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Separate but Equal: Urban Spatial Organization and Transitional Justice in Bosnia and South Africa

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Introduction

Transitional justice regimes emerged in the 20th century as a tool for states transitioning from conflict and authoritarianism to democracy and peace. Among other goals, societal reconciliation between previously hostile groups is a critical objective of these regimes. However, transitional justice regimes often fail to narrowly and tangibly address societal circumstances that influence conflict, leaving societies that adopt them vulnerable to suboptimal returns. Urban spatial organization is one such circumstance. While there is considerable evidence that urban issues are related to ethnic and racial conflict, this relationship has not yet been explored in the context of transitional justice. In this study, I examine Sarajevo and Johannesburg through both the mechanisms that define their respective states' transitional justice regimes and each city's demographic development. I find that there is a discernable disconnect between the expectations of transitional justice regimes and urban planning policies and realities that inhibits the success of the former by underutilizing the latter. This complicates the peacemaking process and can provide pretext for further conflict—at the very least, the disruption between the two agendas fails to be a net positive for societal reconciliation and resilience. As such, it would be mutually beneficial to urban planners and political leaders to understand the restraints political and spatial realities place on one another.

Background

Of the dozens of countries that have adopted transitional justice mechanisms, Bosnia and South Africa offer near polar opposites in their approaches to transitional justice. Bosnia experienced an extremely violent and destructive conflict from 1992 to 1995 that destroyed the multi-ethnic characteristic of many of its cities which were previously integrated, while South Africa experienced low-level violence throughout the Apartheid era. Bosnia's transitional justice

regime was imposed on it by the international community, most explicitly through International Criminal Tribunal of the former Yugoslavia (ICTY) and a continued international presence in Bosnian governance. South Africa established the Truth and Reconciliation Commission (TRC) and approached transitional justice domestically. Furthermore, South Africa's societal wellbeing is further complicated by socioeconomic stratification, political violence within class and racial groups that go beyond the divisions based on race that are not as apparent in Bosnia. Both states' foundational transgressions are based on the systematic division of the country's people based on an ethnic and/or racial "us versus them" concept—South Africa began its transitional period in a state of heavy segregation, seeking to move away from it, while Bosnia was integrated but has since been segregated since the end of the war.

Despites numerous differences in the Bosnian and South African cases, both the Dayton Peace Agreement (DPA) and the 1993 interim constitution of South Africa were concerned with the physical "return of previously excluded groups"[1] to areas which were subject to ethnic cleansing and segregation. However, the demographic organization of population groups in Bosnia and South Africa indicate a sharp divergence of reality from the expectations of the 1990s. Before the outbreak of war in 1992, Bosnia was an integrated multi-ethnic state, comprised of integrated multi-ethnic cities and metropolitan areas. South Africa's Apartheid laws, many of which lasted until 1994, on the other hand, strictly segregated population groups, established separate regions entirely for black South Africans known as Bantustans, and deliberately distributed services and infrastructure unequally to different racial communities.

[1] A.J. Christopher. "Urban Segregation in Post-Apartheid South Africa." Urban Studies 38, no. 3 (March 2001): 449–66. https://doi.org/10.1080/00420980120080031. 453.

Since the signing of the Dayton Agreement and the end of Apartheid, the states have somewhat switched roles: South Africa has experienced increased diversity in its metropolitan areas through urbanization and the removal of restrictive Apartheid legislation, while post-war Bosnia and Herzegovina is severely segregated nationally and within its urban areas. These drastically different circumstances allow us to approach the relationship between urban spatial organization and transitional justice from two different perspectives. When considering the contribution of transitional justice to the endurance of a peaceful, democratic state, it is critical to evaluate the gap in transitional aspirations, such as reconciliation and equality, and the reality on the ground. I aim to identify this gap and potential factors by accounting for demographic shifts in post-conflict societies on both a national and local scale.

Theoretical Framework

I use intergroup contact theory (IGCT) to evaluate the success of transitional justice regimes in bringing distinct population groups together in order to foster reconciliation among them. Intergroup contact theory argues that the presence of multiple groups, in this instance ethnic or racial groups, increases the likelihood of positive intergroup interactions.[2] The Bosnian War, not uniquely, has often been dismissed as the result of "ancient ethnic hatreds."[3] Relatedly, the architect of Apartheid, former Prime Minister of South Africa Hendrick Frensch Verwoerd, made the case for segregated nations within the South African state, suggesting that a multi-ethnic state would result in the "conquest of the white"[4] South Africa. Known as primordialism,

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[2] Ulrich Wagner et al., "Prejudice And Minority Proportion: Contact Instead Of Threat Effects," *Social Psychology Quarterly* 69, no. 4 (2006): pp. 380-390, https://doi.org/10.1177/019027250606900406. 381.

[3] Noel Malcolm, "Bosnia and the West: A Study in Failure," The National Interest (The Center for the National Interest, June 24, 2014), https://nationalinterest.org/article/bosnia-and-the-west-a-study-in-failure-670.

[4]Hendrik Verwoerd. "They will become the conquerors of White South Africa," Senate Speech, Cape Town, South Africa. May 20, 1959, https://speakola.com/political/hendrik-verwoerd-apartheid-senate-speech-1959.

this approach argues for the objective nature of ethnic and racial identities, making ethnic conflict seem somewhat inevitable. Despite primordialism's effective marginalization within the social sciences,[5] the fact that it appears so oft an explanation for conflict and discrimination in the popular consciousness is worth noting. As argued by John Coakley, primordialism might best be seen as a "component of national ideology"[6] as compared to an explanation for it.

Intergroup contact theory thus contradicts the main tenets of primordialism, in that it argues that an increased frequency of contact between various ethnic and racial groups will result in the lowering of prejudice, which can in turn decrease the likelihood of conflict among these groups. This is best captured by a 2006 study which used a German probability sample to test the relationship between the presence of ethnic minorities in small geographical districts and the perception of these ethnic minorities by the majority.[7] The study found a negative relationship between the percentage of foreigners and ethnic prejudices held by the majority population utilizing both multilevel mediation analysis and structural equation analysis. An increased presence of minorities increased the possibilities of contact both in the neighborhood and the workplace, which resulted in an actual increase in the frequencies of contact.[8]

These theories matter to this work because of the different expectations they set for intergroup contact and conflict. In this paper, I argue that intergroup contact theory is critical to the successful realization of the transitional justice agenda. However, IGCT is not self-sustaining—a spatial and political strategy must be coordinated between political entities at the

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[5] John Coakley, "'Primordialism' in Nationalism Studies: Theory or Ideology?" *Nations and Nationalism* 24, no. 2 (October 4, 2017): pp. 327-347, https://doi.org/10.1111/nana.12349. 327.

[6] Ibid. 328.

[7] Ulrich Wagner et al., "Prejudice and Minority Proportion: Contact Instead of Threat Effects."

[8] Ibid. 385.

local, subnational, and national level to encourage coexistence and reconciliation. The insights on local ethnic conflict resolution come from the literature on urbanization and ethnic conflict. This literature finds that urban areas are unique in their capacity to bring different population groups into close proximity, which explains their importance in the peacemaking equation. I use this theory to explain why urban policy can influence the outcome of a transitional justice agenda. In order to test this insight, I evaluate the most economically promising urban areas within Bosnia and South Africa, Sarajevo and Johannesburg. I find that the urban spatial organization of a city both contributes to and reveals the level of success of the transitional justice regime, and therefore the relative prospect of peace. From this finding, I conclude that transitional justice regimes must consider urban spatial organization to maximize intergroup contact and the probability of reconciliation between population groups.

Analytical Framework

I aim to identify potential insecurities in transitional justice relevant to urbanization, with special regard for Sarajevo and Johannesburg. These two cities are not only major metropolitan areas, which make them relevant cases regarding urbanization, but both have received particular attention in the study of their respective conflicts. The war in Bosnia was largely seen through the lens of Sarajevo, due to urban bias and the general accessibility of the city to foreign reporters, non-governmental organizations, diplomats, and other relevant parties.[9] As a multi-racial, albeit segregated, city in a state whose politicians aspired for separate, pure racially-based nations, Johannesburg was the scene of brutal treatment of black South Africans, segregation of non-whites, as well as various anti-Apartheid protests. To this end, Johannesburg experienced

[9] Peter Andreas, *Blue Helmets, Black Markets: The Business of Survival in the Siege of Sarajevo* (Ithaca, NY: Cornell University Press., 2008). 5.

"urban apartheid"[10] and was one of the many cities in which the effects of Apartheid were most apparent.

A brief explanation of the Bosnian War and Apartheid will precede the rest of the study for a holistic understanding of the stress applied to each of these societies. Changes in demographics from 1991 to 2013 for Sarajevo and 1996 to 2011 for Johannesburg are identified using census data. Then, the development of Sarajevo and Johannesburg will be placed in the context of the transitional justice policies set forth by the relevant party. Finally, potential divergence between transitional justice initiatives and the realities in Sarajevo and Johannesburg that have transpired due to the planning, or lack thereof, by local developmental authorities will be considered.

It is important to note that both transitional justice regimes, as much as any other, established reconciliation as a priority of the transitional period in its relevant documents. I do not debate whether or not reconciliation was a priority of the transitional justice regimes in Bosnia and South Africa—it was. Instead, I investigate the status of the relationship between urban development and the agenda of transitional justice regimes in an effort to understand why conventional transitional justice practices might not be enough to foster reconciliation in a polarized or otherwise restrained society.

Literature Review

Transitional justice as a field emerged in the late 20th century as practitioners and academics began to consider how authoritarian states, in which mass human rights violations occurred, could transition to states in which human rights, democracy, and societal trust are

[10] David Adler, "Story of Cities #19: Johannesburg's Apartheid Purge of Vibrant Sophiatown," The Guardian (Guardian News and Media, April 11, 2016), https://www.theguardian.com/cities/2016/apr/11/story-cities-19-johannesburg-south-africa-apartheid-purge-sophiatown.

present and prioritized.[11] While transitional justice as a concept appears to be generally accepted by scholars across disciplines, when measures should be implemented, and which measures are appropriate and effective are widely debated within the field. The leading objectives of the conventional transitional justice framework are democratization and respect for human rights, achieved through justice for past wrongdoings.[12] The two most prominent mechanisms attempted to achieve these objectives are truth commissions and criminal tribunals—however, the debate on which is the more effective mechanism remains a significant point of contention within the community. The former is typically more closely associated with peace and the state at-large; the latter with justice and the individual. The perceived tension between these methods is relevant to the case studies used in this work. As Frederking details, South Africa is relied on as case in which it is argued truth commissions contributed to reconciliation,[13] while supporters of punitive justice as a way for victims and societies to move on see practices such as the establishment of the ICTY as the "only way to guarantee accountability."[14]

Beyond this foundational discussion, some scholars have advocated for enlarging the transitional justice framework. Subotic developed an expanded framework that includes individual, state, and societal responsibility for atrocities that occurred under a given regime or conflict.[15] While crimes and atrocities are typically perpetuated by a specific, active group or

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[11] Paige Arthur, "How Transitions Reshaped Human Rights: A Conceptual History of Transitional Justice," *Human Rights Quarterly* 31, no. 2 (2009): 321-367. 325.

