

Workbook 1

Transitional Justice and Peacebuilding



TRANSITIONAL JUSTICE
ASIA NETWORK



Co-funded by
the European Union

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Workbook 1

Transitional Justice and Peacebuilding

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Transitional Justice and Peacebuilding Workbook Series

1. **Transitional Justice and Peacebuilding**
2. **Strategizing for Justice and Peace**
3. **Truth-Telling to Sustain Peace**
4. **Prosecutions and Peacebuilding**
5. **Reparations to Strengthen Peace**
6. **Institutional Reform for Guarding Peace**
7. **Gender Justice and Peace**
8. **Emerging Approaches for Climate Justice and Indigenous rights for peace**

Each volume is written as an interactive companion workbook to the chapters
in **Transitional Justice Handbook**

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Introduction

Transitional justice and peacebuilding emerged as coherent disciplines along a similar timeline. Practitioners in each field gained experience working after periods of violent conflict, repression, and mass violations of human rights. Especially since the 1990s, ad hoc mechanisms and activities developed into more integrated and strategic approaches.

However, while transitional justice and peacebuilding often take place in the same context, they do not always work hand-in-hand. Tensions between the approaches, or a lack of joint planning, often prevent the two fields from working in complementary ways. Materials often target practitioners in one field or the other

A second gap in the literature concerns local action. Studies of peacebuilding often focus on the big picture. They examine strategies and actions by international entities, such as Security Council, peacekeeping missions, and UN agencies, and national actions and bodies such as peace agreements, constituent assemblies, parliaments, and special commissions. While these subjects are all important parts of peacebuilding, often the most profound and transformative actions are by individuals and families at the local level.

The same can be said for transitional justice, such as a victim-survivor learning to come to terms with her pain and loss, developing her agency, and living a full life within family and community. Change is experienced and consolidated at the local level, where everyday life is lived, even while national strategies provide critical frameworks.

These workbooks address both these challenges. First, they are designed for NGOs and civil society organisations that focus on transitional justice, while operating within peacebuilding contexts. Second, the workbooks encourage analysis and offer practical ideas and strategies for local action. Examples demonstrate that in the complex political, security and institutional settings created by conflict, meaningful local civil society action is not just possible, but essential.

Purpose of This Workbook

The workbooks are designed as tools to reflect on opportunities and challenges for individuals and small groups. Real-world examples offer lessons on how peacebuilding and transitional justice approaches can complement each other.

Workbook One focuses on peacebuilding, starting with its emergence as a discipline and an integrated process over 40 years. The Workbook touches only briefly on transitional justice as a concept, as most practitioners have a grounding in the field. It then examines the intersection with transitional justice to help practitioners work more effectively in complex peacebuilding contexts. Finally, it prompts practitioners to analyse their conflict and peacebuilding context and strategise for effective local action.

Learning outcomes of this workbook

- Understanding the development of peacebuilding as a global discipline
- Understanding how peacebuilding and transitional justice intersect
- Understanding the phases of peacebuilding and the opportunities they present
- Understanding types of international interventions and their challenges and opportunities
- Improved strategic thinking and planning for effective local transitional justice initiatives in a range of situations

What is Peacebuilding?

Peacebuilding aims to reduce the risk of conflict and to lay the foundation for sustainable peace and development. It is a complex, long-term process of creating the necessary conditions for sustainable peace.

The term emerged in the 1970s through the work of the Norwegian academic and peace negotiator Johan Galtung. Galtung called for the promotion of sustainable peace by addressing the root causes of violent conflict and by supporting local capacities for peace management and conflict resolution.

To understand peacebuilding, and its relationship with transitional justice, it is useful to consider the elements and qualities of peace.

- Negative peace is the absence of violence. In this situation, actors have separate goals and resources as they avoid violence.
- Positive peace is the presence of cooperation and harmony. In the first stage, actors have separate goals and shared resources; in its more developed second stage, actors have shared goals and shared resources.

The Institute for Economics and Peace, which publishes an annual Peace Index using 23 indicators, measures a country's level of negative peace across three domains:

- ongoing domestic and international conflict
- harmony or discord within a nation: societal safety and security (for example, crime rates, terrorist activity, and violent demonstrations), harmony with neighbouring countries, a stable political scene, and internal displacement or refugees.
- military build-up and access to weapons



Johan Vincent Galtung is also the founder of the mediation network TRANSCEND International and the rector of the online TRANSCEND Peace University. Among his more than 170 books on peace and related issues, are *50 Years: 100 Peace and Conflict Perspectives* (2008) and *The Art of Peace – Global Peace Studies 101: Theory and Practice* (2017) published by TRANSCEND University Press.

See also *Peace: A Peace Practitioner's Guide*. University for Peace. Number 13, July 2017.

<https://www.upeace.org/files/Ideas%20for%20Peace/Ideas%20for%20Peace%20Vol.%2013.pdf>

The Global Peace Index: Exploring the 23 Indicators of Peace. Institute for Economics and Peace. <https://www.visionofhumanity.org/chart-of-the-week-indicators-of-peace/>

Worksheet 1: Assessing Peace in Your Context

Qualitis of Peace	What are Your Observations?
<i>Negative Peace</i>	
<i>Positive Peace</i>	
<i>No Peace at All</i>	
<i>A Mixed Situation</i>	


Reflection

If an armed conflict has ended, discuss these elements:

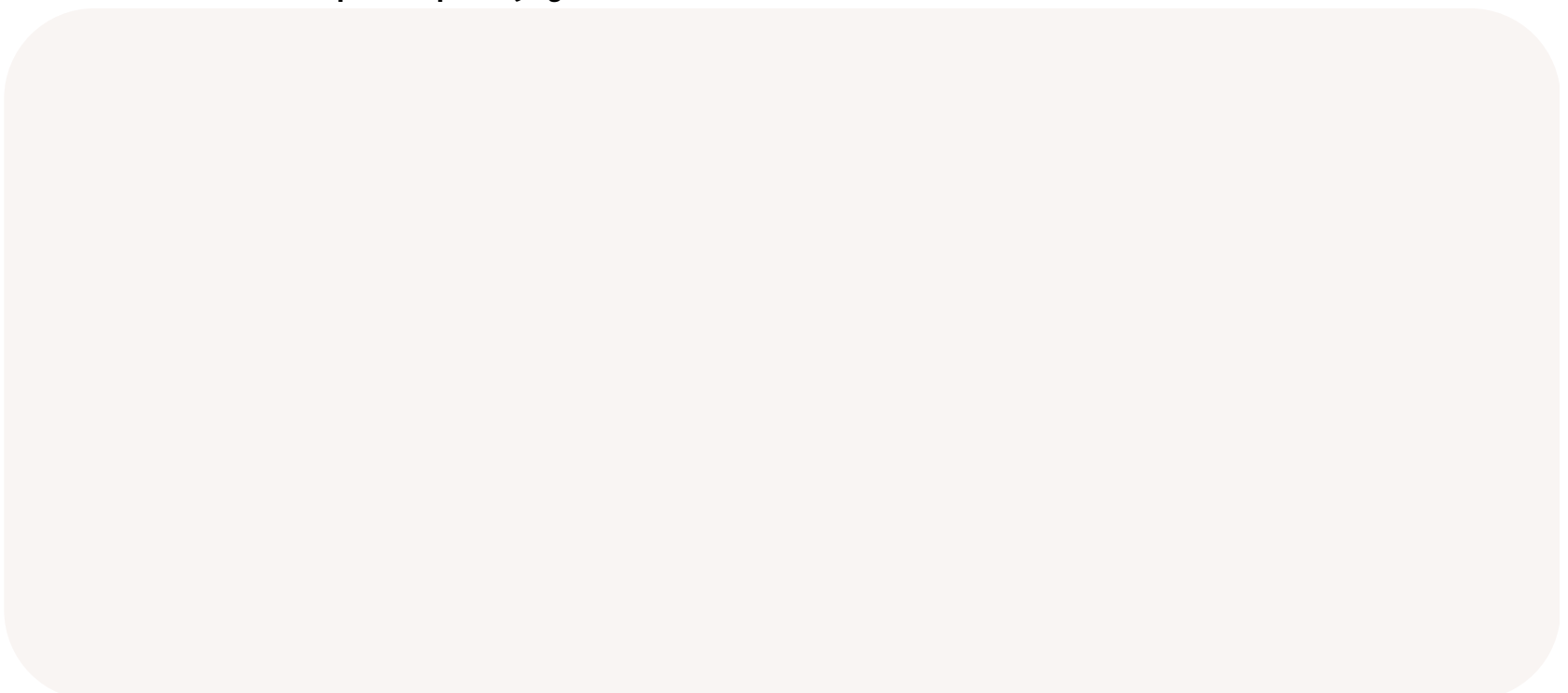
How many years did the conflict last, and how long ago did it end? Did it affect parts of the country or community more heavily?



Was it an internal conflict, or did international actors also perpetrate violence? Did both state and non-state actors carry out violence?



What kinds of violence took place, especially against civilians?



Did the conflict end through a military victory, leading either to a transition or a return to the status quo? Was it a negotiated peace? Were the international community or regional neighbours involved in the peace negotiations and transition?

