

Daniela Lai

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Transitional justice and its discontents: Socioeconomic justice in Bosnia and Herzegovina and the limits of international intervention

Daniela Lai

Royal Holloway, University of London

The incorporation of socioeconomic concerns into transitional justice has traditionally, as a result of prevailing liberal notions about dealing with the past, been both conceptually and practically difficult. This paper demonstrates and accounts for these difficulties through the case of Bosnia and Herzegovina, a country which has been characterised by a complex transition process and a far-reaching international intervention, encompassing transitional justice and peacebuilding as well as political and economic reforms. Examining the limits of international intervention in Bosnia and the marginalisation of socioeconomic justice issues, the paper analyses the events surrounding the protests that broke out in February 2014, and the ensuing international engagement with the protest movement. Faced with a broad-based civic movement calling for socioeconomic justice, the international community struggled to understand its claims as justice issues, framing them instead as problems to be tackled through reforms aimed at completing Bosnia's transition towards a market economy. The operation of peacebuilding and transitional justice within the limits of neoliberal transformation is thus instrumental in explaining how and why socioeconomic justice issues become marginalised, as well as accounting for the expression of popular discontent where justice becomes an object of contestation and external intervention.

Introduction

This paper's research question, like others in this issue, derives from the observation that transitional justice and peacebuilding scholars have identified similar flaws in the types of intervention they discuss - in this case a lack of attention to socioeconomic justice - but that these insights have not been systematically brought together across both fields. Realising that legalistic approaches were not sufficient to deal with the whole universe of consequence of war and violence, authors have taken a greater interest in the socioeconomic dimension of transitional justice over the past decade. The publication of Arbour's remarks (2007), a high-profile expert and former prosecutor of the International Criminal Tribunals for the former Yugoslavia and Rwanda, marked a critical shift by sparking debate on how social and economic justice for societies in transitions could be effectively conceptualised and achieved. Critical peacebuilding scholars have similarly expressed concerns for the flawed assumptions

of reconstruction programmes, and for their potential social effects (Pugh 2002, 2005; Donais 2005). Yet both literatures, with some important exceptions (e.g. Mani 2002; Sriram 2007; Lambourne 2009, 2014), tend to remain isolated from each other (Obradović-Wochnik and Baker, this issue; Millar and Lecy, this issue). This paper tackles the under-researched question of socioeconomic justice and its relationship to transitional justice and peacebuilding by looking specifically at the case of Bosnia and Herzegovina (BiH).

Following the Bosnian war (1992-95), the international community became heavily engaged in processes of statebuilding, peacebuilding and transitional justice, which were meant to address the wide-ranging consequences of the conflict. Transitional justice strategies, specifically, relied on the establishment of individual accountability for war crimes through the International Criminal Tribunal for the former Yugoslavia (ICTY) and local courts. The rationale of such instruments and their goals responded to a specific conception of justice broadly deriving from the liberal ideals that guided international interventions in the 1990s (Sriram 2007; Leebaw 2008; Nagy 2008). Socioeconomic justice issues – ranging from reparations to the systemic marginalisation of communities – were largely overlooked, and economic reforms did little to alleviate social injustice: instead, the reforms undertaken in Bosnia as part of the Dayton ‘post-socialist economic transformation’ bear ‘a strong family resemblance to other forms of neoliberal restructuring’ (Kurtović 2015, 641) that ultimately contributed to the subordination of social grievances to market logics. Connecting the critical literatures on peacebuilding and transitional justice, this paper demonstrates, is necessary in order to show how complex international interventions can marginalise experiences of socioeconomic injustice and thus be a conducive factor to the expression of popular discontent. The 2014 Bosnian protests and their immediate aftermath, analysed in this paper, were one such instance where justice claims, left unaddressed in the post-war period, led citizens to express dissatisfaction by taking to the streets. The protests of 2014, originating from the mobilisation of dissatisfied workers in the city of Tuzla, grew quickly in size and geographical scope, leading to further gatherings in Sarajevo, Zenica, Mostar and other Bosnian cities. They were also characterised by the use of open ‘plenum’ meetings as a form of assembly and decision-making, and by horizontal participation and rejection of ethnic characterisations (Arsenijević 2014a; Mujkić 2015). All but unanticipated by the international community, which largely viewed ethnopolitical unrest as the greatest

destabilising factor in BiH, the 'plenum protests' presented a key test for international agencies in dealing with social grievances that had been muted until then. The tensions arising from the protests' intersection with different facets of the international intervention in BiH, encompassing both peacebuilding and transitional justice, constitute the focus of this paper.

As discussed further below, the field of transitional justice has historically struggled to include socioeconomic concerns in both conceptual and practical terms. In the Bosnian case, this paper argues, the marginalisation of socioeconomic justice issues is a result of the links between international intervention and post-socialist neoliberal economic reforms: not only did international intervention fail to address socioeconomic injustice directly (as some transitional justice literature already recognises), but it also supported reform programmes that further aggravated social conditions. Indeed, even when faced with protests driven by socioeconomic injustice as in 2014, the international community struggled to understand social claims within the parameters of transitional justice and peacebuilding set for Bosnia and Herzegovina. To perceive this, however, it is necessary to look beyond the institutional aspects of the transformation promoted by intervention. It is in social struggles such as the 2014 BiH protests, and outside formal political institutions, that these links between transitional justice, peacebuilding and neoliberal economic reform become particularly visible, and where conceptions of justice have been most contested. The nexus between transitional justice and peacebuilding is therefore revealed as a space of contestation and social mobilisation, where injustices marginalised by the international intervention are more likely to be voiced.

