Chapter 10
What About the Women? Transitional Justice and Gender in Bosnia and Herzegovina and Northern Ireland

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Introduction

In the context of challenges to the traditional transitional justice framework, this chapter takes two transitions that featured peace agreements in the 1990s which brought overt armed conflict to an end and established new post-conflict political institutions—in Bosnia and Herzegovina (BiH) and Northern Ireland—and examines the experiences of women in these contexts. The chapter is written from the perspective of practitioners working with individuals affected by armed conflict and reflects on the nature of justice in transition in a wider sense in a way that is meaningful to a broad range of individuals affected by conflict.

Processes which bring violent conflicts based on disputed space between ethnonational identities to a conclusion—or at least a pause—create opportunities for shaping new political and social landscapes in the transition from conflict. Commonly referred to as "transitional justice" processes, these opportunities for change tend to focus on areas such as individual prosecutions, reparations, truth-seeking, institutional reform and vetting and dismissals (United Nations Security Council 2004: 4).

Received wisdom would suggest that all matters pertaining to the restructuring of society after violent conflict should be addressed. This must include issues of marginalisation, which, although not necessarily the root of the conflict, is none the less exacerbated during or ignored by the conflict. The concepts underpinning transitional justice should result in widespread social and structural change. Yet civil and political rights often appear to trump other rights, including social and economic

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rights. This has led to traditionally marginalised groups like the poor and women still unable to enjoy the benefits of the new order (Roht-Arriaza 2006).

The UN Security Council recognises that there is not a “one-size-fits-all” approach to transitional justice. However, the Security Council was clear to state explicitly that any transitional justice efforts are based upon meaningful public participation of a number of groups including women (UN Security Council 2004: 7). While the report goes on to state that reform must also be “cultivated” amongst elites and ex-combatants, it appears that a tacit hierarchy has developed with the needs of elites and ex-combatants taking precedence under transitional arrangements over marginalised groups such as women (ibid.). Women, being largely absent from the perpetration of violence in conflict, are often under-represented in the formation of post-conflict arrangements, although increasingly international involvement in transitions has led to the insistence on measures to increase the participation of women, at least outwardly.

It is not intended to imply that the conflicts in BiH and Northern Ireland are directly comparable: they are not, whether in terms of geography, economic situation, political influences, conflict structure, intensity or outcome. However, it is suggested that there are conceptual similarities in the way individuals respond to the impacts of conflict upon them and how they see their place in the post-conflict environment.

Women and Ethno-National Conflict

The notion of “ethnic conflict” can have the effect of simplifying complex phenomena to the extent that the terminology can be counter-productive and misleading for the purposes of analysis (McGrattan 2010). However, ethno-national identity can become a rallying point in times of tension or fear, leading to a retreat into a basic, secure group identity (Smith 1999: 276). This response is harnessed by “ethnic entrepreneurs” (Rothschild 1981), who formulate symbiotic relationships with fearful populations in conflict (Voutat 2000: 286), deriving power from both voicing the fears of a community under threat and also exacerbating concerns, real or imagined. In this context, “cohesion and identity in contemporary conflict tend to form within increasingly narrow lines” (Lederach 1999: 12).

This distilling of identity in simplistic terms with ethno-national reference points becomes such a strong bond that the process continues well after violent conflict has abated. Indeed, democratisation can lead to these essentialist ethnic markers being the dominant force in post-conflict elections (Snyder 2000). Evidence from BiH and from Northern Ireland demonstrates that political parties with more distinct ethno-national identities are those which have gained increasing electoral success (Mujkić and Hulsey 2010; Mitchell et al. 2009). Rather than ethno-national identity also being an area for negotiation after violence, the formation of identity during conflict has a significant influence on who is present and who is absent in post-conflict power relations.

Some authors have commented that the formation of national identity tends to take place in the public arena according to male norms and male reference points in the absence of women (Yuval-Davis 1997: 2). The idea of "nation" as a large, extended family consigns women to subordinate roles as carers for and reproducers of the community, but women are also appropriated to define the limits of the identity of the nation as "cultural markers" (Moghadam 1994: 2–3; Beasley and Bacchi 2000: 338; Timmerman 2000: 15). This has an impact on how the nation conducts its business in the spheres of governance and the application of justice with the criminal justice system tending to be retributive in nature and lacking any sense of gender-sensitivity. In its 2011–2012 report, the UN Women organisation asks if "the rule of law rules women out", continuing that "… laws tend to reflect and reinforce the privilege and the interests of the powerful whether on the basis of economic class, ethnicity, race, religion or gender" (UN Women 2011: 11). The difficulty in reconciling notions of the "nation" and social justice in gender terms, particularly in the context of nation-building, post-conflict or otherwise, has led to an observation that feminism and nationalism are incompatible ideologies for the manner in which this process has been acted out in reality (Kaplan 1997: 3).

