

Working Paper

Breaking the Cycle of Violence: Applying Conflict Sensitivity to Transitional Justice

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List of Acronyms

BiH	Bosnia and Herzegovina
DNH	Do No Harm
ICC	International Criminal Court
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
OECD–DAC	Organisation for Economic Cooperation and Development– Development Assistance Committee
PCIA	Peace and Conflict Impact Assessment

Abstract

The legacies of mass violence can, if left unaddressed, fuel future conflicts. Transitional justice seeks to address the legacies of large-scale past abuses. Despite the sensitive nature of transitional justice and recognition that initiatives can adversely influence conflict-affected contexts, there has been limited attempt to extend the application of conflict sensitivity to transitional justice. Conflict sensitivity is an approach and tool to help aid actors to understand the unintended consequences of aid and to act to minimize harm and achieve positive outcomes, contributing to sustainable peace. Transitional justice initiatives can exacerbate tensions by replicating existing tensions; introducing resources that become a struggle for control; or challenging power and vested interests. This article argues that conflict sensitivity should be applied to transitional justice; and identifies tools and factors that could contribute to conflict sensitive transitional justice. They include promoting: broad-based participation; resonance with local actors; social cohesion; public outreach; collaboration with other sectors; and appropriate sequencing.

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Introduction

The impact of violent conflict on a country's society, economy and political governance is devastating and encompassing. The effects can be tangible and visible, including killed and injured civilians, destroyed or derelict bridges and wells, and damaged or inadequate health care and education facilities. They can also be intangible, such as the collapse of state institutions, mistrust in government, the disruption of social cohesion, psychological trauma and pervasive fear. It is increasingly recognized that legacies of mass violence and human rights violations can, if left unaddressed, fuel future conflicts. Transitional justice seeks to address the legacies of large-scale past abuses, and includes mechanisms such as criminal trials, truth commissions, memorials, reparations and vetting.

The notion of transitional justice as a separate field of research and action emerged during the 'third wave' of democracy in Latin America in the 1980's and in Eastern Europe after the fall of the Soviet Union in the 1990's. At the time, it was focused on addressing dictatorial or authoritarian regimes and the transition of societies to democracies. Since then, the field has evolved from being a human rights instrument of democratization to becoming an essential aspect of post-conflict transitions and peacebuilding interventions (Andrieu, 2010).

At the same time, the increasing complexity of humanitarian aid environments – and growing examples of aid unwittingly feeding into conflict and undermining peaceful recovery – resulted in deep reflection among aid workers on their role and involvement in these contexts. Aid actors increasingly recognized that aid interventions are not neutral but become a part of the context in which they are operating and that donors need to be accountable for the inadvertent side effects of aid programming on conflict and fragility. Conflict sensitivity emerged as a concept and tool to help aid actors to understand the unintended consequences of aid and to act to minimize harm and achieve positive outcomes. Although conflict sensitivity originated in the humanitarian field, it has since been applied in a wide range of development, peacebuilding and state-building contexts.

Transitional justice processes, increasingly seen as contributing to peacebuilding, are inherently political. Support to such processes cannot be considered neutral, but should be acknowledged as having the potential to produce perverse effects. Transitional justice can inadvertently exacerbate conflict if it increases social tensions or divisions between groups. This may be the case if initiatives replicate or amplify existing tensions; introduce resources, which become the focus of a struggle for control; or challenge power and vested interests. Despite growing implementation of transitional justice initiatives in conflict-affected and post-conflict contexts and recognition of their sensitive nature, there has been little if any attempt to extend the application of conflict sensitivity to transitional justice.

Based on a review of scholarly articles, practitioner documents and reports from international agencies, this working paper bridges work on transitional justice and reconciliation on the one hand, and conflict sensitivity on the other. It argues that transitional justice actors need to question and explore the actual effects of various approaches, processes and mechanisms. Do they contribute to peace, or might they even be counter-productive, exacerbating divisions and tensions? The article proposes that conflict sensitivity be applied to transitional justice policies and programming in order to allow for this reflection and for more effective interventions.

The paper first looks at the divisive legacy of violent communal conflict, followed by an overview of the concepts of transitional justice and reconciliation. This is followed by discussion on the political nature of transitional justice. It then discusses the concept of conflict sensitivity and the need to practice conflict sensitive transitional justice. The article then focuses on conflict sensitive tools that can be applied to transitional justice and explores key factors and guiding questions to consider when designing, planning and implementing conflict sensitive transitional justice programs, activities and approaches.

Transitional Justice and Reconciliation

It is increasingly recognized that legacies of mass violence and human rights violence can, if left unaddressed, fuel future conflicts. Experiences of mass violence are traumatic events that result in the breakdown of societal structures and networks of relationships that provide the basis for a functioning community. In contemporary wars, much of this violence is perpetuated in the immediate communal environment – pitting communities against communities, neighbors against neighbors and friends against friends (Fletcher and Weinstein, 2002).

In situations of heightened tensions and social breakdown, the focus of identities may shift from the individual to the collective self. Differences, such as ethnic background, that were previously considered insignificant, might become the salient feature of one's identity. Negative stereotyping becomes pervasive and those in the out-group become delegitimized and dehumanized. People begin to turn increasingly to their own group for psychological safety; and distrust of the 'other' group results in the gradual demise of intergroup friendships and communal networks (Halpern and Weinstein, 2004; Bar-Tal, Halperin and de Rivera, 2007; Ajdukovic and Corkalo, 2004). Such distrust and fear do not automatically disappear with ceasefires or the signing of peace agreements. Failure to acknowledge and address the social effects of communal violence is a significant obstacle to the development of peaceful relations, reconciliation and reconstruction of post-war societies (Bar-Tal and Bennick, 2004; Colletta and Cullen, 2000; Halpern and Weinstein, 2004).

Efforts to confront the past, through transitional justice measures, have become a core feature of post-conflict interventions (Andrieu, 2010). The United Nations defines transitional justice 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” (United Nations Security Council, 2004: 4).

These include judicial and non-judicial mechanisms, primarily individual prosecutions; truth-seeking; reparations; institutional reform; vetting; and memorializing. Transitional justice can be viewed as a 'transformative justice', incorporating legal, political, economic and psychosocial dimensions (Lambourne, 2009; Baumgartner, Gabriel and Jones, 2015). If peacebuilding is considered to be a transformative process whereby a society moves away from conflict towards more sustainable, peaceful relationships, transitional justice can be seen as contributing to peacebuilding (Lederach, 1997). It can also be seen as contributing to reconciliation. As such, the aims of transitional justice are very ambitious, involving the transformation, or regeneration, of a whole society (Mani, 2002).