Debates surrounding the socioeconomic dimension of transitional justice, as the paper begins by showing, have evolved from an earlier concern with economic remedies towards analysing forms of socioeconomic violence and their social impact. The history of these debates highlights the need for transitional justice scholars to engage more closely with forms of injustice that have been marginalised by liberal approaches towards dealing with the past. International engagement in the former Yugoslavia thus provides empirical grounding for tracing the close connections between transitional justice and peacebuilding efforts and the limiting effects that they have had on the emergence of justice claims of a socioeconomic nature. These connections, and the limitations they have produced, suggest that transitional justice scholarship could benefit much from further engagement with the critical

peacebuilding literature, and particularly its focus on practices of government, exclusion, and the power relations embedded in international interventions. The marginalisation of socioeconomic justice in BiH is also explained with reference to the grievances of specific groups and geographical areas, such as former industrial towns, that were at the heart of the February 2014 protests. These mostly stem from failed or irregular privatisations that led to layoffs and to the violation of workers' rights, and from the overall impact of deindustrialisation on the economy. The last section of the paper focuses on the protests themselves, specifically on their socioeconomic nature, as well as the international reaction to the emergence of claims explicitly referring to socioeconomic justice.

Socioeconomic justice claims, this paper argues, could not be understood within the parameters of transitional justice and peacebuilding as defined by the international community in the Bosnian setting. The international community responded, as a result, by reframing these as socioeconomic problems to be solved through the implementation of reforms that would complete Bosnia's transition towards a market economy (Majstorović et al. 2015). While trying to approach protesters and common citizens by offering support and organising open meetings, the analysis of this case also shows that the international community favoured a model of 'civil society' that responds to the liberal peace paradigm, based on participation through registered organisations and structured discussion around set agendas. The protests, on the contrary, seemed more in line with new forms of political engagement that have emerged in Europe in recent years (Kaldor and Selchow 2015), characterised by horizontal and direct forms of political participation. From this point of view, one might wonder whether grassroots activism in BiH might bear more resemblance with movements calling for social justice in the post-2008 crisis elsewhere in Europe than with counterpart activities in Bosnian NGOs.

Transitional justice and socioeconomic justice: towards a critical approach

One of the challenges of analysing socioeconomic concerns in peacebuilding contexts lies in their contested conceptualisation, especially when we look at them from a justice perspective. Transitional justice, in one famous definition, amounts to 'the conception of justice in periods of political transition' (Teitel 2003, 3), but is commonly defined to

include judicial mechanisms as well as reparation programmes, truth commissions, and institutional reforms (ICTJ 2009). Transitional justice programmes have thus historically included an economic dimension, often represented by reparations. In more recent times, scholars have started recognising that transitional justice tools, including economic ones, have been overwhelmingly conceptualised and applied in relation to violations of fundamental civil and political rights, or serious violations of International Humanitarian Law (IHL), while leaving aside socioeconomic violence and crimes (see especially Arbour 2007). Definitions of the socioeconomic dimension of transitional justice can be seen as progressing along a continuum, moving from early concerns with economic remedies towards an increasing focus on the socioeconomic nature of the type of violence or violation committed.

A first group of authors, therefore, defines socioeconomic justice in terms of the remedy proposed for the crime, that is, economic or material compensation for a certain crime or injustice that was not necessarily economic. This is the traditional understanding underpinning the practice of reparations, defined as ‘compensation, usually of a material kind and often specifically monetary, for some past wrong’ (Torpey 2003, 3), commonly with the aim of recognising the harm suffered, and promoting civic trust and solidarity (de Greiff 2006). While reparations could be traditionally seen as fundamentally ‘backward-looking’ (Posner and Vermeule 2003), they can also be considered ‘forward-looking’, as ‘a means of transforming the current conditions of deprivation suffered by the groups in question’ and ‘more frequently connected to projects of social transformation than commemorative projects’ (Torpey 2003, 337). Reparations are also considered a key part of peacebuilding processes (Firchow and Mac Ginty 2013), especially those including a transitional justice component. The increased emphasis placed on their transformative or ‘emancipatory’ potential (Brett and Malagon 2013) should not, moreover, conceal their equally important symbolic meaning (Brown 2013). These recent studies are representative of a renewed concern for transformative approaches to justice, such as that advocated by Lambourne (2009, 2014). Her ‘transformative justice model’, situated within the peacebuilding paradigm, blends elements of retributive and restorative justice (Lambourne 2014, 21-22). In her definition, socioeconomic justice ‘incorporates the various elements of justice that relate to financial or other material compensation, restitution or reparation for past violations or crimes (historical justice) and distributive or socioeconomic justice in the future (prospective justice)’ (Lambourne 2014, 28-29).

At the other end of the spectrum, scholars have defined in greater detail the socioeconomic nature of violations and crimes committed, and discussed their potential inclusion within transitional justice processes. The need to define the socioeconomic aspect of injustice originates from the relevance of the 'still largely undefined economic and social dimensions of conflict and repression' (Hecht and Michalowski 2012, 1). Authors in this tradition commonly complain that violations of socioeconomic rights have taken second place in post-conflict justice efforts, despite their relevance for the populations affected. Even within this group, views diverge substantially between those who argue for focusing on established socioeconomic rights (Arbour 2007, Szoke-Burke 2015) or 'subsistence harms' (Sankey 2014) whose cases could be adjudicated in court,¹ and those who propose a systemic approach to socioeconomic violence and injustice (Mullen 2015; Evans 2016). As Sharp (2014, 5) points out, economic violence includes, but goes beyond, violations of social and economic rights. Still within this group, Laplante develops a continuum highlighting the different justice aims of reparations, ranging from the compensation for the violation of a right to the remedying of 'historical social and economic inequalities' (Laplante 2014, 66-70). Miller also suggests that economic issues are often downplayed as root causes of conflicts despite their relevance, and stresses how the transition process itself - often characterised by economic liberalisation - might exacerbate socioeconomic problems in post-conflict and post-authoritarian societies (Miller 2008, 267-268). Indeed, as this paper shows, economic liberalisation and the accompanying mismanagement of privatisation processes represent important sources of frustration at the root of the Bosnian protests.

