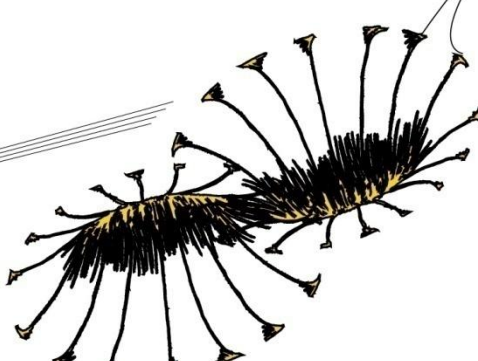
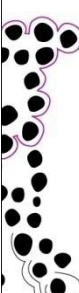


Bosnia's Failure in Creating a Truth Commission – How Institutions And Functions Encourage Post-Conflict Countries To Create a Truth Commission



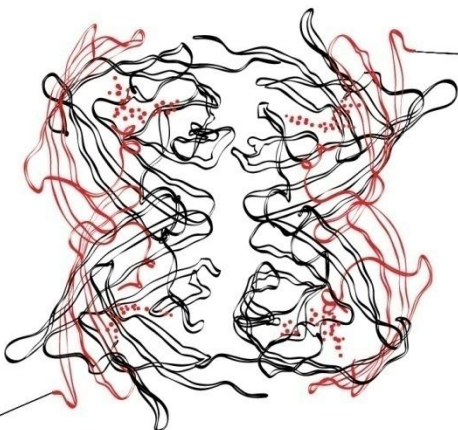
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Abstract

Although the use of truth and reconciliation commissions has grown considerably over the last years, little knowledge exists about the underlying causes that lead to the creation of a truth commission. What is missing is a clear-cut insight into the causes in order to draw conclusions from the best practices of countries that decided for a truth commission. By naming these causes, this study aims at explaining why Bosnia and Herzegovina fails to establish a truth commission. The 1992-1995 conflict in Bosnia and Herzegovina showed how a fragile, yet community can disintegrate into a shattered entity of feuding ethnic groups living together in parallel societies, simultaneously creating bogeyman of each other. A truth commission might serve as a panacea for the EU-driven state-building process. By using a qualitative comparative analysis the study concludes, that no single theoretical concept itself can explain the why post-conflict countries are able to create a truth commission. It is rather a conjunction of multiple functionalist and institutionalists' concepts that explains these causes. Concerning Bosnia and Herzegovina it shows, that most likely the truth commission approach is currently not a feasible option for Bosnia and Herzegovina. Encouraging factors like the conjunction of civil war with a post-war power sharing governmental system are not conducive for the Bosnian case. Furthermore the study shows that both in Bosnia as well as in general, that the influence of a third party mediator in a conflict often hinders the creation of a truth commission.

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List of Abbreviations

ANC – African National Congress
BiH – Bosnia and Herzegovina
CONADEP – National Commission on the Disappearance of Persons
ECHR – European Court of Human Rights
EVS – European Values Study
Federation – Federation of Bosnia and Herzegovina
GAEPNT – General Agreement on the Establishment of Peace and National Accord in Tajikistan
GFAP – General Framework Agreement for Peace in Bosnia and Herzegovina
HIIK – Heidelberg Institute for International Conflict Research
ICG – International Crisis Group
ICJ – International Court of Justice
ICTY – International Criminal Tribunal for the former Yugoslavia
IDEA – International Institute for Democracy and Electoral Assistance
IMF – International Monetary Fund
NATO – North Atlantic Treaty Organization
NGO – Non-governmental Organization
NP – National Party (South Africa)
OHR – Office of the High Representative
RS – Republika Srpska
RUF – Revolutionary United Front
TC – Truth Commission
TRC – South African Truth and Reconciliation Commission
UCDP – Uppsala Conflict Data Program
UN – United Nations
UNDP – United Nations Development Program
UNMOT – United Nations Missions of Observers to Tajikistan
UTO – United Tajik Opposition
QCA – Qualitative Comparative Analysis
WVS – World Values Survey

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1. Introduction

The 1992-1995 conflict in Bosnia and Herzegovina (BiH) displaced more than half of the country's population and caused the deaths of more than one hundred thousand people (Istraživačko Dokumentacioni Centar, 2010). With the signature of the General Framework Agreement for Peace in Bosnia and Herzegovina (GFAP) in November 1995, the conflict ended and two entities were created, both of whom virtually constituted the entire occupied territory of the warring sides. The newly created *Federation of Bosnia and Herzegovina* (hereinafter: Federation) and the *Republika Srpska* (RS) marked out the country's division and consolidated the ethno-nationalist division within BiH.



Figure 1 - Administrative Division of Bosnia and Herzegovina according to the GFAP¹

Sixteen years after the conflict ended, BiH still experiences the results of the GFAP. The division of the country takes place geopolitically and in the minds of the people. As Christopher S. Chivvis argued “Dayton ended violence, but accommodated ethnic nationalism and did not resolve underlying issues”(Chivvis & Dogo, 2010). The international effort to end the war by adopting the GFAP served a first step for the Bosnian society in the process towards peace and reconciliation. Nevertheless, state building still takes place made by the Western powers; with the EU being the main actor in this regard who launches and monitors state building policies based on the enhanced capabilities provided by their institution Office of the High Representative (OHR) and Special Representative of the European Union.

Being incapable of dealing with the past, simultaneously peddling its own version of the truth, the three major ethnic groups in BiH face a “prevalence on all three sides of denial and minimization of war crimes” (J. N. Clark, 2009). A positive trend to overcome the societal and political deadlock is clearly missing. Scholars like Janine Natalya Clark have even argued that “reconciliation does not exist in present-day BiH, there is only negative peace – an absence of conflict”(J. N. Clark, 2009). It was Clark who first urged BiH to establish a Truth Commission (TC) since the International Criminal Tribunal for the former Yugoslavia² (ICTY) as a jurisdictional approach did not deliver the reconciling, calming success one was hoping for (Orentlicher, 2010).

The institution Clark has urged for, a TC, is one of the domestic policies available to post-conflict countries that has received considerable attention from the human rights community as well as intergovernmental and nongovernmental organizations over the last 20 years. A TC can be defined as a “body set up to investigate a past history of violations of human rights in a particular country – which

¹ This figure is available under <http://www.state.gov/r/pa/ei/bgn/2868.htm>, assessed on September 20, 2011.

² Official name: International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

can include violations by the military or other government forces or armed opposition forces” (Hayner, 1994). TCs are “officially sanctioned, temporary, non-judicial investigative bodies ... granted a relatively short period for statement-taking, investigations, and research and public hearings, before completing their work with a final public report.” (Office of the United Nations High Commissioner for Human Rights, 2006)

TCs have their origin in Latin America in the early 1980s in the transitions from authoritarian regimes to democratic states. Argentina’s National Commission on the Disappearance of Persons (Spanish: Comisión Nacional sobre la Desaparición de Personas, CONADEP) was one of the first TCs and served as a role model for the entire region. CONADEP was able to achieve accountability for the crimes of the past and to issue reports, which became publicly known. The revelation of the truth streamlined redress for victim’s families in the country. Since this initial TCs, they “have become a staple of post conflict peace building efforts” (Brahm, 2007) and are entitled as adequate, valuable tool “to balance demands for accountability for past human rights abuses”. Today, mainly a result of the most prominent TC, the *South African Truth and Reconciliation Commission* (TRC) which was established in 1995 to address the human rights violations during apartheid, they generally employ public hearings for victims as well as institutional and thematic hearings. Some TCs even moved beyond the traditional focus on political and civil rights and addressed more socioeconomic debates within post-conflict societies. Liberia’s TC has addressed economic crimes in its mandate and Kenya has focused in its recent *Truth, Justice and Reconciliation Commission* besides human rights violations economic crimes and the issues of land. Moreover, a trend can be observed that TCs try to incorporate rather local justice and reconciliation processes in order to enhance the impact and importance of their work among the local population.

Based on the broad available experiences concerning the successes of TCs and its aftermath in post-conflict countries, it seems to be a reasonable call by Clark to urge BiH for establishing its own TC. It may serve as a solution to the paralyzed reconciliation process in the country. It is noticeable that the focus of the international community has noticeably decreased over the past few years, leaving barely elaborated decisions, such as the strategy of softened exertion of influence of the OHR under the then High Representative Christian Schwarz-Schilling (Chivvis & Dogo, 2010; Kim & Service, 2008; Perry, 2009). Adding to the internal divisions and demarcations, there is an increasing annoyance by all ethnic groups with the presence and work of the Western powers. According to a recent *New York Times* article “for the first time since the 1992-95 war, observers say, the political dynamic is tending toward complete polarization and increasing attacks against the institutions Dayton created” (Brunwasser, 2011). Although an international and especially European effort can be recognized for speeding up the reconciliation process in the country, remarkable progress hasn’t been done. The clamor for alternatives to the stuck reconciliation process grows steadily louder and a TC is one of the options in great demand. However, until now no substantial progress even in this regard has been made. So why does BiH fail to create a TC?

While much of the hitherto literature has focused only on the effects of TCs in the peace and reconciliation process of countries, considerably less attention has been paid to the question which causes contribute to the creation of TCs. Namely political and societal factors that may lead post-conflict countries to opt for a TC. Therefore, this study aims at creating a *vade mecum*, a guide not on the effects or on the institutional set-up of TCs, but on the actual causes that lead to the creation of TCs. This will hopefully generate new knowledge about the yet little studied creation process of TCs. It is expected that post-conflict countries that successfully created a TC all share some general political, institutional or societal characteristics. By identifying these characteristics, comparisons can be made with countries that yet did not create a TC, but are supposedly in a state of post-conflict, where a TC could streamline the peace and reconciliation. Hence, exactly the status in which BiH is right now.

