



***JUS POST BELLUM* AS A NORMATIVE FRAMEWORK
FOR NON-INTERNATIONAL ARMED CONFLICTS**

**ULUSLARARASI OLMAYAN SİLAHLI ÇATIŞMALAR
İÇİN NORMATİF BİR ÇERÇEVE OLARAK *JUS POST
BELLUM*¹**

Vildan TAŞTEMEL KAPUCU* & Pınar GÖZEN ERCAN**

ABSTRACT

This article investigates how *jus post bellum* can be adapted to the realities of non-international armed conflicts (NIACs), which dominate contemporary conflict yet remain normatively underdeveloped. Existing debates—whether moral, legal, or interpretive—have largely focused on interstate wars, providing limited guidance for NIACs marked by fragmented authority, weak institutions, and recurrent violence. To address this gap, the article develops a context-sensitive normative framework that builds on, but moves beyond, existing models in the literature. It argues that post-conflict transitions in NIACs demand attention to the sequencing and interplay of three core dimensions—establishing order, pursuing justice, and fostering reconciliation—while remaining sensitive to specificities of each context. In this

¹ This article has been produced from the doctoral dissertation of the corresponding author at Hacettepe University, Institute of Social Sciences, Department of International Relations. (Bu makale, sorumlu yazarın Hacettepe Üniversitesi Sosyal Bilimler Enstitüsü Uluslararası İlişkiler Ana Bilim Dalı Uluslararası İlişkiler Bilim Dalında yürütmekte olduğu doktora tez çalışmasından üretilmiştir).

* Corresponding Author, PhD Candidate, Hacettepe Univ., Faculty of Economics and Administrative Sciences, Department of International Relations, Ankara, Türkiye, vildan.kapucu@gmail.com, ORCID ID: <https://orcid.org/0009-0008-6242-1368>.

** Prof. Dr., Hacettepe Univ., Faculty of Economics and Administrative Sciences, Department of International Relations, Ankara, Türkiye, mpgozen@hacettepe.edu.tr, ORCID ID: <https://orcid.org/0000-0002-6713-1641>.

* Makale Geliş Tarihi / Article Received: 04.06.2025

Makale Kabul Tarihi / Article Accepted: 14.09.2025

way, the article extends *jus post bellum*'s scope, advancing it as a principled yet adaptable normative compass for guiding post-conflict transitions in NIACs.

Keywords: *Jus Post Bellum*, Non-international Armed Conflicts (NIACs), Post-Conflict Transitions, Peacebuilding, Post-Conflict Justice.

ÖZ

Bu makale, *jus post bellum* kavramının günümüzde en yaygın çatışma türü olmasına rağmen normatif açıdan yeterince geliştirilmemiş olan uluslararası olmayan silahlı çatışmaların (UOSÇ) gerçekliklerine nasıl uyarlanabileceğini incelemektedir. Mevcut tartışmalar—ahlaki, hukuki veya yorumlayıcı—büyük ölçüde devletler arası savaflara odaklanmış ve parçalanmış otorite, zayıf kurumlar ve tekrarlayan şiddet karakterize edilen UOSÇ bağlamları için sınırlı bir rehberlik sağlamıştır. Literatürdeki bu önemli açığı gidermek amacıyla makale, mevcut modelleri temel alan ancak onların ötesine geçen, bağlama duyarlı bir normatif çerçeve ortaya koymaktadır. Çalışma, UOSÇ'larda çatışma sonrası geçişlerin, her bir bağlamın özgünlüklerine duyarlı kalınarak düzenin tesis edilmesi, adaletin sağlanması ve uzlaşmanın teşvik edilmesi olmak üzere üç temel boyutun sıralaması ve etkileşimine dikkat edilmesini gerektirdiğini savunmaktadır. Bu şekilde makale, *jus post bellum*'un kapsamını genişleterek onu UOSÇ'larda çatışma sonrası geçişleri yönlendirecek ilkeli fakat uyarlanabilir bir normatif pusula olarak sunmaktadır.

Anahtar Kelimeler: *Jus Post Bellum*, Uluslararası Olmayan Silahlı Çatışmalar (UOSÇ), Çatışma Sonrası Geçiş, Barışın İnşası, Çatışma Sonrası Adalet.

INTRODUCTION

Non-international armed conflicts (NIACs) have become the most prevalent form of organized violence in the post–Cold War era, accounting for the majority of armed conflicts since the 1990s. Unlike interstate wars, NIACs often blur the distinction between civilians and combatants, resulting in heightened civilian suffering, large-scale refugee movements, and significant destabilizing effects at

both regional and global levels (Paris, 2004: 1-2). These dynamics complicate both the termination of hostilities and the prospects for durable peace. Empirical studies show that such conflicts are highly prone to recurrence, often locking states into a “conflict trap” in which renewed violence follows short-lived settlements. Between 1945 and 2009, 57 percent of countries that experienced an internal armed conflict saw renewed violence, and 90 percent of conflicts in the 2000s occurred in previously war-affected states (Walter, 2011: 1).

Addressing these recurring challenges requires a coherent normative guide for post-conflict transitions. *Jus post bellum*—literally “law after war” or “justice after war”—has emerged as a candidate for such a framework, attracting increasing scholarly attention. Although the idea can be traced to classical just war theory, its modern revival is widely associated with Schuck’s (1994) piece on *jus post bellum*. Since then, a growing literature has developed along three main lines. Moralism approaches emphasize the ethical responsibilities of victors and interveners, often without clear operational criteria (Orend, 2000; 2007; Bass, 2004; Walzer, 2006; McCready, 2009). Legalist approaches explore whether such obligations can be codified into international law (Orend, 2012; Österdahl, 2012; Özdemir, 2022), though critics warn that rigid codification risks being unworkable in practice (De Brabandere, 2014). Interpretive perspectives instead treat *jus post bellum* as a flexible normative guide, coordinating existing bodies of law—human rights, humanitarian, and criminal law—while emphasizing adaptable principles such as inclusiveness, proportionality, accountability, and reconciliation (Chetail, 2009; Stahn, 2008; Easterday, 2014; Fleck, 2014). Moreover, Rojas-Orozco (2021) argues that an integrative model combining structure and flexibility may offer the most promising way forward.

Building on these discussions, more recent contributions have begun to consider the application of *jus post bellum* specifically to NIACs. Bartels (2014) underscores that unlike international armed conflicts (IACs), where the “general close of military operations” provides a legal threshold, the end of a NIAC is far more difficult to determine as these conflicts often persist in fragmented and low-intensity forms. He suggests that *jus post bellum* could converge with *jus in bello*, requiring both frameworks to operate concurrently depending on the circumstances. Boon (2014: 259) emphasizes the erosion of the traditional IAC–NIAC distinction, highlighting “peace agreements, transitional constitutions, and commitments made by non-state actors” as processes central to the aftermath of NIACs. To reconcile international standards with domestic realities, she advances the principle of “bounded discretion”, stressing the importance of local ownership and subsidiarity. Rojas-Orozco (2021) provides the most comprehensive application to date through his analysis of the Colombian peace process,

identifying *jus post bellum* as a normative framework that can foster inclusivity, structure negotiation agendas, and ensure sustained international engagement.

Taken together, this scholarship demonstrates that *jus post bellum* has evolved into a broad, multifaceted field bridging law, ethics, and policy. Yet despite these advances, an overwhelming majority of contributions remain focused on IACs, such as interstate wars, international interventions, or occupations. By contrast, NIACs remain underexamined. Marked by weak institutions, deep social and political ruptures, and high recurrence rates, NIACs present challenges that existing *jus post bellum* frameworks do not adequately address. Recognizing this gap is crucial: unless adapted to the realities of NIACs, *jus post bellum* risks remaining normatively underdeveloped and practically limited in precisely those contexts where principled guidance is most needed.

