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## **Legacies of Conflict: How Urban Design and Legal Frameworks Shape Post-Conflict Social Reintegration in the Western Balkans and Italy**

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### **Abstract**

Post-conflict reconstruction extends far beyond the physical rebuilding of infrastructure; it fundamentally involves mending the social fabric and re-establishing civic trust. This paper explores the critical intersection of urban design and legal frameworks in shaping post-conflict social reintegration, with a specific focus on the legacy and juridical form of public spaces. By employing a comparative case study approach, this research contrasts the acute, recent post-conflict environments of the Western Balkans, specifically Bosnia and Herzegovina and Kosovo, with the historical, long-term reconciliation models found in Italy, particularly in Trieste and South Tyrol. The analysis reveals that while physical reconstruction can restore the urban landscape, the true measure of social reintegration depends heavily on how public spaces are legally defined, managed, and perceived by post-traumatic societies. In the Balkans, top-down legal mandates such as the Dayton Agreement have struggled to overcome deeply entrenched ethnic divisions, often resulting in contested or segregated public spaces. Conversely, the Italian experience demonstrates how robust legal frameworks, including the Autonomy Statute in South Tyrol, combined with contemporary urban regeneration policies such as the National Recovery and Resilience Plan

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(PNRR), can gradually transform contested heritage into shared civic commons. The paper concludes that successful post-conflict urban planning must integrate transitional justice mechanisms to ensure that the juridical form of public spaces actively promotes inclusivity and social cohesion rather than reinforcing historical divides.

**Keywords:** transitional justice, divided cities, heritage, spatial segregation, civic commons, memory politics.

## 1. Introduction

The aftermath of armed conflict leaves indelible scars not only on the human psyche but also on the physical and legal landscapes of cities. Urban environments, often the primary theatres of modern warfare, bear the physical brunt of destruction. However, the reconstruction of these cities is rarely a neutral act of rebuilding; it is a deeply political process that reflects the power dynamics, historical grievances, and aspirations of a post-traumatic society. The way in which a city is rebuilt, specifically the design and governance of its public spaces, plays a pivotal role in either facilitating social reintegration or perpetuating division.

This paper investigates the interplay between urban design and legal frameworks in post-conflict settings, focusing on how these two elements shape the social reintegration of divided communities. Public spaces, including parks, squares, bridges, and civic buildings, are the physical manifestations of the 'public sphere.' In post-conflict societies, these spaces often become contested territories where different groups vie for visibility, memory, and control. The juridical form of these spaces, defined by property laws, municipal regulations, and transitional justice mechanisms, dictates who has the right to access, use, and claim ownership over them.

The concept of 'juridical form', as employed in this paper, refers to the legal status, regulatory framework, and institutional governance structures that define the nature, ownership, and permissible uses of a given space. In a stable democracy, public spaces are typically governed by municipal law and accessible to all citizens. In post-conflict settings, however, the juridical form of public spaces is often ambiguous, contested, or deliberately structured to favour the dominant group. Understanding how this juridical form evolves, from contested territory to shared civic commons, is central to understanding the dynamics of post-conflict social reintegration.

To understand this complex dynamic, this study conducts a comparative analysis of two distinct regional contexts: the Western Balkans and Italy. The Western Balkans, particularly Bosnia and Herzegovina (BiH) and Kosovo, represent an acute post-conflict environment where the legacy of the 1990s wars continues to shape urban life. In contrast, Italy offers a model of historical post-conflict reconciliation. Border regions like Trieste and South Tyrol experienced intense ethnic and political conflict

during and after World War II. Over decades, Italy has developed sophisticated legal frameworks, such as the Autonomy Statute for South Tyrol, and more recently, urban regeneration policies under the PNRR, to manage contested heritage and foster social inclusion.