[12] Ibid. 355.

[13] Brian K. Frederking, "Putting Transitional Justice on Trial: Democracy and Human Rights in Post-Civil War Societies," *International Social Science Review* 91, no. 1 (September 16, 2015), https://doi.org/https://digitalcommons.northgeorgia.edu/issr/vol91/iss1/3. 5.

[14] Ibid. 6.

[15] Subotic, Jelena. "Expanding the Scope of Post-Conflict Justice: Individual, State and Societal Responsibility for Mass Atrocity." Journal of Peace Research 48, no. 2 (March 2011): 157–69. doi:10.1177/0022343310394696.

individual, the responsibility for an environment or system that is permissive of crimes and atrocities that warrant transitional justice regimes is shared among a larger portion of the population. When this theory is applied to the Bosnian War, Subotic argues that societal responsibility is "necessary"[16] to resist denial amongst Bosnian Serbs that events such as the Srebrenica genocide occurred. This has not occurred on a large enough scale to diminish distrust between ethnic communities in Bosnia. To this end, Humphrey argues in practice, transitional justice in Bosnia has failed to instigate societal reconciliation because a unified understanding of statehood was not realized in the aftermath of the conflict.[17] It is not enough that truth commissions and tribunals have been active—a universal understanding of what actually happened during the war has not been reached.

Interestingly, the approach taken by the post-Apartheid government has resulted in almost universal agreement on Apartheid—what it was, why it was wrong, and the role of each South African in building a better future.[18] As Rakate notes in his comparison of Bosnia's and South Africa's transitional justice regimes, South Africa was able to advance "national truth and reconciliation"[19] due to the nature of the Truth and Reconciliation Commission (TRC), while Bosnia failed on this front. However, the International Criminal Tribunal for the former Yugoslavia (ICTY) enabled criminal prosecution of war criminals in Bosnia, something South

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[16] Ibid. 160.

[17] Humphrey, Michael. "Victims, Civil Society and Transitional Justice in Bosnia and Herzegovina." *Temida* 15, no. 1 (2012): 59–75. https://doi.org/10.2298/tem1201059h. 71.

[18] Interview with Dr. Paul Bischoff. Personal, October 15, 2020. Dr. Bischoff was an international elections observer stationed in Bijeljina in 2001.

[19] Phenyo Keiseng Rakate. "Transitional justice in South Africa and the former Yugoslavia - a critique." Paper presented at the Wits History Workshop: The TRC; Commissioning the Past, 11-14 June, 1999. http://hdl.handle.net/10539/8049. 34.

Africa chose to not pursue. Transitional justice in Bosnia and South Africa has thus been defined by the "legal objectives and legal mechanisms,"[20] as well as truth commissions supported by the state and the international community.

Existing literature that connects issues of post-conflict urban spatial organization with issues of transitional justice regimes is scarce. Entities such as the International Center for Transitional Justice have in recent years taken up the task of understanding the relationship between transitional justice and development.[21] In 2019, the International Task Force on Justice argued that justice was a "necessary platform for development,"[22] with recommendations that prioritized reconciliation between citizens and groups, in front of the United Nations High-Level Political Forum on Sustainable Development. Such efforts have resulted in increased attention to the connection between intentional human displacement and transitional justice. However, the relationship between how people willingly organize themselves in the time period following conflict and transitional justice is much less understood. To this end, the internal makeup of metropolitan areas has not been formally studied in the framework of transitional justice, despite urban development researchers recognizing that urban development must deal with the "social fabric"[23] of a city as much as physical and logistical limitations. In essence, the disciplines have

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[20] Humphrey, Michael. "Victims, Civil Society and Transitional Justice in Bosnia and Herzegovina." 71.

[21] Pablo De Greiff and Roger Duthie, *Transitional Justice and Development: Making Connections* (New York, NY: International Center for Transitional Justice, 2010).

[22] "Sustainable Peace After Mass Atrocities: The Case for Transitional Justice," International Center for Transitional Justice, January 31, 2019, https://www.ictj.org/news/sustainable-peace-after-mass-atrocities-case-transitional-justice.

[23] Aquilué, Inés, and Estanislao Roca. "Urban Development after the Bosnian War: The Division of Sarajevo's Territory and the Construction of East Sarajevo." *Cities* 58 (2016): 152–63. https://doi.org/10.1016/j.cities.2016.05.008. 153.

developed separately from and parallel to one another, prohibiting the benefits of interdisciplinary analysis from being realized.

In contrast to the thin literature contextualizing urban organization within the transitional justice framework, there is a vibrant reserve of literature bridging urban spatial organization to directly to ethnic conflict. Bollens argues that some cities are the "focal point for unresolved nationalistic ethnic conflict,"[24] while others act as a "platform for expression"[25] of intergroup conflict. He further argues that urban planners in ethnically polarized cities must "contend"[26] with conflicting ideological priorities and the needs of daily life, although this obligation is not always recognized. Wilson describes the "new urban condition"[27] as one in which plurality is contested, while Førde argues that sustainable urban development will not occur where social cohesion among diverse populations is not forged.[28] To this end, the effectiveness of urban planning is reflected in its ability to accommodate its citizens' needs, equitably.[29] What remains unexplored is the connection between this debate and the present conversation of the capacities of transitional justice regimes. Including the reconfiguration of urban spaces in the scope of transitional justice regimes would make the concept more tangible and immediate to local political structures.

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[24] Scott A. Bollens, *On Narrow Ground: Urban Policy and Ethnic Conflict in Jerusalem and Belfast* (Albany, NY: State University of New York Press, 2000). 3.

[25] Ibid.

[26] Scott A. Bollens, "Ethnic Stability and Urban Reconstruction," *Comparative Political Studies* 31, no. 6 (December 1, 1998): pp. 683-713, https://doi.org/10.1177/0010414098031006001. 685.

[27] Helen F. Wilson, "An Urban Laboratory for the Multicultural Nation?," *Ethnicities* 15, no. 4 (July 27, 2015): pp. 586-604, https://doi.org/10.1177/1468796815577703. 587.

[28] Anniken Førde, "Enhancing Urban Encounters: The Transformative Powers of Creative Integration Initiatives," *Urban Planning* 4, no. 1 (2019): pp. 44-52, https://doi.org/10.17645/up.v4i1.1713. 45.

[29] Ibid.

I aim to bring together these disciplines by questioning the effectiveness of transitional justice regimes that do not accommodate for migration and organizational patterns that result in informally segregated cities. Using intergroup contact theory, I examine the urban spatial organization of Sarajevo and Johannesburg as an indicator of societal reconciliation in post-conflict Bosnia and South Africa. Ultimately, I am concerned with identifying weaknesses in the current understanding of transitional justice by using spatial organization as an indicator, so that in the future, it may be implemented in such a way that increases the resilience of post-conflict societies.

As It Was

Bosnia

Bosnia and Herzegovina is a multi-ethnic state located in the western Balkans region of Southeast Europe. Throughout the latter half of the 20th century, the country was a republic within the Socialist Federalist Republic of Yugoslavia, comprised of Bosnia, Croatia, Macedonia, Montenegro, Serbia, and Slovenia until its declaration of independence in March 1992. Separatist Bosnian Serbs began an ethnic cleansing campaign in response to the referendum on independence from Yugoslavia passing, largely supported and inspired by the Milosevic regime in neighboring Serbia. These Bosnian Serbs feared minority status in the newly independent Bosnia. Various factors in the last decade of its existence cultivated an environment in Yugoslavia that permitted individual actors such as Milosevic to "ride the wave of Serb nationalism"[30] for their own political gain leading to the devastation of the 1990s in the former Yugoslavia. In particular, the Serbian Academy of Arts and Sciences (SANU) Memorandum of 1986 drew awareness to the rise in nationalism across the federation as a bad thing, but in the

[30] Dusko Doder and Louise Branson. *Milosevic: Portrait of a Tyrant*. Free Press of Glencoe, 2000.

same stroke emphasized that the Serbian population was experiencing an attack on their very existence.[31] The memorandum's authors defined the political system in Yugoslavia as a policy of "a weak Serbia, a strong Yugoslavia."[32] The memorandum encouraged a sense of insecurity Serbs scattered throughout the republics, contributing to a growth in support for Serbian irredentism.

Tensions only continued to grow across the Federation, and in June 1991 Slovenia and Croatia were the first republics to declare independence. A war in Croatia between Croatian Serbs and those that supported independence foreshadowed the events that occurred in Bosnia only a year later. Simultaneously, conditions were worsening in Bosnia. On 1 April 1992, Serbian paramilitaries led by Željko "Arkan" Ražnatović, seized Bijelina and Brcko, planning to "liberate [these cities] of Muslim fundamentalists."[33] Without addressing this act, and general social and political unease, the European Community and the United States recognized Bosnia as an independent state on 7 April 1992. The decision was boycotted immediately by Bosnian Serbs led by the Serbian Democratic Party (SDS).[34] Violence picked up across the country: in Sarajevo that same day, Serbian police officers attacked police stations and an Interior Ministry training school, while the city center experienced dozens of grenade explosions in the afternoon.[35]

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[31] Serbian Academy of Arts and Sciences, *Memorandum 1986*, 1986. Available at: https://chnm.gmu.edu/1989/items/show/674.

[32] Ibid.

[33] "The Take-Over of Bijeljina and Janja," Human Rights Watch (Human Rights Watch, 2000), https://www.hrw.org/reports/2000/bosnia/Bosn005-03.htm.

[34]Peter Andreas, *Blue Helmets, Black Markets: The Business of Survival in the Siege of Sarajevo*. 21.

[35] Chuck Sudetic, "Ethnic Clashes Increase in Bosnia As Europe Recognition Vote Nears," April 6, 1992, https://www.nytimes.com/1992/04/06/world/ethnic-clashes-increase-in-bosnia-as-europe-recognition-vote-nears.html.

