⁰ Of course, Somalia and Rwanda featured as a motivator too. See Chandler 2009.

⁴¹ See the case online at <http://www.icty.org/case/erdemovic/4>.

civilian Bosniak men were executed in and around Srebrenica with the intent to annihilate Bosnian Muslims.⁴² This case featured prominently in the victims' understanding of their plight as they began to frame themselves as internationally recognized victims of genocide in their appeals and campaigning activities (see below). Until 2016, fifteen individuals were found guilty of participating in the genocide at the ICTY, including the former RS President Karadžić.⁴³

The framing of the missing as victims of genocide has functioned as powerful leverage among political authorities in the Federation.⁴⁴ Nettelfield has argued that the ICTY findings about genocide provided victims with the capital to 'make claims of accountability and mobilize on behalf of their missing relatives'.⁴⁵ The primary Srebrenica associations, the *Movement* and the *Women of Srebrenica*, became witnesses, interlocutors, and commentators of the work of the ICTY (and later the domestic War Crimes Chamber). They assisted the Tribunal in collecting information, as well as mobilizing the diaspora to testify and provide information.⁴⁶ Srebrenica victims later also became the Tribunal's forceful critics because of its uneven sentencing and, among other things, the ICTY's destruction of personal items of the Srebrenica victims.⁴⁷ The international attention they were given was critical for both their external and domestic positions, especially in the first and second post-war periods when many human rights organizations advocated for their rights and recognition. Among many others, Amnesty International appealed in 2003 to domestic institutions to recognize all missing people's families and provide them with material benefits. It referred to some of the most famous cases of missing persons, such as the disappearance of the Bosniak general Avdo Palić, and invoked Srebrenica to advocate for 'a genuinely equitable system for the reparation of victims'.⁴⁸

Beyond identification, the other concern of survivors was the burial of remains and funding for commemorative activities. As security conditions in Srebrenica gradually improved, bereaved

⁴² Prosecutor vs. Krstić, IT-98-33. See online at <http://www.icty.org/case/krstic/4>.

⁴³ For all Srebrenica-related cases, see online at <http://www.icty.org/specials/srebrenica20/?q=srebrenica20/>.

⁴⁴ The Economist 2002.

⁴⁵ Nettelfield 2010a, 210.

⁴⁶ Delpla 2014, 267–73.

⁴⁷ See Simić 2014.

⁴⁸ Amnesty International 2003, 48.

women started returning and commemorating their missing on the day they disappeared, 11 July. The annual commemoration soon turned into a large annual gathering at the UN military compound in Potočari, accompanied by the burial of newly exhumed bodies (or their parts).⁴⁹ The first large ceremony was organized by the women in 2000 with financial support and endorsement from the HR Wolfgang Petritsch and the participation of international politicians.⁵⁰ A year later, the OHR set up a foundation with the objective of establishing a memorial.⁵¹ The Executive Board of the foundation was appointed by the OHR and included US and European ambassadors, as well as the Grand Mufti of the Islamic Community in BiH. In September 2003, the ‘Memorial Complex Srebrenica-Potočari’ was inaugurated by Bill Clinton. Thereafter, world leaders and regional politicians began streaming to Srebrenica for the annual 11 July commemoration and the Memorial received generous external funding.

In the period prior to the Law’s adoption, family associations became important public actors for another reason – their contribution to scientific progress. While the issue of missing people was by no means new in international affairs⁵², it was not until the Bosnian war that the issue gained momentum, and a more streamlined approach to identification methods, that have since been used around the world, were developed. As early as 1992, the growing advocacy for the right to know the truth led to the UN ‘International Convention on the Protection of All Persons from Enforced Disappearance’.⁵³ A series of initiatives led by the ICRC and Physicians for Human Rights followed, aimed at documenting the possible places of disappearances in Bosnia. For example, Eric Stover, the prominent American human rights activist working on cases of the disappeared in Latin America and later for the ICTY, relocated to Bosnia to assist with the development of new identification methods.⁵⁴ These efforts were supported by the OHR but needed an umbrella institution, which the

⁴⁹ During the largest ceremony in 2010, 775 exhumed bodies (or their parts) were buried.

⁵⁰ Duijzings 2003, 157.

⁵¹ OHR 2001.

⁵² The issue entered public awareness in the late 1970s when families of civilians that had disappeared during dictatorships in Argentina, Chile, and Uruguay, among others, mobilized to demand the truth about their children’s whereabouts (e.g. *Mothers of the Plaza de Mayo* in Argentina). See Stover 1985; Quinn 2014.

⁵³ See UN General Assembly 1992. By 2006, it was codified as a Convention with binding commitments. It extended the previous 1956 UN *Declaration of Death of Missing Persons* that regulated economic rights of survivors.

⁵⁴ Fondebrider 2009.

US administration eventually sponsored. In 1996, the US government established the ICMP in Sarajevo with a mandate to provide technical assistance in the search for missing persons.⁵⁵ As peace was established relatively quickly, Bosnia was able to host such an enterprise, despite the bipolar entity structure of the country that led to many technical issues.⁵⁶

The ICMP gradually took over the previously piecemeal search for the missing from the entity institutions and the ICRC.⁵⁷ After Srebrenica, the search for large numbers of reported missing people needed a new approach. The issue was identified in the Dayton Peace Agreement, which asked all parties to ‘provide information through the tracing mechanisms of the ICRC on all persons unaccounted for’ (Annex VII, Art. V). Consequently, the OHR and the ICRC set up a working group to cooperate with the two commissions and families. Yet the ICRC did not have the technology for identification. Nonetheless, until the end of the 1990s, it was difficult to bring the entities together as each mostly searched for people of their own background through their separate commissions (one in FBiH and one in RS). Until 2001 only 140 bodies from Srebrenica were identified via traditional means since many bodies were scattered across primary, secondary, and tertiary graves.⁵⁸ Identifications necessitated a high level of scientific expertise to analyse the skeletal remains, as well as a comprehensive approach involving the police, investigators, prosecutors, but critically – also the victims themselves. The ICMP brought these efforts under one roof by working with the state institutions, scientists, and family associations. In 2001, it developed a new path-breaking DNA-based analysis of matching body parts to family members through a large campaign of gathering blood samples that significantly accelerated the identification process, not only in Bosnia but around the world.⁵⁹ By 2017, exactly 6,968 bodies from Srebrenica were identified (see Figure 5.1. above).

⁵⁵ It has been funded by the US government, C. S. Mott Foundation, European governments, and the EU.

⁵⁶ As Srebrenica became part of RS, physical access to some locations was initially dangerous.

⁵⁷ Sarkin et al. 2014, 27.

⁵⁸ Wagner 2008, 82.

⁵⁹ Ibid. 90.

5.4.1.2. *Benchmarking Victimization*

Nonetheless, the external focus on Srebrenica victims left other victims' families in its shadow. Srebrenica became 'the benchmark of victimhood which we use for all other victims'⁶⁰, Bosnian NGO workers noted. Families of victims in the Prijedor municipality and the central Bosnian village Ahmići as well as in other areas of eastern Bosnia rarely had the opportunity to voice their views in the same fashion as the Srebrenica survivors.⁶¹ Nearly 3,200 mainly Bosniaks and Croats went missing during the war in and around Prijedor, many in the notorious camps such as Omarska, Trnopolje, and Keraterm. Yet the external attention to these crimes was limited as they were never legally ruled to have amounted to genocide. The Prijedor-focussed association of victims *Izvor-Prijedorčanki* (Source – Women of Prijedor), set up in 1996 in Sanski Most, tried to bring attention to these crimes by engaging the diaspora, foreign governments, and the civil sector. However, it has taken them over a decade to attract external attention. The low levels of external interest in the other cases was a source of regret for the other victims early on. Ahmet Grahić, the leader of the *Bosniak Union of the Missing*, argued that in terms of numbers 'two Srebrenicas' were committed in eastern Bosnia but 'internationals did not care about the rest of us because of Srebrenica where all their resources went'.⁶² Indeed, as others noted, 'you could have paved roads to Srebrenica by golden coins from the international aid that it received'.⁶³

Even more prominently, Bosnian Serb families were entirely excluded from the international agenda. Given their low numbers and their framing as the *genocidaires*, Bosnian Serb associations became the most marginalized and were rarely mentioned in external reports before 2004. The only external organization that has included them in its work was the ICMP, which needed their blood samples, but also encouraged them to cooperate across entity (and ethnic) lines. The leader of the *Republican Organization*, Nedjeljko Mitrović, stressed during our interview that apart from the ICMP, his

⁶⁰ Interview 52/SA/EX 2014.

⁶¹ Ahmetašević 2015b.

⁶² Interview 37/KL/CV 2015.

⁶³ Interview 17/TZ/NG 2015. Indeed, in its 2002 report, the Dutch government calculated that from 1996 to 2002 only, nearly 34 million Euro were sent to Srebrenica-related projects.

organization never received any international support because the external focus was on Bosniak victims. To him, Bosnian Serb *nestali* were ignored and their numbers underestimated.⁶⁴ This effectively intensified the Serb victims' struggle for what Horowitz called 'relative group worth', where one ethnic group (usually the minority) competes with another over its value, in this case in the sphere of victimhood.⁶⁵

Despite this lack of external concern for other representatives of the *nestali* families, Srebrenica mounted the issue high on the external agenda of transitional justice. Because of the need to collect blood samples and evidence from all relatives, the ICMP had to cooperate with all families.⁶⁶ The spotlight on Srebrenica thus advanced the inclusion of all *nestali* associations in the negotiations about a new law for this category. The ICMP together with the ICRC, OHR, and OSCE began to pressure the central government to simplify the search for the missing and assist their families. Yet it also insisted on including the families in the process. Matthew Holliday, head of the ICMP's Western Balkans section, insists that their work could not have proceeded without the families because they set out the agenda and provided valuable information.⁶⁷ This cooperation facilitated a process that was launched at the end of the first post-war period: in 2000, the ICMP formally opened a domestic institution, the national *Institute for Missing Persons*. Munira Subašić from the *Movement* was the symbolic founder of the new institution.⁶⁸ However, this was only a formal inauguration; it did not begin functioning until eight years later after it was included in the 2004 Law.

However, the ICMP launched and mediated a dialogue between the families and the government. The result was the start of official debates in 2002 between family associations, the civil sector, international organizations, and representatives from the Ministry for Human Rights and Refugees (MHRR) about the future design of a state law. Subsequently, a panel for families was set up in March 2003 to become part of a working group led by the MHRR's legal advisor Saliha Đuderija.

⁶⁴ Interview 108/BL/VC 2015.

⁶⁵ Horowitz 1985, 143.

⁶⁶ This is documented in the frequent media reports about such meetings. See, for example, *ONASA* 1999b.

⁶⁷ Interview 34/SA/INT 2015.

⁶⁸ Since 2003, Bosnia has become the world's hub for the search for missing persons. ICMP identified victims of the 9/11 attacks, Hurricane Katrina, and the Haiti tsunami, among others. See Wagner 2008, 245–265.

As alluded to in the introduction to this chapter, these debates and the involvement of the civil sector and family associations was unprecedented. All existing family associations from the three ethno-national groups and from Brčko participated. In retrospect, the Bosnian Serb associations also appreciated the process because it guaranteed non-discrimination and equal treatment for all families across BiH.⁶⁹ Although the process was officially managed by MHRR, in our interview Đuderija acknowledged that ICMP's leadership and insistence on legally streamlining the search was an important aspect of how it started. She recognized that although the issue was a 'political question', the financial support of the ICMP and OHR for this mission convinced all parliamentarians to 'raise their hands' for the law in October 2004. 'We did not have the technologies and the money to create such a project, so the financial support and expertise of ICMP was the only chance for the families to see a comprehensive approach to the search and their rights take place', she explained.⁷⁰ Moreover, victims across the country stood behind the state-level proposal. The law was unanimously adopted during the 45th session of the Bosnian Parliament on 12 October 2004. It came into force on 9 November 2004.

5.4.1.3. *Assessing the International Salience of Families of Missing Persons*

Due to the vast international interest and public attention given to the genocide in Srebrenica, international salience of the *nestali* issue has been significant since the Bosnian war. While external actors – led by the ICMP and OHR – needed to provide some remedy for survivors of this crime as Srebrenica came to embody the international failure to protect civilians, domestic victim associations aligned their efforts to leveraging the international shame further.⁷¹ This also led to the establishment of new institutions as ways of contributing to delivering 'factual and objective information'⁷² about the causes of death, identities, and numbers of the missing. Victims also demanded funding to support their commemoration activities as well as the direct physical reconstruction of the area. Although the focus on Srebrenica pushed other victim associations to the background, the category

⁶⁹ Interview 108/BL/VC 2015.

⁷⁰ Interview 23/SA/PP 2015.

⁷¹ Wagner 2008, 89.

⁷² Boraine 2006, 20.

of families of the missing ultimately benefited from the superior international salience of Srebrenica amplified by the vigorous activism of the Srebrenica women. The overall international salience of the *nestali* in 2004 is summarized in Table 5.2.⁷³

TABLE 5.2. International Salience of Families of Missing Persons

Category/indicators	World attention to the issue	Country-specific discursive support	Special office or project	Financial support	Overall
Families of missing persons	Substantial due to the ‘shame of Srebrenica’, less so to other regions	Substantial in media reports and international organizations: ICTY, ICMP, OHR	Several: ICMP, IMP, Potočari Memorial	Vast and focussed on Srebrenica, also diaspora	High

Source: Compiled by the author.

5.4.2. MORAL AUTHORITY: THE EPITOMES OF SUFFERING

In addition to the prioritization of the Srebrenica case, Srebrenica families have also had a high moral authority among Bosniaks and Croats, whose politicians were keen on framing Bosnian Serbs as the key perpetrators of the war. In particular, any criticism directed at Srebrenica victims has become apostasy among Bosniak politicians. This has also been compounded by the female identities of the survivors and the scale of individual suffering as some women lost several immediate relatives (sons, husbands, and fathers). This unimaginable suffering has been ‘monumentalized’⁷⁴ in the Bosniak remembering of the war and resonates among the public in FBiH – but also in some liberal circles of RS. Moreover, at the time of the Law’s adoption, their moral authority was accepted by leading political authorities in RS because of an unprecedented acknowledgment of guilt for the atrocity.

⁷³ Please see Annex 2 for the used sources.

⁷⁴ Henig 2017, 46–47.

5.4.2.1. *‘Do not Forget Srebrenica!’*

‘So that it is not repeated and forgotten’ (*Da se ne zaboravi i ne ponovi*) has become the key slogan of domestic collective memory of Srebrenica. The crime and its survivors have domestically gained prominence as the most discussed, commemorated, and invoked event of the war. The events of July 1995 became the defining turning point of the Bosnian war, the ‘crime of crimes’⁷⁵, and the key *lieu de mémoire*⁷⁶ of Bosniaks as Srebrenica became the cornerstone of the new Bosniak national identity.⁷⁷ The genocide was proof of the disproportionate Bosniak victimization that was during the war relativized by external actors as an excuse for not intervening. It further justified the existence of an independent Bosnian state and SDA’s wartime case for the Bosnians’ right to be sovereign.⁷⁸ Appropriating the memory of the war, SDA leaders have not only led the July commemorations but actively supported the creation of a nearly religious aura of martyrdom around the killed men. Especially the commemoration in Potočari of 11 July has turned into the largest annual event of grief in Bosnia and the wider ex-Yugoslav region. It became a macabre example of ‘dead body politics’⁷⁹ when bodily remains began to be used as a tool to create new national cosmologies and to vilify the enemy. Instead of allowing survivors to grieve for their lost loved ones in peace, it has become a platform for Bosniak authorities to present themselves as protectors of their community, to demonstrate the scale of the crime, and to juxtapose the victims (read Bosniaks) and the perpetrators (read Serbs). Especially before elections, pictures of politicians alongside the women, Islamic symbols, and the green caskets with the bodies have been used as ‘performative victimhood’⁸⁰. A Bosnian commentator noted already in 1998 that even after their death, Srebrenica men became a tool of ‘pre-electoral campaigning’.⁸¹

⁷⁵ Nettelfield and Wagner 2013, 16.

⁷⁶ Literally, the ‘place of memory’. See Nora 1989.

⁷⁷ Bougarel et al. 2007, 26.

⁷⁸ Interview 86/SA/MD 2014.

⁷⁹ Verdery 1999, 3.

⁸⁰ Sivac-Bryant 2014.

⁸¹ Beric 1998.

The religious dimension of the commemoration is critical as Srebrenica's victims have become the epitome of the Bosniak suffering and the genocidal targeting of Muslims for their religion. The anthropologist Henig extensively studied the role of Srebrenica in the Bosnian Islamic tradition. He argues that the Islamic Community has turned the commemoration into a semi-religious day by introducing 11 July into the Muslim calendar.⁸² Despite the opposition of some individual families, the ceremony is conducted as a clear Muslim burial (*dženaza*) and the recovered Srebrenica men are referred to as Islamic fallen soldiers-martyrs (*šehidi*).⁸³ Since 2005 the *dženaza* has also been preceded by the so-called *Peace March* (*Marš mira*), a four-day pilgrimage-like trek accompanied by collective prayers even from non-practicing Muslims and foreigners. Mostly against their volition, women in white headscarves crying over green caskets became the main symbols of Bosniak suffering. They have been framed as 'mothers of the nation' that have sacrificed their loved ones for the nation. As Bosniak victimhood has become equated with womanhood due to the statistical preponderance of female survivors, they have been seen as perfect and innocent victims (see also the next chapter). However, this framing was also actively support by some female survivors. As Helms demonstrated, some women's groups in Srebrenica used these frames strategically to drive home the message that Srebrenica was not only a crime against humanity but also against womanhood and the traditional values of family.⁸⁴ Media articles, popular culture, and educational projects in FBiH, as well as the main Bosniak political authorities have utilized these maternal figures to monumentalize the extent of the Bosniak suffering.⁸⁵

The close link between Srebrenica and the Bosniak nation – but also the Bosniak political leadership – was forged early on. Immediately after July 1995, Srebrenica women demanded the truth about what happened. They sought an explanation from the Bosnian Army general Rasim Delić and President Izetbegović for why the commander tasked to protect Srebrenica, Naser Orić, had been called off just weeks before the genocide.⁸⁶ The first leader of the Srebrenica victims, Ibran Mustafić,

⁸² Henig 2017, 48.

⁸³ For more see also Wagner 2008, 215–21.

⁸⁴ See Helms 2013.

⁸⁵ Wagner 2008, 66.

⁸⁶ Duijzings 2007, 156.

made Izetbegović uneasy as he continued to claim that Srebrenica's men were sacrificed by the Bosniak leadership in agreement with external actors to legitimize military action.⁸⁷ However, other Srebrenica associations soon stopped enquiring and the failure to protect Srebrenica was pinned on the Dutch and UN forces.⁸⁸ Duijzings suggested that the reason for this was the worry among the women that any conflict with the main Bosniak political party over Srebrenica could halt their other activities, such as the burials in Potočari, and influence trials.⁸⁹ Although victim associations opposed such accusations⁹⁰, the subsequent support of the *Movement* provided for SDA in the public sphere suggest that a tacit alliance was forged between associations such as the *Movement* and SDA: the women would stand behind SDA as long as the party continued its support.⁹¹ While other Srebrenica victims opposed such an alliance, the *Movement* under Munira Subašić appropriated the memory of the genocide. Its subsequent legal compensation through litigation and protests were directed at the UN and the Dutch government (as well as neighbouring Serbia and the other entity RS) but rarely against Bosniak-led governments.⁹²

Nonetheless, the public and the SDA supported the victims, acknowledging that Srebrenica women survived a 'living hell' during and after the war.⁹³ Most Bosnian media articles about Srebrenica from the first two periods document the suffering of those who survived and their 'life after genocide' as a constant struggle with Bosnian Serb authorities to gain information.⁹⁴ These were matched by a large number of commemorative and educational events, exhibitions (such as a photo exhibition by a famous photographer Tariq Ramadan in 2004), films (e.g. *Gori Vatra* in 2003 about a father searching for his son in Tešanj), and projects dedicated to missing people's families. The moral authority of Srebrenica survivors in the Federation became unshakeable, despite some dissenting voices about the political links between several victim leaders and the main Bosniak

⁸⁷ Berić 1998. See also Hoare 2004, 118.

⁸⁸ See Bougarel 2012.

⁸⁹ Duijzings 2007, 157.

⁹⁰ Nettelfield and Wagner 2013, 128.

⁹¹ See also Delpla 2014, 283.

⁹² Nettelfield 2010a, 113–16.

⁹³ Interview 17/TZ/NG.

⁹⁴ Omeragić 2007.

parties – SDA and SBiH.⁹⁵ However, the great moral authority of Srebrenica in FBiH alone could not have led to a state law, as the consent of the other two ethno-nations was also needed.

5.4.2.2. *Between Denial and Acceptance*

Sands argues that victims of genocide tend to have a reinforced victimhood identity while the perpetrators tend to have a reinforced sense of hatred for being framed as *genocidaires*.⁹⁶ Indeed, the willingness of Bosnian Serb authorities and victim associations to accept the genocide was non-existent. Since some prominent Srebrenica women in the *Movement* such as Subašić actively supported the discourse of Haris Siljadžić that Serbs were *genocidaires* and RS was a ‘genocidal creation’ (*genocidna tvorevina*), the Srebrenica debate turned poisonous soon after the war, pitting Serb against Bosniak victims. Although the total number of missing people among the Serb population was nine per cent of the total (i.e. 3,000), the *Republican Organization*, under its leader Nedeljko Mitrović, tried to make a strong case to compete with Srebrenica’s victimhood by claiming a number three times higher. Mitrović has vigorously supported the official RS master frame of the war, advocating the idea of Serbs as ‘perennial victims’ of both Muslims and Croats. This notion of Serbs as an oppressed people featured in RS commemorations such as the annual Jasenovac events⁹⁷ and political rallies of the nationalist parties. The additional components became what Eric Gordy called ‘pure denial or impure avoidance’⁹⁸ as a political strategy to reject existing evidence about crimes, even in the face of growing scientific documents. This has also been combined with the strategy of ‘tu quoque’ (meaning ‘you too’), that is the claim that crimes on Serbs by Bosniaks were also widespread.⁹⁹ A good example is the counter-claim by Mitrović that up to 1,300 Serb civilians were killed in Srebrenica – a figure unsupported by the evidence.

⁹⁵ Interview 21/BJ/NG 2015.

⁹⁶ Sands 2003.

⁹⁷ Jasenovac was a concentration camp located in northern Bosnia where Croatian nationalist Ustaše during World War II executed around 80,000 people, over half of whom were Serbs.

⁹⁸ Gordy 2013a, 89.

⁹⁹ Ibid.

However, the domestic resonance of Srebrenica combined with its international salience led to several investigations in RS. At the request of 49 relatives of the Srebrenica victims, the Human Rights Chamber in Sarajevo investigated whether the families' right to know the truth about their relatives was violated by RS.¹⁰⁰ The Chamber found that RS had not provided all information about potential mass graves in and around Srebrenica and ordered RS to disclose such information and pay the equivalent of two million Euro to the Potočari Memorial.¹⁰¹ The judgement was supported by renewed pressure by the High Representative Paddy Ashdown, who further implored RS authorities to create an investigative commission. The result was the 'Commission for Investigation of the Events in and around Srebrenica between 10 and 19 of July 1995'.¹⁰² While it was not the first RS commission (the first was in 2002), it was the first one that included domestic and foreign experts aiming to deliver facts. The first documents again misreported numbers, so the HR restructured the commission, which eventually established that 7,779 Bosnian Muslims were indeed 'liquidated' in Srebrenica.¹⁰³

Prompted by these findings, the RS President Dragan Čavić from the Serb Democratic Party (SDS) issued an unexpected and unprecedented public apology for the killings in Srebrenica soon after in June 2004.¹⁰⁴ He stated that Srebrenica was a tragedy and a 'black page in the history of the Serb people'.¹⁰⁵ Later, the RS government issued an official statement of apology to the families where it expressed its 'true regret' about what happened in Srebrenica and apologized to the survivors 'for the tragedy they experienced'.¹⁰⁶ Although the statements fell short of calling it genocide, Čavić's apology was a semi-revolution. He subsequently faced outright criticism by the RS Assembly and many nationalist circles in both RS and Serbia. However, the admission of the existence of the crime

¹⁰⁰ In the so-called 'Selimović Case' (CH/01/8365 et al.) against RS in 2003. See <https://goo.gl/qORtLk>.

¹⁰¹ See Nettelfield 2010a, 122–28.

¹⁰² ICTJ 2004, 8.

¹⁰³ The report also yielded a list of 20,000 names of persons implicated in the genocide that was shared with the Prosecutor of BiH for further investigation. See Stan and Nedelsky 2013, 41.

¹⁰⁴ Ferstman and Rosenberg 2009, 495.

¹⁰⁵ Nettelfield and Wagner 2013, 251.

¹⁰⁶ Milanović 2006, 255.

was critical for the acceptance of the surviving families and their demands, paving way to the recognition of victims of the ‘other side’, until then a rare occurrence.¹⁰⁷

Thereafter, Bosnian Serb victim associations temporarily relaxed their discourse of belittling Srebrenica victims and accepted negotiations at the state level. Only in 2006 did Mitrović publicly criticize the earlier declaration by Čavić and the findings of the commission.¹⁰⁸ In 2004, he agreed to take part in the negotiations on the new Law and supported the creation of a state institution. As the RS-based political analyst Srđan Puhalo noted, his financial dependence on RS authorities determined his formal stance in 2004 as he had always been ‘of the same opinion as the political elites’.¹⁰⁹ The willingness of Serb associations led to the participation of other victims that did not generate resonant frames of suffering or identification with a national discourse. As the number of mass graves excavated across the country shifted public attention from one region to another – from Prijedor to Upper Podrinje – other *nestali* associations came together under the Srebrenica leadership. The only exception gradually became *Izvor* in Prijedor that increasingly succeeded in amplifying the Prijedor crimes in the public discourse independently. However, such efforts came to the forefront only after 2004. Until then, the pull of Srebrenica’s authority and the need for cooperation (discussed below) brought the associations together.

5.4.2.3. *Assessing the Moral Authority of Families of Missing Persons*

Questioning the moral authority of Srebrenica families has become a taboo in Bosniak circles. Srebrenica victims have not only gained important public empathy in the Federation due to the extent of their suffering and their ability to align with the main war narratives of Bosniaks, but they were also appropriated by the main Bosniak leadership, keen on supporting the survivors’ demands. Frames of the ultimate suffering of Srebrenica culminated during the second period through the monumental commemorations of 11 July in Potočari and the powerful imagery of Muslim women with headscarves grieving over the bodily remains of their loved ones. Though overshadowed by

¹⁰⁷ De Vlaming and Clark 2014, 178.

¹⁰⁸ Interview 21/BJ/NG 2015.

¹⁰⁹ Interview 33/BL/EX 2015.

such ‘monumentalization’ of the crime, other associations of families of the missing benefited from the stir the issue unleashed domestically. With the public recognition of the killings in June 2004 by the President of RS at the time, Bosnian Serb leadership (that had denied the crime before and soon after the admission) formally allowed for a state-wide approach to the issue of the missing. Even if this move was linked to international pressures and the judicial ruling of the Human Rights Chamber, it allowed all victims to be viewed as deserving of a state-wide law. Srebrenica survivors thus had high moral authority in the Federation and a tacitly and temporarily accepted moral authority in RS. Moreover, the Law was aimed at addressing the demands of Bosnian Serb families too, thus not exclusively focussed on Srebrenica. The previous discussion is summarized in Table 5.3. that shows how a combination of structure and agency resulted in the high moral authority of the category.

TABLE 5.3. Moral Authority of Families of Missing Persons

Category/ indicators	Supportive public discourse and exposure	Alignment with war and/or national narratives	Invoked in significant events	Supportive cultural treatment	Overall
Families of missing persons	Only among the respective ethno- national community; but 2004 admission of guilt brought them together	Srebrenica as the pillar of Bosniak victimhood, in RS missing Serbs as ‘perennial victims’	Framed as mothers of Srebrenica; commemorations, burials and national days	Extensive: organized exhibitions and events	High

Source: Compiled by the author.

5.4.3. MOBILIZATION RESOURCES: REMEMBRANCE AND ALLIES

While the combination of international salience and moral authority of the families generally represented by the Srebrenica victims was potent, the additional leverage of this category stemmed from its resources to mobilize. As explained above, families of the missing were driven by their urgent need to find out what happened and to bury their loved ones. This objective prompted immediate action rather than passive suffering, to which some individual direct victims were initially susceptible. Already during the war, the women mobilized in protests, appeal actions, and campaigns

for truth. While their organizational resources and energetic activism were at first higher than that of other victim categories, they also suffered from poor skills and access to policymakers. However, due to their resilience, networking, and legal strategies, this gradually changed. This section explains the quality of their resources and argues that the aggregate mobilization resources of this category contributed to convincing their political authorities that the issue must be tackled through a policy.