Therefore, this article aims to fill this gap by reinterpreting *jus post bellum* as a context-sensitive normative framework tailored to NIACs. Drawing on existing models, it offers a theoretical contribution by adapting this framework to NIAC contexts marked by particular political, social and institutional challenges. Through qualitative analysis of the literature and normative reasoning, the article reframes *jus post bellum* as a guide capable of addressing these challenges and informing their post-conflict transitions. Brief illustrative examples are included where relevant to highlight contrasting trajectories and to demonstrate how the evolving notion of *jus post bellum* can shed light on the obstacles to building and sustaining peace in NIAC settings.

The article proceeds as follows: Section 1 examines the legal regulation of NIACs, followed by an analysis of the challenges of building and sustaining peace in such conflicts in Section 2. Then, Section 3 introduces a reconceptualized framework for *jus post bellum* adapted to NIACs. Finally, the conclusion reflects on the implications of adopting such a framework for international law and policy.

1. LEGAL REGULATION OF NIACS

NIACs are armed confrontations that often involve government troops fighting against non-state armed groups, or clashes occurring solely among such groups. According to the International Committee of the Red Cross (ICRC) (2024: 13), a situation qualifies as a NIAC when two threshold conditions are met: a sufficient level of violence and the presence of organized armed actors. In this classification, territorial boundaries are not significant. Even though the conflict spills over into neighboring territory, it remains a NIAC so long as it involves one state party and one or more non-state actors, and the neighboring state itself does not become a party (ICRC, 2024). NIACs—often characterized by widespread human rights violations, deliberate targeting of civilians, mass displacement, and

regional spillover effects—have become the dominant form of conflict globally over the past several decades (Bell, 2008: 29). Their status under international law and the adequacy of the existing legal framework have therefore been debated extensively in the literature.

Legal regulation of NIACs began to take shape through developments in International Humanitarian Law (IHL) (Taşdemir, 2016). Although IHL was originally conceived as a state-centric branch of international law, it has gradually expanded to recognize and regulate NIACs, particularly with regard to the conduct of hostilities. The adoption of Common Article 3 of the 1949 Geneva Conventions marked the first major step, introducing minimum standards of humane treatment for all parties to conflicts “not of an international character” occurring within a state. This foundation was later reinforced by Additional Protocol II (1977), which provided more detailed obligations for parties to NIACs (Bartels, 2009). Case law from international courts also helped clarify the legal status of NIACs and strengthened the idea that basic humanitarian rules apply during these conflicts from the initiation to the termination of hostilities. As a result, minimum legal standards have been established in relation to the conduct of belligerents during NIACs, meaning that *jus in bello* now covers NIACs to a significant degree.

As IHL has expanded to regulate NIACs, the developments in International Human Rights Law (IHRL) and International Criminal Law (ICL) have further reinforced the legal framework governing such conflicts. International tribunals such as the ICTY and International Criminal Tribunal for Rwanda (ICTR) have played a pivotal role in clarifying, interpreting, and extending the application of IHL to NIACs (Geneva Academy, n.d.). The ICTY, particularly through its ruling in the *Tadić* case (1997), made a significant contribution by advancing the definition of NIACs and extending the recognition of serious violations of IHL, including war crimes, to such conflicts. The growing recognition of individual criminal responsibility in armed conflicts has prompted scholarly and judicial skepticism toward the traditional legal divide between IACs and NIACs. At the same time, the expansion of the human rights regime—particularly since the end of the Cold War—has extended binding legal obligations into the sphere of NIACs. Today, both state and non-state actors are widely recognized as bound by fundamental human rights norms, whether derived from customary international law and treaty law (Bell, 2008). Against this backdrop, the distinction between IACs and NIACs, which has been found artificial (Abi Saab, 1991: 209) and difficult to maintain under the contemporary conditions (Stewart, 2003), has progressively eroded, if not disappeared entirely. In practice, developments in

IHL,² reinforced by indirect influence of ICL and IHRL have narrowed the normative gap between IACs and NIACs in the realm of *jus in bello*.

However, these legal developments have not been matched by corresponding regulation at the levels of *jus ad bellum* or *jus post bellum*. The ICRC (2015) defines *jus ad bellum* as “the conditions under which States may resort to war or to the use of armed force in general”, and the most authoritative document on *jus ad bellum* is the UN Charter. Both the ICRC’s definition and the UN Charter itself are essentially state-centric. As stated by Liebllich (2016: 689), “seventy years after the conclusion of the U.N. Charter, mainstream international legal doctrine still remains awkwardly silent regarding the decision to resort to force within state borders—whether by governments or opposition groups”. While intervention and third-state involvement in internal conflicts have drawn attention to some extent, the legality of resorting to force in an internal conflict itself has remained largely overlooked (Liebllich, 2016). Consequently, since the rules on the resort to force still apply only in the interstate sphere, there is no internal counterpart to *jus ad bellum* (Ruys, 2019; Dinstein, 2021).

In terms of *jus ad bellum* and *jus in bello*, important differences persist between IACs and NIACs. Each category of conflict has followed a distinct regulatory path: while IACs have long been subject to extensive treaty law and customary practice, NIACs have only gradually been brought under the purview of international law. By contrast, the termination of hostilities—the realm of *jus post bellum*—has been comparatively neglected in both types of conflict (Mfuranzima, 2024).

This neglect is particularly acute in the context of NIACs. Unlike IACs, which benefit from clearer legal mechanisms governing the cessation of hostilities—such as peace treaties, the law of occupation, and disarmament obligations—NIACs often end without formal settlements. Their aftermath is therefore marked by political fragmentations, institutional challenges, and unresolved grievances, making post-conflict transitions especially difficult to manage and regulate. This exposes a critical gap: while the international community has made significant progress in regulating the conduct of internal armed conflicts, it remains largely unequipped to address the challenges that follow their termination³.

² It should be noted that the body of IHL applicable to NIACs covers certain controversial issues like the legal status of belligerents, recognition, insurgency, self-determination, and the involvement of third states (see, Cullen, 2010; Dinstein, 2021). These matters, however, fall beyond the scope of the present study and are therefore not addressed in detail here.

³ As a concept and framework, *jus post bellum* has clear parallels with transitional justice and peacebuilding agendas. However, while transitional justice encompasses a broader range of political transitions, including those from authoritarian rule to democracy, its focus on justice and

The absence of post-conflict legal guidance for NIACs underscores a central paradox. NIACs are today extensively regulated in the realm of *jus in bello*, yet they lack comparable normative direction for the post-conflict phase. Addressing this gap requires a principled framework capable of engaging with the complex realities of NIACs. The following section therefore turns to the post-conflict phase of NIACs, examining how emerging conceptions of *jus post bellum* might respond to these challenges and contribute to sustainable peace.

2. BRIDGING THE GAP: CORE CHALLENGES OF NIAC TRANSITIONS AND *JUS POST BELLUM*

Stahn (2006: 923) observes that for centuries, war and peace were conceptualized as mutually exclusive and sequential conditions—war disrupted the peace, and peace returned once the war ended. Yet their relationship has always been more complex. While the outbreak of conflict clearly marks the end of peace, the pursuit of peace has paradoxically been framed as a moral objective, especially in the context of just war (Vestner, 2023). In contemporary scholarship and practice, this rigid dichotomy has largely eroded. Furthermore, although *jus in bello* has been regulated by law since the Middle Ages, peacemaking traditionally remained within the political sphere, governed by the principles of sovereignty and non-intervention. However, as Stahn (2008: 325) argues, “[t]he rise of human rights obligations and growing limitations on sovereignty and non-intervention have not only changed the attitude toward the ending of conflicts, but have also set certain benchmarks for behavior. The process of peacemaking itself has become a domain of international attention and regulatory action”. This normative transformation has elevated the legal and moral expectations surrounding post-conflict transitions, highlighting the need for a structured framework to guide these processes—namely, a *jus post bellum* framework. In this context, NIAC transitions reveal distinctive patterns of fragility: authority often remains contested, institutions lack legitimacy, and peacebuilding processes face difficult choices regarding timing and scope.