The conflict was fought siege style, with the Bosnian Serb forces holding a huge military advantage. This was in part due to the illicit trafficking of arms to the Bosnian Serbs by Serbia, which circumvented the UN arms embargo placed on the region in September 1991.[36] The Yugoslav People's Army (JNA) also supported the Bosnian Serbs, as its Bosnian-based force had "become Bosnian Serb-dominated"[37] by 1992 when the war began. With an overwhelming monopoly on weapons, the Bosnian Serbs were able to employ the systemic removal of Bosnian Muslims (Bosniaks) and Bosnian Croats, as well as the seizure of their belongings and destruction of their homes and culturally significant infrastructure. The targeting of mosques was common practice by Bosnian Serbs during the war—on 8 May 1993, the Ferhad-Pasha Mosque, built in 1583, and Arnaudija, built in 1587, were blown up in the northern city of Banja Luka to intimidate the Muslim population that did not flee.[38] "Over half of the country's 4.4 million people"[39] were forced from their homes as part of the Bosnian Serbs' ethnic cleansing campaign.

International intervention forced an agreement between Bosnia, Croatia, and Yugoslavia ending the war in 1995 with the Dayton Peace Agreement (DPA). The DPA remains the principal framework for stability in Bosnia and Herzegovina, although its success is hotly debated. A valid criticism of the DPA is its de facto legitimization of ethnic cleansing which is relevant to this work.[40] The DPA established two political entities in Bosnia and Herzegovina:

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[36] Peter Andreas, *Blue Helmets, Black Markets: The Business of Survival in the Siege of Sarajevo*. 23.

[37] Ibid.

[38] Stephen Kinzer, "2 Major Mosques Blown Up by Serbs," The New York Times (The New York Times, May 8, 1993), https://www.nytimes.com/1993/05/08/world/conflict-in-the-balkans-2-major-mosques-blown-up-by-serbs.html.

[39] Carl Dahlman and Gearóid Ó. Tuathail (Gerard Toal). "Broken Bosnia: The Localized Geopolitics of Displacement and Return in Two Bosnian Places." *Annals of the Association of American Geographers* 95, no. 3 (2005): 644-62. Accessed December 28, 2020. http://www.jstor.org/stable/3693961. 644.

[40] Ibid.

The Federation of Bosnia and Herzegovina (FBiH) and the Republika Srpska (RS). There is no physical boundary between the two, although an invisible boundary, the Inter-Entity Boundary Line (IEBL), demarcates the entities.[41]

The document concerns security measures, arbitration procedures, and issues of transitional justice. The Constitution of Bosnia and Herzegovina is contained in Annex 4 of the agreement and emphasizes "peace, justice, tolerance, and reconciliation",[42] while recognizing that these concepts are best realized through "democratic governmental institutions and fair procedures."[43] Annex 7 contains an agreement on refugees and displaced persons, which describes the "early return of refugees and displaced persons"[44] as a priority of the peacemaking process. This agenda is supported by the Human Rights Commission for Bosnia, which was also established by the DPA. Returning persons are entitled to the property of which they were deprived as a result of the conflict or compensation in any case that their property cannot be restored to them.

South Africa

Apartheid was the legislative system of segregation in South Africa enacted by the National Party officially from 1948 to 1994. The party and its policies were popular among a large number of the enfranchised white population, who saw segregation and the restraint of

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[41] "Dayton Peace Agreement." December 14, 1995. Organization for Security and Co-operation in Europe. https://www.osce.org/bih/126173. 47.

[42] Ibid. 59.

[43] Ibid.

[44] Ibid. 94.

black, "coloured,"[45] and ethnically Indian[46] South Africans as a means of protecting their elevated status as a minority.[47] Prior to the official establishment of Apartheid, segregation was well under way. Immediately after South Africa became a Union in 1910, three of the four colonies comprising the Union of South Africa barred black, "coloured", and Indian South Africans from holding office.[48] Black South Africans, the largest population group in the country, were also disenfranchised from voting.

The Natives Land Act of 1913 was the first major segregation legislation in South Africa and prohibited South Africans of different races from purchasing and selling land to one another,.[49] Complimented by the 1936 Native Trust and Land Act, this policy was the basis of the Bantustans—artificially but calculatedly drawn territories designated for the various ethnic groups of black South Africans.[50] However, the majority of blacks in South Africa did not live in these deprived territories—most lived on the outskirts of cities or in townships with conditions equal to or better than those of the Bantustans. The government was thorough in its forced organization—for example, the 1920 Housing Act permitted funding for local governments to build housing for the poor, but even that housing was required to be segregated.[51] The 1923

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[45] "Coloured" is used by the government of South Africa to describe individuals of mixed ethnic backgrounds.

[46] Asian, Indian, and South Asian appear to be used interchangeably by both official RSA documents and the literature on South African demographics.

[47] Katie Ballard, "William and Mary Public Policy," William and Mary Public Policy, May 2009, https://wmpeople.wm.edu/asset/index/keballard/clemsonpublicchoicepdf. 2.

[48] Ibid.

[49] Union of South Africa, "Natives Land Act of 1913," Act No. 27 of 1913, June 16, 1913, https://www.sahistory.org.za/archive/natives-land-act-act-no-27-1913.

[50] Union of South Africa, "Native Trust and Land Act," Act No. 18 of 1936, June 19, 1936, https://omalley.nelsonmandela.org/omalley/index.php/site/q/03lv01538/04lv01646/05lv01784.htm.

[51] Union of South Africa, "Housing Act," Act No. 35 of 1920, August 19, 1920, https://omalley.nelsonmandela.org/omalley/index.php/site/q/03lv01538/04lv01646/05lv01752.htm.

Native Urban Areas Act allowed for black settlements to be constructed near white towns and cities, but only so that black South Africans were available for work in those vicinities.[52] These policies were supported by "cultural, social, economic, and religious organizations,"[53] which account for the ability of the National Party to stay in power throughout the next half century.

When the National Party gained total political power in 1948, it swiftly enacted policies that further widened the aperture between the status of white South Africans and others. In 1949, the Prohibition of Mixed Marriages Act was signed, which barred the marriage of a European to a non-European and assigned fines to any marriage officer that willingly married a couple of such makeup.[54] The following year, the Population Registration Act passed, dictating that each resident have an identification card on their person that classified them as "white," "coloured," "Indian," or "native" (black).[55] One was reminded of their societal status no matter where they went.

In response to a growth in black settlements near white areas, the Native Urban Areas Act was amended in 1952 to limit the number of black South Africans that could live in urban areas. Section 10 of the amendment defined urban residency eligibility as being limited to those born in the township or that had worked in the township for 15 years.[56] This legislation was

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[52] Union of South Africa, "Natives (Urban Areas) Act," Act No. 21 of 1923, June 14, 1913, https://disa.ukzn.ac.za/leg19230614028020021.

[53] Padraig O'Malley, "National Party (NP)," The O'Malley Archives (Nelson Mandela Foundation), accessed March 9, 2021, https://omalley.nelsonmandela.org/omalley/index.php/site/q/03lv02424/04lv02730/05lv03188/06lv03210.htm.

[54] Union of South Africa, "Prohibition of Mixed Marriages Act," Act No. 55 of 1949, July 8, 1950, http://disa.ukzn.ac.za/leg19490708028020055.

[55] Union of South Africa, "Population Registration Act," Act No. 30 of 1950, June 22, 1950, https://www.sahistory.org.za/sites/default/files/DC/leg19500707.028.020.030/leg19500707.028.020.030.pdf.

[56] Union of South Africa, "Native Laws Amendment Act," Act No. 54 of 1952, June 27, 1952, https://www.aluka.org/stable/10.5555/al.sff.document.leg19520627.028.020.054.

complimented the same year by a collection of legislation, collectively referred to as the black pass laws, which policed the movement of black South Africans about the country. These laws were the key to the enforcement of segregation.[57] Prime Minister Verwoerd intended to depopulate urban areas by black South Africans. However, the growing economy necessitated an increase of black workers in urban areas.[58] As such, the black urban population continued to grow in spite of the laws.

The legislation described above was but a small portion of the National Party's agenda to insulate the privileged position of white South Africans. An effort to provide a comprehensive overview of the entire legislative regime is beyond the parameters of this work. The Apartheid regime resulted in significant disparities in the social functions, education, standard of life, and residency of black and white South Africans. Furthermore, the maltreatment of black South Africans went beyond the formal tenets of the Apartheid regime to include violence against blacks and their property.

Particularly in the period between 1960 and 1994, there were numerous responses to Apartheid—both non-violent and militant in nature—as well as state-sponsored violence in return. On 21 March 1960, 69 people were shot by police forces at an anti-pass protest of nearly 5,000 people in Sharpeville; that same day, three were killed at a gathering of thousands in Langa Township near Cape Town.[59] In 1973, labor strikes in Durban—one involving over 3,000

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[57] John T. Baker, "Human Rights in South Africa" (1965). Articles by Maurer Faculty. Paper 1680. 550-582. http://www.repository.law.indiana.edu/facpub/1680. 562.

[58] John F. Burns, "'Pass' Laws, Aspect of Apartheid Blacks Hate Most, Bring Despair and Pent-Up Fury," The New York Times (The New York Times, May 24, 1978), https://www.nytimes.com/1978/05/24/archives/pass-laws-aspect-of-apartheid-blacks-hate-most-bring-despair-and.html.

[59] "Sharpeville Massacre, 21 March 1960," South African History Online (South African History Online), accessed February 24, 2021, https://www.sahistory.org.za/article/sharpeville-massacre-21-march-1960.

employees at a textile mill—forced a raise in wages for black workers.[60] In 1983, the United Democratic Front (UDF) formed as a force for the abolition of segregation supported by a variety of civic, labor, and religious organizations, as well as members of every racial group. In 1961, the African National Congress (ANC), an anti-Apartheid political organization, formed its armed wing, Umkhonto we Sizwe.[61] This paramilitary led the armed struggle against the South African government. Violent attacks such as the Church Street bombing and the Saint James' Church killing were perpetrated by black South Africans affiliated with the paramilitary wings of the Pan Africanist Congress and the ANC, respectively.[62] The Apartheid era witnessed systematic racism and violence against non-whites, but also stochastic violence against state and civic institutions and even innocent individuals as a response to the repressive system.

