

# **Transitional Justice, Violence and Reconciliation**

## **Research project within the CMI Human Rights Programme, 2007-2009**

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What are the links between transitional justice mechanisms and the degree of violence and reconciliation in a post-war or post-authoritarian society?

Countries emerging from major conflict face vast human rights challenges. To address these and reduce the violence, dealing with violations of the past and promoting reconciliation are often considered key priorities. Mechanisms to deal with the past, which also are believed to foster reconciliation and halt violence, vary from formal measures such as trials and truth commissions to more informal processes of conflict resolution. However, there is little cross-country knowledge of the extent to which such transitional justice mechanisms in fact have the assumed positive effect on reconciliation and violence reduction. It is this knowledge gap this project will contribute to fill.

The knowledge gap persists despite the fact that transitional justice has been a burgeoning research field for the past two decades, with a rapid growth since the end of the 1990s. The growing interest is rooted in recent trends whereby more countries have chosen to address past violence as they transition towards a more peaceful and democratic society. In the aid community moreover, transitional justice has turned into a virtual industry as donors are pouring vast sums of money into various transitional justice mechanisms, without knowing much about the likely effects of their efforts.

There is an assumption in the literature that the establishment of transitional justice mechanisms is necessary in order to bring about reconciliation and violence reduction. Yet this and related assumptions remain mostly untested. For instance, it is sometimes assumed that reconciliation and related reduced violence is impossible if one leaves serious crimes committed in the past unpunished. A second assumption is that you cannot found a democratic state based on human rights principles on lies about the past – therefore one needs to seek the “truth” about the past violence. A third assumption is that the deterrence effect of punitive justice on violence also applies at the international level; an assumption which is used to justify the establishment of international tribunals. Given considerable pressures for channelling aid funds into the hot policy area of transitional justice, assumptions such as these currently run the risk of being converted into conventional wisdom. Yet there is little empirical evidence to show that they actually hold when confronted with cross-country, scientific analysis.

This project intends to bridge some of this gap. Our focus is to understand what effects different transitional justice mechanisms have on reconciliation and violence in societies emerging from armed conflict or repressive rule. Questions to be addressed include:

- Do societies that punish perpetrators, establish truth commissions or adopt other transitional justice mechanisms become more reconciled and less violent than countries that do not?
- Is reconciliation and violence reduction dependent on formal transitional justice mechanisms?
- In what ways does it matter who sets up these transitional justice mechanisms?
- Whose opinions on the relative “success” or “failure” of reconciliation efforts should matter when “lessons learned” are being evaluated?

We will review how these questions are addressed in the literature, at the level of both theory and method. Our prime focus will be to review the literature in view of critically assessing (a) underlying assumptions, (b) concepts and methods, and (c) results.

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