Likewise, where ethno-national identity is the reference point for conflict, it is men who are predominantly active in the process. Northern Ireland during the conflict has been referred to as an "armed patriarchy" and the Stormont government as an "ethno-gender regime" (Monica McWilliams, quoted in Miller et al. 1996: 217; Racioppi and O'Sullivan See 2001: 93–5). Violent conflict has been viewed as a response to male needs in a male value system (Brock-Utne 1989: 15; Enloe 2000; Skjelsbaek and Smith 2001: 165) and gender relations even being seen as a root cause of war (Cockburn 2010). Whatever the explanation, there appears to be a distinct lack of women in decision-making roles during conflict.

While some have argued a biological pre-disposition to peace for women and to violence for men (Galtung 1996: 40–3), or that many women have developed a more protective stance towards the community due to learned mothering roles (Ruddick 1990: 23, 80), this stereotypical essentialising of women is seen as unhelpful (Moser and Clark 2001: 4; Reardon 1993: 15). Certainly, the impacts of war have a differential effect on women, who "suffer most, both in the perpetual violence against women during the occupation and through the deaths of sons, husbands, lovers, brothers and fathers" (Alonso 1993: 57).

The positioning of women as passive victims of conflict and men as dominant actors, it has been observed, plays into the hands of patriarchal norms (Karam 2001: 22). Yet, while there are women who play active roles in conflict, they are in a minority, and even then, the expectation has often been that once they have played their part, women would simply revert to an assumed pre-conflict role of domesticity and motherhood (Cherifati-Merabtine 1994: 40). In both Northern Ireland and BiH, women have been active in both fighting and peacebuilding, with the former in a minority and the latter largely unheard and celebrated. A stark contrast can be seen in BiH where the former President of the Republika Srpska, Biljana Plavšić, was indicted for genocide, crimes against humanity and violations of the laws or customs of war, while a figure such as Munira Subašić, head of the association

Mothers of Srebrenica, has been a significant figure in campaigning for justice for victims of the massacre in July 1995.

Whatever the circumstances of the involvement of women, it is male voices that are dominant during conflict, and if it is the conflict-related identities and reference points that exclude women that are carried over into the transition process, it is unsurprising that women's voices are absent there too.

The Nature of Post-conflict Transition

Attempts at ending conflicts perceived in terms of ethno-national identity over contested space have been approached by various methods of political accommodation. One to have gained significant currency in recent years is that of consociationalism, which, depending on the variant in use, comprises a "grand coalition" of ethnic groups, mutual veto in decision-making, ethnic proportionality in the allocation of offices and a certain degree of ethnic autonomy (Lijphart 1975: 166; Lijphart 1977; Horowitz 2001: 569–70). Essentially, elites of groups in conflict agree to manage their separate populations, divide up the executive roles and cannot make significant decisions without the consent of the other groups in the arrangement.

Such power-sharing systems have the potential to bring conflict elites together in a co-operative political structure in order to end violent conflict, but the approach has been criticised for privileging the identities that are associated with the conflict to the detriment of other identities and viewpoints, having the effect of perpetuating lines of division rather than fostering mixing or reconciliation between groups (Manning 2002: Taylor 2001; Wilson 2010). Political parties therefore develop along ethnic lines, having a centrifugal effect on social and political forces, rather than the cross-cutting, centripetal effect of non-ethnic parties (Horowitz 2001: 347). Conflict elites re-invent themselves as political elites while society remains divided along the lines of conflict in a form of suspended animation and the identities which lacked power and prominence during the conflict remain on the periphery.

However, this is not the full story. In the bargaining process that is a feature of post-conflict transition, Ní Aoláin (2009: 1056) notes that the "experiences and needs of women are markedly absent or silenced by the general discourse of accounting for the past." That said, actors in peacebuilding have sought to develop civil society in parallel to the political structures to foster the organic transition to a more peaceful, participative society, which has been referred to as "complementarity" (Bloomfield 1997). Non-governmental organisations (NGOs) are encouraged to become involved in the process of post-conflict transition through contributing to the political process while building capacity at community level to raise confidence, develop trust and provide opportunities for middle-range and grassroots actors to shape post-conflict relations (Lundy and McGovern 2008; Kumar 1997: 2; Lederach 1999: 39, 51).