This comparative framework is grounded in the theoretical problem of 'transitional justice in divided societies'. By juxtaposing the acute, inter-ethnic conflicts of the Western Balkans with Italy's historical experiences of political terrorism and border disputes, this study explores different manifestations of how legal and spatial interventions address post-conflict trauma. This analytical lens allows for a deeper understanding of how varying conflict typologies necessitate distinct, yet comparable, approaches to urban and legal reconstruction.

By comparing these two contexts, this paper aims to answer the following research questions: How does the trauma of conflict redefine the concept and function of public space? In what ways do legal frameworks facilitate or hinder the transformation of contested urban areas into shared civic commons? And what lessons can be drawn from the historical Italian experience to inform ongoing reconstruction efforts in the Western Balkans? The structure of the paper is as follows: Section 2 provides a comprehensive literature review; Section 3 outlines the methodology; Sections 4 and 5 present the case studies; Section 6 offers a comparative analysis; Section 7 discusses the broader implications; Section 8 presents policy recommendations; and Section 9 concludes the paper.

## **2. Literature Review**

### **2.1. Post-Conflict Urban Reconstruction: From Physical Rebuilding to Social Healing**

The discourse on post-conflict reconstruction has evolved significantly over the past few decades. Early approaches often prioritized the rapid restoration of physical infrastructure and basic services, viewing reconstruction primarily as an engineering and economic challenge. This 'bricks and mortar' paradigm, while necessary, was increasingly recognized as insufficient for achieving lasting peace. Scholars and practitioners have argued that physical rebuilding without social healing creates a hollow peace, a city that looks repaired but remains internally fractured.

The work of Bollens (2006) was foundational in establishing the link between urban planning and peacebuilding. He argued that urban planning in ethnically divided cities is never a politically neutral activity; planners must choose between approaches that either reinforce segregation or actively promote integration. Badescu (2024) further develops this argument, contending that the physical environment of a post-war city, its ruins, rebuilt structures, and contested monuments, actively co-constitutes the social and political identities of its inhabitants. The city is not merely a backdrop to social relations but an active participant in shaping them.

The concept of 'social urbanism' pioneered in Medellín, Colombia, offers a compelling model for integrating physical investment with social goals. By building libraries, parks, and transportation infrastructure in the most marginalized neighborhoods, Medellín demonstrated that targeted urban design can break down physical and psychological barriers to social cohesion. This approach has been cited as a model for post-conflict reconstruction globally, including in the Western Balkans, though its applicability to ethnically divided societies requires careful adaptation.

## **2.2. The Concept of Public Space in Post-Traumatic Societies**

In a functioning democracy, public space is ideally accessible to all citizens, serving as a venue for social interaction, political expression, and community building. Habermas's concept of the 'public sphere' posits that public spaces are essential for the formation of democratic consensus and civic identity. In post-traumatic societies, however, this ideal is profoundly disrupted. Conflict destroys the social trust necessary for shared civic life, leading to privatisation, ethnicization, or militarisation of space.

Gaffikin, McEldowney, and Sterrett (2010) show that in divided cities, the design of public spaces can either facilitate or hinder reconciliation. Their analysis of Belfast highlights how the physical design of shared spaces, the placement of benches, the choice of public art, and the accessibility of pathways can either invite cross-community interaction or subtly reinforce separation. Palmberger (2019) examines the case of Mostar, arguing that alternative memory and place-making practices initiated by civil society are essential for challenging the dominant narratives of division.

The concept of 'contested space' is central to understanding public spaces in post-conflict settings. Murtagh (2018) identifies three types of post-conflict spaces: shared spaces (genuinely accessible to all), selective spaces (accessible in principle but dominated by one group), and divided spaces (physically or symbolically separated). This typology provides a useful analytical framework for assessing the degree of social reintegration achieved in different urban contexts.

## **2.3. Legal Frameworks for Reintegration: Transitional Justice and Property Rights**

The juridical form of the post-conflict city is established through legal frameworks that address the consequences of war. Transitional justice mechanisms, including property restitution, the right of return, and the prosecution of war crimes, are foundational to this process. In the Western Balkans, Annex 7 of the Dayton Agreement established the legal right of all refugees and IDPs to return to their homes of origin and have their property restored. While this legal mandate was crucial for reversing ethnic cleansing on paper, its implementation in urban areas has been fraught with challenges.