Regardless of their positioning, authors share a concern for the limited space granted to economic problems and remedies in most transitional justice settings. Equally important to definitional issues are thus discussions regarding the consequences of marginalising socioeconomic violence. Neglecting socioeconomic injustice could, for instance, impair post-conflict security and access to justice (Chinkin 2009), and go against victims' expectations and demands (Waldorf 2012, 175). At the same time, there is still uncertainty as to what mechanisms would be more appropriate for dealing with it, with some authors pointing at the potential role of truth commissions (Arbour 2007; Sankey 2014), or arguing for giving victims the political

¹ 'Subsistence harms' are defined as 'deprivations of the physical, mental and social needs of human subsistence' (Sankey 2014, 122).

agency necessary to achieve distributive justice (García-Godos 2013). A deeper understanding of the consequences of such marginalisation on the peacebuilding process is definitely needed.

While concerns have been raised over whether transitional justice or peacebuilding efforts could (and should) address socioeconomic wrongs (Waldorf 2012; McAuliffe 2014), the expansion of our understanding of violence and – consequently – peace was already advocated by Galtung (1969). The work of Rama Mani (2002) also calls for a more holistic approach to dealing with the past, based on the concept of reparation. From such an inclusive perspective, justice should reach throughout society, including ‘neglected economic categories’ and ‘structural categories’, and attempt to re-establish the conditions previous to the conflict (Mani 2008, 522-523). It is also fruitful to engage with scholars who have theorised socioeconomic justice as one dimension of a broader conception of justice that includes, in Nancy Fraser’s terms (applied to BiH by Maria O’Reilly elsewhere in this issue) instances both of recognition and redistribution (Fraser 1995). Socioeconomic injustice is seen here as ‘rooted in the political-economic structure of society’, and encompassing exploitation, economic marginalization and deprivation (Fraser 1995, 70-71). From this perspective, doing justice could entail ‘political-economic restructuring of some sort. This might involve redistributing income, reorganizing the division of labour, subjecting investment to democratic decision-making, or transforming other basic economic structures’ (Fraser 1995, 73). This form of restructuring geared towards social justice as redistribution is, however, at odds with neoliberal restructuring carried out as part of Bosnia’s post-socialist transition, and promoted by the international intervention.

Despite the recognition, by scholars and – increasingly – practitioners (OHCHR 2014), of the need for addressing socioeconomic concerns within transitional justice approaches, international programmes have struggled to conceptually and practically include them in their programmes. The emergence of the 2014 protests, analysed here, shows that demands for socioeconomic justice were indeed partly brought about or aggravated by post-socialist reforms championed by the same international community engaged in peacebuilding and transitional justice programmes, whose operation might thus be inherently limited. Addressing the case of Bosnia and Herzegovina shows how more limited interpretations of justice and peace, informed by a liberal approach, prevailed during the 1990s, linking together different aspects of the

international intervention, encompassing transitional justice and peacebuilding. The following section turns to analysing how post-war settings addressed by far-reaching international interventions present serious challenges to addressing socioeconomic concerns.

International intervention and the marginalisation of socioeconomic justice

The case of Bosnia and Herzegovina provides a clear illustration of how socioeconomic issues can be marginalised by transitional justice processes. Incorporating socioeconomic justice concerns presents specific challenges in contexts characterised by multiple and overlapping transition processes (Kostovicova and Bojicic-Dzelilovic 2013), including the transition from war to peace and from socialism to market economy and liberal democracy, and a far-reaching international intervention encompassing all dimensions of these transition processes. Justice issues, therefore, cannot be seen in isolation from other aspects of such intervention. In the aftermath of a war that took the lives of 100,000 people and that was characterised by genocide and widespread violence against civilians, justice issues rose to prominence early on in the international agenda for Bosnia and Herzegovina. The establishment of the ICTY is representative of the increased relevance assigned to legal mechanisms of transitional justice. Scholarly interest has reflected this focus on war crimes prosecutions, looking at the establishment of the ICTY and its workings (Fatić 2000; Kerr 2004), national authorities' compliance with the ICTY (Kerr 2005; Subotić 2009; Lamont 2010; Rajković 2012), societal opinions of the ICTY and its effects on society (Biro et al 2004; Meernik 2005; Saxon 2005; Nettelfield 2010; Orentlicher 2010; Ivković and Hagan 2011).

While this work absorbed much of the energies and time of transitional justice scholars, some turned their attention towards other aspects of the process of dealing with the past. For instance, noting that reforms in the education system are thought to have a positive impact on reconciliation, Jones (2012) studied the case of the Brčko district. Informed by Mouffe's concepts of 'politics' and 'the political', her work encourages us to look beyond the 'success' of educational reform in Brčko, which was designed to promote multi-ethnic integration, in order to analyse the way this was experienced and the local practices associated with it. Reconciliation processes, according to Jones, can be equated to the way in which 'politics' attempts to create an order out of conflictual human relationships (Jones 2012, 133). Other authors have also

asked questions regarding the role of other aspects of transitional justice – beyond trials – in ‘reconciliation’ processes. Clark’s work, for instance, tries to establish a link between different components of the transitional justice paradigm in the case of Bosnia and Herzegovina, ranging from prosecutions (Clark 2009), to missing persons (2010a), religious actors (2010b) and truth telling (2013). This literature contributes greatly to a multi-faceted understanding of dealing with the past, and shifts the focus towards those social aspects of this process that are also crucial in order to comprehend the relevance of socioeconomic justice.

Given the legalistic focus of transitional justice in BiH, much less attention has been dedicated to the economic side of such processes. This marginalisation of socioeconomic justice should be understood in relation to the international intervention as a whole, and its treatment of the socioeconomic problems characterising Bosnia’s transition. The wars of the 1990s required transitional justice to operate within peacebuilding frameworks, as the latter were supposed to extend beyond military and humanitarian tasks, thus including the ‘promotion of national reconciliation and the re-establishment of effective government’ (UN 1995). Simultaneously, and in line with post-socialist transitions occurring in Eastern Europe, where change was promoted through a ‘shock therapy’ approach (Sachs 1990), economic reforms inspired by the principles of the Washington consensus were also undertaken in Bosnia (Donais 2005, 26). Peacebuilding measures became intertwined with neoliberal reform, promoting ‘transformation through macroeconomic stability, reduction of the role of the state, the squeezing of collective and public space, a quest for private affluence, and a reliance on privatisation and on exports and foreign investment to stimulate economic growth’ (Pugh 2005, 25). While institutionally separated, these processes are closely interrelated dimensions of Bosnia’s transition: not only are transitional justice and peacebuilding tightly interwoven, but they are part of a broader international intervention that includes socioeconomic reforms. Most importantly, the 2014 Bosnian protests show how different facets of the international intervention intersect in experiences of socioeconomic injustice felt on the ground.