One central difficulty lies in the persistence of fragmented authority and insecurity even after the cessation of active hostilities. NIACs typically involve multiple armed actors whose influence does not fully demise after the end of the conflict. Armed groups may preserve local control, undermine state authority, and

reconciliation renders it narrower in scope than *jus post bellum*. Peacebuilding, on the other hand, as a concept aims to prevent conflict relapse and sustain peace. As embraced by the United Nations, it has become more practice-oriented, and justice and reconciliation are less pronounced than security concerns, rebuilding, promoting rule of law, elections. In this respect, although *jus post bellum* can be informed by these two important areas of inquiry and practice, it provides a more comprehensive and structured framework for addressing a broader spectrum of post-conflict challenges in both IACs and NIACs.

prolong low-level violence. Bosnia and Sierra Leone illustrate the challenges of externally brokered agreements that succeeded in halting large-scale violence but entrenched ethnic or factional divisions. Rwanda, by contrast, ended in a decisive military victory, yet post-war governance remained heavily shaped by the ruling party's dominance and the exclusion of alternative voices. More recently, Syria exemplified the difficulties of achieving a comprehensive settlement in the presence of multiple armed groups, foreign sponsors, and competing zones of control. In all these cases, persistence of divided authority undermined the prospects for a stable and inclusive peace.

Closely connected to this problem is the weakness and contested nature of institutions in the aftermath of NIACs. In such contexts, peacebuilding often begins from a position of institutional collapse or extreme fragility, with governance structures discredited, judicial systems non-functional, and public trust eroded. The United Nations (UN) has sought to address these deficits by expanding its role from traditional peacekeeping to multidimensional peacebuilding. The Agenda for Peace (UN, 1992) marked a turning point in broadening the UN's mandate, and the establishment of the Peacebuilding Commission in 2005 further institutionalized this shift. Contemporary peacebuilding efforts now encompass rebuilding state institutions, promoting the rule of law, facilitating transitional justice, enabling reparations, and fostering reconciliation (UN, 2010). Yet, in NIACs, these tasks are especially difficult. In Rwanda, transitional justice was pursued through a combined system along with the ICTR and community-based *Gacaca* Courts, but these efforts faced criticism for limited due process and selective accountability. In Bosnia, the Office of the High Representative (OHR) exercised sweeping powers to maintain order but also entrenched dependency on international/external oversight. Colombia, meanwhile, illustrates a more participatory model, but one that still faces significant challenges of implementation and legitimacy.

Another recurring challenge is the sequencing of peacebuilding efforts/interventions due to the widely recognized fragility of NIAC transitions. For instance, introducing the principle of "institutionalization before liberalization", Paris (2004) warns that premature democratization risks destabilizing fragile societies, and hence, he argues that robust state institutions must be established first. Similarly, Keating and Knight (2004) emphasize balancing international guidance with local ownership, cautioning that externally imposed blueprints can generate resistance if they fail to reflect local realities. As many post-conflict cases demonstrate, ending violent conflict is often the immediate priority, making hasty decisions and compromises inevitable at times. The central difficulty, therefore, lies in reconciling urgency with sustainability: while, without doubt, societies emerging from NIACs must be stabilized quickly,

long-term peace requires careful sequencing of political, institutional, and social reforms.

Overall, these recurring challenges demonstrate why existing *jus post bellum* frameworks, developed largely with interstate wars in mind, are insufficient when applied to NIACs. Fragmentation of authority complicates the restoration of order, weak institutions undermine the pursuit of justice, and sequencing dilemmas raise questions about reconciliation and sustainability. Addressing these realities requires a reconceptualization of *jus post bellum*—one that ensures normative guidance is calibrated to the specific conditions of NIACs.

3. A NORMATIVE FRAMEWORK FOR NIACS

This article argues that *jus post bellum* can be conceptualized as a flexible normative framework capable of structuring post-conflict priorities in ways that respond to the distinctive dynamics of NIACs. Grounded in principles of inclusivity, legitimacy, and adaptability, such a framework can more effectively address the lived complexities of transitions in NIACs and serve as a compass for navigating the uncertain terrain between conflict and durable peace. In Rojas-Orozco's (2021: 30) terms, such a framework organizes norms, discourses, and practices so they can be interpreted and applied to the move from armed conflict toward sustainable peace, but here its function is expressly tailored to NIACs. "Transition" is conceived not as a single turning point but as a drawn-out process that begins with the cessation of hostilities and culminates only when a durable peace has taken hold. Following Kleffner's (2014: 296) suggestion, the "temporal scope of *jus post bellum* should be conceptualized with functionality as the leitmotiv", allowing practical realities on the ground to determine both the start and end points of the post-conflict phase, as well as relevant content. Given the distinctive features of NIACs, this functional approach must also be complemented by an interpretive one, enabling context-sensitive implementation of *jus post bellum* norms and principles as dictated by the circumstances of individual cases.

The key question that arises, then, is: what constitutes the content of this normative framework? Existing proposals vary considerably. Some, like Orend (2006) and May (2012), draw on just war reasoning and emphasize principles such as "rights vindication", "proportionality", "restitution", and "restraint". These models highlight important moral benchmarks but are premised on conflict scenarios with clearer aggressor-defender roles, making them less attuned to the fluid alignments that characterize NIACs. Legalist contributions, exemplified by Stahn (2008) and Fleck (2014), stress inclusivity, accountability, humanized reparations, and pragmatic constraints, seeking to anchor *jus post bellum* within the existing legal order. Their weakness lies less in normative ambition than in

operational clarity: they say little about how fragile, divided post-conflict societies should sequence or prioritize these demands. Interpretive and/or hybrid models—such as those proposed by Gallen (2014) and Boon (2014)—advocate for flexible, context-sensitive principles like stewardship, subsidiarity, and local participation. Although these perspectives come closer to the realities of NIACs, critics like Clifford (2012) point to a lack of clarity or internal coherence in many of them, and the literature overall still assumes institutional environments and settlement patterns that resemble interstate cases more than NIACs.

It is in this light that Patterson's (2012b, 2022) work proves particularly useful—not because it offers a ready-made template, but because it frames the post-conflict period around three interlinked concerns—establishing basic order, pursuing justice, and fostering reconciliation—that together capture the core dilemmas of transition. Read in the context of NIACs, these dimensions highlight not a strict sequence of stages but overlapping priorities (Patterson, 2012a: 221). Security and governance can create conditions for justice; accountability, when credible and inclusive, can enhance institutional legitimacy; and social repair is essential if either stability or legality is to endure (Patterson, 2022: 63-64). The appeal of Patterson's tripartite model composed of the dimensions of order, justice and reconciliation lies in this relational emphasis, which can be reinterpreted in a functional and context-sensitive way for NIAC transitions. Rather than prescribing universal rules, it provides a conceptual scaffold flexible enough to accommodate variation across conflicts while still offering principled guidance.