If conflict elites are present at the negotiating table, then women are generally absent. It is assumed that if men are the ones with the guns, then women need not be

involved in discussing decommissioning (Potter, A 2008). Yet the predominance of women in civil society organisations and the co-operative methods used by women active at community level makes women's presence in making decisions about the post-conflict society essential (Potter, M 2008). This is not to say that women conform to the "natural peacemakers" stereotype discussed above, but reflects the fact that women tend to predominate in civil society organisations and it is these organisations which have been at the forefront of reaching out to opposing communities.

Transitional justice requires a reassessment of violence and security to include re-examining repressive policies that impact upon women and not merely subsuming violence against women into existing and usually inadequate legislation (Ní Aoláin 2009: 1066; Oosterveld 2008: 75). The Nairobi Declaration goes some way to codifying this in that reparations "must address structural inequalities that negatively shape women's and girls' lives" (cited by Couillard 2007: 445). While conflict can impact upon women differentially to men, the process of change, violent or otherwise and the formation of a new society, can provide significant opportunities for women that may not have been available before (Timmerman 2000: 15; Karam 2001: 22; Hughes 2008). In its series of recommendations, the UN Women organisation says there is an imperative to "recognise the differential impact of conflict and rule of law deficits on women and children and the need to ensure gender sensitivity in restoration of rule of law and transitional justice, as well as the need to ensure the full participation of women" (2011: 21). These opportunity spaces can be brief and the participation of women is reliant on mechanisms that favour inclusion.

On 31 October 2000, the UN Security Council passed Resolution 1325 (2000), which called for the increased participation of women in decision-making roles, in all levels of negotiations, peacebuilding and UN field operations, and a gender perspective to be integral to all transitions from conflict. This was echoed the following month with a similar commitment by the European Union with European Parliament Resolution 2000/2025(INI) and 4 years later by the Council of Europe with Resolution 1385 (2004). These commitments amount to a structural application of gender equality provisions in post-conflict transition and the acknowledgement of the particular needs of women emerging from conflict and of the need for women to be present at every level and at every stage of the process.

While the key transition moments of the conflicts in BiH and Northern Ireland predate these resolutions, they are still cited as a rationale for the full participation of women in both contexts.

Challenges to the Transitional Justice Framework

Transitional justice can be broadly or narrowly defined. In its narrow sense, it refers to issues such as legal redress, truth recovery, reparations, prosecution of perpetrators and the establishment of international human rights standards. In its broader sense, "it involves anything that a society devises to deal with a legacy of

conflict and/or widespread human rights violations" (Roht-Arriaza 2006: 2). The transitional justice framework has been increasingly challenged, with arguments that a "universal toolkit" is limited in its application to different contexts, for example, in a discarding of international mechanisms in favour of local processes (Shaw and Waldorf 2010: 3–4).

An expanding body of literature challenges the traditional transitional justice frameworks as being too narrowly focussed on legal and retributive processes, truth recovery and addressing human rights violations. While these issues are important in the transition from conflict, transitional justice, by these critiques, requires a wider application of inclusion and participation in post-conflict social and political life, particularly for women (Bell and Ní Aoláin 2004; Bell and O'Rourke 2007; Ní Aoláin and Rooney 2007; Rooney 2007).

It is contended in this chapter that meanings of justice in transition differ significantly between, on the one hand, those involved in judicial processes bringing to trial individuals who have committed human rights violations during the conflict, and on the other, people in wider society for whom the impact of the conflict varies considerably and whose understanding of justice has a broader meaning of participation and living in a fair society. Both BiH and Northern Ireland saw transitions that were subject to agreement between warring communities, where, although some recourse to justice processes for past wrongs are possible, the majority of victims will not see perpetrators come to trial.

