Index

Abitbol, Eric 280
accountability viii, 2, 3, 5, 40, 59, 113, 128, 136, 191, 232, 250, 268, 272, 278
and acknowledgement 36
criminal 59
idealist 71
individual 163
to international donors 185
liberal-legalist 39
localized 47
mutual 281
power-sharing 145, 146
and reconciliation 268, 284, 291
traditional 212
and transitional optimism 80, 82
and truth 44
for war crimes 43
Accra Agreement (2003), Liberia 6, 120, 150–51
acknowledgement 27, 36, 47
administrative competence 152
advocacy 31, 46, 58, 120, 214, 224, 232, 249
groups 161, 216
human rights 61
networks 71
norm xi, 87
transitional justice xiii, 216, 217
Afghanistan 120, 188
Africa 60, 62, 98–9, 202
see also specific states, such as Mozambique
Central African Republic 116
power-sharing 141–2, 146
South Africa 40, 149, 201, 210, 222, 226, 246, 247
sub-Saharan Africa 126, 206
West Africa 150
African Union 201
Aggestam, Karin 102, 110
agreements
framework 113–14, 127
peace see peace agreements
post-conflict governance 137
Albin, Cecilia 112, 132
ambition of transformation 35–49
doubt, co-existence of 44–9
inflation of ambition 39–44
state capacity 59
Ames Cobián, Rolando 41, 52, 80
Anderson, Catherine 149
Andrieu, Kora 42, 55, 171–2
Angola 7, 103, 104, 189
An-Na’im, Abdullahi Ahmed 258, 260
apartheid 246
Arab League 51
Arab Spring 76
post-Arab Spring transitional justice 82
Arbour, Louise 2, 72–3
ARENA government, El Salvador 133, 201
Argentina 222
Aristide, Jean-Bertrand 201
Arnold, Walter 61
Arnson, Cynthia 153
Aroussi, Sahla 106, 110, 126, 138, 146
Arriaza, Laura 245–6, 265
Arthur, Paige 212
Arusha Accords (1993), Rwanda 116, 128
Asian states 206
Atlas, Pierre 150
### Transformative transitional justice and post-conflict states

Australia 77  
authoritarianism/authoritarian regimes  
post-authoritarianism x, 4, 25, 28, 57, 91  
residual authoritarianism 15  
semi-authoritarian regimes 155  
transitions from authoritarianism 28, 36, 66, 75, 118, 222  
autonomy of transitional justice 82  
Azpuru, Dinorah 153  
bad faith transitional justice 51  
Baines, Erin 244  
Baker, Pauline 116  
Balasco, Lauren Marie 49  
Balint, Jennifer xiv, xv, 223, 254  
bargaining 106–7, 111–14, 168  
Barnett, Michael 193  
Bell, Christine 79, 83, 105, 114, 124–5, 127, 149  
Belloni, Roberto 171  
Bercovitch, Jacob 109  
Berdal, Mats 113, 119, 160  
Bergsmo, Morten 80–81  
Bhuta, Nehal 10, 84–5, 130, 209  
Bicecse and Lusaka accords (1991 and 1994), Angola 116  
Bleiker, Roland 191–2  
Beås, Morten 199–200  
Bosire, Lydia 204  
Bosnia 27, 38, 83, 91, 102, 103, 115, 127, 160, 188  
bottom-up projects 245–7  
Bougainville 120  
Braithwaite, John 48  
Brown, Kris 147  
Buckley-Zistel, Suzanne 46  
bureaucracy 50, 51, 168, 179, 198, 200, 227  
bureaucratic weakness of the state 64, 202–6, 259  
rational 60, 156  
routinized 197  
Burundi 146, 189, 245  
bystanders 135, 210  
Call, Charles 206  
Cambodia 38, 80, 83, 104  
peace agreements 151, 190  
Canada 77  
capacity  
lack of 206  
of the state 59–62  
of the transitional justice ‘industry’ 49–59  
vagueness issue 58, 62–6  
Cape Town Trauma Centre for Survivors of Violence and Torture 246  
case studies 81, 140, 188  
ideographic 47, 248  
peace negotiations 125, 126, 128, 129  
civil society 55, 58–9, 252  
ad hoc action 246  
bottom-up projects 279  
empowerment programmes 56  
international and domestic 119  
lack of involvement 118–25  
local 232  
progressive 123  
and social movements 57, 58, 122  
civil society organisations (CSOs) 57, 120  
civil wars 6  
see also war  
asymmetries 97–8  
causes 93–9  
definitions 92  
as development in reverse 96  
factions, among 268
intractable 95, 97
irregular 95
majoritarian or minoritarian 94–5
militarized 268
modern 92–105
origins 94
political resolution requirement 83
statistical studies 98
victory 8
clarity, crisis of 223–7
Clark, Phil 46
Clausewitz, Carl von 111
clientelism 13, 156, 202, 207, 262
Cold War 36, 71, 103, 211
end of 93, 104
Colombia 12, 102, 104, 114–15, 147, 247
colonialism 203
post-colonial states 199–200, 209
settler colonies 77
Colvin, Christopher 52, 72
Commission for the Management of Strategic Resources, Lomé Peace Agreement 150
competence 46, 48, 88, 171, 237
administrative 152
of NGOs and social movements 119
compromise 17, 51, 99, 107, 113, 121, 142, 154, 168, 190, 222, 287, 290
civil wars 101, 103
‘compromised peacebuilding’ 192–6, 207, 292
compromised transitional justice 292–3
peacebuilding 200, 205
political 137, 158
post-conflict transition, political economy of 71, 83, 88, 89
Track II diplomacy initiatives 119
conflict elites 92, 106, 134, 146, 202, 211
conflict resolution 104, 129, 142, 159, 287, 293
see also peace agreements; peace negotiations; peacebuilding/peacekeeping; power-sharing bottom-up transitional justice 236, 246, 257, 275, 280
elicitive 236–7
local, limits of 262
localized 232, 234, 237
theorists 237–8, 280
Congo see Democratic Republic of the Congo (DRC)
consensus 1, 2, 5, 31, 39, 188, 212, 227
bottom-up transitional justice 270, 278
domestic 114, 213
peace negotiations 102, 118, 119, 131, 134, 140, 142, 144
societal 212
crime 107, 136, 163, 188, 190, 194
conservatism of transitional justice 4
conservative shell-state 180–82
consociationalism, Lijphartian 140
constitution drafting 130
constitutionalization, role for 129–31
constructivism 56
impact 66–75
limitations 84
and realism 69, 71
social 70
context
abstraction of transition from 75–8
decontextualization 20, 66, 220
corruption 14, 60, 156, 171
domestic institutions and informal power, impact 202, 207, 208
Côte d’Ivoire 9, 94, 189
Linas-Marcoussis Accords (2003) 7, 116, 128
Council of Europe 51
Coyne, Christopher 71, 215
criminal accountability 59
criminal justice 2, 38, 52, 128, 146, 284
critical peace studies 176, 182, 220
critical transitional justice theory 85, 183, 188, 210, 215, 219, 252, 289
critiques
critical approaches, limits 217–29
liberal peacebuilding 173, 174, 176–86, 187, 220, 243
transitional justice 4, 86, 163, 167–8, 176, 187, 221, 243
Transformative transitional justice and post-conflict states