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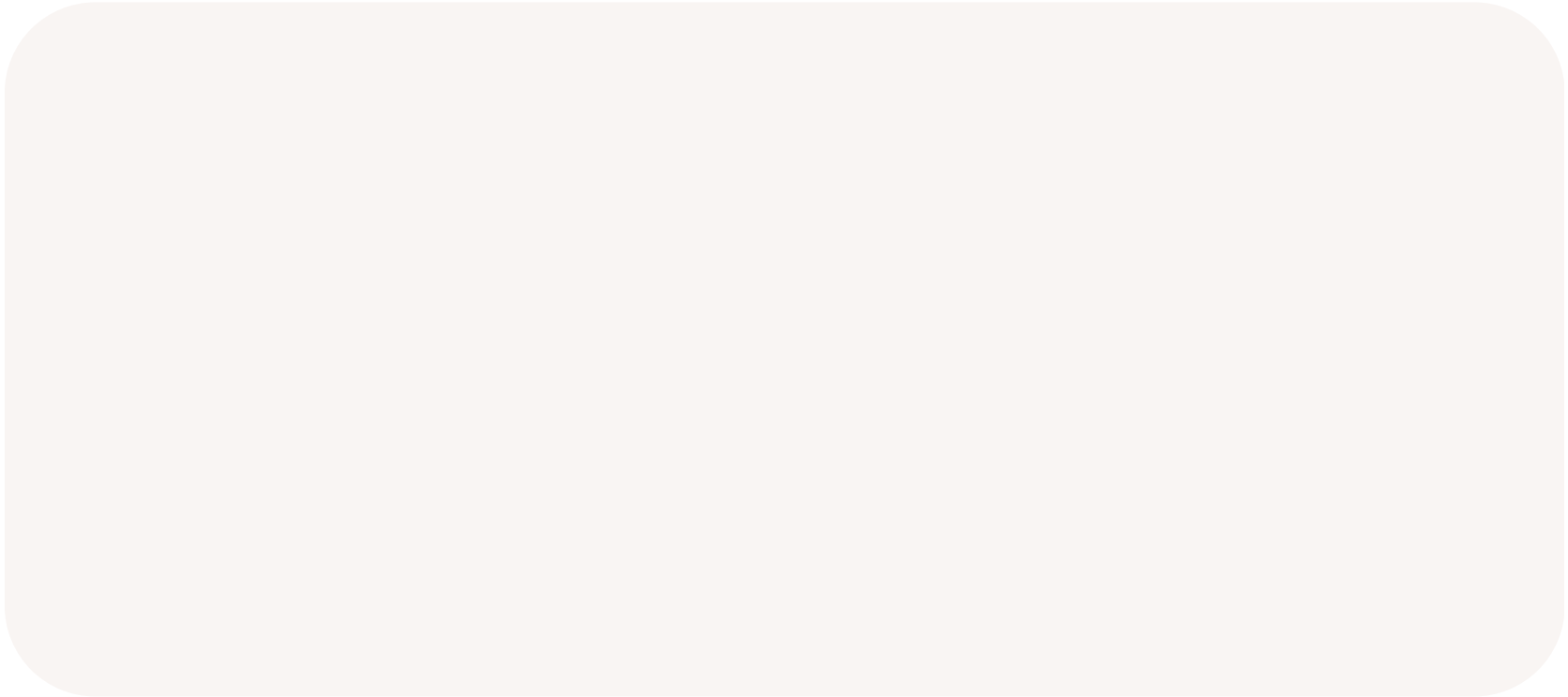
Were amnesties granted or proposed for perpetrators of past human rights abuses?

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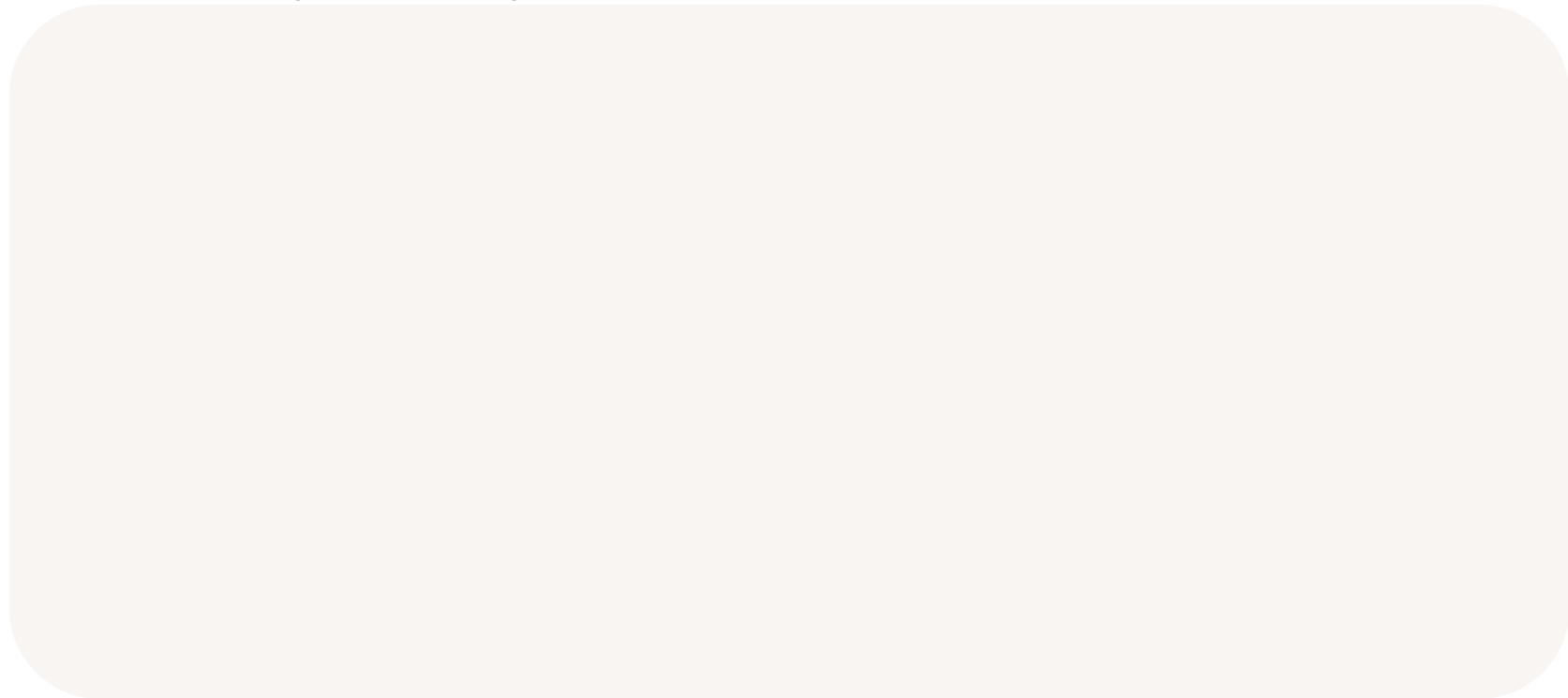
Are political, military, or business leaders from the conflict era still in power or influential from inside the country or abroad? Are there influential diaspora communities, large numbers of refugees, or internally displaced people?

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Are there active armed groups who did not come under a peace agreement?



If there was a peace settlement, were human rights workers, victims, women, and minorities included? Does the settlement and transition plan set clear goals for human rights, transitional justice, inclusion, and mechanisms to achieve them?



A Refresher - What is Transitional Justice?

More definitions of transitional justice can be found in the more detailed AJAR Transitional Justice Handbook. This workbook uses the term “transitional justice” to describe an evolving set of responses to systematic or widespread human rights violations, aiming to bring recognition to victims and survivors and to promote the rule of law, peace, reconciliation, and democracy.

Since the 1980s, after the fall of brutal dictatorships in Latin America and Eastern Europe, human rights activists and others began to develop a more comprehensive approach to past mass violations. Transitional justice emerged as a term and a framework for holistic models of punishment, deterrence, healing, and reconciliation.

Transitional justice is not a lesser form of justice. “Transitional” does not mean weakening or altering the need for justice. Instead, it refers to the context of countries moving from a history of mass crimes to democracy and the rule of law. Rather than “justice minus”, transitional justice is “justice plus.”

“Transitional justice is the full range of processes and mechanisms associated with a society’s attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. Transitional justice programs are a critical component...for strengthening the rule of law.”

– United Nations Approach to Transitional Justice

International Recognition of The Relationship Between Transitional Justice and Peacebuilding

United Nations bodies have recently affirmed and clarified the important strategic links between transitional justice and peacebuilding. In 2016, the Security Council and the General Assembly, considering a review of peacebuilding, each recognised that comprehensive transitional justice is critical to peace and stability, poverty reduction, the rule of law, access to justice, and good governance. Transitional justice can extend legitimate state authority and prevent countries from relapsing into conflict. They emphasized that this approach must promote healing and reconciliation while fostering a professional, accountable, and effective security sector.

In 2022, the UN Human Rights Council affirmed the contribution of transitional justice to sustainable peace and security. It helps break cycles of violence, delivers a sense of justice to victims, and strengthens state institutions.



TJ processes can also contribute to atrocity prevention, peacebuilding, and reconstruction, provided they are context-specific, comprehensive, victim-centred, gender-sensitive, participatory, and nationally owned. UN Human Rights Council Resolution A/HRC/RES/51/23, 22 October 2022, paragraph 8. See also paragraph 9 in relation to women, and paragraph 10 in relation to young people.

The Office of the High Commissioner for Human Rights takes the lead in the UN's transitional justice work. In a 2020 thematic paper on Peacebuilding, Sustaining Peace and Transitional Justice, OHCHR set out how transitional justice measures contribute to sustaining peace and the realisation of Sustainable Development Goal 16:

➤ **Transitional Justice Increases The Potential for Peace**

Transitional justice is not a backward-looking exercise of recording history or settling accounts. It is about securing peace and stability in the future, by reaffirming and adhering to fundamental values and norms, and by pursuing prevention, protection, transformation, healing and reconciliation in a divided society. Transitional justice provides an analytical framework and operational tools for sustaining peace, by: addressing the needs of victims; reducing the “justice gap” in extraordinary circumstances; building trust; strengthening the rule of law and access to justice; transforming gender inequalities; and reducing inequality, marginalization, and corruption. Transitional justice processes that are context-specific, nationally-owned and focused on the needs of victims can connect, empower, and transform societies.

➤ **The Transformative Power of “Guarantees of Non-Recurrence”**

Beyond institutional reforms, measures to prevent recurrence can address social, cultural and personal elements to help transform society.

➤ **Reforming The Security Sector: Transitional Justice Increases The Chance of Success**

Seeking truth and accountability for past human rights can reveal patterns, chain of command issues, and systemic deficits within security structures. Accountability and reform measures can address these problems.

➤ **The Role of Demobilisation, Disarmament and Reintegration and Transitional justice**

Transitional justice can reduce violence and increase security by emphasising the need to address root causes. Community reintegration can benefit from being informed and driven by affected communities, including victims, through dedicated consultations.