5.4.3.1. *Protests and Allies of Srebrenica's Women*

Mobilization resources of missing people's families in the early post-war years can be defined as a combination of intensive protests and campaigns for truth. In 1996, two thousand Srebrenica women organized a rally in front of the ICRC offices in Tuzla demanding information about the whereabouts of their missing men.¹¹⁰ They refused to believe what had happened, hoping their men were instead doing forced labour in Serbian prison camps across the border. Many did not accept death certificates provided by the ICRC, which were necessary to receive pension benefits and claim property rights.¹¹¹ Thereafter, they started spontaneous protests that resulted in the creation of formal victim associations. Because of their slow (or even unwilling) return, the main victim associations started working from Tuzla and Sarajevo, where many of the displaced settled. They organized awareness-raising events to find out the truth.¹¹² For example, from 1995, the prominent association *Women of Srebrenica* was among the first to organize such actions and on every 11th day of the month staged a silent protest with banners, 'Let us not forget' and 'We are searching for our missing' in Tuzla. These improvised protests were organized with limited resources but they later transformed into the above-mentioned commemoration service in Potočari.¹¹³ Although the women often did not have more than a dozen participants in their campaigns, their persistence and potency of their message contributed to their frequent presence on the media, with positive consequences for their aims.¹¹⁴

¹¹⁰ Bougarel 2012, 108.

¹¹¹ Stover and Shigakane 2002, 855.

¹¹² Leydesdorff 2011; Helms 2013; Nettelfield and Wagner 2013.

¹¹³ Wagner 2008, 73.

¹¹⁴ *Dnevni Avaz* 2015.

Nonetheless, they required further resources to convince both domestic and external actors to support them. The financial and in-kind support of the civil sector (especially *Amika*, *Bosfam*, *Centar za žene IVA*, *Medica Zenica*, *Viva žene*, and later *Snaga žene*) increased their technical and legal capacities. Branka Antić-Štauber, who had worked with Srebrenica women since the war, explained that survivors in eastern Bosnia before the war lived in a rural patriarchal setting in large families dominated by men.¹¹⁵ The war fully disrupted their lives and furthermore deprived them of the main breadwinners in their families. Despite NGO support and humanitarian aid, they struggled to economically survive. However, Srebrenica survivors showed a remarkable resilience and ability to learn. *The Movement* under Subašić, *Women of Srebrenica* under Nura Begović and Hajra Čatić, as well as some individuals such as Hasan Nuhanović, who had served as an interpreter for the UN soldiers in 1995, became the public faces of the genocide and campaigners for justice for the survivors.¹¹⁶ They used their personal stories to raise awareness about the Srebrenica crime and its victims.¹¹⁷ Also thanks to their international salience, they were able to attract powerful allies, such as the HR, foreign ambassadors, Bill Clinton, and celebrities such as Bianca Jagger. As an expert noted, ‘these women were housewives before the war, often even illiterate. But history has pushed them to the foreground and they now talk to Ban Ki Moon and Angelina Jolie’.¹¹⁸

Their resources gradually grew with their networks of allies and their *ad hoc* actions turned into more sophisticated activities in the second post-war period. By the early 2000s, the victim leaders became acquainted with some basic legal principles regarding human rights and even with the fundamental functioning of the Bosnian legal system, both of which they used to pressure domestic authorities.¹¹⁹ As noted above, they initiated dozens of court cases at the Human Rights Chamber against RS and its military personnel and later filed civil claims at the State Court. After the first UN report on Srebrenica was published in 1999, supported by domestic NGOs and lawyers, they sued

¹¹⁵ Interview 17/TZ/NG 2015.

¹¹⁶ They have later created transnational networks with other similar goals elsewhere. Nettelfield 2010a, 104.

¹¹⁷ See Nettelfield and Wagner 2013.

¹¹⁸ Interview 21/BJ/NG 2015.

¹¹⁹ Interview 29/SA/EX 2014.

senior UN officials for failing to protect the UN enclave.¹²⁰ Thereafter, they directly lobbied the UN Secretary General to compensate them.¹²¹ They equally mobilized against the Dutch government, which eventually published its own investigation in 2002 at the Dutch Institute for War Documentation, whose condemning conclusions led to the fall of its government in the same year.¹²² They have further brought their claims to international courts, including the ECtHR.¹²³ Using legal leverage and their wide networks, Srebrenica survivors gradually developed into potent activists and campaigners.

However, the strategies they have chosen were only rarely directed against the Bosniak government in Sarajevo. As Srebrenica is a municipality in Republika Srpska, it has always been a key concern for Bosniak parties to prevent the election of a Bosnian Serb mayor in the municipality. Some prominent Srebrenica associations became vigorous electoral mobilizers in Bosnia and among the diaspora, encouraging Bosniaks to register and ensure that the municipality remains under a Bosniak government. For example, before the municipal elections in 2012 Srebrenica, Subašić supported SDA and pleaded all former Srebrenica inhabitants to record their residency there, as ‘every mother who has a son buried in Potočari must be ashamed of herself if she does not come and register’.¹²⁴ In 2013, she admitted that she was aware of the mobilization and political power of her *Movement*: ‘we can both activate and silence people’, she asserted in an interview.¹²⁵

5.4.3.2. Unionization of the Rest of Family Associations

Unlike the visible campaigning resources and powerful allies of the Srebrenica-associated organizations, resources of the other *nestali* associations have mainly relied on the support of the external allies and their ability to align with the Srebrenica issue.¹²⁶ Their main allies have been the ICRC and subsequently the ICMP, which have also brought some of their associations together. By

¹²⁰ The UN Secretary General published a report about the ‘Fall of Srebrenica’ in 1999 (53/35). Another report was commissioned by the French National Assembly in 2001. See Wagner 2008, 21–22.

¹²¹ Ibid. 113.

¹²² Nettelfield 2010a, 112.

¹²³ Ventura and Akande 2013.

¹²⁴ SDA Official Website 2012.

¹²⁵ Ahmetašević 2015a.

¹²⁶ Juhl 2009, 257.

1999, this cooperation extended beyond the Bosnian borders when a *Regional Coordination of the Families of the Missing in the Territory of former Yugoslavia* was set up as a body to coordinate all efforts by survivors in the former Yugoslavia who were searching for their relatives.¹²⁷ Such a regional organization was the first of its kind in ex-Yugoslavia and has facilitated the exchange of information and experience across borders. Most families of missing persons were initially scattered across the country and lacked strong organizational capacities. In FBiH, Bosniak associations started collaborating much later than Srebrenica associations. The *Bosniak Union of the Missing* at the entity level was only set up in 2001, while the Croat Union was created in 2011. Although they immediately began organizing commemorative events and joint activities, they have generally lacked financial and organizational resources. Initially, the lack of income was offset by the resources invested by international actors such as the ICMP. Once such support started drying up in the early 2000s, however, each association became dependent on local funding through annual grants or via public calls for projects.¹²⁸ As victim associations were aware of such economic dependencies, they insisted on incorporating into the 2004 Law that the Fund would finance their activities.

Bosnian Serb associations were initially active protestors and in 2003 staged wide demonstrations against the RS government.¹²⁹ Various local Bosnian Serb associations – in Bijeljina, Višegrad, and Eastern Sarajevo – pressured the incumbents in Banja Luka to expedite the identification processes and provide material benefits for the families. Their protests waned around the time of the Law's adoption as the *Republican Organization* under Nedjeljko Mitrović established a monopoly over the issue of *nestali* by aligning first with the incumbent PDP (from 2002 to 2006) and then with Milorad Dodik. Rather than a political challenger, the *Republican Organization* became 'part of the official structures', supporting the main political parties in return for funding and informal recognition.¹³⁰ As an organization of 'special interest' to RS,¹³¹ the *Republican Organization* was directly funded

¹²⁷ Sarkin et al. 2014, 127.

¹²⁸ Interview 37/KL/CV 2015.

¹²⁹ *Nezavisne novine* 2003b.

¹³⁰ Interview 33/BL/EX 2015.

¹³¹ There are 29 RS organizations of special interest (as of February 2016), which are allocated direct funding, one third of which belong to one of the veteran and victim categories.

from the government's annual budget and thus never struggled with financial issues.¹³² Mitrović, who has been searching for his son, who went missing in combat, is a good example of a co-opted victim leader. Lacking independent capacities from international sources and feeling 'offended' by the Bosniak discourse about Republika Srpska's role in the Srebrenica genocide, Mitrović's alliance with the incumbents has been a rational move. Although this symbiotic relationship was less visible in the pre-2004 period, the financial dependence of the association was already in place by then.

The only organization outside of Srebrenica with strong leadership and independent capacity to organize protests and campaigns has been the above-mentioned *Izvor* that has built its resources from bottom up through its own ceaseless energy and work. Led by Edin Ramulić, himself in search for his missing brother, the organization has also functioned as a research institution. By collecting testimonies from the Krajina area, Ramulić published a register of the death toll in the area already in 1998.¹³³ The document has served as an important source of information about the extent of victimization in the region. *Izvor* has gradually become the only association of the missing that has been able to organize widespread campaigns, run commemorative events during important international days such as the 'Human Rights Day' or the 'International Day of the Disappeared', and create a broader network of allies and supporters. Initially, *Izvor* was also the only association that was willing to cooperate with Serb victim associations.¹³⁴ It established a network of civil-sector organizations and gradually built up a reputation as a respectable and active victim association. Unlike the rather fragmentized FBiH associations and the semi-political *Republican Organization*, *Izvor* has invested in the creation of a culture of remembrance with a focus on engaging the youth.¹³⁵

¹³² For example, it received 30,000 KM (app. 15,000 Euro) from the RS government in 2014. Data provided by the RS the Ministry of Labour and Social Affairs.

¹³³ *Izvor* 1998.

¹³⁴ Interview 31/SA/MD 2015.

¹³⁵ Diaspora support has been critical for its financial sustainability. During my interview with Ramulić, he was approached by members of the US diaspora with donations.

5.4.3.3. *Assessing the Mobilization Resources of Families of Missing Persons*

The mobilization resources of families of missing before 2004 varied across the victim associations but ultimately benefited from the resilient and persistent activism of the Srebrenica victims. The prominent female associations such as the *Movement* and *Women of Srebrenica* organized early on through their urgent protests. Later supported from abroad, by NGOs, and by the Bosniak parties, they gradually expanded their networks and tools. Their vigorous work substantially helped to promote the issues they were facing and shame domestic authorities into action. Direct protests moved from the streets to the courtrooms as the victims increased their skills to pressure domestic governments for redress. Since the second period (early 2000), Srebrenica associations intensified their efforts in holding external actors and RS accountable, yet without directly threatening the Bosniak leadership. In RS, most *nestali* associations became dependent on their incumbents and had limited independent capacities. While there was a great discrepancy across the country in 2004, the ability of Srebrenica associations to launch campaigns, acquire funding, and network increased the resonance of their actions, making their aggregate mobilization resources rather high. The summary of their mobilization resources is depicted in Table 5.4.

TABLE 5.4. Mobilization Resources of Families of Missing Persons

Category/indicators	Leadership and organizational capacities	Networking and cooperation	Existence of allies and advocates	Financial means	Overall
Families of missing persons	Higher among Srebrenica associations and <i>Izvor</i>	Within the civil sector and across victim associations	Numerous abroad and domestically (esp. main political parties)	External and domestic funding (from local budgets, esp. Srebrenica)	High

Source: Compiled by the author.

5.4.4. CONTEXT AND THE OPTIMAL ROUTE SCENARIO

In the previous sections, I discussed three proposed tools and how they featured in the demands of the families of the missing. However, it is highly unlikely that the presence any of these factors on its own would have resulted in the 2004 outcome. Not even the high international salience of the category seems to have sufficed without the corresponding domestic willingness to redress the victim category. Instead, it was the nexus between the discussed factors at high levels during a favourable window of opportunity (when internal and external political conditions allowed for such a change) that explains the legal change for missing people's families in the fall of 2004, as proposed in the *Optimal Route* scenario. Despite the tendency to present Srebrenica as an outlier case of victimhood in Bosnia because of its high international resonance, it would be too simplistic to argue that the 2004 Law was the result of the category's external prominence only. Instead, because of the domestic socio-political constellations and the uses of Srebrenica victims as symbolic representatives of wider Muslim suffering, combined with their persistent mobilization, attracted public and international support.

In the first post-war period (until 1999), the international salience of Srebrenica played an important role in the objectives of criminal prosecution and identification of recovered bodies. The priority of the missing persons' issue is further exemplified by the provisions included in the Dayton Peace Agreement that sought to streamline the search for the missing persons that later materialized in the creation of a new institution – the ICMP. Although the majority of external actors in the country focused on preventing further conflict and offering humanitarian aid, the 'shame of Srebrenica' functioned as moral leverage to address the failure of the UN forces to protect the enclave.¹³⁶ The attention to the families thus galvanized external actors to support the issue of the missing early on; however, compensation was not the main objective until victims formulated it as part of their demands.

¹³⁶ Srebrenica has never ceases to capture external attention: the US Congress (2005), the European Parliament (2009), and most recently the United Nations (2015) all submitted proposals for resolutions condemning Srebrenica. Only the UN initiative failed in July 2015 because of a Russian veto.

Meanwhile, families of the missing Srebrenica men became embodiments of Bosniak suffering, a frame that some victims later amplified further. Srebrenica appropriated the issue of the missing persons across BiH with their ‘ultimate’ victimhood that became inextricably linked with the new Bosniak identity. Srebrenica survivors have been what Nils Christie called ‘ideal victims’¹³⁷, that is victims that are ideally female, blameless, and have the right combination of power, influence, and sympathy. Victims themselves also employed a range of protest actions in this period and framing strategies in their public appeals, directed at recovering bodies of their loved ones and establishing the truth but without directly accusing domestic authorities. By the end of this period, Srebrenica as well as other *nestali* groups turned towards socioeconomic demands and compensation while organizing legal actions against external actors or the ‘other’ ethno-national group.

These objectives in the second post-war period coincided with external efforts in state-building (until mid-2006). In this period, the ICMP became fully functional and made increasing progress in identifications. The ICTY in 2001 also established that genocide was committed in Srebrenica, giving the survivors even more tools to leverage. As external pressure at the time was also linked to financial aid, the ICMP’s support to create a central institution was important. Prompted by the victim associations, the ICMP in 2003 met with the tri-partite presidency to discuss the option of creating a state-level institution for the search for the missing.¹³⁸

It was clear that without its technical knowledge of the DNA analysis, the search for missing persons would become very difficult.¹³⁹ Including the families in the process was an important aspect of giving the process legitimacy that led to the inclusion of compensation into the Law. The willingness to cooperate was induced by a temporarily more lenient RS narrative about the war and significant external pressure that delivered both financial resources and institutional backing. The formal recognition of the victims by the top RS politician in June 2004, i.e. a few months before the state-law was adopted, resulted in victims’ deservingness being formally accepted by Bosnian Serbs too.

¹³⁷ Christie 1986.

¹³⁸ Ball 2015, 85.

¹³⁹ Interview 21/BJ/NG 2015.

The Law was also discussed in the period before municipal elections when ethno-national politicians wanted to satisfy ‘their’ victim populations. The Law of 2004 was thus adopted in a favourable ‘window of opportunity’.

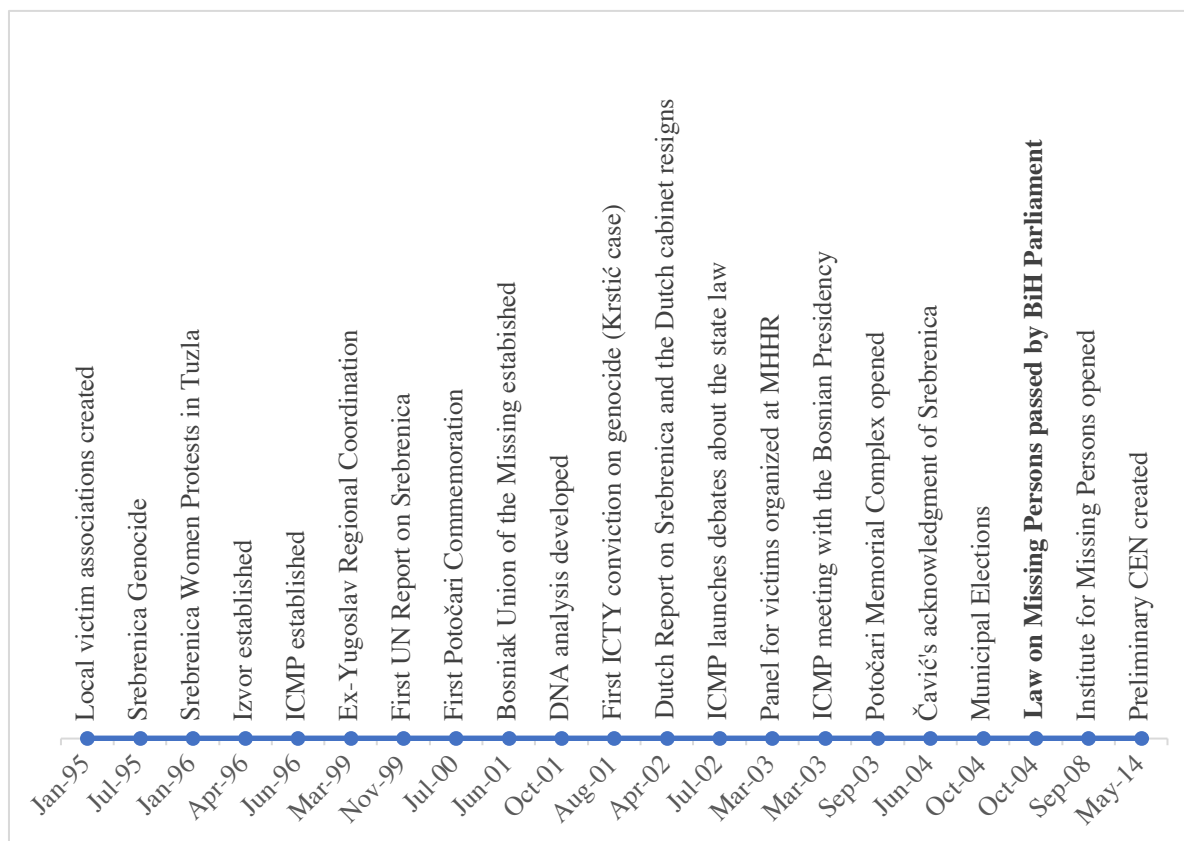
Indeed, in the period prior to 2004, the main ethno-national groups came together and the previous denial among Bosnian Serbs regarding Srebrenica was undermined. The 2001-2002 social democratic *Alliance for Change* government in FBiH forced nationalistic parties out of office (assisted by the HR), prompting them to regain their electorship through new policy platforms. At the same time, the leadership among the main ethno-national elites had changed by then and the wartime leaders were replaced by Sulejman Tihić among Bosniaks and Dragan Čavić among Bosnian Serbs. Bosnian Croat HDZ BiH were internally divided from 2002 and a more moderate fraction was in the making. Consequently, Bosnia was going through its peak period of rapprochement between the former enemies and entities. This period was also the apex of major institutional reforms initiated by Paddy Ashdown. During this period, membership in the EU became the stated goal of the main political representatives in the country, demonstrated by the fact that only a year after the Law’s adoption in November 2005, Bosnia and the EU opened the negotiations about the Stabilization and Association Agreement (signed in June 2008).

Victim associations in this period also generated higher mobilization resources, demonstrated by their shift from street demonstrations to more sophisticated tools such as collective legal actions. Some of their legal successes were critical at the opening of the Srebrenica debate in RS, where the genocide was denied, most notably demonstrated by Čavić’s recognition of the crime. The formal recognition of Srebrenica (even if limited) led to the support of a state law by the Serb authorities and missing people’s families that were mostly in line with their incumbents. Indeed, a state-level law could not have been passed in BiH without the support of Bosnian Serb deputies in the state Parliament.¹⁴⁰ As the context at the time of the adoption offered domestic authorities several financial and reputational rewards from its enactment due to the progress of Europeanization and the strong

¹⁴⁰ As noted, the issue of the missing was less prominent among Croats, which accounted for a fraction of the *nestali*. Yet some Srebrenica victims were also Croats, so Croat parties supported their Bosniak counterparts.

role of external actors (especially the HR/EUSR), the result was a positive response to the victims' pressure. Figure 5.2. depicts the key milestones that had preceded the adoption of the Law in 2004.

FIGURE 5.2. Milestones in the Adoption of the Law on Missing Persons



Source: Compiled by the author (the 2004 outcome is in bold).

5.5. ACCESS AFTER THE ADOPTION OF THE 2004 LAW

As noted in Chapter 2, adoption is only the first step on the path to full compensation. Access as legal implementation is the second – and practically more important – step. This thesis does not outline theoretical propositions for access; however, it is important to at least briefly mention how access played out in the case of missing people. While the 2004 legal change was a great victory, it has not ensured the change that victims hoped for. After the Law's adoption in 2004, victims believed that the process of identification would accelerate and that they would receive the same rights and compensation across BiH. The first post-adoption years provided hope. Mechanisms were put in place to collect existing documentation from the entities, victim associations, and the international

bodies so that the CEN could be created. The new *Institute for Missing Persons* was established in 2005 (opened 2008), providing associations a stake in its running through its Advisory Board.¹⁴¹ The first board was efficient, according to both the ICMP, as well as the *Bosniak Union of the Missing's* leader, Ahmet Grahić. 'We had really good cooperation and we could press IMP for reports and whatever we wanted to know from investigators and get it', Grahić noted.¹⁴²

However, the material stipulations of compensation were not carried out as the Fund was never established.¹⁴³ The main conflict was about the method of its financing. The RS government refused to agree on a proportional contribution to the Fund, worried that its contributions would have to be much higher as most of the mass graves were located on its territory.¹⁴⁴ Some respondents further argued that since the Fund would distribute money across all family associations, regardless of their background, victim associations would become independent and could afford to criticize the nationalist parties more forcefully.¹⁴⁵ The result has been that the state-level 'status' of an indirect victim as a relative of *nestali* has existed only on paper but not in practice, as neither the Fund nor other benefits stemming from the Law have been implemented at the state level. Similarly, while the number of missing has been established, it has been challenged as biased mainly by Bosnian Serbs. The domestic IMP has been criticized by some victim associations for being politicized and anti-Serb.¹⁴⁶ For example, the first Bosniak member on the Board of Directors, Amor Mašović, was accused of advancing the Bosniak and SDA political agenda given that he is also a deputy at FBiH's Assembly representing this party.¹⁴⁷

With limited access to the Law's provisions, families of the missing adopted a variety of strategies on how to demand their status and rights. As the existence of missing persons is recognized in the current entity legislation for veterans in RS, families have been able to at least access the material

¹⁴¹ Interview 34/SA/INT 2015.

¹⁴² The board consisted of Munira Subašić and Ahmet Grahić for Bosniaks, Vanda Havranek and Zvonimir Kubinek for Croats, Boro Perilić and Smilja Mitrović for Serbs.

¹⁴³ Ball 2015, 151.

¹⁴⁴ Clark 2010, 5–6.

¹⁴⁵ Interview 38/SA/EX 2014.

¹⁴⁶ Ball 2015, 146.

¹⁴⁷ Interview 40/BL/CV 2015.

rights (such as pensions) of their deceased family members. In FBiH, both civilian and military entity laws recognize families of the missing, but condition the attainment to rights by certification about the circumstance of disappearance, which has for many been difficult to attain. Nonetheless, entities have at least agreed to financially sponsor the burials and ceremonies of the uncovered bodies. These ceremonies have become part of the political and societal landscape of post-war Bosnia. Furthermore, individual victims' adaptation strategies have been similar to those of civilian victims of war – some have tried to claim military benefits while others have registered as families of the killed. Many individual victims have thus still not been able to exercise their rights; however, official statistical data remains unavailable.

At the level of associations, Srebrenica groups have leveraged their moral authority and international salience in FBiH, increasing their legal mobilization, while other associations (with the notable exception of *Izvor*) have increasingly become financially dependent on their municipal governments. As the moral authority of Srebrenica victims could not be questioned, over time they became more prominent in their actions and increased their mobilization resources – sometimes even directed against Bosniak authorities. In 2007, some Srebrenica survivors – but with only limited participation by the leading female victim associations – started a public campaign for the 'special status' of Srebrenica. Despite initial mobilization and political support from SDA, the initiative was ultimately unsuccessful as it received only lukewarm support from the *Movement* that preferred to direct its contentious actions against external actors, rather than their Bosniak political leaders. Indeed, it sued the Netherlands and the UN for not preventing the genocide in 2007, also prompted by the February 2007 ICJ decision.¹⁴⁸

The conflict over the 'special status' showed that victims associations had drifted apart and that their lack of unity compromised their ability to lobby the main political authorities to implement the Law. Unfortunately, the prominent Srebrenica associations subsequently polarized the victimhood landscape. In one of the most famous cases in 2008, Munira Subašić in an interview stated that

¹⁴⁸ Nettelfield 2010a, 99–100.

although she ‘lived like a lord’ she was unsatisfied with her income of 2,000 Euro per month, an amount eight times higher than the mean salary in FBiH.¹⁴⁹ The Bosnian weekly *Dani* that published the interview called her *bahata* (arrogant). Admitting that her income was the result of private donations to her association from the state-owned company BH Telecom, she has for many of my interviewed experts become yet another ‘professional victim’¹⁵⁰. Similar allegations followed. As some respondents noted, Subašić would never speak against SDA and Naser Orić. The professional victim associations have thus become part of the political scene in BiH.

Meanwhile in RS, the revolutionary 2004 admission of guilt was forgotten a year later. After much criticism within RS, Čavić began to dispute the results of the investigation and his admission was soon retracted.¹⁵¹ The subsequent advent of the nationalist politician Milorad Dodik, who advanced an efficacious ‘culture of denial’, reinvigorated opposition towards the Srebrenica victims and their moral authority among Bosnian Serbs.¹⁵² Matthew Holliday of ICMP admitted that soon after the Law’s adoption, it became clear that RS authorities – both among the SDS politician and SNSD – wanted to return to divided institutions, which would each publish their own data and propose their own narratives.¹⁵³ For example, in Prijedor, any efforts to implement a state-wide law have become increasingly difficult since Marko Pavić took office after the municipal elections in 2006.¹⁵⁴ The ‘fortress of silence’ that Pavić created in Prijedor led to *Izvor* being framed as ‘tainting the image of Prijedor’¹⁵⁵ and its members have been threatened and attacked if they disclose information or speak against the mayor.¹⁵⁶

Another reason for the Law’s poor implementation was dropping cooperation at the state level. Since late 2006, BiH has experienced the growing influence of the EU and the re-emergence of nationalist

¹⁴⁹ *Dani* 2008.

¹⁵⁰ The concept of ‘professional victimhood’ as an approach to legitimize whatever claims on the basis of pure victimization without any acknowledgment of suffering of the others, see Meister 2002.

¹⁵¹ Dragović-Soso and Gordy 2010, 205.

¹⁵² Nettelfield and Wagner 2013, 259.

¹⁵³ Interview 34/SA/INT 2015.

¹⁵⁴ He is the leader of the Democratic National Union and previously served in RS government under Milorad Dodik.

¹⁵⁵ Interview 59/PR/CV 2014.

¹⁵⁶ Together with a youth NGO *Kvart* they set up the ‘Day of White Armbands’ in 2012, to remember all Bosniaks forced by Bosnian Serbs to wear a white ribbon on 30 May 1992 to mark them as Muslims.

rhetoric. Milorad Dodik threatened the secession of RS and Haris Siljadžić in FBiH called for the abolishment of entities. The Bosnian Serb increasing denial of the crimes committed in Bosnia during the war has resulted in a stalemate regarding any state-level implementation. While neighbouring Serbia has already issued two formal apologies for the Srebrenica ‘massacre’ (still evading the word genocide), the RS leadership invented the concept of the ‘Srebrenization’ of Bosnia, accusing Bosniaks of hijacking Srebrenica to justify the creation of the Bosnian state.¹⁵⁷ These efforts became most prominent in 2008 when Milorad Dodik set up the ‘Historical Project of Srebrenica’ as an entity-funded commission of denial, aimed at disputing the numbers of victims in Srebrenica.¹⁵⁸ While Srebrenica became a pillar of Bosniakhood, its denial has after 2004 become the pillar of the Bosnian Serb identity. ‘Accepting [Srebrenica as a genocide] would be accepting that RS is an entity that was created on genocide, which no political leader can afford to do and only few Bosnian Serbs dare to say’¹⁵⁹, a former Bosnian Serb soldier admitted.

Disputing numbers of dead and their identities has been widespread not only among the political leaders, but also the population of RS. Many of my respondents in Banja Luka were convinced that the bodies buried in Srebrenica were either Serb or transported from other locations to vilify Serbs as mass killers. A respondent in Eastern Sarajevo was convinced that the genocide was an international conspiracy and that it was the ICTY that had brought the bodies to eastern Bosnia. The preponderance of fictitious narratives about the crime has been astounding.¹⁶⁰ The Serb victim associations mirrored these narratives, often creating additional conspiracy theories.¹⁶¹ In our discussions, Mitrović described Srebrenica as a tool to demonize and dehumanize Serbs, offering counter examples of Serb suffering from the Ottoman Empire to the recent war. Mitrović’s endorsement of Srpska nationalism also manifested in his unfaltering support for Milorad Dodik. In

¹⁵⁷ In 2015, the former Serbian Prime Minister Aleksander Vučić pledged 5 million Euro to Srebrenica after he had attended the Potočari commemoration.