Dancy, Geoff 172
Darby, John 83, 133, 181
Darfur peace process 117
Davis, Laura 150
Dayton Accords 123
De Coning, Cedric 196
De Greiff, Pablo 11, 14, 202, 225
De Guevara, Bliesemann 195
De Waal, Alex 108, 157
decontextualization 20, 66, 220
demobilization and reintegration (DDR) 40
democracy 12, 20, 25, 29, 117, 222
defining 172–3
liberal see liberal democracy/liberal democratic regimes
liberal peacebuilding 156, 172–3, 184, 189, 191, 192, 195
mass democracy 183
and peace 75, 118
social 37
superficial 198
transformative turn 37, 38, 49, 60, 65
Western democracies 76, 209
Democratic Republic of the Congo (DRC) 12, 61, 62, 95, 189
Global Accord 128, 150, 194
International Committee to Support Transition 194
local, limits of 265, 269, 270
peace negotiations and agreements 120, 128, 150, 194
Second Congo War 104
democratization 26, 78, 148, 163, 172, 183, 185, 195, 211, 218, 254, 255, 257, 282
and governance reform 184–5
partial 76
Derouen, Karl 148
developing countries 76, 203
dialogue 87, 88, 99, 250, 276, 281
community 276, 278
conflict management 237, 245
'dialogue tables' 238
facilitated 281
individual 251
local 183, 230
non-customary 246
disarmament 6, 7, 40, 95, 102, 108, 113, 115, 142
forcible 103, 109
voluntary 247
distributive justice 36, 41, 53
domestic elites xiv, 29, 81, 192, 193
domestic politics
   agency of all domestic actors, taking seriously 286–91
   impact of domestic institutions and informal power 196–217
   bureaucratic weakness of the state 202–6
   clientelism 207
corruption 207
   patrimonialism/
      neo-patrimonialism 206, 207
   limits of liberal influence on domestic political economy 186–96
   and post-conflict socio-economic justice 15–16
dominant-power politics 9
Donais, Timothy 162, 280
doubt, co-existence of 44–9
Doyle, Michael 93, 107
DRC see Democratic Republic of the Congo (DRC)
Duthie, Roger 53
East Timor 27, 38, 83, 188, 194, 210, 232, 245, 259
Community Reconciliation Process 247, 280
UNTAET mission 115
Eastern Europe 36, 38, 75
economic, social and cultural (ESC) rights viii, ix, xii, xiii, 2, 228
see also human rights
peace agreements 92
peace negotiations 118, 124, 127, 129, 133, 135
and power-sharing 139, 154
transformative turn 43, 47, 54, 62, 63, 72
Index