Transitions from Conflict in Bosnia And Herzegovina and Northern Ireland

The armed conflict in BiH was halted with the Dayton Agreement of 1995, where new power-sharing structures were agreed in a short, sharp negotiating process (Holbrooke 1999). These new structures comprised three levels which assumed a need to accommodate ethnic differences through separation at community level. An overarching Parliamentary Assembly brings together the three identities in a grand coalition, below which are the two entities of the Parliament of the Federation of BiH and the Parliament of the Republika Srpska, the former of which also has a power-sharing arrangement. Then there are ten cantons within the Federation based on assumed ethnic identities. As a mechanism for ending the conflict, the arrangement has been successful, but divisions are maintained by the system and critics have suggested that it fails as a long-term solution, as elites are comfortable with a status quo that does not require inter-communal reconciliation (Glenny 1999: 651–2).

Women emerged from a conflict where there had been a significant level of gender-related violence and abuse (Benderley 1997: 66; Boeschoten 2003). In addition, women were the primary sustainers of community and the key elements in holding families together during and after the conflict (Robertson and Duckett 2007). While

it has been claimed that transitional justice is merely a perpetuation of patriarchy (Ní Aoláin 2009), that is, a continuation of power systems that privilege male dominance, rather than a transformation to social justice, the experience of women is significantly different in that it has been a transition from a more liberal, egalitarian social context under the former Yugoslavia to what has been described as a "backlash" or "re-patriarchalisation" in the post-conflict experience (Skjelsbaek 2009; Majstorović 2011).

A Law on Gender Equality in BiH was passed in 2003, guaranteeing equality in a range of areas and a commitment to equal representation in government, including the judiciary, legislature and executive. At the time of writing, 9 of the 42 members of the House of Representatives are women and 2 of the 15 delegates to the House of Peoples. At the entity level, 23 of the 98 members of the House of Representatives of the Federation of BiH are women and 18 of the 83 members of the Parliament of Republika Srpska.

To complement the gender legislation, there is a range of structures dedicated to gender equality in BiH. The Gender Programme of the UN Development Programme oversees gender issues at the regional level and a Gender Equality Agency promotes gender equality at the national level. Both of the entities have Gender Centres with scrutiny roles in the area of advancing equality between women and men and there are Commissions for Gender Equality at cantonal and municipal levels.

Despite the efforts of the international community to develop sustainable gender equality norms and early optimism about the opportunities for women to take the initiative in the transition process (Draculić 1993: 129–30), it has been claimed that the majority of women have not benefited from the new structures, except for a small number of middle class women from an urban elite who have had the opportunity to do so due to the nature of top-down international development approaches (Pupavać 2005). Civil society organisations have been developed through international investment of which, on the one hand, it has been claimed that international models not suited to the context have been imposed (Belloni 2001), but on the other, while such critiques are valid to a certain extent, indigenous NGOs had existed from before and during the war and have had the opportunity to develop (Simmons 2007).

Generally speaking, the situation has been described in BiH as a model of men inside the political institutions in positions of power and women active in the community. Notions of women as "peacemakers" outside the formal political setting risk falling into essentialist stereotypes of male and female roles in the post-conflict society, but it has also been observed that politics is regarded as male and corrupt and women's activism in informal settings serves to maintain moral authority (Helms 2003).

Northern Ireland's conflict reached a settlement after protracted all-party negotiations (Mitchell 1999), culminating in the Belfast Agreement of 1998. After a number of false starts, primarily over the decommissioning of paramilitary weapons, the Northern Ireland Assembly was established, which has been described as consociational (O'Leary 1999). Members of the Legislative Assembly (MLAs) have to register as "nationalist", "unionist" or "other" on taking their seats and on

important issues or where a petition of concern has been raised, a majority of nationalists and a majority of unionists are needed for decisions to be made. Therefore, the value of being an "other", i.e. not aligning oneself with the reference points of the conflict, is undermined when it comes to deciding key issues. In terms of gender balance in the institutions, at the time of writing 20 of the 108 MLAs are women.

While there were women who became directly involved in the conflict through participation in paramilitary organisations or security forces, women in Northern Ireland, as in BiH, have been regarded as sustainers of community, maintainers of families, tenders of the wounded and carers for those affected by the conflict (Potter 2004: 35). Women have been largely invisible in analyses of the conflict and the intersection of gender and other identities has been generally ignored (Rooney 2006). However, a sense of being left out of the transition from conflict led some women to organise to earn a place at the negotiating table, forming a political party for women's issues, the Women's Coalition (Fearon 1999). Fitzduff (1999: 91) describes how, initially, party members were treated with hostility including blatant sexism, although they provided a vital role in enabling the more extreme political parties to negotiate their way through the issues of releasing prisoners and decommissioning weapons. However, rather than benefitting from the tenets of consociational politics it was to be their demise as the electorate again voted along traditional political lines with the more extreme Unionist and Irish Nationalist parties seeing a rise in the number of seats gained to the Northern Ireland Assembly at the cost of moderates, including the Women's Coalition.