Therefore, in order to answer why TCs have been established one should especially look at the underlying causes that contributed to the creation of a TC. Accordingly, the following research question has been formulated:

- *Which underlying causes encourage the creation of a truth commission in a post-conflict society?*

After explaining the underlying causes, thus creating new insights on post-conflict societies that did opt for a TC, the abovementioned comparison with BiH will be made. Political, institutional and societal characteristics, which have been identified in other post-conflict societies, will be compared with the status quo of BiH. This will help to elaborate on the question why BiH so far has been unable to create a TC. Based on this attempt, three subquestions have been formulated:

- *How come Bosnia and Herzegovina fails to create a truth commission?*
- *Can the status quo of Bosnia and Herzegovina be compared to the previous experiences of other post-conflict countries that did establish a truth commission?*
- *Is a truth commission a feasible option for the EU driven state building process in Bosnia and Herzegovina?*

The chosen research method is based on a qualitative comparative analysis (QCA). By looking at the positive and negative experiences of nineteen different post-conflict countries while succeeding/failing in creating a TC, the first part of the study will conclude in an analysis that will reveal the underlying political, institutional, legal and societal causes. Afterwards, the findings of the first part of this study will be compared to the status quo in BiH. The study will look whether the difficulties BiH faces nowadays trying to overcome the political and societal deadlock, could also be seen in previous experiences of other post-conflict countries. Concluding, the study will aim at explaining why BiH fails to establish a TC. For the sake of the EU-driven and monitored state-building process a TC might be a helpful institution that could streamline the peace and reconciliation process in the country. However, the study might also lead to the conclusion, that a TC cannot be considered as a feasible option for the EU and other reconciliatory methods should be pursued.

2. Theory

In this section, the key concepts are going to be defined and explained that are necessary to answer the main question of this study. The thesis is mainly dealing with the question what underlying causes encourage the creation of a TC. Therefore, as a theoretical background, the concept of a TC will be explained first. Subsequently, the elements of a TC like the duration, institutional set-up, objectives and initiators will be explained. Afterwards the theoretical framework that lies behind the variables used in this study will be explained in detail. Due to the complex nature of a TC, different levels e.g. the political, institutional and societal levels have to be addressed. This is why the conceptualization will focus on four different theories, namely functionalism, institutionalism, post-materialism and global culturalism respectively, as these theories might contribute to the explanation of the underlying causes. Every single theory covers a specific level, e.g. functionalism can be used to analyze the combination between the type of conflict and the type of conflict resolution method.

2.1. The Concept of Truth Commissions

Post-civil war societies turn out to have difficulties in coming to terms with the past. An objective overhauling of the past is often missing, those responsible for human rights violations, and those who committed war crimes, are often not prosecuted. In addition, the warring parties hold self-evident about their own versions of truth and history, plus tend to a “denial and minimization of war crimes”(J. N. Clark, 2009). Here, the initiation of a TC could “signal a formal break with the past, and lead to the transition to a more open, peaceful and democratic future”(Bloomfield, Barnes, & Huyse, 2005). As Priscilla Hayner argues TCs are “to prevent further violence and human rights abuses in the future”(Hayner, 2001). They are not to be seen as a substitute for judicial trails but as a driving force in the clarification of war-related events; thus they are non-judicial bodies with a significantly limited scope of action. TCs were primarily established in transitional societies, meaning from war to either peace or from authoritarian system to democracy. Today, they are also used in historical events by

investigating state abuses, which took place years and even decades ago and should be followed up retrospectively at present time.

Several others scholars have adopted definitions that generally closely resemble Hayner's characterization. Teitel defines them as an "official body, often created by a national government, to investigate, document, and report upon human rights abuses within a country over a specified period of time" (Teitel, 2003). Bronkhorst defines TCs as "a temporary body, set up by an official authority (president, parliament) to investigate a pattern of gross human rights violations committed over a period of time in the past, with a view to issuing a public report, which includes victims' data and recommendations for justice and reconciliation"(Bronkhorst, 2003).

The International Institute for Democracy and Electoral Assistance (IDEA) published a general guideline about TCs in their 2003 Handbook "Reconciliation after Violent Conflict." IDEA states that TCs are generally only set up for a limited period of time, and past experiences have shown this time period lies between one or two years. Although some were initiated by non-governmental organizations (NGO), they are normally officially sanctioned, authorized and empowered by the state. In some cases, they are directly incorporated in peace treaties, stating the mutual agreement between the warring parties for an immediate and full explanation of the war events. TCs investigate "patterns of abuses and specific violations committed over a period of time, not just a single specific event"(Bloomfield, et al., 2005). After the completion of the TCs task, they submit a final report that contains conclusions and recommendations. The focus is human rights oriented and assesses the "violations of human rights and sometimes humanitarian norms as well"(Bloomfield, et al., 2005).

TCs can create several benefits for the society; first, it helps to establish the truth. The final report is independent, more accurate, impartial and official. "It raises public consciousness about the real scale and impact of a violent past"(Bloomfield, et al., 2005), which is especially important because it states that they who have experienced armed conflict, such as the BiH-conflict "are more prone to undergo such violence again" (C. A. Hartzell, 1999) if they do not come to terms with their conflict-laden shared history. Moreover, a TC can support the work of criminal prosecutors by gathering and organizing evidence. The resulting conclusions will lead to non-custodial forms of accountability like civil liability and removal from office. Moreover, they can offer a public platform for victims. Although many victims and victims' relatives affiliated with each other in organizations and are already quite powerful and internationally known, TCs can promote their activities and right to exist by putting victims at the forefront of the transition process. They can work as a stimulus for these organizations to deploy their full power, a necessity according to cultural anthropologist Natalija Vrečer who argues that a peaceful civil society can only be created "when the citizens advocate for their rights themselves"(Vrečer, 2010). An important task for TCs is also issuing recommendations about victim reparation and necessary legal and institutional reforms. Finally, they can help consolidating a more democratic transition inter alia by means of "weakening actors who might pursue goals outside the democratic process"(Bloomfield, et al., 2005).

Country	Year instituted	Country	Year instituted
Uganda	1974, 1986	Peru	2000
Bolivia	1982	South Korea	2000
Argentina	1983	Côte d'Ivoire	2000

Uruguay	<i>1985, 2000</i>	Panama	<i>2001</i>
Zimbabwe	<i>1985</i>	Yugoslavia (Serbia and Montenegro)	<i>2001</i>
The Philippines	<i>1986</i>	East Timor	<i>2002</i>
Nepal	<i>1990</i>	Serbia	<i>2002</i>
Chile	<i>1990</i>	Sierra Leone	<i>2002</i>
Chad	<i>1991</i>	Ghana	<i>2002</i>
El Salvador	<i>1992</i>	Paraguay	<i>2003</i>
Rwanda	<i>1992</i>	Democratic Republic of Congo	<i>2003</i>
Germany	<i>1992, 1995</i>	Indonesia	<i>2004</i>
Ethiopia	<i>1993</i>	Morocco	<i>2004</i>
Sri Lanka	<i>1994</i>	Liberia	<i>2005</i>
Haiti	<i>1995</i>	Burundi	<i>2007</i>
South Africa	<i>1995</i>	Solomon Islands	<i>2009</i>
Burundi	<i>1995</i>	Kenya	<i>2009</i>
Ecuador	<i>1996, 2007</i>	Honduras	<i>2010</i>
Guatemala	<i>1998</i>	Canada	<i>2011</i>
Nigeria	<i>1999</i>		

Table 1 - Truth Commissions in chronological order 1974-2011³

³ Sources: (Amnesty International, 2009; Hayner, 1994; Rotberg & Thompson, 2000; Steiner, 1997; UCDP, 2011)

Based on the aforementioned scholarly work, one sees that most research so far discussed solely the effects of a TC on the post-conflict reconciliation process. However, in order to separate potential causes that may evoke the decision to choose for a TC, I've come up with four different concepts within the field of sociology and political science and their corresponding variables. As most of the literature on the effects of TCs, deal with issues like the effectiveness of this policy method considering the preceding conflict type⁴, I've decided to focus first on the type and length of conflict. The first two variables are therefore type of conflict and length of conflict. Moreover, a strong focus in the literature deals with the political framework of post-conflict countries, namely with the post-conflict distribution of power. Therefore, this study will elaborate on the variable "power sharing," as it can give insights on the distribution of power after conflict. Furthermore, in a globalized world, where domestic action is easily noticed on a global scale, many conflicts have been settled due to the involvement of third parties. My third variable will therefore deal with the question of "third party involvement in the peace settlement process. Furthermore, TCs are often being seen as alternatives to trials. A trial process, however, is not the only way to confront heinous human rights violations, because TCs can fulfill similar tasks, nevertheless, normally without the power of prosecution. Therefore, it might be interesting to check whether the choice of countries between trials (with prosecution) and TCs (without prosecution) has a correlation considering the legal background of the country. This leads me to the fifth variable in this study, the type of legal system. In addition, those hit hardest in a conflict, are always the citizens. Therefore, one may ask whether the citizens are the most actively involved in the peace settlement process due their suffering and oppression. Thus, they might strongly influence the political decision-making. Therefore, as the sixth and last variable, I've coined the variable "post-materialism," based on Ronald Inglehart's homonymic theory.

All variables coined until this point, are based on four different concepts within the field of sociology and political science. These concepts are functionalism, institutionalism, post-materialism and global culturalism respectively. Corresponding to functionalism are the two variables type of conflict and length of conflict. Functionalism can be used to explain the connection between certain types of conflict and its corresponding conflict resolution methods. It has been a popular theory in explaining institutions and the activities of which they are comprised. It is an "analytical technique, which is reiterated through consecutive levels"(Luhmann, 1962) used to "discover the mode of functioning of systems, to analyze interdependencies of subsystems, to conceptualize self-regulating mechanisms, to distinguish between functions and dysfunctions, as well as between latent and manifest functions" (Berger & Offe, 1982). Adapting this concept to this study, I assume that the "type of conflict" constitutes the input into the political framework, whereas the policy method most suitable for a peace settlement process constitutes the output. This signifies that certain types of conflict and resulting problems from conflict lead automatically to the creation of a TC. This means e.g. that TCs correspond best to conflict resolution processes that are aiming for an enduring, all-party agreed establishment of the truth (Borer, 2006) rather than the prosecution of war criminals. Subsequently, the length of a conflict also influences the creation of a TC. Taking into account, that the prosecution of war criminals and the comprehensive clarification of war events most certainly have different characteristics than conflicts of more limited duration (Collier, Hoeffler, & Söderbom, 2004), e.g. wars that last only for a few days, one might assume that the conflict length also influences this issue. Therefore, on basis of the abovementioned explanation, the two variables "type of conflict" and "length of conflict" are used. The corresponding attributes and keywords will be explained in the chapter data analysis.