Internal and external pressures eventually brought the Apartheid government, led by Frederik Willem de Klerk and the ANC, led by Nelson Mandela, to negotiations ending Apartheid in the late 1980s. In 1994 the first elections characterized by full adult suffrage and the participation of non-whites took place. Nelson Mandela was elected as the first president of post-Apartheid South Africa. The state's interim constitution emphasized the need for a transitional justice regime that was primarily centered around the TRC, but intended to incorporate reparations and prosecutions, as well.[63]

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[60] "A Series of Strikes by Blacks In South Africa Stirs Concern," January 29, 1973, https://www.nytimes.com/1973/01/29/archives/a-series-of-strikes-by-blacks-in-south-africa-stirs-concern.html.

[61] Sebastian van Baalen, "The Microdynamics of Conflict Escalation: The Case of ANC-IFP Fighting in South Africa in 1990," *PAX Et BELLUM Journal* 1, no. 1 (2014): pp. 14-20, https://doi.org/https://uu.diva-portal.org/smash/get/diva2:1109559/FULLTEXT01.pdf. 16.

[62] Republic of South Africa, "Truth and Reconciliation Commission of South Africa Report," Vol. 1, October 29, 1998, https://www.justice.gov.za/trc/report/finalreport/Volume%201.pdf. 1.

[63] "South Africa & Transitional Justice: ICTJ," International Center for Transitional Justice (International Center for Transitional Justice, June 4, 2018), https://www.ictj.org/our-work/regions-and-countries/south-africa.

The 1994-1997 interim constitution repealed all Apartheid laws in place of citizens' rights that were granted equally to every South African.[64] Freedom of movement and the right to reside anywhere in the country were explicitly stated, as were the right to fair labor practices and the ability to own property. Furthermore, the constitution mandated a Human Rights Commission that was to make recommendations to the state regarding fundamental rights, as well as investigate any abuses against these rights. Section 122 of the constitution established the Commission on the Restitution of Land Rights, which was charged with undoing some of the damages of Apartheid era-forced movements. Notably, the constitution emphasized national unity and reconciliation, and called for amnesty in exchange for admissions of guilt. Archbishop Desmond Tutu noted, "there is a need for understanding but not for vengeance, a need for reparation but not for retaliation, a need for *Ubuntu* (I am, because you are) but not for victimization."[65]

On the Ground: Sarajevo and Johannesburg

Sarajevo

Located along the Miljacka river, Sarajevo is a unique and divided "border" city. Four municipalities—Stari Grad, Centar, Novo Sarajevo and Novi Grad—make up the city proper, although Sarajevo Canton is comprised of nine municipalities in total.[66] An estimated 60 percent of the city's housing was destroyed during the war, with many culturally significant buildings in

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[64] Republic of South Africa, "Constitution of the Republic of South Africa Act 200 of 1993," January 25, 1994, https://www.gov.za/documents/constitution/constitution-republic-south-africa-act-200-1993#THE%20PUBLIC%20PROTECTOR.

[65] Ibid.

[66] "Sarajevo: Bosnia and Herzegovina," Organization of World Heritage Cities (Organization of World Heritage Cities, March 17, 2017), https://www.ovpm.org/wp-content/uploads/2018/09/sarajevobosnieherzegovine.pdf. 7.

the old city center specifically targeted.[67] The Bosnian Serb forces planned to partition Sarajevo from the beginning of the conflict: Supreme Commander of the Bosnian Serb armed forces and former RS President Radovan Karadžić, who was convicted by the ICTY, imagined a Sarajevo divided as "Berlin was when the Wall still stood."[68]

Throughout the war, the international community focused on Sarajevo, despite equally and more horrible atrocities and carnage happening elsewhere.[69] The chief U.N. relief official in Mostar, Herrie Hulme, described the war-time living conditions of the city's 27,000 inhabitants as those of "rats" to a Washington Post reporter in 1994.[70] Only the Srebrenica massacre, in which more than 8,000 Bosniak men and boys were systematically murdered seems to have garnered the same amount of attention that the international community gave the capital.[71] In fact, the situation was so bad elsewhere in the country that even at the height of the siege of Sarajevo, Bosniaks in other cities were interested in renting an apartment in the capital. As Peter Maass reported, "handwritten notices that said, 'Wanted: Apartment in Sarajevo,'"[72] were posted throughout Banja Luka. The siege of Sarajevo was the longest and most internationalized siege in modern history.[73] While many Bosniaks sought refuge abroad, that there was interest in

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[67] Ibid. 4.

[68] Peter Andreas, *Blue Helmets, Black Markets: The Business of Survival in the Siege of Sarajevo*. 4.

[69] Ibid.

[70] David B. Ottaway, "Mostar's Muslims 'Living Like Rats'," The Washington Post (WP Company, February 21, 1994), https://www.washingtonpost.com/archive/politics/1994/02/21/mostars-muslims-living-like-rats/052b7dca-7e19-496c-8375-f8bac58c7b00/.

[71] "Massacre in Bosnia; Srebrenica: The Days of Slaughter," The New York Times (The New York Times, October 29, 1995), https://www.nytimes.com/1995/10/29/world/massacre-in-bosnia-srebrenica-the-days-of-slaughter.html.

[72] Peter Maass, *Love Thy Neighbor: A Story of War* (New York, NY: Alfred A. Knopf, 1996). 82.

[73] Peter Andreas, *Blue Helmets, Black Markets: The Business of Survival in the Siege of Sarajevo*. 158.

Sarajevan real estate during the siege speaks volumes to the abhorrent conditions throughout the rest of the country.

Today, the situation in Sarajevo remains precarious. According to the 1991 census, the total population of Sarajevo Canton was 492,697, comprised of 250,235 Bosniaks (50.8 percent of the total population), 133,874 Serbs (27.2 percent), 34,480 Croats (7 percent), and 74,108 individuals (15 percent) categorized as "others."[74] The 2013 census reveals significant demographic shifts in the metropolitan area. The total population at the time was recorded to be 413,593 individuals, with an overwhelming majority of Bosniaks—346,575 (83.8 percent).[75] Serbs and Croats now make up 4.2 percent and 3.2 percent of the aggregate population respectively.[76] The aggregate loss in population is 79,104, or roughly 16.06 percent.

On a municipal level, the demographic shifts are more striking. Centar, Novo Sarajevo, and Novi Grad experienced drastic demographic shifts. In Centar, the Bosniak population increased from 50.1 percent to 75 percent of the total population—Serbs made up 21 percent of the population in 1991 and now make up only 3.9 percent. The Croat population dropped slightly from 6.8 percent of the population to 6.30 percent. In 1991, Novo Sarajevo had roughly equal Bosniak and Serb populations, 35.7 percent and 34.6 percent. Croats were 9.3 percent of the population. In 2013, Bosniaks made up 74.1 percent of the population. Serbs were only 5.3 percent and Croats were only 7.2 percent on the 2013 population.

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[74] "1991 Bosnia and Herzegovina Population Census" Census, Socialist Republic of Bosnia and Herzegovina. Available at: http://www.statistika.ba.

[75] "2013 Bosnia and Herzegovina Population Census" Census, Socialist Republic of Bosnia and Herzegovina. http://www.statistika.ba/?lang=en#link7.

In 1991, Bosniaks maintained a slight absolute majority in Novi Grad, making up 50.8 percent of the population. Serbs were 27.4 percent of the population, and Croats were 6.5 percent. In 2013, the Bosniak majority increased to 84.1 percent; the Serb minority shrank to only 3.7 percent and the Croat population to 4.2 percent. Finally, despite an absolute decrease in the total population and all ethnic populations, Bosniaks increased their majority in Stari Grad from 79.3 percent to 88.7 percent. The Serb population decreased from 8.3 percent to 1.30 percent and the Croat population decreased from 2.3 percent to 1.9 percent. In Sarajevo, the Croat population shift paled in comparison to the shift in Bosniak and Serb populations, which can be attributed to the historically small Croat population in the city. Sarajevo is now a mono-ethnic city.[77]

There are many reasons for which this trend occurred. Many Serbs left Sarajevo and the FBiH for either the RS or Serbia. The reverse is also true—many Bosniaks left the RS and Istočno (East) Sarajevo for the Federation and Sarajevo proper. After the war, Sarajevo became a home for three types of Bosniaks: 1) those that endured the war sheltering within the city's limits, 2) those that left prior to or because of the war, and have since returned, and 3) individuals and families that came to the city because their former homes and communities were destroyed.[78] Simply put, many Bosniaks were scared to return to homes in communities in which their neighbors and local officials were Serbs. Some that did return were victims of harassment and violence—in Bijeljina, a Bosniak family's dog was poisoned and an elderly woman suffered young Serbs throwing debris on her roof at night, triggering reminders of the shelling during the

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[77] Aquilué, Inés, and Estanislao Roca. "Urban Development after the Bosnian War: The Division of Sarajevo's Territory and the Construction of East Sarajevo." 156.

[78] Gruia Bădescu, "Dwelling in the Post-War City Urban Reconstruction and Home-Making in Sarajevo*," *Revue d'Études Comparatives Est-Ouest* 46, no. 04 (2015): pp. 35-60, https://doi.org/10.4074/s0338059915004027. 37.

war.[79] In 2001, rioters in Banja Luka killed a Muslim man in an attempt to obstruct the rebuilding of the Ferhadija mosque.[80] Still, Sarajevo's economic growth relative to the rest of the country should have attracted individuals of all stripes. This fact did not prevent the mass exodus of Serbs from Sarajevo and nor an overall 16.06 percent population decrease between 1991 and 2013 despite an influx of internal migrants from other parts of the country.

Across the IEBL, Istočno Sarajevo developed adjacent to the Sarajevan suburb of Dobrinja.[81] Istočno Sarajevo bleeds into Novi Grad, but is largely comprised of six RS municipalities: Istočna Ilidža, Istočno Novo Sarajevo, Pale, Sokolac, Trnovo, and Istočni Stari Grad.[82] During the war, the region was colloquially known as Sprsko Sarajevo (Serbian Sarajevo).[83] The total population of Istočno Sarajevo according to the 2013 census is 64,969. Serbs make up over 90 percent of the population in each municipality in Istočno Sarajevo, excluding Trnovo, where the Serb population is only 57.5 percent of the total. While it is more understandable why Bosniaks are reluctant to return to areas which remain or are now predominant occupied by Serbs, whether or not fear of retribution was a driving factor for the relocation of many Serbs is unknown. One Bosnian Serb, Sergeant Ranko Cosovic, was

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[79] Interview with Dr. Paul Bischoff. Personal, October 15, 2020.