¹⁵⁸ The commission is chaired by Stefan Karganović. It has so far received 1,923,900 KM (close to 1 million Euro) from RS. See: <http://srebrenica-project.com/>.

¹⁵⁹ Interview 57/BL/VT 2015.

¹⁶⁰ See also Rohde 2015.

¹⁶¹ For example, the leader of a small association in Eastern Sarajevo, Milan Mandić, was in 2016 arrested on charges of inciting hatred after he had called Srebrenica as ‘God’s punishment’.

2009, when Dodik faced corruption charges by Bosnian state's prosecution, Mitrović stated that 'an indictment against Dodik is an indictment against RS'¹⁶². The role of the *Republican Organization* has thus been to advance what has become the Srpska nationalism rather than implement the state Law and serve its victim population.

The additional problem has been that the rest of *nestali* organizations have become increasingly isolated. Since the start of the economic crisis of 2008 that decreased the amount of external aid coming to Bosnia, they have become fully dependent on municipal financing, which has only increased their internal competition for funds.¹⁶³ For example, although missing Croats account for the smallest percentage of the missing (around 3 per cent), in some regions such as in Brčko and Mostar, they are formally entitled to the same support as other associations. As a leader of a Bosniak municipal organization in Brčko mockingly noted, 'Croats search for two people and get 30,000 KM [15,000 Euro] and an office just like we do.'¹⁶⁴ In other areas where resources have been limited, local politics has been conducted in a transactional manner.¹⁶⁵ A cantonal governmental official in Bihać explained that only those victim associations that are 'close to the political option'¹⁶⁶, i.e. which support the governing party, have generally been financed. Matthew Holliday lamented that the current members of the Advisory Board of the IMP are 'deeply influenced by politics'¹⁶⁷.

¹⁶² Šegrt 2009.

¹⁶³ Interview 37/KL/CV 2015.

¹⁶⁴ Interview 94/BK/CV 2015.

¹⁶⁵ See Hulsey 2016.

¹⁶⁶ Interview 05/BC/PP 2014.

¹⁶⁷ Interview 34/SA/INT 2015.

5.6. CONCLUSION

Reflecting on the lessons of Srebrenica for the Syrian war, Derek Chollet, a former senior advisor on foreign affairs in several US administrations, recently described the effects of the UN failure to act in July 1995 as follows:

[Srebrenica], the worst atrocity in Europe since World War II, one that occurred while UN peacekeepers stood by fecklessly and NATO refused to intervene — shamed the international community, and its lessons still loom over the debate about US military intervention today.¹⁶⁸

Not only dominating debates about intervention at the international level, Srebrenica also came to define the debates related to the issue of missing persons in Bosnia after 1995. Its prominence, combined with the ability of the survivors' leading associations to amplify the resonance of their suffering and leverage it in their mobilization, ultimately led to the adoption of the state-wide 2004 *Law on Missing Persons*. Therefore, the case of the missing presented in this chapter illustrates the *Optimal Route* scenario of a victim category that has high levels of the three proposed explanatory factors. Moreover, at the time of the Law's adoption in the second post-war period, external actors were invested in Bosnian domestic politics. Part of these efforts was the creation of ICMP, which has been critical for the scientific advances in the identification methods of the bodies that later extended far beyond Bosnian borders.¹⁶⁹ Given the domestic resonance of Srebrenica families and their special position among the rest of the victim categories in Bosnia, domestic authorities were more willing to address their demands. The ultimate adoption of the Law occurred at a time when Bosnian Serb authorities accepted their role in the massacre.

Nonetheless, despite the success of the Law's adoption at the state level, its implementation has stalled because of the internal fragmentation of the victim associations and the changing context. While international salience was critical in convincing Bosnian Serb authorities to agree to a central mechanism to the search for the missing, it has not been effective in convincing them to commit to its work. The temporary acceptance of Srebrenica's victims across the country resulted in the policy

¹⁶⁸ Chollet 2015.

¹⁶⁹ The DNA analysis that developed in the aftermath of Srebrenica has most recently allowed the identification of the victims of the London fire disaster of the *Grenfell Tower*. See Bomberger 2017.

change. However, as the political situation worsened in Bosnia in the past decade, there has not been another window of opportunity to put the 2004 compensation provisions into practice. Therefore, while the ‘optimal’ combination of the three factors was critical in occasioning a successful compensation for the families, it has not been sufficiently long-lasting. At the same time, dominating the Bosnian victimhood landscape, the Srebrenica families have overshadowed other victims. This disregard for other than Bosniak – and mainly Srebrenica – victims has driven other victim groups with fewer resources and lower authority and salience towards full dependence on their political patrons. ‘In Srebrenica, they focus on *their* victims, not *ours*. ... If we all understood that forcing the Parliament together, we could make a change, we could succeed. This way – divided – we fail’, a representative of a victim associations from Brčko summarized the situation in 2015.¹⁷⁰

¹⁷⁰ Interview 95/BR/CV 2015.

CHAPTER 6

BETWEEN RECOGNITION AND OBLIVION: VICTIMS OF RAPE AND TORTURE

6.1. INTRODUCTION

When Sabiha Husić, the director of the women's charity *Medica Zenica*, embarked on a campaign called *For the Dignity of Survivors* for victims of wartime sexual violence in early 2006, she was hopeful but cautious. Changing the existing legal provisions for victims of wartime rape and granting them a 'status' would mark the first official recognition of rape survivors in Bosnia and wider ex-Yugoslavia.¹ Yet the atmosphere in the larger Bosnian entity in early 2006 was exhilarating. A young Bosnian director just won a prestigious international award for her film *Grbavica* about a child conceived in rape. The civil sector, victim associations, as well as the public, galvanized behind the cause to remedy the victimized women. After several months of petitioning, lawmakers in the FBiH Assembly granted the women compensation in June 2006. Victims of rape were jubilant but victims of torture were despondent. Although the term 'torture' was proposed for inclusion in the same legal provision, only sexual torture and rape made it into the final amendment. As a result, victims of torture cannot claim any compensation rights on the basis of their victimization. As the change pertained only to the larger Bosniak-Croat Federation, survivors residing in Republika Srpska (and the District of Brčko) also remained unaffected.

How do we explain this variation between what victims of rape and those of torture attained in compensation? In this chapter, I argue that the combination of high international salience and mobilization resources of victims of sexual violence explain the legal change in FBiH. I highlight the gradual increase in women's international salience and mobilization resources prior to 2006 while also stressing the subsequent rise of their moral authority. In contrast, victims of torture have been able neither to leverage their existing resources nor generate high authority and salience. The success of the victimized women thus illustrates the *Activist Route* that I proposed in Chapter 2 while

¹ Interview 03/ZN/NG 2015.

the failure of victims of torture illustrates one of the scenarios of *No Compensation*. As the last building block of my framework for compensation adoption, this chapter primarily focuses on the first two post-war periods when compensation legislation changed. As the change materialized in June 2006, I pay special attention to the second post-war period (from 2000 to mid-2006) when external support was significant and domestic politics less polarized than before or after. I follow the same structure as previously, starting from the categories' general characteristics and their differential outcomes. The main section is dedicated to salience, authority, and resources that increase the likelihood of compensation. I discuss their combinations under the specific contextual factors of the second period before addressing the question of access.

6.2. CHARACTERIZING VICTIMS OF SEXUAL VIOLENCE AND TORTURE

The Bosnian war produced not only thousands of invalids and bereaved families but also a significant number of people who were detained in camps, tortured, and raped. Civilian men and servicemen formed a large proportion of victims of torture while detained women formed the majority of victims of rape and sexual abuse. The number of raped individuals (mostly women) is usually estimated between 20,000 and 50,000 while the number of detainees could have been up to 200,000. However, precise numbers remain unavailable.² It is further estimated that up to 3,000 men were victims of various forms of sexual violence.³ These two categories have shared many characteristics, including detention in the same camps. The most heinous crimes committed in camps were in the region of Bosnian Krajina (especially the notorious Omarska, Trnopolje, and Keraterm camps) and eastern Bosnia (in Foča, Zvornik, and Višegrad). Although torture and rape could not be pinned to Serb forces only, there is overwhelming evidence that the scale and gravity of crimes committed by the various Serb forces was manifold greater than among the other belligerents. Beatings, starvation, forced sexual acts between family members (including between men), rape of teenage girls, forced

² See All Survivors Project 2017; Clark 2014, 111.

³ European External Action Service 2013, 5.

pregnancies, sexual abuse through penetration with foreign objects, and prolonged violent rapes were only some of the reported instances of violence committed in over 700 camps across BiH.⁴

Individuals victimized by such crimes emerged from the war with traumatizing experiences that have not only shaped their demands for justice but also their urgent needs. Many raped women were displaced and struggled to return home, while others suffered from a variety of physical and mental harm. PTSD was common among such victims. Yet this necessitated a variety of psychosocial support that Bosnia was poorly equipped to provide in the 1990s.⁵ As many suggest, due to the lack of therapy, it was only after the main shock passed and individuals gathered the strength to face the hostile post-war authorities when victims started to voice their demands.⁶ They organized themselves in associations for war detainees (in Bosnian *logoraši*) and female detainees (*logorašice*). Victims preferred these labels to specific mentions of rape or torture, which were too closely associated with the shame and humiliation of abuse.⁷ However, the silence and taboo surrounding these crimes was broken only slowly. Even today, the full scale of the crimes remains unknown due to the reluctance and fear of many survivors to speak out.

Despite these precarious and traumatizing starting points, leading survivors organized themselves under three umbrella victim unions, divided by ethno-national characteristics and by regions.⁸ Within the Federation, Bosniak victims set up their own *Union of Camp Detainees of BiH (Savez logoraša Bosne i Hercegovine*, henceforth ‘SLBH’) in Sarajevo in 1996.⁹ Although it was meant to be a Union for all *logoraši* in BiH, Croats by 1998 established their own *Association of ex-Detainees of the Homeland War in BiH (Hrvatska udruga logoraša domovinskog rata*, henceforth ‘HULDR’) in Mostar, and Serbs the *Association of Camp Inmates of Republika Srpska (Savez logoraša RS*, henceforth ‘SLRS’) with a seat in Banja Luka in 2002. Mirroring the administrative structure of BiH,

⁴ See Amnesty International 1993; Stiglmeier 1994; Allen 1996.

⁵ See Shelton 2007; Skjelsbaek 2011.

⁶ Interview 53/KL/CV 2014.

⁷ Referring to ‘detention’ in the names of the associations was also common in ex-Yugoslavia.

⁸ Many other local associations such as Mirsad Duratović’s ‘Prijedor-92’ are not d here unless they became prominent in pushing for new legislation.

⁹ The first association was set up for north-eastern Bosnia in 1994. For the history see Jouhanneau 2013b, 136.

the Bosniak and Croat unions in the Federation established cantonal and municipal associations while SLRS organized in municipal associations.¹⁰ The highest membership of SLBH and HULDR was around 58,000 in total¹¹ while SLRS claimed to number around 50,000 military and civilian ex-detainees¹². After much delay, independent victim associations for women were set up in FBiH (2003) and in RS (2013) as outlined below.

6.3. ON THE PATH TO COMPENSATION: GOALS AND OUTCOMES

Unlike in the case of families of missing persons, compensation was introduced as a key demand of these associations early on. By the end of the 1990s, the existing *logoraši* unions stated as their main goal the attainment of a victim ‘status’ of their members. At that time, torture without physical injuries was not included in the existing legislation, which left many suffering from PTSD without any formal care.¹³ The lack of recognition of non-physical wounds was the result of the previously discussed transposition of socialist laws that provided compensation only to those who either lost someone or were disabled.¹⁴ Therefore, victims of torture and rape who could not prove the defined levels of physical harm were not eligible for any compensation in the form of monthly allowances, rehabilitation services, or free healthcare. Thus, they were not treated as equivalent to other victims. While many NGOs stepped in and supported unrecognized individuals, the ignoring of non-physical suffering created a hierarchical categorization of victimhood early on. Therefore, while punishing perpetrators has never ceased to feature strongly in their demands, official recognition in the form of a ‘status’ soon took priority.

Moreover, gender also defined victims’ representation. The *logoraši* associations were run by male survivors that subsumed the women’s agenda. The mostly Bosniak SLBH created a women’s section in 1997 but women did not play a prominent role in setting its agenda until the early 2000s. This was

¹⁰ It has 63 local, six regional, and four diaspora associations (US, Germany, and two in Denmark).

¹¹ By the early 2010s, HULDR had only around 2,860 members. Božić 2014, 182.

¹² Srna 2015.

¹³ Physical harm was assessed starting from 60 per cent for civilian and 20 per cent for military victims, respectively. See Chapter 4 for the assessments.

¹⁴ Karge 2010, 81.

also the period when *logoraši* in the Federation searched for the most suitable form of recognition beyond the generic ‘truth and justice’ efforts.¹⁵ News and magazine articles from this first period suggest there was no clear consensus of where, how, and from whom to demand compensation. Unlike the other categories discussed previously, opinions among the leading representatives of ex-detainees in FBiH varied from class actions against the Bosnian state to initiating cases against RS. The two unions in FBiH also oscillated between demanding amendments of the existing laws, to creating a new entity or state law. The latter option generally dominated, leading in 2000 to a poorly prepared submission of a draft state law for all Bosnian victims of torture (there was no RS Union at that time) to the Bosnian Parliament.¹⁶ The draft was accepted but filed *ad acta*.

After the RS Union was established in 2002, the Bosniak SLBH started pushing for an entity law that would apply only to FBiH rather than a state law that would include RS. In 2005, SLBH representatives specifically asked the FBiH Assembly to treat civilian *logoraši* in the same way as civilian victims or disabled veterans.¹⁷ Again without any success, they later returned to their pursuit of a state law, inspired by the 2004 success of the families of the missing. Their subsequent insistence on a state law became the fundamental *raison d’être* of SLBH but never canvassed enough support across BiH.¹⁸ As many SLBH members were also former soldiers, SLBH’s leaders started to justify a state law as an expression of a united BiH that they both fought for during the war and desired thereafter. In addition to this aspirational justification, they also presented the state law as an expression of the principles of non-discrimination since all ex-detainees across BiH would be recognized.¹⁹ The Croat HULDR later agreed unlike Serb *logoraši*.²⁰ While the SLRS has been less clear about how it wanted to pursue an RS legislation, it has been adamant that a state law was not on its agenda. At the end of 2017, it again disapproved of such a law.²¹

¹⁵ ONASA 1998.

¹⁶ Tabučić 2003.

¹⁷ *Oslobođenje* 2005c.

¹⁸ Interview 70/SA/CV 2015.

¹⁹ *Dnevni Avaz* 2014.

²⁰ Kandić 2007, 47.

²¹ See Lakic 2017.

Against the backdrop of these fluctuations in demands, female victims of sexual violence in FBiH were increasingly vocal within SLBH through their section and some members set up a new organization *Women-Victims of War* (*Žene-žrtve rata*) under Bakira Hasečić in 2003. The organizations stated clear goals: to facilitate victims' return to 'normal life', to break the silence, to assist in the delivery of truth and justice, and to change the entity law in FBiH, rather than the state legislation.²² The primary objective was to allow women, who were the main victims of rape, to re-establish their lives in 'dignity'. In RS, the SLRS only created its female section in 2012 under Olga Draško but it never gained prominence. In 2013, the section was replaced by the self-standing *Women Victims of War of RS* under Božica Rajlić-Živković who pursued an entity law for *Serb* female victims of torture, rather than female victims of all ethno-national background in RS.

A key turning point came on 8 June 2006 when the FBiH entity legislation was extended to include victims of sexual violence as eligible for compensation (Art. 6, amending Art. 54).²³ The reform introduced sexual violence as a unique type of harm. It broadened the existing definition of harm in FBiH from 'physical injuries' into 'organism's injuries', i.e. in theory also mental harm. This change was so minimal and restrictive that only a small number of *logoraši* qualified for compensation.²⁴ Nonetheless, the reform allowed victims of rape to claim identical benefits as civilian victims with full disability, which for 2015 translated into 586 KM (293 Euro) per month. Together with a personal monthly payment, they were formally granted financial support for their children, medical care, professional training, priority employment, psychological assistance, legal aid, and priority housing (Art. 58). Thereafter, those who have registered as victims of rape have not been required to undergo medical assessments, just an interview with a victim association that forwards their application for further evaluation. Yet the reform was applicable only to FBiH as at that time no RS association for female victims even existed.

²² See Helms 2013. See also <http://www.accts.org.ba/misija.html>

²³ Amendment to the Law on Principles of Social Welfare, Protection of Civilian Victims of War (FBiH Official Gazette No. 39/06).

²⁴ See Popić and Panjeta 2010.

Unlike women in the Federation, *logoraši* across the country and RS women never attained their goals. In current legal practice, only bodily harm and physical disability with some exceptions (and in FBiH sexual violence) are recognized as types of victimization that entitle survivors to compensation at the entity level. Unless severe impairment is established as a result of PTSD or other mental harm, victims of torture and victims of rape in RS do not have any entitlements, linked to their wartime victimization.²⁵ While victims of torture have sought compensation from entities and the state level, victims of rape focused only on entities. This is summarized in Table 6.1.

TABLE 6.1. Compensation for Victims of Torture and Rape

Category of victims / region	FBiH	RS	State
Victims of torture	Failure: None	Failure: None	Failure: None
Victims of sexual violence	Success: 2006 Law Amendment that awarded compensation to victims of rape	Failure: None	N/A

Source: Compiled by the author.

6.4. EXPLAINING COMPENSATION OUTCOMES IN 2006 AND AFTER

How do we explain the relative success of victims of sexual violence against victims of torture in FBiH and the lack of compensation in RS? Although the main leaders of the *logoraši* unions argue that they have not been compensated due to the lack of financial resources, the existing evidence suggests that budgetary constraints became critically prominent only after 2006. In fact, MWVs' benefits even somewhat increased in 2007. Instead, the different outcomes can be explained by the changes in moral authority, mobilization resources, and international salience of these categories. In particular, women's growing agenda in peacebuilding and activism aligned in 2006, resulting in the amendment. I analyse the importance of the three proposed explanatory factors and how they combined in what I call the *Activist Route* when international salience and mobilization resources

²⁵ There are further no special provisions for victims of torture or rape in the District of Brčko.

are at high levels. I start by analysing the international salience of the victims of sexual violence and torture before exploring the other factors.

6.4.1. INTERNATIONAL SALIENCE: FIGHTING VIOLENCE AGAINST WOMEN

The international salience of survivors of sexual violence and torture went through several changes after the war. Initially, both victims of torture and rape were under extensive foreign media spotlight. In 1992, the two main portrayals of the Bosnian victims were Ed Vulliamy's photos of cadaverous men behind barbwire at the Omarska camp that evoked horrors of Auschwitz²⁶ and bereft fleeing Muslim women reporting of brutal rapes and abuse. In addition to foreign media, a series of institutional developments in the international arena of transitional justice and human rights boosted the cause of victims of sexual violence, ultimately leading to a number of new projects and advocacy campaigns. This section traces how the two categories were influenced by such external developments and how they responded to them in the period before the law amendment.

6.4.1.1. *The Rising International Concern for Victims of Sexual Violence*

They pushed us on the floor. Two of the men held me down while two others raped me. I shouted at them and tried to fight back but it was no use. As they raped me they said they'd make sure I gave birth to a Serbian baby, and they kept repeating that during the rest of the time that they kept me there.²⁷

This account of a Bosniak teenage girl was published in *The New York Times* in 1992, one of the first accounts of hundreds to follow. Since the first news reports focussed on sexual atrocities committed during the war as early as April 1992, it seemed as if women were the only victims of the Bosnian war.²⁸ International advocacy organizations such as HRW and Amnesty International highlighted crimes committed in camps and the targeting of Bosniak and Croat women who had been 'singled out for humiliation on account of their nationality and sometimes as a form of retribution'.²⁹ New publications and documentaries with testimonies were published in English,

²⁶ Hagan 2003, 46.

²⁷ Burns 1992.

²⁸ Helms 2013, 27.

²⁹ Human Rights Watch 1992; Amnesty International 1993, 8.

depicting gruesome portrayals of girls and women serving as sexual slaves and objects of murderous pleasure for mostly Serb soldiers.³⁰ Reports about ‘rape camps’ and forced pregnancies steered the global attention towards women’s experiences and suffering in war.³¹ As Helms explained, the coverage of foreign media such as CNN and BBC showed distraught Muslim women dressed in traditional clothes and in headscarves marching for peace, invoking empathy and linking suffering to women.³²

The most prominent account was from the expert UN Commission of M. Cherif Bassiouni starting in 1992. The Commission documented systematic torture and violent rapes of mostly Bosniak and Croat women (but also men) in 715 detention camps located across the country but with the highest concentration in eastern Bosnia and the Krajina region. The Commission’s detailed report from 1994 provides some of the most gruesome depiction of the crimes committed across Bosnia that had been carried out as part of the Bosnian Serb policy of ethnic cleansing.³³ It documented testimonies of women who had been raped with the intention of impregnation, so they would ‘bear children of the perpetrator’s ethnicity’³⁴. Forced pregnancies through rape became part of the strategy to cleanse Bosnian territory of non-Serbs.³⁵ The Commission estimated that over 20,000 mostly Bosniak and Croat women had been raped.³⁶ As the issue of rape affected primarily women, sexual victimhood in the international media discourse became synonymous with gender issues and rape with an invasion of women’s bodies.³⁷

Subsequently, the key aspect that further raised the international salience of sexual violence was the novel legal interpretation of rape as a war crime by the ICTY and the Rwandan *ad hoc* tribunal, ICTR.³⁸ These two tribunals very quickly anchored sexual violence in their legal practice as a war

³⁰ MacKinnon 1994; Stiglmeier 1994; Allen 1996.

³¹ Skjelsbaek 2011, 63.

³² Helms 2013, 99.

³³ Bassiouni 1994, 58–59.

³⁴ Ibid. 60.

³⁵ See also Žarkov 2007, 118.

³⁶ Bassiouni 1994, 84.

³⁷ For more see Enloe 2004; Žarkov 2007.

³⁸ Until 2016, 32 individuals were convicted for crimes of sexual violence. See especially Banović (IT-02-65/1) Omarska and Keraterm Camps; Kunarac et al. (IT-96-23 & 23/1) Foča; Furundžija (IT-95-17/1) Lašva Valley; Mucić et al. (IT-96-21) Čelebići Camp; Sikirica et al. (IT-95-8) Keraterm Camp; Simić, Milan (IT-95-

crime and crime against humanity.³⁹ Previously, rape was considered as part of warfare and as ‘spoils of war’.⁴⁰ Yet a landmark verdict against Jean-Paul Akayesu at the ICTR in 1998 for the first time defined rape as a crime against humanity and as a ‘physical invasion of a sexual nature, committed on a person under circumstances which are coercive’⁴¹. Four years later, the ICTY sentenced a Bosnian Serb commander Dragoljub Kunarac stating that he led a campaign of sexual abuse and enslavement in Foča in eastern Bosnia, which constituted a crime against humanity.⁴² Sexual violence was subsequently included in the Rome Statute of the ICC in 2002. As some scholars argued, Bosnian rapes in BiH worked as a ‘condensation point’⁴³ giving momentum to a global campaign against rape within international justice and advocacy.⁴⁴ Indeed, these rulings were a watershed moment for victimized women who suddenly became legally defined as victims of war.⁴⁵

The media reports and legal evidence of the widespread abuse of women in Bosnia and Rwanda led to the development of a new interest in the UN surrounding the female experience of war in other ravaged countries such as Sierra Leone and the Democratic Republic of Congo. After a series of UNHCR reports and OSCE documents about sexual abuse of refugees and displaced women in Bosnia and around the world, the UN Security Council adopted Resolution 1325 titled *Women, Peace, and Security* in 2000. Its aim was to address the various impacts of wars on women and called for women’s inclusion in peacebuilding and post-war reconstruction.⁴⁶ It later became the founding document for the inclusion of women in peacebuilding.⁴⁷ Thereafter, seven additional UN resolutions, the 2006 *Nairobi Declaration*, and the creation of the UN special office in 2010 – *UN Women* – demonstrated the burgeoning international agenda of women in war.⁴⁸ The growing

9/2) Bosanski Šamac; Tadić (IT-94-1) Prijedor; Todorović (IT-95-9/1) Bosanski Šamac. See ICTY official website, see <http://www.icty.org/en/in-focus/crimes-sexual-violence>.

³⁹ Koomen 2013.

⁴⁰ Enloe 2004.

⁴¹ ICTR vs. Akayesu (ICTR-96-4), Para. 688, see <http://unictr.unmict.org/en/cases/ict-96-4>.

⁴² See ICTY vs. Kunarac et al. (IT-96-23 & 23/1), see <http://www.icty.org/case/kunarac/4>.

⁴³ Keck and Sikkink 1998, 181.

⁴⁴ Cockburn 2001; Korac 2006.

⁴⁵ Skjelsbaek 2011, 163.

⁴⁶ UN Security Council 2000.

⁴⁷ See Ward 2013.

⁴⁸ That year, the UN Secretary General also appointed a *Special Representative on Sexual Violence in Conflict*. For a full history see Ibid.

attention to women in conflict worldwide was further exemplified by the introduction of a new term in human rights – ‘conflict-related sexual violence’ (CRSV). Women were identified as disproportionately targeted in war and marginalized in peacebuilding processes. Given the low numbers of female fighters worldwide and the marginalization of women in politics overall, they were also presented as victimized by their male counterparts who caused the suffering.⁴⁹

The effects on Bosnia were threefold. First, the external pressure on gender-based policies intensified, documented in many reports by the UN published in 2005 and 2006 on the state of human rights in BiH that highlighted the need to remedy victims of rape.⁵⁰ Second, as Irvine showed, the UN formal conventions had a gradual trickle-down effect on associations in Bosnia such as the new *Women for Women* NGO together with *Women in Black* in neighbouring Serbia.⁵¹ Such local female NGOs were increasingly active across Bosnia and ex-Yugoslavia. They frequently used the external legal commitments in campaigns for women’s rights and advocacy for gender issues, including the protection of female victims of war. Irvine argues that feminist organizations in Bosnia used the UN Conventions (especially 1325) as a ‘reverse boomerang’, alluding to Keck and Sikkink’s model, pressuring external actors in the country to deliver on what was agreed in the international arena.⁵²

Importantly, these developments were also reflected in the agenda of the European Union, which started to play a key role in Bosnian post-war reconstruction. The growing EU integration process of Bosnia formally included gender equality as a core value of the EU system.⁵³ After a series of NGO campaigns matched by OSCE projects, the HR responded by creating gender projects in the country (funded by Finnish donations), resulting in the state Parliament passing the *Law on Gender Equality* in 2003.⁵⁴ A year later, the double-hatted HR/EUSR pushed through and funded new gender agencies in FBiH and RS, which became umbrella institutions for gender-based issues. In 2005, new

⁴⁹ See Carpenter 2006.

⁵⁰ Kālin 2005.

⁵¹ Irvine 2013.

⁵² Ibid. 25.

⁵³ Papić 2007, 26.

⁵⁴ See Official Gazette of BiH, 16/03, 102/09 and 32/10.

Laws on Protection against Domestic Violence were passed by the entities.⁵⁵ The EU also launched two projects in 2005 to support civil society organizations that dealt with sexual violence. By 2008, the Bosnian government adopted an action plan to implement the 1325 UN Resolution.

Projects on women's empowerment in BiH were favoured by funders and women-focussed projects in the civil sector proliferated.⁵⁶ Gender soon became a *sine qua non* for most NGO projects in the country. Several gender-based educational and activist projects of organizations such as *Medica Zenica* received external financial support and institutional backing in the early 2000s.⁵⁷ As a result, *Medica* organized a conference in 2003 titled 'Wartime rape, ten years later'⁵⁸ as an opportunity to stress that 'women did not have their status resolved, despite constant political pledges'.⁵⁹ The conference was one of the first of its kind. It was well attended not only by local women's NGOs but also by foreign academics and human rights activists (including the later Ombudsperson Jasminka Džumhur and OHR's human rights expert Madeleine Rees), boosting the external resonance of the women's cause. Its findings about the need to compensate women were subsequently submitted to the FBiH Assembly with a request to create a process where women would 'be treated with dignity'⁶⁰. Such debates of women's victimization at the international and domestic level were critical to boosting the profile and capacities of pro-victim activist groups such as *Medica*, which used this momentum to increase their fight for compensation.

6.4.1.2. *Limited Foreign Attention to Victims of Torture*

Unlike the high international salience of women that surged after the war, the trajectory of the attention given to former detainees went in the opposite direction. The wartime media coverage and the Bassiouni report both stressed the ghastly conditions in which prisoners of war were kept, their starvation, beatings, sexual torture of men, and other kinds of maltreatment.⁶¹ International

⁵⁵ See Official Gazette of FBiH 22/05 and Official Gazette of RS 118/05.

