

Transitional Justice and Rule of Law Reconstruction

A contentious relationship

Pádraig McAuliffe



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Transitional Justice And Rule Of Law Reconstruction A Contentious Relationship:

Transitional Justice and Rule of Law Reconstruction Pdraig McAuliffe, 2013-06-26 This short and accessible book is the first to focus exclusively on the inter relation between transitional justice and rule of law reconstruction in post conflict and post authoritarian states In so doing it provides a provocative reassessment of the various tangled relationships between the two fields exploring the blind spots contradictions and opportunities for mutually beneficial synergies in practice and scholarship between them Though it is commonly assumed that transitional justice for past human rights abuses is inherently conducive to restoring the rule of law differences in how both fields conceptualise the rule of law the scope of transition and obligations to citizens have resulted in divergent approaches to transitional criminal trial international criminal law restorative justice and traditional justice mechanisms Adopting a critical comparative approach that assesses the experiences of post authoritarian and post conflict polities in Latin America Asia Europe and Africa undergoing transitional justice and justice sector reform simultaneously it argues that the potential benefits of transitional justice are exaggerated and urges policy makers to rebalance the compromises inherent in transitional justice mechanisms against the foundational demands of rule of law reconstruction This book will be of interest to scholars in the fields of transitional justice rule of law legal pluralism and peace building concerned by the failure of transitional justice to leave a positive legacy to the justice system of the states where it operates This is a bold and nuanced scrutiny of the international system s approach to transitional justice and the much vaunted rule of law project Dr McAuliffe should be congratulated for this well researched book which should be a must read for not only scholars and researchers in transitional justice and peace and conflict studies but also policy makers in the international system Dr Hakeem O Yusuf Senior Lecturer University of Strathclyde and author of Transitional Justice Judicial Accountability and the Rule of Law

Research Handbook on Transitional Justice Cheryl Lawther, Luke Moffett, 2023-08-14 Providing a refreshing take on transitional justice this second edition Research Handbook brings together an expanse of scholarly expertise to reconsider how societies deal with gross human rights violations structural injustices and mass violence Contextualised by historical developments it covers a diverse range of concepts actors and mechanisms of transitional justice while shedding light on new and emerging areas in the field

Justice Framed Marcos Zunino, 2019-03-14 Why are certain responses to past human rights violations considered instances of transitional justice while others are disregarded This study interrogates the history of the discourse and practice of the field to answer that question Zunino argues that a number of characteristics inherited as transitional justice emerged as a discourse in the 1980s and 1990s have shaped which practices of the present and the past are now regarded as valid responses to past human rights violations He traces these influential characteristics from Argentina s transition to democracy in 1983 the end of communism in Eastern Europe the development of international criminal justice and the South African truth commission of 1995 Through an analysis of the post World War II period the decolonisation process and the Cold War Zunino identifies a series of episodes

and mechanisms omitted from the history of transitional justice because they did not conform to its accepted characteristics

From Transitional to Transformative Justice Paul Gready, Simon Robins, 2019-02-21 Builds on micro level critiques of transitional justice to debate a more comprehensive alternative at the level of theory and practice **Transitional Justice**

in Peacebuilding Djeihoun Ostowar, 2020-11-22 This book explores the role of actors in determining transitional justice in peacebuilding contexts In recent decades transitional justice mechanisms and processes have been introduced to a variety of settings becoming widely regarded as essential elements in the peacebuilding toolbox While it has increasingly been suggested that transitional justice is imposed by neo imperial actors with little regard for the needs and cultures of local populations evidence suggests that dismissing these policies as neo imperial or neo liberal impositions would result in grossly overlooking their dynamics which involve a whole range of relevant actors operating at multiple levels This book interrogates this theme through empirical analysis of three sites of peacebuilding that have seen extensive international involvement Kosovo East Timor and Afghanistan It proposes a novel framework for analysing and approaching transitional justice in peacebuilding that disaggregates three broad sets of actors operating at different levels in relevant processes external actors international and regional levels transitional justice promoters local national international and transnational levels and transitional regimes national and local levels The book argues that transitional justice in peacebuilding must be conceived of as actor contingent and malleable due to the significance of agency and inter actions of key categories of actors throughout peacebuilding transition This book will be of interest to students and practitioners of transitional justice peacebuilding law and International Relations *Transitional Justice for Foxes* Frank Haldemann, 2022-12-08 There is a memorable line by