The concept of institutionalism is used, because it suggests that actors are primarily led by a broad set of self-interests and "choose-within constraints" (Ingram & Clay, 2000) due to their interests. Institutionalists argue that actors are confined in their action by limited knowledge and cognitive capacity. This means that actors do not leave their political environment and act solely within the given political institutions and structures. The institutional structure therefore pre-determines the scope of action from which someone can choose. *Eo ipso* institutions and structures impose limits to the interaction between actors. It also suggests that institutions and legal structures constrain actors to

⁴ Confer e.g. Tricia D. Olsen, Leigh A. Payne, Andrew G. Reiter, "When Truth Commissions Improve Human Rights" 2010

pursue goals that are consistent with the collective good. As Thomas Hobbes argued, “for the use of laws (which are but rules authorized) is not to bind the people from all voluntary actions, but to direct and keep them in such a motion as not to hurt themselves by their own impetuous desires, rashness, or indiscretion; as hedges are set, not to stop travelers, but to keep them in the way”(Hobbes, 1998). Hypothetically, this means although many reconciliation methods exist, only some of them are available. For instance, a society with a legal background that does not correspond to the investigatory method of TC may not be very likely to adopt a TC. State structures and institutions therefore influence distinctively the reconciliation options available to actors (Jeong, 2005). To check upon this limitation of state structures and institutions I’ve derived the third variable “legal system.”

Based on the limitations of the institutional set-up, I’ve derived the fourth variable “power sharing.” Hartzell and Hoddie argued, “the more extensive the network of power-sharing institutions contending parties agree to create, the less likely they are to return to the use of armed violence to settle disputes” (C. Hartzell & Hoddie, 2003). Hence, “the more dimensions of power sharing among former combatants specified in a peace agreement, the higher is the likelihood that peace will endure”(C. Hartzell & Hoddie, 2003). Using this assumption, I suggest that countries with formerly warring parties will tend to opt for a TC. Due to the nature of a TC, “blaming but not prosecuting,” warring parties do not have fear disadvantages against the respective other, because it rather might signify a common clear cut. Considering the fact that not all countries have a constitution that presumes power sharing between the parties, it might lead to the assumption that those countries that have power sharing tend to achieve a different outcome considering the creation of a TC than those that do not have power sharing.

Global culturalism is used as a third approach as it creates knowledge on how global institutions affect the behavior of single nation-states. In global civil society, governmental and non-governmental organizations act to voice protest and can alert public opinion everywhere around the world. “Events like political torture, waste dumping, or corruption, which not so long ago were either overlooked entirely or considered routine, local, specific aberrations or tragedies, are now of world societal significance ”(Meyer, Boli, Thomas, & Ramirez, 1997). Single countries are not able anymore to act outside the scope of the international community. The international community is so powerful that they “aim to protect the powerless in this world, particularly against their own government (Meyer, et al., 1997)” although national borders still exist. Global actors cut through national borders and act to influence world affairs. This relatively new phenomenon is especially observable in post-conflict societies. The influence of the United Nations, Amnesty International, the OSCE or NATO plays an increasingly important role in conflict management. Based on this development, I assume that the international influence and corresponding pressure may lead to policy decisions of post-conflict countries that are owed to the international influence. As Meyer et al. point out “world-society organizations ... are more numerous and active than ever”(Drori, Meyer, & Hwang, 2006; Meyer, et al., 1997), trying to influence the conflict settlement process. The variable “third party involvement” therefore is used to show the impact of global culture/third-party actors in the post-conflict reconciliation process of a country.

Post-materialism is derived from materialism as a value-system that explains the individual’s avidity for fulfillment of material needs, thus the individual considers material possessions most important to his life and societal identity. Based on Ronald Ingleharts theory of post-materialism I suggest, that societies that transformed from materialistic values to post-materialistic values, tend to be more in favor of a TC. Post-materialistic societies tend to focus on issues like tolerance and they demand for participation in the decision-making of their economic, political and societal cohabitation. Inglehart claimed that individuals pursue their goals based on a “hierarchy of needs”(Maslow, 1943; Maslow, Frager, & Fadiman, 1970). This model was proposed by Abraham Maslow in 1943, stating that although mankind is generally aiming for freedom and autonomy, there are other, more essential needs to be pursued by a citizen like the need for food, water etc.. Once an individual has fulfilled his material needs, he will turn towards non-material needs, hence post-materialistic needs(Inglehart, 1977). From the moment on where material needs are fulfilled, the focus on tolerance and humanity

might lead to the suggestion that the probability will be higher that a societal movement from within influences the likelihood for a TC. Applying this theory to post-conflict societies one could derive that the support for a TC stemming from within the society can be limited due to the societal status quo, namely whether the society is primarily materialistic or post-materialistic.

2.2. Conclusion

Recalling the variables coined above, the study aims at making a QCA across countries in order to figure out the underlying causes for the creation of a TC. Four different concepts, namely functionalism, institutionalism, post-materialism and global culturalism will be used in order to pave the way for this broad scope. Whereas the type of conflict can effectively predict the conflict resolution “output” a government will adopt, the length of conflict effectively gives an insight of the limited scope of possible conflict settlement methods. The legal system in a country also limits the available methods, because according to the theory actors “act-within-constraints.” Based on institutionalism, state structures and institutions influence distinctively the reconciliation options available to actors. Power sharing whereas might lead to a higher likelihood in the creation of a TC, due to the specific nature that they are not directed against any specific group but war-related events and actors in general. The variable third-party involvement, which is derived from the concept of global culturalism, discusses the influence of a third-party mediator in the post-conflict reconciliation process. Lastly, the concept of post-materialism is used as it might shed light on the question whether societal advocates from within can influence the creation of a TC.

3. Methodology

In this chapter, four main elements for this study will be laid out. First, the research method will be presented. This includes a brief discussion on the research method used, namely a QCA, based on advantages for the sake of this study. Second, the case selection will be discussed. It will explain which factors determined the selection of the nineteen different cases. Third, the data collection will be discussed. It will include information on what data is necessary to elaborate on the different variables used in this study. Last, the data analysis will be presented. This includes the conceptualization necessary for this study as well as information on how to derive conclusions from the final findings of this study.

3.1. Research Method

The aim of this study is to perform a comparative-historical analysis of post-conflict societies that decided to implement a TC and post-conflict societies that decided against a TC. This type of analysis will allow me to assess a large range of countries in an in-depth manner, thus the important factors of the conflict and the causes and parameter behind the (non-)implementation of a TC can be compiled. Based on the QCA method by Charles Ragin (Ragin, Amoroso, & Amoroso, 2010), I will examine 19 different countries. All of these are post-conflict societies; their geographical classification around the globe is diverse in order to conclude findings from different regions.

A common concern about case studies is that they have little possibility for scientific generalization. However as Schramm argued “the essence of a case study, the central tendency among all types of case study, is that it tries to illuminate a decision or set of decisions: why they were taken, how they were implemented, and with what result”(Schramm, 1971). Especially in the field of TCs, it is necessary to cover the whole background of the phenomenon (in this case the implementation of a TC and its effect on/within the society). De Vaus argued “one of the strengths of case studies is that they attempt to understand the significance of particular factors within the context of the whole case rather than by screening out this context” (De Vaus, 2001). Case studies are also more useful dealing with the issue of TCs and post-conflict societies because they can rely on multiple sources of evidence, with “data needing to converge in a triangulating fashion”(Yin, 2009). For these reasons, I dismiss the common concern about case studies and opt for the QCA.

The QCA by Charles Ragin works as follows. First, I will identify the outcome that I am interested in, which is of course the (non-)implementation of TC's. Accordingly I'll gather information about the different countries, which were successful in doing so, the "positive cases" so to speak. Furthermore, I'll elaborate the other way round, looking only at the "negative" cases, countries that did not opt for a TC. These two sets of cases will then constitute the set of cases relevant to the analysis. Based on all findings of the cases I'll construct a truth table that is based on the causal condition within the cases specified in the first phase of analysis. A truth table sorts cases by the combinations of causal conditions they exhibit; all logically possible combinations of conditions are considered. Furthermore, I'll assess any contradictory rows between the cases, if no consistency is found between the variables.

Based on the findings of the truth table, I'll interpret which causes influence post-conflict societies. Afterwards, the results will be applied to the case of BiH to ascertain why BiH has not yet been successful in implementing a TC. By comparing the findings from the first part of this study, I will try to uncover the (dis)similarities between the assessed countries and BiH. The information and data needed for the comparison between the findings and BiH will be derived from previous work from scholars and information made available by the UN and EU. I do expect, that one result will be, that not all variables will have an effect on the creation of a TC. Therefore, only the relevant variables that proved to have an effect will be applied to elaborate on the Bosnian issues.

3.2. Case Selection and Sampling

Over the past three decades, more than 50 countries have undergone democratic transition. In most of these countries, truth commissions were established to deal actively with the legacy of human rights violations. Narrowing the focus of my analysis, a country was applicable when it fulfilled four conditions – first of all the involved citizens in the conflict and the warring parties must have undergone severe traumas during the war, escape and/or persecution in the conflict. Secondly, the majority of the citizens need to have been affected directly or indirectly by the conflict. The tertiary condition is the conflict needs to entail more than 100 casualties wounded or killed (Wong, 2006) and the fourth, the end of conflict must show a clear transition from hostilities to peace, hence an end of violence. Nevertheless, it should be noted that some countries did, or still do, experience a resurgence of violent conflict after this transition, but this should not influence the fact that the country at stake beforehand underwent a process of peace and reconciliation where it decided either for or against a TC. Although these four criteria appear at first a bit fuzzy, because many conflicts can be determined to be eligible, they, by design, encompass a very broad spectrum. This allows first of all a global presence of countries with/without TC, so I can avoid a regional limitation, second of all it allows to cover the wide diversity of causes behind the (non-)implementation of a TC.

3.3. Data Collection

Since the method of data collection is different for the main analysis and the comparison of the finding with the case of BiH, it will be presented here separately. Generally, it is to say that the basic information about the cases is collected from international political and /or conflict databases like the *Uppsala Conflict Data Program* (UCDP) at the Department of Peace and Conflict Research, Uppsala University, the *Heidelberg Institute for International Conflict Research*, the *US Aid Country Compass* and the *World Factbook*, provided by the US Central Intelligence Agency. These databases are updated on a regular basis and comprise relevant information about conflicts. They are publicly available and provide information concerning the type of conflict, length of conflict, whether power sharing has taken place, a possible third-party involvement and whether a TC has been established or not.