⁵⁶ Helms 2014.

⁵⁷ Interview 89/SA/EX 2015.

⁵⁸ Helms 2013, 203.

⁵⁹ Interview 03/ZN/NG 2015.

⁶⁰ Ibid.

⁶¹ Already in August 1992, Roy Gutman published an article titled 'Death Camps' in the American Newsday followed by Yves Heller, Christiane Amanpour, David Rohde, Robert Fisk, and Steve Crawshaw, and others.

journalists and commentators presented Bosnia as the recurrence of Nazi camps, most famously with a *Daily Mirror* front-page titled ‘Belsen 92’ with a photo from Trnopolje, that ran against the post-Cold War discourse of humanitarianism and human rights.⁶² While some of these portrayals were instrumental in motivating Western intervention, the graphic detail and the monstrous nature of the crimes reported sent shockwaves across the world in the 1990s.⁶³ For example, the Bassiouni Commission described the cruelty exercised in camps operated by Serbs as follows:

In several instances, prisoners have been forced to inflict injury on each other, sometimes as entertainment for the guards. In other instances, prisoners are mass executed by machine-gun fire. ... [P]risoners are killed on a daily basis. Their bodies are sometimes left to rot on camp grounds, disposed of in mass graves abutting the camps and thrown into rivers, ravines, mine shafts and mining pits.⁶⁴

Despite the chill of such reports, by the end of the 1990s, victims of these crimes were not at the forefront of external justice efforts (unless they also pertained to another category – such as missing people). The reason was the quick shift towards sexual violence and missing people’s families as a form of victimhood triage to focus on the most appalling atrocities and suffering. Moreover, pure victimhood has been mainly attached to women. Bosnian victims of war soon became ‘sexualized’⁶⁵ due to the emphasis on female victimization while the male experience, including male rape, was pushed into the background. As Blagojević argued, it seemed as if the ‘victimhood paradigm was exclusively attached to women’.⁶⁶ Also the ICTY, which tried dozens of cases of torture in camps, since mid-2000s focussed on crimes of sexual violence and missing people as a matter of priority.⁶⁷ For example, 14 out of the 20 withdrawn indictments by the ICTY pertained to Prijedor, where some of the most brutal camps were located.⁶⁸ Analysing the ICTY documents, it is clear that the prosecutorial focus was on ‘rape *as* torture’ or ‘rape *and* torture’, rather than torture only.⁶⁹

⁶² Hagan 2003, 46.

⁶³ Hammond 2004, 175.

⁶⁴ Bassiouni 1994, 53–55.

⁶⁵ Clark 2016, 77.

⁶⁶ Blagojević 2013, 165.

⁶⁷ In one of the first and most notorious sentences at the ICTY of the case of Duško Tadić, the trial chamber established that he forced prisoners into brutal sexual acts on each other.

⁶⁸ Clark 2014, 60.

⁶⁹ See the ICTY website, <http://www.icty.org/en/about/tribunal/achievements>.

Nonetheless, while torture was overshadowed by other crimes, its inclusion in the international human rights arena influenced Bosnia as well. Inhuman treatment of prisoners of war has been part of international standards in war since the Geneva Conventions. Much later, in 1984, the *Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment* was adopted by the UN and soon signed by most countries in the world, including BiH in 1993. In 2002, BiH also became a member of the Council of Europe and thus a signatory of the 1987 *European Convention for the Prevention of Torture*.⁷⁰ Thereafter, a series of external human rights reports by OHCHR, HRW, and Amnesty International stressed the lack of concern for victims of torture.⁷¹ In December 2005, the UN Committee Against Torture released its report on BiH expressing concerns that the UN framework had not been implemented as survivors of torture remained legally unrecognized.⁷² The report again stressed that rape victims were particularly vulnerable and in need of rehabilitation and compensation. Although the main ex-detainee unions used these documents to justify their demands; their resonance was far weaker than the women's cause. Moreover, because of the mixed civilian-military identities of the *logoraši* unions, external actors also argued that despite the dire conditions of some ex-detainees in Bosnia, most *logoraši* were eligible to claim either military pensions or other civilian benefits.⁷³ Addressing victims of torture was not marked as a priority of the OHR, OSCE, or the other actors focusing on human rights in Bosnia although they all formally supported the need for their recognition.

Nonetheless, after the exclusion of victims of torture in the June 2006 legislation in FBiH, some international organizations such as the ICMP, ICRC, and UNDP formally endorsed another reform to include victims of torture in a new compensation law. Mimicking the 2003 conference organized by women, in September 2006, SLBH gained funds from ICMP to organize a conference titled 'Transitional Justice: Reparations for War Victims, Models and Recommendations' with the participation of many lawyers and experts on reparations (such as the leading expert in transitional

⁷⁰ See the *Council of Europe* website, <http://www.coe.int/en/web/portal/bosnia-and-herzegovina>.

⁷¹ See especially Office of the United Nations High Commissioner for Human Rights 2011.

⁷² See the original, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>. See also Kälin 2005, 32. Similar reproach has been echoed in several European Commission Progress Reports on Bosnia since 2010.

⁷³ Interview 64/SA/INT 2015.

justice Pablo de Greiff) and local activists. One of the main concerns of the discussion was how to create a more systematic approach to compensation for victims of torture. The leadership of *logoraši* used the conference's findings to appeal to foreign and EU embassies in Sarajevo to establish a 'Reparations Fund' for all victims, invoking the idea of 'shame', used in the case of Srebrenica too, arguing that international actors 'should have stopped the war'.⁷⁴ Yet none of these efforts were met with any significant responses. While the issue of rape provoked a 'rhetorically charged public debate'⁷⁵ worldwide, the issue of torture went without much of external engagement. Only since the IOM launched a reparations project for ex-Yugoslavia in 2014 (in addition to some EU-funded projects such as the *Network for Victims of Torture*) has there been a small growth in concerns for victims of torture too.⁷⁶

6.4.1.3. Assessing the International Salience of Victims of Torture and Rape

The external discursive support for the two categories differed. While sexual violence rose on the international human rights agenda in the late 1990s and crystallized in a series of new commitments to the protection of women, Bosnian ex-detainees lacked such preferential external focus. The international coverage of the war in Bosnia made it seem as if women were the only victims of the war. Although sexual violence in war was never a crime exclusive to women, it was merged with a growing gender agenda, which became a priority for both funders and external organizations. This concern for women was subsequently skilfully used in the female victims' campaigning and advocacy. In contrast, Bosnian *logoraši* represented by mostly men were rare recipients of foreign funding and support (with some notable exceptions such as ICMP and later some EU funds). As a result, while women and women-focussed NGOs were targeted through special projects prior to 2006, including those established by the OHR, *logoraši* did not benefit from such endeavours. In sum, international salience of victims of torture dropped to moderate levels by 2006 while that of victims of rape surged to high levels, mainly due to the changes in the international human rights

⁷⁴ Interview 70/SA/CV 2015.

⁷⁵ Cf. Htun 2003, 4.

⁷⁶ The joint project of UNDP, UN Women, IOM, and UNFPA was launched in September 2014 although a pilot has been in place since 2012.

arena. Table 6.2. summarizes the differences across BiH as of 2006 when the legal amendment was passed in FBiH.

TABLE 6.2. International Salience of Victims of Torture and Rape

Category/indicators	World attention to the issue	Country-specific discursive support	Special office or project	Financial support	Overall
Victims of torture	Existing UN and European declarations	Generic reports on human rights violations	Limited	Limited EU and ICMP funding	Moderate
Victims of sexual violence (mostly in FBiH)	New UN declarations (ex. 1325) and acts on sexual violence against women	Special reports and external involvement in the women's agenda	OHR projects and gender agencies	Extensive support of gender-focussed projects	High

Source: Compiled by the author.

6.4.2. MORAL AUTHORITY: WOMANHOOD AND POLITICIZATION

Moral authority as the publicly accepted legitimacy for compensation, i.e. deservingness, also varied across the categories. While neither category ever reached such a high level as military war victims or Srebrenica families, the moral authority of victims of torture was initially high, while victims of sexual violence had to face shame and societal marginalization. After the war, survivors of rape were socially stigmatized because rape tarnished female chastity, virginity, and purity.⁷⁷ In contrast, victims of torture initially assumed a prominent public role as key witnesses to wartime horrors and harbingers of legal justice. Gradually, though, victims of rape with domestic pro-victim activists raised awareness about sexual crimes, partially destigmatizing the war crime over time. Meanwhile, the leadership of *logoraši* became so closely associated with political parties that their claims on victimhood became dubious. At the time of the 2006 change, moral authority of victims of sexual violence was on an upward trajectory, while that of victims of torture was decreasing.

⁷⁷ See especially Žarkov 2007; Skjelsbaek 2011.

6.4.2.1. *Between Silent Suffering and Voice*

‘It is in our emotional genetics to suffer in silence. This is how we were brought up’, the renowned Serbian actress Mirjana Karanović recently argued. ‘It is a sign of decency not to share what happened to us and talk about it,’ she continued.⁷⁸ Karanović, who later became pivotal for opening debates about rape in Bosnia as the main protagonist of the film *Grbavica*, referred to the marginalization and public outrage Bosnian women faced when they came out with their experience of rape during the war. As Helms in her detail ethnographic account of women’s organizations in Bosnia noted, even some prominent politicians in Bosnia (especially in RS) were heard after the war saying that decent women would not talk about rape in public.⁷⁹ In some cases, raped women were even rejected by their families as ‘dirty’ and as ‘whores’ or as being at fault for their plight.⁸⁰ Sadly, children born from rape were often rejected by their mothers and families as ‘Četnik children’. Others felt ashamed of what happened to them and unable to speak out. Rape was perceived not only as an assault on the women’s body but also as a direct assault on the sacred institution of family.⁸¹

However, some women in Bosnia and Croatia spoke out about their experiences to NGOs, starting a process of gradual confidence building. As the director of one of these organizations noted, ‘when some women spoke out in 1992 about being raped, it was a chaos and people judged them, but this slowly changed’.⁸² The opening in these debates was also influenced by the fact that Bosniak public authorities weighed in, utilizing mass rape of Muslim women as a symbol of an attack on Bosniaks as a nation, with the aim ‘to prompt action in its support by foreign governments’.⁸³ Leading politicians of the Bosniak SDA used raped women as a tool to amplify international sympathy, demonstrate the brutality of Bosnian Serbs, and influence external actors to intervene and stop the

⁷⁸ Karanović 2017.

⁷⁹ Helms 2013, 205.

⁸⁰ Citroni 2012; Bidey 2014; Justice Report 2014; UNFPA 2015.

⁸¹ For more see Cockburn and Žarkov 2002; Korac 2006; Djurić et al. 2008; Majstorović 2011.

⁸² Interview 17/TZ/NG 2015.

⁸³ See Burns 1992.

war.⁸⁴ In 1993, the BiH ambassador to the UN Muhamed Sacirbey famously appealed to the UN, asking the world nations to stop the arms embargo and intervene. He argued that,

Bosnia and Herzegovina is being gang raped. Once forced into a submissive position by acts of violence and aggression . . . [t]he victim calls out for help. The strong and gallant hear the cries and rush to the scene of the crime. . . . Afraid to confront the criminal, the strong avert their eyes. The gallant explain their inaction by the age-old excuse that the ‘victim was asking for it’. . . . As we know, systematic rape has been one of the weapons of this aggression against the Bosnian women in particular.⁸⁵

The analogy could not have been clearer – the raped woman stood for Bosnia being attacked from all sides and pleading for help, which the ‘strong and the gallant’ (read the Western countries) refused to offer. In a 1995 interview published in the main daily *Oslobodenje*, a German sociologist Ruth Seifert explained the idea that ‘the body of a woman, whose entire existence is destroyed in that brutal manner [rape], becomes an image-symbol of the defeat of a nation’.⁸⁶ The link between women’s rape and the ‘rape’ of Bosnia was a resonant frame. Initially, the Islamic Community in Bosnia – aware of the patriarchal character of the country – issued a *fatwa* (Islamic ruling) asking families to reintegrate raped women, framing them as heroic martyrs in the Islamic tradition (*šehids*) who sacrificed their bodies.⁸⁷ SDA reaffirmed this position, calling for the acceptance of raped women into their communities and discouraged abortions, allegedly to repopulate Bosnia. Gender thus became closely linked to the Bosnian nationhood early on.

After the war, with new political challenges, raped women were domestically overshadowed by the massacres in Srebrenica and the stigma of rape prevailed. Only Bosnian pro-victim groups tried to re-open these questions and put women back on the political agenda.⁸⁸ A leader of such an NGO explained that ‘the political priorities after 1995 were different and women struggled to return home, overcome their traumas, and re-establish their lives’⁸⁹. The issue resurfaced as late as 1999 with the publication of a controversial collection of women’s testimonies edited by the president of SLBH

⁸⁴ Helms 2013, 82.

⁸⁵ Cited in Mestrovic 2004, xi.

⁸⁶ *Oslobodenje* 1995.

⁸⁷ Skjelsbaek 2011, 99.

⁸⁸ E.g. *Medica Zenica* since 1993, *Vive žene* since 1994, *Žene ženama* since 1997, and *Snaga žene* since 1999.

⁸⁹ Interview 17/TZ/NG 2015.

Irfan Ajanović titled ‘I Begged them to Kill Me’ in an attempt to bring attention to his category through using the female experience of torture. The book was widely criticized by female victims, who were not consulted in how their stories were interpreted and who felt betrayed by the sensational style of the book that suggested they would have rather died than live with the stigma of rape.⁹⁰ The book also underlined the tropes of uneducated, repressed, and feeble Muslim women, who became lost without their husbands and fathers, a portrayal resisted by some survivors.⁹¹ Nonetheless, it advanced Muslim women as the epitomes of victimhood, frames that later came to define the women’s activities.⁹² While feminists generally resist the use of the term ‘victim’ that invokes passivity and prefer to use ‘survivor’, Bosnian female victim associations adopted the term *žrtva* (victim). The name of the 2003-established association representing such women was *Women-Victims of War*.⁹³ This was part of the efforts to amplify the message that women were not to be blamed for their plight but were bearers of their fate.⁹⁴ Previous scholarship already demonstrated the close link not only between national discourse and women but also how sexual crimes can be amplified into solely female and submissive suffering.⁹⁵ Helms argued that the links made between womanhood and innocence, as well as women’s moral purity and their lack of responsibility for the war, became the cornerstone of the women’s claims on the state (and entity) authorities.⁹⁶

After 2003, these frames were reinforced by the activism of the leader of *Women-Victims of War*, Bakira Hasečić, a main defendant of the Bosniak war memory. She has referred to the war as ‘Četnik aggression’, a description of the war generally used by intransigent Bosniaks. She also insisted that rape should be included as part of genocide in Bosnia. Previously, some feminists attempted to present rapes by Serb forces as part of the strategy of genocidal annihilation of Bosniaks as opposed to the incidental rapes committed by Croats and Muslims.⁹⁷ Hasečić pursued her efforts through

⁹⁰ Helms 2013, 194–96.

⁹¹ See Blagojević 2013, 164–65; Majstorović 2011, 281.

⁹² See Helms 2013.

⁹³ Helms 2013, 8–11.

⁹⁴ Ibid. 66.

⁹⁵ Yuval-Davis 1997; Žarkov 2007; O’Rourke 2013.

⁹⁶ Helms 2013, 82.

⁹⁷ They followed the radical feminist Catherine McKinnon, who was hostile to many Serb feminist groups because of their Serb nationality. See Ibid. 61.

numerous (and often contentious) commemorative and protest actions. In addition to reaching tangible objectives in recognizing women, the promotion of the frames of genocidal suffering has also become an emotional strategy for coping. As a respondent originally from Višegrad explained, ‘for us the lack of the word genocide means a lack of condemnation of the atrocity’.⁹⁸ Victim hierarchization and the desire to be put on par with Srebrenica came to the forefront in these efforts.

Driven by her personal experience with rape, Hasečić also had the legitimacy to speak in the name of victims.⁹⁹ Similar to Srebrenica representatives such as Munira Subašić, she has been admired by many and loathed by some. Even many Serb respondents acknowledged her as a ‘heroine’, who started a victims’ movement but was also a ‘savvy’ and pragmatic leader.¹⁰⁰ Hasečić encouraged women to speak out and testify at courts, arguing that it was their moral duty to break the silence, not only to fight the rape stigma but also to show the extent of the Serb atrocities. This was critical because survivors were key witnesses in trials, even if testifying under protected identities. Women’s voices and war experiences were also lacking during the post-war peacebuilding processes in the public sphere. The only platform was provided by the ICTY and the Human Rights Chamber in Sarajevo that initially investigated 26 cases of rape during its existence until 2004.¹⁰¹

Together with this gradual narrative build-up that NGOs, the women’s section of *logoraši*, and Hasečić’s association pursued, the most critical event which raised the issue of rape and increased the moral authority of women came in February 2006, when a film documenting the life of a girl born from rape won the *Golden Bear Film Award* in Berlin. Directed by a young female Bosnian film director, Jasmila Žbanić, the film *Grbavica – Esma’s Secret*, where the above-mentioned Mirjana Karanović played the lead role, galvanized the public behind the cause of raped women. With her film, Žbanić not only brought the topic of rape into the public spotlight and sparked a public debate, but she also showed the broad material repercussions of rape and the impact on the lives of

⁹⁸ Interview 52/SA/EX 2014.

⁹⁹ Hasečić’s sister died of the inflicted rape injuries, while Hasečić’s daughter was raped in front of her. After her release, Hasečić joined the Army of BiH. See Delpla 2014, 250.

¹⁰⁰ Interview 110/KV/CV 2015.

¹⁰¹ Garbett 2010, 567. Later, the State Court completed 76 more cases (from 2005 until 2013). OSCE 2014, 8.

children born from rape.¹⁰² The film fought against the silence surrounding rapes and demonstrated that the crime comes with generations-long consequences. As a result, wartime sexual violence resurfaced in early 2006 in FBiH, giving women hope that they would finally be recognized.¹⁰³

Caring for raped women was now framed as the return of humanity to Bosnia. In a review in one of the main Bosnian dailies *Dnevni Avaz*, the film director Haris Pašović sang praise not only to the artistic brilliance of the film but also its humanity: ‘*Grbavica* is a little film that becomes large in its human grandiosity. It teaches us to be better people. *Grbavica* takes us back to our humanity and responsibility to the civilized respect for human life’.¹⁰⁴ The notion of humanity contrasted to the monstrosity of the crimes committed during the war and its wounds had been discussed in Bosnian intellectual circles. Pašović’s reference to this notion was important as it signalled that through proper care, these wounds can be healed. Nonetheless, the shame attached to rape was not fully dispelled in 2006 – especially within rural communities. Many women were unable to talk about their wartime experience out of shame and fear of reaction in their communities.¹⁰⁵ While moral authority rose significantly, in 2006, it was still at moderate levels when compared to missing people’s families and military victims.

6.4.2.2. *Witnesses of Horrors or Political Actors?*

Wartime media reports about the brutal detention camps of Omarska and Trnopolje in the Krajina region captured public attention and were widely discussed – not only abroad but also domestically. In the immediate post-war period, *logoraši* became important witnesses in trials and some of the main supporters of the ICTY and later domestic courts. From early on, *logoraši* posed themselves as the key defenders of truth and justice. As the main ‘guardians of memory’¹⁰⁶, they advanced the idea of *logoraši* as witnesses to the war horrors and the ultimate chroniclers of the war history. Alongside

¹⁰² The plot is about a teenage girl who seeks a certificate from her mother that her father was a fallen ABiH soldier, so that she can go on a school trip without paying.

¹⁰³ Interview 03/ZN/NG 2015.

¹⁰⁴ Pašović 2006.

¹⁰⁵ Amnesty International 2009a.

¹⁰⁶ Jouhanneau 2013a.

other Bosniak victim associations, SLBH propagated Bosniak war narratives ('Serb aggression' and 'genocidal RS') and amplified stories of forced detention as testaments to Serb brutality, genocidal intent, and the attack on Bosnian sovereignty. For example, Ejup Ganić, a prominent SDA wartime minister, spoke at the SLBH's second meeting, stressing the detainees' roles as living witnesses of the atrocities committed on Bosniak victims, including genocide.¹⁰⁷ These framings have been particularly used during important state visits, commemorations on days of camp liberations, and other important days of remembrance. The newly established 'Day of *Logoraši*' was set on 9 May as a deliberate appropriation of the day of 'Victory over Fascism', i.e. the end of World War II.¹⁰⁸

Such prominent place in the public discourse of victimhood and war testaments, though, was concentrated only within the respective ethno-national communities. SLBH soon drove the Croat *logoraši* of HULDR away as there was limited space for the Croat war experience. Even after SLBH took a more 'multi-ethnic' direction with the advent of Murat Tahirović becoming the Union's new president in 2005¹⁰⁹, the leadership kept amplifying frames of Bosniak suffering in genocidal terms. The Bosniak-focussed narratives made any initiatives for an entity law (that necessitated the support of Croats) and state law (that necessitated the support of Serbs) highly unlikely. The Bosniak-dominated war framings antagonized Serbs that have advanced their counter-narratives of Serbian 'perennial victimhood' in the hands of Muslims and Croats since SLRS's foundation in 2002, often invoking the atrocities of Jasenovac. Branislav Dukić, the first (and to date only) president of SLRS, became the primary defendant of the Srpska sovereignty. These mnemonic wars (wars over memory¹¹⁰) often escalated, such as when SLRS's deputy Slavko Jovičić-Slavuj (wartime SDS functionary and later politician) launched a campaign against the former detainee and SDA leader Sulejman Tihić in 2003. Jovičić-Slavuj accused Tihić of appropriating Bosnia, marginalizing Serb victims, and mislabelling the Bosnian war as aggression to re-victimize Serbs.¹¹¹

¹⁰⁷ ONASA 1998.

¹⁰⁸ Jouhanneau 2013a, 28.

¹⁰⁹ Jouhanneau 2013b, 199.

¹¹⁰ On the usage of 'mnemonic' tools, see Bernhard and Kubik 2014.

¹¹¹ *Nezavisne novine* 2003c.

These mnemonic wars became by 2006 highly politicized. At that time, Dukić and other prominent members of SLRS became strong critics of the processes of centralization and transitional justice in BiH. They opposed prosecution of Bosnian Serbs (especially Radovan Karadžić and Ratko Mladić, who were both at large and indicted by the ICTY), rejected any 'transfer of jurisdiction' (*prenos nadležnosti*), and called for RS's sovereignty that was allegedly under threat from the putative Bosniak conspiracy to destroy 'Srpska'. At an annual commemorative conference in Banja Luka in 2007, revealingly speaking after the PM Milorad Dodik, Dukić referred to the constant 'persecution of Serbs', presenting Serb victims as not only forgotten and belittled but also portrayed by Bosniaks as a 'genocidal nation'.¹¹² SLRS became an inherent part of Dodik's obedient coterie and what Srđan Puhalo called the ideology of 'RS as the highest Deity'.¹¹³ This discourse was also pursued by the new RS *Women Victims of War* association set up by Rajlić-Živković in 2013. In an intense letter to the RS Assembly, littered with emotionally charged language and typographical errors, she demanded a new law for *Serb* women victims of torture because they had been marginalized compared to Bosniak women. Her insistence on an ethnically delineated law was not only unconstitutional but later resulted in a protest letter by female activists in FBiH, appealing to the RS assembly to solve the status of women 'without any concern to ethnicity'.¹¹⁴

Moreover, during the second post-war period, the by then obvious long-term psychological wounds of *logoraši* lacked public understanding. In contrast to military victims that have been framed as heroes with their victimhood recognized through their physical wounds, mental harm went largely unnoticed. The civilian-military composition of *logoraši* also resulted in the fact that many civilian men had lower public sympathy as their incarceration was not the result of their military duties (see Chapter 4). Men who did not take up arms during the war were pejoratively called *podrumaši* (cellar dwellers, aka cowards).¹¹⁵ Some military *logoraši* felt emasculated since they were unable to protect themselves from capture and the horrific abuse.¹¹⁶ Therefore, from their initial frames of harbingers

¹¹² Antonić et al. 2008, 27–29.

¹¹³ Interview 33/BL/EX 2015.

¹¹⁴ The original of the letter was provided by Rajlić-Živković to the author.

¹¹⁵ Maček 2009.

¹¹⁶ Interview 13/BC/VC.

of justice, they have become framed as not fully innocent since their suffering was partially caused by their own involvement, actions – or rather inaction.

At that time and thereafter, some key representatives of the unions have also been scrutinized for their credentials. Murat Tahirović, the 2005-2011 leader of SLBH, was accused of being a ‘sham detainee’ (*lažni logoraši*) because he was allegedly imprisoned by the Bosniak separatist Bosniak army of Fikret Abdić in north-eastern Bosnia, and not Serb forces. Much later, Branislav Dukić’s past allegiance to the Army of BiH caused a great stir in RS and resulted in the disassociation of the main RS veteran association (BORS) from SLRS.¹¹⁷ In 2012, he was further accused of misappropriating the Union’s funds in the amount of 400,000 KM. Though well documented, he dismissed these allegations and labelled the whistle-blower as a ‘traitor’ of RS. Casting anyone who spoke out against any formal institutions in RS as treasonous has been a powerful tool for silencing any opposition to Dodik.¹¹⁸ Yet many ‘ordinary’ *logoraši* became fierce critics of Dukić’s leadership as venal and motivated by self-interest.¹¹⁹ Therefore, at the time when new laws for *logoraši* were discussed across Bosnia before 2006, their moral authority had already been falling, a process that continued especially thereafter. When compared to other victim categories at that time, though, it was still at moderate levels.

6.4.2.3. *Assessing the Moral Authority of Victims of Torture and Rape*

Moral authority of the two victim categories shifted after the war as a combination of political and societal changes and the victims’ activism. Initially, victims of sexual crimes struggled to ward off the stigma attached to rape while ex-detainees were poised as witnesses to crimes. Yet their moral authority changed thereafter. Although the pre-war traditional biases and the shame attached to rape were never fully defeated, the concerted efforts of pro-victim NGOs, Bosnian journalists, and ultimately the victims themselves raised awareness and understanding about sexual crimes and

¹¹⁷ Faktor 2015.

¹¹⁸ Interview 39/SA/EX.

¹¹⁹ Interview 110/KV/CV.

slowly increased the women's moral authority to moderate levels.¹²⁰ On the contrary, *logoraši* amplified their polarizing particularistic and political aims. While political links are generally accepted as natural for MWVs who are perceived as heroes, the political and divisive character of *logoraši* does not resonate with the public. Their inability to stand united undermined the credibility of their efforts further. Therefore, the trajectories of victims of sexual violence and torture went in opposite directions in the pre-2006 period. While raped women increased theirs from low levels, victims of torture lowered theirs from high levels after the war. However, in 2006, they both had only moderate levels when compared to other victim categories (see Table 6.3.).

TABLE 6.3. Moral Authority of Victims of Torture and Rape

Category/ indicators	Supportive public discourse and exposure	Alignment with war and/or national narratives	Invoked in significant events	Supportive cultural treatment	Overall
Victims of torture	Witnesses of horrors but later politicized	Representing the crimes of the others	Commemorations stressing ethno- national allegiances	Rare publications	Moderate
Victims of sexual violence	Innocent victims but with stigma (shame)	Politically upheld as sacrificing their bodies for the nation	With relevance to their cause – sites of memory	Films and documentaries	Moderate ¹²¹

Source: Compiled by the author.

6.4.3. MOBILIZATION RESOURCES: PARTISANSHIP, LITIGATION, AND CAMPAIGNS

The final factor explaining different outcomes is the quality of mobilization resources. Both victims of torture and rape had limited organizational resources after the war and took longer than military victims and families of the missing to formalize their organizations. While some were displaced abroad, others were reluctant to speak out and associate with any formal organizations out of fear. The distinguishing factor was that unlike families of the missing, whose urgent need for the truth

¹²⁰ Interview 31/SA/MD 2015.

¹²¹ It increased to higher levels thereafter.

shaped their organizational mobilization, victimization by torture and especially rape made many people isolated and unwilling to speak out. Many were also lacking information about what benefits could result from victim associations. Still, victims of torture gradually established themselves by forming smaller local groups of ex-detainees and soon by leaning on political allies in the hope of being treated akin to military victims. After much delay, victims of rape organized in separate associations and their campaigns, ultimately raising their mobilization resources to high levels.

6.4.3.1. *Women's Activism and Mobilization for a Life with Dignity*

Given the initial stigma attached to rape, victimized women started from positions of deprivation, shame, and isolation. Initially, they focused on various local activities and socialization events that featured small-scale campaigning and gainful actions such as selling manufactured products.¹²² Yet there was a gradual build-up of their networking and campaign capacities. Alongside the women from Srebrenica, they gained experience through the training and education given to them by civil society projects. Women-focussed NGOs – some drawing on socialist women's organizations whilst others set up as spin offs of external organizations – were initially funded and trained by international humanitarian and human rights organizations with the aim of supplementing the malfunctioning state support for victims.¹²³ Their key role was to prepare victims for court testimonies through psychosocial support.¹²⁴ Later, with the establishment of the women's section of *logoraši* in Sarajevo under Alisa Muratčauš (in 1999) and *Women-Victims of War* (in 2003), which jointly gathered hundreds of women, the victimized women's networks grew into a larger movement that was also able to get some external financial support.