The Intersection of Transitional Justice and Peacebuilding in Practice

In many post-conflict situations, transitional justice initiatives take place at the same time as broader peacebuilding. In some ways, transitional justice has become integral to peacebuilding processes. At the same time, the complex political dynamics of peacebuilding pose challenges to those who insist on the necessity of dealing with past violence through the lens of truth, accountability, justice and respect for victims' rights. Political pressure and compromises can water down commitments to transitional justice. Intersections of peacebuilding and transitional justice in practice include:

- They occur in the same timeframe, often the short and medium-term periods following the end of conflict.
- Many principles and goals are similar. However, those leading peacebuilding processes may argue for compromise on key transitional justice principles, such as accountability and justice.
- Transitional justice and peacebuilding strategies each require prioritising and sequencing of implementation. Programs can be complementary and mutually supporting, but there may be tensions related to priorities, sequencing and resources. For example, those leading peacebuilding may argue for a delay in accountability measures such as prosecutions.
- Sometimes, tensions arise when political actors leading peacebuilding processes emphasise the need to look forward rather than to spend political capital, energy, and resources looking to the past. Economic development is often a major aspect of peacebuilding, which enjoys more support from politicians than the “looking backwards” of transitional justice.
- Programs such as truth-seeking and prosecutions may lack political support and indeed may face political hostility.
- Political leaders may include past perpetrators who can spoil transitional justice efforts.
- In both peacebuilding and transitional justice, there are roles for the state and governments, NGOs and civil society, and the international community.
- Many of the same organisations and actors take part in both processes, such as those drafting new or revised constitutions, members of parliament or other assemblies; women's organisations and leaders, labour organisations, lawyers and judges, academics NGOs, and groups representing the interests of sectors of society such as Indigenous peoples, ethnic groups, LGBTQI+ organisations, and people with disabilities.
- International agencies often support both processes and expect to see complementarity.
- In recent years, both peacebuilding and transitional justice processes have increasingly recognised the need to make their work more inclusive of marginalised peoples for the sake of equity and sustained peace and stability.

These areas of intersection present TJ practitioners with opportunities and challenges, which will be explored in the following workbooks.

UN OHCHR Thematic Report: Peacebuilding, Sustainable Peace and Transitional Justice. 2020. Note also that the OHCHR is preparing a report on the contribution of transitional justice to sustaining peace and the realisation of SDG 16. See <https://www.ohchr.org/en/transitional-justice>. SDG16 states, “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. United Nations Sustainable Development Goal 16. <https://sdgs.un.org/goals/goal16>

Phases of Peacebuilding

Transitional justice and peacebuilding are long-term processes, with different needs and opportunities at each stage, such as ending conflict, stabilising, and then building peace. It can be a valuable strategic tool for transitional justice NGOs to consider the windows of opportunity, and potential obstacles, at different phases, which may include:

➤ **Ongoing Conflict:**

Support pockets of peace and actors working for peace, such as NGOs, civil society groups and local government.

➤ **As The Conflict is Ending:**

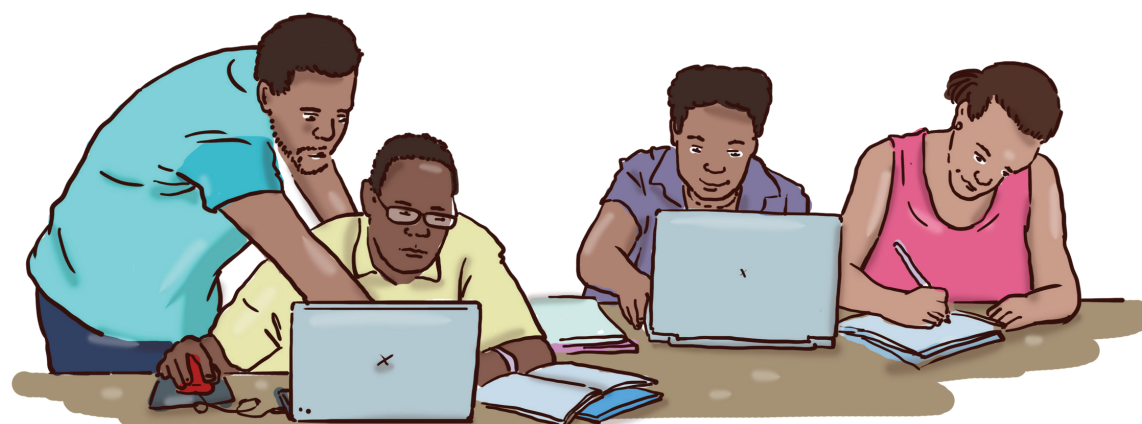
Assess national capacities and build inclusiveness of national actors, such as women and girls, victims of human rights violations, Indigenous people, ethnic and religious minorities, people with disabilities, and LGBTQI+ people.

➤ **The 24-Month Window After The Conflict Ends:**

The UN's priorities in this key period are the most urgent peacebuilding objectives of establishing security, building confidence in a political process, delivering initial peace dividends, and expanding core national capacity. This peak period of international involvement and funding offers opportunities for NGOs, although the flood of engagement can turn into a trickle.

➤ **Ongoing Longer-Term Peacebuilding Efforts:**

After international intervention and support dwindle, some countries may need peacebuilding initiatives aimed at their particular conflict drivers, such as drugs and crime, illegal exploitation of natural resources, the need for land reform, marginalisation of ethnic or religious minorities, gender inequality, and gender-based violence.



Worksheet 2

Which phase best describes your context?

What challenges do they present? What opportunities?

Challenges for National NGOs During International Intervention

Peacebuilding activities may overlap with other international interventions, such as military intervention, peacekeeping, peacemaking, human rights investigations, or humanitarian and development assistance. Different international and regional actors operate in each with distinct mandates, expertise, and resources. Overlapping interventions may produce a complex and confusing operating environment for national NGOs.

Building relationships with these actors is essential for national transitional justice NGOs to help shape strategic decisions, gain access to resources, or work with official mechanisms. International peacebuilding support may include building national capacity. National NGOs and civil society organisations should make the most of opportunities to expand their knowledge and skills, including those organisations marginalised from mainstream human rights and justice processes, such as Indigenous communities.

The table below sets out key types of international interventions, the key actors in each, and some of the challenges and opportunities for national NGOs.

Intervention Type	International Actors	Challenge for NGOs	Goals and Opportunities for NGOs
Military intervention under the Responsibility to Protect (R2P) doctrine	Actors vary from regional political and military actors to a broad international coalition, with or without a UN Security Council mandate.	Intervening forces lack the capacity to engage with civil society. They may have limited civilian personnel, such as humanitarian or human rights advisors.	Find ways to monitor intervention and to report publicly, including to UN bodies, to highlight human rights risks and vulnerabilities.
Humanitarian intervention during conflict, often scaling up after military intervention or end of conflict.	Regional neighbours, a former colonial power, or the full international system. Humanitarian actors include UNHCR, UNICEF, WFP, or other UN agencies; the International Committee of the Red Cross; international and regional NGOs; government agencies; and international donors.	International organisations struggle to engage national NGOs as genuine partners, beyond service delivery. Large operations focus on international agencies. International organisations recruit staff from national NGOs, dominate funding, and serve as gatekeepers.	Opportunities may open to support victim-survivors and innovative NGO programs to help women and girls. Humanitarian presence can create a window of opportunity to gather evidence for truth commissions and prosecutions.
UN special political mission, with mandate to assist peace negotiations	UN Security Council establishes mandate and monitors implementation. Mission staff on the ground; likely to include at least a senior human rights advisor, as well as gender child rights advisors.		Identify personnel in the mission who will engage with NGOs on human rights, transitional justice, gender, inclusion, etc. Have civil society involved in meaningful ways in peace talks. Ensure women and minorities are represented in talks and agreements.
UN or regional peacekeeping mission	UN Security Council oversees UN missions and most regional peacekeeping. Troops come from broad UN and/or regional grouping. There is usually a multi-dimensional civilian component and mandate, which includes human rights and transitional justice, good governance, and specialists in gender, child rights, and policing.	Missions also often recruit skilled staff from the national NGO sector, weakening civil society in the short term.	Although missions can be difficult to engage with, human rights teams and gender advisors are usually open to strategic and supportive relationships with NGOs and civil society. These teams can provide valuable training and capacity-building opportunities.
UN human rights inquiries, commissions or special investigation mechanisms	Usually mandated by the UN Human Rights Commission or set up by N OHCHR. A team may conduct investigations and related work on the ground or from a distance.		Opportunities often emerge to engage with these mechanisms. They can be very institutional and challenging, especially for grassroots actors, but international and large national NGOs can help them engage.
ICC investigations	The ICC may initiate investigations, including during ongoing conflict.		There may be scope for NGOs to submit well-documented testimonies and other evidence.
Reconstruction and development assistance, including official peacebuilding programs	UN and other development agencies; multilateral agencies such as the World Bank and International Monetary Fund; the donor community, including bilateral partners; large and small international NGOs; religion-based development agencies; and international academic institutions, such as human rights and peace studies programs.	It can be hard to navigate among so many actors, some preferring government relationships. Complex applications and reporting requirements are often in English. It can be hard to get support for the most vulnerable, like survivors of sexual violence. Many international agencies hire away NGO staff.	

Worksheet 3: The Situation in Your Context

Intervention Type	International Actors	Challenge for NGOs	Goals and Opportunities for NGOs

How has international intervention supported or weakened peace and accountability in your context?

What can be done to improve this situation?