Against this backdrop, Patterson's model can be read as a synthesis that integrates order, justice, and reconciliation into a mutually reinforcing whole. Its emphasis on establishing order at the outset directly addresses NIAC-specific obstacles such as fragmented governance, disarmament difficulties, and shortcomings in security sector reform. Justice provides the foundation for accountability and legitimacy in contexts marked by mass violence, while reconciliation seeks to repair the deeper fractures of social trust. The following discussion examines these three dimensions in turn, with brief illustrative references to the Bosnian and Rwandan conflicts.⁴

Among these, order constitutes the first and most immediate concern, best understood as a layered condition that combines basic security with the institutional groundwork necessary for longer-term governance. Galtung's influential conceptual division between negative and positive peace remains

⁴ Given the complexity of post-conflict dynamics both in Bosnia and Rwanda, this article selectively focuses on the elements most pertinent to comprehending the peace-conflict trajectories of both countries. The goal is to use these cases as brief illustrations of how the dimensions of justice, order, and reconciliation have actually unfolded in these cases, rather than to give a comprehensive account.

instructive here. While the former refers to the absence of direct violence, the latter denotes the absence of structural or indirect forms of violence (Galtung, 1969: 183). Both are essential for societies emerging from NIACs: the silencing of guns creates the minimal stability needed to prevent immediate relapse, while more enduring peace depends on addressing the inequalities and institutional weaknesses that often fueled conflict in the first place.

The emphasis on order as a foundational dimension of *jus post bellum* is echoed in the work of other scholars. May (2012; 2014), for instance, advances “rebuilding” as a central post-conflict obligation, defined broadly to include support for restoring infrastructure, re-establishing the rule of law, and enabling the defeated state to uphold the human rights of its citizens. He frames rebuilding as a collective responsibility, noting that all those who contributed to the devastation during war share the duty of restoring conditions necessary for a just peace (May, 2014: 17). Williams and Caldwell (2006: 318) make a similar point when they argue that order must be restored by “the victor” immediately after the conflict, warning that without such a foundation “a society can descend into a Hobbesian state of nature in which even the right to life may be impossible to secure”.

In practice, the first steps toward order are usually marked by a cessation or significant reduction of hostilities, together with the emergence of a form of authority capable of exercising effective control (Patterson, 2022). The manner in which a NIAC concludes—whether through negotiated settlement or military victory—has long been debated for its implications on the durability of peace (Licklider, 1995; Quinn et al., 2007; Gromes and Ranft, 2021). Beyond sustainability, the mode of termination also shapes the foundations of post-conflict order, influencing the legitimacy of governance, the pursuit of justice, and prospects for reconciliation. The mechanisms and institutional arrangements used to secure even minimal stability therefore matter greatly, setting the trajectory for the broader peace process.

This may take the form of a peace agreement, a unilateral victory, or an informal cessation of violence. Bosnia and Rwanda illustrate two contrasting dynamics. In Bosnia, peace followed lengthy externally led negotiations, culminating in the Dayton Peace Agreement (DPA). The DPA succeeded in ending the violence, but entrenched ethnic divisions through a rigid power-sharing structure and left governance heavily dependent on international oversight, particularly through the Office of the High Representative (OHR), thereby constraining genuine local ownership (Caplan, 2000; Richmond and Franks, 2009). Rwanda, by contrast, exemplifies the dynamics of a victor’s peace: the military triumph of the Rwandan Patriotic Front (RPF) under Paul Kagame enabled rapid consolidation of authority, yet this came at the expense of political

pluralism and contributed to regional instability, particularly in the Democratic Republic of the Congo, where mass displacement and cross-border interventions prolonged insecurity (Longman, 2004; Gastreich, 2020). These cases highlight the dilemma: externally guaranteed peace risks dependency and entrenched divisions, while victor's peace risks authoritarian consolidation and regional destabilization.

What follows the cessation of hot conflict also varies, but typically includes measures such as drafting new constitutional frameworks, holding elections, and introducing institutional reforms to strengthen the rule of law. These processes are less about formal milestones than about creating the minimum conditions for governing legitimacy and preventing renewed war. As Barma (2017: 12) notes, such transformations are essential for “transforming a post-conflict country’s sociopolitical landscape so as to prevent the possible recurrence of conflict”. Patterson’s (2012a: 221) account of order highlights its constitutive elements: domestic security, the re-establishment of governance, and the protection from external interference together provide the conditions for societies to regain stability. In this reading, security sector reform and demobilization are crucial early steps, but they must be complemented by the creation or restoration of political and legal institutions, alongside normalization of external relations (Patterson, 2022). The Bosnian and Rwandan cases again show how these elements may be secured in practice but also reveal their limitations: in Bosnia, externally guaranteed security and institution-building prevented collapse but produced long-term dependency (Donais, 2013); in Rwanda, centralized control achieved stability but undermined inclusivity and entrenched authoritarian rule (Reyntjens, 2004). What matters for NIACs is not simply the restoration of security in the narrow sense, but the credibility and inclusiveness of the authority exercising it. Order built solely on coercion may achieve negative peace, but unless it evolves toward a more participatory and institutionally grounded form, it risks reproducing fragility rather than laying the foundation for durable peace.

Concerns about the durability of peace are especially acute in NIACs, where fragile and politically contested post-conflict environments, if not effectively managed, significantly increase the conflict recurrence risk (Collier et al., 2003). However, as Boon (2014) argues, normative frameworks developed for IACs are often ill-suited to NIACs—particularly in areas such as rebuilding and institutional reconstruction. Rather than prescribing fixed outcomes, *jus post bellum* should therefore enable adaptable processes that respond to local conditions. To this end, Boon (2014) introduces the “principle of bounded discretion”, which aims to balance the application of international norms with the imperative of local ownership, ensuring that post-conflict efforts are both legitimate and sustainable. In NIAC contexts, where external interventions risk undermining domestic

authority, bounded discretion provides a pragmatic and normatively grounded means of navigating the tension between global standards and local realities.

We argue that the establishment of order—even in its most basic form—is a critical foundation for the post-conflict process, serving as a necessary precondition for achieving negative peace. Without this initial stability, efforts to advance justice and reconciliation are likely to falter. Equally important, however, is how order is conceived and institutionalized. As NIACs often end through fragmented and contested processes, the mechanisms used to secure authority—whether external guarantees, negotiated settlements, or unilateral victories—embed normative choices that shape legitimacy, inclusivity, and long-term governance. Order built solely on coercion or external scaffolding may silence violence in the short term, but it risks reproducing fragility unless it evolves into a participatory and institutionally grounded arrangement. From a *jus post bellum* perspective, then, the task is not simply to secure the absence of violence but to ensure that the framework of order itself carries the seeds of transformation, capable of adapting to local conditions while oriented toward just and durable peace.

If order provides the basic stability for post-conflict societies, justice provides the normative substance that gives this stability legitimacy. The pursuit of justice in the aftermath of armed conflict is not a novel concept. Efforts to address wartime atrocities, particularly after the two world wars, laid early foundations for post-conflict justice (Bassiouni and Rothenberg, 2007). Yet, what “justice” should entail in contemporary transitions remains contested. For instance, Patterson (2021a: 224) puts forth a merit-based logic that peace is strengthened when wrongdoing meets credible consequences/accountability. On the other hand, May (2014) emphasizes moderation arguing that sometimes accepting less than full redress can create conditions more conducive to stability. Patterson (2012b; 2022) further stresses that justice cannot be pursued in isolation from other post-conflict priorities: it is most effective when it complements order rather than destabilizes it. In this sense, justice contributes not only to accountability but also to rebuilding legitimacy, provided it is calibrated to the fragile contexts of NIACs. Overly rigid mechanisms risk reigniting tensions, while insufficient accountability erodes trust; striking a balance between responsibility and victim redress offers the most promising route toward reconciliation and durable peace.