This movement made itself visible in 2003 through a variety of protest actions, local campaigns, and even some individual litigation cases.¹²⁵ The civil sector played an important role in raising the issue of raped women. In particular, *Medica Zenica* under its directors Monika Hauser and Sabiha Husić

¹²² Helms 2013, 193–94.

¹²³ See Helms 2014.

¹²⁴ Interview 16/TZ/NG 2015.

¹²⁵ See Justice Report 2016. However, until 2015, none of these cases was successful.

acted as the pillar of their activities, support, and activism. The organization built up the reputation of a dedicated local women's organization from its establishment in April 1993. With combined incomes from the local government, external networking programmes and international donors, its respected leadership escaped the usual portrayal of Bosnian NGOs as 'foreign spies' and part of the internationally funded civil society in Bosnia.¹²⁶ *Medica* was critical for framing the redress of raped women as their right. It also fought against some of the existing stereotypes that the violated women were uneducated and to be blamed for their suffering.¹²⁷ *Medica* organized conferences, meetings, and campaigns with the victim associations. Since early 2000s, *Medica* presented several legal proposals for all victims of rape and torture – regardless of nationality – to claim compensation in the Federation. Husić explained that a state law would not have been possible to implement given the weakness of central institutions, so an entity legislation that would not be costly and would not mention ethno-nationality (because of Croat victims) was considered a more feasible option.¹²⁸ These proposals were discussed at the above-noted conference in 2003, which gave an impetus to the director Jasmila Žbanić – who was a frequent visitor in *Medica* – to write the screenplay for *Grbavica* so that it authentically reflected the women's experience. Thereafter, there has been an ongoing discussion in the press about the inclusion of women in the legal frameworks either for military or civilian victims (as raped women were at times painted as heroines akin to soldiers).¹²⁹

After the success of *Grbavica*, *Medica*, victim associations, and other women's organizations used this surge in public interest for raped women in the Federation to launch a long-planned campaign in March 2006. Žbanić, *Medica*, and 34 other NGOs came together and organized a campaign 'For the Dignity of Survivors' with a petition to solve the socioeconomic situation of the survivors of rape. Torture was also included in the initial proposals but it was not a key point of the campaign that clearly focussed on women. The campaign was endorsed by veteran associations in the Federation and most other victim associations. Hasečić's association as well as the female sections

¹²⁶ Sejfića 2006.

¹²⁷ Merry 2006.

¹²⁸ Interview 03/ZN/NG 2015.

¹²⁹ *Nezavisne novine* 2003d.

of *logoraši* were an integral part of the campaign, giving it a ‘victim’s face’.¹³⁰ Film screenings were preceded and followed by signing of the petition that called for compensation for women. On 27 March 2006, the 50,000 petition signatures were presented to SDA deputies Muhamed Ibrahimović and Nermina Kapetanović at the House of Representatives of the Assembly of FBiH with extensive media coverage.¹³¹ Several parliamentary debates and open discussions followed against the backdrop of continuous campaigns on the street and criticism by Žbanić. As some commentators noted, Žbanić’s firm condemnation of Bosniak authorities in their lack of support for raped women gave domestic politicians a ‘moral trashing whose kind they never experienced before’.¹³² When the amendments were finally adopted in June 2006, the public response was victorious. The change signalled that public activism was a fruitful approach to influence policymaking.¹³³ However, torture was excluded from the amendment.

The campaign received strong political backing from the Bosniak SDA politician and Zenica-resident Kapetanović, who had been in conversation with *Medica* for many years, and Saliha Đuderija, a highly ranked lawyer at the Ministry for Human Rights and Refugees (MHRR), who eventually drafted the changes. Social democrats also had to support the proposal as individual deputies had been advocating for this change previously.¹³⁴ Also Croat HDZ deputies had an incentive to listen because Croat victims supported the campaign and the proposal was assessed as not putting any major financial burden on their cantonal budgets. Yet the biggest ally was the public. Newspaper articles from 2006 suggest that the public mobilization of the campaign was truly unprecedented.¹³⁵ Sabiha Husić stressed that after the campaign, political authorities in the Assembly could ‘no longer ignore’ them.¹³⁶ As the Bosniak SDA was worried about the upcoming elections, demonstrating its concern for the issue was an instrumental political move. It was not only the gradual build-up of the women’s compensation cause and their extensive mobilization campaign,

¹³⁰ Interview 16/TZ/NG 2015.

¹³¹ *Oslobodenje* 2006b.

¹³² Šagolj 2006.

¹³³ *Oslobodenje* 2006d.

¹³⁴ Helms 2013, 204.

¹³⁵ Šagolj 2006.

¹³⁶ Interview 03/ZN/NG 2015.

but also the rational calculation of political actors who understood that the potential number of beneficiaries would be low because many women still feared to register. Reinforced by the growing mobilization of the women and their international salience that promised reputational rewards, the legal change was politically expedient.

6.4.3.2. *Partisan Networking and Co-optation of Logoraši*

Mobilization resources among ex-detainees and their strategies were qualitatively different. Despite their large numbers of up to 100,000 members in the three unions, internal divisions among the associations and lack of committed leadership lowered their impact on policymaking. As many prominent *logoraši* were at the same time politically active, the unions relied on direct lobbying and negotiations behind the closed doors with their political allies instead of public campaigns and advocacy work. Given the polarization of Bosnian politics, this was a precarious strategy with small pay-outs for victims, but with great personal benefits for leaders who sided with the right parties. In the Federation, *logoraši* were caught between rivalries of radical and less radical Bosniak parties, and the contest with social democrats. In RS, the situation became simpler after Milorad Dodik firmly gripped power from early 2006 and only one political allegiance remained.

All leaders of SLBH generally identified with the strongest Bosniak parties in FBiH, which financially supported their activities.¹³⁷ The founder of SLBH Irfan Ajanović¹³⁸ and the top leadership of the *logoraši* in the Federation were the ‘Founding Fathers’ of SDA in the early 1990s.¹³⁹ The close ties to SDA later extended to Haris Siljadžić’s and Safet Halilović’s SBiH after its more radical turn and attraction of some prominent SDA members. After 2001, the more conciliatory SDA politics of Sulejman Tihić was criticized while the more intransigent SBiH’s rhetoric gained much popularity among the SLBH leadership.¹⁴⁰ These political allegiances were also the reason why SLBH and HULDR struggled to cooperate. The founder of the Croat HULDR Mirko Zelenika was

¹³⁷ SLBH belongs among organization of special interest, entitling it for regular funding from local budgets.

¹³⁸ Ajanović later became a deputy and in 2015 stood as an SDA candidate for the presidency.

¹³⁹ For the history see Jouhanneau 2013b, 120–80.

¹⁴⁰ Tahirović later set up his own *Association of Victims and Witnesses of Genocide* (see <http://tortura.com.ba/>).

a close supporter of the nationalist HDZ BiH. As entity laws are passed by Bosniak and Croat deputies, the lack of unity weakened their leverage in 2006. Moreover, the leadership of Bosnian Serb *logoraši* made it clear that it did not seek any close cooperation with Bosniak or Croat ex-detainees.¹⁴¹ Dukić stood in the vanguard of Milorad Dodik's nationalism¹⁴² as the leader of an 'organization of one person' (*organizacija jednog lica*)¹⁴³. While SLBH oscillated between an entity and state law, Dukić has kept his opposition to a state law.

While the 2006 changes in FBiH had limited immediate impact in RS (Serb women did not even have an association of their own then), the exclusion of torture from the amendment drew a further rift between the FBiH associations. Some *logoraši* turned against their Sarajevo-based leadership, accusing them of venality and lack of interest in the population they represented.¹⁴⁴ Local associations subsequently resorted to street protests, threats of hunger strikes, and issuance of letters to foreign representatives in the country – all in vain. Internal divisions within FBiH intensified in April 2009, when a Bosniak ex-detainee Zijahud Smailagić set up a splinter *United Union of Camp Detainees* in Banja Luka as an inclusive organization for detainees of all background. This weakened the power of a singular voice of *logoraši* even more. Since 2013, the new leader of SLBH Jasmin Mešković (a supporter of SDP) attempted to submit draft law proposals at both the entity and state level. Although Mešković has had a troublesome relationship with the new leader of HULDR Andjelko Kvesić,¹⁴⁵ they jointly pushed a draft state law into the state Parliament in December 2013 based on a memorandum between the three unions. Mešković later held meetings with the speaker of the RS Assembly and SLRS, which pledged to support the law. But the draft only got as far as the parliamentary Human Rights Committee without further debates. The key reason for its failure was SLRS's withdrawal from the proposal, allegedly on the intervention from Dodik, who saw any state laws as breaching the sovereignty of RS.¹⁴⁶

¹⁴¹ Tabučić 2003.

¹⁴² Dukić has also been a member Dodik's Staff for the Protection of RS Constitutional Position.

¹⁴³ Interview 110/KV/CV 2015.

¹⁴⁴ Interview 84/TZ/NG 2015.

¹⁴⁵ Interview 01/SA/NG 2014.

¹⁴⁶ Interview 110/KV/CV.

Prior to these developments, the ICJ's decision that Serbia was not obliged to pay reparations to Bosnia in 2007, i.e. soon after the 2006 reform in FBiH, led SLBH to pursue litigation. It was chosen as the most efficacious strategy to help victims in the short term and push the entity government into legislation in the long term (to prevent further payments made to individual survivors).¹⁴⁷ This approach was encouraged by an older breakthrough case of the above-mentioned Smailagić. In 2003, the municipal court in Banja Luka ordered a compensation in the equivalent of 2,330 Euro for the 17 months he spent incarcerated in Banja Luka.¹⁴⁸ The case was an important sign that the judicial path may be effective. The process started in March 2007 (i.e. a month after the ICJ ruling) when SLBH hired a Croatian lawyer Josip Sladić, who submitted thousands of cases at the Banja Luka municipal court.¹⁴⁹ Many victims hoped RS would finally offer them the compensation they had been denied. In response, Dukić stated that FBiH's ex-detainees were aiming to bring RS to the verge of bankruptcy, calling them 'destroyers of Srpska' (*rušitelji Srpske*), a common accusation used by Dodik against his opposition.¹⁵⁰ Dukić still encouraged his members to start litigation against FBiH.

It soon turned out that Sladić worked in BiH illegally and SLBH had to re-run the procedures, ultimately burdening victims with heavy financial costs.¹⁵¹ Most cases were dismissed and *logoraši* were asked to pay for the legal proceedings because of statute of limitations of the submitted cases, which should have been filed within five years of the declared end of the war.¹⁵² Subsequently, individual ex-detainees have relied on NGOs rather than SLBH to sue RS on their own, going as far as to submit their cases to the ECtHR in Strasbourg.¹⁵³ They have argued that the state courts cannot afford to compensate all *logoraši* 'according to Strasbourg's money' (i.e. large amounts), which is why a new law is more likely to be adopted.¹⁵⁴ In 2015, as many as 30,000 former ex-detainees, including some rape victims, were suing the two entities through their municipal and higher courts

¹⁴⁷ Interview 41/VS/CV 2015.

¹⁴⁸ *Oslobođenje* 2006a.

¹⁴⁹ Kulaga 2011.

¹⁵⁰ *24sata* 2014.

¹⁵¹ See the official website, <http://www.logorasi.com/index.php/dokumenti/tuzbe>.

¹⁵² Hanušić 2013.

¹⁵³ Some key compensation cases are Čolić et al vs BiH at ECtHR, 2009; Prosecutor vs Trbić at Court of BiH, 2010; Maktouf vs BiH at ECtHR, 2013; Prutina et al vs BiH at HR Committee, 2013; Mujkanović et al vs BiH at ECtHR, 2014; Marković et al vs BiH at State Court BiH, 2016. See also Clark 2014.

¹⁵⁴ Interview 99/BL/CV 2015.

for non-material damage.¹⁵⁵

Although the litigation has so far failed, it did bring individual *logoraši* closer to cooperating with the civil sector. Due to the need for legal assistance, individual members and even local associations started cooperating with the civil sector such as TRIAL, which has assisted them with individual cases and the legal preparations of the law drafts.¹⁵⁶ Despite this limited progress, animosity between the unions and the civil sector continues. When an NGO in Sarajevo set up a project ‘Mapping Camps in BiH’ in 2013, all three unions rebuked its aims as redundant since all Bosnian camps had already been mapped by them.¹⁵⁷ Mešković further insisted that the project wanted to ‘equalize guilt’, pointing to his disagreement with the high number of camps run by the Bosnian Army.¹⁵⁸ United by their opposition to the project, Mešković and Dukić surprisingly addressed a joint protest letter to donors in BiH, devaluing the project.¹⁵⁹ There were moments when cooperation between the unions seemed possible, but the political rifts between the leadership and the growing tensions between the entities contributed to the failure to gain any recognition.

6.4.3.3. *Assessing the Mobilization Resources of Victims of Torture and Rape*

As this previous section suggests, mobilization resources for victims of rape and torture were different in their strategic reliance on political allies and civil-society networks. While the three *logoraši* unions have had a much larger membership than female victims in FBiH, the female associations had a better access to the civil sector and streamlined their activities into a number of high profile campaigns and advocacy actions. This way, they enhanced the resonance of their mobilization and utilize their resources to their maximum. The NGO networking of sexual violence victims was especially critical during a campaign in 2006 that ultimately tilted the scale towards adoption of compensation. Instead, victims of torture were better poised to rely on direct lobbying with their political allies, who had limited interest in compensating categories whose leadership they

¹⁵⁵ Maglajlija 2015.

¹⁵⁶ TRIAL (*Track Impunity Always*) is an international organization that provides free legal advice to victims.

¹⁵⁷ See the project’s website: <https://goo.gl/vCCjPh>.

¹⁵⁸ Interview 70/SA/CV 2015.

¹⁵⁹ Interview 52/SA/EX 2014.

fully controlled. Although *logoraši* later changed their strategy and pursued litigation, their lack of unity, political disagreements, and vagueness about their demands contributed to their non-recognition. They failed to convince political authorities that they could challenge them, something the FBiH women were able to achieve in 2006. The differences are summarized in Table 6.4.

TABLE 6.4. Mobilization Resources of Victims of Torture and Rape

Category / indicators	Leadership and organizational capacities	Networking and cooperation	Existence of allies and advocates	Financial means	Overall
Victims of torture	Large membership but internal divisions	Across political allies	Limited, though among some political actors	Moderate, through local budgets	Moderate
Victims of sexual violence	Small membership but effective leaders	Across the civil sector and pro-victim groups	NGO sector and external organizations	Moderate, external financing and NGO support	High

Source: Compiled by the author.

6.4.4. CONTEXT AND THE *ACTIVIST ROUTE*

Each factor explained above, on its own, would not have led to compensation for victims of rape. It was mainly the combination of high prioritization of issues related to wartime sexual violence, the women's ability to utilize these developments, and a domestic campaign that tipped the scale towards adopting a legal amendment in the Federation. The context of 2006 – when domestic authorities competed for electoral votes and external actors were engaged in domestic human rights issues – before the poisonous constitutional disputes (see Chapter 3) and the intensive financial exigencies unravelled further provided a window of opportunity for a compensation reform. In this section, I review how high mobilization resources and international salience coincided in favour of the cause of sexual violence in what I call the *Activist Route*. In contrast, moderate levels of all factors failed to bring compensation for ex-detainees as a clear *No Compensation* outcome.

When the amendment was adopted in June 2006, conflict-related sexual violence was highly placed on the international agenda of human rights and transitional justice. The Bosnian war coincided with

the mass victimization of women in Rwanda, leading to a growing concern over sexual violence. Combined with the novel legal anchoring of rape as a war crime at the ICTY and ICTR (where jointly over 30 cases involving rape were tried), victims of sexual violence became one of the key international priorities. These developments were transmitted to Bosnia through the work of the ICTY but also through the policy preferences of external humanitarian agencies, funders, and peacebuilders that were active in Bosnia since the end of the war, and the local activists such as *Medica*. Yet in the first post-war phase, female survivors were poorly equipped and organized to leverage these developments. However, the externally funded civil sector reflected the international trends in their projects and activism. It was the second phase (until 2006), when the victimized women not only mobilized but also used the gradual build-up of external policies, UN conventions, and institutions for their cause in the ways they framed their rights. Supported by the civil sector, they generated great networking opportunities and justified their demands for recognition and material redress on the basis of the existing conventions and agreements. Such strategic framing was important for their objectives: networks of pro-victim groups assisted them in forging alliances with external organizations and raising awareness about the issues they faced. While the so-called 'transnational advocacy networks'¹⁶⁰ played an important role, their influence was at times mediated through the external actors in the country, such as the HR/EUSR and their policy preferences.

An additional contributing factor was the domestic women's organizations' ability to frame their war victimization in terms of gender and its links to nationhood, raising their deservingness. Using such frames, women by the second phase rose from silenced and stigmatized victims to symbols of (mainly Bosniak) suffering and victimization. These efforts combined in 2006 when *Grbavica* won the *Golden Bear* in Berlin. The film's director Žbanić, who became an overnight celebrity, strongly supported the women's causes and mobilized the public to join their efforts. Although there had previously been many debates about a legal reform, there had never been a critical mass that would have advocated for women's compensation in public. But the film and the campaign propelled the issue to the foreground. While their authority did not reach levels of Srebrenica victims and disabled

¹⁶⁰ Keck and Sikkink 1998.

veterans, its growth from low to moderate levels helped the women's cause too. Therefore, through the conjuncture of high international salience and high mobilization, and growing (though still moderate) moral authority, the women were well poised to succeed with their goals.

Instead, the combination of these factors for ex-detainees played out differently. During the first post-war phase, victims of torture were symbols of suffering due to heightened interest in their experience as a result of foreign media reporting and their important roles in testifying at the newly created ICTY. Ex-detainees also relied on their partisan networks, pursued particularistic objectives, and failed to create broad platforms for their – often conflicting – demands. By aligning with the dominant ethno-national parties, the *logoraši* leadership was also seen as providing for a select group of people at the top through direct financing, while the vast majority of former detainees were waiting for their 'status'. Consequently, although ex-detainees enjoyed significant moral authority after the war, they did not experience any growth in their moral authority thereafter. This remains the case particularly in RS, where Dukić has been abundantly financed by the RS government in return for the promotion and advocacy of 'preserving Srpska' and framing Milorad Dodik as RS's main protector. This has not only delegitimized their true cause in the eyes of the public, but has led to several internal divisions that ultimately cost their organizations a united voice when pressuring domestic authorities – both at the entity and state levels. In 2006, *logoraši* had only moderate levels on the three tools.

Nonetheless, the inclusion of women and exclusion of *logoraši* was also a pragmatic move that needs to be analysed against the backdrop of the political developments at that time. The 'Dignity' campaign in 2006 came at a particularly favourable time before the October 2006 general elections when nationalist parties SDA and HDZ faced social democrats and were keen on presenting themselves as protectors of their ethno-national groups. In the Federation, SDA was challenged by both social democrats – who initially took over the victim agenda but then had to drop it – and Siljadžić's SBiH, who stood as a strong supporter of the legal change and the framing of rape as a genocidal strategy to annihilate Bosniaks. The leader of SDA Sulejman Tihić had previously been criticized by victims as belittling them because he was willing to recognize crimes committed by

Bosniaks.¹⁶¹ The amendment was a good symbolic gesture on the part of all parties in the Assembly (especially SDA) without being too divisive given the lack of agreement among *logoraši* on their goals. As several respondents noted, SDA representatives had to react to the campaign if they wanted to be seen as credible political and national representatives of Bosniaks. Siljadžić subsequently won the elections on a nationalist platform, as did the Croat nationalist HDZ.

However, until June 2006, media articles describing the legal reform did include *logoraši* – even if as a marginal afterthought. Yet without much public notice, torture was eventually excluded from the final change. When I questioned the prominent legal officer at the MHRP Saliha Đuderija about why all efforts of *logoraši* failed, she listed several reasons. Their unions had not been united, they were seen as politicized and their numbers disputed. She also speculated that many probably exercised their rights through other affiliations and pension schemes (mainly the army).¹⁶² The high numbers of ex-detainees may have acted as a double-edged sword. As the unions of detainees have claimed to have at least 100,000 members, the cost of potential reform has been unknown. Even Đuderija as one of the best informed legal experts on the matter in Bosnia was unable to estimate the cost of a state or entity law for all victims of torture.¹⁶³ Moreover, *logoraši* were not considered a politically dangerous category because of their co-optation into the main political echelons. While it is difficult to assess the exact decision-making processes, several experts independently suggested that FBiH deputies excluded *logoraši* precisely because of such political considerations.

A critical aspect was also reputation. The EU *Stabilization and Association Agreement* negotiations opened a year prior and external actors were involved in domestic policymaking. The campaign represented was an unwelcomed disturbance on domestic authorities' plans to poise themselves as committed to the EU. They were scrutinized by UN human rights committees as well as the OHR in Sarajevo that created special offices for gender issues. Politicians in FBiH were aware of their formal commitments to human rights, which had conditioned funding and external support on their EU path.

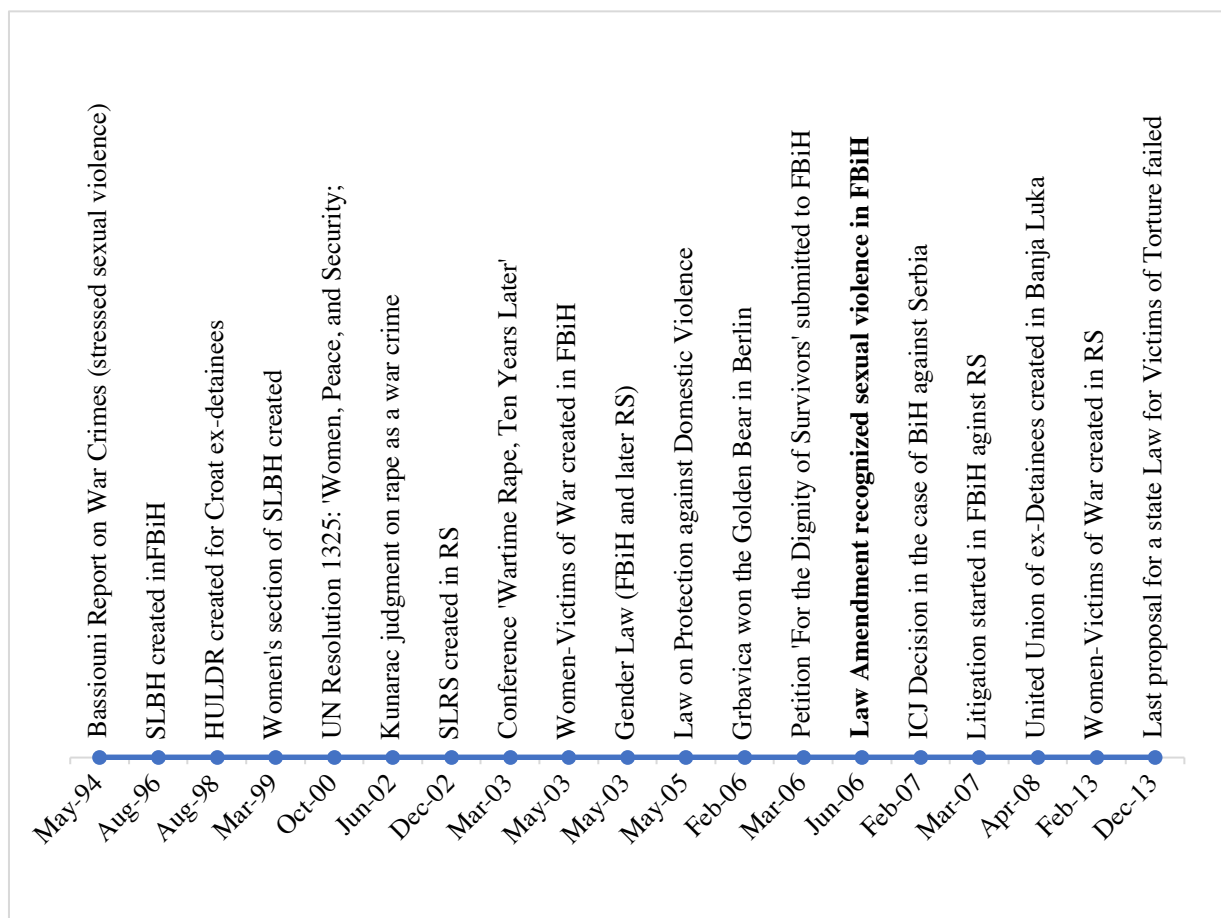
¹⁶¹ *Oslobodjenje* 2005a.

¹⁶² Interview 23/SA/PP 2015.

¹⁶³ Ibid.

Indeed, the 2006 change was met with positive external appreciation and was used as a token of human rights protection.¹⁶⁴ The coalescence of these factors thus came at an opportune time, bringing political and reputational benefits for political authorities in FBiH. This scenario points to the confluence of structural and actor-centric arguments, i.e. the role of contextual factors and the role of the agency of the victims. Figure 6.1. below traces the key milestones.

FIGURE 6.1. Milestones in Compensation for Victims of Torture and Rape



Source: Compiled by the author (the 2006 reform is in bold).

¹⁶⁴ Šagolj 2006.

6.5. ACCESS TO COMPENSATION AND THE ‘JOLIE UPROAR’

The final aspect of compensation that needs to be at least briefly mentioned is the access to provisions enacted for victims of rape in FBiH in 2006, which are relevant for the third post-war period. Although the 2006 change was nominally important as it recognized and offered formal compensation to a category of victims that had been previously marginalized, the number of actual beneficiaries has been painfully low due to a raft of procedural obstacles in access. By 2014, only 890 rape victims obtained the ‘victim status’ in FBiH.¹⁶⁵ Apart from the financial monthly payments, none of the other services defined by the law have been implemented. While some women are still unwilling to identify as victims of rape¹⁶⁶, the differences in economic capacities of cantons and the lack of willingness of the entity government to distribute compensation have led to delays in payments and a poor provision of healthcare and psychosocial services. Additional problems resulted from the badly managed registration procedures. Although the law did not detail the role of victim associations, Bakira Hasečić took over the certification process and then forwarded all approved applications to local Centers for Social Work across cantons.¹⁶⁷

According to Husić from *Medica*, many women wrongly believed that they would need to present a criminal conviction, testify, or reveal their identity if they wanted to register.¹⁶⁸ While confidentiality is guaranteed by law, there had previously been cases of women’s identities made public. Some applications were also rejected out of personal animosities or conditioned by party membership.¹⁶⁹ The amateurish management of certification implicated Hasečić’s lack of professionalism. These growing allegations suggest what many experts on the ground described Hasečić turning into a ‘victim entrepreneur’ with a monopoly on who can acquire ‘status’ and thus be recognized. Given this poor record of access, women’s networks mobilized their resources again to change the certification procedures at a time when their international salience rose. Renewed interest came with

¹⁶⁵ Husić 2014, 15.

¹⁶⁶ Interview 16/TZ/NG 2015.

¹⁶⁷ Helms 2013, 212.

¹⁶⁸ Delpla 2007, 227.

¹⁶⁹ A respondent from Tuzla suggested that Hasečić was conditioning her certificate by joining SBiH. Interview 84/TZ/NG. See also Helms 2013, 219.

the Hollywood actress and director Angelina Jolie and her film *In the Land of Blood and Honey*, which stirred up a new controversy in 2010. The film's leaked plot was deemed as disparaging and humiliating for the survivors, mobilizing Hasečić to lobby the FBiH Ministry of Culture to revoke Jolie's filming license. Although it was later revealed that the leaked plot was incorrect, Hasečić continued to oppose the film unlike the women's section of *logoraši* that instead resisted Hasečić's tendency to speak on behalf of all victims.¹⁷⁰ Media headlines claimed that Jolie's film divided Bosnian victims.¹⁷¹ Despite these controversies, the media attention helped the women's and pro-victim organizations raise the visibility of raped women once again. Subsequently, women in RS mobilized for the first time. A conference organized in November 2010 featured UN representatives such as Margot Wallström who promised to 'take the sighs of raped women with her to the UN'.¹⁷² Jolie was later appointed as Special Envoy of UNHCR and partnered with the UK Secretary William Hague, whose close aid Arminka Helić was a former Bosnian refugee. Together, they launched a new initiative on the prevention of sexual violence in armed conflict in May 2012.¹⁷³

Additional conferences and roundtables followed. At a conference organized by the UN in Sarajevo in 2012, victims spoke about their experience and needs, stressing that socioeconomic rights and justice were still their priorities.¹⁷⁴ Several new projects focussing on women victims of war were launched, one as an EU-funded cross-entity initiative, a true novelty.¹⁷⁵ In 2012, UNFPA started a project aiming to implement a nation-wide strategy for victims of all types of torture and sexual abuse. In June 2013, the Special UN Envoy Rashida Manjoo reported about the situation of women in BiH, pressing domestic authorities across BiH 'to recognize the existence of civilian women victims of rape and torture regardless of their ethnic or religious backgrounds, and to ensure that they have equal access to remedies and services'.¹⁷⁶

¹⁷⁰ See Simić and Volčić 2014.