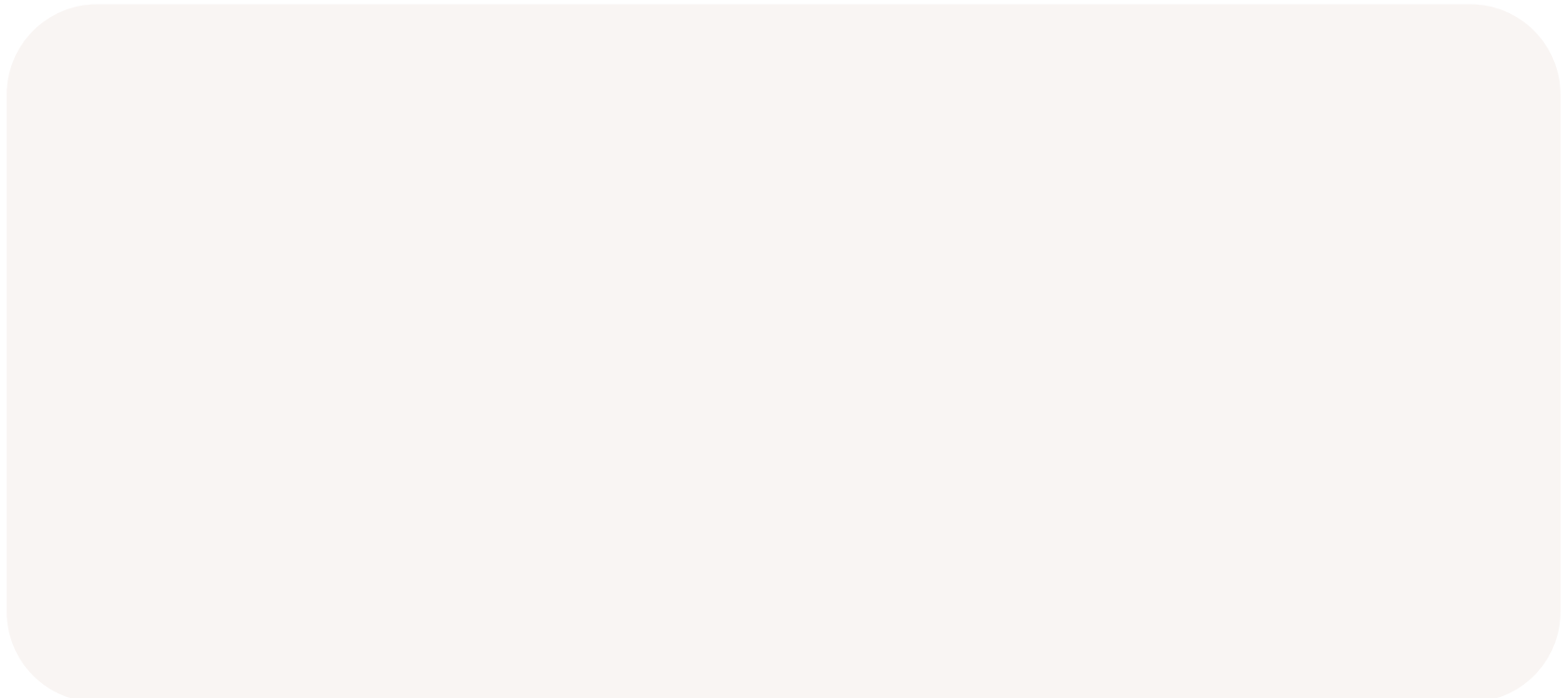
Worksheet 4: Assess Conditions for Local Transitional Justice Action During Peacebuilding

The security and human rights situation

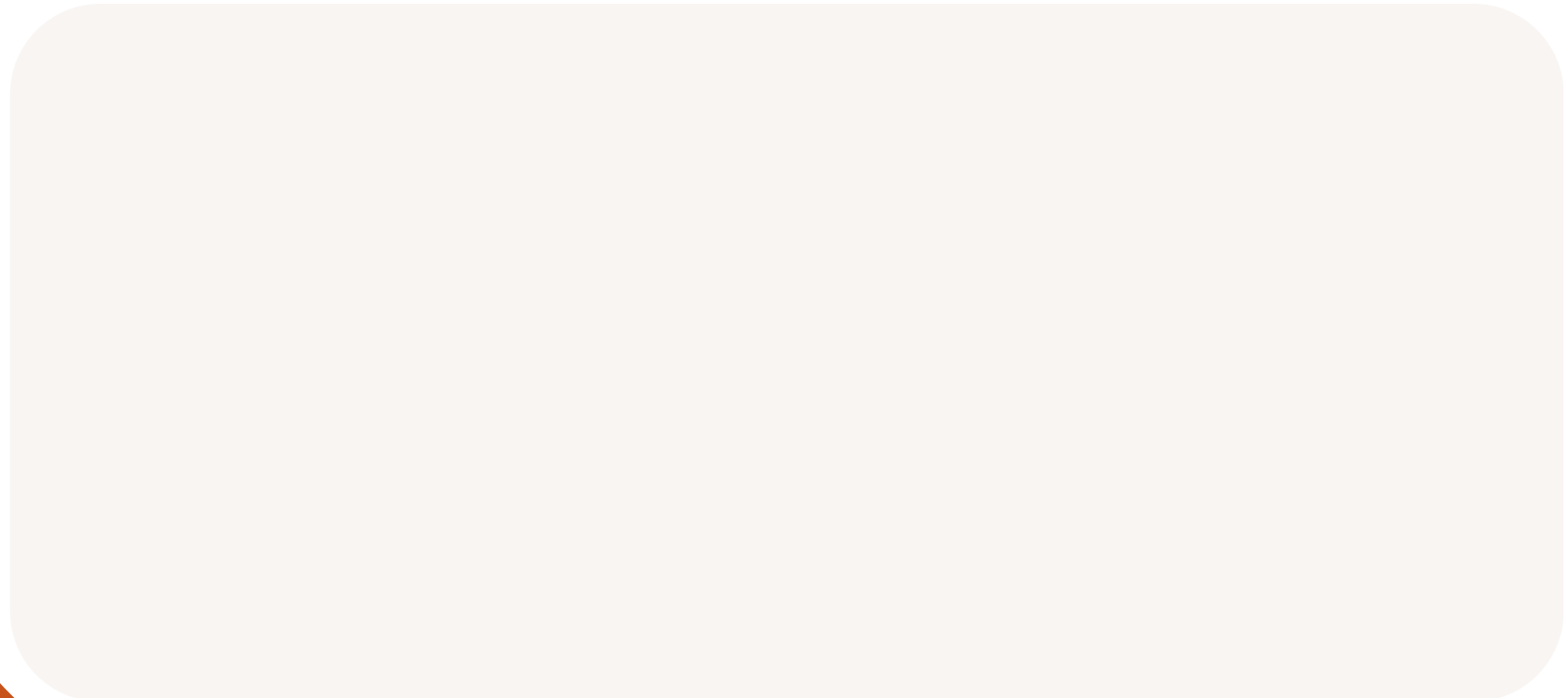
Are people fearful of ongoing or renewed violence, especially if they speak of the past? Are some groups more vulnerable (e.g. women and girls, Indigenous communities, religious or ethnic minorities, and poor rural communities)?



Is demobilisation and reintegration of former combatants underway? Have they formed militias or organisations? Are they armed or politically powerful?



Is there a process to vet candidates for police, military, and other government positions for past human rights abuses?



Leadership

What powerful political figures and organisations are driving the peacebuilding process?

How well do politicians understand the role of accountability in preventing recurrence of violence and building respect for the rule of law? What strategies address this problem?

What national narrative do political leaders express? Does it include respect for human rights and for rehabilitating victims? Are they hostile to looking at the history of the conflict?

Do political leaders propose amnesties for perpetrators? Does a lack of support for prosecutions create “informal” amnesties?

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Institutions

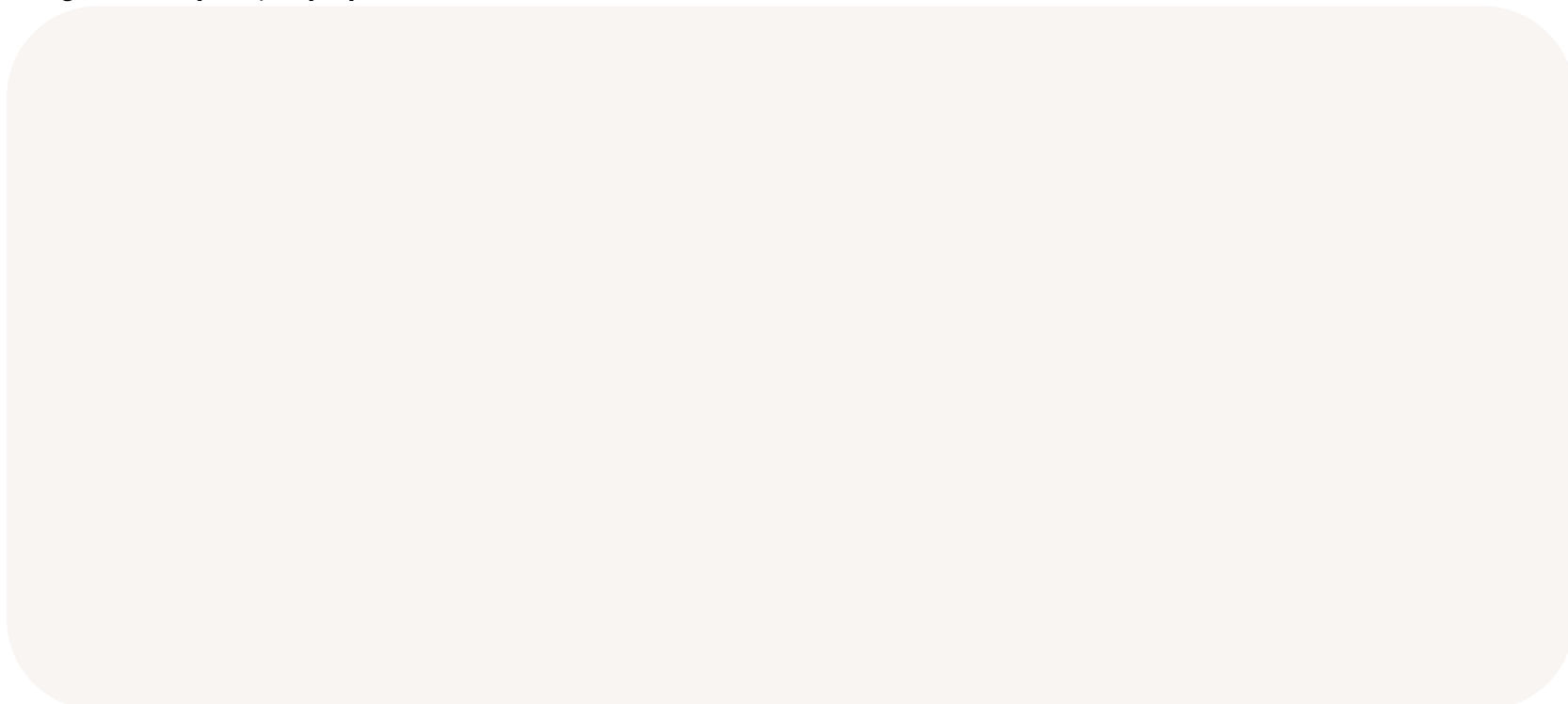
Do national and local decision-making bodies date from the conflict period, or are they new? What reforms are required to guarantee human rights and access to justice?