While supposedly inspired by liberal ideals, international interventions in the 1990s were also characterised by problematic implementations and by the realisation that liberal peace would not simply occur as a result of international goodwill or a specific institutional setup. In light of this realisation, critiques of international interventions and their modes of operation have emerged, though they have

progressed at a faster pace in the field of peacebuilding compared to transitional justice, at least within the former Yugoslav context. Within and beyond such context, the 'peace v. justice' debate emerged in the 1990s (see the introduction to this volume), where the very role of justice in peacemaking and peacebuilding was questioned, took precedence over scholarly reflections on alternative and contested notions of peace and justice. While Paris already in 1997 stressed the top-down nature of peacebuilding and its conformance to a 'liberal internationalist' paradigm, calling for the establishment of liberal democracy and market economy as basic elements of the liberal peace (Paris 1997, 55-56),² it took transitional justice scholars several years to recognise that the operation of international tribunals and similar mechanisms could be subject to the same critique (Sriram 2007). Transitional justice thus began to develop a critical tradition highlighting that, for instance, the deployment of specific mechanisms such as trials or truth commissions promoted specific conceptions of justice and violence while silencing others (Nagy 2008; Bhambra and Shilliam 2008). The transitional justice literature could benefit from a closer engagement with critical peacebuilding scholarship, especially at a time when discussions on the disciplining nature of international interventions and their 'non-linearity' are very much underway (Gabay and Death 2012; Chandler 2010, 2013). Compared to traditional approaches to the study of transitions, focused on institutional change (Linz and Stepan 1996; Stark and Bruszt 1998), the study of socioeconomic justice as a marginalised problem in complex transitional settings can benefit much from an approach geared towards understanding societal processes and local agency, and the impact of governing practices on these (Joseph 2009; Lazzarato 2009; Mac Ginty 2012).

Neglecting socioeconomic justice, setting the stage for the protests?

A closer look at socioeconomic justice issues in BiH further reveals the limitations of the transitional justice and peacebuilding approach adopted in this context. It also shows how important instances of socioeconomic injustice, such as those suffered by post-industrial towns, were substantially neglected, leading to the eruption of discontent witnessed in February 2014. Socioeconomic issues were only addressed in

² The critical peacebuilding scholarship subsequently contributed with much work on the concept of liberal peace, its assumptions and its implications. See for instance Richmond 2006 and Chandler 2010.

very limited ways by transitional justice and peacebuilding programmes in BiH. Much of the international engagement on these matters was limited to the question of return and reconstruction as a way of 'redressing the wrong' of ethnic cleansing. Indeed, scholarly studies on the interethnic dimension of the war vastly outnumber those addressing economic crimes or even the economic implications of ethnic cleansing, a form of agenda-setting which – as the peacebuilding scholar Séverine Autesserre (2014) has argued – itself inevitably influences what becomes known and understandable to policy makers. Early analyses of return programmes in Bosnia, for instance, have criticised international policymakers for 'hav[ing] shared with nationalists the view that Bosnians should be encouraged to live in *particular* places' (Black 2001, 196). Jansen found that return, in the 'hopes' of most Bosnians, included not only secure housing but also stable employment and welfare provisions on which international intervention had not concentrated (Jansen 2006, 191). Compared to international policymakers, then, Bosnians possessed a broader conception of return that included recovering other social and economic features of their life during socialism. Without provisions for reintegrating returnees into social and economic life, such as the possibility to go back to their old workplaces, return programmes were inevitably weakened.

In order to alleviate conditions of economic distress and help local development, some international organisations and donors did start offering economic means of support to returnees, including grants and microcredit loans, under the assumption that 'economic opportunities and market activity' have a positive impact on social reintegration (Haider 2009, 103-4). However, the impact of similar projects is contested (see for instance Pupavac 2006 on women). Reparations, another potential mechanism for alleviating post-conflict socioeconomic injustice, are managed at the entity level in BiH, in a dysfunctional way that systematically disempowers civilian victims (see Hronesova in this issue). Proposals advanced for other transitional countries, such as setting up truth commissions tasked with investigating and redressing economic violence or economic crimes, were never discussed in BiH. Instead, the timing of the privatisation process required by international donors, which privileged selling companies before restructuring them, contributed to privatisation

along ethnic lines (Stojanov 2001), and empowered wartime elites that would oppose investigating economic crimes.³

Problems of socioeconomic justice in Bosnia and Herzegovina are, indeed, broader than what is encompassed within transitional justice or peacebuilding programmes, and should be understood as structurally connected both to the war and to its aftermath. While Yugoslavia had already received IMF loans conditional upon market-oriented reforms during the 1980s (Donais 2005), the socioeconomic characteristics of entire regions in Bosnia were radically transformed as a result of the 1992-95 war and of war crimes. Firstly, the landscape of post-war Bosnia was not only shaped by huge population displacement but also by the physical destruction of buildings and infrastructure. According to a 2004 World Bank report, the war damaged about two thirds of houses in BiH, and destroyed one fifth of them; destroyed at least 30% of the hospitals and about 45% of industrial facilities; and caused industrial production to fall to 5% of the pre-war levels (World Bank 2004, 1). Secondly, public buildings and production sites, such as the schools and mines in the Prijedor area, were used as prison camps during the war (Askin 2003). Thirdly, the conduct of business activities during the war, which offered the possibility of acquiring wealth quickly through illegal means such as smuggling, 'contributed to the criminalization of the state and economy in the postwar period' (Andreas 2004, 44). The new elites, who acquired economic means and political power during the war, were subsequently best placed to further increase both once the conflict was over, for instance by taking advantage of the privatisation process (Pugh 2002; Andreas 2004). Fourthly, and significantly for everyday understandings of 'justice' after the conflict, deindustrialisation and the layoffs accompanying privatisations hit particularly hard in those regions of Bosnia that had functioned as the 'industrial core' of Yugoslavia. The good living conditions enjoyed by industrial towns during socialism had sustained communities' respect and admiration for certain features of the Yugoslav system, which ceased to exist as a result of the war and transition. From the point of view of the international intervention, however, socialist values and perspectives came to be perceived as '*mis-placed, or dis-placed*' in post-war BiH, and did not form part of the

³ Stojanov explains that the privatisation of state companies was conducted at the entity level in BiH. Oligarchs of the dominant ethnic groups in the area, who had accumulated wealth and political power during the war, were thus in control of the privatisation process (Stojanov 2001).