Beyond Patterson’s tripartite model, justice occupies a prominent place in many *jus post bellum* frameworks, regardless of their normative orientation. May (2014), in particular, places strong emphasis on justice in post-conflict contexts, highlighting retribution, restitution, and reparations as central justice-related principles. While important questions remain—such as whether justice is essential in post-conflict settings, whether it can be effectively achieved, and which justice

mechanisms are best suited to prevent conflict recurrence (see, for instance, Loyle and Appel 2016)—these issues, though deserving of deeper examination, fall beyond the scope of this article. What matters for present purposes is that justice is an indispensable component in NIACs, where systematic human rights violations and even mass atrocities are widespread, and where post-conflict arrangements need efforts to ensure accountability for perpetrators and redress for victims. On this basis, justice is considered here under two dimensions: retributive justice, which seeks accountability for serious crimes, and reparative justice, which addresses the rights and needs of victims. Taken together, these categories provide a comprehensive framework for NIAC contexts.

Retributive justice in NIACs has been pursued through a variety of mechanisms, ranging from *ad hoc* tribunals such as the ICTY and ICTR, to the ICC and domestic and hybrid courts. All these institutions, despite their different modes and mechanisms, have shared the aim of “pursuing the hope of bringing about peace, reconciliation, truth, transition to democracy, and the rule of law, in addition to promoting deterrence of future crime” (Hayashi et al., 2017: 2). Yet, international criminal law mechanisms in NIACs—whether *ad hoc* tribunals, the ICC, or hybrid courts—despite their contributions to accountability, remain contested. They are frequently criticized for being externally imposed, politically biased, having limited impact on victims, and at times for undermining fragile peace processes. While these criticisms do not diminish the significance of the contributions of retributive justice initiatives, they do highlight why legitimacy and timing as well as unique characteristics of each post-conflict setting are particularly crucial in NIACs.

Although the NIACs in Bosnia and Rwanda differed markedly in their causes, trajectories and consequences, both were shaped by ethnic or identity-based grievances and politics, and both saw the commission of mass atrocities and gross human rights violations. Consequently, justice became a central concern in the post-conflict settings. Yet their experiences can be read as contrasting illustrations of both the strengths and the limitations of international and mixed accountability mechanisms. In Bosnia, the ICTY’s prosecutions of senior officers and political leaders demonstrated that even in an ethnically-divided political environment international justice could break through entrenched obstacles and establish an authoritative factual record (Šimić, 2017). Yet the Court’s limited outreach, alleged bias against the Bosnian Serbs, and the uneven follow-up in domestic prosecutions meant that its impact on societal reconciliation remained modest (Orentlicher, 2018). In Rwanda, the ICTR achieved similar advances by bringing high-level officials such as former Prime Minister Jean Kambanda to justice, establishing the facts regarding genocide, and making important contributions to international law (Moghalu, 2005). Yet, its failure to try alleged

crimes of RPF, as well as its slow pace, and limited caseload meant that it could not address the full scope of victim grievances (Corey and Joireman, 2004; Waldorf, 2009). Faced with these restraints, Rwanda innovated through the *Gacaca* Courts, which processed nearly two million cases (Cruvellier and Rugiririza, 2019). While this mass participation model offered an unprecedented scale of accountability, it was also criticized for state imposition, weak due process guarantees, and the reinforcement of collective guilt among Hutus (Waldorf, 2009). Taken together, these experiences suggest that retributive justice mechanisms in NIACs cannot be judged solely on their institutional form—international, hybrid, or community-based—but must be assessed in terms of how they balance accountability with legitimacy, inclusivity, and the broader needs of post-conflict peacebuilding.

While retributive justice focuses on perpetrators, reparative justice addresses the rights and needs of victims. It broadly aims to repair the consequences of conflict-related violations and restore dignity to those affected. International standards underscore that victims of serious violations are entitled to adequate and proportionate forms of redress, which may range from compensation and rehabilitation to measures of satisfaction and guarantees of non-repetition (UNGA, 2005). Reparations also carry a dual significance: material entitlements such as compensation belong within justice, while symbolic⁵ or moral measures—such as acknowledgment, apology, satisfaction, or memorialization—align more closely with reconciliation, contributing to social repair and trust (ICTJ, n.d.). Under the complex conditions of NIACs, however, victims rarely constitute a single, uniform group, and implementation is thus much harder. The victim groups may include survivors of direct violence, victims of sexual and gender-based violence (CRSV), family members of those killed or disappeared, as well as refugees and internally displaced persons who have endured losses, trauma, and forced displacement. All these groups experience harm in different ways and therefore have distinct needs when it comes to redress. Therefore, for successful implementation, reparative justice programs must be inclusive, context-sensitive, and gender-responsive, acknowledging both the specific harms suffered and the broader social and cultural dynamics at play.

In NIACs, mechanisms for retributive justice have become relatively institutionalized, while reparative justice has rarely been prioritized and remained under-resourced, especially given the vast number of victims affected in many conflicts (ICTJ, n.d.). For instance, in Bosnia, the Dayton framework omitted any

⁵ As Gallen and Moffett (2022: 500) posit: “symbolic reparations refer to any form of reparation designed to explicitly recognise and acknowledge the harms done to victim-survivors and their status as rights-bearers. Symbolic reparations may include apologies, memorials, museums, or the renaming or removal of landmarks”.

reparation provisions, leaving responsibility to domestic authorities. No comprehensive state-level scheme emerged, and recognition of victims has been uneven across entities. Limited but symbolically important steps—such as the 2015 damages award to a CRSV survivor and the Federation’s 2023 law recognizing children born of wartime rape—illustrate incremental progress, yet these remain partial responses to the scale of harm (GSF, 2022). In Rwanda, by contrast, the Government established the Genocide Survivors Assistance Fund (FARG) in 1998, providing support regarding medical care, education, and housing. However, the compensation fund envisaged by the 1996 Genocide Law was never implemented, and while *Gacaca* Courts could order restitution of property in individual cases, enforcement was inconsistent and often contested (Ruvugiro, 2019).

Together, these cases highlight a common pattern: while prosecutions may advance accountability, reparations frequently lag far behind and frequently fail to meet victims’ diverse needs. As Šimić (2013) emphasizes, this leaves a critical gap: trials are necessary to establish responsibility and historical record, but truth and recognition extend beyond courtrooms. Without reparative measures that directly address victims’ needs, justice remains partial and its contribution to peace incomplete. Ngari (2020) argues in the context of Rwanda that “reparations for victims matter as much as Kabuga’s trial”. While perhaps overstated, this view captures a vital truth: comprehensive and inclusive justice mechanisms—embracing both retributive and reparative dimensions—are essential for acknowledging suffering, restoring dignity, and reinforcing accountability. However, justice initiatives must be carefully designed so as not to interfere with ongoing conflicts or peace processes; if pursued without regard to timing or context, they risk inadvertently undermining prospects for ending violence. When effectively implemented, retributive and reparative measures together form a comprehensive, victim-centered conception of justice that underpins reconciliation and durable peace. Yet even when designed inclusively and proportionately, justice initiatives alone cannot mend the profound social divisions left by NIACs. Their significance lies in providing a bridge to reconciliation—the next dimension of *jus post bellum*—where the focus moves beyond responsibility and redress toward rebuilding trust, repairing relationships, and enabling the possibility of shared coexistence among formerly warring parties.