The Belfast Agreement and subsequent Northern Ireland Act 1998 contained commitments to equality and human rights, but rather than singling out gender in the post-conflict dispensation, equality between men and women was one of nine grounds about which equality impacts have to be taken into account and gender equality law proceeded in line with UK law in general. At the institutional level, there were no government agencies dealing specifically with gender. The Equal Opportunities Commission, the independent institution working in the field of sex discrimination, was absorbed into the more general Equality Commission and, although there is a Gender Equality Strategy, it is one of many across different equality grounds. Hence, there are no post-conflict mechanisms to promote gender equality in particular, and the UK Government does not intend applying UN Security Council resolution 1325 to Northern Ireland.

In some senses, to compare Northern Ireland and BiH as contexts of conflict fails to recognise specific differences in the nature and course of those conflicts. Deaths in Northern Ireland, at around 3,000 over 30 years, could not begin to equate with the around 100,000 of BiH over 3 years,[1] and the missing from Northern Ireland number fewer than 10, compared with the 13,000 still unaccounted for in BiH (Popović 2009: 32). Likewise, Northern Ireland was a low-intensity conflict in an affluent, resource-rich region of Europe, where casualties could expect high-quality

[1] The numbers of people killed in BiH have remained a matter of dispute. These figures are taken from the *Bosanska Knjiga Mrtvih*, a project by the Research and Documentation Centre in Sarajevo.

medical treatment within hours, if not minutes, of injury, and conflict-related damage to property was compensated for by the government. No such support or provision existed in BiH. Furthermore, the Northern Ireland conflict operated under a legal system which, although criticised as partial, did give some recourse to justice or appeal against state or third-party action was at least possible. BiH was in a state of war where legal and governmental structures were suspended.

Yet, the mechanisms and legacies of conflict fall into certain recognisable patterns and the differences are largely a matter of scale and severity. Loss or trauma can be as significant for an individual whether it takes place in isolation or in a context where they are commonplace. The experience of women can also be compared. While there were not the incidences of massed crimes against women in Northern Ireland that took place in BiH, patterns of essentialisation, appropriation and marginalisation of women are common patterns in the literature of both conflicts.

The Experience of Women

The evidence for this chapter is derived initially from consultations in 2005 as part of the development of the gender dimensions of the European Union Peace Programme for Peace and Reconciliation in Northern Ireland and from discussions at a workshop at the "Pathways to Reconciliation and Human Rights" conference in Sarajevo on gender and transition, which informed a formal research project in Northern Ireland and BiH with key individuals working with women at community level in 2007/2008. The themes of the research were then further expanded at the "Peace by Piece" conference in Belfast in 2008, involving women from conflict areas internationally, including BiH.

In Northern Ireland, the research was carried out with groups involved in women's training projects through the EU Peace Programme supported through the intermediary funding body Training for Women Network (TWN), including project officers at the funding body and project promoters and participants at Ballynafeigh Community Development Association, East Belfast Community Development Association, Short Strand Partnership and Women's Tec in Belfast, Positive Steps Learning Centre in Cookstown and the victims group Homes United by Recurring Threat (HURT) in Lurgan. In all, 20 individuals were interviewed, one of which was male. Information was also gleaned from project evaluations across 20 women's training projects. The Northern Ireland fieldwork was carried out at a time when the impact of the Peace Programme on women was being evaluated.

Interviews in BiH were carried out in Sarajevo with international agencies with gender programmes in the country (British Council, UNDP Gender Programme and Catholic Relief Services), the government Gender Equality Agency, the Centre for Interdisciplinary Studies at the University of Sarajevo and community-based organisations (Žene Ženama, Cure Foundation and Organisation Q), and an additional interview was carried out with an unaffiliated community activist. In all, 20 women were interviewed. The fieldwork in BiH was carried out in the context of a joint

Government and UN Development Programme project to promote and consult upon how to progress with transitional justice in BiH.