'broader public discourse shaping social transformation in the country's postwar environment' (Gilbert 2008, 168).

Material losses, including loss of jobs and income, were deeply felt by the local population, and constituted the most common form of victimisation (Valiñas et al. 2009, 19). Faced with such economic difficulties at the end of the war, the Bosnian population could not count on the same extensive welfare system of past Yugoslav times (Donais 2005, 143). Additionally, deindustrialisation meant reduced access to benefits previously enjoyed by factory workers, while social transfers benefitted categories such as war veterans over poorer strata of the population (Bartlett 2013, 251-254). The economic system of the post-war and post-socialist period was characterised by a tight connection between political elites and questionable business enterprises, corruption and a recourse to 'informality' and the grey economy on the part of many citizens (Donais 2003; Bojicic-Dzelilovic 2013). The unequal access to economic opportunities stemming from informality, as Bojicic-Dzelilovic (2013) argues, acts against the peacebuilding goal of social reintegration and reinforces feelings of social injustice among the general population. If seen through this lens, socioeconomic justice issues in the Bosnian context can be related to the systemic marginalisation and impoverishment of communities, thus marking a stark contrast with the standard of life enjoyed during socialism. Yet, since they were closely interrelated with a post-socialist transition inspired by neoliberal ideals, the prevailing understandings of peacebuilding and transitional justice within the international intervention could not draw on the socialist past as a point of reference for how society ought to be reconstructed (Gilbert 2006). The social justice elements of socialism that people valued most – such as job security, equality, and a strong welfare system – were therefore not compatible with the transformation envisaged for the Bosnian society. It is exactly in these feelings of social injustice, and in the popular discontent with the lack of engagement with these issues, that we find the source of the 2014 protests.

When 'civil society' protests: Bosnian activism and international intervention

Given the economic problems experienced in the aftermath of the war, and the lack of international engagement with these, it is not surprising that social discontent would be expressed, on the part of the Bosnian society, as it did on the occasion of the February 2014 protests. A more detailed analysis of these events shows that

marginalised socioeconomic justice concerns were at the heart of the protests; that the mobilisation involved common citizens and activists that were not part of the 'civil society' as defined and shaped by the international community; and that international organisations proved unable to debate socioeconomic justice issues on the same discursive level as citizens and activists' demanded. The protests started in Tuzla, a town that developed a relatively strong industrial sector during socialist time, but has been facing deindustrialisation, failed privatisations and rising unemployment throughout the transition period. While strikes and small protests had been happening in cities like Tuzla for several years, in February 2014 a demonstration organised by unpaid, frustrated workers in front of the Tuzla Canton government building gained unprecedented national attention. After police reacted forcefully to the escalation of tensions on February 5th, an even greater number of demonstrators went on the streets on the following day, and protests started occurring in solidarity with Tuzla in Sarajevo, Zenica, Mostar, and other towns. On February 7th, the Tuzla Cantonal Government resigned, soon to be followed by others.⁴ The protests, stemming from socioeconomic issues characterising post-industrial centres, quickly expanded both in terms of issues raised and in the forms of political participation stemming from them.

The February 2014 protests brought socioeconomic justice to the forefront of public debate, something that had been absent since the end of the war. In the words of one activist, 'the combination of notions of "social" and "justice" had been virtually unknown among local intellectuals, activists and the social scene' (Hakalović 2014, 7). The protests highlighted the socioeconomic discontent that had been latent for so many years during the transition process. In a collection of essays authored by Bosnian activists, the spirit of the protests is summed up as 'an escalation of the social discontent of workers, who established themselves as the political subject of the post-socialist transition, and, also, at the very least, as ordinary people who expected social justice' (Husarić 2014, 67). Workers and citizens in Tuzla, for instance, asked for the resolution of all questions related to the privatisation of several local firms, for the revision of privatisation agreements, and for the establishment of accountability for economic crimes. Demands formulated in Sarajevo, Mostar and Zenica echoed these calls. Over the following days, demonstrators in Tuzla and other cities began asking for

⁴ Bosnia and Herzegovina is institutionally divided in two entities: the Federation of Bosnia and Herzegovina and Republika Srpska. The Federation is further composed of ten Cantons, each with their own government.

the reduction of salaries and compensation for government representatives, and for the cessation of all benefits at the end of their time in office.⁵ Once organised in 'plenum' assemblies, citizens formulated demands directed towards Cantonal, Entity and BiH state governments. An analysis of plenum demands of 22 cities and towns, made in early May 2014, shows they mostly targeted the following areas: the privileges of political elites, corruption and transparency, social welfare, privatisations (to be revised, and those responsible for irregular ones to be prosecuted), and government resignations.⁶ Overall, the demands were concerned with the general socioeconomic wellbeing of the Bosnian society, the importance of work, and the accountability of political elites responsible for the mismanagement of the country's resources. Similarly to previous civic protests in Bosnia and elsewhere in the Balkan region, demands and protest slogans were vocal in their criticism of nationalist politics (Keil and Moore 2014; Štiks 2015).