Philpott (2006) provides a comprehensive analysis of the property restitution process in BiH, noting that while the legal framework was largely successful in restoring property rights, it did not automatically lead to social reintegration. Many returnees chose to sell their properties rather than return to communities where they felt unwelcome, a phenomenon that Madsen (2000) describes as the gap between the 'right to return' and the 'return of rights'. This distinction is crucial: legal rights are a necessary but not sufficient condition for social reintegration.

In the Italian context, the legal framework for managing the legacy of conflict is more mature and multifaceted. The Autonomy Statute for South Tyrol, developed over decades through negotiation between Italy, Austria, and the local communities, provides a comprehensive legal framework for minority rights, including linguistic rights, cultural autonomy, and proportional representation in public administration.

#### **2.4. The Intersection of Law and Urban Design**

The intersection of law and urban design is where the abstract principles of justice meet the concrete reality of the city. Legal frameworks dictate zoning laws, heritage preservation, and the management of public assets. In post-conflict settings, these legal tools can be used either to reinforce division or to promote integration. The legal designation of a space as a 'national monument,' for example, can either celebrate the heritage of a dominant group or create a shared site of historical reflection for all citizens.

In Italy, the legal approach to urban regeneration has evolved significantly. Recent legislative efforts and funding mechanisms, such as the PNRR, explicitly link urban regeneration with the reduction of marginalization in peripheral and post-industrial neighbourhoods. This represents a significant evolution in the juridical form of public spaces in Italy, moving away from a purely functional or aesthetic approach towards one that actively seeks to mend social fractures and empower marginalized communities.

The work of Esposito De Vita et al. (2016) on community planning in contested places demonstrates that participatory urban design, where communities are actively involved in shaping their spaces, can be a powerful tool for social reintegration. This approach challenges the top-down model of urban planning, which often imposes solutions without adequately considering the needs and aspirations of the communities most affected by conflict.

### **3. Methodology**

This research involves a comparative case study methodology to analyse the interplay between urban design and legal frameworks in post-conflict social reintegration. The study relies on a qualitative analysis of primary legal documents, urban planning reports, and secondary academic literature. The selection of cases, the Western Balkans (Bosnia and Herzegovina, and Kosovo) and Italy (Trieste and South Tyrol),

provides a robust comparative framework that encompasses both acute and historical post-conflict environments.

The Western Balkans represent an acute, recent post-conflict environment where international interventions and transitional justice mechanisms are still actively shaping the urban landscape. The conflicts of the 1990s resulted in massive displacement, the destruction of urban infrastructure, and the profound demographic transformation of cities. In contrast, Italy offers a historical perspective on post-conflict reconciliation, allowing for an assessment of the long-term effectiveness of different legal and urban design strategies.

The case study selection was driven by the need to contrast recent, ethnically driven conflicts (Western Balkans) with historical, politically and territorially driven conflicts (Italy). The time under analysis spans from the immediate post-conflict phases (1995 for BiH, 1999 for Kosovo) to the present day, while the Italian cases cover the post-WWII era to contemporary PNRR implementations. Data sources include primary legal documents (e.g., the Dayton Agreement, the South Tyrol Autonomy Statute), municipal urban plans, and qualitative policy analysis. The analytical techniques employed involve a comparative policy analysis and spatial assessment of how legal mandates translate into urban realities.

The analysis focuses on the juridical form of public spaces, examining how property rights, minority protection laws, and urban planning regulations govern their use and ownership. Data for this study were drawn from primary legal documents (the Dayton Agreement, the South Tyrol Autonomy Statute, Italian Law No. 92/2004, and PNRR documentation); urban planning reports from international organizations (UN-Habitat, the World Bank, and the European Commission); and a comprehensive review of secondary academic literature in the fields of urban studies, transitional justice, and post-conflict reconstruction.