A review of transitional justice literature finds that reconciliation is considered to be the 'ultimate goal' of transitional justice, with the view that reconciliation is essential to preventing a renewal of conflict (Oduro, 2007).

There is limited consensus, however, on what reconciliation entails and how it should be promoted. Bloomfield defines it as “a process through which a society moves from a divided past to a shared future” (Bloomfield, 2003: 12). From a peacebuilding perspective, reconciliation may be seen as the process of repairing relationships at all levels of society (including personal relationships, intergroup relationships and relationships that allow for collective civic action) and confronting dominant narratives of the past (see Chapman, 2009; Halpern and Weinstein, 2004; Rodicio, 2001).

There has been growing recognition that the link between transitional justice and reconciliation is tenuous, however, with insufficient evidence to support claims that transitional justice processes and mechanisms promote reconciliation (Thoms, Ron and Paris, 2010). While trials can be effective in countering impunity and restoring accountability, they are increasingly viewed as insufficient to promote reconciliation and to regenerate cohesive communities. It may thus be the case that efforts to build a sustainable peace require not only transitional justice mechanisms, but also attention to other activities that seek specifically to rebuild relationships and promote reconciliation (Haider, 2011).

It is necessary to ask and properly analyze the questions of what is transitional justice, whom does it serve – and what effect does it have on society (Nagy, 2008). Does it contribute to peace, or might it even be counter-productive, exacerbating divisions and tensions? How can initiatives be tailored or supplemented such that they can be effective in post-conflict contexts? Understanding and applying conflict sensitivity to transitional justice policies and programming can contribute to such analysis, design, adaptation and implementation.

What is Conflict Sensitivity?¹

The first principle for aid policy makers, identified in the Organisation for Economic Cooperation and Development (OECD)'s Development Assistance Committee (DAC)'s Guidelines on 'Helping Prevent Violent Conflict' (2001: 23), is "to do no harm and to guard against unwittingly aggravating existing or potential conflicts", in addition to "maximizing good" and strengthening incentives for peace. Now well accepted in the development community, this principle rose to prominence after the devastating genocide in Rwanda in 1994. Genocidaires exploited humanitarian relief to refugee camps in order to consolidate their own power and to launch attacks within the camps and against Rwanda (Brown et al., 2009). Uvin (1998) argues that development agencies were also responsible for exacerbating structural violence in the lead up to the genocide through various actions that inflamed conflict dynamics. This included recruiting predominantly Tutsi local staff, heightening tensions between Tutsi and Hutu groups. The increasing complexity of aid environments and growing examples of aid exacerbating conflict resulted in deep reflection among aid workers on the implications of their role and their work.

Aid interventions have since been understood to become a part of the context – and in conflict settings, to become a part of the conflict. Although interveners may strive to follow humanitarian principles of neutrality and impartiality, local populations do not perceive interventions as neutral or experience them as having neutral impacts (Wallace, 2014). A broad range of experience from the humanitarian and development sectors demonstrates that interventions in conflict contexts are never neutral (see Goldwyn, 2013). Rather, they interact with the existing conflict and can alter outcomes. The mere presence of aid workers and aid flows can affect local dynamics and power balances. Aid can thus have both positive and negative impacts. Negative unintended consequences of aid can derive from:

- Resource transfers, including the diversion of resources to fund armies and weaponry; reinforcement of war economies; uneven distribution of resources that fuels inter-group tensions; substitution of government resources required to meet civilian needs toward financing the conflict; and legitimization of conflict actors (Anderson, 1999). Aid can also introduce general competition among local actors over such resources.
- Implicit ethical messages, such as hiring armed guards, conveying the message that it is legitimate for arms to decide access to humanitarian aid; and placing different values on different lives, reinforcing inequality (Ibid.). Inequality and exclusion can also be reinforced through unrepresentative reforms (Goldwyn, 2013).
- Political impacts, for example altering the political settlement; challenging vested interests (Ibid.); adopting a position of neutrality in asymmetric conflict that has the effect of endorsing the strongest party; or focusing on direct, physical violence while neglecting other forms of violence (e.g. structural violence (Reychler, 2006), resulting in the persistence or worsening of societal tensions.
- Exacerbating 'dividers' (negative factors that increase tensions between people or groups, reduce their ability to resolve conflicts non-violently and may lead to violent conflict) and weakening 'connectors' (positive factors

¹ This section is drawn from previously published work: Haider, H. (2014). Conflict Sensitivity: Topic Guide. Birmingham, UK: GSDRC, University of Birmingham. The production of this guide was funded by the Department for International Development. Available at: http://www.gsdrc.org/docs/open/gsdrc_cs_topic_guide.pdf For further discussion and debate about conflict sensitivity, see: Handschin, S., Abitbol, E. and R. Alluri. (eds.) (2016). Conflict Sensitivity: Taking it to the Next Level. Basel: swisspeace. Available at: http://www.swisspeace.ch/fileadmin/user_upload/Media/Publications/Working_Paper_2_2016.pdf

that reduce tensions between people or groups, improve cohesion and promote constructive collaboration). Factors may include systems and institutions, values, symbols, attitudes and actions (OECD DAC and CDA, 2007).

This awareness that aid is not neutral but affects the conflict-affected context also led to the recognition that donors need to be accountable for the inadvertent side effects of aid on conflict. They need to ask whether aid is contributing to, helping to sustain, or even exacerbating situations of conflict and fragility (Manning and Trzeciak-Duval, 2010). Conflict sensitivity emerged as an important concept and tool to help aid actors to understand these implications and to minimize harm and achieve positive outcomes. The Do No Harm project was launched in late 1994 to answer the question: how can assistance be provided in conflict settings in ways that, rather than feeding into and exacerbating the conflict, help local people disengage from the violence that surrounds them and begin to develop alternative systems for addressing the problems that underlie the conflict? Learning from various case studies and responses from humanitarian and development practitioners, the project developed a framework for program analysis, design and planning in conflict contexts.

Conflict sensitivity serves not only to decrease the potential for violence but also to increase the effectiveness of assistance. When working in a conflict setting, one needs to take into consideration various issues relating to asymmetric power relations, cultural diversity, and the values and beliefs of the local populations. Adapting aid policies and programming to the context and better assessing the risks of operating in the environment can improve the sustainability of interventions and minimize risks to projects, partners and beneficiaries.