In addition to raising socioeconomic justice concerns previously left at the margins, the protest movement also witnessed the participation of actors that were not traditionally involved in transitional justice and peacebuilding projects. The events of February 2014 highlighted a separation in the Bosnian civil sector, between formalised NGOs that developed as part of the liberal peace project with the support of international donors (see, e.g., Ghodsee 2004; Belloni 2007; Baker 2014), and the common citizens, workers and activists who joined the demonstrations. While individual members of NGOs were present among the demonstrators, no specific organisation or committee led the movement. Openness and lack of recognised leaders was one of the defining features of the protests, and intellectuals stressed they would participate in, but not lead, the articulation of demands (Nedimović 2014a; Sicurella 2016). The primary forum for discussion and participation was therefore the citizens' plenum. Plenum assemblies are defined as 'public gatherings, open to any citizen,

⁵ *Tuzla Declaration of Citizens and Workers*, 7 February 2014, available at <<https://bhprotestfiles.wordpress.com/2014/02/07/declaration-of-citizens-and-workers-in-tuzla-1/>>; *Protestor Demands from Sarajevo*, 9 February 2014 available at <<https://bhprotestfiles.wordpress.com/2014/02/09/40/>>; *Zenica Protestors Deliver their Demands*, 10 February 2014, available at <<https://bhprotestfiles.wordpress.com/2014/02/10/zenica-protestors-deliver-their-demands-to-cantonal-government-zenica-1/>>; *Mostar Citizens' Demands* 10 February 2014; available at <<https://bhprotestfiles.wordpress.com/2014/02/10/mostar-citizens-demands-mostar-1/>>; all accessed 22/04/2016.

⁶ *Citizen demands*, 5th May 2014, Damir Karamehmedovic, available at <<https://bhprotestfiles.wordpress.com/2014/05/13/visualizing-the-plenum-demands/>>, accessed 22/04/2016.

through which collective decisions and demands can be made and action taken, beyond guarantees of leadership. They are open, direct, and transparent democracy in practice' (Arsenijević 2014b, 47-48). Only members of political parties were, in most cases, banned from participating in plenum meetings.⁷

While political demands were primarily addressed towards BiH institutions, the international community became increasingly involved with the protests and the issues raised by the plena (plural of plenum),⁸ even more so in the aftermath of the floods that devastated the country in May 2014. Faced with justice demands of a socioeconomic nature, and with a broad-based civic movement, the international community promoted discourses on economic reforms that were in line with its own agenda, but did not address the demonstrators' concerns. Such concerns were reframed as a problem to be tackled through internationally-sponsored economic measures, rather than as justice issues. This reformulation is best understood in relation to two elements. Their analysis shows that international reactions to the protests effectively reproduced the 'invisibility' of socioeconomic problems in transitional justice efforts (Miller 2008), and that international engagement with Bosnian society is 'hedged around by other commitments, to certain kinds of market arrangements or individual rights' (Williams and Young 2012).

The first element in these reactions was the EU-led effort to formulate a 'Compact for Growth and Jobs' as a way of tackling socioeconomic problems.⁹ Following the protests and the floods, the EU finally started perceiving socioeconomic problems as closer to the concerns of ordinary Bosnian citizens (EU 2014, 2), compared

⁷ See for instance *Announcement: First meeting of the Brčko District Citizens' Plenum*, 11 February 2014 available at <<https://bhprotestfiles.wordpress.com/2014/02/11/announcement-first-meeting-of-the-citizens-plenum-of-brcko-district/>>, and *Sarajevans invited to first meetings of Citizens' Plenum*, 11 February 2014, available at <<https://bhprotestfiles.wordpress.com/2014/02/11/sarajevans-invited/>>. The Tuzla Plenum, on the other hand, remained open to participation from everyone: *Announcement of the citizens' plenum in Tuzla*, 12 February 2014; available at <<https://bhprotestfiles.wordpress.com/2014/02/12/announcement-of-the-citizens-plenum-in-tuzla/>>, all accessed 22/04/2016

⁸ *Večer: Interview with HR Valentin Inzko*, Office of the High Representative, 12 February 2014, <<http://www.ohr.int/?p=31864&lang=en>>; *Statement by the Ambassadors of the Steering Board of the Peace Implementation Council*, 11 February 2014, <<http://www.ohr.int/?p=31892&lang=en>>; both accessed 27/04/2016.

⁹ While the EU took the lead in this process, this was the result of the cooperation of those actors that usually comprise the 'international community' in BiH. As stated in the introduction to the Compact for Growth and Jobs, these include the IMF, the World Bank, the European Bank for Reconstruction and Development, the United States and other relevant international experts.

to the institutional questions upon which Brussels had previously focused. It was within this spirit that the EU, in close cooperation with other international organisations and financial institutions, organised a two-day event in Sarajevo called 'Forum for Prosperity and Jobs', with the aim of developing a set of key priorities for socioeconomic reforms in BiH.¹⁰

The resulting Compact for Growth and Jobs, presented in July 2014, highlighted six areas where measures should be taken: *taxes on work*, to be lowered; *barrier to jobs*, to be addressed through the flexibilisation of the labour market; *business climate; enterprise*, focusing on the completion of the privatisation process; *corruption*; and *social protection*, to be redirected from privileged categories, including war veterans, to those in real need. While such reforms had been deemed necessary for years,¹¹ the February protests represented an opportunity for pushing towards their realisation. The Compact represented, indeed, a shift in the international – and especially European – discourse towards Bosnia, from a phase of 'political' to one of 'economic restructuring' (Majstorović and Vučković 2016, forthcoming). Overall, protestors' requests to determine accountability for the mismanagement of public resources, including irregular privatisations, were side-lined, and justice issues were only addressed through 'the inclusion of additional rule of law matters, in particular the fight against corruption' within the Structured Dialogue on Justice (EU 2014, 1). Moreover, the issue of employment for young people was tied, in international discourse, to the necessity of cutting the privileges of public-sector 'insiders' with secure jobs, and of the 'cadre of ghost workers who are just clinging on to the past', for which 'no contributions are made' but who 'still hope to receive social benefits',¹² such as former factory workers whose concerns were at the heart of the protests. Economic issues were, in other words, treated as problems that could only be addressed by dispensing completely with socialist legacies, in line with international attitudes that had marginalised the socialist experience in shaping Bosnia's transition (Gilbert 2006).