economic elites 24, 135, 148–9, 201, 215–16
economic injustice 38, 184–6
economic power 92, 118, 135, 158, 201, 210
economic power-sharing 139, 140, 146–51, 157, 193
see also power-sharing
informal 149–50
economic resources 87, 134, 148, 158, 167, 208, 228, 243
economics 16–17
El Salvador 75, 95, 114, 116, 147, 149, 189, 210, 219
ARENA government 133, 201
Farabundo Martí National Liberation Front (FMLN) 101, 133
National Commission for the Consolidation of Peace 115
ONUSAL mission 115
peace accords 7, 133–4
elite pacts 211
elites xi, 16, 23, 37, 61, 64, 84, 89, 123, 145, 150, 157, 165, 169, 181, 182, 204, 208–14, 210
conflict 92, 106, 134, 146, 202, 211
description 209–10
domestic xiv, 29, 81, 192, 193
economic 24, 135, 148–9, 201, 215–16
group 61, 210
landed 194
local 15, 193, 194, 217, 262–4, 284
military 159
national 163, 195
old 36
organized 201
political 84
post-conflict 26, 147, 193, 288
power 27
state 183
sub-elites 135, 156
sub-national 141, 157, 262
violent 137
emancipatory justice 185–6
empirically based theorization 45, 47
empowerment programmes, civil society 56
enticing opportunity model 100
ESC see economic, social and cultural (ESC) rights
Ethiopia 9
ethnic groups 58, 87, 121, 141, 155, 244, 249–50, 269
exclusion from state power 93–4, 138, 270
leaders 210
ethnographic transitional justice scholarship 234
European Union (EU) 51
Evans, Julie xv, 223, 254
Farabundo Martí National Liberation Front (FMLN) 101, 133
FARC (Revolutionary Armed Forces of Colombia) 102, 115
financial resources 179, 211
Fletcher, Laurel 74
FMLN (Farabundo Martí National Liberation Front) 101, 133
Foley, Michael 141
formalism 183
Fourlas, George 77
framework agreements 113–14, 127
frameworks xv, 2, 16, 26, 37, 45, 70, 73, 77, 239, 250, 270, 292
alternative 182, 255
and constitutions 130
dominant 55, 182
economic 2, 32
human rights 62, 79, 125
institutional 27, 178, 180, 185, 267, 276
legal xii, 47, 127, 166, 180, 197
political 4, 32, 225, 289
rights-based 62, 79, 125
social 2, 4, 32
transitional justice ix, 68, 228
framing process 50, 67–9
reframing agenda 69
Franzki, Hannah 37, 69, 86, 211–12
‘free-floating rhetoric’ 60
functionality, state 13–15
game theory 193
Global Accord, DRC 128, 150, 194
Global North 28, 123, 141, 164, 174, 257
Global South 82, 164, 170
good faith 6, 36, 100, 109, 130, 286
good governance models 181
Goodale, Mark 241
governance
  good governance models 181
  impact of power-sharing on cultures of 151–7
  ineffective, and paralysis of policy 153–4
  in peacebuilding 198, 288
  post-conflict governance agreements 137
  reform 184–5
  responsive 136, 152, 155
governmental strategies of transitional justice 279
  horizontal and vertical impacts 239–41
Gready, Paul 41, 42, 56, 73, 224, 225, 252
greed theory of war 94, 104
  grievance theory of war 94
Grindle, Merilee 14
group elites 61, 210
Guatemala 7, 75, 80, 95, 96, 114, 116, 127, 210, 219, 226, 265
  bilateral peace negotiations and Civil Society Assembly 120
Civil Defense Force members 270
  inclusive peace agreement 200
  National Revolutionary Unity (URNG) guerrillas 101
Haas, Richard 101
Haiti 201, 276
  Interim Cooperation Framework 123
Haldeman, Frank 62, 228
Hameiri, Shahar 21, 199, 208–9
  Regulating Statehood 21
Hampson, Fen Osler 112
  hard bargaining 111–14
  Hardin, Russell 136
  Hartzell, Caroline 115, 144
  Hayner, Priscilla 110–11
  Hecht, Lisa 53
  hegemonic discipline 176–8
  Helmke, Gretchen 218–19
  Hinton, Alexander Laban 178
  historical justice 42
Hoddie, Matthew 115, 144
  horizontal inequalities xiii, 1, 16, 28, 147, 192, 200, 207
Hovil, Lucy 57
  human rights
  see also civil and political rights;
  economic, social and cultural (ESC) rights;
  socio-economic rights
  abuses x, 36, 38, 95, 146, 266
  advocacy 61
  debates 63, 252
  discourse 29, 175, 179, 260, 286
  frameworks 62, 79, 125
  global community 36
  guarantees 132
  international organizations 60
  law 23, 89, 90, 118, 125
  liberalism of peace agreements 128
  NGOs 50, 246
  norms 39, 125, 128, 191, 260, 287
  peripheral nature of in peace negotiations 125–9
  post-conflict advocacy 61
  protections 90, 128, 129, 172
  asymmetries 83
  provisions 23, 90, 121, 128, 131
  violations 37, 38, 41, 46
  humanitarian action 115, 179, 215, 223–4
  potential limitations 70–71
  humanitarian outcomes 60
  Hutu rebels, Burundi 101–2
  hybridity 114, 156, 188, 198, 199, 205, 217, 220, 241, 243, 262, 265
  hybrid states 156, 206
Hyden, Goran 265
Index