Development interventions also have the capacity to contribute to peace, such as through fostering common interests among stakeholders, neutral spaces for interaction, positive communication outlets and mechanisms for cooperation. By providing non-violent means to work together and to address contentious issues, they can demonstrate alternatives to conflict (Bush, 2009).

Although the field of conflict sensitivity originated in the humanitarian field, it has subsequently been championed by the peacebuilding community. More recently, there has also been growing recognition that interventions aimed at state-building are not neutral and that conflict sensitivity should also be applied to such interventions. Even when designed to benefit fragile and conflict-affected societies, they can contribute to instability and violence. In some circumstances, for example, the international community has exacerbated already fragile situations by substituting for rather than relying upon and building local capacities, creating parallel implementation structures outside of government, or withdrawing support too early (Manning and Trzeciak-Duval, 2010).

Conflict sensitivity, peacebuilding and state-building are distinct concepts. While peacebuilding and state-building are particular fields or types of intervention, conflict sensitivity is an approach that applies to all interventions (Goldwyn and Chigas, 2013). In addition, while a conflict sensitive intervention must avoid causing harm and should contribute to peace where possible, it is generally perceived to differ from peacebuilding in that it does not need to address causes or drivers of conflict (Ibid.). There is, however, a spectrum of ambition that exists in conflict sensitive approaches and interventions, which is often unrecognized. Conflict sensitivity can be understood beyond this minimalist sense. A maximalist position also aims to address the root causes of conflict and to contribute to broader societal levels of peace (Woodrow and Chigas, 2009). At the other end of the spectrum is a 'conflict blind' approach, whereby donors avoid the issue of conflict and treat it as an externality. Goodhand (2006) categorises these positions as:

- Working around war: actors seek to avoid the negative impacts of conflict on programming by choosing to focus their efforts in areas of peace; or engage in 'one-size-fits-all' interventions in environments that are vulnerable to conflict. This is seen as counter-productive in effectively addressing chronic poverty.
- Working in war (minimalist): actors are aware that development can influence conflict and try to mitigate war-related risks and minimize the potential for programs to exacerbate violence. This may involve codes of conduct, operating standards and robust coordination mechanisms.
- Working on war (maximalist): actors are also aware that interventions can contribute to peacebuilding and aim to deliver programs that address conflict prevention, management or resolution.

As levels of ambition increase and aid actors incorporate peacebuilding goals in their interventions, it is necessary to continue to 'avoid causing harm' as a minimum standard.

4

The Political Nature of Transitional Justice – and Potential Unintended Consequences

Transitional justice processes, increasingly seen as contributing to peace-building, are inherently political – in that they involve often contentious decisions and actions based on power, interest and prudence (Vinjamuri and Snyder, 2015). Support to such processes cannot be considered neutral and purely technical, but should be acknowledged as political, with the potential to produce perverse effects (Sancho, 2014; Thoms, Ron and Paris, 2008; Barsalou, 2005). Decisions, for example, on who to prosecute (e.g. high, medium or low ranking officials; perpetrators of a particular ethnic group; solely domestic or also international actors) are political and are rarely perceived by societies, groups and individuals affected by the conflict as neutral decisions. With regard to truth commissions, the narratives that emerge tell a particular story about a nation's traumatic past. This involves political determinations about what is included and what should be left out (Andrieu, 2010). Memorials also often exhibit a dominant narrative, which has the potential to be divisive (Barsalou, 2005).

As Thoms, Ron and Paris (2008) emphasize, we need to expect transitional justice initiatives to interact in complex, unpredictable ways with other aspects of peace negotiations, peacebuilding, or in post-authoritarian transitions. Transitional justice can inadvertently exacerbate conflict if it increases social tensions or divisions between groups. Conflict may be inevitable in some cases as transitional justice aims to confront the legitimacy of prior political practices and to advance political transformation and rule of law. This can be destabilizing in the short term (Leebaw, 2008). Transformation may require that transitional justice document not only past resistance but also current activism and resistance to such initiatives and reforms (Gready and Robins, 2014). Adopting a conflict sensitive lens highlights the potential for transitional justice to be conflictual; the importance of recognizing this and to seek ways in which to alleviate instability and minimize violent conflict, without undermining transformation.

4.1 How Could Transitional Justice Produce Negative Consequences?

Drawing on the conflict sensitivity literature that identifies and categorizes negative unintended consequences of aid, transitional justice has the potential to exacerbate violent conflict if:

Initiatives inadvertently replicate or amplify existing tensions. In the case of trials, for example, some argue that they can exacerbate divisions and intensify ethnic identity politics. The historical record produced by the International Criminal Tribunal for the Former Yugoslavia (ICTY) has been used by political propagandists to further the view that their national group is the victim of the conflict. Prosecuted individuals are often touted as either war criminals or war heroes depending on identity group allegiances, and court

decisions can reinforce group narratives and lead to tensions between groups. The acquittal of former senior Bosniak (Bosnian Muslim) commander, Naser Orić, for example, by the appeals chamber of the ICTY in 2008, of war crimes concerning torture and cruel treatment of Bosnian Serb detainees (and his prior first instance trial sentence of two years in 2006) resulted in extreme reactions in Bosnia and Herzegovina (BiH). Many Bosniaks celebrated the release of their war hero and found validation in the narrative that their group are the sole victims of the conflict. In contrast, many Serbs, including Serb politicians in BiH and Serbia expressed outrage with the tribunal decisions and found validation in the narrative that the tribunal is illegitimate and biased against all Serbs, and that they in turn continue to be victimized (Haider, 2011).

While many transitional justice scholars and practitioners emphasize the importance of developing a single narrative of the past, Andrieu (2010) argues that attempts by truth commissions to produce an authoritative, single account of the past can be divisive if it legitimizes one particular version that does not necessarily represent the plurality of different individual experiences. Framing actors in the narrative as solely victims and perpetrators may also be divisive, excluding a wide range of people who view themselves more as 'survivors' (Ibid.). In addition, Barsalou (2005) finds evidence that giving testimony at trials or truth commissions can re-traumatize individual victims as they relive their terrible experiences (Ibid.). Interviews with women who provided testimony at local gacaca court hearings in Rwanda revealed that these women experienced intense psychological suffering as a result (Brounéus, 2008). These psychological effects can reinforce divisions between victims and perpetrators, between victims and others in society and among victims themselves (Barsalou, 2005).