¹⁷¹ *Oslobođenje* 2010b.

¹⁷² *Dnevni list* 2010.

¹⁷³ Hague 2012. This initiative later led to the 2014 UN Guidance Note *Reparations for Conflict-Related Sexual Violence* (see <http://www.ohchr.org/Documents/Press/GuidanceNoteReparationsJune-2014.pdf>).

¹⁷⁴ UNFPA 2012.

¹⁷⁵ The joint project of UNDP, UN Women, IOM and UNFPA was launched in September 2014.

¹⁷⁶ Manjoo 2013, 19.

The result of this increased engagement of external actors with the issue of victims of sexual violence was greater awareness of the issue in Bosnia. Ten years after the establishment of *Women-Victims of War* in FBiH, a similar organization was created in Banja Luka in 2013.¹⁷⁷ In May 2015, one of the first Women's Courts was organized in Sarajevo by several feminist organizations, human rights activities, and the victimized women themselves. Eventually, having discussed the problematic distribution of certificates at length, *Medica* with other NGOs successfully convinced the Minister for Human Rights and Refugees Semiha Borovac to increase the number of certifying institutions and change the procedures, an act that did not demand parliamentary approval.¹⁷⁸ This additional success was the result of the combination of high external attention and high domestic pro-victim mobilization when women's moral authority has already risen to higher levels, i.e. approximating the *Optimal Route* scenario when all three factors combine at high levels.¹⁷⁹ Another side effect has been an increase in the legal prosecution of war crimes involving rape. From 2014 to 2016 the Court of BiH tried 36 war crimes cases that included elements of sexual violence.¹⁸⁰

While women in FBiH have been successful despite harsh odds, the category of ex-detainees has never been recognized anywhere in Bosnia. In addition to their lower levels of international salience and effective mobilization resources in 2006, their cause has been made more challenging due to the deteriorating political and financial situation. After external actors reduced their interventionism, entity nationalism and political intransigency surged. This was also compounded by the start of the financial crisis after 2008 when the structural failures of the Bosnian economy became obvious. Domestic politics returned to nationalist and polarizing rhetoric that made any enactment of a state law a hard sell. As some respondents maintain, it is the lack of cooperation among the top political leadership, which has led to an ongoing stagnation in enactment of any new victim-focussed regulations. As a result, other victim associations became wary of the introduction of new

¹⁷⁷ Amnesty International 2009a.

¹⁷⁸ *Medica Zenica, Vive žene, Snaga žene* are now also eligible to certify women. Interview 39/SA/EX 2015.

¹⁷⁹ Although Hasečić has been increasingly criticized, the growing number of organizations representing women has offset such potential weakness of the women's movement.

¹⁸⁰ Muslimovic 2017.

compensation categories out of fear that their own benefits could be lowered.¹⁸¹ Despite some recent external attempts to enact new regulations for ex-detainees, the tense political situation and the lack of *logoraši*'s capacities to disentangle from political alliances and improve its cross-country cooperation leave little hope for their future compensation.

6.6. CONCLUSION

‘We missed our chance in 2006 when there was still some money in the budget and when politicians listened to victims and foreigners’, sighed a leader of a small local association for *logoraši*.¹⁸² The reference to the year 2006 is not only a reflection on the compensation success of survivors of sexual violence in FBiH, but also an assessment of the deteriorating political and economic situation thereafter. This missed opportunity has indeed continued to haunt ex-detainees across the Federation. The complex politicized victimhood of *logoraši*, their internal divisions, and lower levels of international salience have prevented them from convincing domestic authorities that compensating them would bring any political or economic benefits. Their mobilization has been invalidated by their political links, making their claims and protests toothless. Ultimately, co-opting the leadership into political ranks neutralized their opposition. Moreover, the war torture did not feature prominently on external agendas for peacebuilding and justice in the period preceding the changes in 2006 and thereafter. While torture has been stressed by human rights advocates as a crime that has never been fully addressed in BiH¹⁸³, this attention has mostly come at times when external actors in the country have been weak and when other issues – mainly of economic nature and more recently with regards to radicalization – have dominated their agendas. Given the current economic state, political tensions, and weakness of external pressures, the context for adopting compensation is less favourable today than in 2006.

¹⁸¹ Delpla 2014, 241.

¹⁸² Interview 41/VS/CV 2015.

¹⁸³ Amnesty International 2017.

Although 2006 was a favourable window of opportunity, it was thanks to the vigorous efforts of the victims and activists that rape survivors became a formally recognized category. As an established Bosnian journalist mused, ‘many people do not understand what these women achieved, not only for themselves but for the entire Bosnia’.¹⁸⁴ The women’s growing deservingness in the Bosnian landscape of victimhood, their fierce activism, and the surge in international prioritization of the issue of sexual violence made domestic authorities in FBiH realize that compensating women would bring reputational benefits from external actors without breaking the state budget in 2006. Combined with the political struggles in FBiH where the main Bosniak party SDA under Tihić was challenged by social democrats and radical Bosniak parties, SDA saw political returns from awarding compensation to representatives of such a topical issue. The result was that the victims became eligible for financial payments, free healthcare, and a series of economic and vocational services. As the combination of international salience and mobilization played a critical role for this outcome, the change of 2006 corresponds to the *Activist Route* scenario, i.e. when victim categories skilfully use their high mobilization resources and draw on their high international salience.

¹⁸⁴ Interview 31/SA/MD 2015.

CHAPTER 7

VICTIMHOOD AND COMPENSATION IN COMPARATIVE PERSPECTIVE

7.1. INTRODUCTION

The exercise of power is determined by thousands of interactions between the world of the powerful and that of the powerless, all the more so because these worlds are never divided by a sharp line: everyone has a small part of himself in both.

Václav Havel, *Power of the Powerless*

In this thesis, I have examined the key mechanisms behind the adoption of compensation reforms for war victims in Bosnia and Herzegovina. As a set of material and in-kind benefits for victims with irreversible injuries and losses, I have presented compensation adoption as the outcome of victims' strategic engagements with domestic and external actors, which have been shaped by the post-war Bosnian social, political, and economic context. Such engagements have ranged from amplifying frames of victimhood and suffering in the public sphere to direct lobbying, protests, and petitions. However, victims voiced their demands within the constraints of the post-war Bosnian political context defined by ethno-national and political divisions, slow socioeconomic development, inconsistent international interventions, and polarized war narratives. I have explained the main differences between the categories using the varied levels of their international salience, moral authority, and resources for mobilization, arguing that while these three tools are shaped by the political constraints (especially in terms of the domestic political competition), socioeconomic factors, and the involvement of international actors, some categories have been more capable of achieving their goals. I have not only problematized the traditional portrayal of victims as powerless and at the mercy of politicians but also shown that transitional justice must be studied as a process emerging from societal processes rather than as a top-down and stringent framework. In order to bring these discussions together, the aim of this chapter is to highlight some of the key findings, revisit the theoretical propositions made in the second chapter, and offer future directions for research.

7.2. REVISITING COMPENSATION: ‘STATUS’ AND THE VARIETIES OF SUCCESS

Throughout this thesis I have argued that compensation has represented the societal acknowledgment of responsibility and willingness to assist people disproportionately affected by wars. The empirical chapters have demonstrated that compensation has been one of the key demands of the diverse Bosnian victim population, especially once victims realized no international institution would administer compensation. As a respondent noted, ‘for a woman raped daily for months, Radovan’s 40 years behind the bars does not mean much if she cannot care for her children’.¹ Chapters 3 and 4 highlighted that this realization can be traced to the start of the second post-war phase in the early 2000s. While yearning for legal justice and truth has never ceased to play a key role in victims’ activities, it soon became the formal victim ‘status’ that attracted their attention. In the words of the anthropologist Delpla, securing ‘status’ soon became their ‘obsession’.² This is understandable as it became a more tangible policy than the often impenetrable and technocratic legal tools. While the concept of status may sound strange to a foreign audience, domestic victim leaders have been well informed about the variety of rights which a status represented. The intelligibility of the concept of status primarily stems from the legacies of the former Yugoslavia where the veteran ‘status’ endowed its beneficiaries with privileged social positions, a certain level of respect, and higher societal esteem.³ After the recent war, ‘status’ was extended to victims; however, in a much more restrictive fashion.

In practice, the studied victim categories have attained many statuses that differed by the amounts paid and additional services. The level of compensation has effectively borne little connection to the level of harm suffered or need required by the victims. The highest levels of compensation have been legally attributed to military victims as disabled veterans have ‘only’ to prove 20 per cent of bodily harm to be entitled for compensation (unlike civilian victims who had to prove 60 per cent). Victims of sexual violence secured their status in 2006 and have been eligible for benefits equivalent to full

¹ Interview 60/SA/EX. In March 2016, the former RS President Radovan Karadžić was sentenced to 40 years of imprisonment by the ICTY. He has appealed the judgement.

² Delpla 2014, 246.

³ See Karge 2010.

civilian invalids. By contrast, victims of torture have never been compensated. Additional differences have manifested themselves across the Bosnian territory. Civilian victims in RS who failed to register in time, victims of sexual violence and torture do not have any compensation rights. Among families of missing persons, there has also been a great discrepancy despite their success in formally securing a state-wide compensation in 2004. The subsequent lack of access has led to bereaved families being reliant on claiming either civilian or military war victim status. The empirical material has thus introduced the nuances in which victims can secure compensation – from no compensation, restrictive compensation, to extensive compensation benefits.

The measurement of compensation introduced in Chapter 2 thus must be refined beyond adoption or rejection, i.e. either as success or failure in achieving the victims' demands. I have previously assessed each of the outcomes relative to the other categories and based on what was demanded and what was achieved. From this perspective, the most successful cases of formal adoption represent military victims, families of missing persons, and victims of sexual violence in FBiH. In contrast, victims of torture are a clear case of failure. However, I have also uncovered a case of 'partial success' in civilian war victims that have achieved only parts of what they demanded as their compensation has been very restrictive. Therefore, it is more suitable to introduce 'partial success' for such victim categories. In other words, compensation outcomes can be evaluated as success, partial success, and failure. The full range of compensation outcomes in Bosnia is summarized in Table 7.1. When a category did not voice demands at the state or entity level, I could not assess its success, so it is marked as non-applicable (N/A). The table not only assesses the formal 'success' but also list the main representatives of the studied categories in this thesis.

TABLE 7.1. Compensation (Status) by Categories and Regions in BiH

CATEGORY	COMPENSATION ADOPTION		
	Federation of BiH (FBiH)	Republika Srpska (RS)	BiH
1. Military War Victims (e.g. entity Unions of Disabled Veterans)	SUCCESS <i>Law on the Rights of Defenders and their Family Members</i> (2004/2007/2010)	SUCCESS <i>Law on Rights of Fighters, Military Invalids and the Families of Fallen Fighters of the Defensive-Liberation War</i> (1999/2004/2011)	N/A
2. Civilian War Victims (e.g. entity Unions of Civilian War Victims)	PARTIAL SUCCESS (restrictive) <i>Law on the Principles of Social Protection, Protection of Civilian War Victims and Protection of Families with Children</i> (1999/2004/2006)	PARTIAL SUCCESS (expired) <i>Law on the Protection of Civilian Victims of War of RS</i> (1993/2007/2010)	N/A
3. Families of Missing People (e.g. Mothers of Srebrenica and entity Unions of Missing People)	N/A	N/A	SUCCESS <i>Law on Missing Persons</i> (2004)
4. Victims of Torture (e.g. entity Unions of ex-Detainees)	FAILURE	FAILURE	FAILURE
5. Victims of Sexual Violence (e.g. entity Women-Victims of War)	SUCCESS Amendment of the Law on Civilian Victims of War (2006)	FAILURE	N/A

Source: Compiled by the author.

7.3. BOSNIAN VICTIMS' SALIENCE, AUTHORITY, AND RESOURCES

The relative levels of victims' success reflect how victim categories have been able to challenge powerful actors and how they were able to position themselves in the collective memory of the previous war. Throughout this thesis, I argued that the differential levels and combinations of international salience, moral authority, and resources explain such variation in outcomes. I proposed and illustrated a framework that suggested that when two of these tools combined at high levels and under certain contextual conditions, they provided victim categories with sufficient leverage over domestic authorities so that compensation was secured. The values of the explanatory factors have not been assessed through stringent numerical values but in comparison to each other as relative values of high, medium, and low. This section summarizes these findings.

7.3.1. SALIENCE: SHAME AND EXTERNAL PRIORITIES

The first proposition of this thesis was that a victim category that has or is able to generate high international salience has a higher likelihood of compensation. I assumed that domestic authorities are significantly more responsive to a victim category with high international salience either because they expect to accrue some economic rewards from external actors, such as foreign aid, or reputational benefits, such as positive evaluations of their candidacy to join international organizations. Categories that I have studied in this thesis were under shifting international attention due to some wider trends in human rights, the externally run legal transitional justice processes in the country, the external actors in the country represented by the OHR, and Bosnia's process of moving closer towards the EU. While some categories both benefited from such trends and priorities and were able to align with them, others have been marginalized by them.

In particular, since the end of the war, families of missing persons have been under the spotlight of external actors because of the execution of approximately 8,000 Bosniak men in Srebrenica whose bodies were buried in unknown mass graves in eastern Bosnia. Srebrenica – legally recognized as a genocide in the 2001 ICTY Krstić judgment – painfully embodied the ineffectiveness of the UN military forces deployed to Bosnia. It later resulted in what some called 'the Bosnia generation' of humanitarian activists, lawyers, and politicians that became sensitive to questions of civilians' protection in wars.⁴ The international salience of Srebrenica across the world and within Bosnia led to an intensification of international efforts to react to victims' demands at a time when external actors had a series of rewards and sticks to use, especially economic aid, the opening of the EU membership process, and the use of the Bonn Powers. Gradually more aware of such developments, the Srebrenica victims have been able to frame their demands in the language of human rights and the international obligations of BiH towards its citizens. The combination of such vast international attention and their subsequent strategic engagement with the external developments facilitated the adoption of a state-wide law for families of missing persons in 2004.

⁴ See Heinze and Steele 2013.

The second category with the highest international salience have been victims of sexual violence in FBiH where most of the victimized women reside. Their salience rose with the internationally accepted legal definition of rape as a crime against humanity at the ICTY. No longer being treated as spoils of war, women started to play a more prominent role in approaches to post-war transitional justice after the end of the Bosnian war. By 2000, the UN adopted the path-breaking Resolution 1325 on wartime violence against women that for the first time recognized both the needs but also the roles of women in peacebuilding. Again, while such structural developments shaped the prominence of victims of rape, the Bosnian leaders were able to utilize this new role of women in war and align their demands with the existing UN declarations and human rights conventions. Subsequently, reputational benefits stemming from redressing victimized women was one of the rewards that featured in the successful political deliberations to extend victim status to raped women in 2006.

Civilian war victims were initially given extensive media coverage (through the so-called ‘CNN effect’) and initially benefited from a deluge of humanitarian aid and several rehabilitation projects. However, as the humanitarian phase waned, so did their prominence on external policy agendas. Missing their opportunity to voice their demands when their plight was a priority initially, they have subsequently not been able to redirect international attention to their demands. Only at times have they been able to leverage judicial decisions and use moral leverage over the EU. Yet their salience gradually dropped as they were overshadowed by the previously mentioned categories. Such a triage of victimhood lowered their ability to use salience in their domestic campaign for compensation. Therefore, the international salience of civilian victims dropped from high to moderate levels.

Victims of torture (ex-detainees) initially also benefited from extensive media attention as they presented themselves as survivors and witnesses of horrors. Thereafter, though, their victimization was paid limited external attention as other categories were more prominent. By the end of the 1990s when leaders of victims of torture assisted in framing the issue of torture in sexual terms, they inadvertently lowered the salience of their own demands and partially drove attention away from their issues to the issue of wartime rape. Thereafter, unable to re-attract international attention, crimes committed in the wartime camps on male survivors came second in terms of external

priorities. Ex-detainees thus only had moderate salience throughout the post-war period.

The international salience of military victims has been qualitatively different. They entered policy agendas of military organizations deployed in BiH due to the need to disarm and demobilize soldiers. However, since the early 2000s, the WB and later the IMF have pressed local entity governments to reduce spending on all ex-military personnel, including military war victims. Military victims opposed this and protested against external actors. Although the negative international salience of their demands (i.e. the push to curtail rather than maintain their benefits) led to small reductions of their compensation, their superior moral authority and mobilization resources mostly offset this external effect. While subsequent reforms reduced pensions for demobilized soldiers, military war victims have been affected marginally. Therefore, when compensation for the military was enacted during the Bosnian war and in the first post-war years, their salience on external agendas was limited and later went in the opposite (negative) direction.

Overall, missing persons' families, victims of sexual violence, and civilian war victims received compensation when their international salience was high due to external prioritization and their ability to maximize this opportunity. Concurrently, domestic authorities were receptive to external economic and reputational rewards. In contrast, ex-detainees with lower international salience have been unsuccessful. Similarly, once civilian victims' international salience decreased, they have not been able to change their existing provisions. The case of military victims suggests that international salience can work in both directions, i.e. lead to the retraction of compensation (even if only marginal in the case of military victims). Therefore, international salience as a tool influenced by exogenous developments in the international arena and victims' ability to increase it or align to such developments during opportune moments is an important factor in compensation adoption. Categories that have been able to seize such opportunities and help to generate higher international salience for their categories (such as Srebrenica victims) have been more successful with their demands.

7.3.2. AUTHORITY: 'DESERVINGNESS' AND IDENTITIES

Second, I proposed that victim categories that have or have been able to generate higher moral authority by using strategic frames of victimhood and suffering would be better placed to confront domestic authorities with their compensation demands and have a higher likelihood of success. I suggested that post-war domestic authorities award compensation to categories that attract public sympathy and are considered 'deserving' of recognition and assistance. In this way, domestic authorities amass public (especially electoral) endorsement. I argued that depending on the strength of such deservingness, a category is empathized with and perceived by the public and domestic authorities as a legitimate policy claimant. Strategies for securing compensation are related to the use of strategic framing around concepts such as motherhood and suffering, often defined in opposition to the 'other' ethno-national groups.

The highest levels of moral authority within their respective ethno-national groups have been attached to military victims across BiH that have been able to maximize a position that stemmed from some contextual factors. Military victims have been framed as defenders of their ethno-national communities due to their perceived sacrifices on the battlefield. They have often invoked the preceding Yugoslav 'cult of the fighter' that has remained a potent frame even after the war despite the legal cases against many of the wartime military forces and the later interventions of financial institutions to cut their benefits. They have been able to maintain the narrative that redressing military victims for war victimization is an important role of the state, whereby party leaders have in turn promoted their role as protectors of their ethno-national groups. Therefore, this combination of previous legacies and the active 'investments' of military victims to maintain these frames has made their moral authority rather resistant to external influences.

Nonetheless, the link to nationhood has played out most prominently in the case of Srebrenica, whose survivors became the epitome of the Bosniak wartime suffering and have positioned themselves as the cornerstone of the Bosniak identity. Representing the broader category of families of the missing, their high moral authority significantly influenced the approach of Bosniak political authorities to

their claims. Their subsequent memorialization efforts and utilization of frames of motherhood has amplified this narrative. In 2004, their moral authority was extended beyond the Bosniak communities into RS, whose political leaders formally – though only temporarily – recognized the crime. As the subsequent 2004 state law was adopted for a victim category that consisted of Serb and Croat victims too (rather than Srebrenica's victims only), its beneficiaries became victims of all ethno-national background.

Gender has played an important role in framing strategies of Srebrenica female survivors but especially of victims of sexual violence. War victimhood in Bosnia has been mainly linked to women's suffering through not only their statistical preponderance but also the advocacy efforts of the victimized women and their allies (both domestic and international). When Bosniak deputies advocated for the adoption of legal reform in 2006 in FBiH, the key female beneficiaries presented themselves as Bosnian 'mothers, daughters and sisters'.⁵ However, as victims of sexual violence continued to battle with the stigma attached to rape, their levels of moral authority remained moderate in 2006. Thereafter, their public campaigns, news appeals and petitions have gradually been raising the authority of their moral claims.

As with their international salience, civilian war victims initially assumed the rather passive role of exemplary victims during the war and immediately thereafter. Since their injuries and losses were visible and the death toll theoretically countable, they were invoked by domestic authorities as living proof of the 'other side's' brutality. In particular, the history of wartime Sarajevo was a narrative frequently leveraged by the victim associations when justifying their compensation. However, the suffering of other victim categories surfaced in the early 2000s, turning human loss into abstract statistics of counting heads. While disabled veterans have been presented as sacrificing their limbs for the nation, disabled non-combatants have increasingly been framed as 'social cases' by military victims as well as by some political actors. Unable to fight off such framings, by the mid-2000s, their moral authority was already at moderate levels.

⁵ See *Oslobodjenje* 2006.

When compared to other victim categories, the moral authority of torture victims has never reached high levels. Despite their high initial moral ‘endowments’ as the guardians of memory and witnesses of horrors, their political activities, direct links to political parties, and their civilian-military identity have damaged their reputation as ‘innocent’ victims. Their close relationships the leaders of their associations developed with the main nationalist parties and their involvement in political rallies and elections lowered the general levels of publicly perceived deservingness of this category. Moreover, some veteran associations have at times presented them as emasculated or as scroungers who were not able to defend themselves. Unable to find a resonant frame and receptive audience for their demands, they have remained unrecognized.

In sum, each of the studied categories has had a different level of moral authority that was the result of some pre-existing imageries of the category’s suffering combined with their identity and the subsequent ability of the category to modify and amplify such frames. Just like international salience, the ability of victims to maximize their moral authority has been shaped by the domestic political context. Although the absolute levels of moral authority cannot be established, relative moral authority is possible to assess when victim categories in the Bosnian system are compared to each other. Those with the highest levels – military victims and missing people’s families – have achieved either broad compensation (military victims) or state-level compensation (missing people’s families). While even categories with moderate moral authority have attained compensation (i.e. victims of sexual violence), the empirical material here suggests that there is a positive relationship between moral authority and compensation.

7.3.3. RESOURCES: UNITY, NETWORKS, AND LEADERSHIP

Finally, I proposed that victim categories that have access or can increase their resources for mobilization may be better placed to confront domestic authorities with their compensation demands. I argued that categories with high mobilization resources, defined in terms of their ability to campaign, network, and secure strong leadership, can be more effective in achieving positive compensation outcomes. It must be stressed that resources for each category have been by and large

constrained by the current nature of the political and economic system. For example, the large resources for mobilization of military victims were shaped by their previous military connections and their ability to directly influence key political actors. Furthermore, at times of heightened political competition, resource mobilization proved effective for categories that were able to access additional allies in key political parties. Due to the decentralized nature of Bosnian politics, this often meant mobilizing at the entity rather than state level. Similarly, depending on the involvement of international actors, some categories were able to more effectively use their networks to influence international allies or attract new ones that were sympathetic to their cause. As some categories strategically decided to invest in some types of networks or allies, the quality and extent of such resources changed after the war.

The highest and best access to mobilization resources has been among military war victims. As this category belongs to the umbrella veteran movement in BiH, they have drawn upon their wartime capacities, links, and leadership, making them better poised to press for compensation from the start. In some instances, military victims have had potent allies in top political positions, especially in the main ethno-national political parties SDA, HDZ BiH, and SDS (later SNSD). Their superior starting position in terms of access to resources was thus mainly determined by the political opportunities structures of the post-war state explained in Chapter 3. Their skilled leadership, capacities, and networks have not only offset the lack of their advocacy campaigns but also allowed them to increase the potency of their resources through protests and directly lobbying with their key allies.

The second highest mobilization resources were among the families of missing people, specifically among the survivors of Srebrenica who became potent mobilizers that featured in most war-related events and memory projects. Although their access to financial resources and information was limited, their dedication, energy, and incessant activism have expanded their networks and improved their capacities. They have also decided to confront external actors rather than domestic elites that have seen this as an opportune strategy. They have in many respects pulled the rest of the missing people's associations towards a state-level law as they stressed the need for inter-entity collaboration.

Victims of sexual violence were initially poorly organized, unwilling to publicly voice their experiences, and lacked any prominent political allies. However, by strategically leaning on the civil sector and networking with international advocates, their delayed mobilization gradually developed into effective campaigning and networking with many domestic and external allies. By 2003, rape victims founded their own association in the Federation, distinguishing their cause from victims of torture. From the film director Jasmila Žbanić to the critical support of *Medica Zenica* and international allies, they benefited from a broader advocacy coalition for their cause. Their 2006 domestic campaign in FBiH galvanized the public behind their demands. This case demonstrates that a well-timed public campaign with broad civil-society support and clear objectives can be an effective way to press for compensation.

Conversely, ex-detainees never succeeded in raising their resources for mobilization to such levels. As a mixed military-civilian category, they opted to lobby with their political allies rather than the civil sector and prominent international advocates. Yet they failed to present their demands in a consistent manner and to unite both within and across the various ethno-national associations. For a state law to be adopted, cross-country cooperation would have been necessary. For entity laws, they would have had to invest in well-organized campaigns or protest actions. As the leaders oscillated between different ideas and each relied on their nationalist parties rather than creating broader coalitions, their political networks lowered their ability to mobilize all stakeholders. Their resources thus remained rather toothless and moderate.

Finally, civilian war victims have had poor access to political, civil-sector, and external allies. They failed to create broader coalitions and their leadership lacked the skills and capacities to organize broader awareness-raising campaigns and to create networks. Rarely targeted by external funding and agencies, they have also struggled with financial survival although their unions have received governmental support. Although the entity unions acted as the category's main representatives, their leadership never became as prominent as, for example, *Women-Victims of War* or *Mothers of*

Srebrenica mainly due to their lack of leadership to gain public resonance.⁶ Their mobilization resources have thus been rather low.

An important insight from the empirical chapters is that the size of the category does not seem to play a key role in relation to compensation. For example, while the high number of military victims has contributed to the effectiveness of their protests, the much smaller mobilization campaign of victims of sexual violence was also effective. In fact, the case of ex-detainees suggests that the size of a category may prevent compensation adoption given the higher cost of compensating large numbers of potential beneficiaries. At the same time, it is especially the ability to create networks across victim associations, access important allies, and pick a dedicated leadership that can increase chances of compensation. The threat of violent protests has also played a role, especially in the case of military victims. However, as other war victims have very rarely used violent protests, the evidence about the effectiveness of violent tools in Bosnian compensation making is difficult to assess. In fact, all successes in compensation adoption in this thesis were achieved peacefully. It must be stressed that those categories that have strategically invested in their most potent resources (e.g. allies) and utilized them in their campaigns have been more successful in their compensation pursuits. Therefore, this evidence suggests a positive relationship between mobilization resources and compensation outcomes.

7.3.4. KEY FINDINGS

As I explained throughout this thesis, it is how the proposed factors combine at some opportune times that explains the varied compensation outcomes. However, as my arguments are based on the conjunctural logic and as there is also no ‘one-size-fits-all’ solution, I have proposed four possible cases of positive outcomes (and four cases of negative outcomes) at the backdrop of the changing post-war character of Bosnian politics. First, I proposed that categories with the highest levels of all factors would be the most likely to be compensated in the *Optimal Route* scenario. The state-level

⁶ As noted, this category’s compensation was initially rolled over from the pre-existing Yugoslav legislation.

law addressing missing people represented their superior position in the Bosnian victimhood landscape that some refer to as the case of ‘ultimate victimhood’⁷. Despite the strong culture of denial among Bosnian Serbs, the externally nudged and domestically accepted necessity to address the demands of this category through nation-wide legislation is the result of the optimal combination of the three factors. The context and timing of the adoption of the Law in the fall 2004 was a particularly favourable window of opportunity as external actors were influential and domestic authorities responsive to electoral and external rewards. Moreover, although other alternative combinations resulting in the same outcome cannot be ruled out, this *Optimal Route* scenario has been the only route in Bosnia that has led to adoption at the state level.

Second, in the *Domestic Pressure* scenario, I explored a combination of high levels of authority and resources in the cases of military war victims. The skilled and well-connected leadership of military victims played a vital role in leveraging frames of heroism and sacrifice while effectively mobilizing. This combination proved to be particularly effective as domestic elites sought political support in elections. However, unlike other victims who have sought an expansion of status, military victims demanded maintaining the status quo of the 1990s Yugoslav legislation. Although it was arguably easier to demand the maintenance of their status rather than demand changes⁸, other military categories with similar mobilization resources (e.g. ex-soldiers) have not been as successful with their demands. This suggests that the high moral authority of military victims resulted in additional benefits for this category. A respondent from Mostar noted, ‘when you see a defender [Croat veteran] in a wheelchair protesting, then you know that the government is in trouble’.⁹

The third possible combination of two factors at high levels was presented in the *Activist Route*, which explored high resources combined with international salience. This was illustrated through the case of victims of sexual violence in 2006. Despite their delay in mobilization, this category achieved success in 2006, which later inspired other victims in Bosnia and the wider ex-Yugoslav

⁷ See Helms 2013.