idealism 36, 57, 66, 74, 88, 198, 200, 222, 240
and accountability 71
normative 46
Weberian ideal types 61
ideographic case studies 47, 248
imperfect worlds concept 202
indigenous groups/peoples 3, 77, 124, 181, 183, 200, 257, 270
indigenous justice 30, 31, 47, 233, 245, 254, 258, 259
Indonesia 123
ineffective governance, and paralysis of policy 153–4
inequalities
see also poverty
economic/socio-economic 37, 171, 262, 290
geographies 32
horizontal xiii, 1, 16, 28, 147, 192, 200, 207
land 54
redressing 228
reducing 41, 68, 73, 207
structural xii, 1, 2, 30, 31, 33, 41, 44, 59, 61, 136, 179, 218, 286, 290
systematic 215
informal power
and domestic institutions 196–217
bureaucratic weakness of the state 202–6
clientelism 207
corruption 207
patrimonialism/
neo-patrimonialism 206, 207
economic power-sharing 149–50
INGOs (international non-governmental organizations) 50, 68
injustice
see also justice; transitional justice/
transformative transitional justice
concept 223
economic see economic injustice
paradoxical form 45
unjust socio-economic structures 55
insecurity 5, 107, 157, 245, 276, 287
Integrated Regional Information Networks 117
internally displaced persons (IDPs) 5, 124, 281
International Center for Transitional Justice 50
International Covenant on Economic, Social and Cultural Rights 57
international financial institutions (IFIs) 170
International Journal of Transitional Justice 4, 204
Iraq 188
Ivory Coast, peace negotiations (2003) 120
Jones, Briony 65
Jones, Lee 194
justice
colonization by law and legalism 37
concept 2–3
criminal 2, 38, 52, 128, 146, 284
distributive 36, 41, 53
emancipatory 185–6
graspots 283
historical 42
indigenous 30, 31, 47, 233, 245, 254, 258, 259
localized see localized justice
micro-level, and macro-level conflict
causalities 266–75
peace vs. justice debates 122
post-conflict xv, 78, 249, 292
pursuit of 36
redistributive 2, 42
restorative 44, 47, 228
root cause approach to 40–41
social 37–8
socio-economic see socio-economic justice
structural xiv, 42, 165, 223
thoroughgoing, obstacles to 140
traditional mechanisms 63
transformative transitional see transitional justice/
transformative transitional justice
Insecurity 5, 107, 157, 245, 276, 287
Transformative transitional justice and post-conflict states

and transition 66
visions of 40, 164, 223, 231
Western worldviews 227
Jütersonke, Oliver 264
Kalyvas, Stathis 95, 271
Keen, David 158–9
Kennedy, David 223–4
Kenya 116, 146, 189, 201, 219
North Kenyan Peace and Development Committees 281
Koskenniemi, Martti 66, 66–7
Kosovo 188
Kouassi, Rachelle 62, 228
Kurtenbach, Sabine 9
Lambourne, Wendy 226
Lanz, David 110, 118
Latin America 36, 38
trut commissions 40
Lazar, Seth 79
Lebanon 7
Lederach, John Paul 236, 237–8, 280
Lee, Jenna 148
Lefranc, Sandrine 274
legal frameworks xii, 47, 127, 166, 180, 197
legalism 37, 67
see also liberal-legalist paradigm/
liberal-legalism
limits of 168–9
legalization 127
lessons learned 283–97
adapting transformative aspirations
to limits of politics and capacity 292–4
agency of all domestic actors, taking seriously 286–91
future research agendas 292–4
modesty, need for 294–7
Levitsky, Steven 218–19
liberal democracy/liberal democratic regimes vii, xvii, 28, 108, 165, 179, 213, 227, 286
ambition of transformation 36, 37, 38
liberal peacebuilding and transitional justice 161, 166, 169, 171, 173, 195, 196
liberal interventionism 193, 220
liberal peacebuilding 55–6, 161–229
see also peacebuilding/peacekeeping bias 128
crisis of relevance 219–23
critiques 176–86, 187, 220, 243, 255
critique from liberalism vs. critique of liberalism 173–5
limits of critical approaches 56, 217–29
domestic institutions and informal power, impact 196–217
bureaucratic weakness of the state 202–6
clientelism 207
corruption 207
patrimonialism/neopatrimonialism 206
domestic political economy, limits of liberal influence on 186–96
compromised peacebuilding 192–6
international actors, exaggerating influence of 188–92
elites 208–14
international actors, exaggerating influence of 188–92
vs. liberal peace 170
liberal peace thesis 166
parallel critiques 176–86
conservative shell-state 180–82
economic injustice, allowance 184–6
excluding the local 182–4
hegemonic discipline 176–8
technocratic approaches, de-politicizing 178–80
post-conflict state resembling pre-conflict state 214–17
poverty 162, 164, 167, 171, 179, 185, 192
power-sharing 140
rejection of 86
security 169, 175, 179, 181, 182, 185, 188, 190, 192, 193
and transitional justice 169–76
Index

truth commissions 162, 163, 166, 186, 191, 192
liberalization 36, 183, 189, 211
economic 170, 184
liberal-legalist paradigm/
liberal-legalism 21, 22, 29, 125, 217, 286, 289, 293
see also legalism
bottom-up transitional justice 233, 284
‘compromised peacebuilding’ 196, 197
liberal peacebuilding 164, 176, 185
limits of critical approaches 223, 229
transformative turn in transitional justice 39, 40, 56
Liberia 7, 12, 96, 104, 116, 189, 197, 245
Accra Agreement (2003) 6, 120, 150–51
reconstruction programmes in
Northern Liberia 276–7
Libya 27, 103, 197
Licklider, Roy 111, 150
Linna-Marcoussis Accords, Côte
d’Ivoire (2003) 7, 116, 128
local, the
as agent of socio-economic
transformation 250–55
bottom-up projects 245–7
defining 241–7
as an equivocal concept 242–5
excluding 182–4
and the global 243
limits
existing power structures,
replication of 258–66
micro-level justice and macro-level
conflict causalities 266–75
missing middle 276–82
and local turn see local turn
macro-level, meso-level and
micro-local approaches 243
as national 243–4
ownership 243
peacebuilding literature, support
from 255–6
preference for locally rooted social
movements 56
top-down stasis vs bottom-up
emancipation 247–58
in transitional justice discourse
247–58
unproven assumptions 257–8
local elites 15, 193, 194, 217, 262–4, 284
local turn of transitional justice 278
see also local, the
defining 233–6
grassroots transitional justice,
horizontal and vertical impacts
239–41
and parallel peacekeeping debates
231–41
relevance of local peacekeeping
debates 236–9
relevance of local peacekeeping
debates 236–9
localized justice 30, 31, 240, 248, 251,
253, 257, 281
see also local, the; local elites; local
turn of transitional justice
limits of the local 258, 261, 262, 272
local turn of transitional justice 234,
236
Lomé Peace Accord, Sierra Leone 116,
150
Lutz, Ellen 58
McCandless, Erin 280
Macdonald, Anna 248
MacGinty, Roger 83, 133, 181, 221, 237
McMillan, Nesam xiv, xv, 223, 254
Maddison, Sarah 43
malleability xii, xv
limited 15, 202
of post-conflict states/societies 25,
28, 78, 80, 88, 293, 297
structural 139, 202, 286, 292–5
Mani, Rama 54, 215
marginal groups 124, 136
Matua, Makau 186
Mayanmar 203
mediation 109–11, 119, 122, 129, 134
Transformative transitional justice and post-conflict states