Memorials, celebrations and other symbolic acts can also escalate rather than reduce inter-group tensions. Memorials commemorating specific individuals (e.g. victims of a particular incident) may emphasize divisions. In BiH, for example, almost all memorials are one-sided and viewed by other ethnic groups as offensive (Sancho, 2014; Arthur, 2009; Barsalou, 2005). Instead, memorials that focus on the larger tragedy of the conflict and give voice to various narratives may be seen as a form of reparation that builds bridges between divided groups (Barsalou, 2005).

Initiatives introduce resources, which become the focus of a struggle for control. There are generally limited resources in post-conflict contexts. Decisions need to be made about what transitional justice processes and mechanisms to fund. Transitional justice is often focused on costly, high profile trials and on 'gross violations' of human rights: torture, rape, murder or disappearances. In Rwanda, critics of the International Criminal Tribunal for Rwanda (ICTR) argue that vast resources have been spent on the tribunal, with little tangible impact on local Rwandans – many of whom are either oblivious to the work of the Court or find it has little resonance in their lives. In particular, it is argued that millions of dollars have been spent on comfortable detention centers for those who perpetrated the genocide, resources that could have

been directed to other needs (Valji, 2009). In Sierra Leone, much attention has been given to the trial of Charles Taylor at the Special Court for Sierra Leone. Much less funding was provided to the Truth and Reconciliation Commission and to the implementation of the Commission's recommendations. Even less attention has been given to reparations for conflict survivors (Philipson, 2009).

In general, little attention has been given to structural violence – e.g. those who suffered not from 'gross violations of human rights' but in the case of South Africa, from poor standards of living stemming from the apartheid system – and to structural redistributive programs (Andrieu, 2010; Gready and Robins, 2014; Mani, 2008). This is due in part to the historical focus of transitional justice on civil-political rights (Gready and Robins, 2014). Survivors may, however, perceive transitional justice measures to be less meaningful in the absence of efforts to achieve social justice (Mani, 2008).

With regard to reparations, the International Criminal Court (ICC) in the case of Lubanga cautions that reparations can become part of conflict dynamics and could fuel tensions. As such, the Court must strive to be conflict sensitive, 'do no harm' or to minimize the harm that could inadvertently result from providing reparations to victims (Lubanga, 2012). The final report of the South African TRC also cautioned that the payment of reparations should not deprive other members of society in need of resources and assistance (Miller, 2008).

Initiatives challenge power and vested interests. While the aim of transitional justice may indeed be to challenge existing power, efforts must be made to minimize the potential backlash. The indictment by the ICC of Sudanese President Omar al-Bashir resulted in a backlash in which the president expelled humanitarian aid workers and non-governmental organizations on the faulty assumption that they were cooperating with the ICC. As a result, the humanitarian situation deteriorated. There have since been criticisms that the ICC failed to consider the unintended consequences of its actions and that this has inadvertently interfered with the goal of protection (Balasco, 2013). There were also concerns that the indictment of the leader of the Lords Resistance Army that used to operate in Uganda, Joseph Kony, threatened to derail the peace process – and that it ultimately played an important factor in Kony's decision to turn away from the Juba peace agreement (Dworkin, 2014). While it is difficult to prove that the involvement of international tribunals has definitively prevented deals to end violent conflicts, there is notable risk that they can reduce the incentive for fighting groups to reach a settlement and constrain the potential role of intermediary states and international organizations (Ibid.).

4.2 How Could Transitional Justice Contribute to Peace?

The trend in development interventions has been toward higher levels of ambition for the application of conflict sensitivity – towards contributing to peacebuilding.

Transitional justice itself is also increasingly seen as an essential building block for peacebuilding, in terms of addressing legacies of mass atrocities and contributing to various development objectives (Lenzen, 2009). Thus, in addition to exploring how transitional justice may inadvertently exacerbate tensions and contribute to violence, it is important to determine how such processes and mechanisms can address the underlying causes of conflict and fragility and contribute to peace, in terms of addressing the root causes of conflict and minimizing the risk of a return to violent conflict (Edwards, 2013; Arthur, 2009; Woodrow and Chigas, 2009). While transitional justice should not be expected to solve complex conflicts, it has tools that could help to alleviate conflict (Arthur, 2009). Ways through which transitional justice could contribute to peace include:

Inclusive political settlements. Public acknowledgement of the scale of crimes and the suffering of victims can be transformative as it recognizes individuals or groups as rights-holders. This can provide the basis for a new social contract and improvement in civic trust and state-society relations (Edwards, 2013; World Bank, 2012). Trust of marginalized groups in the state can be enhanced through efficient and culturally sensitive administration of transitional justice initiatives, demonstrating that they are recognized and served by the state (Arthur, 2009). Elite commitment to such initiatives can help to legitimize new institutions and demonstrate commitment to a new political settlement that is more inclusive than in the past (World Bank, 2012).

Trust-building and social cohesion. In conflict-affected contexts, mistrust, fear and low social capital can be prevalent. Transitional justice could contribute toward inter-group trust-building by deconstructing negative images of the other; re-examining narratives; developing a common understanding of the causes of conflict; and encouraging inter-group dialogue and cooperation (Haider, 2011; Andrieu, 2010). Acknowledgement, apologies, truth-telling and dialogue can help to deconstruct conflict identities and foster intercultural trust-building (Andrieu, 2010; Arthur, 2009). If transitional justice initiatives are designed in a thoughtful way, they could help groups learn how to work together. In the case of identity conflicts, getting civil society groups from different conflict identities to communicate and cooperate can be an important victory in itself (Arthur, 2009).

Broader development impacts. The rule of law is often considered to be a precondition of development. Trials for human rights violations and truth commission recommendations concerning judicial systems can contribute to

the strengthening of the justice sector and the rule of law (World Bank, 2012; de Greiff, 2009). In addition, reparations aimed at compensating individuals who have suffered from human rights violations (which may be another recommendation of truth commissions) may have the potential to improve the economic capacity of beneficiaries, which in turn could provide a developmental boost (de Greiff, 2009). More generally, if transitional justice interventions succeed in achieving one of its core aims – promoting reconciliation, social cohesion and civic trust – this may also serve the interests of development by creating an enabling environment for economic and other developmental activities (Ibid.).