In order to find information about the legal system, data is collected from *the Commonwealth Legal Information Institute* and *GlobaLex*, which is provided by the *Hauser Global Law School Program* at *NYU School of Law*. Furthermore data is collected from *FindLaw*, is the world's leading provider of online legal information, the *Jurist Legal Intelligence Database*, which is provided by the *School of Law* at *Pittsburgh University* and the *World Legal Information Institute*. All databases mentioned above are

open-access and available on the internet. Data needed to elaborate on the variable of societal status quo is first of all derived from the *World Values Survey* (WVS). The WVS in collaboration with the *European Values Study* (EVS) carried out representative national surveys in 97 societies containing almost 90 percent of the world's population. The EVS/WVS has executed five consecutive waves of surveys, from 1981 to 2007. Due to the long timespan of the cases (from 1975 to 2003), the complete dataset is used. Furthermore, the *Human Development Report 2001* and *2006*, provided by the *United Nations Development Programme* is used. In addition, in order to find data on the GNP of each case, country information provided by the *International Monetary Fund* and the *World Bank* is used. Besides the above-mentioned databases, numerous studies are used, especially while highlighting specific variable combinations within the analysis part of this study. These studies are derived from journals like the *International Journal for Peace Studies*, *Europe-Asia-Studies*, *International Studies Perspectives*, *Human Rights Quarterly*, *Annual Review of Political Science* or the *American Political Science Review*.

The data about BiH is derived from (besides the databases mentioned above) the *Istraživačko Dokumentacioni Centar* (Research and Documentation Center Sarajevo) and journals like *Human Rights Review*, the *Journal of Refugee Studies*, the *Washington Quarterly* and the *Journal of Peace Research*. Moreover, newspaper articles are used in this study, namely by the *Independent*, *Guardian*, *Trumpet* and the *New York Times*. The newspaper articles range from 1992 until 2006. Furthermore, reports by the *Friedrich Ebert Foundation* (German: Friedrich-Ebert-Stiftung), the *US Library of Congress* and the *United Nations Secretary General* are used.

3.4. Data Analysis

The fourth part of this chapter deals with the method of data analysis, including the conceptualization of the most important variables in this study. Based on the theoretical part, stemming from the concept of functionalism, institutionalism, post-materialism and global culturalism, concrete features are distinguished. The type of conflict and length of conflict are the two concrete feature of functionalism, whereas the legal system and power sharing correspond best to institutionalism. Further, third-party involvement represents the concept of global-culturalism and the societal status quo corresponds to the concept of post-materialism, as coined by Ronald Inglehart. In order to collect data from those concepts, a good solution is to develop concrete key words and definitions characterizing those features. The data is both qualitative and secondary quantitative, however due to the corresponding keywords all data are considered qualitative.

Some variables and its corresponding keywords need further explanation. Concerning the first variable type of conflict and its corresponding attributes "political oppression" and "civil war," both attributes can also include the keywords corresponding to acts of genocide. Genocide is classified as "acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group (Office of the United Nations High Commissioner for Human Rights, 2006)". The variable length of conflict is divided into the two attributes more than 5 years and less than 5 years. Therefore, based on the stated length of the conflict stated in the UCDP, a country will fall in either category. Concerning the variable legal system, the keyword *stare decisis* refers to the legal principle by which judges are obliged to respect the precedents established by prior decisions. Concerning the variable societal status quo I've assigned the attributes "materialistic" and "post-materialistic" to it. A country is materialistic, if it has a high score (ranging from -2 to 0) in traditional and survival values based on the WVS (World Values Survey, 2011). Traditional values emphasize the importance of religion and family; simultaneously such societies often place a strong focus on national pride and tend to have a rather nationalistic outlook. Survival values place strong emphasis on economic and physical security. Alongside of this emphasis, these societies tend to have an ethnocentric outlook combined with low levels of trust and tolerance. A country is post-materialistic, if it has a high score (ranging from 0 to 2) in secular-rational and self-expression values (World Values Survey, 2011). Secular-rational values are direct antagonists to traditional values, because they do not put an emphasis on family or religion. Self-expression values are focusing on issues like tolerance and rise demand for participation in

decision-making in economic, political and societal cohabitation. If a country is not listed under the WVS, a comparison is made with similar countries, based on region, conflict and GNP.

By collecting data about the nineteen different countries assessed in this study, I gain both general knowledge about the history of the conflict at stake, as well as specific knowledge based on the six aforementioned variables. Having general knowledge about the conflict is helpful, because it allows placing the specific variable knowledge into a greater connection and context. For comparison purposes, I develop an aforementioned truth table, which compiles the knowledge and presents an overview of my analysis. The table shows first of all similarities between the countries in general; second of all, it can show specific connections between variables considering their outcome. Based on these general as well as specific similarities, I get a clear picture which causes lead a post-conflict country to create a TC. Simultaneously I get insights on the causes that either do not influence or actually even hinder countries from creating a TC. Based on these insights, I develop a type of *vade mecum* for the creation of a TC that I can use to compare it with the status quo of BiH. In order to answer the subquestions why BiH fails to establish a TC and whether the status quo of BiH can be compared to the experiences of other post-conflict countries, the *vade mecum* makes the results from the case studies more easily comparable to BiH. By putting the idea across why other post-conflict countries were able to create a TC, the comparison of this idea with the status quo of BiH should be a technically feasible step towards a comprehensive answer.

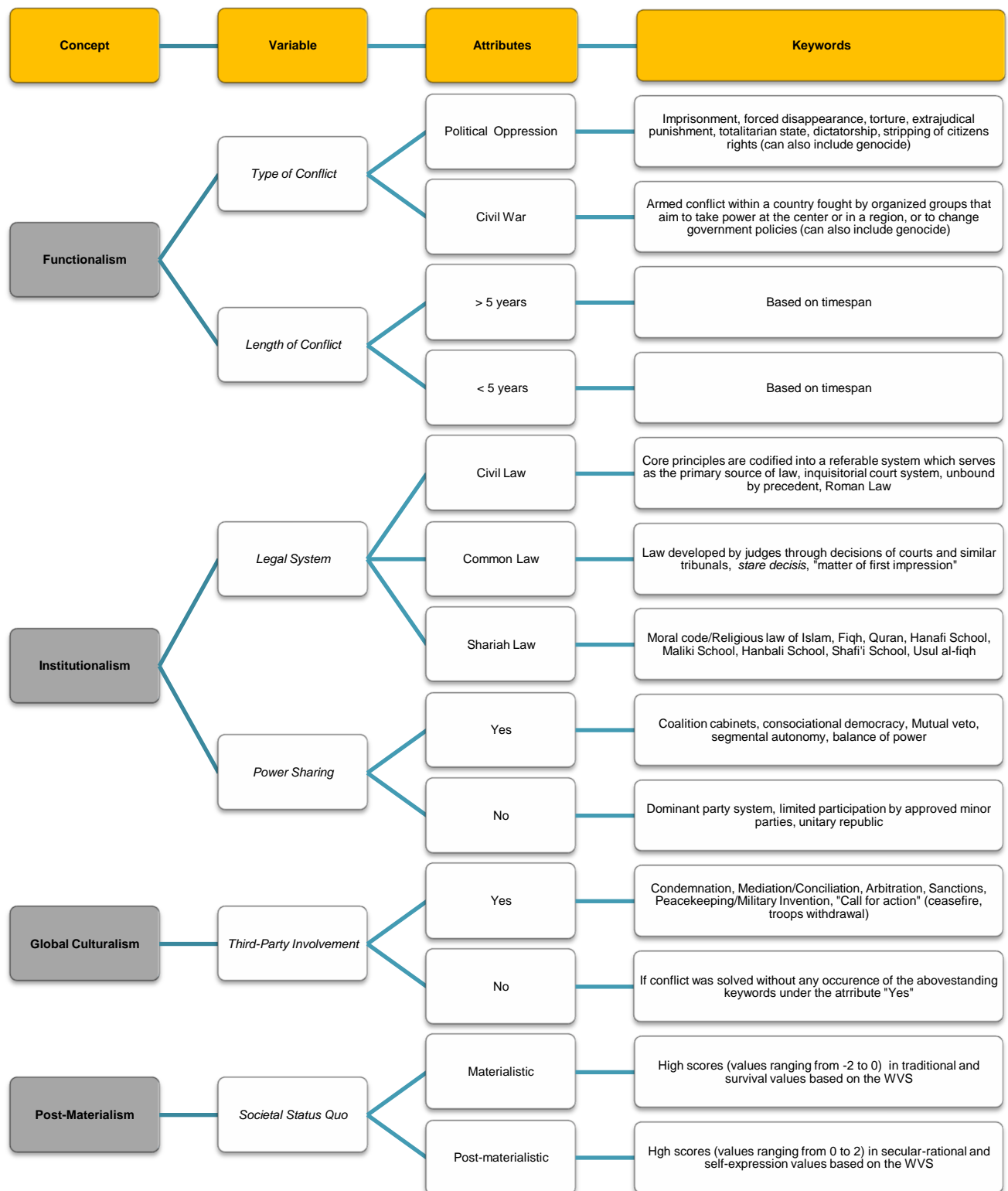


Figure 2 - Schematic Overview of Key Concepts

3.5. Conclusion

This chapter has focused on the data collection, the data analysis, the case selection and the research method. It has been said that a QCA will be used in order to assess 19 different countries in a cross-country comparison. To be applicable for this study, a country has to fulfil four criteria which deal among others with the severeness of the conflict and a clear transition from armed to conflict to peace, hence an end to the conflict. Furthermore, it showed the origin of the majority of data, namely publicly available online databases. The data needed about BiH origins from scientific journals and newspaper articles. Concluding it showed the conceptualization of variables in this study. Based on the preceding theoretical part concrete features to every variable were named. Concrete key words and definitions characterizing those features were stated.