Mehler, Andreas 129
memory projects 162, 192
meta-conflict, transitional justice
subject to 69
Meyer, John 128
Meyler, Andreas 9
Michalowski, Sabine 53
Middle East 206
military elites 159
military power-brokers 239
military powers 135
military power-sharing 139, 140
Miller, Zinaida 64, 74
minorities 3, 56
peace negotiations 119, 124, 136
permanent 142
post-conflict transition, political
economy of 87, 89
power-sharing 139, 142, 144
mistrust 96, 123, 137, 144
peace negotiations 111, 112
Mozambique 7, 101, 146, 189, 245, 259
ONUMOZ mission 115
Murithi, Tim 42
mutually hurting stalemate theory
100–104, 117, 132
Muvungi, Ismael 42, 182, 186
Nadarajah, Suthaharan 252
Nairobi 201
Namibia 7, 189, 201
National Action Plans 124
national elites 163, 195
National Revolutionary Unity (URNG)
guerrillas, Guatemala 101
National Unification Commission, Philippines 120
nationalism, anti-colonial 203
neo-liberal policy 184
neopatrimonialism 206, 207, 208
see also patrimonialism
patterns 156–7
Nepal 7, 127, 203
Nesiah, Vasuki 51, 82, 180
neutrality 85, 109, 110, 179, 198, 213
new orders 18, 36, 136
NGOs (non-governmental organizations) 51, 71, 154, 163,
187, 245, 261, 265
human rights 50, 246
international see INGOs
(international non-governmental organizations)
peace negotiations 119, 120, 123
Ní Aoláin, Fionnuala 147
Nicaragua 7, 104, 189
Nickson, Ray 48
non-governmental organizations see
INGOs (international non-governmental organizations);
NGOs (non-governmental organizations)
normative goals xiii, 23, 70, 205
normative theories 49, 293
Northern Ireland 104
oblivion, politics of 146–7
Office of the High Commissioner, UN 54
Okello, Moses 57
Olarte, Maria Carolina 37, 69, 86,
211–12
Olsen, Tricia 191
O’Neill, Onora 60
ONUMOZ mission, Mozambique 115
ONUSAL mission, El Salvador 115
oppression 8, 77, 92, 126, 139, 175
optimism, transitional 78–81, 88
order 8, 71, 82, 83, 92, 136, 157, 174, 191
and accountability 36
alternative 282
domestic 176
hybrid 265
institutional 179
international/regional 176, 177
liberal 170
political 10, 13, 130, 135, 155, 158, 242
social 136, 137, 262, 273
state-level 275
Orford, Anne 177–8
Organization for Security and Co-operation in Europe (OSCE) 51
Organization of African States 51
organizations, transitional justice 50
O’Rourke, Catherine 79, 105, 124–5
OSCE 51

pacta sunt servanda 112
Paffenholz, Thania 282
Palmer, Nicola 46
Papagianni, Katia 149
Papua New Guinea 247
Paris, Roland 19, 45, 84
Paris Peace Accords, Cambodia 151
Pasipanodya, Tafadzwa 54
patrimonialism xi, 15, 16, 141, 169, 204, 218, 266
see also neo-patrimonialism
domestic institutions and informal power, impact 206, 207, 215
neo-patrimonialism, patterns of 156–7
‘patrimonial marketplace’ 157
and post-conflict states 215, 217
traditional 156
Payne, Leigh 191
peace agreements 22–4, 89, 102, 106, 190
aim 105
bargaining 106–7
as bundles of agreements 114
constitutional 130
failure to include socio-economic rights in 128–9
human rights liberalism 128
motives for signing 6
political economy of 22–4
political settlements 137
post-conflict variables 17–18
power-sharing governments following 9
stages 108
terms 222
UN database 129
peace negotiations 105–17
see also liberal peacebuilding

constitutionalization, role for 129–31
early and late accords 113
endogenous 187
hard bargaining 111–14
human rights, peripheral nature 125–9
implementation, shifting towards 114–17
inclusion of individuals or organizations in 118
invitation, peacemaking by 110
literature 112
mediation 109–11, 119, 122, 129, 134
mistrust 111, 112
modalities of peacemaking 108–11
paradox of peace 111
proposals 99
root causes of conflict, addressing 117, 118
security 108, 111, 115, 117, 118, 120, 124, 126, 129, 133, 138, 142, 147
substantive 124
surges 112–13
Track I 119
women, inclusion in 124
peacebuilding missions 18–19, 27, 107, 115, 162, 184, 197, 205–6
transformative transitional justice within context of 24–9
transformative turn in transitional justice 61, 68, 79
peacebuilding/peacekeeping 1, 40, 102, 103, 109, 177
‘compromised peacebuilding’ 192–6
governance in peacebuilding 198, 288
government 236, 237
liberal peacebuilding see liberal peacebuilding
literature 130, 173
localized/the local 237, 238, 255–6
macro-level approaches 239
missions see peacebuilding missions
relevance of local debates 236–9
support from literature 255–6
Transformative transitional justice and post-conflict states