These potential positive effects of rebuilding inter-group and civic trust and contributing to broader development goals (e.g. strengthening the rule of law), however, require continued investment and the impacts may take generations to materialize (Duggan, 2010). In addition, it can be difficult to trace specific contributions of particular transitional justice processes and mechanisms to such aims and achievements (de Greiff, 2009).

5

Conflict Sensitive Transitional Justice – What Tools do we Have?²

Despite growing implementation of transitional justice initiatives in conflict-affected and peacebuilding contexts and recognition of their sensitive nature, there has been little if any attempt to extend the application of conflict sensitivity to transitional justice. Sivac-Bryant (2014) argues that transitional justice actors are often unaware of the impact of initiatives on local dynamics, whether positive or negative. There should be greater acknowledgement and engagement by policy makers and transitional justice institutions with the long-term and unintended consequences of failed transitional justice.

There have been various calls in the literature for the adoption of conflict sensitivity, particularly the ‘do no harm’ approach, in designing and implementing transitional justice (see Kayser-Whande and Schell-Faucon, 2010; Arthur, 2009; Thoms, Ron and Paris, 2008; Murithi and Hudson, 2006; Barsalou, 2005). Its translation into action is, however, flawed. Goldwyn (2013) suggests that the failure to take up conflict sensitivity in security and justice sector reform may be due to the faulty assumption that such reforms inherently contribute to peace. This may also be the case for actors working on other aspects of transitional justice.

Transitional justice has been closely linked to particular human rights norms and the ideal of liberal democracy. Transition in most cases occurs in conjunction with economic and political liberalization (Franzki and Olarte, 2014; Gready and Robins, 2014). This normative focus or largely descriptive approach, in the absence of evidence, can hinder recognition of the need to explore and examine the actual consequences and outcomes of transitional justice initiatives. In many cases, the establishment and implementation of war crimes trials have become an expected and automatic response to situations of mass violence, without consideration of context or potential negative consequences (Miller, 2008).

Conflict sensitivity should inform all stages of a programming cycle. There are various approaches and tools to guide thinking on conflict sensitivity and its operationalization. Research is required to identify how approaches need to be adjusted to tailor them to specific sectors. There are, however, some basic fundamentals that can be applied to all sectors, including transitional justice (Goldwyn, 2013). A common central component of conflict sensitivity approaches and tools is conflict analysis, which provides an understanding of the interaction between the intervention and the context and informs conflict sensitive programming (Goldwyn, 2013; Petík, 2008; APFO et al, 2004).

Conflict analysis can help actors to determine key factors (sources of tension and root causes of conflict, including linkages and synergies), actors (interests, potential spoilers, capacities for violence and peace, incentives required to promote peace), and dynamics (triggers for violence, local capacities for peaceful and constructive conflict management, likely future scenarios) at work in conflicts and in conflict prevention (FEWER et al., 2002). It should inform decision-making, with the aim of improving the effectiveness of interventions. The absence of conflict analysis and understanding of context can in

² This section is also drawn from Haider (2014).

turn exacerbate conflict. In rural Kenya, for example, the construction of water wells closer to remote villages, in order to avoid women having to travel long distances for water, had the unexpected outcome of increasing family and inter-village conflicts. A subsequent study revealed that women would discuss, negotiate and resolve many community problems on their travels to and from the water wells. A conflict analysis or analysis of local capacities of peace could have revealed this issue and the rise in conflict could have been prevented with attention to another compensating mechanism for conflict resolution (Marthaler and Gabriel, 2013). After identifying conflict factors, actors and dynamics, actors need to acknowledge and assess their relative weight in any particular context (Arthur, 2009).

Building on conflict analysis, conflict sensitivity involves critically reviewing all elements of an intervention to determine plausible outcomes of how it may inadvertently interact with violent conflict (Goldwyn, 2013). Identifying ‘unintended consequences’ is a key aspect of conflict sensitivity that can be applied to transitional justice, focusing on risks and unintended outcomes of transitional justice interventions that can escalate violence or tensions (Ibid.). This can help transitional justice actors to make informed decisions about appropriate forms of interventions and the optimal timing and sequencing of transitional justice efforts (Arthur, 2009). In some contexts, for example, social justice (e.g. redistribution of wealth) may be more applicable than retributive justice (criminal trials) (UK InterAgency Group on Rights, 2009).

There are a range of tools to engage in conflict sensitivity, in particular ‘Do No Harm’ (DNH) and ‘Peace and Conflict Impact Assessment’ (PCIA). Do No Harm (DNH) helps development and humanitarian aid workers to identify conflict-exacerbating impacts of assistance, in particular how decisions and actions can affect inter-group relations. The tool should be engaged in with local partners and regularly updated during project implementation.

DNH facilitates thoughtful design of initiatives to achieve non-divisive resource transfers (Engelstad et al., 2008). At its core is analysis of dividing and connecting issues and actors. It is important not to generalize certain groups as connectors or dividers and to understand how divisions and connections are actually created. While religion is often called a divider, for example, religion itself is not automatically a source of tension. Rather, the question is how people use religion to cause divisions. Connectors also need to be nuanced. Women’s groups and activities, can serve as connectors through collaborations and joint enterprises, such as a hostel initiated by Tutsi and Hutu widows in Rwanda (CDA, 2010). They can, however, foster divisions instead if they represent only one side of the conflict. The focus on connectors, in addition to dividers, allows for progress to be made beyond ‘avoiding harm’ to fostering trust-building and inter-group linkages. This could involve strengthening local groups and institutions (e.g. markets) identified as connectors (Engelstad et al., 2008). Goddard (2009) finds that past initiatives that have attempted to create new or externally determined connectors between groups have not been effective and risk exacerbating tensions. Rather, actors should focus on strengthening existing connectors that bring people together.

Peace and conflict impact assessment, first formulated by Kenneth Bush, is a means of anticipating and evaluating the impacts of development projects on structures and processes that (1.) strengthen prospects for peaceful coexistence and decrease the likelihood of violence; and (2.) increase the likelihood that conflict will become violent (Bush, 1998). It resembles DNH in its focus of how aid impacts conflict. It differs from DNH in that it assesses the risk of how contextual factors could impact on a project in a negative or positive way (risk and opportunity assessment) in addition to how the project could create or worsen conflicts or contribute to peacebuilding (Garred and Goddard, 2010). This assessment should be engaged in throughout the project cycle: prior to, during and post-initiative – contributing to planning, monitoring and evaluation (Bush, 2009).