**Table 1:** Summary of Case Studies and Key Analytical Dimensions

<b>Dimension</b>	<b>Bosnia and Herzegovina</b>	<b>Kosovo</b>	<b>Trieste (Italy)</b>	<b>South Tyrol (Italy)</b>
<b>Conflict Type</b>	Ethnic civil war	Ethnic/political conflict	WWII, border dispute	WWII, ethnic oppression
<b>Conflict Period</b>	1992-1995	1998-1999	1940s-1950s	1920s-1950s
<b>Key Legal Instrument</b>	Dayton Agreement (1995)	UNMIK Regulations, Kosovo Constitution (2008)	Italian Law 92/2004	South Tyrol Autonomy Statute (1972, revised 2001)

<b>Urban Focus</b>	Sarajevo, Mostar	Mitrovica, Pristina	Risiera di San Sabba, Foiba di Basovizza	Victory Monument, Bolzano
<b>Public Space Strategy</b>	Reconstruction of iconic structures, participatory workshops	Divided city management, visioning workshops	Memorialization, national monument designation	Historicization of contested monuments
<b>Reintegration Status</b>	Partial; Remains significant segregation	Partial; Persists ethnic divisions	Advanced shared historical reflection	Advanced, and stable coexistence

#### 4. The Western Balkans: Urban Division and the Struggle for Shared Spaces

##### 4.1. Bosnia and Herzegovina: The Dayton Legacy

The 1992-1995 war in Bosnia and Herzegovina (BiH) was characterized by widespread ethnic cleansing, resulting in the displacement of over 2.2 million people and the profound demographic transformation of its cities. The General Framework Agreement for Peace, commonly known as the Dayton Agreement, ended the conflict and established a complex, decentralized state structure based on ethnic power-sharing. Crucially, Annex 7 of the Agreement enshrined the right of all refugees and IDPs to return to their homes of origin and have their property restored.

While Annex 7 was a landmark legal achievement in transitional justice, its implementation in urban areas has been highly uneven. The legal right to return did not automatically translate into social reintegration. In many cities, the physical reconstruction of housing and infrastructure was prioritized over the rebuilding of social cohesion. The absence of culturally informed interventions meant that some new war monuments and reconfigured religious buildings were perceived as divisive, further entrenching ethnic boundaries.

Sarajevo, the capital, endured a nearly four-year siege that devastated its physical and social fabric. Post-war reconstruction efforts initially focused on restoring basic services and repairing iconic structures, such as the National Library (Vijećnica), which had been deliberately targeted to erase the city's multicultural heritage. The reconstruction of the National Library was a powerful symbolic act, but the demographic reality of Sarajevo had shifted dramatically; the city became predominantly Bosniak, and the return of Serb and Croat minorities was limited.

The legacy of the conflict is perhaps most visible in Mostar, a city deeply divided between Bosniaks and Croats. The reconstruction of the Stari Most (Old Bridge), a 16th-century Ottoman masterpiece destroyed during the war, was heralded by the international community as a powerful symbol of reconciliation. UNESCO and

international donors invested heavily in rebuilding the bridge and the surrounding historic centre, which was subsequently inscribed on the UNESCO World Heritage List in 2005 (UNESCO, 2022). Yet, the physical restoration of the bridge did not bridge the social divide. Mostar remains a city with parallel institutions, segregated schools, and distinct public spaces for each ethnic group.

A specific illustrative example is the contested nature of the Spanish Square (Španski trg) in Mostar. While intended as a shared central space, its use remains highly segregated, with different ethnic groups utilising the space at different times or occupying distinct areas within it. This micro-level spatial segregation underscores how the absence of an integrated legal and urban strategy allows physical spaces to perpetuate social divisions, despite their nominal designation as public commons.