⁸ The literature on dismantling public policies argues that societal backlash against policy reductions is often more intensive. See Bauer and Knill 2012.

⁹ Interview 72/MO/NG 2014.

region (see section 7.5.). Although their perceived levels of deservingness in 2006 were moderate, they benefited from their prominence on the peacebuilding and transitional justice agendas of external actors. Their gradual build-up of capacities and information through cooperation with pro-victim networks resulted in the June 2006 reform in FBiH.¹⁰ The context, timing, and clarity of their demands was critical with the acclaim of the film *Grbavica*.

Civilian war victims bore the closest resemblance to the final combination for positive outcomes, the *Poster Child* scenario. This category represents a complex case to assess because CWVs initially drew on the previous socialist legislation.¹¹ During the war and immediately thereafter, they featured prominently on the media both in Bosnia and abroad. This attention explains their early inclusion into the basic compensation legislation. However, due to their poor ability to utilize these frames and their poorly run activities, as well as the changing political context, they only marginally succeeded in changing their compensation levels. They have achieved only partial success, i.e. being recognized but not having all their demands accepted. This suggests that while the *Poster Child* scenario can be at times effective, without investments in amplifying salience and authority further, it can gradually wear off, especially once other categories become more prominent.

Finally, victims of torture represent a case of failed compensation as they have never been recognized. They have also had only moderate levels on all the studied tools. Since the end of the war, their leadership has fluctuated between demanding entity laws, reforms, and state laws, depending on how they cooperated with other ethno-national entities. An ex-detainee summarized the situation as follows: ‘We have not been taken seriously. If you do not know what you want, you cannot get it.’¹² Their final self-inflicted wound was that they inadvertently framed the camp experience in sexual terms. Once female victims became independent of their influence, the moral sway of ex-detainees dropped. Their current fragmentation and some recent allegations of corruption

¹⁰ At that time, there was not a single victimized women’s association in RS.

¹¹ Similar to military victims, the case of civilian victims sheds light on the role of path-dependent policy outcomes. See Pierson 2000.

¹² Interview 110/KV/CV 2015.

make their current demand for recognition within state law all the more challenging.¹³ The full findings are summarized in Table 7.2., which depicts the relative values on the three factors, their combinations, and the compensation in terms of adoption. The table also marks at which level of governance compensation was demanded and achieved. As ex-detainees have not achieved any compensation, their access cannot be evaluated and is marked as N/A.

TABLE 7.2. Key Findings: Compensation Outcomes and Scenarios for Success

<i>Victim Category</i>	<i>International salience</i>	<i>Domestic Moral Authority</i>	<i>Mobilization Resources</i>	<i>Scenario</i>	<i>Adoption</i>
<i>Military Victims</i>	Negative	High	High	Domestic Pressure	<i>Success (entity level)</i>
<i>Civilian Victims</i>	High to Moderate	High to Moderate	Low	Poster Child (imperfect)	<i>Partial Success (entity level)</i>
<i>Families of the Missing</i>	High	High	High	Optimal Route	<i>Success (state level)</i>
<i>Victims of Sexual Violence</i>	High	Moderate	High	Activist Route	<i>Success (entity level)</i>
<i>Victims of Torture</i>	Moderate	Moderate	Moderate	No Compensation	<i>Failure (both levels)</i>

Source: Compiled by the author.

It is important to highlight that these combinations are closely related to the contextual factors of the changing political scene in post-war Bosnia. The manner in which political actors responded to victims' demands was influenced by the political and economic context. As theories of social mobilization suggest, context is important for structuring the opportunity of social groups to organize and make public demands.¹⁴ During the emergency post-war phase and into the early 2000s, military victims (and less so civilian war victims) were able to align their claims with their respective ethno-national elites. Domestic actors were responsive to power incentives related to their military

¹³ In late 2017, RS victims of torture submitted a draft entity law, which is currently discussed.

¹⁴ See McAdam et al. 2001.

identities, i.e. each compensating their own. Thereafter, with increasingly more influential external interventions and the state's centralization until mid-2006, Bosnian political actors were sometimes able to cooperate and formally recognize victims across the entire territory, as the case of missing people suggests. While there were no direct external interventions into compensation policymaking, domestic authorities were keen on raising their credentials as Europeanizers.

Most compensation reforms were adopted prior to 2006 – the year when the Bosnian political scene witnessed a return to a polarized nationalist discourse championed by Haris Siljadžić and Milorad Dodik. The parallel and gradual scaling down of the international HR, the subsequent inconsistent Europeanization, and the impact of the economic crisis after 2008 lowered the power of reputational rewards for political elites and increased the value of political and economic rewards. The decreasing pluralism (especially in RS) and lack of alternative sources of funding, has pushed most victim organizations closer to the leading political elites and stifled their ability to mobilize.¹⁵ Nonetheless, victims have continued to play an important role in political calculations; however, it is their moral authority and their role of symbolic beacons of suffering that has been most exploited rather than their ability to garner sympathy among external actors or organize powerful campaigns. Compensation adoption is thus the result of a series of mechanisms that are shaped by the changing boundaries of the political and socioeconomic nature of the post-war state but that can be influenced by strategic engagements of victims.

7.4. COMPENSATION AS ACCESS

Adoption, though, is only the first step on the victims' path to compensation. As I argued previously (see Section 2.2), the next step is access (i.e. the policy's implementation). Although the theoretical exploration of access is outside the scope of this thesis, in this section I offer some tentative conclusions that can be derived from the empirical chapters. The empirical material suggests that domestic political elites effectively paid lip-service to compensation adoption without delivering on

¹⁵ On pluralism see Tilly and Tarrow 2015.

implementation. This finding is consistent with other scholarship on transitional justice tools adopted in the former Yugoslavia.¹⁶ Previous scholarship has shown that policy implementation in Bosnia has been also hampered by the uneven distribution of economic resources across its diverse regions, poor local-level capacity, intransigent elites resisting state-level cooperation, and the prevalence of clientelism.¹⁷ Most of these causes are linked to the extensive subnational powers of both entities and FBiH's cantons.

As noted in Chapters 3 and 5, there has been a growing lack of political cooperation at the central level. For example, the fund for missing persons' families that would have distributed their compensation has never been created due to disagreement between the two entities about its funding and its location. Since 2006 the political brinkmanship within the leading nationalist political elites of SDA, SNSD, and HDZ has prevented any compromise on this issue. As politics has been a zero-sum game, victims from the 'other' ethno-national communities have been denied their rights and their suffering has been belittled. A case in point are the establishment of separate investigative commissions in RS into war crimes, Srebrenica, and missing people by Milorad Dodik that have not been aimed at arriving at facts but at justifying his separatism and nationalist tendencies. In such a divided context, access to any state-level services, payments, and other provisions has been extremely challenging.¹⁸

At the entity level, differences in regional capacities could also explain the lack of access. With the exception of families of missing persons (and ex-detainees), victim categories have mainly secured compensation from entities. While regional variations in access have been less of an issue in the more centralized RS, there has been a great variety in FBiH. In FBiH, each canton adopts its own legislation that can specify distinct procedural mechanisms of implementation.¹⁹ This has led to a great variation in the additional rights afforded to victims through varied healthcare, education, and social services. There has been a divide between urban centres where victims have had better

¹⁶ See especially Subotić 2009.

¹⁷ On the implementation of environmental policies, see Fagan and Sircar 2015.

¹⁸ Cf. Amnesty International 2017.

¹⁹ See Keil 2014.

opportunities of accessing services and rural municipalities of poorer cantons and regions where victims live in isolation from infrastructure.²⁰ Given the concentration of services in cities, access to healthcare and educational benefits has been poor in remote and rural regions. Additionally, some cantons (e.g. Sarajevo Canton) have been better equipped to distribute payments but delays in other cantons, such as Neretva-Herzegovina and the Central Bosnian canton, have been widely reported.²¹

The key aspect of the varied compensation access is clientelism.²² As noted, Bosnia is a decentralized country of under four million residents and a strong legacy of black markets during the war where informal and personal connections are the most efficient way to access public goods.²³ Individuals that have been well connected to decision makers have been able to attain their benefits and secure direct cash transfers. In the case of victims, this has influenced the distribution of certification, registration procedures, and the functioning of victim associations. Some victim leaders have been co-opted into the main structures of power, such as the leader of ex-detainees in RS Branimir Đukić, leaders of military victims, but also leaders of *Mothers of Srebrenica* – the quintessential symbols of victimhood. Given the victim associations' dependence on local funding, victim leaders have become entangled in the wide web of Bosnian transactional politics that neutralized them as potential contenders.²⁴ While top-level leadership has benefited from such linkages, individual victims continued to lack access to their status. As Jouhanneau noted, this dichotomy between ordinary victims as sufferers and their associations' leaders as pursuers of self-interests has become more pronounced in the aftermath of the global economic crisis in 2008.²⁵ The impact of this co-optation of victimhood has been a lack of trust among individual victims, traumatization, and the pursuit of alternative ways to attain some livelihood.²⁶

²⁰ Interview 16/TZ/NG 2015.

²¹ Amnesty International 2009; Popić and Panjeta 2010; UNDP 2010.

²² For an overview on clientelism see Kitschelt and Wilkinson 2007.

²³ On the job market, the term used is *štela*. See UNDP 2009.

²⁴ On co-optation, see Rochon and Mazmanian 1993.

²⁵ Jouhanneau 2013a, 24.

²⁶ Various aspects of access are described by Helms 2013; Jouhanneau 2013b; Delpla 2014.

Therefore, the experiences examined here suggest that a combination of contextual and structural factors prevent some victims from accessing their compensation. Although my main propositions can be applied to adoption outcomes only, access to compensation is driven by an additional set of factors that deserve further future study. What this thesis has established, though, is that military victims across Bosnia seem to have achieved the highest levels of access with over 160,000 beneficiaries of various military compensation benefits (although many respondents have complained about humiliating conditions regarding revisions). Levels of access of other categories seem rather low. Only 13,000 of civilian victims have been able to access their benefits, and there has been a great variation across Bosnian regions. Just 890 women were registered as victims of sexual in FBiH in 2014 and the certification procedures have been widely criticized. Most strikingly, families of missing persons have not been able to benefit from the new law financially. These basic facts suggest that even when adoption is successful, meaningful change may be far from coming.

7.5. ASSESSING ALTERNATIVE EXPLANATIONS

Having reviewed the applicability of the propositions on the case of Bosnia, it is important to assess their internal validity against some alternative explanations that were outlined in the second chapter. I proposed three alternative explanations: top-down peacebuilding imposition, transnational advocacy networks, and distributive politics. While each of these theories has the potential to explain some aspects of how compensation has been enacted for certain categories, none of them addresses the full variation of compensation adoption in Bosnia. In order to evaluate some of these theories, I use two strategies: the ‘most-likely case’ selection design²⁷ and the theory’s ability to explain the full range of outcomes. I thus scrutinize those cases from my empirical material that would most easily be predicted by these theories. In other cases, I assess their broad applicability to explain the full observed variation.

²⁷ See Bennett 2004, 36.

First, propositions of top-down peacebuilding impositions and democratization suggest that policy choices of domestic policymakers are determined by the imposed preferences of external actors (such as the UN or EU). In the Bosnian case, the second post-war phase from 2000 to mid-2006 was indeed dominated by external interventionism and top-down statebuilding efforts represented mainly by the HR and the EU. While external actors and their brokerage with domestic elites on behalf of victims was critical (i.e. international salience), the empirical material of the previous chapters suggests that without the involvement of victim associations as well as pro-victim groups, compensation would not have entered their policy agendas. Moreover, the initial focus on legal justice through the ICTY and the return of refugees overshadowed interests in compensation and direct victim-centric measures that victims had to demand directly.

The most-likely case on which to assess these claims is the case of missing persons as the category with the highest international salience. Families of missing persons benefited greatly from their high international salience, especially through financial support from the EU, ICMP, and the UN. As I demonstrated in Chapter 5, external actors were important intermediaries that raised the position of the missing people on both external and domestic agendas. Yet the additional agency of victim associations ultimately led to the inclusion of the aspects of compensation into the Law.²⁸ It was not only their urgent and vigorous activism immediately after the war that raised their prominence among international actors but also their insistence on different forms of compensation that placed it on the agenda. While the ICMP had an interest to establish a central state institution for the search for the missing, the actual fund for families was included only after being specifically requested by the victim representatives in the negotiations. Therefore, the 2004 state law was not the result of external imposition, but of the combination of high international salience, domestic perceptions of deservingness of the victims to be compensated, and their vigorous and clear demands.

Second, transnational advocacy networks were also important to empower domestic NGOs in Bosnia and increase the skills of their leadership. The model of the so-called ‘boomerang effect’ suggests

²⁸ This was specifically confirmed by the leader of the Bosnian Serb Republican Organization in our interview.

that transnational networks act as mediators between the domestic civil sector and activists to press recalcitrant governments to enact new policies and changes. As I explained in Chapters 3 and 6, external actors in Bosnia were of a different nature than those theorized by Keck and Sikkink.²⁹ Rather than transnational networks pressing the government from the outside, external actors that were present in Bosnia in 2006 had the opportunity to influence policymaking directly on the ground (e.g. through the HR/EUSR). While human rights advocates played an important role in setting priorities, it must be stressed that in post-war Bosnia, national narratives of suffering and victimhood have often trumped such efforts as the cases of both military victims and victims of torture suggest. Therefore, while these theories closely resemble the *Activist Route*, domestic moral authority is an aspect that lacks in these theories to be able to explain the full spectrum of results.

Moreover, the uneven engagement of such advocates in Bosnia (for example their advocacy against military victims) does not tally with the full range of compensation outcomes and those that have failed. For example, despite their support for victims of torture, this category has never been compensated for mainly political reasons. While transnational networks informed the domestic civil sector about global trends in human rights and victims utilized the information and capacities that they provided, they rarely led the domestic mobilization for policy change. The 2006 campaign for compensating victims of rape was not run by external activists, but by local organizations and victims who directly presented their demands to the FBiH Assembly in the spring of 2006. The campaign certainly benefited from external information, yet it was the mass mobilization on the streets that pushed the FBiH deputies to adopt the reform eventually.

The third and final alternative explanation of distributive politics would explain compensation as the result of active targeting of victim groups by the government in an attempt to secure the support of their ‘core’ political constituencies or ‘swing’ voters. By distributing policies to either core (i.e. reliable voters) or swing (i.e. tipping-the-scale voters), they can predictably manipulate electoral results in their favour. In Bosnia, ethno-national affiliations of voters indeed signpost voters’

²⁹ Keck and Sikkink 1998.

electoral preferences. However, such preferences are less reliable in the case of some victim categories, such as civilian war victims that have not been very consistent with their political affiliations. Moreover, as Kramon and Posner argued, in post-war and developing countries, when it is less clear who will eventually benefit from adopted policies, it is difficult to predict voting behaviours across diverse categories.³⁰ As victim categories often consist of a varied electorate (e.g. in the Federation both Croat and Bosniak and across the state all three communities), their electoral preferences have at times been difficult to anticipate, even if ethno-national voting prevails. Nonetheless, as I argued throughout this thesis, Bosnian nationalist parties have indeed targeted ‘their’ key victim categories with compensation policies as partially captured in the concept of moral authority as well as in the response of political authorities driven by political interests.

Yet distributive politics fails to explain the full inter-category variation in Bosnia. For example, ex-detainees with their high numbers and politically connected leadership (e.g. Sulejman Tihić is also a *logoraš*) should have – according to these theories – been compensated. Similarly, even the marginal reductions in the case of military victims would have run against these propositions. Indeed, the military victims are the most likely case where the tenets of these theories should hold. However, the small reductions in the military victim compensation suggest that in addition to political returns, domestic actors have also been under the influence of external pressures.³¹ Importantly, the aspect of compensation politics where distributive explanations may be more applicable is in policy implementation, which has not been the focus of this thesis. As I explained above, implementation has been hampered by various political factors (including clientelism). Distributing compensation has been used as a form of electoral clientelism when ‘access to employment, goods and services is exchanged for a citizen’s vote’³². While these explanations are valid when explaining individuals’ access to compensation, they do not capture the range of mechanisms behind the adoption of compensation.

³⁰ Posner and Kramon 2011.

³¹ This has been even more clearly demonstrated in the more substantial cuts to veteran benefits in 2010 and 2013 in FBiH.

³² Kitschelt and Wilkinson 2007, 2.

Therefore, while acknowledging many benefits of the three alternative explanations and their insights for particular victim categories, they cannot provide satisfactory answers to the full range of differential compensation policies in Bosnia across victim categories. Instead, the framework I proposed captures multiple pathways to compensation (or lack thereof) by considering several combinations of victims' moral authority, international salience, and mobilization resources. In summary, the analytical framework proposed here is superior to previous, alternative explanations because it possesses the ability to explain the varieties of compensation at the categorical level of war victims within a post-war state.

7.6. APPLICATION TO OTHER COUNTRIES

The additional aspect that need to be considered is the validity of the propositions to other post-conflict contexts. In particular, the developed analytical framework may have utility for post-war contexts with varied victim populations, relatively open political regimes, and reasonably stable economies and governments so that victims can direct their claims at state authorities and expect a response, i.e. in contexts where immediate relapse to war is no longer the main threat. Under such conditions, we can expect victims to organize in associations or other formal groups and demand compensation. In this section, I analyse two cases – Croatia and Rwanda.

Post-war Croatia is a suitable case for comparison as it bears several similarities to Bosnia, yet has had a rather varied set of compensation outcomes for its victim population. Croatia emerged from the Yugoslav wars earlier than Bosnia with a diverse victim population and democratized by the mid-2000s. While military victims and seriously injured civilians have been recognized and compensated, victims of sexual violence as well as victim categories that represent national minorities were initially unsuccessful. In general, compensation adoption was framed in terms of deservingness and sacrifice to the Croatian state, and later with regards to Croatian EU aspirations.³³ While military victims were celebrated for their heroism and war-time sacrifices, any mention of

³³ Croatia became a member of the European Union on 1 July 2013.

female rape victims remained taboo for nearly two decades after the war. Not only did rape symbolize the failure of Croatian men to protect their women³⁴ but as many of the victims were Serbian, i.e. enemies, their victimhood was denied by the nationalist governments. However, in May 2015, the Parliament adopted a new law³⁵ that recognized the over 2,500 victims of sexual violence. The victimized women became eligible to a one-off payment in the equivalent of 13,500 Euro, monthly compensation in the equivalent of 340 Euro, free counselling, medical and legal support.³⁶

Prior to this outcome, women in Croatia leveraged their growing campaigning networks and the already powerful international concern for sexual violence. They learned from the 2006 example of neighbouring Bosnia. As the main concern and funding of international actors in ex-Yugoslavia was initially directed at victims in Bosnia rather than elsewhere, victims in Croatia were disadvantaged by fewer opportunities to amplify their international salience.³⁷ For example, the first comprehensive assessment on the extent of wartime rape in Croatia was only conducted by the UNDP in 2013, i.e. a nearly decade after similar research was done in Bosnia.³⁸ The question gained particular prominence after the launch of new UK-funded projects on sexual violence in war in May 2012 (see Chapter 6) and during the progress towards EU membership. UNDP, the UK government, the Council of Europe, and the EU encouraged the government to urgently address the issue of wartime rape. With the exception of Serbia, Croatia was at that time the last country in post-war former Yugoslavia to deny raped women compensation.³⁹ Given their previous gradual build-up of local and regional organizations, women became better resourced, connected, and informed through a growing web of networks. As a result, their campaigning and awareness-raising intensified in 2014.

At the same time, the political context changed, influencing the victims' ability to mobilize more effectively. In an effort to demonstrate its liberal outlook, the social democratic government at the

³⁴ See especially Žarkov 2007; Clark 2016.

³⁵ The full title is The Law on the Rights of Victims of Sexual Violence during the Armed Aggression against the Republic of Croatia in the Homeland War (64/15). For more see Clark 2016.

³⁶ Pamukovic 2015.

³⁷ See Helms 2013..

³⁸ See Žunec et al. 2013.

³⁹ Kosovo adopted a law that granted raped women recognition and a monthly compensation of 220 Euro already in November 2014. See Di Lellio 2016.

time (2011 – 2015) endorsed human rights standards and domestic political scene liberalized. Among others, the then minister for veteran affairs defended a new law as path-breaking and progressive while deputies from the opposition nationalist HDZ walked out of the Parliament during the vote.⁴⁰ Croatian veterans (called ‘defenders’) protested against the law because they felt targeted as potential perpetrators of the crimes. However, the victimized women harnessed domestic and external allies and their campaigns influenced the public opinion in their favour. The government felt pressurized to provide for a victim category whose moral authority had been gradually growing from low levels while already having high mobilization resources and international salience. The change was met with generally positive evaluations.⁴¹ The Croatian case illustrates the *Activist Route* where victims effectively mobilize mainly through campaigning while relying on high international salience during periods when domestic authorities obtain benefits from compensation (be it externally or domestically). This again shows that while activism is important, political constellations are equally important.

The second country I want to briefly discuss is Rwanda. The example of Rwanda is suitable for several reasons. It is a post-war country that has been exposed to extensive peacebuilding and transitional justice where stable institutions and reasonable pluralism (initially) were established during its first post-war period. Moreover, Rwanda emerged with a burdensome victim legacy: the 1994 genocide of the Tutsi (and moderate Hutu) resulted in up to 800,000 deaths and thousands of tortured, raped, and other victims. The category with the highest moral authority in Rwanda are surviving Tutsi family members, referred to as *rescapés* (survivors of the genocide).⁴² This category organized under the umbrella of IBUKA association (meaning ‘Remember!’) immediately after the genocide.⁴³ In 1998, they became a beneficiary of the National Assistance Fund, FARG⁴⁴. Established by the Rwandan government in 1998, FARG has offered mainly Tutsi *rescapés* basic

⁴⁰ Cartier 2015.

⁴¹ Commissioner for Human Rights 2016.

⁴² Rombouts 2004, 243.

⁴³ See their mission at <http://survivors-fund.org.uk/what-we-do/local-partners/ibuka/>

⁴⁴ *Le Fonds d'assistance aux rescapés du génocide* (Assistance Funds for Survivors of the Genocide). It was established by Law 02/98 on 22 October 1998 and reaffirmed in 2008.

educational, psychosocial, and health services.⁴⁵ Although large numbers of moderate Hutu also perished and suffered in the genocide, Hutu survivors were mostly excluded from the fund.⁴⁶

Akin to Srebrenica, given the external shameful failure to act during the genocide, *rescapés* attracted external public attention and benefited from a new *ad hoc* tribunal for Rwanda (ICTR) that defined the atrocity as genocide. Moreover, IBUKA's leaders (mostly widows) became vocal campaigners and mobilizers in the Rwandan public sphere, connecting *rescapés* internally and with the diaspora.⁴⁷ IBUKA relied on extensive diaspora support and the civil sector to launch a series of educational projects.⁴⁸ With its wide networks (including UN agencies and a variety of charities) and high moral authority of the leadership of IBUKA, its demands for compensation materialized. Domestic authorities in Rwanda were under both domestic and external pressures to tackle transitional justice. The then government of 'Democratic Renewal' ultimately benefited from establishing FARG both domestically, as a symbol of reconciliation, as well as externally, as a sign of commitment to transitional justice and liberal norms.⁴⁹ Moreover, FARG was co-funded by external donations (mostly from the Netherlands), making financial considerations secondary. Admittedly, the crimes in Rwanda were of a different nature and scale than in Bosnia or Croatia, and thus necessitated a different and more comprehensive approach. Nonetheless, although the Rwandan experience differs, it bears similarities with the *Optimal Route* scenario, where salience, authority, and resources of one victim category combine at high levels under favourable political conditions.

These examples suggest that variation in compensation outcomes and the political rise of some victims over others are challenges not exclusive to Bosnia. The common thread in these examples is that political, domestic and international prestige, external financial benefits, and domestic reputation weigh in during deliberations about compensation. Each situation is different and calls for distinct approaches. However, there are notable similarities in how victims organize and how

⁴⁵ Rombouts 2004, 398–404.

⁴⁶ See De Greiff 2007, 9.

⁴⁷ Human Rights Watch 2004, 40.

⁴⁸ See Rombouts 2001.

⁴⁹ See especially *ibid.*; Hankel 2013.

post-war domestic authorities respond to their demands. Therefore, beyond Bosnia, my propositions can be applied to other post-war cases where certain compensation provisions have already been adopted and a variation in compensation outcomes can be studied.

7.7. THE MAIN CONTRIBUTIONS AND CONCLUDING REMARKS

It took five minutes to turn people into enemies and it will take 50 years to reconcile them ... We do not kill each other but we hate each other. We refuse to face up the facts about camps, crimes, and victims because they are the mirrors of our consciousness. We are building a country on shaky foundations.

Aleksandra Letić, Bosnian Human Rights Activist

The theoretical and empirical contributions made in this thesis are aimed at improving our understandings of how post-war societies deal with legacies of their violent past, a concern that has been at the heart of studies in transitional justice. Specifically, this thesis studied how post-war authorities address the needs of those most affected by wars and recognize their victimization through compensation. As a policy of recognition and assistance that victims demand and politicians resist, compensation challenges many propositions of the overly normative transitional justice literature. Rather than a tool of post-war justice that is driven by ideas justice and fairness, compensation is mainly driven by rational deliberations about benefits and costs. As I argued in this thesis, the variation in compensation's enactments can be explained by political utility and hard-won battles over authority, salience, and resources rather than by justice. Indeed, victims' compensation has offered a unique lens into some key political tensions over power, sovereignty, and national identity in post-war Bosnia.

Motivations and activities of domestic actors – victims and political authorities – rather than external peacebuilders only are instrumental in shaping compensation reforms. The Bosnian case demonstrates that compensation policies have been influenced by victims' bounded agency even in a country that has previously been dubbed a trusteeship of international actors.⁵⁰ While constrained by the limits of the divided and dilapidated post-war states, victims have exercised a surprising

⁵⁰ Chandler 2006.

degree of deliberation in pursuing compensation. This is an important finding for transitional justice literature and practice that has increasingly been coming to terms with the fact that the putatively ‘powerless’ victims often act as political actors. This is not to say that victims’ suffering should be belittled. Instead, problematizing victimhood and its political usage is a critical aspect of understanding how victimization influences political decisions in post-war societies. The variety of ways in which victims have influenced socioeconomic redress in post-war Bosnia is complex but points towards the necessity of a deeper dive into the ‘politics of victimhood’⁵¹.

The many compensations analysed here further represent a cautionary tale of how post-war justice policies may become polarizing. The compensation-seeking activities of Bosnian victims resulted in path-breaking changes in compensation with repercussions reaching beyond Bosnian borders. However, an accompanying side-effect has been the creation of new sites of contestation over material and symbolic tools.⁵² The various types of material redress and recognition enacted in Bosnia have forged new layers of divisions, categorization, and ‘us-them’ dynamics that have been further destabilizing the post-war order. As some victims believe that their suffering is greater than the suffering of others, it is increasingly more difficult to unite victim movements for a shared cause.⁵³ Such ‘championship for victimhood’⁵⁴ has demonstrated some of the darker sides of victimhood. Moral authority of victims can thus act as a double-edged sword – it can help victims to achieve their goals within their communities but antagonize others. Given the fairly strong evidence linking higher levels of equal and fair distribution of policies and services to stable democracies, such complex varieties of compensation may be another factor to consider when assessing the impact of post-war justice policies.⁵⁵

The final lesson of this thesis teaches about the inadvertent effects of external involvement into the hierarchies of victimhood. The case of Srebrenica illustrated how their external prioritization has

⁵¹ Mack 1990; Meister 2002; Helms 2013; Strassner 2013; Lawther 2015; Jouhanneau 2017.

⁵² Kriger 2003.

⁵³ John Mack called this phenomenon ‘egoism of victimization’ when deeply victimized groups lack the ability to empathize with victims from the other side. See Mack 1990.

⁵⁴ Helms called it ‘arms race’ in victimhood. See Helms 2013, 198. See also Clark 2014, 172.

⁵⁵ For the key debates see Boix 2003; Ansell and Samuels 2010; Acemoglu and Robinson 2012.

side-lined a broader class of victims. Similarly, the external pressure of the World Bank to lower veteran benefits has had unintentional negative effects on civilian victims that have been dependent on military victims for their compensation. Moreover, by prioritizing victims of one ethno-national community only (i.e. Bosniaks), as well as by side-lining the veteran population, external interventions have in many respects intensified some of the underlying social and ethno-national tensions between the Bosnian communities. The peacebuilding principle of external actors of ‘do no harm’ has thus been challenged in such a situation. Indeed, the material presented here cautions against espousing the generally normative claims about positive effects of transitional justice on post-war societies. To meaningfully redress victims necessitates not only the adoption of such mechanisms but their inclusive adoption without the creation of further divisions.⁵⁶ While giving voice to victims has already entered the policy priorities of many international organizations, not enough analytical attention has been paid to how supporting and giving voice to some victims may marginalize others.