People’s Liberation Movement, Sudan 123
Peru 10, 51–2, 160, 226
Philippines, National Unification Commission 120
Pillay, Suren 42
policy paralysis 153–4
political economy
analysis 85–6
domestic, limits of liberal influence on 186–96
peace agreements see peace agreements
post-conflict transition 81–90
political elites 84
political frameworks 4, 32, 225, 289
Political Instability Task Force 93
political power 6, 92, 102, 168, 218
effective 82, 290
and informal power 200, 209
military political 136, 148
peace negotiations 118, 134, 135, 155, 156
power-sharing 138, 140, 141, 145, 146, 151, 152, 154
transformative turn 21, 34, 53, 70, 81
political realism 84
political settlements 137
‘pork-barrel’ politics, power-sharing 150–51
positive peace 1
post-colonial states 199, 199–200, 209
post-conflict, defining 5–10
post-conflict elites 26, 147, 193, 288
post-conflict governance agreements 137
post-conflict justice xv, 78, 249, 292
see also justice; transitional justice;
transformative transitional justice
post-conflict socio-economic justice see socio-economic justice
post-conflict states see also specific states
capacity, lacking 206
examples 7
features 14
formal political institutions in 213
legitimacy, lacking 206
malleability 25, 28, 78, 80, 88, 293, 297
new orders 18, 36, 136
peacebuilding missions 205
resembling pre-conflict states 55, 214–17
stability within 206
undifferentiated treatments of 11–12
post-conflict transition, political economy of 81–90
poverty xi, xii, 2, 16, 216, 225, 271
see also inequalities
absolute 96
alleviation/reduction of vii, xiv, 1, 17, 27–8, 49, 60, 73, 74, 134, 166, 199, 288
in Guatemala 96
indirect 95
informal power 211, 216
liberal peacebuilding 162, 164, 167, 171, 179, 185, 192
mass poverty 3, 290
neglect by transitional justice 28–9
peace negotiations 94, 95, 125
transformative turn 30, 31, 59, 62, 69, 80
power 98, 207, 215
see also power elites; power vacuums; power-sharing
analysis 87–8
economic see economic power;
economic power-sharing
existing power structures, replication of 258–66
formal 213–14
informal see informal power
military 135
political see political power
power elites 27
power vacuums 93
power-sharing 9, 18, 61, 115, 124, 204
see also conflict resolution; power;
power elites; power vacuums
accountability 145, 146
Africa 141–2, 146
aims 143, 153
as conflict management 144
Index

difficulty and risk 148–9
economic 140, 146–51, 157, 193
effective forms 144–5
harmful inclusionary and exclusionary dynamics 154–6
impact on governance cultures 151–7
impeding transformation 138–57
ineffective governance and paralysis of policy 153–4
informal economic 149–50
institutions 139, 145–6
limitations/shortcomings 145–6
military 139, 140
‘more, the better’ hypothesis 144
neo-patrimonialism, patterns of 156–7
oblivion, politics of 146–7
political 138, 140, 141, 145, 146, 151, 152, 154
‘pork-barrel’ politics 150–51
principles 140–46
root cause analysis 147
state capacity 61
territorial 138–9
practice, transitional justice as 82
pre-negotiation 108
prison system, United States 77
professionalization 50
prospective human security, justice as 41
public interest 10, 156, 218
Putnam, Tonya 61, 90, 107, 122