The juridical form of public spaces in Sarajevo and Mostar reflects this tension. While municipal law technically designates these spaces as public and accessible to all, in practice, they are often ethnically marked. The erection of monuments, the display of religious symbols, and the use of specific architectural styles serve as spatial markers of ethnic dominance. The lack of a cohesive legal framework for the inclusive management of public spaces allows these practices to flourish, further alienating minority groups and hindering social reintegration.

#### **4.2. Kosovo: Planning for Peace in a Divided City**

The 1998-1999 conflict in Kosovo resulted in significant displacement and the destruction of urban infrastructure. Following the war, the United Nations Interim Administration Mission in Kosovo (UNMIK) and later the European Union Rule of Law Mission (EULEX) assumed responsibility for establishing a legal framework and guiding reconstruction. Urban planning in post-war Kosovo faced the dual challenge of rebuilding physical infrastructure and addressing deep-seated ethnic tensions between the Albanian majority and the Serb minority.

The city of Mitrovica exemplifies the spatial manifestation of these tensions. Divided by the Ibar River, the city is effectively split into a Serb-dominated north and an Albanian-dominated south. The main bridge connecting the two halves has frequently been a flashpoint for violence and a symbol of the city's division. Efforts to reunify the city through urban design and legal mandates have met with fierce resistance from both communities.

In response to these challenges, international organizations, such as UN-Habitat, have introduced participatory urban planning initiatives, such as visioning workshops, to foster dialogue and consensus-building. However, as Danielsson (2025) notes, these exercises often struggle to overcome the anthropocentric nature of memory. Participants' visions of the future are deeply intertwined with their subjective, often traumatic, memories of the urban past. The physical reality of the war-torn city

continues to exert a powerful influence on social relations, often undermining the effectiveness of participatory planning.

### **4.3. The Juridical Form of Public Spaces in the Balkans: A Critical Assessment**

Research reveals that the Western Balkan countries have made significant strides in establishing legal frameworks for essential employee rights and aligning with EU standards (Agalliu & Ibrahim, 2025). Nevertheless, the juridical form of public spaces in the region is shaped by a complex interplay of property restitution laws, municipal regulations, and the legacy of ethnic conflict. A critical assessment of the legal frameworks governing public spaces in the Balkans reveals several key weaknesses. First, the focus on private property restitution, while necessary, left a legal vacuum regarding the governance of public spaces. Second, the decentralized state structures established by the Dayton Agreement in BiH have often resulted in the ethnicization of public institutions and spaces. Third, the lack of a cohesive national or regional strategy for the inclusive management of public spaces has allowed segregationist practices to persist.

The transition from contested territories to shared civic commons requires a fundamental legal paradigm shift. This shift must recognize public space not merely as municipal property, but as a vital resource for social cohesion and democratic participation. It must also establish clear legal mechanisms for the inclusive governance of these spaces, ensuring that all communities have an equal voice in their management and use.

## **5. Italy: Historical Conflicts and Long-Term Urban Regeneration**

### **5.1. Trieste: Contested Memories on the Border**

Trieste, a city on the northeastern border of Italy, offers a compelling case study of historical post-conflict reconciliation. Following World War II, the city and its surrounding territory became a focal point of intense geopolitical and ethnic conflict between Italy and Yugoslavia. The Foibe massacres, in which thousands of Italians and anti-communists were killed by Yugoslav Partisans and the Risiera di San Sabba, the only Nazi concentration camp in Italy with a crematorium, represent two profound traumas that have shaped the city's identity.

For decades, the memory of these events was highly contested, often serving as a source of political division. The turning point came with the passage of Italian Law No. 92 of March 30, 2004, which established the 'Day of Remembrance' (Giorno del Ricordo) on February 10th of each year. This law legally recognized the tragedy of the Foibe and the exodus of Italians from Istria, Fiume, and Dalmatia, mandating that these events be commemorated in schools and public institutions.