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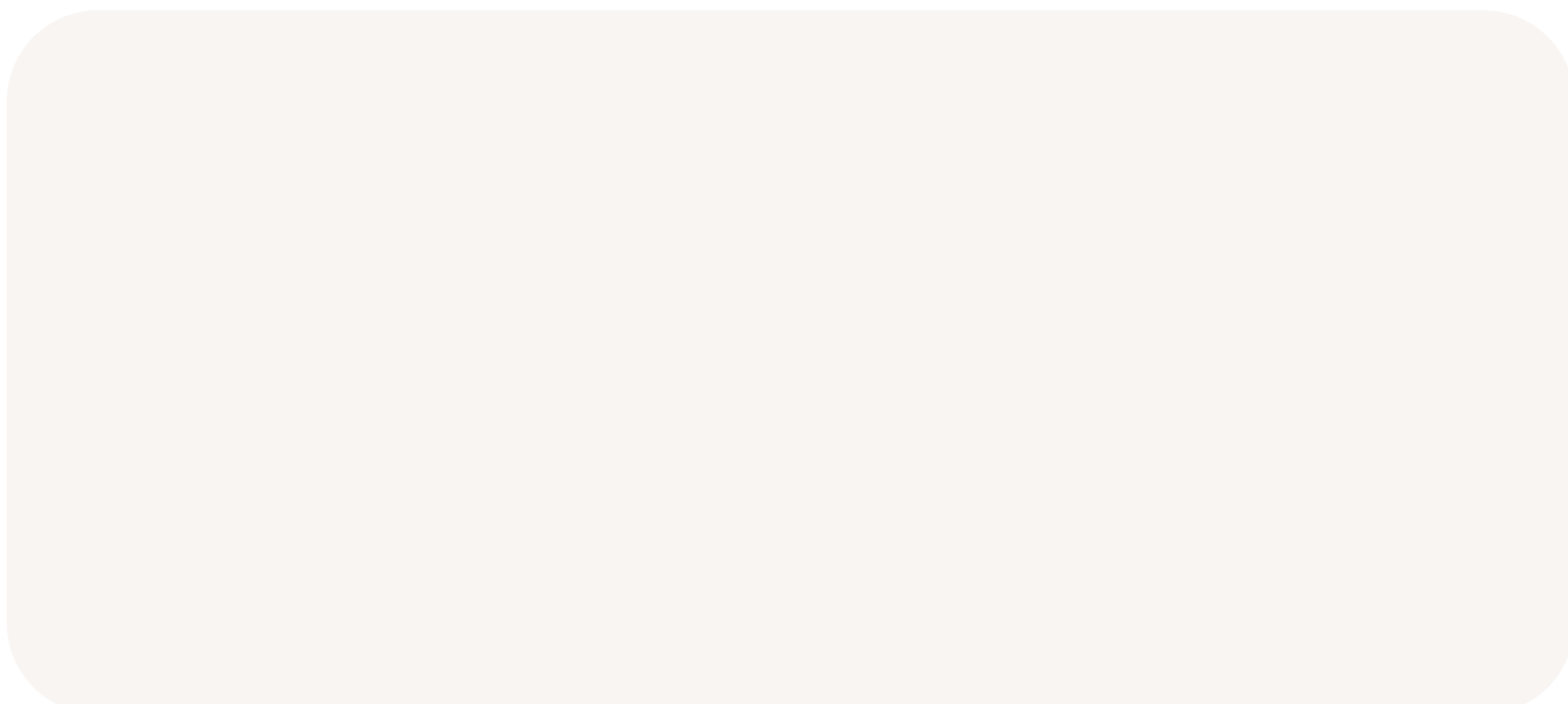
Are elections planned? Will security conditions allow free expression and participation?

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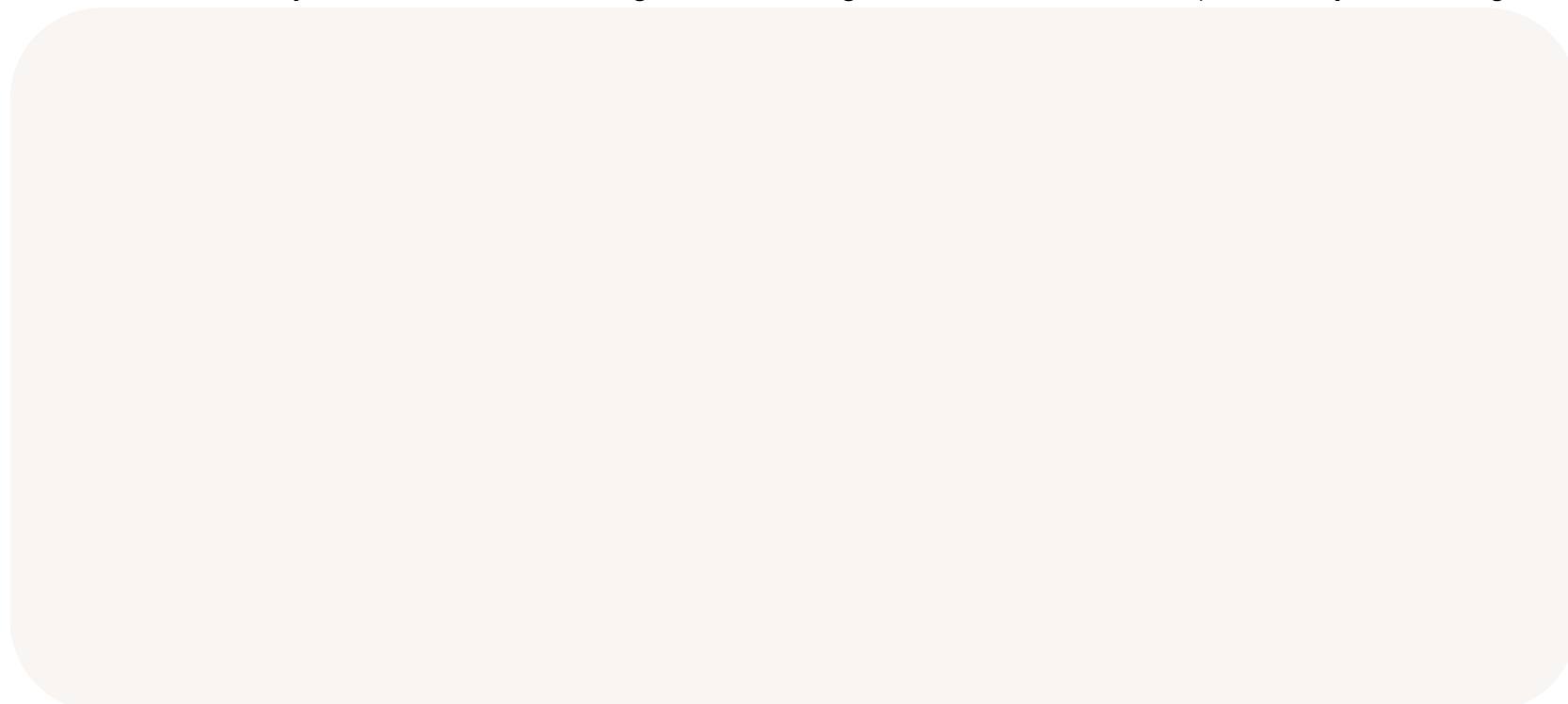
Were religious organisations implicated in human rights abuses, or did they defend human rights? Do they address marginalisation and gender inequality or perpetuate them?



What institutional reforms have helped to protect human rights and prevent a recurrence of violations? What further reforms are most needed?



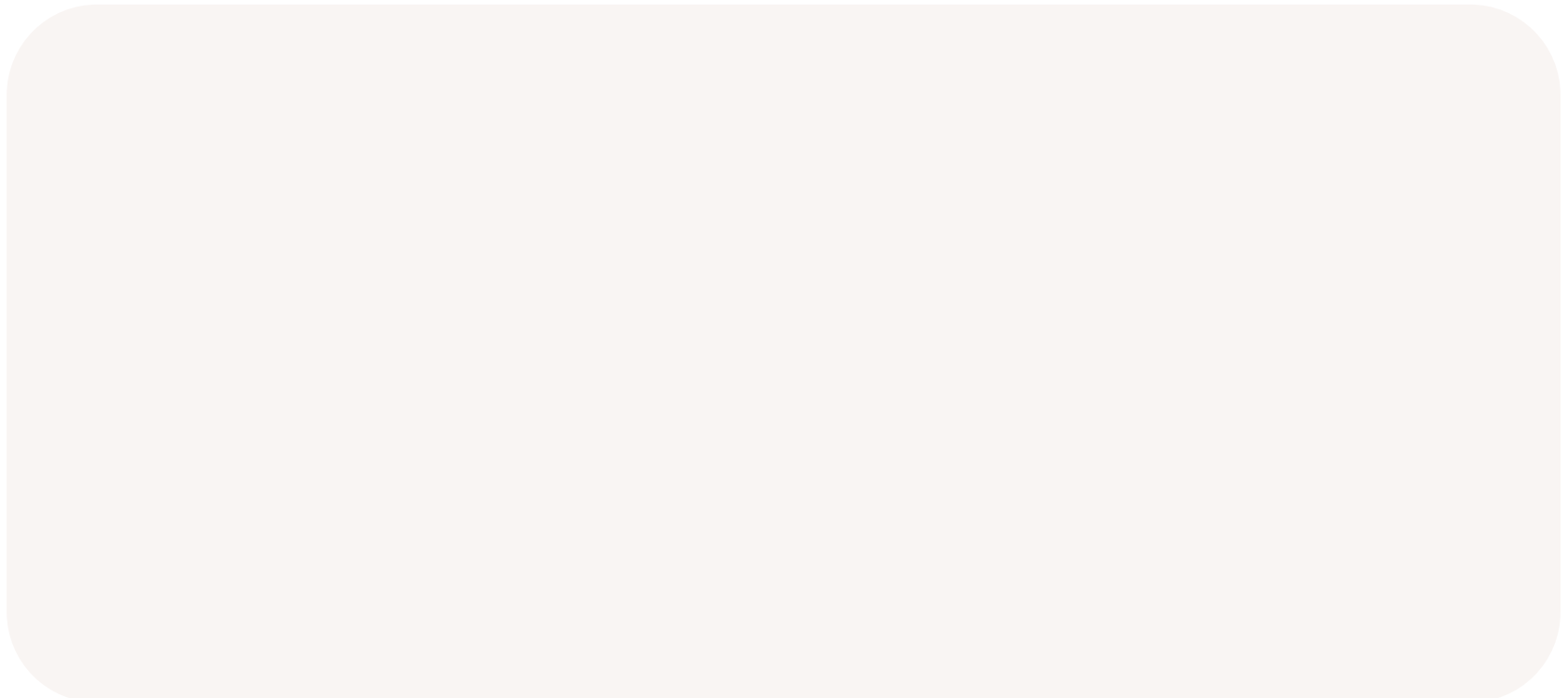
How well are women represented in decision-making bodies, including those related to transitional justice and peacebuilding?