Padraig McAuliffe - 9781783470044
Downloaded from Elgar Online at 12/09/2021 01:47:40PM
via free access
resources
  economic 87, 134, 148, 158, 167, 208, 228, 243
  financial 179, 211
  social 69
responsive governance 136, 152, 155
responsive transitional justice 41
restorative justice 44, 47, 228
retrospective rectification, justice as 41
Revolutionary Armed Forces of Colombia (FARC) 102, 115
Revolutionary United Front, West Africa 150
Riaño Alcalá, Pilar 244
Richmond, Oliver 221, 244
rights
  see also civil and political rights; economic, social and cultural (ESC) rights; human rights violations 81
rights-based frameworks 62, 79, 125
ripe moments, stalemates 100, 101, 103, 104
Risse, Thomas 70
Robins, Simon 41, 42, 56, 73, 224, 225, 252
Roeder, Philip 145
Roht-Arriaza, Naomi 245–6, 265, 267
Rome Statute 128
Ron, James 19, 45
Ron, Thoms 84
root cause analysis
  justice 40–41
  power-sharing 147
  root causes of conflict, addressing
    117, 118
    vs. security 131–8
Rothchild, Donald 141, 145
Rowan, Brian 128
Rubli, Sandra 46, 50, 164, 238
rule of law 13, 28, 37, 52, 61, 129, 204, 253–5
  ambition of transformation 39, 40, 44, 46–7
  domestic political economy, limits of liberal influence on 191–2, 194–5
liberal peacebuilding 163–5, 169–72, 175, 178, 179
  reconstruction 40, 47, 172, 195, 279–80
  thick versions 195
Rwanda 9, 27, 38, 75, 91, 160, 189, 222, 232
  Arusha Accords (1993) 116, 128
Sabaratnam, Meera 198–9
Salomon, Jago 149
Sambanis, Nicholas 93, 107
Samset, Ingrid 7
Sankey, Diana 42–3
Sankoh, Foday 7
Savimbi, Jonas 7, 113
security 61, 89, 159, 196, 288
dilemmas 93, 137, 274
economic 148, 259
external 178
guaranteeing 121, 137, 171, 181, 214
informal power 197, 198, 200, 203, 213
and insecurity 5, 107, 157, 276, 287
liberal peacebuilding 169, 175, 179, 181, 182, 185, 188, 190, 192, 193
local, limits of 259, 261, 269
mutual 6
peace negotiations 108, 111, 115, 117, 118, 120, 124, 126, 129, 133, 138, 142, 147
personal 135
physical 180
political 137
prospective human security, justice as 41
reform 133, 139
vs. root cause approaches 131–8
security sector reform (SSR) 40
security-keeping apparatus 27
Selby, Jan 187
Selim, Yvette 42
Serious Crimes Process 280

Transformative transitional justice and post-conflict states
settlements, and post-conflict 5–6
settler colonies 77
Sharp, Dustin 55, 177–8, 221
shell-states 180–82, 197
Shepherd, Laura 43
Sierra Leone 7, 62, 80, 83, 96, 115, 189, 190, 197, 260
Commission for the Management of Strategic Resources, Lomé Peace Agreement 150
peace talks 119–20
Truth and Reconciliation Commission 61
Sikkink, Kathryn 70
social democracy 37
social frameworks 2, 4, 32
social justice 37–8
social movements
and civil society 57, 58, 122
competence 119
domestic 123
locally rooted 56
transitional justice-based 57
social security 256
social service packages, reparations 61
socio-economic issues, marginality in peace negotiation 117–38
see also socio-economic justice; socio-economic rights
constitutionalization, role for 129–31
human rights, peripheral nature of in peace negotiations 125–9
lack of civil society involvement 118–25
root-cause approaches, emphasis on security over 131–8
socio-economic justice 1–34, 42, 186
see also socio-economic issues, marginality in peace negotiation; socio-economic rights
defining ‘post-conflict’ 5–10
formal progress towards 225–6
post-conflict peace agreement 22–4
specific post-conflict variables 17–20
structural and post-conflict variables, impact of 10–20
domestic politics 15–16
economics 16–17
specific post-conflict variables 17–20
state functionality 13–15
and transitional justice within context of a peacebuilding mission 24–9
at micro- and macro-levels 29–32
within political economy of a post-conflict peace agreement 22–4
socio-economic rights ix, xii, xiv, 35, 206, 285, 288, 289, 291, 297
see also socio-economic issues, marginality in peace negotiation; socio-economic justice constitutional framework, incorporation into 225
deprivations 186, 197, 290, 292, 294
failure to include in peace agreements 128–9
liberal peacebuilding 228
peace negotiations 125, 128, 129, 136
power-sharing 147, 152
transformative turn 64, 65, 72
socio-economic transformation, the local as agent of 250–55
soft power 56
Sollenberg, Margareta 104
Solomon Islands 194, 247
Somalia 116, 259
South Africa 40, 149, 201, 210, 222, 226, 246, 247
Southern Cone 75
Spears, Ian 141
Sri Lanka 9, 94
Monitoring Mission 275
Sriram, Chandra Lekha 42, 123, 146, 149
stalemates 99–105
ceasefires 103
internal military 101
mutually hurting stalemate theory 100–104, 117, 132
ripe moments 100, 101, 103, 104
states bureaucratic weakness 202–6
capacity 59–62
Transformative transitional justice and post-conflict states

collapse of 14, 93, 272–3 colonial 203
exclusion from power of 93–4 formation and consolidation 203 fragile 202
functionality 13–15
democracy 203
patrimonial 141

post-conflict state resembling
pre-conflict state 214–17
reconstruction 61
repressive/exclusionary 99

‘vacuous’ 204
weak 14, 60, 93, 155, 164, 202–6

‘steady state’ transitional justice 4
Stover, Eric 43–4, 232
stronger party 9, 110, 132, 133, 143
see also weaker party

structural inequalities xii, 1, 2, 30, 31, 33, 136, 179, 218, 286, 290
transformative turn 41, 44, 59, 61
structural justice xiv, 4, 165, 223

transitional justice as 42 structural malleability 139, 202, 286, 292–5
sub-elites elites 135, 156
sub-national elites 141, 157, 262
Subotic, Jelena 50, 84, 212, 213, 217
sub-Saharan Africa 126, 206
Sudan 9, 110, 120
People’s Liberation Movement 123
Sudan People’s Liberation Movement (SPLM) 151

‘sunset clauses’ 156
symbolic capital 68
Syria 7, 12, 94

Tadjbakhsh, Shahrbanou 221
Talentino, Andrea Kathryn 240

technocratic approaches 65
de-politicizing 178–80
Teitel, Ruti 4, 37
territorial power-sharing 138–9