The war in BiH had a huge impact on women from many perspectives. Thousands of women were directly affected through being targeted for gender-based war crimes, menfolk were killed or disabled through the war, community infrastructures were destroyed, and, according to representatives of international agencies interviewed, facilities used by women, such as childcare providers, were appropriated for the purposes of the conflict. Justice for women in this instance lies in the restoration of community facilities that were formerly relied upon to facilitate social and economic participation as well as personal autonomy. In Northern Ireland, a range of community-based facilities for women developed as a result of the EU Peace Programme and other conflict-related programmes, but these facilities are heavily reliant on external funding, which has been diminishing with the increasing distance from the Belfast Agreement and the development of a more stable society.

One significant impact of the war in BiH has been the increase of women as heads of households. As in Northern Ireland, BiH is mostly rural, where, according to interviewees, there are stronger gender-based traditions of women in the home. These traditions also exist in rural areas of Northern Ireland, but there was more emphasis on this factor among interviewees in BiH. With the loss of the male head of household, many women have found themselves having to take the initiative with no credit history, no formal employment experience and the house remaining in the name of a husband who is dead or missing. A representative of the Catholic Relief Services interviewed stated: "now they are the man," indicating the change of gender roles still presents attitudinal and procedural barriers based on assumed positions in society of women and men. Women have had to organise out of necessity and try to make ends meet in a context of high unemployment and poor infrastructure.

Some international NGOs in BiH, such as Catholic Relief Services, have established micro-credit arrangements and provided training in business start-up and management for women. While successful businesses have been established by women, there are still attitudes among many in society who see entrepreneurship as a male preserve. In Northern Ireland, training and support projects for women's entrepreneurship have been funded through the EU Peace Programme, such as the Weave project in North Belfast, which trains women to develop traditional handicraft skills into viable businesses, but equivalent micro-credit programmes for women are not available. While born in adversity, transitions in both of these contexts provide opportunities for the building of more just gender relations in terms of economic independence for women and finding a place in a male-dominated economy.

Local NGOs such as Žene Ženama in Sarajevo have provided programmes for education, psychosocial support, campaigns against gender-based violence, health, gender awareness, promotion of rights and equality, civic participation, political participation, social care and peacebuilding. These activities represent the broad scope of issues that are affecting women's lives in the post-conflict context and, using the broader understanding of the term, cover many of the dimensions of

transitional justice. For example, at the time of the interview, a course funded by the Spanish government was being developed focussing on women in transition from conflict, with supported discussion sessions around how conflict differentially affects women, understanding the processes of conflict and exploring how women can contribute to post-conflict reconstruction. Multi-faceted approaches to empowerment in settings in which women feel supported have a major role to play in promoting participation in both BiH and Northern Ireland.

However, while there have been some tentative cross-community initiatives among women's groups in Northern Ireland that endeavour to engage with divisive issues around the conflict itself and to challenge elements within their own communities over their role, it has been commented that this process has been more difficult in BiH, where there is a tendency not to challenge the dominant community perspective with regard to the conflict.

One community-based interviewee in Sarajevo commented that, while some NGOs have managed to secure funding from international NGOs for activities, the majority are small groups with little or no external support. Indeed, interviews with representatives of international agencies bemoaned the turning of UN attention to Kosovo, which has meant diminishing sources of funding for all NGOs and a need to become more self-sufficient. This sense of diminishing resources to fund empowerment activities was also a feature of interviews in Northern Ireland, where all project promoters interviewed held concerns regarding the finite nature of project-based funding in the community.

In theory, governmental structures in BiH, particularly the Gender Equality Agency, are to work co-operatively with community-based NGOs to promote gender equality, but a community group representative in the research complained that there is a sense of a division of labour, where some NGOs have felt that the Gender Agency takes the lead on policy, leaving NGOs to continue the work on the ground. This limits the potential of NGOs to convert civic activism into political activism and have an influence on the development of gender equality policy, leaving a feeling of exclusion from the political and policymaking arena.

Evidence from some international NGOs suggested that exclusion is also felt across BiH due to geography and the nature of the political structures, for example, co-operation between agencies is difficult. Also, it was claimed by a community-based interviewee that some of the smaller NGOs feel that an elite of strong personalities within the women's sector has developed their own work and organisations with international support, but there is a disconnection with other groups elsewhere in the country. This was also felt by a number of community-based project promoters in Northern Ireland, where groups with more resources were considered to have more access to decision-making processes. Indeed, a representative from a rural project in Northern Ireland highlighted how exclusion is compounded by rural isolation, the lower capacity and confidence of rural women and distance from the political centre, and rural groups receive fewer resources and less support than their urban counterparts. The distance from the centre of power, therefore, whether physically or in terms of access, has significant implications for a just transition.