If justice provides redress for wrongs, reconciliation takes on the challenging task of repairing the social fabric torn by an armed conflict. Courts and reparations may establish responsibility and provide compensation, but they cannot on their own heal mistrust or rebuild fractured relationships (Šimić, 2013). Reconciliation therefore represents the next step in post-conflict transitions: moving from

questions of accountability to the restoration of social trust and the renegotiation of shared existence.

By definition, reconciliation “is a process through which a society moves from a divided past to a shared future” (Bloomfield, 2003: 12). Rather than a discrete event, it can be understood as an ongoing process that engages with both emotional and narrative burdens of past violence. It entails recognition of past wrongs, the creation of inclusive narratives, and the cultivation of mutual tolerance or even solidarity among groups that must continue to live together. Patterson (2012a: 226) captures this succinctly as “building bridges between parties that have some shared past”. Yet the scope of such bridge-building varies: for some contexts it means thin coexistence, for others a thicker project of mutual recognition and political renewal (Seils, 2017). May (2014) underscores its normative importance by highlighting two obligations central to reconciliation: treating former adversaries equally, and refraining from actions that inflame hostility.

We argue that reconciliation is an indispensable element of the *jus post bellum* framework and of sustainable peace—particularly through its truth-telling and acknowledgment components. In fragile post-conflict contexts of NIACs, where former adversaries must learn to coexist within a single society or state, denial or selective acknowledgment of atrocities risks prolonging victims’ suffering and perpetuating cycles of mistrust. Despite its importance, however, reconciliation has often proven difficult to achieve and remains underemphasized in many post-conflict settings.

The cases of Bosnia and Rwanda are illustrative in this regard, representing two contrasting scenarios in which the post-conflict states and societies adopted markedly different approaches to reconciliation. Rwanda provides an example of reconciliation institutionalized as part of a state-led project. The National Unity and Reconciliation Commission and the deliberate cultivation of a collective Rwandan identity made reconciliation a central pillar of post-genocide governance. The *Gacaca* Courts further blurred the line between accountability and social reintegration, aiming simultaneously to punish perpetrators and rebuild communities (Accord, 2018; Sentama, 2022). While critics note authoritarian overtones and limited tolerance for pluralism, Rwanda shows how reconciliation can be framed as both a political strategy and a moral imperative to consolidate peace and how local characteristics and elements of the post-conflict society can be incorporated into the reconciliation process. Bosnia, by contrast, demonstrates the consequences of neglecting reconciliation. Nearly three decades after Dayton, ethnic divisions remain embedded in political institutions, education systems, and public memory. Competing narratives—particularly regarding the Srebrenica genocide—illustrate how denial and relativization obstruct reconciliation, despite

extensive factual records established by the ICTY (Dizdaravić, 2023; Grebo, 2023). Memorialization practices are similarly uneven: widespread in the Federation of Bosnia and Herzegovina but resisted in *Republika Srpska*, where denialist rhetoric often dominates. In this environment, reconciliation remains thin, subordinated to the preservation of group autonomy rather than the cultivation of shared trust (Fischer, 2007).

Taken together, these contrasting cases highlight two key lessons for reconciliation and *jus post bellum* in NIACs. First, in post-conflict settings where adversaries must learn to coexist despite a violent past, reconciliation strategies calibrated to local political realities and endorsed by political elites—as in Rwanda—may yield results, even if marked by shortcomings. In contrast, the Bosnian case demonstrates how the absence of both elements leaves reconciliation neglected, with externally brokered settlements preserving peace but failing to build deeper trust. Second, reconciliation cannot be separated from order and justice; rather, it should be understood as an overarching and reinforcing dimension of *jus post bellum*. While stability and accountability provide necessary foundations, they do not guarantee social repair—without reconciliation, both remain fragile.

From a *jus post bellum* perspective, reconciliation thus completes the triad of post-conflict priorities. It integrates the moral, political, and psychological dimensions of transition by addressing denial, fostering acknowledgment, and rebuilding relationships. For NIACs in particular, reconciliation is indispensable not as a final stage but as an ongoing, inclusive process that underpins the sustainability of peace.

4. CONCLUSION

While *jus post bellum* has become a focal point in contemporary debates on post-conflict justice and peace, its development remains largely centered on interstate conflicts. NIACs, however, as the dominant form of warfare today, continue to lack a tailored *jus post bellum* framework that accounts for their complex peacebuilding landscapes shaped by fragmentations in authority, weak institutions and risks of conflict recurrence. This article has sought to address this gap by reinterpreting *jus post bellum* as a context-sensitive framework designed for the realities of NIACs.

The framework advanced here is based on a key recognition: post-conflict transitions in NIACs require attention to the sequencing and interplay of three core dimensions: establishing order as the necessary foundation, pursuing justice through both retributive and reparative components, and fostering reconciliation as the process of ensuring that peace can endure. In this way, it offers a structured

yet flexible approach to post-conflict justice and peace in NIACs, bridging the divide between abstract moral reasoning and the practical demands of rebuilding institutions, fostering accountability, and achieving social reconciliation. Since NIACs are highly context-specific—shaped by local political cultures, histories of violence, and varying degrees of external involvement—any *jus post bellum* framework must therefore be informed not only by normative reasoning but also by the complexities of real-world situations. In this regard, the strength of the model advanced here lies in its flexibility: rather than prescribing rigid norms or fixed principles, it functions as an umbrella framework that can be enriched with context-sensitive principles, such as local ownership, proportionality, and inclusiveness, tailored to the specific characteristics of each NIAC and adapted on a case-by-case basis.

The cases of Bosnia and Rwanda illustrate this point. Both shared certain structural patterns yet followed markedly different trajectories in their post-conflict arrangements. In Bosnia, the externally driven peace established negative peace but left justice and reconciliation largely neglected within ethnically divided political and social structures, preserving the status quo at the cost of renewed fragility. Rwanda shows how centralized political control can advance order and reconciliation, but at the expense of democracy, human rights, and pluralism. These contrasting experiences highlight two core lessons for *jus post bellum* in NIACs: first, that each post-conflict context varies significantly and therefore requires a flexible, context-sensitive framework; and second, that sustainable peace depends on striking a delicate balance among the three dimensions of order, justice, and reconciliation. Hence, we argue that only by integrating these elements into a mutually reinforcing whole can *jus post bellum* provide meaningful guidance for navigating such transitions.

The challenge of building and sustaining peace remains pressing in today's complex global landscape. Armed conflicts—whether IAC or NIAC—continue to cause immeasurable human suffering. For this reason, *jus post bellum* warrants sustained normative and practical attention. Future research is needed to empirically assess the normative value, applicability, and limitations of the proposed framework. Comparative analyses of past NIACs (such as Bosnia, Rwanda, Sierra Leone, or Sri Lanka) can generate insights for ongoing conflicts (such as South Sudan) and current transition processes (such as Syria). Such case studies could illuminate how order, justice, and reconciliation manifest across different settings, as well as the tensions between international norms and local practices. Interdisciplinary engagement with transitional justice, peacebuilding, and conflict resolution studies can also further refine the framework, ensuring it is both ethically grounded and operationally relevant. As the international community continues to grapple with the challenges of post-NIAC transitions, the

need for a principled yet adaptable framework—one that balances normative ambition with practical flexibility—remains urgent and essential.

In conclusion, this article has offered a normative foundation for extending *jus post bellum* into the realm of NIACs. Although the framework awaits empirical testing and refinement, its contribution lies in advancing an under-theorized dimension of post-conflict thought and positioning order, justice, and reconciliation as interdependent pillars of sustainable peace. Positioned as a principled yet adaptable compass, the model proposed here provides a conceptual basis for navigating the distinctive challenges of NIACs and for guiding future scholarly and policy engagement with the realities of post-NIAC transitions.