4. Analysis

Due to the nature of this study with two different parts, a QCA and an elaboration on the Bosnia status quo, this chapter will be bipartite. The first part will deal with the interaction between selective variables and will give a preliminary conclusion to it. The selective variables are first the conjunction between civil war and power sharing, and the conjunction between political oppression and power sharing. Furthermore, this chapter will deal with the intricacy of third-party involvement and the influence of the legal system. Moreover, it will elaborate shortly on the issue of the length of conflict. A conclusion will be given before the findings are applied to the case of BiH. Then, the second part of this chapter will compare the insights gained from the first part with the case of BiH. It will focus on the issues of power sharing and third party influence and will discuss consequences for the peace and reconciliation process in BiH. The cases selected for this study reveal a large variety of responses for the variables I have examined. Based on the QCA-method of Charles Ragin (Ragin, et al., 2010) the study shows what causes encourage post-conflict countries to create a TC. What the analysis shows is that any single theory, like functionalism (and its derived variables) is not able to explain the motivation of a post-conflict country to establish a TC; it is rather an interaction between several causes. Table 3 presents the findings for the six variables examined in this study.

4.1. Why Power Sharing and the Type of Conflict Encourage Truth Commissions, but Other Variables Do Not

Civil War and Power Sharing

What the analysis shows is that post-conflict societies with a civil war history that had power sharing were more likely to establish a TC than post-conflict societies that had a sole reign – those societies were rather unlikely to establish a TC. Tables 5 and 6 (see appendix) show the countries associated with these models. We can therefore conclude that under the presence of power sharing a country is likely to establish a TC, under the absence of power sharing a country is unlikely to establish a TC.

To illustrate the issue being presented Tajikistan might furnish an example. Tajikistan is a former Soviet Republic that became independent in 1991, after the Soviet Union dissolved. After independence, the same elite dominated Tajik politics that had previously ruled in the Soviet-era, as former-communist leader Rakhmon Nabiev won the first presidential election (Akbarzadeh, 1996; Jonson, 2006). In addition Tajikistan's neighbors in the region, the Russian Federation and Uzbekistan did not consider Tajikistan as a genuinely sovereign and independent country (Djalili, Grare, & Akiner, 1997) and thus put great pressure and influence on internal Tajik politics. In May 1992, democratic, nationalist and Islamist, parties formed the "United Tajik Opposition (UTO)" in their opposition to the government, precipitating civil war. UTO was defeated in December 1992 by the government with the help of Russian forces, the Commonwealth of Independent states, and Uzbek Forces, but continued to destabilize the country since early 1993 due to ongoing-armed insurgencies. This is partly attributed to the fact that the Russian troops, which were stationed in Tajikistan, were a major source of weapons for the factions in the civil war. The fight against the government continued until 1996 when the conflict was terminated after a series of peace agreements negotiated with UN-support. Tajikistan remained in the hands of a largely authoritarian government, though the political

structures of the country can claim to be “partly democratic.” Some parts of the country still remain until today effectively outside the government’s control “and government control in other areas exists only by day, or at the sufferance of local opposition commanders(Winslow & Zhang, 2008)”. An attempt of the government to reconstitute the principal elements of the former security forces failed. Although the Ministry of Interior, the National Security Committee and the Ministry of Defense and Foreign Affairs were rebuilt in order to re-incorporate elements of the People’s Front Militia, many People’s Front units remained outside of governmental control. These uncontrolled units committed most crimes and human rights abuses that took place during the civil war. During October 1992 on grounds of an invitation of the President of the Republic of Tajikistan, the UN Secretary General sent a “good offices” mission to Tajikistan containing political, military and humanitarian officers to monitor the civil war (Thakur & Schnabel, 2001). On April 26, 1993, the Secretary General appointed Special Envoy Ismat Kittani to Tajikistan, who chaired later on three rounds of talks on national reconciliation, resulting in an agreement on temporary cease-fire. Also the United Nations Missions of Observers to Tajikistan (UNMOT) was established by resolution 968(1994) which was successful in establishing the *General Agreement on the Establishment of Peace and National Accord in Tajikistan*(GAEPNT) and the *Moscow Protocol* which was signed by Tajik president Rakhmonov, the UTO leader Sayed Abdullo Nuri and the UN special representative Gerd Merrem. The signing of the GAEPNT constituted the period of transition in the country leading to a demobilization of UTO forces, the return of refugees and a strict reformation of armed forces and the police and security apparatus. After the settlement of the conflict, the need for power sharing between the warring parties was irrelevant. Without the need for power sharing, the Tajik elites did not consider a TC a relevant option.

Contrary to the Tajikistani civil war, Sierra Leone was able to achieve another outcome from a civil war conflict. The “Sierra-Leonean” intra-state armed conflict began in 1991 when the Revolutionary United Front (RUF) invaded the country and attacked the government as a response (according to the RUF) government corruption, inequality and poverty. During the conflict which lasted until late 1999 both the government of Sierra Leone and the RUF carried out one-sided violence against civilians, above else also by widespread use of child soldiers by the RUF. During 1997 and 1998, the Kamajors militia occasionally also was involved in the conflict and acted as a war party against the RUF. In July 1999, the government of Sierra Leone and the RUF signed the *Lome Agreement*, which constituted the end of the armed conflict. After the signature of the Lome Agreement, Sierra Leone faced trend-setting conditions for the establishment of a TC, including power sharing and the presence of a third party, in this case primarily the UN. In addition, the United Kingdom became active in the transition process and British Royal Marines were deployed in 2000. The Lome Agreement did not call for any clear victor, consequently it facilitate the presence of both government and RUF officials within the post-conflict government. The then UN Special Envoy Berhanu Dinka supported the newly constituted government and helped to mediate disturbing factors and differences of opinion. Though the UN-influence cannot be ignored⁵, Sierra Leone’s TC was a national body which was urged for by domestic legislation rather than the pressure from international players like the UN or UK(Schabas, 2003). It can therefore be considered as a domestic initiative to respond to the pressure stemming from power sharing within the government.

Fiji does not follow this pattern because it established a TC although power sharing was not present. It is rather to be argued that the third-party impact was crucial in this specific post-conflict society. New Zealand acted as a fervent, powerful player during Fiji’s conflict resolution process. This is why it appears reasonable that they established a TC even without power sharing but for the sake of pressure and influence by third-party actors.

The relationship between civil war and power sharing seem to reinforce the argument that additional factors influence the likelihood of TC establishment. The presence of civil war alone does not explain the outcome of a TC; it is rather the political environment, which can determine the likelihood of a TC in a post-conflict country. As it is the case with Tajikistan, countries without power sharing do not have the political motivation to establish a TC. In such countries a TC does not signify any political goal,

⁵ Note: the Special Court for Sierra Leone was created by the UN

thus it is simply not required. Contrary to such countries one can see in the example of Sierra Leone, countries that have a shared government and were “there are no clear victors or vanquished(Roper & Barria, 2009)” with need of up keeping the balance between the formerly warring parties, a TC acts as an effective balancing method between the groups.

Political Oppression and Power Sharing

Another finding of this study is that countries that did experience long-term political oppression without genocide (or rather the attempt of genocide), are very likely to adopt a TC if power sharing became common practice after the settlement of the conflict. Political oppression is often accompanied by covert violence like kidnappings, secret arrests etc; such conflicts urge for an independent, comprehensive research on the events that took place. TCs with the main aim of establishing a collective memory of events and crimes are very suitable for such purpose. Nevertheless it is again to be mentioned that post-conflict societies with political oppression alone are not enough to explain the establishment of TC, again other factors (in this case: institutional factors) make a TC viable. The presence of power sharing is again helpful in explaining a TC, as TCs are less vindictive than other reconciliation methods; they are aiming at truth gathering rather than taking punitive action. Thus in post-conflict countries where both the victims as well as the perpetrators are sharing power elites, a TC appears to be more attractive as everyone can benefit without fearing the one-sided pillorying of a warring party.

Concerning scholarly and public attention, the South African Truth and Reconciliation Commission (TRC) is the most known one, simultaneously it is a good example of how consociationalism – power-sharing- can improve the likelihood of TC establishment. Established in 1995 the TRC marked the clear ending of the apartheid regime whose life-underpinning repression was well known, as well as the resistance to it(Stanley, 2001). Racial oppression, torture, economic deprivation had a devastating impact on the “non-white” inhabitants of South Africa and the vestiges of the apartheid remain as of today. The accumulated aggression and anger of the oppressed population group led to increased uprising and revolts and entailed negotiations between the African National Congress (ANC), which represented the black South African population, and the National Party (NP) beginning in the late 1980’s. The NP(the minority in the country) was in favor of consociationalism in order to ensure minority rights, whereas the ANC was in favor of majority rule, rejecting persistently any ethnically-based rights(N. L. Clark & Worger, 2004; Gibson, 2004). During the negotiations, this issue of power structure was much discussed and the NP’s insistence on consociationalism had resulted in the ANC withdrawal of the first Codesa peace negotiations. In the end, the two parties involved decided upon creating a temporary consociational democracy in which the three top parties of the country (ANC, NP and the Inkatha Freedom Party) had to share power. Nelson Mandela became president and Frederik Willem de Klerk and Thabo Mbeki deputy presidents(Reynolds, 1994).

The combination of the variables political oppression and power sharing shows that institutional and functional circumstances influence the likelihood of TC establishment. TCs are suitable conflict resolution methods for conflicts that involve political oppression. Furthermore, it shows that the need for power sharing makes TCs a feasible method, because it can ensure the historical refurbishment of conflicts in countries where former warring parties jointly work in power. The type of conflict also pre-determines the likelihood of TC-establishment and power sharing even increases the likelihood.

The Intricacy of Third-Party Involvement

Though some post-conflict societies do have power sharing after the conflict resolution, they did not establish a TC. Contrary to the previous findings, it showed that in certain cases the involvement of a third party could make a TC less likely, although one could expect the opposite. Table 6 presents those findings. In most cases, the third party involved was the UN; however, in some cases the third party was a single state like Australia, Russia or the USA and not an association of states. In those countries where a single actor occurred- e.g. in Tajikistan Russia, in Nicaragua the USA got involved or in Papua New Guinea Australia - the passage-probability to establish a TC was quite low. During the research, I noticed that many regional powers put a significant emphasis on those societies not to

establish a TC, but rather opt for other policy methods. Regional powers such as Australia and Russia rejected TCs because they are apprehensive of power shifts, which could threaten their own status within the regional power structure. Furthermore they apparently wanted to cover their involvement for former regimes or even their involvement/support during the conflict as it can be seen in the case of Nicaragua's post-conflict process when the USA actively discouraged Nicaragua from setting up a TC due to its own involvement during the conflict (Arnson, 1993). Regional power structures therefore seem to be highly crucial for the establishment of TCs.