An academic interviewee stated that gender issues are not popular in BiH from a range of perspectives. It was explained that the more liberal aspects of pre-war Yugoslav society did not penetrate far from urban centres in BiH, and traditional structures were disrupted by the conflict. By this, the interviewee meant that, while women's lifestyles and clothing, for example, were less prescribed in pre-war urban settings, there remained more restrictions on women's lives in rural areas, but the processes of conflict created opportunities and often compulsions to move out of traditional gender roles in order to adapt to new circumstances. Currently, there is a belief that the post-war social and political context is trying to place women back into the domestic sphere. This is complicated by the ethno-national nature of the political divide, where identities are defined in terms of mutually exclusive traditions. Women are caught in the middle of this process, where feminism and women's emancipation is seen not just as a challenge to a male social and political order, but a betrayal of cultural identity and a diluting of fundamental values on which conflict-related markers are based. Such processes have also taken place in Northern Ireland, for example, with the return of released prisoners to households where women had taken on new roles in the absence of male partners, but this was less stressed by interviewees in Northern Ireland compared with those in BiH.

This resistance to women's emancipation is complicated by a segregated education system, where there are different values taught from different perspectives, which in the context of transition and the formulation of new ethno-national identities does not have room for challenging social norms. Indeed, the reproduction of the national community takes place in the classroom and stereotypical images of women are markers of cultural identity. Justice in this sense is served by ensuring that individuals have equal access to participation and a fundamental mechanism for addressing stereotypes and prejudice is through education.

While there are extensive structural and legislative provisions for gender equality and the organisation of women emerging from the domestic sphere in the post-conflict context, women still struggle to be heard or be present at decision-making levels. As with many societies emerging from violent conflict, new systems of justice tend to be retributive in nature, more focused on individual perpetrators, less on victims and rarely cognisant of the gender consideration. Despite increased awareness of cases of sexual and reproductive violence, the place of women is still marginalised (Duggan et al. 2008: 193).

The interviews in Northern Ireland highlighted the extent to which women have been organising at community level, engaging in informal reconciliation processes and supporting people affected by the conflict. Thus, both bridging and bonding social capital have been developed to a high degree in some areas, largely through the efforts of small groups of women active in the community.

The conflict has produced a legacy of distrust and polarisation, particularly in areas with high levels of social housing. Representatives of rural groups noted that the conflict has been less overt in the countryside, but the impact of violence has led to fear and isolation, extending well beyond the cessation of direct hostilities and difficulty in addressing the conflict that has been possible in some urban areas, where populations live closer and contact is more regular. As one interviewee put it,

there is a "rural politeness" which belies a simmering animosity. At the same time, there are many women for whom disconnection with the community has led to a considerable need for social, emotional and psychological support to re-engage with society. Re-connection with society is a central theme in work with victims and survivors of the conflict and also an important factor in processes connected with transitional justice in its broader, societal sense.

The violent conflict, according to one project promoter in Northern Ireland, led to equality being "put on hold." To a certain extent, women's empowerment projects have been trying to regain the ground that has been lost. The conflict created a division of labour while it was going on and also after the ceasefires. While it was mainly men engaged in violence and politics, the interviewee continued, "the women just kept things going: educating families and getting the children to school." After the violence, it was men at the negotiating table, but women are still dealing with the legacy, that while young people are no longer rioting, there are problems with drink, drugs and violence against older people. Both transitions from conflict recognise the need to realise equality goals, but if women have been marginalised during the conflicts and conflict elites take priority in the post-conflict arrangements, women are starting from a position of disadvantage that needs to be bridged before genuine equality can be realised.

Reflecting a general feeling among many interviewees in both contexts, a project promoter in Northern Ireland suggested women are more suited to reconciliation, a rationale that is seen as gender-specific; as another interviewee stated: "We need to do something for our children and grandchildren. We do not want a repeat of this." Acknowledging the gender stereotype this viewpoint perpetuates, women are seen as an important resource for reconciliation, but if women have been the main sustainers of families and communities, there is also an argument that it is they who are more in touch with the social impacts of violence and therefore are best situated to understand it.