The juridical form of the key memorial sites in Trieste reflects this evolution. The Foiba di Basovizza has been designated a national monument, providing a legally protected space for public mourning and historical reflection. The Risiera di San

Sabba functions as a museum and memorial. The legal designation of these sites has been crucial in transitioning them from sites of active political conflict to spaces of shared, albeit complex, historical memory.

## **5.2. South Tyrol: Autonomy, Coexistence, and the Historicization of Contested Heritage**

South Tyrol (Bolzano - Alto Adige), an autonomous province in northern Italy, presents another model of long-term reconciliation. Annexed by Italy after World War I, the region experienced significant ethnic tension between its German-speaking majority and the Italian-speaking minority, exacerbated by the aggressive Italianization policies of the Fascist regime. The cornerstone of reconciliation in South Tyrol is the Autonomy Statute, a robust legal framework that guarantees extensive self-governance and protects the linguistic and cultural rights of all ethnic groups.

The management of the region's fascist heritage remains a sensitive issue. The Victory Monument (Monumento alla Vittoria) in Bolzano, erected by Mussolini in 1928, is a particularly contentious example. Rather than destroying or ignoring the monument, local authorities adopted a strategy of 'historicization.' In 2014, a permanent exhibition entitled 'BZ '18 -'45: One Monument, One City, Two Dictatorship' was installed in the basement of the monument. The juridical form of the monument has been transformed: from a symbol of a single group's dominance to a shared site of historical reflection and civic education.

For instance, the transformation of the Victory Monument in Bolzano involved deliberate legal and architectural intervention. By adding an explanatory exhibition beneath the monument and an LED ring around one of its columns, the site was legally redefined from a fascist triumphal arch to a monument dedicated to the victims of totalitarianism. This specific intervention vividly demonstrates how legal reclassification, coupled with targeted urban design, can effectively historicize contested heritage and foster social reintegration.

## **5.3. Contemporary Urban Regeneration Policies: The PNRR and Social Inclusion**

In contemporary Italy, the focus of urban policy has shifted towards regeneration and social inclusion. The National Recovery and Resilience Plan (PNRR), funded by the European Union's Next Generation EU program, represents a massive investment of approximately 191.5 billion euros in the country's infrastructure and social fabric. Investment 2.2 of Mission 5 (Inclusion and Cohesion) provides 2.8 billion euros for urban regeneration projects in municipalities with more than 15,000 inhabitants, with the explicit goal of reducing marginalization and social degradation by redeveloping public areas.

The PNRR's focus on social inclusion reflects a broader recognition that urban regeneration is not merely a physical process but a social one. By investing in public spaces in marginalized neighbourhoods such as parks, community centres, sports

facilities, and cultural venues, the Italian government is seeking to create the conditions for social cohesion and civic participation.

**Table 2:** Key Legal Instruments for Post-Conflict Urban Regeneration in Italy

Legal Instrument	Year	Scope	Relevance to Public Space
Law No. 179/1992	1992	Urban renewal and regeneration programs	Introducing a legal framework for urban regeneration
South Tyrol Autonomy Statute (DPR 670/1972, revised 2001)	1972/2001	Minority rights, self-governance	Provides a legal basis for the inclusive management of public spaces
Italian Law No. 92/2004 (Day of Remembrance)	2004	Recognition of Foibe and the Istrian exodus	Legally designates contested sites as national monuments
National Recovery and Resilience Plan (PNRR)	2021	Urban regeneration, social inclusion	Mandates social inclusion in public space regeneration
Legislative Decree No. 50/2022 (PNRR Implementation)	2022	Implementation of PNRR investments	Provides a regulatory framework for urban regeneration projects

## 6. Comparative Analysis: Public Spaces and Juridical Forms

The comparative analysis of the Western Balkans and Italy reveals significant differences in how urban design and legal frameworks shape post-conflict social reintegration. These differences can be understood along several key dimensions: the timeline of conflict and reconciliation, the nature of the legal frameworks employed, the strategies adopted for managing contested heritage, and the degree of social reintegration achieved.