Can the justice system investigate and prosecute conflict-era crimes consistent with international standards? Does it receive UN, bilateral, or other international support?

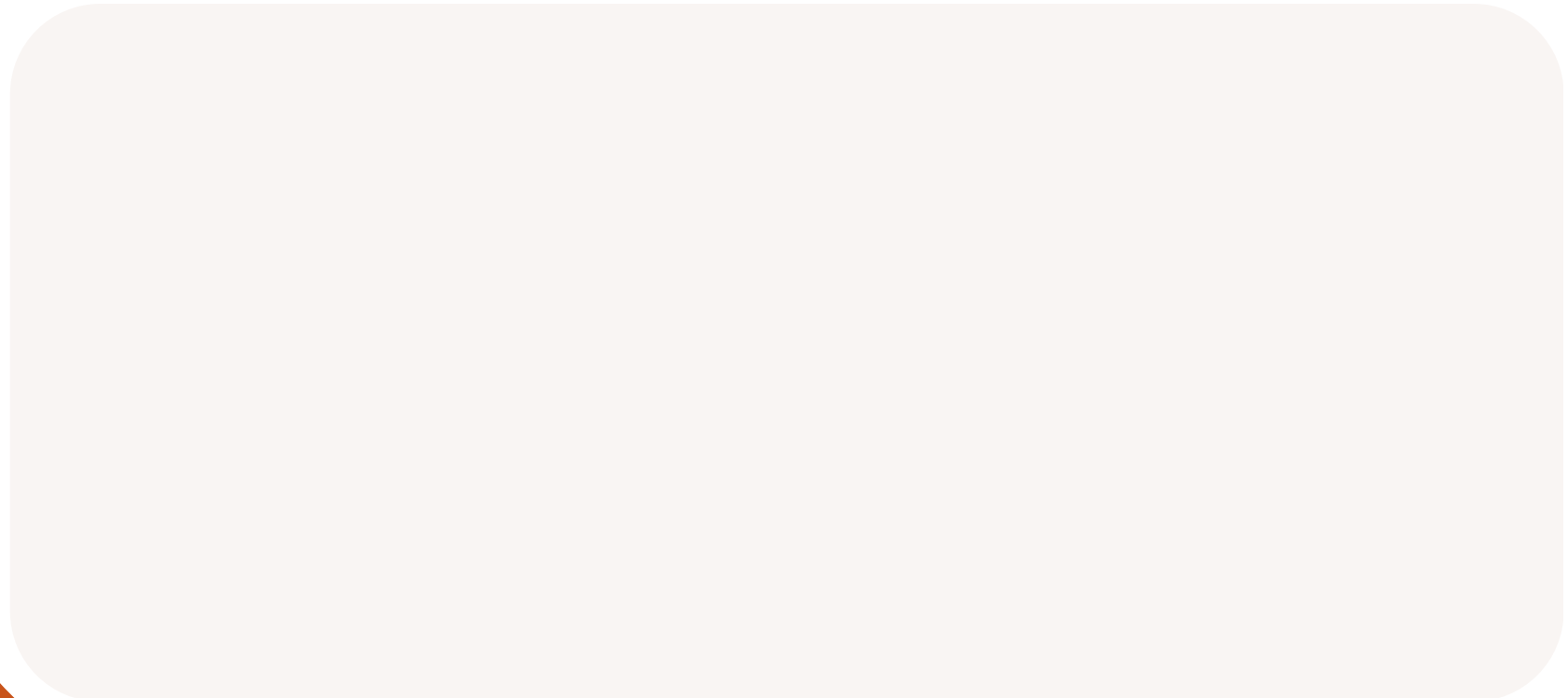


To what extent do women serve as judges, prosecutors, defence counsel, and in other roles? What is the level of awareness and skills for gender justice in this sector?

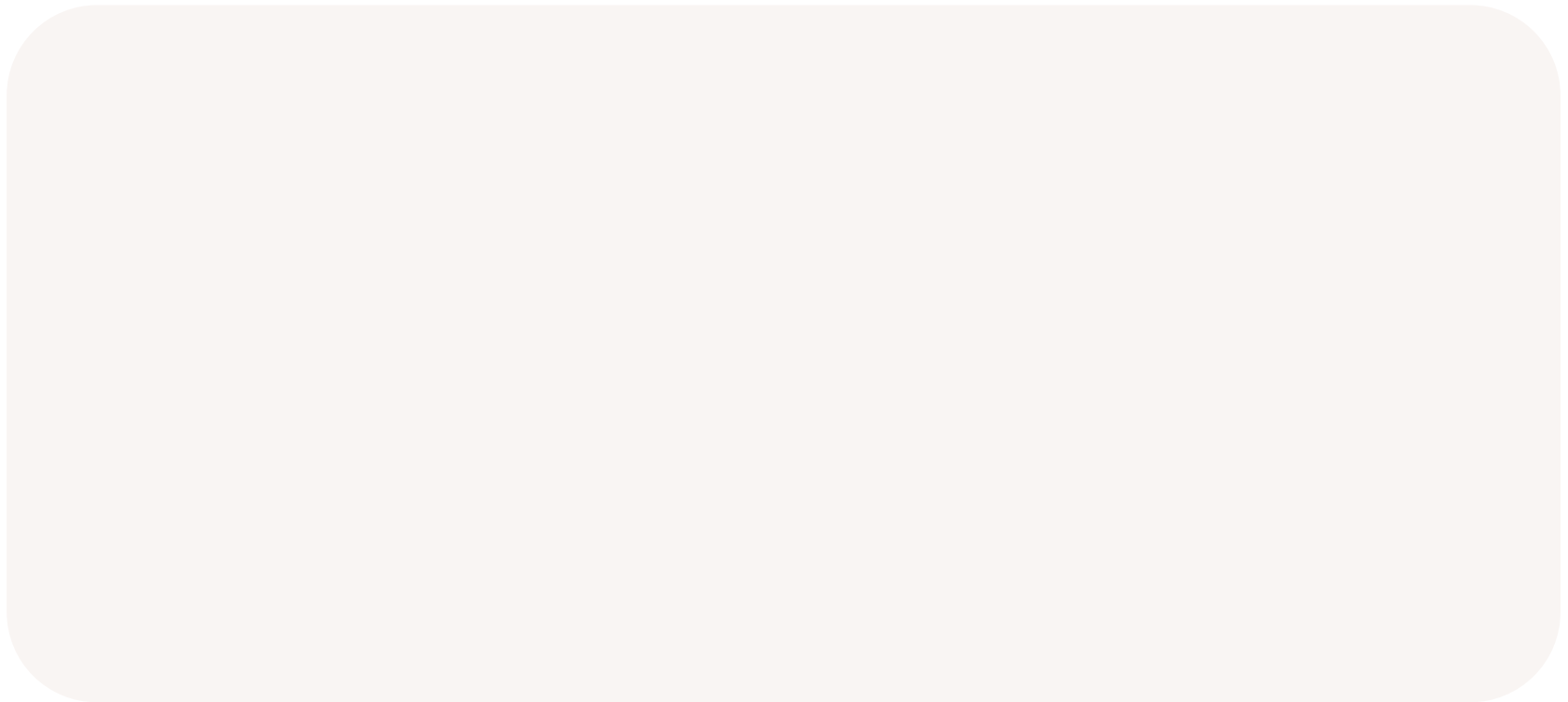


International Community

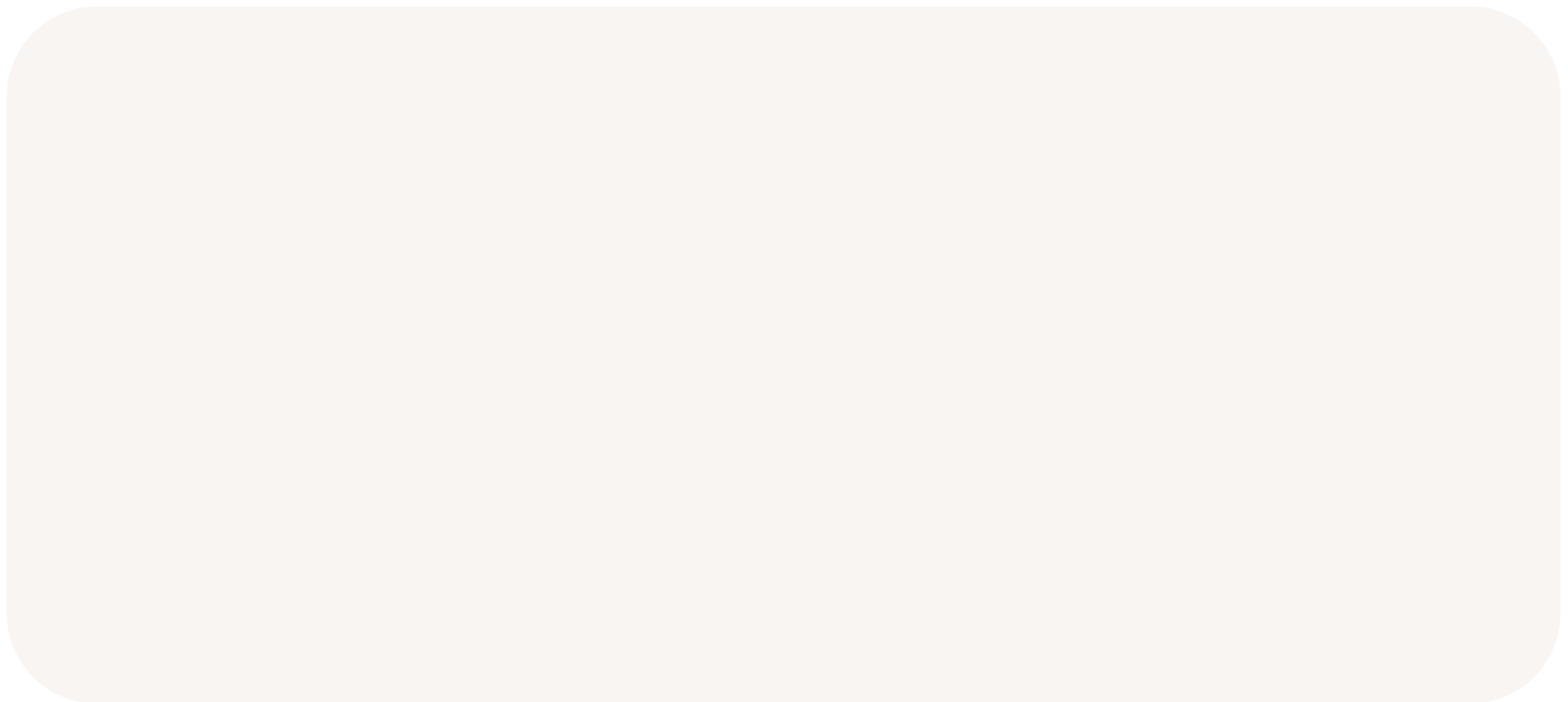
Is the United Nations part of the peace process? What UN entities support the process?