The projects in Northern Ireland offered a space where women from different backgrounds could come together, form relationships across communities, develop personally, receive support and learn new skills. As one project promoter put it: "Women are more open, more willing to talk. There is a thing in men to fight, isn't there?" With practical measures to facilitate access, such as childcare provision, transport and individual support, spaces are provided for dialogue and to share experiences. For example, separate projects in a Loyalist area of East Belfast and the Irish Republican Short Strand area formed a cross-community women's group where it was found that, between women of different backgrounds, according to one group member: "the issues are the same; the only thing that divides us is politics." Justice, for these women, is working towards a society where conflict between them has been addressed and they and their families can live peacefully together.

Women working with women in the community is only part of the story. The lack of women in political, social and economic leadership creates a need to bridge the gap between community-based empowerment and taking an active part in decision making where power lies. Female role models in positions of power help to encourage women to follow in their footsteps and the development of skills in

sectors where women are under-represented contributes to a more balanced, equal society, for example, in business or in information technology. For example, the Women's TEC in North Belfast combines cross-community and capacity-building activities with training in non-traditional skills, such as plumbing, electrical engineering, technology or business start-up and development, to place women in previously male-dominated industries. Other projects try to encourage more women into politics.

The dominant message from the interviews in both Northern Ireland and BiH is that projects developing women in the community have the potential to have wider impacts in cross-community engagement and in the building of community competences to deal with the legacy of the conflict and engage in the process of peace-building between communities. However, there are problems with this picture. Reinforcing the stereotype of community-based women activists and men in politics has to be addressed using the capacity-building process to bring more women into decision-making positions in economic and political arenas.

Bringing Justice into Transition

In terms of formal transitional justice processes, neither Northern Ireland nor BiH have established truth commissions, although there have been inquiries into individual events in Northern Ireland, such as the 1972 Bloody Sunday events, and commissions in BiH in individual areas, such as Srebrenica. However, the position of the UK Government is that there are to be no more open-ended inquiries into incidents relating to the conflict in Northern Ireland. The Historical Enquiries Team (HET) of the Police Service for Northern Ireland is not a satisfactory replacement for a formal truth process, due to a lack of resources, an extensive backlog, having been criticised for a lack of independence, being a police team, and lacking any wider involvement beyond the investigation of unsolved cases.

The International Criminal Tribunal for former Yugoslavia (ICTY) was established by UN Security Council Resolutions 808 and 827 in 1993, and departments for war crimes were set up in the Prosecutor's Office for BiH following UN Security Council Resolution 1503 in 2003. Significantly for women (and for some men), the ICTY defined rape as a war crime and almost half of all accused at the time of writing had charges of sexual violence included in their indictments. In terms of gender justice, this was a major step forward in comparison with other transition processes. In contrast, there have been no significant studies of conflict-related sexual violence in Northern Ireland. These judicial processes bring a degree of truth and closure to many and they are a symbolic demonstration of the re-establishment of justice and human rights norms following conflict. However, the majority of the population remains untouched by their deliberations.

Transitional justice encompasses all these things, which remain essential to any post-conflict process, but also to a far greater extent the embedding of equality, human rights and reconciliation throughout the communities in conflict.

Without a transformed society, punishment and restitution are transient, more or less clearing up the mess of one conflict, without laying the foundations of preventing the next one.

It is true that there are victims' groups in Northern Ireland and in BiH that do not see the possibilities of reconciliation without justice, that is, the punishment of those who have wronged their loved ones or the return of property that they have lost in the conflict. The needs of people directly affected by conflict cannot be overlooked or ignored. Yet the participants in the research referred to here, which included individuals who had lost family members in the conflict and, in the case of Northern Ireland, a victims' group, considered justice to mean equal participation in and contribution to the post-conflict society. With all their cultural, geographical and historical differences, this theme remained constant with interviewees in both Northern Ireland and BiH.

The representation of women in decision making is one area that, in international terms, is promoted as a means for promoting justice in the political arena. However, it is in civil society organisations in both Northern Ireland and BiH that women are most abundant and in significant leadership roles. Mechanisms for giving civil society access to the processes of deliberation, such as meaningful consultation, and the promotion of civic activism are just as important in empowering women in post-conflict settings.

Transitional justice for the women interviewed meant gender justice and a just and peaceful future. To some, this means equal and meaningful representation at political and decision-making levels. For others, this means being able to run a business on an equal footing to men. For others again, this means access to facilities where they and their families can develop personally, professionally and socially. However, the focus for all involved was that creating a just society must be undertaken together, rather than apart.

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