The most significant difference between the two contexts is the role of time. The Western Balkans are still in the early stages of post-conflict reconciliation, where the wounds of the 1990s wars are still fresh, and the political structures established by the Dayton Agreement continue to institutionalize ethnic division. Italy, by contrast, has had decades to develop and refine its approach to managing the legacy of conflict,

allowing for a more nuanced and effective integration of legal frameworks and urban design strategies.

A second key difference is the nature of the legal frameworks employed. In the Western Balkans, the primary legal instruments are international treaties and mandates imposed by the international community rather than developed organically by the affected societies. In Italy, the legal frameworks, particularly the South Tyrol Autonomy Statute, were developed through a process of negotiation and compromise, giving them greater legitimacy and effectiveness.

A third difference is the strategy adopted for managing contested heritage. In the Western Balkans, the dominant approach has been to rebuild iconic structures as symbols of reconciliation, while leaving the underlying social divisions largely unaddressed. In Italy, the strategy of historicization has proven more effective in transforming contested sites into spaces for shared historical reflection.

**Table 3:** Comparative Overview of Legal Frameworks and Urban Design Strategies

Feature	Western Balkans (BiH, Kosovo)	Italy (Trieste, South Tyrol)
Conflict Timeline	Recent, acute (1990s)	Historical, long-term (WWII era and aftermath)
Primary Legal Framework	International treaties (Dayton Agreement), UN/EU mandates	National laws, Autonomy Statutes, EU funding (PNRR)
Focus of Legal Mandates	Property restitution, right of return, physical reconstruction	Minority rights, historical memory, social inclusion, urban regeneration
Juridical Form of Public Space	Often contested, ethnically marked, or neglected	Transitioning to shared civic commons: historicized sites
Urban Design Strategy	Rebuilding iconic structures, participatory visioning workshops	Historicization of contested monuments, regeneration of marginalised areas
Role of the International Community	Central; drives reconstruction and legal frameworks	Supportive; EU funding complements national frameworks
Social Reintegration Outcome	High segregation, parallel institutions, limited inter-group contact	Stable coexistence, shared historical reflection, and social equity focus
Key Challenge	Overcoming entrenched ethnic divisions	Managing contested historical memory;

		addressing social inequalities
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## 7. Discussion: The Legacy of Public Spaces in Post-Traumatic Societies

The legacy of conflict profoundly alters the nature of public space. In post-traumatic societies, the 'public' is no longer a unified entity but a fractured collection of groups with competing narratives and claims to the city. The physical environment, its monuments, architecture, and spatial organization, becomes a canvas upon which these conflicts are inscribed and re-inscribed over time.

The juridical form of public spaces is critical in this process. When legal frameworks fail to address the underlying social divisions, public spaces can become instruments of exclusion. In the Balkans, the lack of a cohesive legal strategy for managing public spaces has allowed dominant groups to monopolize them, reinforcing segregation and hindering the emergence of a shared civic culture. The legal right to return, enshrined in the Dayton Agreement, has not been matched by a legal right to a welcoming and inclusive public space.

Conversely, the Italian experience suggests that when legal frameworks actively engage with contested heritage, through historicization, memorialization, and policies promoting social inclusion, public spaces can gradually transition into shared civic commons. The transformation of the Victory Monument in Bolzano from a symbol of fascist oppression to a site of historical education demonstrates the power of law and urban design to recontextualize the past and create new meanings for contested spaces.

However, physical reconstruction alone is insufficient. The rebuilding of the Stari Most in Mostar demonstrates that even the most iconic architectural restoration cannot bridge a social divide if the underlying political and legal structures remain fractured. True social reintegration requires a holistic approach that integrates urban design with transitional justice, ensuring that the physical rebuilding of the city is accompanied by the mending of its social fabric.