PCIA does not evaluate development projects against their stated objectives, outcomes or outputs, but rather against indicators related to peace and conflict. It is possible for a project to achieve stated criteria but perform poorly according to peacebuilding criteria. A project could also fail according to stated criteria but be considered a success in terms of peace and conflict impacts (Bornstein, 2010). An education project, for example, may not increase the number of students passing national exams, but may contribute to increasing and improving inter-group relationships by creating a safe, neutral environment for interaction and countering stereotypes (Bush, 1998). In relation to transitional justice, war crimes trials could achieve stated criteria, such as completing a certain number of prosecutions, but fail in terms of improving inter-group relationships, potentially even exacerbating tensions.

6

Key Factors in Conflict Sensitive Transitional Justice

There are distinct issues and questions to address across various sectors of development, peacebuilding and state-building in conducting conflict sensitivity. While there is no single blueprint for transitional justice initiatives to follow, there are lessons learned and guidance that can be drawn from other sectors that can inform the application of conflict sensitivity. An extensive survey of the conflict sensitivity literature found that a consistent aspect of conflict sensitive approaches across sectors is the need to understand societal fault-lines and tensions (dividers) and to seek opportunities to build bridges (connectors) that contribute to strengthening social cohesion (Haider, 2014). Informed analysis and awareness of key actors, issues and relevant tools are essential for conflict sensitive practice. Conflict sensitive literature from humanitarian and development fields offer lessons and guidelines that can also be applicable and valuable in the field of transitional justice. Conflict sensitivity highlights the importance of not making assumptions about the effects and outcomes of initiatives, such as their contribution to healing and reconciliation.

There are various factors and guiding questions to consider when designing, planning and implementing conflict sensitive transitional justice programs, activities and approaches. These relate to: local participation and inclusiveness; local resonance; identity categories and social cohesion; outreach; inter-sectoral collaboration; and timing and sequencing. While these aspects are not new to the field of transitional justice, and have long been debated and considered, they are still often neglected in practice. Moreover, they take on a different dimension when framed in a conflict sensitive context. Thinking about these factors and applying them through a conflict sensitive lens and framework punctuates the view that they are essential aspects of programming. If they are not considered and addressed in the design, planning and implementation of initiatives, they could make the situation worse than if there had not been an intervention. If they are considered and addressed, there is a much greater likelihood that the intervention will have a positive effect on individuals and society.

6.1 Local Participation and Inclusiveness

Findings from field tests of the OECD–DAC’s principle of ‘do no harm’ in situations of fragility include the need to be more aware of and to avoid actions that can have negative impacts, such as the exclusion of certain state actors, local non-state actors, women or minority groups from decision making processes (Manning and Trzeciak-Duval, 2010). Adopting a conflict sensitive approach in the design and implementation of two water projects in the Kasese and Arua districts of Uganda, for example, prevented the potential for violence. The process involved collaboration between civil society organizations and government authorities; and capacity building on conflict sensitivity and dialogue. This allowed for greater transparency and proactive identification and resolution of problems. Beneficiaries were also able to discuss issues dividing them

and to agree on ways in which the water projects could benefit everybody. In Kasese, the scheme was enlarged in order to ensure a larger number of residents were included (CECORE et al., 2008).

With regard to transitional justice, victims are often 'invisible' and treated as 'passive subjects', but need to be seen as active agents and rights-holders at the core of such measures, with the objective of enabling them to become 'citizens' again (Edwards, 2013; Valji, 2009; Robbins and Wilson, 2015; McEvoy and McGregor, 2008). Instead, people in Sierra Leone, for example, were not consulted over which transitional justice processes to adopt. It is argued that the Special Court and the TRC were implemented more as a result of international pressure than internal demand (UK InterAgency Group on Rights, 2009). Shaw and Waldorf (2010) argue that transitional justice has grown into a globalized form of intervention, with a frequent disconnect between international legal norms and local priorities and practices. Failure to seek local (national and sub-national) input in a meaningful way results in a lost opportunity to encourage national ownership.

It is also important to ensure that policies and programs do not inadvertently favor one conflict group and/or exclude another. Conflict insensitive education policies, for example, can create or exacerbate inter-group tensions through unequal education (and associated employment) opportunities and divisive curriculum content (Sigsgaard, 2012). Inequitable delivery of other services can also produce tensions. In Lebanon, for example, the provision of free health services to refugees from Syria but at a cost to Lebanese hosts is perceived as unequal treatment and has contributed to escalation of tensions. While needs-based assistance is important, suppliers need to take into consideration the existing political fault-lines in order to ensure impartiality in aid delivery (Stamm, 2013).

Transitional justice interventions can also impact individuals and broader social groups differently, for example, in terms of psychological rehabilitation and reconciliation, and may even cause harm (Barsalou, 2005). A conflict sensitive approach to transitional justice should aim to identify the needs of individual victims and society as a whole, including marginalized groups, and to shape policies to be inclusive (Edwards, 2013; Barsalou, 2005). Transitional justice actors should aim to consult all relevant communities affected by the violence, provide outreach to all affected communities, and facilitate the participation of marginalised groups in decision-making forums (Arthur, 2009; Barsalou, 2005). Inclusiveness can improve the chances that initiatives will be perceived as legitimate by all affected groups (Arthur, 2009). It can be challenging, however, to identify and engage with traumatized, marginalized groups to ensure that multiple voices are heard (UK InterAgency Group on Rights, 2009). In addition, different groups can have very different ideas about how to address a violent past and what they need to come to terms with the past. It can be difficult to balance the varying needs of individuals, different groups and society as a whole (Andrieu, 2010).

Some transitional justice scholars emphasize that gender is an often overlooked aspect of victims' rights and that transitional justice processes must ensure that they do not expose victims of abuses to further trauma (Sancho, 2014; O'Rourke, 2012). There are a large number of victims of sexual abuses in some contexts that have not received justice or any broader recognition as victims and rights holders (Sancho, 2014). O'Rourke (2012) argues that the principle of 'do no harm' also means avoiding a return to more restrictive gender roles that preceded violent conflict. In many violent conflicts, children suffer disproportionately and also need to be considered and included in transitional justice efforts, for example, producing child friendly versions of truth commission reports and disseminating them in schools (Bah, 2009).