By promoting the Forum and Compact, as well as through other initiatives, the international community also legitimated certain forms of action and participation over others, and established specific fora within which debates on socioeconomic problems

¹⁰ EU Delegation to BiH, *Forum for Prosperity and Jobs starts in Sarajevo*, 26 May 2014, <<http://europa.ba/?p=18008>>, accessed 25/05/2015.

¹¹ Interview with international official, Sarajevo, May 2015.

¹² EU Delegation to Bosnia and Herzegovina, *Compact for Growth and Jobs*, <http://europa.ba/wp-content/uploads/2015/05/delegacijaEU_2014090816171626eng.pdf> accessed 10/09/2015.

could be conducted. Activists and international officials agreed that the grassroots character of the movement conferred it a greater degree of legitimacy in the eyes of Bosnian citizens. They were perceived, however, as lacking the capabilities and skills that the NGO sector had developed through years of international training and project work.¹³ Due to this, and to the absence of leaders or hierarchies within the movement, international organisations turned towards those they could 'recognise' and speak to, such as individuals with a good knowledge of English.¹⁴ According to the then EU Special Representative in BiH Sorensen, the May 2014 Forum for Prosperity and Jobs had supposedly been a means for the international community to 'provide a platform for all the citizens of this country to (...) initiate a socio-economic reform process'.¹⁵ Interviewees raised doubts, however, as to whether activists from the Plenum were actually present at the Forum meetings, and whether those who were there represented the spirit of the protests or rather 'a part of the civil sector that was chosen' by the international community.¹⁶ A similar approach was taken by the EU in organising the series of 'Conversations with the citizens' (*Razgovori s građanima*) in the spring and summer of 2015, intended to 'promote public debate on socio-economic reforms' and discuss 'with local people (...) a common agenda of economic opportunity for all'.¹⁷ Again, one activist pointed out that the actual intent behind the Conversations was explaining the Compact to the citizens and convincing them of its usefulness rather than engaging in a real discussion about the reforms to be undertaken in order to stimulate growth and employment.¹⁸ If one response to the critique of liberal peacebuilding as a top-down endeavour had been the promotion of 'local ownership' (Donais 2009), the international engagement on the Compact for Growth bears a greater resemblance to techniques of government aimed at establishing discursive boundaries and meanings, influencing individual preferences and behaviour

¹³ Interview with international official, Sarajevo, 30 April 2015; interview with Meliha Bajramović (Plenum Zenica), 30 July 2015.

¹⁴ Interview with anonymous activist, Sarajevo, 17 June 2014.

¹⁵ EU Delegation to BiH, *Opening remarks by the Ambassador Sorensen at the Forum for Prosperity and Jobs in Bosnia and Herzegovina* <http://europa.ba/?post_type=post&p=18002>, accessed 25 May 2015.

¹⁶ Interview with anonymous activist, Sarajevo 5 May 2015; see also the interview with the Dutch Ambassador to BiH Jurriaan Kraak conducted by Nidžara Ahmetašević, <<http://bosniaherzegovina.nlembassy.org/news/2014/august/interview-with-ambassador-kraak.html>>, accessed 29 August 2015.

¹⁷ EU Delegation to BiH, *New initiative of the EUSR Office in BiH helps stakeholders explore practical reforms to create jobs*, <<http://europa.ba/?p=16883>>, accessed 25 May 2015

¹⁸ *Šta znači Sporazum za Rast i Zaposljavanje? Razgovor s građanima*, Istočno Sarajevo, 28 May 2015. The author was present at the event.

(Lazzarato 2009). The discussion of economic problems raised by the protests was thus effectively limited to the agenda set by the EU meetings, falling short of addressing them through a socioeconomic justice lens.

Even when looking beyond the Compact for Growth, the international approach to engaging with grassroots groups active in the protests seems geared towards selecting specific interlocutors and issues to be discussed. The protests, as highlighted above, not only raised issues that were foreign to the peacebuilding framework in BiH, but did so through forms of social mobilisation that did not fit within that paradigm. International engagement, therefore, also attempted to make them understandable and recognisable (see Autesserre 2014). In September 2014, the EU contributed to organising a meeting in Vienna, with the aim of providing a 'platform for exchange to the citizens in Bosnia and Herzegovina in order to formulate common demands for a better future based on democracy, the rule of law and human rights'.¹⁹ Participants were selected through an application process, and discussions at the conference conducted in working groups around themes that left out some of the most radical socioeconomic justice demands raised during the protests.²⁰ The Conclusions put forth by the conference did mention the difficult economic situation and socioeconomic rights, but displayed a visible shift in the language they used, or rather an attempt to mediate between the protesters' demands and the international community's language. For instance, in calling for the 'respect of human rights, workers' rights, socio-economic rights', the final recommendations go beyond the liberal focus on civil and political rights. To some extent, this is indicative of an increased acceptance of socioeconomic issues as part of the political debate in peacebuilding contexts. However, justice issues were still tightly linked to the 'reform of the judiciary and law enforcement agencies' and the fight against organised crime,²¹ excluding demands related to failed privatisation processes and economic crimes that had sparked the protests in the first place. Socioeconomic justice, therefore, still remains foreign to the transitional justice-peacebuilding nexus, and in contrast with the

¹⁹ Ludwig Boltzmann Institute of Human Rights, *Main Conclusions and Recommendations of the Conference "Civil Society as a Factor of Change in Bosnia and Herzegovina"*, Vienna, 8-10 September 2014, accessed 25/05/2015.

<http://bim.lbg.ac.at/sites/files/bim/attachments/main_conclusions_and_recommendations_0.pdf>.

²⁰ Interview with anonymous activist, Sarajevo 2 June 2015.

²¹ Ibid.

direction taken by the economic reforms promoted by the international community (Miller 2008; Laplante 2014).

The overall success of the meeting was also compromised by mistrust among different groups,²² and by diffidence towards an externally-driven process.²³ Partly as a result of this, some of the working groups failed to put forth recommendations and only presented a summary of the 'main discussions, opinions and questions'.²⁴ At the same time, activists recognise that such meetings allowed grassroots groups from different parts of the country to meet for the first time, and laid the basis for a subsequent project aimed at supporting eight grassroots groups in BiH, implemented by the Ludwig Boltzmann Institute.²⁵ Similarly to what has been observed in other contexts, while allowing for the expression of local agency, the international community still kept control of mechanisms of inclusion and exclusion (see Donais 2009), and defined the agenda and modes of debate in a way that was intelligible and compatible with its policy goals.