Theidon, Kimberley 243, 268–9
theory/theories
adaptive 215
change theories ix, 64–5, 166, 286, 291
critical transitional justice 85, 183, 188, 210, 215, 219, 252, 289
empirically based theorization 45, 47
mutually hurting stalemate theory 100–104, 117, 132
normative 49, 293

transitional justice 66, 71, 82, 228
problems with manner of theorization 45–9, 64, 215

war-weariness 98

‘thicker’ conceptions of transformative tradition 43
Thomason, Krista 42, 74
Thoms, Oskar 19–20, 45
Timor-Leste 80

Track II diplomacy initiatives 119

traditional transitional justice 55, 58

transformative transitional justice see

transitional justice/transformation

transformation turn in transitional justice 11, 35–90, 213, 220, 225
ambition of transformation 35–49

doubt, co-existence of 44–9
inflation of ambition 39–44
capacity 49–66

of the state 59–62

of the transitional justice ‘industry’ 49–59

vagueness issue 58, 62–6
constructivism, impact 55, 66–75
democracy 37, 38, 49, 60, 65

literature 39
poverty 30, 31, 59, 62, 69, 80
structural inequalities 41, 44, 59, 61
truth commissions 37, 38, 40, 44, 45, 52, 53–4, 59, 61

transition see also transitional justice
abstraction from context 75–8

concept 75–6, 77

and justice 66

optimism, transitional 78–81, 88
post-conflict, political economy of 81–90

as subfield of transitional justice 76

transitional justice ‘industry,’ capacity of 49–59
Transitional Justice Review 4

transitional justice/transformative transforms justice
see also justice
ad hoc responses 261
bottom-up, impact beyond the local 230–84
transforming relationships not equivalent to transforming structures 282–4
see also local, the community-based forms 250
critical transitional justice theory 85, 183, 188, 210, 215, 219, 252, 289
critiques 4, 86, 163, 167–8, 176, 187, 211–12, 221, 243
defining by what it is not 223
efficacy 44, 48, 66, 73
‘foundational’ limitations to 166 frameworks ix, 68, 228
goals 68, 191, 200, 212
grassroots 239–41, 279, 281
inductive development 39
large projects 163
and liberal peacebuilding 169–76
limitations/shortcomings 45–9, 64, 66, 69, 197
see also critiques above
literature 38, 54, 65, 72, 86, 88, 183
the local in transitional justice
discourse 247–58
local turn see local turn of transitional justice
localized 234–5, 262
at micro- and macro-levels 29–32
models 181, 183–4
normative agenda 87
open-ended nature of 67
origins of concept 35–6
popular attitudes to 45
and post conflict socio-economic justice
within context of a peacebuilding mission 24–9
within political economy of a post-conflict peace agreement 22–4
prospects 218–19
sites of transitional justice see specific states, such as Kenya
theories see theory/theories
‘thicker’ conceptions 43
and traditional transitional justice 55, 58, 73, 165
transformative critique 167–8
transformative turn see transformative turn in transitional justice
visions of 43, 68, 227
trials 11, 14, 44, 162, 196, 250, 285
see also truth commissions
ambition of transformation 25, 40
critical approaches, limits 221, 222
domestic political economy, limits of liberal influence on 191, 192
local turn of transitional justice 231, 232
truncated 51
tribunals 44, 52
‘trickle-up’ effect xv, 235, 254, 257, 278
truth commissions 14, 25, 30, 59, 284, 285, 292, 297
see also reparations; trials
ambition of transformation 37, 38, 40, 44, 45
capacity issues 52, 53–4, 59, 61
constructivism 74, 76–7
critical approaches, limits 221, 222
lack of impact 226
liberal peacebuilding 162, 163, 166, 186, 191, 192
local, the 250, 254
local turn of transitional justice 231, 232, 243
top-down 254
transitional optimism 80–81
Turner, Catherine 37
Tutsi political establishment, Burundi 102
Uganda 9, 96, 189, 222, 232, 245, 253, 260, 263
Acholiland 264
Northern Uganda Early Recovery Project 281
Peace Recovery and Development Plan 281
UN see United Nations
UN Development Programme (UNDP) 133, 280–81
UNIFEM (UN Development Fund for Women) 280
United Nations
accountability, establishing 80
missions 50–51, 115
Office of the High Commissioner 54
peace agreement database 129
Rule of Law and Transitional Justice Report 56
UNDP 133, 280–81
United States prison system 77
UNTAET mission, East Timor 115
Uppsala Conflict Data Programme 104
URNG (National Revolutionary Unity) guerrillas, Guatemala 101
‘vacuous’ state 204
vagueness issue, and capacity 58, 62–6
van der Merwe, Hugo 39
Vandeginste, Stef 106, 110, 126, 138, 146, 259
victim mobilization 56
victimization 40
virtual peace 180
Wallensteen, Peter 104, 148
war
see also civil wars
asymmetric 97–8
causes/definitions 92–4, 105
intrasate 92–105
nature of 91–2
prolonged 98
stalemates 99–105
and state weakness 203
termination 92
war weariness theory 98
weaker party 83, 109–10, 132, 143, 144, 145
see also stronger party
rebels as 97, 110, 126
Weberian ideal types 61
Weberian rational-legal bureaucracy 60
Weinstein, Harvey 43–4, 74, 232
welfarism xiii, 59, 89, 124, 198
West Africa 150
women, inclusion in peace negotiations 124
Yemen 7, 203
Zartman, I. William 100
Zimbabwe 201
Zürcher, Christoph 192, 193