The Influence of the Legal System

Conspicuously often, countries, which established a TC, did have a civil law system. As I stated above, the civil law system is more inquisitorial than a common law system; following this, one could argue that the inquisitorial method of a civil law system may be very appropriate for TC, because the working structure is similar to the fact-gathering process in a TC. Out of eight assessed countries with a TC, six of them did have a civil law system⁶. This leads to the suggestion that the respective prevailing legal system has an impact on the likelihood of TC establishment. However, it was not clearly identifiable whether a civil law system really increases the likelihood of a TC or whether other factors in combination with the legal system affect the likelihood.

Length of Conflict

Against all expectations, the variable conflict length alone is not able to predict TC establishment. The study shows both countries that established a TC with a conflict length of less than five years like e.g. Fiji, Uganda and Rwanda, but also countries with a conflict length more than five years like e.g. Argentina, East Timor and Guatemala. Therefore, a significant influence is not determinable and probably not worth for further research.

4.2. The Status Quo in Bosnia and Herzegovina

Regarding the previous findings, post-conflict societies that have power sharing after the conflict resolution process are more likely to establish a TC. Especially when the country did not bring forth a clear victor, but two or more formerly warring parties assessing themselves to be the victor, TCs can aid setting up the truth. The policy method of TCs is very suitable to countries that have undergone a civil war conflict, where covert war crime took place. In addition, now and then an influential factor, the influence of a third party in the conflict resolution process can diminish the likelihood of a country to establish a TC. This is because some third party actors discourage TC establishment due to the fear that power shifts after conflict resolution could threaten their own status within the regional power structure. Furthermore, they want to cover their involvement for former regimes or even their involvement/support during the conflict. The respective results from the case studies beforehand will therefore be assessed in the subsequent part by transferring the knowledge to the Bosnian case. Examining the two most important factors power sharing in BiH and the involvement of a third party, this part aims at finding results whether BiH is able to establish a TC.

Power Sharing in Bosnia and Herzegovina

The GFAP signed in 1995 put in place a consociational government structure in BiH. The consociational structure aims at "devolving most power to mono-ethnic units forcing consensus in inter-ethnic decision-making" (Hulsey, 2010) in order to achieve security. Ethnically charged political environments are defused due to consociationalism, simultaneously "creating institutional configurations" (Hulsey, 2010) that foster the need for power sharing and broad representation. In practice, this results in a highly complex, ponderous constitutional structure with several levels of political structuring. The state-level is noticeably weak, made up of a rotating tripartite state presidency currently consisting of the Bosniak "Party of Democratic Action (Stranka *Demokratske Akcije*, SDA), the Serb Alliance of Independent Social Democrats (Savez *nezavisnih socijaldemokrata*, SNSD) and the Croat Social Democratic Party of Bosnia and Herzegovina (Socijaldemokratska *Partija Bosne i Hercegovine*, SDP). The members of the tripartite presidency are elected separately by

⁶ Argentina, East Timor, El Salvador, Guatemala, Sierra Leone, Uganda

members of one of “Bosnia’s three ‘constituent peoples’”(Belloni, 2007). Accordingly, one seat in the presidency is allocated to each ethnic group, each of which with the right to “make use of minority veto provisions and parity of representation”(Caspersen, 2004).

Furthermore, the state level’s assembly includes an upper chamber, the House of Peoples of Bosnia and Herzegovina, and a lower chamber, the House of Representatives. Whereas the former chambers’ seat allocation criterion bases on ethnicity, the latter is based on a proportional system. Besides two chambers and the tripartite presidency, BiH comprises some more integrative institutions, without veto provisions but with simple majority decisions. Again based on ethnic parity, they have “considerable power in the country”(Caspersen, 2004). These institutions are e.g. the Constitutional Court, the Human Rights Chamber and Commission, the Commission for Displaced Persons and Refugees and the Commission on Public Cooperation’s.

The most important domestic political tasks are sole responsibility of the two entities within the country, the RS and the Federation. The RS is subdivided into sixty-two municipalities with a predominantly Bosnian Serb population possessing the majority of votes in almost all municipalities. The Federation is based, equivalent to the state level, on consociationalism, in that case between Bosniaks and Croats, by devolving power to ten cantons, most of which are mono-ethnic. Yet the consociational system causes problems in BiH, because such a system relies on the “ability and willingness of elites to create consensus”(Hulse, 2010). Experiences in BiH have shown that the GFAP did not create enough incentives for politicians to give in and engage in compromise in order to reach consensus. Most multi-ethnic parties were punished with very limited electoral success, and since the war, only the SDP was able to achieve success by propagating that they want to restore the Titoist system, pushing an explicitly anti nationalist agenda. Moderate mono-ethnic political parties however became radical and propagated only nationalist views. A Bosnian political analyst just recently stated that “actually for exactly 20 years BiH has been spinning around in the same political pattern” (Moshiri, 2010). Although the OHR tried to set a more moderate tone on the political level by removing radical politicians or preventing wannabe-politicians from participating in elections, the GFAP’s failure of encouraging cross-ethnic campaigning became particularly clear during the 2010 election in the country. According to observers the electoral campaign was “the hardest, the harshest and the most inappropriate to the individual politicians and political parties like no other before, with a range of negative attitudes promoted in the media that are not part of democratic process”(FES, 2010). The then and officiated prime minister of the Bosnian Serbs, Milorad Dodik, let himself get carried away by stating “Republika Srpska forever, Bosnia only for as long as it has to exist”(Arslanagic, 2010).

Due to the decentralized political structure of the country and the lack of the party’s political ability for compromise efficient governing becomes impossible. Without a stronger reliability and performance on the state level, the centrifugal tendencies of the ethnic representatives in BiH will rise noticeably bringing the country to a deadlock. That this point has been reached already shows the ongoing conflict in the Federation since last October’s elections. In the election Zlatko Lagumdžija’s SDP emerge on top in the Federation. Though considering themselves to be a multi-ethnic party and open-minded the SDP was not able to strike a coalition with one of the two Bosnia Croat Parties standing for election. Lagumdžija claimed therefore that his party is unilaterally able to represent Croats in Bosnia, challenging the “the right of the two main Bosnian Croat parties to say that only they can represent Croats in Bosnia”. Because of these ideological battles, the two main Croat parties, the HDZ BiH and the HDZ 1990, sought to prevent the establishment of the Federation’s upper house by boycotting the vote in the parliament. Notwithstanding the SDP and its allies however neglected this action and constituted parliament. Shortly after, they were restrained by the Central Electoral Commission, which stated that the election of a new president and vice-presidents was illegal because not all Croat seats were verified and thus a Federal Court should decide upon this. Without an authoritative ruling of the High Representative Valentin Inzko suspending the CEC decision, BiH, with the utmost probability, would still be in a deadlock because due to the GFAP “no Federation government means no state-level government either”(T.J., 2011). To date the government in the Federation is only provisional until

a common solution can be found. Nevertheless it shows that the current political, consociational structure, “devolving most power to mono-ethnic units forcing consensus in inter-ethnic decision-making”(Hulse, 2010) actually deteriorates the situation in BiH and it appears that consociationalism is not a panacea for institutional and democratic deadlock (Kasapovic 2005, 2007).

The Influence of Third-Party Actors in Bosnia and Herzegovina

The international involvement in the BiH conflict developed very slowly. As Steven L. Burg stated, “the lack of immediate threat to security, the complex, regionality discouraged close international engagement(Burg & Shoup, 2000)”. “Without an imminent threat to their own security, “the complexity and localized nature of the conflict was a major disincentive for close international engagement”(Cox, 1998), British minister David Hogg made this clear when he responded to journalists “it is a civil war, none of our business, it is historic and ethnic “(Karadjis, 2000). Both on the EU-level as well as on the global level, the international community seemed remarkably irresolute, their behavior was “characterized by reluctance, uncertainty, and dispute”(Cox, 1998).

However, the international community made some efforts in finding a solution to the ongoing conflict on the Balkan, but it turned out that in many cases these efforts were uncoordinated, unilateral actions. Largely unknown for example is the thoroughly recommending behavior of the then German Foreign minister Hans-Dietrich Genscher towards Slovenia, Croatia and BiH to leave the Yugoslavian Federation and declare their independence, while at the same time the U.S and their allies were working on a joint approach(Holbrooke, 1999; Newhouse, 1992). It is questionable if the solo run of Germany has undermined the attempted joint effort of the international community and contributed to deterioration in the Balkans.

Furthermore, new insights showed that Croatia and Bosnia did receive weapon deliveries although a UN arms embargo was valid at that time. For example, large military convoys of “up to 1500 military vehicles moving out of Eastern Germany towards Croatia” were documented. Croatia even admitted that they use German Leopard tanks and MIG-21 fighters⁷. Although Germany denied the rumors, MIG-21 fighters were shot down over Bosnia and the Yugoslavian army put several Leopard tanks out of commission(Cafruny, 1998; Tomforde, 1992). Also well documented is the support for Bosnia from Turkey, Saudi Arabia, Iran and Pakistan, countries that sent arms and troops, combat trainers and voluntary armies(Harden, 1992). Senior UN sources even claimed that Croatian troops in BiH “are armed to the teeth” due to well-organized weapon deliveries⁸ from Czechoslovakia, supported by Swedish, Austrian and Slovenian contacts(Bellamy, 1992). Greece however, was revealed to have sent armament shipments to the Bosnian Serb army between 1994 and 1995 and in addition provided a mercenary force (Smith, 2003).

That the involvement in the conflict of some international actors became incomprehensible was also shown in the military operation storm when Croatian Armed Forces were fighting in conjunction with the Army of the Republic of BiH against separatist ethnic Serbs in order to reclaim the territory. Although several officials like the EU Special Envoy to the Former Yugoslavia Carl Bildt, called the operation “the most efficient ethnic cleansing we’ve seen in the Balkans”(Flurry, 1999) and the French and British government condemned the atrocities, the U.S. and Germany however, “merely paid lip service to condemning the attack”(Branegan, Calabresi, Fischer, & Stiglmeier, 1995).