Overall, the events following the February 2014 protests show how socioeconomic justice issues could not be understood by the international community within the transitional justice or peacebuilding framework. These were, rather, reframed as a call for social and economic reform compatible with the international agenda. While the international intervention had long promoted discourses of justice as accountability for war crimes and genocide, socioeconomic issues had so far remained marginal. When they did effectively come to the forefront through the protests, the international community provided a framework for understanding and debating them as problems to be addressed in ways compatible with Bosnia's ongoing transition towards liberal democracy and market economy, rather than as justice issues. The eruption of popular discontent in 2014 thus shows that social mobilisation

²² Interview with anonymous activist, Sarajevo, 5 May 2015.

²³ Interviews with Jasmina Čolić (activist, Jer me se tiče); interview with anonymous activist, Sarajevo, 2 June 2015.

²⁴ Ludwig Boltzmann Institute of Human Rights, *Summary of the Working Group discussions during the Conference "Civil Society as a Factor for Change in Bosnia and Herzegovina"*, September 2014, accessed 25/05/2015.

<http://bim.lbg.ac.at/sites/files/bim/attachments/working_groups_summary_0.pdf>.

²⁵ The so-called 'Austrian Initiative' developed in the aftermath of the Vienna Conference, without the support of the European Union Delegation. The initiative works with some of the grassroots groups that emerged during the protests, both in the Federation of BiH and in Republika Srpska, offering support to informal groups rather without specific funding conditions. (*Supporting informal citizens' groups and grass-root initiatives in Bosnia and Herzegovina 2015*, Interim Report, Nina Radović, Ludwig Boltzman Institute of Human Rights – Research Association, February 2016).

not only provides an avenue for voicing justice concerns that had been previously marginalised, but also represents a terrain where – even after an eruption of discontent – different approaches to justice issues and to socioeconomic reform will continue to be contested and negotiated between international organisations and local grassroots groups.

Conclusion

The international intervention in Bosnia and Herzegovina encompassed a wide range of activities and responsibilities including peacebuilding and transitional justice. While the initial commitment to transitional justice efforts can be seen as a balancing act for the unwillingness to intervene and stop the violence during the conflict (Gow 1997), it later became accepted that addressing injustice was an important component of the peacebuilding agenda (UN 1995). However, the liberal bias embedded within the transitional justice framework, privileging individual forms of accountability for serious violations of basic human rights, left socioeconomic issues affecting the Bosnian society substantially unaddressed. This bias is not entirely disconnected from the production of knowledge about the Bosnian war, where the focus has intensively been placed on interethnic violence and responsibility for war crimes, while socioeconomic problems related to the overlapping challenges of post-war and post-socialist transition have remained substantially less researched (with some notable exceptions, including Jansen 2006; Baker 2012). Within such contexts, collective demands related to workers' rights, welfare, and economic crimes could not be interpreted as justice demands. As this paper has shown, even when faced with social mobilisation for socioeconomic justice issues, the international community could not address them within the transitional justice framework.

While debates on the relevance of socioeconomic justice for transitional justice and peacebuilding have greatly developed in recent years, practices have struggled to change and adapt to the need to give relevance to such concerns. This paper has sought to account for this inertia in the case of Bosnia and Herzegovina. Evidence from Bosnia suggests that the issue of transitional justice and peacebuilding practice failing to account for socioeconomic justice is particularly problematic in complex transitional contexts – and especially those undergoing a double transition from war to peace and

from socialism to a market economy. In such contexts, analysing transformations from an institutional perspective is not sufficient. This paper has suggested that the transitional justice literature could benefit from a deeper engagement with the critical peacebuilding scholarship, more attentive to the social implications of international interventions, and to the power relations, negotiations and contestations at play in these settings. Transitional justice scholars should therefore feel compelled to take into account the exclusionary and silencing effects of common approaches to dealing with the past, and interrogate themselves on whether, and how, we can actually 'move beyond liberal notions of justice and past-reckoning' (Nedimović 2014b, 5). Indeed, the 2014 Bosnian protests highlight how the international community's intervention at the societal level limited the scope of justice claims and the forms of political participation recognised. The analysis presented in this paper warrants an exploration of societal reactions, and more generally emphasises the need to take into account the relational and 'messy' character of power relations in the context of international intervention.

This paper offers a twofold contribution to understanding the transitional justice-peacebuilding nexus. Firstly, this nexus is itself shown to be embedded within a broader neoliberal transformation, characterising the international intervention in BiH but also in other sites. The links created between transitional justice and peacebuilding as part of this international intervention, and the operation of both fields of practice within the framework of post-socialist neoliberal economic reforms, greatly contribute to the marginalisation of socioeconomic justice. While in the case of Bosnia such forces are at play within the context of the post-socialist transition, economic restructuring along neoliberal lines has also characterised other contexts beyond the post-socialist space (Barchiesi 2011). Secondly, the paper also demonstrates that looking beyond the institutional aspect of post-war transformations is necessary in order to see how the transitional justice-peacebuilding nexus ought to be situated in the lived experiences of affected societies, such as socioeconomic injustice affecting post-industrial areas (and Bosnia as a post-industrial country). In the specific case of BiH, this led to the expression of discontent through protests in 2014. The protests were informed by the specific political conditions of Bosnia's post-war and post-socialist transition, but also resemble struggles for social justice of other contemporary movements against neoliberalism, characterised by horizontal participation and social justice claims (Castells 2015). Expressions of popular discontent are, in the end, illustrative of the contestations and struggles that surround the practices of international interventions at

the local level, and cannot be isolated from the political and economic priorities informing those interventions. Examining why interventions may nevertheless fail to understand and recognise claims for socioeconomic justice may reveal much about how such political and economic priorities are formed.

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