What other mechanisms can the international community offer?

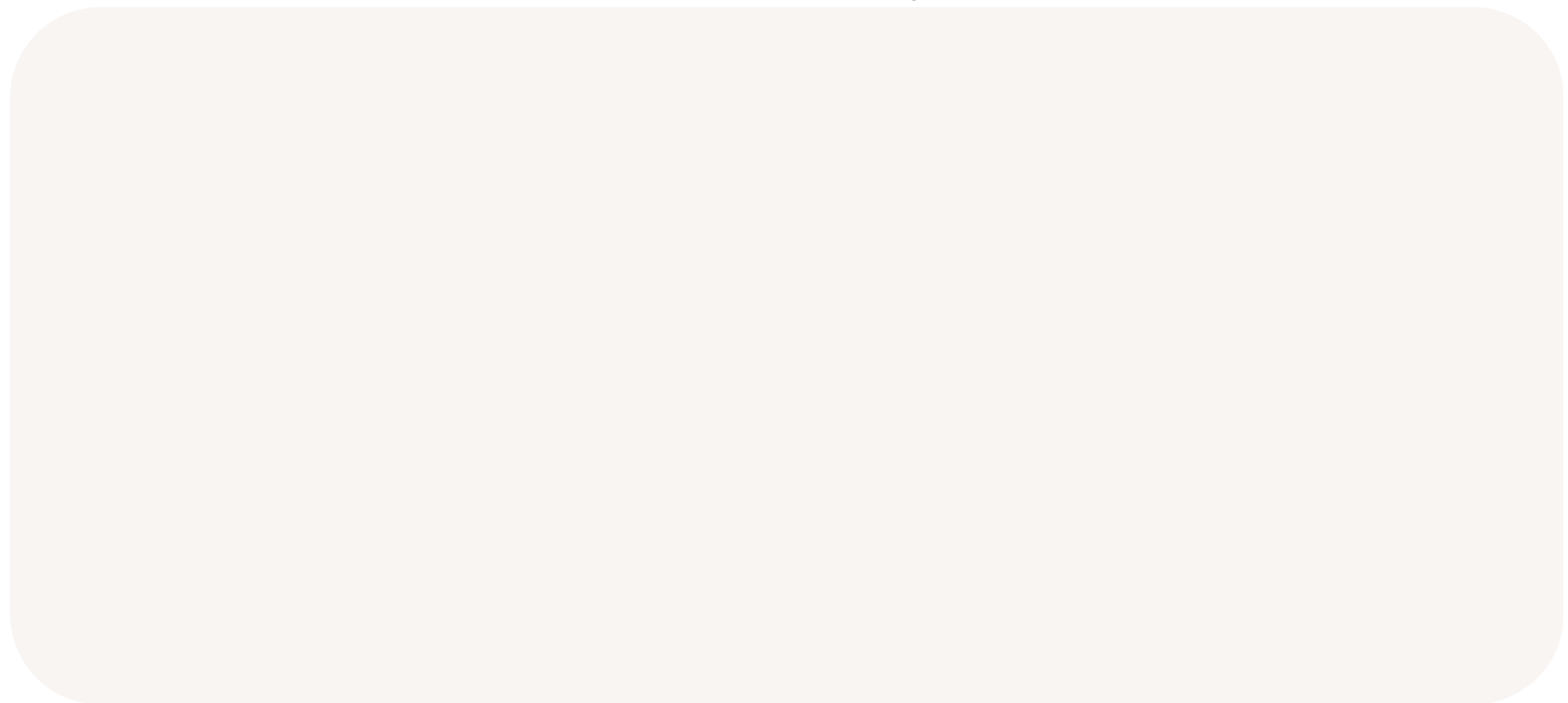


Might international or regional countries spoil the peacebuilding process?



Civil Society

Describe the space for transitional justice NGOs to influence decision-making and secure resources.



How inclusive is the national human rights community, including official bodies such as a national human rights commission? What can NGOs do to improve this situation?



What organisations and individuals are active in transitional justice work: e.g. lawyers; health workers; psycho-social service providers; schools, teachers and students; women's rights organisations; media; and organisations focusing on religion, labour, agriculture, sports, youth and the arts.