Questions to consider include:

- Which groups will be reached by the intervention (particular conflict group(s); particular language groups; marginalized groups; local populations in-country, diaspora groups)?
- Will the initiative be perceived as biased or unfair or favoring an affected group (Arthur, 2009)?
- Could the intervention reinforce patterns of domination and exclusion, or perceptions of discrimination (Goldwyn, 2013)?
- Will the initiative make state and/or social institutions more representative of society (Arthur, 2009)?

6.2 Resonance – Incorporating Local Traditions

A study on the impacts of the 2010 floods in Pakistan on pre-existing social conflicts recommends that in order to design and implement conflict sensitive relief and reconstruction interventions, it is important to: understand resilience in tribal societies; foster culturally appropriate and participatory ways to restore honor and dignity; and facilitate a gender-sensitive process of psychosocial healing that builds on local capacities (Ahmed, 2011).

Transitional justice measures too need to consider local practices and traditions. A conflict sensitive and culturally sensitive approach to transitional justice involves knowledge of local cultures and consideration of traditional forms of justice, local customs and local structures that may resonate more with local needs, meanings and practices. While relying on universal standards of justice and human rights, it is essential to take into account what is perceived as justice locally (Valji, 2009). For example, while legal trials may 'honor' victims in Western terms, such structured processes for eliciting victims' testimony may not be appropriate in all settings. Other forms of storytelling may be more fitting (Barsalou, 2005).

Adopting local forms of justice and reconciliation may be perceived as more legitimate by affected communities (World Bank, 2012). It can also contribute to empowering local populations, encouraging participation, owner-

ship and local capacities for peace; and reconstituting social cohesion (World Bank 2012; Andrieu, 2010). It also allows for multiple layers of justice mechanisms to address complex legacies of violence (World Bank, 2012).

Working with traditional actors is not, however, risk free from a ‘do no harm’ perspective (World Bank, 2012). Localized justice is also a product of local power structures and dynamics that may in some cases be oppressive to certain groups (e.g. women and minorities), perpetuate inequalities, and violate human rights (World Bank, 2012; Andrieu, 2010; Valji, 2010). It is important, to critically evaluate local practices – to recognize that the ‘local’ or ‘traditional’ is not inherently good, to ask whom these practices serve; and whether they have been compromised over time, or in the process of violence and war (Valji, 2009; Pouligny, 2010). In some cases, for example, traditional or customary leaders may have transferred their accountability from the local people to state institutions, or traditional institutions may have become completely co-opted by the state (Marc et al., 2013).

There may also be practical limitations to traditional mechanisms in the context of mass violence, which must be addressed. They may be more difficult to hold accountable (McEvoy and McGregor, eds., 2008). Community level justice mechanisms were often not developed to address the scale or types of atrocities committed during such conflicts (Valji, 2009). As such, they should be evaluated and considered on a case by case basis (World Bank, 2012). In addition, if traditional justice mechanisms are ‘hijacked’ by international actors, institutionalized and implemented in a top-down fashion, they may no longer resonate with local populations (Andrieu, 2010). There has been much criticism of the implementation of the gacaca system (community courts) in Rwanda in this regard (Ibid.).

Questions to consider include:

- Is the location of the intervention widely accessible to various affected groups? How to strike a balance between security issues and ensuring that the location and mechanism adopted resonates with local populations (e.g. holding trials in a foreign city or in the city in which the atrocities took place)?
- Does the particular transitional justice mechanism resonate with local culture and with local populations (e.g. does it cater to all official languages; does it incorporate or consider important cultural traditions and rituals)?
- Who holds power and who is included in traditional mechanisms? How might this affect resonance and community relations?

6.3 Identity Categories and Social Cohesion

Deciding on what identity categories to adopt can be one of the more challenging aspects of transitional justice efforts and one that could alleviate or exacerbate tensions. If, for example, a transitional justice initiative adopts ethnic categories that were prevalent in the conflict, it may risk 'freezing' conflict identities. This may be the case with the narratives that emerge from trials and truth commissions – and in the building of memorials to honour victims of a particular conflict group. Ignoring these identities and adopting a framework of 'survivors', or drawing attention to groups who crossed ethnic boundaries to help the 'other' – may provide the opportunity to develop empathy across identity lines and to focus on commonalities (Haider, 2011). However, this risks neglecting important needs for recognition of collective group suffering (Arthur, 2009; Andrieu, 2010).

There is no single model to adopt. It may be impossible for transitional justice interventions to avoid using ethnic or other identity labels. Efforts could be made alongside to focus on developing new notions of citizenship, perhaps drawing on other reform initiatives (Arthur, 2009). Bringing individuals together across identity divides to discuss shared problems, for example, could strengthen social relations and networks, promote collective awareness and the possibility of collective action, and contribute to the development of civic trust and notions of citizenship (McLean-Hilker et al., 2010; Haider, 2011; Haider, 2016a).

It is important also to ensure that identity groups are not favored or disadvantaged inadvertently in interventions. In Guatemala, for example, a police development project sought to strengthen recruitment by developing standards for selection. Police authorities chose criteria of minimum height and Spanish literacy, which were not questioned by the designers and implementers of the program. These standards had the unintended consequences, however, of excluding almost all Mayans, which resulted in an unrepresentative police force, a decline in Mayan access to justice, safety and security, reinforcement of Mayan marginalization, and increased tensions between communities (Goldwyn, 2013). This in turn constrains movement toward an inclusive, common citizenship and reinforces the importance of identity.

Given the importance of reconciliation processes in conflict-affected contexts and the role commonly attributed to transitional justice in contributing to such processes, it is important to consider whether and how interventions can actually contribute to social cohesion and building trust. This involves deconstructing negative images of the 'other', encouraging new attitudes, dialogue and intercommunal cooperation (Andrieu, 2010).

A review of conflict sensitive and post-conflict reconstruction literature finds cases in which economic activity has facilitated inter-group connections and helped to build trust and social cohesion – inadvertently and as an explicit part of interventions. In Bosnia and Herzegovina, the Srebrenica Milk Road

Project, aimed at increasing commercial dairy production, involved the organization of farmers into producer groups comprised of Bosniak (Bosnian Muslim) returnees and Serb residents. The main outcome of the project has been increased efficiency and profitability of local milk production. An unexpected consequence was the building of networks of reciprocity and trust across the two ethnic groups as they began to share equipment and information, and help each other out (UNDP BiH, 2009). In Rwanda, the Government fostered daily contact between Hutus and Tutsis through joint work on coffee plantations. The aim alongside economic gains is relationship and community-building (UNDP, 2008).