BIBLIOGRAPHY

Accord (2018), “Post-conflict Reconstruction and Reconciliation in Rwanda and Sri Lanka”, <https://accord.org.za/conflict-trends/post-conflict-reconstruction-and-reconciliation-in-rwanda-and-sri-lanka/> (30.05.2025).

Barma, Naazneen H. (2017), *The peacebuilding puzzle: Political order in post-conflict states* (Cambridge: Cambridge University Press).

Bartels, Rogier (2014), “From *jus in bello* to *jus post bellum*: When do non-international armed conflicts end?”, Stahn, Carsten, Easterday, Jennifer S., and Iverson, Jens (Eds.), *Jus post bellum: Mapping the normative foundations* (Oxford: Oxford University Press): 297-314.

Bass, Gary J. (2004), “*Jus post bellum*”, *Philosophy & Public Affairs*, 32 (4): 384-412.

Bassiouni, M. Cherif and Daniel Rothenberg (2007), “Facing atrocity: The importance of guiding principles on post-conflict justice”, *The Chicago Principles on Post-Conflict Justice*, https://concernedhistorians.org/content_files/file/to/213.pdf (21.04.2025).

Bell, Christine (2008), *On the law of peace: Peace agreements and the Lex Pacificatoria* (Oxford: Oxford University Press).

Bloomfield, David, Teresa Barnes and Luc Huyse (2003), *Reconciliation After Violent Conflict: A Handbook*, International Institute for Democracy and Electoral Assistance (IDEA), <https://idea.int/sites/default/files/publications/reconciliation-after-violent-conflict-handbook.pdf> (21.08.2025).

Boon, Kristen E. (2014), "The application of jus post bellum in non-international armed conflicts", Stahn, Carsten, Easterday, Jennifer S., and Iverson, Jens (Eds.), *Jus post bellum: Mapping the normative foundation* (Oxford: Oxford University Press): 259-268.

Caplan, Richard (2000), "Assessing the Dayton Accord: The Structural Weaknesses of the General Framework Agreement for Peace in Bosnia and Herzegovina", *Diplomacy & Statecraft* 11 (2): 213-232.

Chetail, Vincent (2009), "Introduction: Post-conflict peacebuilding - ambiguity and identity", Chetail, Vincent (Ed.), *Post-Conflict Peace-Building: A Lexicon* (Oxford: Oxford University Press): 1-33.

Clifford III, George M. (2012), "Jus post bellum: Foundational principles and a proposed model", *Journal of Military Ethics*, 11 (1): 42-57.

Collier, Paul, V. L. Elliott, Håvard Hegre, Anke Hoeffler, Marta Reynal-Querol and Nicholas Sambanis (2003), "Breaking the conflict trap: Civil war and development policy", <https://openknowledge.worldbank.org/server/api/core/bitstreams/ce680d98-c240-5747-a573-b4896762e5f5/content> (21.08.2025).

Corey, Allison and Sandra F. Joireman (2004), "Retributive justice: The Gacaca courts in Rwanda", *African Affairs*, 103 (410): 73-89.

Cullen, Anthony (2010), *The Concept of Non-International Armed Conflict in International Humanitarian Law* (Cambridge: Cambridge University Press).

Cruvellier, Thierry and Ephrem Rugiririza (2019), "Rwanda: The most judged genocide in history", <https://justiceinfo.net/en/40846-rwanda-the-most-judged-genocide-in-history.html> (20.08.2025).

de Brabandere, Eric (2014), "The concept of jus post bellum in international law: A normative critique", Stahn, Carsten, Easterday, Jennifer S., and Iverson, Jens (Eds.), *Jus post bellum: Mapping the normative foundations* (Oxford: Oxford University Press): 123-141.

Dinstein, Yoram (2021), *Non-International Armed Conflicts in International Law* (2nd ed.) (Cambridge: Cambridge University Press).

Dizdaravić, Emina (2023), "From court to classroom: Bringing wartime facts to Bosnia's schools", <https://balkaninsight.com/2023/04/11/from-court-to-classroom-bringing-wartime-facts-to-bosnias-schools/> (18.03.2025).

Donais, Timothy (2013), "Power Politics and the Rule of Law in Post-Dayton Bosnia", *Studies in Social Justice*, 7 (2): 189-210.

Easterday, Jennifer S. (2014), Peace agreements as a framework for jus post bellum. Stahn, Carsten, Easterday, Jennifer S., and Iverson, Jens (Eds.), *Jus post bellum: Mapping the normative foundations* (Oxford: Oxford University Press): 379-415.

Fischer, Martina (2007), “Dealing with the Past’ in Bosnia–Obstacles and Challenges for ‘Reconciliation’ in the Region of former Yugoslavia”, <https://jstor.org/stable/pdf/resrep11082.7.pdf> (21.04.2025).

Fleck, Dieter (2014), “Jus post bellum as a partly independent legal framework”, Stahn, Carsten, Easterday, Jennifer S., and Iverson, Jens (Eds.), *Jus post bellum: Mapping the normative foundations* (Oxford: Oxford University Press): 43-57.

Gallen, James (2014), “Jus post bellum. An interpretive framework”, Stahn, Carsten, Easterday, Jennifer S., and Iverson, Jens (Eds.), *Jus post bellum: Mapping the normative foundations* (Oxford: Oxford University Press): 58-79.

Gallen, James and Luke Moffett (2022), “The Palliative Role of Reparations in Reconciling Societies with the Past: Redressing Victims or Consolidating the State?”, *Journal of Intervention and Statebuilding*, 16 (4), 498–518.

Galtung, Johan (1969), “Violence, peace, and peace research”, *Journal of Peace Research*, 6 (3): 167-191.

Gastreich, Ruth (2020), “Post-Genocide Rwanda: A Unique Case of Political and Psycho-Social Peacebuilding” <https://beyondintractability.org/casestudy/gastreich-rwanda> (19.08.2025).

Global Survivors Fund (GSF) (2022), “‘Survivors in Bosnia-Herzegovina Still Feel Neglected and Forgotten’ Finds a New Study” <https://globalsurvivorsfund.org/latest/articles/survivors-in-bosnia-herzegovina-still-feel-neglected-and-forgotten-finds-a-new-study/> (19.03.2025).

Grebo, Lamija (2023), “Bosnia’s genocide denial law: Why prosecutors haven’t charged anyone”, <https://balkaninsight.com/2023/02/28/bosnias-genocide-denial-law-why-prosecutors-havent-charged-anyone/> (18.03.2025).

Gromes, Thorsten and Florian Ranft (2021), “Preventing Civil War Recurrence: Do Military Victories Really Perform Better than Peace Agreements? Causal Claim and Underpinning Assumptions Revisited”, *Civil Wars*, 23 (4): 612-636.

Hayashi, Nobuo and Cecilia M. Bailliet (2017), *The Legitimacy of International Criminal Tribunals* (Cambridge: Cambridge University Press).

International Committee of the Red Cross (ICRC) (2015), “What are Jus Ad Bellum and Jus in Bello?”, <https://www.icrc.org/en/document/what-are-jus-ad-bellum-and-jus-bello-0> (18.03.2025).

International Committee of the Red Cross (ICRC) (2024), “How is the term ‘armed conflict’ defined in international humanitarian law?”, https://www.icrc.org/sites/default/files/document_new/file_list/armed_conflict_defined_in_ihl.pdf (31.05.2025).

International Center for Transitional Justice (ICTJ) (n.d.), “Reparations” <https://www.ictj.org/reparations> (21.08.2025).