Furthermore, the role of time cannot be overstated. The Italian experience demonstrates that reconciliation is a long-term process that requires sustained commitment from legal and political institutions. The South Tyrol Autonomy Statute was not developed overnight; it was the result of decades of negotiation and compromise. Similarly, the transformation of contested monuments in Trieste and Bolzano has been a gradual process, requiring patience, political will, and a willingness to engage with difficult historical truths.

## 8. Policy Implications and Recommendations

Based on the comparative analysis, several policy implications emerge for post-conflict urban reconstruction. These recommendations are directed at governments, international organizations, and urban planners working in post-conflict settings.

The first recommendation is to integrate transitional justice into urban planning. Urban planning in post-conflict settings must go beyond physical reconstruction and explicitly incorporate principles of transitional justice. This includes addressing contested heritage, ensuring equitable access to public spaces, and fostering inclusive decision-making processes. Urban planners should work alongside transitional justice practitioners to develop integrated strategies.

The second recommendation is to rethink the juridical form of public space. Legal frameworks must define public space not merely as municipal property, but as a vital civic resource. Laws should protect these spaces from monopolization by any single group and mandate their inclusive management. This may require the development of new legal instruments, such as 'civic commons' legislation.

The third recommendation is to adopt strategies of historicization for contested heritage. Rather than destroying or ignoring contested monuments, authorities should consider strategies of historicization, as seen in South Tyrol. Recontextualizing these sites through education and public art can transform them from symbols of oppression into spaces for dialogue and reflection.

The fourth recommendation is to prioritize social inclusion in urban regeneration. Contemporary urban regeneration policies, such as those funded by the PNRR in Italy, should serve as a model for post-conflict reconstruction. Investments in the physical environment must be explicitly linked to social outcomes, targeting marginalized communities and promoting equity.

The fifth recommendation is to foster participatory urban planning. Visioning workshops and other participatory tools can effectively foster dialogue and consensus-building, but they must be carefully designed to ensure that all communities are genuinely represented and that the physical reality of the post-conflict city is not ignored. These processes, which require a robust structural foundation, should incorporate and prioritize the perspectives of diverse citizen and user groups. Such an approach ensures representation of varied spatial experiences and uses, with particular emphasis on socially marginalized populations (Carrera, 2024).

## 9. Conclusion

The reconstruction of post-conflict cities is a complex endeavour that requires navigating deep scars of trauma and division. This paper has demonstrated that the legacy of conflict is profoundly shaped by the interplay between urban design and legal frameworks. By comparing the acute post-conflict environment of the Western

Balkans with Italy's historical reconciliation models, it becomes clear that physical rebuilding is only the first step. The true measure of social reintegration lies in the juridical form of public spaces, in how they are legally defined, managed, and perceived by the society that inhabits them.

In the Balkans, the struggle to transform contested territories into shared civic commons highlights the limitations of top-down legal mandates that fail to address underlying social fractures. The Dayton Agreement, while a landmark legal achievement, has not been sufficient to overcome the entrenched ethnic divisions that continue to shape the urban landscape of cities like Mostar and Mitrovica. The rebuilding of the Stari Most is a powerful symbol, but a symbol alone cannot bridge a social divide.

Italy's experience, however, offers a more hopeful trajectory, demonstrating that robust legal frameworks combined with thoughtful urban design and a commitment to social inclusion can gradually heal the wounds of the past. The transformation of the Victory Monument in Bolzano, the legal recognition of the Foibe in Trieste, and the social inclusion mandate of the PNRR all demonstrate the power of law and urban design to reshape the meaning and function of public spaces.

Ultimately, successful post-conflict reconstruction requires a paradigm shift: recognizing that the city is not just a physical structure to be repaired, but a social organism that must be nurtured back to health. This requires a long-term commitment to integrating transitional justice into urban planning, rethinking the juridical form of public spaces, and fostering the participatory processes through which communities can reclaim their cities and build a shared future. The legacy of conflict need not be one of permanent division; with the right legal frameworks and urban design strategies, it can become the foundation for a more just, inclusive, and resilient society.

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