



Thematic Overview

The objective of this paper is to give an introduction to the concepts of transitional justice and reconciliation and provide examples of Sida's experiences and opportunities for engagement. The overview provides guidance based on Swedish and international policy commitments and priorities, successful practical experiences as well as lessons learned in providing conflict-sensitive support.

In violent conflict affected individuals and communities are often subject to gross injustices, including violations of human rights, destruction of livelihoods and the loss of friends and family members. These grievances create deep feelings of mistrust and suspicion between communities and destroy the social fabric that holds societies together. The recreation of trust is fundamental both for sustained peace, and to create conditions for sustainable development. Justice for the victims of conflict is a precondition for increased trust, and in turn depends on a functioning rule-of-law.

Origins of violent conflicts are frequently related to contest over economic and natural resources or social, political and economic inequalities and exclusion. This means that to avoid recurrence of the violence transitional justice processes must go hand in hand with efforts to address root causes. It also means that socioeconomic development programs in post-conflict societies need to make sure discriminated groups and/or victims of the conflict are included.

Reconciliation and transitional justice are related to the building of trust in the context of inclusive peace building after violent conflicts or authoritarian regimes. Both seek to address the legacies of violence and human rights abuses to compensate for past wrongs and promote social healing. There is often a normative association made between reconciliation and transitional justice, but it is important to separate the two concepts. Even if they are integrally interlinked and interdependent they do not automatically lead to each other nor come hand in hand. The following sections will discuss this further.

Supporting transitional justice processes in conflict-affected countries constitutes a priority for Swedish development cooperation. According to the Policy Framework for Swedish development cooperation and humanitarian support "Sweden will work for transitional justice that incorporates the right to combat impunity, the right to know the truth, the right of victims to compensation, guarantees of non-repetition of human rights violations, and humanitarian law."¹

WHAT IS TRANSITIONAL JUSTICE?

Some of the measures associated with transitional justice, like war crimes tribunals, have a very long history.² However, the term itself is of recent origin. It was developed from the 1980s as a response to political dilemmas faced by countries with a legacy of gross human rights violations in their transition from authoritarian rule towards representative democracy. Later it was extended also to post-conflict situations. Transitional justice refers to initiatives taken by states and societies to re-establish the respect for human rights and the dignity of the victims of violations.

The UN commitment to transitional justice was first outlined by UN Secretary General Kofi Annan in 2004 and defined as "... the full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. These may include both judicial and non-judicial mechanisms, with differing levels of international involvement (or none at all) and individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals or a combination thereof."³

Since then, transitional justice has become a key component in the UN framework for the strengthening of Rule of Law during transition phases and in post-conflict countries.

Agreement on the format and responsibility for a transitional justice process is often negotiated and agreed upon in a peace agreement and normally implemented by the State as duty-bearer, with involvement of Civil Society to a larger or minor extent depending on the context. Donors

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