International Criminal Tribunal for the former Yugoslavia (ICTY) (1997), “Tadić (IT-94-1)”, <https://www.icty.org/en/case/tadic> (31.08.2025).

Keating, Tom, and W. Andy Knight (Eds) (2004), *Building Sustainable Peace* (New York: The University of Alberta Press).

Kleffner, Jann K. (2014), “Towards a functional conceptualization of the temporal scope of jus post bellum”, Stahn, Carsten, Easterday, Jennifer S., and Iverson, Jens (Eds.), *Jus post bellum: Mapping the normative foundations* (Oxford: Oxford University Press): 287-295.

Licklider, Roy (1995), “The Consequences of Negotiated Settlements in Civil Wars, 1945–1993”, *American Political Science Review*, 89 (3): 681–690.

Lieblich, Eliav (2016), “Internal jus ad bellum”, *Hastings Law Journal*, 67 (3): 687-748.

Longman, Timothy (2004), “Obstacles to Peacebuilding in Rwanda”, Ali, Taisier, M. and Robert O. Matthews (Eds.), *Durable Peace: Challenges for Peacebuilding in Africa* (Toronto: University of Toronto Press): 61-85.

Loyle, Cyanne E. and Benjamin J. Appel (2017), “Conflict recurrence and postconflict justice: Addressing motivations and opportunities for sustainable peace”, *International Studies Quarterly*, 61 (3): 690-703.

May, Larry (2012), *After war ends: A philosophical perspective* (Cambridge: Cambridge University Press).

May, Larry (2014), “Jus post bellum, Grotius, and meionexia”, Stahn, Carsten, Easterday, Jennifer S., and Iverson, Jens (Eds.), *Jus post bellum: Mapping the normative foundations* (Oxford: Oxford University Press): 15-25.

McCready, Doug (2009), “Ending the war right: Jus post bellum and the just war tradition”, *Journal of Military Ethics*, 8 (1): 66-78.

Moghalu, Kingsley C. (2005), *Rwanda's Genocide: The Politics of Global Justice* (Cham: Palgrave Macmillan).

Ngari, Allan (2020), "Reparations for victims matter as much as Kabuga's trial", <https://issafrica.org/iss-today/reparations-for-victims-matter-as-much-as-kabugas-trial> (30.08.2025).

Orend, Brian (2000), "Jus post bellum", *Journal of Social Philosophy*, 31 (1): 117-137.

Orend, Brian (2007), "Jus post bellum: The perspective of a just-war theorist", *Leiden Journal of International Law*, 20 (3): 571-592.

Orend, Brian (2012), "Justice after war", Patterson, Eric (Ed.), *Ethics Beyond War's End* (Georgetown: Georgetown University Press): 175-195.

Österdahl, Ian (2012), "Just war, just peace and the jus post bellum", *Nordic Journal of International Law*, 81: 271-294.

Orentlicher, Diane (2018), *Some Kind of Justice: The ICTY's Impact in Bosnia and Serbia* (Oxford: Oxford University Press).

Özdemir, Erdinç (2022), "Haklı Savaş Geleneğinde Savaş Sonrası Adalet (Jus Post Bellum)", *Kırklareli Üniversitesi İktisadi ve İdari Bilimler Fakültesi Dergisi*, 11 (2): 385-422.

Paris, Roland (2004), *At war's end: Building peace after civil conflict* (Cambridge: Cambridge University Press).

Patterson, Eric (2012a), "Conclusion", Patterson, Eric, (Ed.), *Ethics beyond war's end* (Georgetown: Georgetown University Press): 221-229.

Patterson, Eric (2012b), *Ending wars well: Order, justice, and conciliation in contemporary post-conflict* (New Haven: Yale University Press).

Patterson, Eric (2022), "The Afghanistan War and jus post bellum: A look at 3 milestones for peace & security", *Washington University Review of Philosophy*, 2: 62-77.

Quinn, J. Michael, T. David Mason and Mehmet Gurses (2007), "Sustaining the Peace: Determinants of Civil War Recurrence", *International Interactions*, 33 (2): 167-193.

Reyntjens, Filip (2004), "Rwanda, Ten Years On: From Genocide to Dictatorship", *African Affairs*, 103 (411): 177-210.

Richmond, Oliver P., and Franks, Jason, (2009), “Between partition and pluralism: The Bosnian jigsaw and an ‘ambivalent peace’”, *Southeast European and Black Sea Studies*, 9 (1-2): 17-38.

Rojas-Orozco, César (2021), *International law and transition to peace in Colombia* (Leiden: Brill).

Ruvugiro, Emmanuel S. (2019), “Rwandan reparations fund breaks ground but is still not enough, say victims”, <https://justiceinfo.net/en/40610-rwandan-reparations-fund-breaks-ground-but-is-still-not-enough-say-victims.html> (19.08.2025).

Schuck, Michael J. (1994), “When the Shooting Stops: Missing Elements in Just War Theory’, *Christian Century*, October: 982-83.

Sentama, Ezechial (2014), “Unity and reconciliation process in Rwanda, 20 years after the 1994 genocide perpetrated against Tutsi”, <https://pureportal.coventry.ac.uk/en/publications/unity-and-reconciliation-process-in-rwanda-20-years-after-the-1994-genocide-perpetrated-against-tutsi/> (15.03.2025).

Šimić, Goran (2013), “Searching for reparation: Has the ICTY brought real justice for the victims in Bosnia and Herzegovina?”, <https://peaceinsight.org/en/articles/ict-bosnia-and-herzegovina/> (19.08.2025).

Šimić, Goran (2017), “ICTY and the Question of Justice”, <https://journals.law.harvard.edu/hrj/2017/12/icty-and-the-question-of-justice/> (19.08.2025).

Stahn, Carsten (2006), “‘Jus ad bellum’, ‘jus in bello’ ... ‘jus post bellum’? – Rethinking the conception of the law of armed force”, *The European Journal of International Law*, 17 (5): 921-943.

Stahn, Carsten (2008), “Jus post bellum: Mapping the discipline(s)”, *American University International Law Review*, 23 (2): 311-347.

Stewart, James G. (2003), “Towards a single definition of armed conflict in international humanitarian law: A critique of internationalized armed conflict”, *International Review of the Red Cross*, 85 (850): 313-350.

Taşdemir, Fatma (2016), “Devlet Merkezli Uluslararası Hukuk Sistemi ve Devlet Dışı Silahlı Aktörler”, *Erciyes Üniversitesi Hukuk Fakültesi Dergisi*, 11 (2): 85-120.

United Nations (UN) (1992), *An agenda for peace: Preventive diplomacy, peacemaking and peace-keeping*, A/47/277-S/24111.

United Nations (UN) (2010), “UN Peacebuilding: an Orientation”, https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/peacebuilding_orientation.pdf (26.04.2025).

United Nations General Assembly (UNGA) (2005), Basic principles and guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law, A/RES/60/147.

Vestner, Tobias (2023), “The divide between war and peace”, Geneva Center for Security Policy Working Paper, <https://dam.gcsp.ch/files/doc/the-divide-between-war-and-peace-gcsp-working-paper> (15.03.2025).

Waldorf, Lars (2009), “Transitional Justice and DDR: The Case of Rwanda”, International Center for Transitional Justice, <https://www.ictj.org/sites/default/files/ICTJ-DDR-Rwanda-CaseStudy-2009-English.pdf> (26.04.2025).

Walzer, Michael (2006), *Arguing About War* (New Haven: Yale University Press).

Williams, Robert E. and Dan Caldwell (2006), “Jus post bellum: Just war theory and the principles of just peace”, *International Studies Perspectives*, 7 (4): 309-320.