Significantly more research is needed to explore the roles of victims in transitional justice as well as peacebuilding. We are still far from understanding how they can support or undermine peacebuilding efforts and post-war societal reckoning. As the number of victims emerging from wars continues to grow, the study of which factors lead to compensation will feature prominently in domestic politics and victims’ pursuit of symbolic recognition and material assistance. While the main empirical findings and theoretical propositions in this thesis are far from exhaustive, they aim to start a dialogue among scholars, practitioners, and policymakers to guide further research in victims’ post-war political and social roles. This can be instructive for the many post-war states that struggle to consolidate long-term peace, build inclusive political systems and open societies. A better understanding of how old and new post-war actors negotiate politics and policies that shape their futures would provide us with some important insights about where and how to find drivers of peaceful development.

⁵⁶ This idea was expressed by Bosnian victims that I interviewed who often argued that ‘it is not the amount that matters but the attitude’ (*nije bitan iznos ali odnos*).

ANNEXES

ANNEX 1. LIST OF LEGISLATION

Year	Law/ regulation/ reform	Title in Bosnian	Territory/ coverage	Legal number and amendments
1992	Law on Fundamental Rights of the Disabled Veterans and Families of the Killed Soldiers	<i>Zakona o osnovnim pravima vojnih invalida i porodica palih boraca</i>	BiH (de facto only Bosniak-controlled territories)	Official Gazette of RBiH Nos 2/92 and 13/94
1993	Law on the Protection of Civilian Victims of War	<i>Zakona o zaštiti civilnih žrtava rata</i>	RS (de facto only Serb-controlled territories)	Official Gazette of RS Nos 25/93, 32/94, 37/07, 60/07, 111/09, 118/09, 24/10
1999	The Law on Principles of Social Welfare, Protection of Civilian Victims of War and Protection of Families with Children	<i>Zakon o osnovama socijalne zaštite, zaštite civilnih žrtava rata i zaštite obitelji s djecom</i>	FBiH	Official Gazette of FBiH Nos 36/99, 54/04, 39/06, 14/09
2004	Law on Missing Persons	<i>Zakon o nestalim osobama BiH</i>	BiH	Official Gazette of BiH No. 50/04
2004	Law on Rights of Defenders and their Families	<i>Zakon o pravima branilaca i članova njihovih porodica</i>	FBiH	Official Gazette of FBiH Nos 33/04, 56/05, 70/07, 9/10
2004	Law on Rights of Fighters, Military Invalids and the Families of Fallen Fighters of the Defensive-Liberation War of the RS	<i>Zakon o pravima boraca, vojnih invalida i porodica poginulih boraca odbrambeno-otadžbinskog rata RS</i>	RS	Official Gazette of RS Nos 46/04, 53/04, 20/07, 59/08, 118/09, 134/11
2006	Amendment to the Law on Principles of Social Welfare, Protection of Civilian Victims of War (sexual violence)	<i>Zakon o izmjenama i dopunama zakona o osnovama socijalne skrbi, zaštite civilnih žrtava rata i zaštite obitelji s djecom</i>	FBiH	Official Gazette of FBiH No. 39/06

Source: Compiled by the author.

ANNEX 2. ANALYTICAL NOTE

The aim of this Annex is to provide a more detailed explanation of the assessment of the explanatory factors for each victim category (summarized in partial tables in the chapters) and what types of documents were used for this analysis. First, I relied on my fieldwork collection consisting of 114 interviews, fieldwork notes, and additional primary material gathered during the fieldwork (victim associations leaflets, policy documents provided by local governments, and emails). This collection was useful for the two domestic factors (moral authority and mobilization resources) but interviews with external experts were illuminating for the assessment of international salience. I translated and transcribed each interview from Bosnian (only a minority were conducted in English). A sample of the questions is provided below. The respondents consisted of 39 direct beneficiaries, that is victim categories, and categorized them based on their self-identification (interviews); 51 civil-sector workers with a special focus on issues of justice and other experts; and 24 national and subnational political elites but also international decision-makers.

Second, I created a collection of 420 media articles from the *Infobiro*¹ database, which is run by the *Bosnian Media Centre* and is currently the only accessible online database of Bosnian newspapers covering the post-war period (and before). It includes daily print (e.g. *Oslobođenje*, *Dnevni Avaz*, and *Nezavisne novine*) and main weeklies (*Dani*, *Slobodna Bosna*). I must stress that this database is far from complete. The first post-war period also contains articles only from the *Independent Media Agency* (ONASA) and articles from some periods seem to be missing outright. While this database is problematic, it is still the only feasible online resource that allowed me to establish some general patterns. I selected 70 articles for each category (and 70 articles on Srebrenica specifically), a number high enough to select at least two articles per year. I also added 70 articles that dealt with victims and compensation in general.

¹ The database can be accessed on <http://www.infobiro.ba/publikacije>.

As for the selection of media articles, in the *Infobiro* database I started by searching for the name of the victim category in the time frame from 1996 to 2016 (the year 2017 is also missing so I included online articles). I had to use various permutations of the keywords. I could not use a systematically selected random sample but had to run multiple search queries and randomly select relevant articles by headlines for the categories. I selected more articles from the year preceding the compensation adoption, or the year when the category was closest to compensation adoption. In the example of *logoraši*, the first search in the database delivered 1,007 articles, while *logoraša* delivered 3,246. I randomly selected an article on each page and then up to two articles in the period from June 2005 to June 2006. The table below provides an overview of the search terms I used and an estimate of the generated articles (the full list is below as ‘References to Analysis’).

Table A1. Selection of Media Articles

	Search terms	Estimate of generated articles	Number of selected articles
Military war victims	<i>ratni invalidi; porodice poginulih; RVI; vojne invalidnine; SRVIBIH</i>	7,000	70
Civilian war victims	<i>civilne žrtve rata; civilnih žrtava; CŽR; invalidnine</i>	1,000	70
Families of the missing	<i>porodice nestalih; nestalima; masovne grobnice</i>	6,000	70
Srebrenica	<i>Srebrenica</i>	28,000	70
Victims of sexual violence	<i>žene žrtve; zlostavljanje; silovanje</i>	4,000	70
Victims of torture	<i>logoraši/a/e; SLRS; SLBH</i>	3,500	70
Victims in general	<i>žrtve rata</i>	8,000	70

Source: Compiled by the author.

Third, I created a collection of **120** international policy reports and statements related to issues of transitional justice and victimization by the EU, OSCE, UN agencies, WB, IMF, IOM, Amnesty

International (AI), HRW, ICMP, ICTY, and other external charities and agencies that focussed on these issues. This collection is not an exhaustive list of all the research and advocacy about the studied categories and compensation; however, it provides a good overview of the vast range of agencies, actors, and research dedicated to this issue. To compile these documents, I used a combination of online search, targeted organization's website archival search, and also through references from my respondents.² I aimed to have at least **15** policy reports or statements that would substantially analyse each victim category. The proportion was clearly skewed towards two categories – families of missing and victims of sexual violence, other categories were mentioned only together with others (especially disabled civilian victims of war and families of killed). This collection of external policy reports was critical for the factor of international salience. The following table summarizes the main sources and their distribution.

Table A2. External Policy Reports

Type of organization	Global	Financial	Human Rights and Humanitarian	Regional	Bosnia-focussed	Other
Examples	UNDP, UNHCR, IOM	WB, and IMF	ICRC, HRW, AI, ICTJ	EU and OSCE	ICTY, ICMP, OHR	ICG, USAID

Source: Compiled by the author.

After I created my database, I started with the analysis. The aim was to answer the following three key questions:

1. *What is the framing of the categories in the documents?*
2. *How are their capacities, networks and skills assessed?*
3. *How do external actors stress the issues of the categories or how do they prioritize them in their policies?*

² The list of the articles is included in the bibliography section.

While these questions were broad, they helped me to identify parts of the text to highlight and analyse as pertaining to each of the explanatory factors I identified. I followed the theoretical framework created in Chapter 2 that allowed me to assess how the factors were assessed in the collected material. The aim was not to assign any values to the factors but to compare them with each other and to tease out some general patterns in how these categories have been perceived in post-war BiH. I was then able to compare all the categories in relation to each other. I used the qualitative software *NVivo* and the data management tool *Zotero*. I used the software to ‘support rather than replace’ my direct interpretations.³ To conclude, the analysis I conducted to assess my explanatory factors was based on a triangulation of a variety of sources that I selected on the basis of some systematic criteria. Although I have not assigned numerical values to the factors and their indicators, I used these sources to make an informed decision about how the three factors for each of the category varied in relation to the other categories.

³ Kapiszewski et al. 2015, 346.

Sample Interview Questions

1. Could you please introduce yourself and your work/role in the organization?
2. Could you describe the atmosphere among <victims of XY > after the war? How has it changed?
3. You described yourself as <XY>, how have you been supported by BiH/RS/FBiH after the war?
4. Do you think material care is important for victims? Is it important to you?
5. How satisfied are you with the current support for victims? And why yes or no?
6. When did you start pursuing your goals <depending on what the informant mentioned>? And why?
7. Depending on the answers: why do you think there has not been enough care given to victims/veterans?
8. You mentioned, XY law, why do you think it was/was not adopted?
9. Do you recall the situation at the time of the law adoption and how it changed, if at all?
10. Why do you think that camp inmates have not been successful with their pursuit of a law?
11. Do you see strong leadership in your organization/association for victims?
12. What assistance outside of the state policies have XY been getting?
13. Has XY been supported by external actors? By whom specifically?
14. Have you been in contact with ICTY/ICMP? When and why?
15. If you look at members of XY, do you think they have been able to access the law's provisions?
16. Who do you think has the most decision-making powers in Bosnia?
17. What has been the level of cooperation between your organizations and other similar ones?
18. Have you been working with veterans and in what capacity?
19. In your opinion, how has the approach to victims changed in the past two decades?
20. Could you identify the main actors, who have been helping your organization/activities?
21. How have you been involved in the work with victims?
22. Which victims and associations have you been working with?
23. Where has most financial support come from?
24. How do you predict the situation will change with the accession to the EU?
25. How has the OHR or EU been supportive?

ANNEX 3. FIELDWORK AND RESEARCH ETHICS

The aim of this Annex is to highlight some key ethical issues related to this thesis and reflect upon the conducted fieldwork.⁴ In particular, I focus on the principles of anonymity, confidentiality, and reciprocity. Research in post-war contexts with populations that have been traumatized in war necessitates extra care during interviews, increased awareness about handling confidential data, and reflexivity in order to represent the shared views truthfully but also reading between lines. The conducted research involved a diverse set of respondents that included war victims that each necessitated a different approach. While I only rarely interviewed war victims about their war experience, it was important to take extra care when speaking about topics of such sensitive nature. I have adopted a variety of interview strategies to avoid discussions about direct war experiences, which focussed on bringing the respondent to the present time and topics related to their future.

First, clarity about the aims of my research, anonymity when requested, and confidentiality were critical. Each respondent was briefed about the purpose of my research, presented with a consent form, and an authorization was gained to record the interview.⁵ As the topics covered during the interviews were at times of emotional nature, I had to ensure that neither the questions nor the presentation of the material in my thesis would have any negative impact on the respondents.⁶ Although only five respondents asked not to have their names included for privacy reasons, I have not used names or specific identifiers of respondents who could potentially be harmed by having their names published. Although the risk of such harm is rather low, using pseudonyms or less specific titles (as well as avoiding exact dates but only months) provides an extra layer of protection. In several cases even when I was given permission to use full names, I opted for pseudonyms instead

⁴ This research was conducted independently with no involvement of any other affiliations beyond the University of Oxford. The fieldwork was conducted with the approval of the University's *Social Sciences and Humanities Interdivisional Research Ethics Committee*.

⁵ In total, ten respondents provided an oral consent and 21 respondents did not wish to be recorded but gave consent to have their names included.

⁶ 97% of respondents agreed to have their full name included in the thesis. However, I have used pseudonyms for individuals whose full name was not necessary. All interviews are stored and protected on the *Zotero* and *NVivo* softwares.

as the full name was not needed to present the arguments.⁷ Interestingly, in some cases, respondents specifically asked to have their names included, probably hoping to gain a more audience for their views.

Moreover, although I only rarely conducted interviews with victims on the topic of their wartime experience, re-traumatization was a clear a concern as some of the discussed events were related to the war. Therefore, I sought advice from several social psychologists in BiH (especially *Vive žene* in Tuzla), who proposed to let respondents talk without interruptions as a form of therapy. Such interviews often took several hours. Beyond these practical concerns, several other considerations regarding expectations from respondents have resurfaced during the conducted fieldwork. Reciprocity was a running thread, which seems to feature in qualitative research on sensitive topics more broadly.⁸ It became clear that some victims felt that previous researchers have made use of their views without providing anything ‘in return’.⁹ For example, a member of a victim association in Sarajevo resisted to be interviewed as ‘there was no use of me’ unless I convinced ‘those at the top to help us’. In such cases, it took several visits to gain trust and conduct the interview. Although, thanks to my East European and Slavic background, I was considered impartial, gaining trust of victimized respondents was often a long-term endeavour.

The final concern regarded the presentation of the victims’ views in my research. It became clear that some respondents wanted me to adopt their understandings of ‘truth’. Keeping objectivity was indeed one of the key issues. I experienced this most prominently in Banja Luka where several victim leaders denied internationally established war crimes. Several respondents praised Ratko Mladić and Radovan Karadžić as ‘great Serb heroes’ and denied the existence of the over 8,000 killed Bosniak men in Srebrenica. As a researcher, I was in an uneasy situation to comment on such statements and engage with these arguments further. However, my role was to keep an objective outlook without engaging in disputes with my respondents. Therefore, I presented these views set in the framework

⁷ I used a code for each respondent in the form of *Interview Number/Location/Sector*. For example, 03/ZN/NG means interview number 3, conducted in Zenica and the respondent is an NGO worker.

⁸ Dickson-Swift et al. 2007, 334.

⁹ See also Helms 2013, 19.

of the polarized Bosnian war narratives. There has indeed been a great dissonance in the ‘truth’ and narratives my respondents shared; however, reflecting them – rather than engaging with them – has been an important part of this thesis. Overall, doing research in sensitive contexts raises many questions about the role of the researcher in the field, issues of confidentiality, and issues of reciprocity. Despite these challenges rigorous qualitative research in the field driven by objectivity is still possible. However, it necessitates an additional attention to the potential sensitivities and expectations of the respondents and understanding their needs.

Sample Consent Form

*Thank you for agreeing to meet with me for an interview for the purposes of my doctoral project on the topic of **Transitional justice and compensation in Bosnia and Herzegovina**¹⁰.*

By signing this document, you agree that I use all the data and information you provide me with during this interview unless otherwise agreed. This information will be used for the purposes of my PhD research, which will be eventually written up as a doctoral thesis at the University of Oxford, UK, and potentially published as a book in the future.

I will be taking notes throughout the interview and – if you agree – record it. Please let me know and I can send you a draft version of any work where you are cited before publishing.

You can contact me on with any further questions.

I agree for you to use my full name and association in your thesis when referring to the data and information I provided you with. ☐

I agree to use the information and data provided during this interview but without stating my name. ☐

Name and surname:

Signature

Date:

Jessie Hronesova

DPhil candidate in Politics University of Oxford



¹⁰ The title has changed throughout the thesis to a more specific one.

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- Interview 02/SA/NG. Jakob Finci, Bosnian Jewish Community, Sarajevo, 27 March 2015.
- Interview 03/ZN/NG. Sabiha Husić, Medica Zenica, Sarajevo, 14 September 2015.
- Interview 04/SA/NG. Alma Mašić, Youth Initiative for Human Rights, Sarajevo, 18 September 2014.
- Interview 05/BC/PP. Municipal Administrator (anonymized), Bihać, July 2014.
- Interview 06/BC/NG. Aida Behrem, Women of Una, Bihać, 14 July 2014.
- Interview 07/SA/NG. Snježana Ivandić Ninković, Association for Democratic Initiatives, Sarajevo, 19 September 2014.
- Interview 08/SA/EX. Amela Čosović-Medić and Klaudija Kuljuh, UNDP, Sarajevo, 30 March 2015.
- Interview 09/MO/EX. Slavo Kukić, Associate Professor in Sociology, Mostar, 1 April 2015.
- Interview 10/SA/EX. Marko Jurišić, Institute of Missing People, Sarajevo, 27 March 2015.
- Interview 11/BC/EX. Mujo Begić, Institute for Missing People, Bihać, 9 September 2014.
- Interview 12/SA/EX. Selma Korjenić, TRIAL, Sarajevo, 6 April 2015.
- Interview 13/BC/VC. Murat Tahirović, Sarajevo, 26 March 2015.
- Interview 14/BL/NG. Dragana Dardić and Ivana Stanković, Humanitarian Law Center, Banja Luka, 17 April 2015.
- Interview 15/SA/EX. Mirsad Tokača, Research and Documentation Center, Sarajevo, 8 April 2015.
- Interview 16/TZ/NG. Teufika Ibrahimfendić, Vive žene, Tuzla, 13 August 2015.
- Interview 17/TZ/NG. Branka Antić-Štauber, Snaga žene, Tuzla, 15 August 2015.
- Interview 18/SA/MD. Jasmina D. (pseudonym), Media Expert, Sarajevo, March 2015.
- Interview 19/TR/CV. Olga Draško (phone), 24 August 2015.
- Interview 20/MO/CV. Sabina B. (pseudonym), Mostar, September 2015.
- Interview 21/BJ/NG. Aleksandra Letić, Helsinki Committee for Human Rights, 7 September 2015.
- Interview 22/BC/MV. Alma B. (pseudonym), Bihać, August 2014.
- Interview 23/SA/PP. Saliha Djuderija, Ministry of Human Rights and Refugees, Sarajevo, 28 August 2015.

Interview 24/BGD/NG. Sandra Orlović, Humanitarian Law Center, Belgrade, 4 April 2014.

Interview 25/SA/NG. Leila Bičekčić, Center for Investigative Journalism, Sarajevo, 23 March 2015.

Interview 26/SA/INT. Anne-Marie Larsen, UN Women Director, Sarajevo, 20 March 2015.

Interview 27/BL/MD. Journalist (anonymized), Banja Luka, September 2015.

Interview 28/SA/EX. Adnan Huskić, political analyst, Sarajevo, 20 August 2015.

Interview 29/SA/EX. Nina Kisić, Defence Counselling, State Court of BiH, Sarajevo, 1 July 2014.

Interview 30/SA/INT. Kathryn Bomberberg, ICMP director-general (phone), 21 August 2015.

Interview 31/SA/MD. Nidžara Ahmetašević, journalist, New York, 5 December 2015.

Interview 32/KL/CV. Mehrida B. (pseudonym), Ključ, September 2014.

Interview 33/BL/EX. Srdjan Puhalo, independent political analyst, Banja Luka, 19 April 2015.

Interview 34/SA/INT. Matthew Holliday, ICMP, Sarajevo, 19 August 2015.

Interview 35/BL/CV. Gospava Vujanović, City Association for the Missing People, Banja Luka, 11 September 2015.

Interview 36/BL/PP. Goran Krčmar, Centre for Missing Persons in RS, Banja Luka, 21 April 2015.

Interview 37/KL/CV. Ahmet Grahić, Union of Bosniak Associations of Families of Prisoners-of-War and Missing Persons in BiH, Gornja Kalesija, 17 August 2015.

Interview 38/SA/EX. Viktorija Ružičić-Tokić, ICMP, Sarajevo, 16 September 2014.

Interview 39/SA/EX. Nela Porobić-Isaković, Women for Bosnia and Syria, Sarajevo, 30 March 2015.

Interview 40/BL/CV. Dragan Vrhovac, Banja Luka, 16 April 2015.

Interview 41/VS/CV. Dragiša Andrić, Camp Inmates Association, Višegrad, 11 August 2015.

Interview 42/SA/EX. Adis Arapović, Centar of Civil Initiatives, Sarajevo, 2 April 2015.

Interview 43/BV/VT. Huse Behrem, Golden Lillies, Bihać, 27 July 2014.

Interview 44/SA/CV (online). Almir Alić, Registry Liaison Office, ICTY, 24 August 2015.

Interview 45/BC/VT. Almir Tutić, Union of Demobilized Fighters, Bihać, 15 August 2014.

Interview 46/SA/EX. Amir Hodžić, political analyst, Sarajevo, 19 April 2014.

Interview 47/IL/CV. Ante Vico, Association of Citizens Hurt by the War Damage from 1991-1996 in BiH, Ilidža, 26 August 2015.

Interview 48/MO/VT. Arif Fazlić, Union of War Military Invalids HNK, Mostar, 3 September 2015.

Interview 49/SA/CV. Sunira D., Women Victims of War, Sarajevo, 31 August 2015.

Interview 50/BL/CV. Božica Rajlić-Živković, Association Women Victims of War in RS, Banja Luka, 14 April 2015.

Interview 51/BC/MD. Dženita Duraković, journalist, Bihać, 20 July 2014.

Interview 52/SA/EX. Elmina Kulašić and Hikmet Karčić, Transitional Justice, Accountability, and Remembrance in BiH, Sarajevo, 17 April 2014.

Interview 53/KL/CV. Enes Salihović, Association of Detainees, Ključ, 2 September 2014.

Interview 54/SA/MD. Journalist (anonymized), Sarajevo, September 2015.

Interview 55/TZ/VT. Fahrudin Hasanović, War Military Invalids, Tuzla, 17 August 2015.

interview 56/SA/EX. Fikret Čaušević, economist, Sarajevo, 12 March 2015.

Interview 57/BL/VT. Radoj B. (pseudonym), VRS army veteran, Banja Luka, September 2015.

Interview 58/PR/NG. Goran Zorić, KVART, Prijedor, 18 April 2015.

Interview 59/PR/CV. Edin Ramulić, Izvor, Prijedor, 14 August 2014.

Interview 60/SA/EX. Goran Šimić, legal scholar, Sarajevo, 16 April 2014.

Interview 61/EM/EX (phone). Goran Tinjić, World Bank, 1 September 2015.

Interview 62/SA/EX. Lejla Mamut, human rights expert, Sarajevo, 2 April 2015.

Interview 63/SA/NG. Haris Čaušević, Svjetlo, Sarajevo, 13 April 2015.

Interview 64/SA/INT. Igor Cvetkovski and Amelia Randall, IOM, Sarajevo, 31 March 2015.

Interview 65/SA/VT. Ismet Harabinja, Association of Pensioners and War Military Invalids, Sarajevo, 27 March 2015.

Interview 66/MO/VT. Ivan Jurčević, FBiH Association of Former and Demobilised HVO Defenders, Mostar, 1 September 2015.

Interview 67/BC/VT. Damir R. (pseudonym), former soldier of ABIH, Bihać, April 2014.

Interview 68/BC/VT. Izudin Saračević, Una-Sana Canton Prime Minister (SDA), Bihać, 6 August 2014.

Interview 69/BC/EX. Jasmin Mesić, Prosecutor of Una-Sana Canton, Bihać, 9 July 2014.

Interview 70/SA/CV. Jasmin Mešković, President of SLBH, Sarajevo, 2 April 2015.

Interview 71/SA/MD. Marija Ristić, Serbian journalist and film maker, Belgrade, 19 August 2015.

Interview 72/MO/NG. Almir and Damir, Student Center Abrašević, Mostar, 17 April 2014.

Interview 73/SA/IN. Max Matthews, OSCE Rule of Law Mission, Sarajevo, 26 March 2015.

Interview 74/BL/EX. Miodrag Živanović, Associate Professor in History, Banja Luka, 17 July 2014.

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Interview 76/BC/EX. Mirela B. (pseudonym), social worker, Brčko, September 2014.

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Interview 80/SA/INT. IMF official (anonymized), Sarajevo, March 2015.

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Interview 82/SA/VT. Saša Madacki, human rights activist, Sarajevo, 25 March 2015.

Interview 83/SA/CV. Senida Karović, Association of Civilian Victims of War of FBiH, Sarajevo, 7 April 2015.

Interview 84/TZ/NG. Sinan Alić, Foundation Truth, Justice and Reconciliation, Tuzla, 17 August 2015.

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Interview 87/ZG/EX. Sven Miletić, journalist, Zagreb, 28 April 2014.

Interview 88/SA/NG. Svetlana Broz, Gariwo, Sarajevo, 26 March 2015.

Interview 89/SA/EX. Žarko Papić, Initiative for Better and Human Inclusion, Sarajevo, 26 March 2015.

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interview 92/TZ/EX. Ismet Musić, Institute for Missing People, Tuzla, 17 August 2015.

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Interview 93/PR/CV. Hava Tatarević, Zecevi, 16 July 2014.

Interview 94/BK/CV. Ramiz Ahmetović, Association of Missing, Forcefully Abducted and Killed Bosniaks, Brčko, 8 September 2015.

Interview 95/BR/CV. Marin Brkić, Association for Missing Croats of the Brčko District, 8 September 2015.

Interview 96/ES/CV. Milan Mandić, Association of Families of Missing from Saraj-Romanija, Eastern Sarajevo, 27 March 2015.

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Interview 98/CV/SA. Almin Dželilović, Union of Camp Inmates of the Canton Sarajevo, 2 April 2015.

Interview 99/BL/CV. Zijahudin Smailagić, Association of Camp Inmates, Banja Luka, 15 April 2015.

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Interview 101/EX/SA. Esad Bajtal, historian, Sarajevo, 24 August 2015.

Interview 102/SA/EX. Esad Hrvačić, lawyer, Sarajevo, 24 August 2015.

Interview 103/NG/DB. Esad B., local NGO worker, Doboj, 19 April 2014.

Interview 104/BL/VT. Goran Rogić, BORS, City of Banja Luka, 11 September 2015.

Interview 105/BR/CV. Džafer Deronjić, Camp Inmates Association, Brčko, 8 September 2015.

Interview 106/SA/VT. Ismet Imamović, JOB, Sarajevo, 7 September 2015.

Interview 107/BL/NG. Lana Jajčević, Association for Vulnerable Women, Banja Luka, 17 April 2015.

Interview 108/BL/VC. Nedeljko Mitrović, Organization for families of detained, killed, and missing fighters and civilians of RS, Banja Luka, 15 April 2015.

Interview 109/BL/PL. Nevenko Vranjaš, Director of the Section on Research on War, War Crimes and Documentation, Banja Luka, 16 April 2015.

Interview 110/KV/CV. Obrad Bubić, Association of Camp Inmates, Kotor Varoš, 18 April 2015.

Interview 111/SA/NG. Soraja Zgadić, Soraja Zgadic, ZFD (Forum Civil Peace Service), Sarajevo, 5 September 2015.

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— — —. 2007a. "RS je nastala na genocidu [RS was Founded on Genocide]." May 16.

— — —. 2007b. "Jelečević: Ni pola milijarde maraka ne bi bilo dovoljno [Not Even Half a Billion Marks Would be Enough]." May 28: 10.

— — —. 2007c. "Sve žrtve rata tretirati isto [All Victims to Have Equal Treatment]." September 19.

— — —. 2007d. "U FBiH 30 posto lažnih korisnika invalidnina [In FBiH 30 per cent False Invalids]." November 9: 4.

— — —. 2008. "Civilne žrtve rata nemaju skoro nikakva prava [Civilian Victims of War Have Almost no Rights]." May 11.

— — —. 2009a. "Vlada štedi samo na RVI i žrtvama rata [The Government is Saving Money Only on RVI and CVW]." July 26.

— — —. 2009b. "Za civilne i vojne invalide 55 miliona KM manje [For Military and Civilian Invalids 55,000 Less]." August 30: 2.

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— — —. 2009d. "Sutra protesti pred Tribunalom [Protests at the Tribunal Tomorrow]." October 25.

— — —. 2009e. "Genocidni temelji Republike Srpske [Genocidal Foundations of RS]." October 28.

— — —. 2010a. "Hasečić: Tihić svojim izjavama udovoljava RS [Hasečić: Tihić's Statements Satisfies RS]." February 4.

— — —. 2010b. "PTSP ima 400.000 stanovnika u BiH [PTSD Has 400,000 Citizens of BiH]." February 11.

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- — —. 2005b. "Tihic negira prava Srba u BiH [Tihic Denies Serbs Rights in BiH]." December 2.
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- — —. 2007. "Neprihvatljiva jednostrana ocjena rata u BiH [Unacceptable One-Side Assessment of the War]." February 28.
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- — —. 2006b. “Neophodna istina o svim žrtvama u BiH [Necessary Truth About All Victims in BiH].” May 25.
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- — —. 2009d. “Bolji status žrtvama rata [A Better Status for War Victims].” September 29.
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- — —. 2010a. “Evropa je izjednačila zločince i žrtve [Europe Has Equalized Criminals and Victims].” April 29.
- — —. 2010b. “Svjedoci i žrtve bez zaštite [Witnesses and Victims Without Protection].” November 24.
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- — —. 2006b. "Poslanici podržali civilne žrtve rata [Deputies Supported CVW]." June 7: 3.
- — —. 2007a. "Invalidi traže da se izjednače prava [Invalids Want an Equalization of Rights]." April 16.
- — —. 2007b. "Bošnjaci i Hrvati mogu se prijaviti za dobivanje odštete [Bosniaks and Croats Can Register to Claim Compensation]." June 28: 8.
- — —. 2007c. "Petsto Sarajlija tužilo Republiku Srpsku [500 Sarajevans Sued RS]." July 5.
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