[80] "Violence Flares at Bosnia Ceremony," CNN (Cable News Network, June 18, 2001), http://www.cnn.com/2001/WORLD/europe/06/18/bosnia.riots.02/.

[81] Aquilué, Inés, and Estanislao Roca. "Urban Development after the Bosnian War: The Division of Sarajevo's Territory and the Construction of East Sarajevo." 155.

[82] Branislav Draskovic, Nusret Dreskovic, and Ranko Miric, "East Sarajevo (Bosnia and Herzegovina) Twenty Years Later: Changes in Land Use," *Geographica Pannonica* 20, no. 3 (2016): pp. 161-167, https://doi.org/10.5937/geopan1603161d. 162.

[83] Aquilué, Inés, and Estanislao Roca. "Urban Development after the Bosnian War: The Division of Sarajevo's Territory and the Construction of East Sarajevo." 155.

convinced by the fighting that "no return to multi-ethnic tolerance is possible"[84] because of the hatred that replaced peaceful coexistence during the war. It is possible other Bosnian Serbs felt this way and uprooted after the war.

Reconstruction in Bosnia is characterized by the overarching agenda of the DPA and neoliberal economic policies. In regards to spatial organization, international efforts prioritized the right to return. While physical reconstruction has occurred, a tenable national spatial development policy remains at-large. The physical damage caused by the siege of Sarajevo was so great that material recovery was prioritized over instead of in tandem with societal recovery. Restoring the city's basic infrastructure was thus the first task following the cessation of hostilities.[85] However, political actors failed to approach reconstruction in a manner conducive to societal reconciliation, and planning was conducted poorly overall. For example, until 2006, there was no fruitful effort to reorient urban planning in Sarajevo Canton—two documents, the Spatial Plan of the City of Sarajevo for the period 1986-2015 and the Urban Plan of the City of Sarajevo for the Urban Area of Sarajevo for the Period from 1986-2015 remain the guiding policy for planning, despite parts of the canton no longer existing under its jurisdiction.[86] The cantonal government published a regional plan in 2006, but it was largely ignored by planners. Beyond that, there is a glaring "lack of vision and urban programming" in Sarajevo.[87] The international community and Bosnian officials are aware of the developmental issues the city

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[84] Stephen Kinzer, "2 Major Mosques Blown Up by Serbs."

[85] Galen Lamphere-Englund, "Rebuilding Sarajevo" (The Aleppo Project, July 2015), https://www.thealeppoproject.com/wp-content/uploads/2015/10/Rebuilding-Sarajevo-Full-report-HD.pdf. 5.

[86] Aquilué, Inés, and Estanislao Roca. "Urban Development after the Bosnian War: The Division of Sarajevo's Territory and the Construction of East Sarajevo." 157.

[87] Galen Lamphere-Englund, "Rebuilding Sarajevo." 7.

faces. The Sarajevo Economic Region Development Agency (SERDA) was established in 2004 and "intentionally spans" the IEBL to incorporate parts of the RS, as well.[88] The SERDA does not explicitly seek to reverse Sarajevo in segregation—instead, the Office of the High Representative (OHR) in Sarajevo believes increasing economic links will serve to overcome the obstructions to intergroup contact that define the DPA.

As international intervention dictated the terms on which the Bosnian War ended, foreign actors had a heavy hand in the reconstruction of the country. However, the FBiH and the RS received aid from different countries as if they were two separate countries entirely. Unsurprisingly, reconstruction support often came from the states that supported the warring sides during the conflict. Serbia aided the Bosnian Serbs in opening up an elementary school in Istočno Sarajevo called "Serbia", while Saudi Arabia and Malaysia funded the construction of mosques across the FBiH.[89] Each development was met with an outcry from the other entity's residents. This patchwork foreign investment has exacerbated the gap in economic development on either side of the IEBL. Development in the FBiH is funded by a variety of international and foreign entities, such as the World Bank, the Japanese government, the Turkish Cooperation and Development Agency (TIKA), and even cities such as Amsterdam.[90] The RS also receives funding from international institutions, Russia, Serbia, and even Turkey to some extent. Still, an incongruity in foreign investment between the entities exists. Of the total foreign direct

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[88] Scott A. Bollens, "Urban Planning and Peace Building," *Progress in Planning* 66, no. 2 (August 2006): pp. 67-139, https://doi.org/10.1016/j.progress.2006.07.001. 104.

[89] Bădescu, Gruia. "Dwelling in the Post-War City Urban Reconstruction and Home-Making in Sarajevo*." 43.

[90] Ibid. 40.

investment going into Bosnia, in 2018 only 40 percent went to the RS.[91] This disparity is coupled with the lack of a "single, integrated plan"[92] for reconstruction in the capital city and elsewhere, furthering the material divide on either side of the IEBL.

It would be inaccurate to describe the IEBL as an opaque barrier that is never breached—there is no physical barrier, and even the Berlin Wall was crossed at times. In recent years, some Serbs in Istočno Sarajevo have sought jobs in Sarajevo proper, while more secular Bosniaks have traveled across the IEBL to purchase pork.[93] This practice is a welcome development in terms of social reconciliation, but interactions based on necessity are far from coexistence and reconciliation. Bosnian Serbs pursuing jobs in Sarajevo says more about a lack of economic opportunity in the RS than it does about a willingness to coexist with Bosniaks. Despite this minority of Serbs who are willing to work alongside Bosniaks to achieve greater economic prosperity, those that are unwilling to or afraid to cross into Sarajevo may be holding onto their feelings of victimization, especially when just a few blocks away is the rapidly developing city center.

Ethnic segregation does not occur only along the IEBL. Throughout the FBiH, children are segregated at various educational intuitions in a policy known as "two schools under one roof."[94] Even members of different ethnic groups that live in close proximity face a lack of

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[91] Nikola Đorđević, "FDI in Bosnia's Republika Srpska Is Increasing, but There's Plenty of Room for More," Emerging Europe (Emerging Europe, July 16, 2020), https://emerging-europe.com/news/fdi-in-bosnias-republika-srpska-is-increasing-but-theres-plenty-of-room-for-more/.

[92] Bădescu, Gruia. "Dwelling in the Post-War City Urban Reconstruction and Home-Making in Sarajevo*." 40.

[93] Ibid. 51.

[94] Tea Hadziristic, "Two Schools under One Roof: a Lesson in Ethnic Unmixing from Bosnia's Segregated School System," openDemocracy (openDemocracy, March 3, 2017), https://www.opendemocracy.net/en/can-europe-make-it/two-schools-under-one-roof-lesson-in-ethnic-unmixing-from-bosnia-/.

opportunity for intergroup contact under this policy. Each ethnic group is taught separate geography, history, and religion coursework in their respective language, reinforcing the divide between population groups across generations. One Sarajevo school teacher described the post-war youth as "intolerant, ethnically isolated and ethnically overfed pupils."[95] However, increased vocalization against segregated schools by students themselves is an inspiring trend of the last decade.[96] Still, desegregating the schools has proven difficult to the investment many local politicians have in keeping ethnonational sentiments alive to exploit people's fears and stay in power. At present, the political will does not exist.

While the DPA prioritized the right of return in an effort to undo the gains of ethnic cleansing, this did not occur according to the document's original vision. As of 2005, over one million of the two and a half million persons displaced have returned to Bosnia, but not necessarily to their original homes and communities.[97] Annex 7, article I of the DPA itself states, "choice of destination shall be up to the individual or family."[98] It is now clear that the choice of destination for Bosnians and what the agreement's writers perceived their choice to be differed greatly. Considering the 1991 and 2013 census data, many Bosniaks and Croats that once lived in what is now the RS went to Sarajevo or other parts of the Federation, while most Serbs fled what became the Federation and resettled in the RS. This behavior "reinforced"[99] communities as

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[95] Amel Emric, "'A Generation of ... Ethnically Overfed Pupils,'" NBC News (NBCUniversal News Group, August 23, 2009), https://www.nbcnews.com/id/wbna32527058.

[96] Ajdin Kamber, "Segregated Bosnian Schools Reinforce Ethnic Division," Institute for War and Peace Reporting (Institute for War and Peace Reporting, May 3, 2011), https://iwpr.net/global-voices/segregated-bosnian-schools-reinforce-ethnic-division.

[97] Michael Humphrey. "Victims, Civil Society and Transitional Justice in Bosnia and Herzegovina." *Temida* 15, no. 1 (2012): 59–75. https://doi.org/10.2298/tem1201059h. 70.

[98] "Dayton Peace Agreement." 95.

[99] Michael Humphrey. "Victims, Civil Society and Transitional Justice in Bosnia and Herzegovina." 70.

ethnic entities and went against the transitional justice goal of reconciliation between Bosniaks, Serbs, and Croats. These communities have not learned to live together peacefully once more; they've only learned to live apart.

The reality of a segregated Bosnia and a segregated Sarajevo is that prejudices do not diminish when the last interactions had between various groups were hostile in nature. Moreover, variance in development and standard of living can perpetuate jealousy and distrust, which increases the probability of conflict.[100] While much of the RS's impeded development is due to its own "defiance,"[101] the experience of the entity's residents might invoke sentiments similar to those outlined in the SANU Memorandum. Recognizing the dangers of perceived injustice, the drastic difference in development and wellbeing on either side of the IEBL, most visible in Sarajevo, is a threat to the ability of the Bosnian people to reconcile. The processes of differentiation are "reinforcing the existence of an invisible border"[102] which prevents the social fabric of the city, and more generally the state, from weaving back together.

Johannesburg

Johannesburg is the largest city in South Africa and the capital of Guateng province. As part of South Africa's industrial center, Johannesburg was and is a popular destination for its economic promise. Johannesburg is comprised of seven regions: Midrand/Diepsloot,

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[100] Richard Boudreaux, "Bosnia's Unsettling Economic Gap Divide: The Muslim-Croat Federation's Economy Is Rebounding with Infusions of Foreign Aid, but the Ethnic Serb Mini-State Is Mired in the Poverty of Defiant Self-Isolation.," October 12, 2018, https://www.baltimoresun.com/news/bs-xpm-1997-07-29-1997210060-story.html.

[101] Ibid.

[102] Aquilué, Inés, and Estanislao Roca. "Urban Development after the Bosnian War: The Division of Sarajevo's Territory and the Construction of East Sarajevo." 160.

Randburg/Rosebank, Roodepoort, Soweto, Sandton/Alexandra, the Inner City/Southern Joburg, and the Deep South/Ennerdale/Orange Farm.