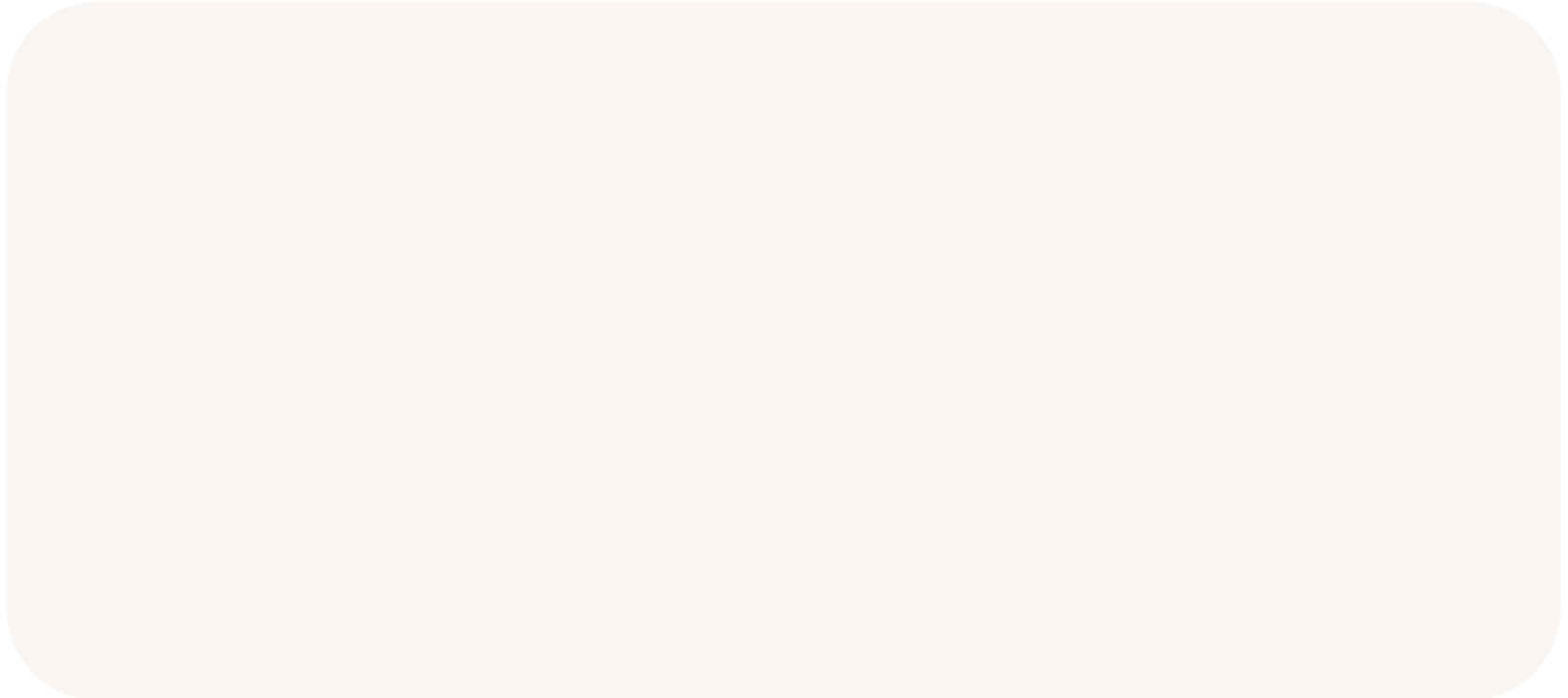


Worksheet 5: Social and Economic Inclusion

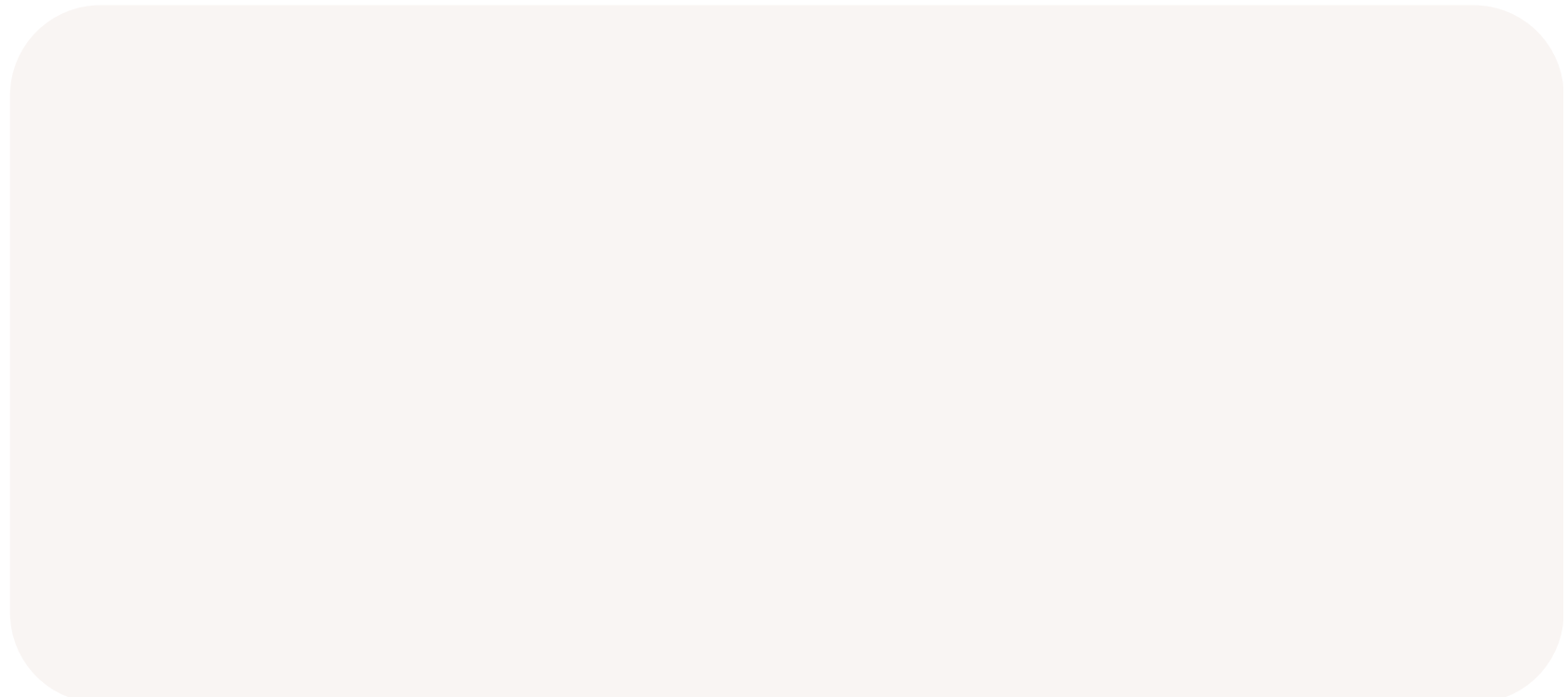
Is there a big divide between rich and poor in the community? What are the age demographics? Is a “youth bulge” facing opportunities or exclusion?



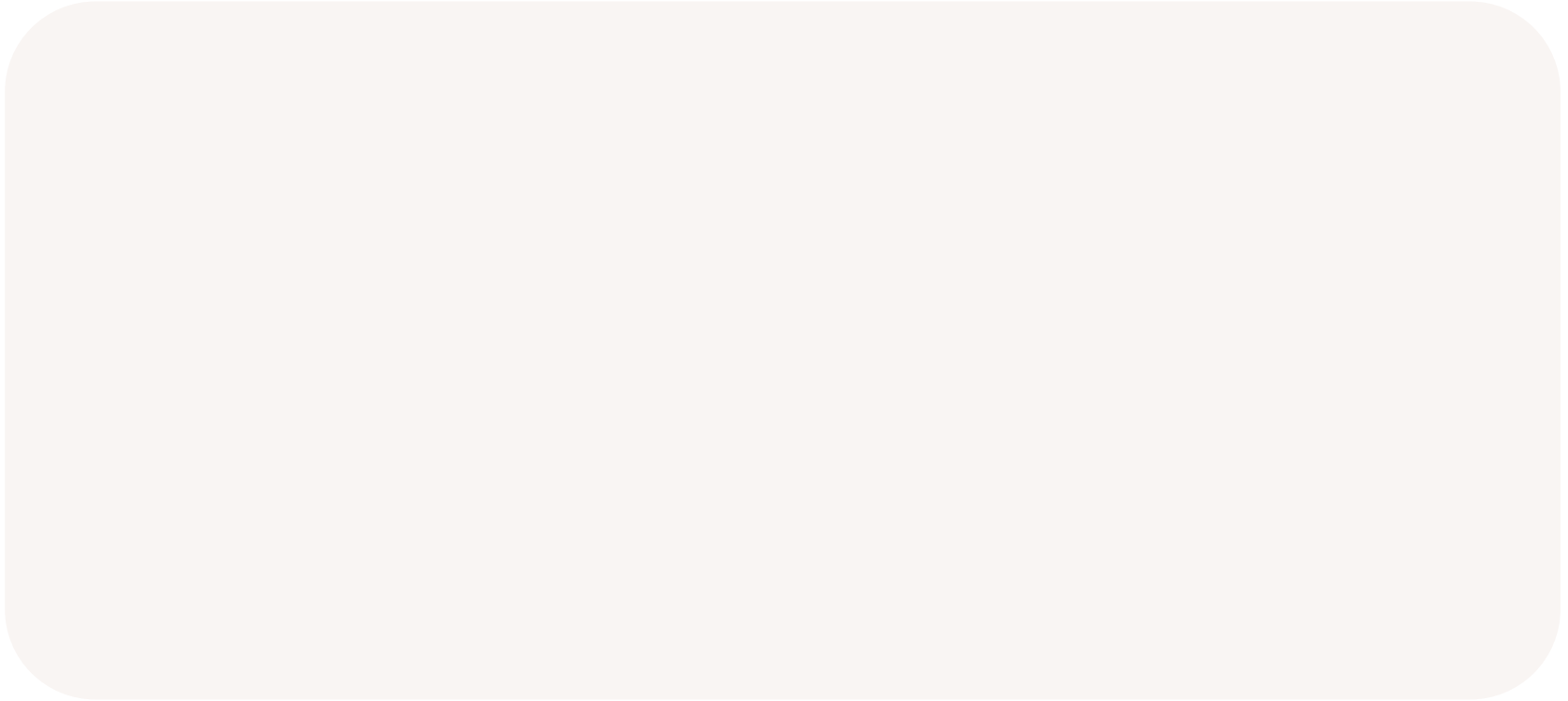
Are rural and remote communities included in the national political debate and government services? How can you widen inclusion and participation?



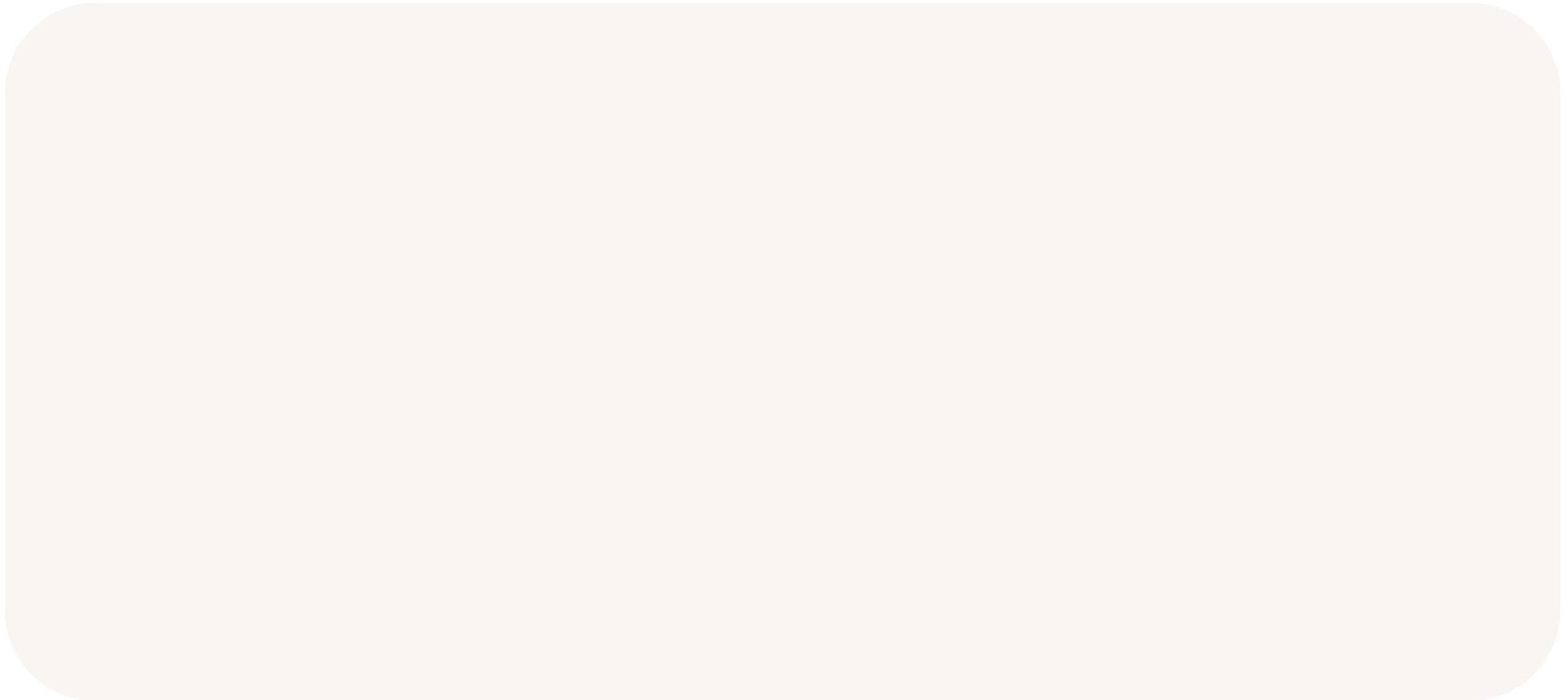
How well do transitional justice and peacebuilding programs address gender justice, violence against women, and access for women and girls? What are the gaps?



Are victims of conflict-era human rights violations included in peacebuilding mechanisms, or are they “subjects”?



Do programs for poverty alleviation, housing, health, training, education, and child support include victims?



Resources and References

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Background reading

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