ancient Greek poet Archilochus The fox knows many things but the hedgehog knows one big thing Drawing on this metaphor made popular by Isaiah Berlin this book sets out to think like a fox about transitional justice in an intellectual environment largely dominated by hedgehogs Critical of the unitary hedgehog like vision underlying mainstream discourse this book proposes a pluralist reading of the field It asks What would it mean for transitional justice to constructively deal with conflicts of values and interests in societies grappling with a violent past And what would it imply to make meaningful room for diversity to see the many rather than just the one **Between Peace and Conflict in the East and the West** Anja

Mihr, 2021-08-05 This open access book features various studies on democratization transformation socio economic development and security issues in the Organization for Security and Cooperation in Europe OSCE geographical region and beyond Written by experts and scholars working in the field of human dimension security transformation and development in Europe and Asia particularly in post soviet and communist countries it examines the connectivity that the OSCE provides between the East and the West The 2021 edition of this Compilation Series of the OSCE Academy presents studies on peace and conflict as well as political regime development in various member states of the OSCE as well as their economic security and human rights performance and the challenges countries and society face currently The OSCE is working in promoting

Human Rights and Democratization under the notion of Human Dimension of ODIHR and is enhancing securitization and development policies in Eurasia Europe Central Asia and North America since 1991 2021 marks the 30th anniversary on the tremendous efforts in promoting democracy security and development This compilation reviews some of these efforts in light of this anniversary the achievements and shortcomings *International Law and Post-Conflict Reconstruction Policy* Matthew Saul, James A. Sweeney, 2015-05-15 The trend for international engagement in post conflict reconstruction has produced a host of best practice postulates on topics such as local involvement in decision making accountability for past atrocities sensitivity to context and the construction of democratic institutions of governance International law has potential relevance for many of these themes yet the question of how the implementation of best practice policy recommendations might be affected by international law remains under examined This book offers a fuller understanding of the role of international law in the practice of post conflict reconstruction It explores how international legal issues that arise in the post conflict period relate to a number of strands of the policy debate including government creation constitution making gender policy provision of security justice for past atrocities rule of law development economic recovery returning displaced persons and responsibilities of international actors The chapters of the book work to reveal the extent to which international law figures in the policy of internationally enabled post conflict reconstruction across a range of sectors They also highlight the scope for international law to be harnessed in a more effective manner from the perspective of the transition to peace and stability The book lays out a basis for future policy making on post conflict reconstruction one that is informed about the international legal parameters and more aware of how international law can be utilized to promote key objectives The Law of Armed Conflict and the Use of Force Frauke Lachenmann, Rüdiger Wolfrum, 2017 This volume collects articles on the law of armed conflict and the use of force from the Max Planck Encyclopedia of Public International Law to facilitate easy access to content from the leading reference work in international law *Just Security in an Undergoverned World* William J. Durch, Joris Larik, Richard Ponzio, 2018 Just Security in an Undergoverned World examines how humankind can manage global problems to achieve both security and justice in an age of antithesis Global connectivity is increasing visibly and invisibly in trade finance culture and information helping to spur economic growth technological advance and greater understanding and freedom but global disconnects are growing as well Ubiquitous electronics rely on high value minerals scraped from the earth by miners kept poor by corruption and war People abandon burning states for the often indifferent welcome of wealthier lands whose people in turn draw into themselves Humanity's very success underwritten in large part by lighting up gigatons of long buried carbon for 200 years now threatens humanity's future The global governance institutions established after World War Two to manage global threats especially the twin scourges of war and poverty have expanded in reach and impact while paradoxically losing the political support of their wealthiest and most powerful members Their problems mimic those of their members in struggling to adapt to new problems and maintain trust in institutions This volume

argues however that a properly mandated managed and modernized global architecture offers unparalleled potential to midwife solutions to vexing issues that transcend borders and capacities of individual actors from conflict and climate change to poverty and pandemic disease The volume offers just security as a new framework for evaluating innovative solutions and strategies for institutional reform

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