The population of Johannesburg in 1996 was approximately 2,639,110 individuals, with 68.05 percent of the population being black, 21.44 percent white, 5.89 percent "coloured", and .97 percent classified as "other."[103] By 2011, the population of Johannesburg had increased to roughly 4.4 million individuals per the population census.[104] Black South Africans made up 76.4 percent of the population and whites were 12.3 percent of the population. Indians made up 4.9 percent and "coloured" South Africans were 5.6 percent of the population. The remaining population was classified as "other." The greater Johannesburg area—which includes relatively distant towns such as Randfontein to the west—totaled 7,860,781 in 2011.[105] The population groups in the greater region followed similar trends as that of the City of Johannesburg municipality.

As with other urban centers, Johannesburg experienced "urban apartheid" policies and therefore was and remains a highly segregated city. Despite several legal and social barriers, some black and multi-ethnic neighborhoods were able to develop in the decades leading up to 1948. Sophiatown, a western suburb of Johannesburg, was one of several places where black South Africans were able to purchase land before the 1923 Urban Areas Act was implemented.[106]However, Johannesburg became increasingly segregated with the

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[103] "1996 Republic of South Africa Population Census" Census, Republic of South Africa. https://apps.statssa.gov.za/census01/Census96/HTML/default.htm.

[104] "2011 Republic of South Africa Population Census" Census, Republic of South Africa. https://www.citypopulation.de/en/southafrica/gauteng/_/761001001__johannesburg/.
[105] Ibid.

[106] Tom Lodge. "The Destruction of Sophiatown." *The Journal of Modern African Studies* 19, no. 1 (1981): 107-32. Accessed January 5, 2021. http://www.jstor.org/stable/160608. 109.

implementation of Apartheid laws from 1948 to 1994. Christopher found the lowest white index of segregation during Apartheid in Johannesburg to be 75 (a score of 100 indicating complete segregation) in 1951, prior to the forced removal of non-whites from white areas.[107]

After the 1950 Group Areas Act established "urban apartheid,"[108] efforts were made to push black residents into separate townships altogether. In 1951, the Ministry of Native Affairs announced the clearing of "black spots" in the Western Areas, a region of Johannesburg.[109] In 1955, black residents were forcibly removed from Sophiatown to Soweto roughly 20 kilometers west of the suburb.[110] While Sophiatown was one of many suburbs to be cleared out, its destruction was particularly significant to anti-Apartheid organizers. The ANC and other groups set about protecting the Western Areas through political and social organizing. On 27 June 1954, a "Resist Apartheid"[111] conference was held in Johannesburg—the day became the day of "Solidarity with the Western Areas."[112] These efforts ultimately failed, and the black and multi-ethnic suburbs were systemically eradicated.

The worst of Apartheid began in Johannesburg with the Sharpeville township massacre of 1960. In 1976, ten thousand students took to the streets to protest Apartheid but the demonstration devolved into a clash between protestors and the police. Violence spread from the southern township to six others including Alexandra, a township on the northern edge of the

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[107] A.J. Christopher. "Urban Segregation in Post-Apartheid South Africa." 453.

[108] Union of South Africa, "Group Areas Act," Act No. 41 of 1950, June 24, 1950, https://blogs.loc.gov/law/files/2014/01/Group-Areas-Act-1950.pdf.

[109] Tom Lodge. "The Destruction of Sophiatown." 122.

[110] David Adler, "Story of Cities #19: Johannesburg's Apartheid Purge of Vibrant Sophiatown."

[111] Tom Lodge. "The Destruction of Sophiatown." 125.

[112] Ibid.

city.[113] On 4 September 1984, "at least 14 people" [114] died during riots in five townships around Johannesburg—Sharpeville, Sebokeng, Evaton, Booibatong, and Tembisa. These riots occurred against the background of a new constitution which permitted "limited parliamentary representation"[115] to Indians and "coloured" citizens. Continued protest against Apartheid did heed some gains for the black community, such as an increase in spending for black education, although funding remained less than that for the other population groups' programs.[116]

Johannesburg also experienced non-racial political violence that make its race relations in the post-Apartheid era more complex than what may be taken for granted. Hostilities between ANC and the Inkatha Freedom Party (IFP) date back to the Sowetho Uprising in 1976—each party had its own approach to bringing down the Apartheid regime.[117] IFP was at times seen as collaborative with the Apartheid government, given its leadership's rejection of international sanctions and the ANC-led opposition.[118] The 1990 lifting of the ban on all black political parties "unleashed pent-up frustrations," [119] resulting in massive unrest throughout the country. Violence

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[113] Michael T. Kaufman, "Witnesses Tell What They Saw When Riots Came to Soweto," The New York Times (The New York Times, June 28, 1976), https://www.nytimes.com/1976/06/28/archives/witnesses-tell-what-they-saw-when-riots-came-to-soweto.html.

[114] Alan Cowell, "14 Die in Riots in Black Areas of South Africa," The New York Times (The New York Times, September 4, 1984), https://www.nytimes.com/1984/09/04/world/14-die-in-riots-in-black-areas-of-south-africa.html.

[115] Republic of South Africa, "Constitution Act 110 of 1983," September 22, 1983, https://www.gov.za/documents/constitution/republic-south-africa-constitution-act-110-1983#.

[116] John D. Battersby, "12 Years After Soweto, Pain Goes On," The New York Times (The New York Times, June 17, 1988), https://www.nytimes.com/1988/06/17/world/12-years-after-soweto-pain-goes-on.html.

[117] Sebastian van Baalen, "The Microdynamics of Conflict Escalation: The Case of ANC-IFP Fighting in South Africa in 1990." 16.

[118] Heribert Adam and Kogila Moodley, "Political Violence, 'Tribalism', and Inkatha," *The Journal of Modern African Studies* 30, no. 3 (September 1992): pp. 485-510, https://doi.org/http://www.jstor.org/stable/161169. 488.

[119] David B. Ottaway, "SOUTH AFRICAN VIOLENCE NEARS LEVEL IN BLACK UPRISING OF '80S," March 10, 1990, https://www.washingtonpost.com/archive/politics/1990/03/10/south-african-violence-nears-level-in-black-uprising-of-80s/9d0c5d8a-0681-416e-9c17-07a37043322a/.

broke in Johannesburg when Inkatha-aligned migrant workers in hostels near the city and ANC-aligned township residents "initiated a cycle of attack and counterattack."[120] While similar violence took places in regions across South Africa, over one thousand deaths occurred in the next six months in Johannesburg alone.[121] This was partly because the IFP was not party to many of the transitional negotiations and viewed the TRC overall with great suspicion, even complaining to the Public Protector that the TRC "had shown bias"[122] towards the IFP.

The legacy of violence in South Africa is important to understand when considering transitional justice. Riots, non-racial political violence, and crimes of poverty during the latter years of Apartheid contributed to the depth of segregation as white South Africans constructed gated communities and moved away from the city centers, which had opened to members of non-white population groups in the waning years of the regime. Violence was both a cause and consequence of political, socioeconomic and ethnic divisions within the black community and across the black, Indian, and "coloured" population groups. The TRC addresses not only the state sponsored violence of the Apartheid era, but the bombings, necklacings, in which an individual was tied up, doused with gasoline, and set on fire, and other forms of violence that were perpetuated by anti-Apartheid militants and lone actors. As Archbishop Desmond Tutu noted in the first volume of the Truth and Reconciliation Commission of South Africa Report Violence, "our country is soaked in the blood of her children of all races and of all political persuasions."[123]

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[120] "The Killings in South Africa: The Role of the Security Forces and the Response of the State," Human Rights Watch (Human Rights Watch, January 8, 1991), https://www.hrw.org/legacy/reports/1991/southafrica1/5.htm#_ftn9.

[121] Ibid.

[122] "Truth and Reconciliation Commission of South Africa Report." 350.

[123] Ibid. 4.

"Apart from the immense task of reconciliation, South African cities were burdened with the spatial restructuring and integration of residents,"[124] something planners in Johannesburg, which was envisioned as a "global city"[125], were cognizant of and sensitive to. Yet, fluid conditions have challenged the effectiveness of existing policy. In 1994, the Mandela government implemented the Reconstruction and Development Program (RDP) which was intended to address crime, the housing and job deficient, inadequate education and health infrastructure, and social and economic failings.[126] Yet rather abruptly, the RDP Office closed in April 1996.[127] The RDP was accompanied by other policies such as the Development and Facilitation Act (DFA).[128] Another initiative, the Spatial Development Initiative (SDI), was deployed to develop social and economic infrastructure conducive to the demands of the global economy.[129]

The aforementioned initiatives failed and were replaced by the National Spatial Development Perspective (NSDP) in the late 1990s. The NSDP recognized the need for a shared understanding of the national space economy and policies that more adequately addressed spatial

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[124] Karina Landman and Willem Badenhorst, "The Impact of Gated Communities on Spatial Transformation in the Greater Johannesburg Area," (School of Architecture and Planning, University of the Witwatersrand, 2012), https://core.ac.uk/download/pdf/39675705.pdf. 5.

[125] Ibid.

[126] Republic of South Africa, "White Paper on Reconstruction and Development," Notice No. 1954 of 1994, November 15, 1994, https://www.gov.za/sites/default/files/governmentgazetteid16085.pdf.

[127] Mark Oranje and Andrew Merrifield, "National Spatial Development Planning in South Africa 1930-2010: An Introductory Comparative Analysis," *Town and Regional Planning* 56 (2010): pp. 29-45, https://www.ajol.info/index.php/trp/article/view/77199. 35.

[128] D. J. du Plessis, "A Critical Reflection on Urban Spatial Planning Practices and Outcomes in Post-Apartheid South Africa," *Urban Forum* 25, no. 1 (July 27, 2013): pp. 69-88, https://doi.org/10.1007/s12132-013-9201-5. 72.

[129] Mark Oranje and Andrew Merrifield, "National Spatial Development Planning in South Africa 1930-2010: An Introductory Comparative Analysis." 36.

reality.[130] In addition to national guidance, Johannesburg produced its own development strategy—in 1999, this was called the City Assistance Strategy Programme (CASP), but has since been renamed the City Development Strategy (CSD).[131] The CASP and CSD advocate for eradicating poverty and providing necessary services to the underserved areas of the city, mainly the townships, but lack a spatial organization approach. Segregation along racial and class lines is recognized in these documents, but not addressed.