Moreover, the Srebrenica from July 1995 events are still considered as controversial. A UN-report, dated from November 1999, raises the question whether the Bosnian Serb party had an understanding “that Srebrenica would not be vigorously defended by the Bosniaks in return for an undertaking by the Serbs not to vigorously defend territory around Sarajevo”(Secretary-General,

⁷ Out of the stock of the former East German People’s Army

⁸ Including 500,000 Russian Kalashnikov AK-47 rifles, 200,000 Israeli Uzi sub-machine guns and 10,000 Russian RPG-7 rocket launchers

1999). Furthermore, the report queries whether one or more Contact Group States provided this knowledge to the Serbs, contributing to the massacre in Srebrenica.

Considering these dubious practices of certain members of the international community the question arises whether all rumors hold true and whether the international community was even more entangled than it is known nowadays. The serious accusations mentioned here are of course only brief insights into the problems during the conflict concerning international involvement. However, it raises the question if the international community might even discourage BiH to establish a TC in order to prevent a scholarly review. As it can be seen in the case of Nicaragua, the USA actively discouraged it from setting up a TC in order to cover their involvement during the conflict (Arnsperg, 1993).

4.3. Conclusion

This directly preceding subchapter has dealt with the comparison between the findings on the causes that encourage a post-conflict country to create a TC with the status quo of BiH. Returning to mind, the idea of this study was, to find solutions to overcome the political and societal deadlock in BiH. It was supposed to analyze the general underlying causes for the creation of a TC and then to elaborate whether BiH does in fact have these underlying causes in common. The three subquestions of this study therefore were:

1. *How come Bosnia and Herzegovina fails to establish a truth commission?*
2. *Can the status quo of Bosnia and Herzegovina be compared to the previous experiences of other post-conflict countries that did establish a truth commission?*
3. *Is a truth commission a feasible option for the EU driven state building process in Bosnia and Herzegovina?*

The most important causes have been compared with BiH with the result that the conjunction of civil war and power sharing does not hold true in BiH. Furthermore, another conclusion is that the influence of third-party actors in BiH probably hinders the creation. Because the study once again confirmed, that the linkage between the type of conflict and the likelihood of TC establishment actually does not hold true, one has to refute the assumptions from Almond, Powell and Mundt. In fact, governments do not respond to the desire of their citizens in making decisions (Almond, Powell, & Mundt, 1993).

First, against the expectations the conjunction of civil war and power sharing does not lead to (as it has been the case in other countries – confer Table 4) the establishment of a TC in BiH. I maintain that in reality the opposite might be true. The legal basis of the GFAP with the tripartite presidency and a complex network of differing responsibilities, ethnic solidarity and decision-making mechanisms in one state-level government, two entities, ten cantons and one-hundred-thirty seven municipalities complicate the political negotiations in the country. A political will or pressure cannot be determined, not least because the incentive is missing to reach inter-ethnic consensus and to engage in compromise. Efforts by the Bosnian Muslims and Bosnian Croats to cooperate based on their majority of votes, can be seen as an attempt to exert pressure on the Bosnian Serbs. Therefore, one could expect that a joint effort can overcome the political deadlock. However, considering the majority, this finding actually contradicts the assumption of Elin Skaar, who claimed that TCs are most likely when competing demands are roughly equal (Skaar, 1999). The recent history has proven that the political parties of all “constituent people” rather tend to withdraw behind narrow nationalistic boundaries, instead of opening up new vistas in political cooperation. HA result Perry also showed, “when the international actors in BiH as a whole have pressed for an insisted on reform, reform has been possible; however, when they have retreated, the local leadership have retreated to zero-sum and antireform position that often stands in opposition to the peace process” (Perry, 2009).

Insinuated before, in some cases the influence of a third party actually diminished the likelihood of a post-conflict society to establish a TC. This was especially the case when the third party concerned

was either supporting the previous regime or involved during the conflict. Hayner showed this finding already in the case of Malawi, where the government “has had trouble obtaining international support for truth-seeking initiatives, because the international community providing it with aid believes that other development priorities are more important” (Hayner, 1996). Scientific and journalistic research has shown that the international community was not uninvolved during the conflicts on the Balkans, especially the conflict in BiH. Although proclaimed that the international community was characterized by reluctance, uncertainty, and dispute, there are strong arguments that this was not the case. Both weapon deliveries, the deployment of soldiers as well as secret negotiations by some foreign actors, simultaneously thwarting planned joint approaches meant that the influence of the international community was stronger than proclaimed. However, this might lead to the assumption that many diplomatic and military imbroglios are still undetected, yet to be researched. Nevertheless, it can be said that the international community does not have a clean slate in dealing with BiH. This lack of clear “patterns, trends, tendencies, and the big picture are often the pieces most missing from the history of transitional societies”, as Chapman already showed for the difficult initial phase of facilitating TCs in Haiti, Guatemala and South Africa (Chapman & Ball, 2001).

5. Final Conclusion

In this chapter, the conclusion about the underlying causes that encourage post-conflict countries to establish a TC will be given. Afterwards, a brief review will be made, concerning the subquestions about BiH’s failure in creating a TC. Then, recommendations for the EU how to proceed with the peace-building process in BiH will be given. In addition, options of how to expand the analysis will be named.

After examining nineteen different countries, the initial research question - *Which underlying causes encourage the creation of a truth commission in a post-conflict society?* - showed, that no identical TC can be found around the globe. Underlying causes leading to the creation of a TC differ. On this matter, it is to be said that they are similar to the extent that they all lead to one common insight – any single theoretical approach on its own like functionalism etc. is not able to explain the emergence of a TC. It is rather an interaction between several interacting causes that leads to a TC. Accordingly, this also has already led to the conclusion, that the Bosnian complex of themes cannot be easily compared to other post-conflict countries that created a TC.

The six main findings in this chapter are first, that conflict length itself does not have any influence on the emergence of a TC. Second, the type of conflict cannot predict the conflict resolution method a government will adopt. Third, power sharing and the type of legal system actually do act as constraints on the policy options available to the political and societal actors in a post-conflict country. Fourth, the strive of post-material societies for self-expression; respect of/for others etc. does not have any effect on the outcome. Fifth, the popularity of TCs as an available policy method in post-conflict countries may have increased within a certain group of policy actors over the last few years; however, it does not signify that this policy method experiences popularity in every corner of the globe. Last, adding to the fifth finding, the study shows that some advocates that publicly encourage TCs for other countries, are sometimes actually staunch opponents to this method, when they are directly concerned due to its involvement in the country at stake as a third-party actor/mediator.

Contrary to the expectations, the first and second finding shows that conflict length and conflict type do not explain the emergence of a TC. This confutes the finding of Borer who claimed that TCs correspond best to conflict resolution processes that are aiming for an enduring, all-party agreed establishment of the truth (Borer, 2006). Conflicts in which the society was oppressed over a long time, where covert war crime took place, or conflicts where conduction trials are unfeasible, seemed to be particularly well suited for TCs. However, the analysis shows that this assumption is too simplistic to explain the emergence of a TC. It also shows, that the functionalist perspective of Gabriel Almond does not hold true. He claimed that governments respond to the desire of their citizens in making

decisions(Almond, Powell, & Bingham Comparative Politics, 1966; Almond, et al., 1993), therefore the type of conflict can effectively predict the conflict resolution method the government will adopt. According to his statement, fact-maker and truth seeker within a society can influence a government's decision towards a TC. Apparently, this assumption does not hold true.

Concerning power sharing and the type of legal system in a post-conflict country, one can say that according to the theory of institutionalism, policy options are in fact pre-determined and limited by the political institutions in the country. The study shows that the likelihood for the emergence of a TC is significantly higher in post-conflict countries where the warring parties are in need to co-exist in the future. Trials are more often in post-conflict countries with a clear victory party, because it mostly protects the victor, but prosecutes the losing side. The legal system and its corresponding type of jurisdiction even aggravate the decision for or against a TC in a country with power sharing. Hence, the study confirms also Jeong's statement, that state structures and institutions influence distinctively the reconciliation options available to actors(Jeong, 2005). Post-materialism does not have any effect on the emergence of a TC. Although it can be expected that post-materialist values like citizens input in government decisions or the ideal of a society based on humanism, could lead to a societal movement that encourages the need for a TC, it effectively does not influence the likelihood at all. Thus, one can say that the policy options are limited by the political institutions themselves and not by external factors. This is why no special attention has been paid to post-materialism.

The last two findings of the analysis show, that the theory of global culturalism with an alleged existence of a unified global culture exerting influence on other states does not hold true. The increased practice of post-conflict countries to implement a TC is inevitably recognizable, as the number of TC rose remarkably over the last years. However, similar to what Keith has found, the popularity may have increased within a certain group of policy actors, but it does not signify that TCs are popular in every corner of the globe(Keith, 1999). It is also noticeable that some countries are advocates for TCs as a policy method in other countries; however, former advocates apparently become staunch opponents when it concerns them. Therefore, one can conclude that there is a significant difference between the support of a country for the global consensus (that TCs are a viable policy option) and their actual behavior when it comes to decision-making for or against a TC.

Summarizing the main findings in brief, post-civil war countries that have power sharing are very likely to create a TC. The policy options available to post-conflict countries, including TCs, are apparently constrained by the legal system in countries, which have power sharing. The post-materialistic assumption, namely that post-material values like a movement within societies for self-expression; respect of/for others etc. does have an effect on the outcome, actually does not have any influence at all. In addition, the QCA has shown that in fact, the popularity of TCs within the international community has increased over the last few years; however, this is certainly not to be understood as a worldwide phenomenon but rather a popularity limited to regions. Lastly, the influence of a third party sometimes even hinders the creation of a TC because involved actors try to cover their actions within the conflict.