Theil's entropy index can be used to rank cities on their residential racial segregation, assigning each city a score from 0 (complete integration) to 1 (complete segregation). Using the 2011 South African population census, Johannesburg is assigned a score of 0.57.[132] Of the six largest cities in South Africa, Johannesburg was found to be the least segregated, despite being nowhere near integrated. Earlier findings, based on the 1996 census, display a continuous rate of desegregation since the removal of Apartheid-era laws.[133] Progress has been slow, but it has not been formally impeded. There is evidence of integration on a micro level, through the movement of higher-income Africans, Indians, and "coloured" individuals into neighborhoods they were previously barred from, as well as the state-driven development of new neighborhoods entirely.[134]

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[130] "National Spatial Development Perspective (NSDP) 2006." Pretoria: The Presidency of the Republic of South Africa, March 2007. https://www.gov.za/sites/default/files/gcis_document/201409/complete1.pdf

[131] "City Development Strategy in Johannesburg, South Africa" (United Nations Human Settlement Programme, n.d.). https://mirror.unhabitat.org/downloads/docs/JohannesburgSummary.pdf.

[132] "Mapping Diversity: An Exploration of Our Social Tapestry," Mapping Diversity: An Exploration of Our Social Tapestry § (2016), http://www.statssa.gov.za/?p=7678.

[133] A.J. Christopher. "Urban Segregation in Post-Apartheid South Africa." 463.

[134] Michael J. White et al., in *PAA 2017 Annual Meeting* (Chicago: Population Association of America, 2017), https://paa.confex.com/paa/2017/mediafile/ExtendedAbstract/Paper15070/White_et_al_PAA_Extended_Abstract_9_29.pdf. 1.

The white population of South Africa remains the most segregated out of the four main racial groups as a result of both voluntary and involuntary exclusionary practices. For example, mainly white gated-communities, which proliferated as a result of fear of crime and to avoid integration, have remained largely out of reach for non-white residents.[135] Involuntary exclusion is the result of lasting economic insecurity of black South Africans, who have concentrated in previously white-only city centers, where housing is rented instead of owned.[136] A black middle class budded in the years following the end of Apartheid, but wealth remains largely in the hands of the white minority to this day.[137] As such, black South Africans are less likely to be able to own property. Central Johannesburg was predominantly occupied by white residents during Apartheid but black South Africans quickly became the majority population as black families moved in, and white families left. While whites remain the most segregated of the population groups since the end of Apartheid, it is also worth noting the least integration has occurred between the black and white population groups, a legacy of the Apartheid system.[138]

In Johannesburg, it was found desegregation has largely occurred "within narrow class boundaries."[139] Racial desegregation is now an economic issue; the majority of wealth in the country remains in the hands of the minority white population, while the majority of non-whites, particularly black Africans, have struggled to achieve upward economic mobility. While there

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[135] Karina Landman and Willem Badenhorst, "The Impact of Gated Communities on Spatial Transformation in the Greater Johannesburg Area," 7.

[136] A.J. Christopher. "Urban Segregation in Post-Apartheid South Africa." 455.

[137] Mark Oranje and Andrew Merrifield, "National Spatial Development Planning in South Africa 1930-2010: An Introductory Comparative Analysis." 35.

[138] Michael J. White et al. 4.

[139] Ibid. 1.

are no policies that encourage segregation, it becomes the logical outcome of the removal of deeply imbedded policies without counteracting policies. Legacies of Apartheid, complimented by market-based economic policies have sustained crime in urban communities that encourage the flight of the wealthy—predominantly but not exclusively white families—away from the city center.[140] These factors, as well as a low standard of living due to poor infrastructure and a lack of opportunity, have kept non-blacks largely away from black-majority townships. Poor living standards in the Bantustans and other rural parts of South Africa also explain why urbanization has occurred at the rate that it has. In 2011, 62.75 percent of South Africans had urbanized.[141]

The inability of the state to achieve its desired outcome of racial integration and equity means insecurity remains an outstanding issue in South Africa; this condition has espoused rampant crime, contributing to social disorder.[142] The August 2020 murder of Nathaniel Julius, a "coloured" teenager with Down's syndrome, by police sparked protests that involved hundreds of the city's "coloured" residents.[143] The "coloured" community of Johannesburg, treated poorly but differently from blacks under Apartheid, have not necessarily welcomed majority black governance and policing, which some believe treats them as lesser citizens today.[144] As Bollen notes, in ethnically polarized cities, government is often "controlled by one ethnic group"[145]

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[140] Interview with Dr. Mandisi Majavu. Personal, October 9, 2020.

[141] H. Plecher, "South Africa: Urbanization from 2009 to 2019" (Johannesburg, November 3, 2020). https://www.statista.com/statistics/455931/urbanization-in-south-africa/.

[142] Interview with Dr. Mandisi Majavu. Personal, October 9, 2020. Dr. Majavu grew up in South Africa during Apartheid and is a senior lecturer in the department of political and international studies at Rhodes University.

[143] Pumza Fihlani, "Nathaniel Julius: South Africa Police Arrested for Killing Teen," BBC News (BBC, August 29, 2020), https://www.bbc.com/news/world-africa-53958570.

[144] Eusebius McKaiser, "In South Africa, Police Violence Isn't Black and White," Foreign Policy (Foreign Policy, October 21, 2020), https://foreignpolicy.com/2020/10/21/in-south-africa-police-violence-isnt-black-and-white/.

[145] Scott A. Bollens, *On Narrow Ground: Urban Policy and Ethnic Conflict in Jerusalem and Belfast*. 4.

which can either be an actual or perceived threat to other groups. This dynamic exists in Sarajevo, as well as Johannesburg, where a black majority in the government reflects a black majority in the population. Of course, if governance represents a cross-section of society, this would be the case. Nevertheless, that South Africans recognize a power differential between their racial groups is a threat to societal resilience.

The tensions in South African society are further compacted by the large volumes of migrants from neighboring African states, eager for work and stability. Anti-immigration violence rocked Johannesburg in September 2019, when a group called the Sisonke People's Forum and others organized a national shutdown in response to rising crime levels, unemployment, and the housing shortage.[146] The shutdown's participants see their economic woes as the consequence of foreign nationals, rather than a failing of the city, provincial, and national governments to follow through on sensible economic and urban planning that would enable, not hinder, economic growth and mobility. Migrants are scapegoated for what is in reality a structural issue.[147] This is not unlike similar situations both in South Africa and across the world—white South Africans have used a similar pretext to advocate against integration. Immigrants are often the victim of xenophobic attitudes in the United States, where similar arguments are made against their presence in the country.[148] Problematic in its own right, anti-

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[146] Jan Bornman, "The People Who Sparked the Xenophobic Violence," September 16, 2019, https://www.timeslive.co.za/news/south-africa/2019-09-16-the-people-who-sparked-the-xenophobic-violence/.

[147] Eusebius McKaiser, "South Africans Are Used to Being the Targets of Racist Hatred. Now They've Become the Haters.," Foreign Policy, September 19, 2019, https://foreignpolicy.com/2019/09/19/south-africans-are-used-to-being-the-targets-of-racist-hatred-now-theyve-become-the-haters-xenophobia-afrophobia/.

[148] Josh Boak, "AP Fact Check: Trump Plays on Immigration Myths," February 8, 2019, https://www.pbs.org/newshour/politics/ap-fact-check-trump-plays-on-immigration-myths.

immigration stances and policies do not suggest improved socioeconomic conditions, and certainly not improved racial relations.

Intergroup contact in South Africa, like Bosnia, is further obstructed by language barriers and elective separation, including in educational and religious institutions. Use of Afrikaans, a derivative of Dutch, can be seen as hostile by some black South Africans—indeed, the 1976 township uprisings were against the adoption of Afrikaans as the language of instruction in black educational institutions.[149] Even today, language remains a point of contention—in January 2019, a photograph of what appeared to be a segregated classroom from the Laerskool Schweizer-Reneke went viral.[150] The teacher responsible for the students explained that the black students were separated from the white students because they did not speak Afrikaans as well. Some churches, such as the Gereformeerde Kerke, have been reluctant to integrate their congregations and are hesitant to integrate worship services.[151] These barriers fly in the face of the state's goals of reconciliation and equity—an unwillingness or inability to communicate, to learn, or to worship together, inhibits frequency of contact and the finding of common ground.

Analysis

Both transitional justice regimes emphasized property restitution but lacked parameters that would encourage individuals and families to return to their homes or integrate. In both cases,

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[149] Elijah M. Baloyi, "A Continued Racial Character of Some of the Gereformeerde Kerke in South Africa: Strategic Moves Evading Reconciliation and Unity of Churches in Post-Apartheid South Africa," *HTS Teologiese Studies / Theological Studies* 74, no. 1 (June 4, 2018), https://doi.org/10.4102/hts.v74i1.4782. 4.

[150] Christopher Torchia, "South African School Accused of Racism over Classroom Photo," Associated Press News (Associated Press News, January 13, 2019), https://apnews.com/article/fb85debef4764227b7a5388b01debc39.

[151] Elijah M. Baloyi, "A Continued Racial Character of Some of the Gereformeerde Kerke in South Africa: Strategic Moves Evading Reconciliation and Unity of Churches in Post-Apartheid South Africa," 2.

many restitution claimants sought "compensation"[152] instead of returning to the communities they were removed from. This alone does not indicate a worsening of ethnic and racial relations. However, cities such as Johannesburg and more recently Sarajevo had at one point multi-racial and multi-ethnic neighborhoods. The neoliberal approach to development by the governments that simultaneously implemented transitional justice regimes has actually solidified racial and ethnic segregation, despite no formal legislation barring intergroup contact. This is because development has not been sensitive to the social fabric of these cities. If reconciliation is to be achieved, this is a significant roadblock to doing so.

Beyond explicit transitional justice mechanisms, the planning policies of Sarajevo and Johannesburg are not conducive to societal reconciliation, exhibited through the poor integration of population groups. For example, the 2006 NSDP recognizes the persisting spatial distortions of Apartheid, but does not offer specific initiatives beyond broad goals of understanding development patterns and using market mechanisms to maximize economic potential of underserved regions. The document acknowledges the mass influx of migrant workers to South African cities and towns as relevant to planning considerations, but does not provide a well-articulated plan for integrating these groups into the urban spatial organization. An ineffective handling of displaced persons and other groups of migrants are evident in both Johannesburg and Sarajevo as both cities struggle with an established pattern of informal settlements.[153] The lack of a centralized approach to urban planning, in conjunction with the goals of the transitional justice regimes in both states, has produced spatial organizations that are non-conducive to societal

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[152] Rhodri C. Williams, "The Contemporary Right to Property Restitution in the Context of Transitional Justice" (International Center for Transitional Justice, May 2007), https://www.ictj.org/sites/default/files/ICTJ-Global-Right-Restitution-2007-English.pdf. 2.