Considering once again the question why BiH fails to establish a TC, one can remark, that the current institutional and societal set-up in the country contributes to an ongoing deadlock. However, the GFAP can be considered as a right policy choice to end the conflict at the time in 1995. Nevertheless, the GFAP developed to be "grit into the gears" of today's peace and reconciliation process. Hence, the number of conflicts and ongoing turf war between the ethnic groups does not suggest that a consensus on a TC can be reached. Without stronger intervention of the OHR in the country, the deadlock will most certainly not be overcome and the creation of a TC appears to be a highly unlikely policy method. This leads me to the recommendations for the EU-monitored reconciliation process. Without corrective interventions of the OHR, the country in all probability would be stuck in deadlock and stubborn persistence on party-political positions. The institution of the OHR, which is simultaneously also the EU Special Representative, has to be strengthened. In the light of earlier

mismanagement, especially under the era of Schwarz-Schilling, the OHR has to be equipped with a more powerful say. One suggestion would be, that the OHR gets a legally embedded say concerning Bosnia's entry into the European Union. The accession-criteria to the EU, administered by the European Commission, need a stronger linkage with important demands for reform made by the OHR. This would improve its position vis-à-vis domestic stakeholders and abolish his reputation as *primus inter pares*. A latent existence of newly gained powers and coercive procedures by the OHR, could create a more powerful institution, which can increase the political influence on the Bosnian stakeholders. Inevitably, these suggestions do not lead BiH to transform from a quasi-protectorate under the GFAP, towards a fully independent, sovereign candidate for EU-Membership. It rather leads back to BiH's status quo in the late 1990's. However, under these circumstances a TC can actually become true.

In sum, the parsimonious, at the same time horomic approach used in this paper, turned out to be effective in explaining variation among reconciliation processes across countries, across conflicts and across time. Nevertheless, it showed that more research is needed to verify the underlying causes for the creation of a TC and to confirm the main findings about BiH. Therefore, I figured out at least three ways of expanding the analysis. First, by doing a more elaborate approach solely on countries, that turned out to be crucial in this study like Tajikistan or Sierra Leone and to confirm the observed interactions between the different variables. Second of all, by focusing in-depth on the observed interactions between the different variables in the case of BiH. Further research might be needed to confirm the observed, hindering factors against a TC in the country. It might show plainly, what influences both from within and outside the country affect the likelihood of a TC. Third of all, one could focus more elaborately on the question to what degree institutional factors influence the likelihood for a TC. The institutional approach appeared to be very influential among all theoretical approaches; therefore, one could examine the power of the executive compared to the judiciary and the legislative competences. This appears to be an important aspect of decision-making in the field of reconciliation methods. It might explain in a more confined policy field, why governments opt for methods like TCs and not for justice through prosecution.

6. Appendices

Appendix A – Tables

Country	Year instituted	Country	Year instituted
Uganda	1974, 1986	Nigeria	1999
Bolivia	1982	Peru	2000
Argentina	1983	South Korea	2000
Uruguay	1985, 2000	Côte d'Ivoire	2000
Zimbabwe	1985	Panama	2001
The Philippines	1986	Yugoslavia (Serbia and Montenegro)	2001
Nepal	1990	East Timor	2002
Chile	1990	Serbia	2002
Chad	1991	Sierra Leone	2002
El Salvador	1992	Ghana	2002
Rwanda	1992	Paraguay	2003
Germany	1992, 1995	Democratic Republic of Congo	2003
Ethiopia	1993	Indonesia	2004
Sri Lanka	1994	Morocco	2004
Haiti	1995	Liberia	2005
South Africa	1995	Burundi	2007
Burundi	1995	Solomon Islands	2009
Ecuador	1996, 2007	Honduras	2010
Guatemala	1998	Canada	2011

Table 2 – Truth Commissions in chronological order 1974-2011

Sources: (Amnesty International, 2009; Hayner, 1994; Rotberg & Thompson, 2000; Steiner, 1997; UCDP, 2011)

	Country	Conflict Type	Length of conflict	Legal System	Power Sharing	Third party	Societal status quo	TC	Sources
(1)	Argentina 1976-1983	Political oppression	> 5 years	Civil	No	No	Materialistic	Yes	1,3,4,5,9,10,11,12,13,16
(2)	Chad 1965-2003	Civil war	> 5 years	Civil	No	No	Materialistic	No	1,3,4,5,6,9,10,11,12,13,14
(3)	Democratic Republic of Vietnam 1965-1975	Civil war	> 5 years	Civil	No	No	Materialistic	No	1,3,5,9,10,11,14,16
(4)	East Timor 1974-1999	Civil war with genocide	> 5 years	Civil	No	Yes	Materialism	Yes	1,4,5,7,9,10,11,12,16
(5)	El Salvador ⁹ 1980-1991	Civil war/ Political oppression	> 5 years	Civil ¹⁰	Yes	Yes	Materialistic	Yes	1,3,5,6,7,9,10,11,13,16,14
(6)	Eritrea 1970-2000	Civil war	> 5 years	Civil ¹¹	No	Yes	Materialistic	No	1,5,6,8,9,10,11,12,14
(7)	Fiji 2000-2001	Civil war	< 5 years	Common	Yes	Yes	Post-Materialistic	Yes	1,5,7,8,9,10,11,12,14,15
(8)	Guatemala 1962-1996	Civil war	> 5 years	Civil	Yes	Yes	Materialistic	Yes	1,3,4,5,9,11,14
(9)	Mozambique 1977-1992	Civil war	> 5 years	Civil	Yes	Yes	Materialistic	No	1,3,5,7,9,11,12,14
(10)	Nicaragua 1978-1979/1981-1989	Civil war	> 5 years	Civil	No	Yes	Post-Materialistic	No	1,4,5,6,9,11,12,14,16
(11)	Northern Ireland 1970-1998	Civil war	> 5 years	Common	Yes	Yes	Post-Materialistic	No	1,4,5,9,10,11,14

⁹ The war between El Salvador and Honduras („*La guerra del fútbol*”) between 14 July 1969- 18 July 1969 is not considered in this study

¹⁰ With minor common law influence

¹¹ Mixed legal system of primary civil law (customary, and Islamic religious law included)

(12)	Oman 1969-1975	Civil war	> 5 years	Shariah Islamic Law ¹²	No	Yes	Materialistic	No	1,5,7,9,10,11,12, 14
(13)	Papua New Guinea 1989-1996	Civil war	< 5 years	Common	Yes	Yes	Materialistic	No	1,5,7,9,10,11,12, 15, 14
(14)	Rwanda 1990-1993	Civil war with genocide	< 5 years	Civil	Yes	Yes	Materialistic	Yes	1,5,6,7,9,10,11,12,13, 14
(15)	Sierra Leone 1991-1999	Civil war	> 5 years	Civil	Yes	Yes	Materialistic	Yes	1,4,5,6,8,9,10,11, 14
(16)	South Africa 1960-1994	Political oppression	> 5 years	Common	Yes	Yes	Post-Materialistic	Yes	1,4,5,6,9,11,12, 13,16
(17)	South Korea 1953-1987	Political oppression	> 5 years	Civil	Yes	Yes	Materialistic	Yes	1,4,5,7,9,10,11,12, 15, 14, 16
(18)	Tajikistan 1992-1997	Civil war	> 5 years	Civil	No	Yes	Materialistic	No	1,4,5,7,9,10,11, 16
(19)	Uganda 1971-1974	Political oppression with genocide	< 5 years	Common ¹³	No	No	Materialistic	Yes	1,5,6,9,10,11,12,13, 14

Table 3 - Overview of all case studies

<p>Sources</p> <ol style="list-style-type: none"> 1. (IMF, 2011) 2. (UNDESA, 2002) 3. (World Values Survey, 2011) 4. (HIIK, 2009) 5. (WorldLII, 2011) 6. (UN, 2009) 7. (UNDP, 2001) 8. (UNDP, 2006) 9. (World Bank, 2011) 10. (Brockhaus, 2005) 11. (UCDP, 2011) 12. (Central Intelligence Agency, 2011) 13. (Hayner, 1994) 14. (Hauser Global Law School Program, 2011) 15. (Australasian Legal Information Institute, 2011) 16. (University of Pittsburgh School of Law, 2003)

¹² Mixed legal system of primarily Islamic law (common law included)

¹³ Mixed legal system of primarily English common law (customary law included)

Country	Conflict Type	Years	Legal System	Power Sharing	Third party	Societal status quo	TC
El Salvador ¹⁴ 1980-1991	Civil war/ Political oppression	> 5 years	Civil ¹⁵	Yes	Yes	Materialistic	Yes
Guatemala 1962-1996	Civil war	> 5 years	Civil	Yes	Yes	Materialistic	Yes
Rwanda 1990-1993	Civil war with genocide	< 5 years	Civil	Yes	Yes	Materialistic	Yes
Sierra Leone 1991-1999	Civil war	> 5 years	Civil	Yes	Yes	Materialistic	Yes
Fiji 2000-2001	Civil war	< 5 years	Common	Yes	Yes	Post-Materialistic	Yes

Table 4 - Influence of civil war in conjunction with power sharing

Country	Conflict Type	Years	Legal System	Power Sharing	Third party	Societal status quo	TC
Chad 1965-2003	Civil war	> 5 years	Civil	No	No	Materialistic	No
Democratic Republic of Vietnam 1965-1975	Civil war	> 5 years	Civil	No	No	Materialistic	No
Eritrea 1970-2000	Civil war	> 5 years	Civil ¹⁶	No	Yes	Materialistic	No
Nicaragua 1978-1979/ 1981-1989	Civil war	> 5 years	Civil	No	Yes	Post-Materialistic	No
Oman 1969-1975	Civil war	> 5 years	Shariah Islamic Law ¹⁷	No	Yes	Materialistic	No
Tajikistan	Civil war	> 5 years	Civil	No	Yes	Materialistic	No

¹⁴ The war between El Salvador and Honduras („*La guerra del fútbol*”) between 14 July 1969- 18 July 1969 is not considered in this study

¹⁵ With minor common law influence

¹⁶ Mixed legal system of primarily civil law (customary, and Islamic religious law included)

¹⁷ Mixed legal system of primarily Islamic law (common law included)

1992-1997							
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Table 5 - Influence of civil war without power sharing

Country	Conflict Type	Years	Legal System	Power Sharing	Third party	Societal status quo	TC
Nicaragua 1978-1979/ 1981-1989	Civil war	> 5 years	Civil	No	Yes	Post-Materialistic	No
Northern Ireland 1970-1998	Civil war	> 5 years	Common	Yes	Yes	Post-Materialistic	No
Papua New Guinea 1989-1996	Civil war	< 5 years	Common	Yes	Yes	Materialistic	No
Tajikistan 1992-1997	Civil war	> 5 years	Civil	No	Yes	Materialistic	No

Table 6 - Influence of a third-party mediator with negative outcome of TC-establishment

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