[153] D. J. du Plessis, "A Critical Reflection on Urban Spatial Planning Practices and Outcomes in Post-Apartheid South Africa," 81.

reconciliation. The current approach by city planners and political actors has not corrected this; in fact, their approaches tend to strengthen segregation and therefore impede reconciliation.

Bosnia and South Africa have fallen short of reconciliation as evidenced in the urban spatial organization of Sarajevo and Johannesburg. Intergroup contact, which has the potential to strengthen communal relations and provide a bulwark against intrastate conflict along ethnic and racial lines, is inhibited by the physical separation of population groups in urban areas. However, segregation is not only physical—distrust, economic opportunities and barriers, and existing urban planning mechanisms, and other unelaborated factors both cause and are the result of segregated societies.

Perhaps counterintuitively, segregation appears to become self-perpetuating at a certain point—Bosnian Serbs in Istočno Sarajevo who believe Serbs are mistreated socially and economically in Bosnia will likely not better their lot in a city that lacks the opportunities of neighboring Sarajevo. In Sarajevo, Bosniaks may not be able to see Bosnian Serbs as a non-threat without interaction—that Bosnian Serbs have chosen to construct a separate urban nucleus adjacent to Bosniak-dominated Sarajevo contributes little to societal unity. In Johannesburg's neighborhoods and townships, previously disenfranchised population groups will have little reason to believe white South Africans or authorities want to actually move past Apartheid-style segregation. White South Africans are little incentivized to dismiss their prejudices against disadvantaged population groups and contribute positively to the economic flourishment of the inner-city and surrounding townships. Migrants' struggle to be welcomed into the Johannesburg landscape will continue. Without effective intervention, worsening conditions will only make it more difficult to reverse course at a later time.

What separates Sarajevo and Johannesburg now is that South African officials have recognized the failure of existing policies and have taken a more intimate approach to correct existing trends of segregation. The city of Johannesburg's Spatial Development Framework 2040 (SDF) document, which uses statistical evidence and existing migration trends to 1) recognize existing inequality and fragmentation and 2) envision a compact polycentric city that aims to bring jobs to residential areas and housing to job centers, may be able to improve the weak planning structure.[154] Given the power of international institutions in dictating reconstruction in Bosnia, the capacity of the Sarajevan government to intervene in development remains weak. Planners in Sarajevo and Bosnia at-large are constrained by the DPA, because the agreement did not aim to desegregate Bosnia, but rather reinforced segregation as a political solution to conflict. Furthermore, with the IEBL between them, the political will to coordinate urban planning between Sarajevo and Istočno Sarajevo does not exist. In Sarajevo proper alone, the various levels of local government—municipality, city, and canton—make it difficult for planning authorities to streamline developmental policies that contribute to both physical and societal reconstruction.

All things considered, it would appear Johannesburg is closer to adopting an appropriate approach to urban planning that is conducive to societal reconciliation than Sarajevan officials. The South African government, despite the various challenges it faces, is not in disagreement over the past to the point of dysfunctionality. That cannot be said for Bosnia. Significantly, Johannesburg and state officials did not and do not have to concern themselves with urban development in the way that Sarajevo has to, simply because Johannesburg did not experience

[154] "Spatial Development Framework 2040 (SDF)," Spatial Development Framework 2040 (SDF) § (2016). http://bit.ly/joburg-sdf-16. 50.

the level of physical destruction that four years of siege warfare imposed on Sarajevo. Johannesburg, although certainly an attractive destination for foreign investment, does not rely almost entirely on international funding for economic development like Sarajevo does.

Johannesburg and other South African cities are expected to continue a steep upward trend of inward migration,[155] while Sarajevo's population growth remains close to zero percent despite there being better economic opportunity in the city than the rest of the country.[156] Sarajevo was and to some extent still is a popular destination for internal migrants and repatriated Bosnians, but high unemployment and concerns about the economy have also driven would-be residents abroad.[157] A growing population and economic development necessitate smarter urban planning policy in Johannesburg, where officials have adopted policies such as the SDF, while the conditions in Sarajevo make it difficult to see how the trajectory of urban planning might be corrected in the near future. Neither approach necessarily aims to directly and immediately desegregate the cities. However, if Johannesburg can close the economic gap between its population groups, desegregation may accelerate without further intervention.

Research Limitations

The study would have benefitted from interviews of citizens in each city that were not possible due to the ongoing COVID-19 pandemic. There is not an adequate replacement for the perceptions of these cities' residents, but without interviews of normal Sarajevans and Johannesburg residents, their opinions regarding racial and ethnic relations are difficult to

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[155] "Johannesburg, South Africa Metro Area Population 1950-2021" (Johannesburg, 2021), https://www.macrotrends.net/cities/22486/johannesburg/population.

[156] "Sarajevo, Bosnia and Herzegovina Metro Area Population 1950-2021" (Sarajevo, 2021). https://www.macrotrends.net/cities/20164/sarajevo/population.

[157] Envesa Hodžić-Kovač, "Progress Towards the Realisation of Millennium Development Goals in Bosnia and Herzegovina: 2013 Report" (United Nations Development Programme, 2013), https://www.undp.org/content/dam/unct/bih/PDFs/MDG_BiH_2013_Progress_Report.pdf. 33.

articulate. The research was also limited due to the fact that cross-municipality movement of individuals was not measurable—I did not have access to information indicating that a Serb in Sarajevo might have moved from Novi Grad to Centar, for example—and thus variance between the municipalities regarding their image in minorities' eyes was not accounted for. In addition to the independent district of Brčko in Bosnia, there were five cantons in FBiH (Glamoč, Grad Mostar, Busovača, Jajce, and Vukosaulje) that did not have an absolute majority of any ethnic group. I did not consider what might have made these cantons more attractive to Serbs than Brčko or RS, although the question certainly warrants further research. In a similar vein, I did not explore other cities in South Africa. From the literature I did explore, I have determined that most, if not all, urban areas in South Africa face the similar obstacles as Johannesburg. Due to the size of Johannesburg and a lack of access to census data at the municipal level, I was unable to explore the demographic situation in the city's municipalities. However, the only significant demographic change occurred in the city center where black South Africans replaced white South Africans as the majority. Townships remained largely black, while wealthy neighborhoods remained largely white.

Conclusions

Post-war Sarajevo and post-Apartheid Johannesburg provide insight into an understudied aspect of transitional justice: post-conflict migration and urbanization, and its impact on how a society fares following hostilities. Sarajevo, once a multi-ethnic and multi-cultural city, has become a symbol of persisting animosity made apparent by the development of Istočno Sarajevo, and the division of the city and state by a non-physical, administrative border. The gap in development on either side of that administrative border further solidifies the differences between the entities, providing potential grievances for future conflict. Johannesburg is a city of

economic promise that has a legacy of segregation and related-prejudices it has struggled to shake, even with intervention from state actors. Some desegregation has occurred in black, "coloured", and Indian neighborhoods, but the generally laissez fare approach to urban planning by political actors has resulted in communities that are segregated and economically destitute.

While it appears that ethnic conflict and urban management influence one another, there are legitimate reservations in attempting to correct ethnic distrust through aggressive urban policy. "Forced population transfers"[158] are what led to the segregation of Sarajevo and Johannesburg—it is difficult to see how forced displacement to achieve integration would be a noble undertaking. It would be ethically questionable to 1) subvert an individual's freedom of movement, which is a normative human right, and 2) force someone to live in a neighborhood they do not wish to live in. Such actions could have a negative impact on reconciliation prospects. Furthermore, the willingness of planners to engage in what is considered a political process is inconsistent—some believe their role is strictly technical, while others believe they could have a greater impact in the process.[159]

Furthermore, the capability of a transitional justice regime to pursue urban integration is doubtful. Although transitional political regimes have a window of opportunity to do so immediately following a conflict, Waldorf rightly notes that often "more demands"[160] are being made of transitional justice, when their original promises have not yet been fulfilled. On the other hand, transitional justice might not be able to fulfill its original promises because it has not typically included efforts to either influence or offset the consequences of urban policy.

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[158] Scott A. Bollens, *On Narrow Ground: Urban Policy and Ethnic Conflict in Jerusalem and Belfast.* 12.

[159] Bădescu, Gruia. "Dwelling in the Post-War City Urban Reconstruction and Home-Making in Sarajevo*." 47.

[160] Lars Waldorf, "Anticipating the Past," *Social & Legal Studies* 21, no. 2 (2012): pp. 171-186, https://doi.org/10.1177/0964663911435827. 172.

Transitional justice regimes do not necessarily have to assume the responsibilities of city planning per say, as much as they should be aware of this force that is operating adjacent to its own mechanisms.

Using Sarajevo and Johannesburg as case studies reveal how broad concepts of truth and justice, traditionally recognized through mechanisms such as truth commissions and criminal tribunals, tangibly impact the everyday lives of individuals in post-conflict cities and societies. Sarajevo's situation reveals that conflict resolution which rewards ethnic cleansing does not strengthen a society's ability to reintegrate. Johannesburg illustrates the legacy of a system that subjugated racial groups to differing economic opportunities, health care infrastructure, civic engagement, and status in front of the law. Both cities indicate a complex relationship between how people organize themselves spatially after conflicts and transitional justice. That urbanization and migration can be influenced by transitional justice regimes, but also enable or hinder the success of the regime begets further research into the topic.

This study is useful for academics and policymakers alike in that it opens the door for a new conversation about how reconstruction and justice are related. By identifying a relationship between transitional justice, which does not presently consider nor seek to influence urbanization, and how people organize themselves beyond the right to return, this study invites serious thought on the matter. Despite my findings, I do not offer recommendations on how policymakers should prevent unofficial segregation in cities and states. The ethical and logistical arguments for and against incentivized or forced intermingled neighborhoods and communities are beyond the scope of this work. While economic incentives do seem to be a driving factor in integration, it cannot be taken for granted that this alone will override deep-rooted fear and distrust. Nevertheless, I found transitional justice in Bosnia and South Africa to be flawed

because it does not adequately encourage societal reconciliation through frequency of contact between population groups. Thus, the risk of renewed conflict in post-conflict societies, based on memory and prejudice, remains.

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