In order for such initiatives to be effective, however, these societal relationships should have existed prior to the conflict such that those intervening are not attempting to create new connections (Goddard, 2009). Such initiatives also risk being counter-productive if participants feel coerced into engaging in inter-group contact in order to receive benefits from development assistance.

Questions to consider include:

- How can transitional justice processes identify and address questions of inter-group relations?
- Could the initiative exacerbate tensions by focusing on conflict identities?
- Could the initiative promote trust between groups, e.g. by debunking myths and divisive narratives of the 'other'; demonstrating cooperation among elites (Arthur, 2009)?
- How can transitional justice initiatives promote social learning between communities, e.g. by modelling successful cooperation among groups; by highlighting examples of behavior that all groups can identify with, such as people who cross identity 'boundaries' to help others in need (Arthur, 2009; Haider, 2011)?

6.4 Outreach

Careful public outreach, including a variety of targeted messages to all relevant groups, could contribute to public support for transitional justice efforts and state institutions (Sancho, 2014; Arthur, 2009). In the absence of effective outreach programming, there can often be a gap between the goals and actions of transitional justice mechanisms and the needs and perceptions of the society. Transitional justice mechanisms will be restricted in their effect on societies in transition if the public are not familiar with the processes and do not perceive them as fair or just (Haider, 2016b).

In the case of Bosnia and Herzegovina, for example, perceptions of ethnic bias in the indictments of the International Criminal Tribunal of the Former Yugoslavia and War Crimes Chamber are prevalent. Sustained efforts have yet to be made, however, to counter such perceptions. Distrust of and lack of confidence in trials, particularly by persons of Serb or Bosnian Serb ethnicity, continues to be high (Garbett, 2012). New strategies to better communicate

and engage with affected populations, such as regular press conferences and outreach visits to towns and cities, could help to provide more comprehensive information and contribute to transparency (Ibid.).

Questions to consider include:

- Will disproportionate indictments of perpetrators from a particular ethnic group contribute to tensions (e.g. by creating a sense of victimhood)?
- Will the initiative apply only to domestic actors, or also to international actors implicated in human rights atrocities during conflicts (Murithi and Hudson, 2006) – and could this contribute to tensions?
- How could outreach efforts, aimed at explaining the process and mechanism, alleviate potential tensions?
- Will outreach efforts reach all relevant groups (e.g. children and youth; diaspora groups; ‘dominant’ groups)?

6.5 Collaboration with and Consideration of other Aid Actors and Sectors

Hoffman (2003), writing on PCIA, emphasizes that while it is important to identify and analyze dynamics within different sectors, it is equally important to understand how various sectors inter-relate and the implications of such dynamic interaction. This will improve the ability to assess and evaluate the positive or negative impact of particular interventions and the cumulative and spill-over effects of projects.

Coordination between various actors involved in, connected to, and affected by transitional justice is important (Edwards, 2013). A disconnect remains between those focusing on transitional justice objectives and strategies and other humanitarian, development and peacebuilding interventions (World Bank, 2012; Thoms, Ron and Paris, 2008). For example, while the ICC seeks to challenge the power of perpetrators, this may not be the goal of development and humanitarian organizations. Moreover, this aim of the ICC could deepen violence on the ground and affect the work of the other development and humanitarian actors (Balasco, 2013). Efforts to improve the relationship between the ICC and humanitarian organizations on the ground could allow for better assessment of how the work of the Court could affect human security and the larger field of post-conflict reconstruction (Ibid.).

Questions to ask include:

- What could be the effect of leaving human rights violations unaddressed on the possibility of promoting wider development outcomes?
- What contribution could addressing such violations make to development objectives and capabilities (Edwards, 2013)?
- What are the potential implications of particular transitional justice interventions on humanitarian outcomes?

6.6 Timing and Sequencing

In order for transitional justice to be conflict sensitive, the timing and format of interventions needs to be carefully planned (Arthur, 2009). Rushing transitional justice objectives could jeopardize the buy-in of key elites around peace-making, political settlement and or constitutional reform processes that could lay the foundation for more inclusive political settlements. At the same time, failure to acknowledge and address legacies of mass violence during transition could run the risk of continued violence in the future (World Bank, 2012).

With regard to particular initiatives, it may be better, for example, to delay the building of memorials, until enough time has passed to allow survivors to reach more nuanced or balanced views about what happened during the conflict, such that memorials will not be divisive (Barsalou, 2005). In situations of identity conflict, it could be problematic to move right away to inter-communal activities. Rather, much groundwork is often needed beforehand to create the environment in which groups feel comfortable working together (Arthur, 2009). Shifts in balance of power could also mean that initial amnesty (or immunity) is later displaced by formal justice interventions, as was the case with the later indictment of Chilean dictator, Augusto Pinochet. Ongoing political economy and conflict analysis can help to identify risks, changes in incentive structures, new opportunities; and implications for transitional justice strategies and implementation (World Bank, 2012).

Questions to consider include:

- Are there specific points in the conflict and peace cycle (i.e. stages within which conflict progresses – from impending crisis to stable peace) that may be more effective entry points for particular transitional justice initiatives?
- What are the potential implications of deferring transitional justice and/or specific processes and mechanisms?

7

Conclusion

If transitional justice seeks to address the legacy of violent conflict and promote reconciliation and sustainable peace, actors engaged in such work need to examine whether transitional justice processes and mechanisms are achieving these aims, and to reflect deeply on the implications of their work. Conflict sensitivity is a useful approach and tool, now well established in humanitarian and development fields, that can help in assessing the implications and consequences of transitional justice. In particular, it aims to identify the potential for transitional justice processes and mechanisms to inadvertently cause harm by exacerbating tensions and societal divisions – and their potential to contribute to peace. By following a conflict sensitivity approach, actors involved in transitional justice and conflict sensitivity are able to design and implement transitional justice interventions in a way that avoids or at least minimizes potential negative consequences and contributes as much as possible to strengthening connectors and the prospects of sustainable peace.

Applying conflict sensitivity enables actors to determine for example, whether the design of a particular transitional justice initiative may exacerbate divisions (e.g. by demonizing a particular group) or contribute to building bridges between conflict groups (e.g. by focusing on inter-group linkages). It can also help to highlight cases in which transitional justice initiatives may need to be supplemented with additional activities, such as ones that seek specifically to rebuild relationships and promote reconciliation (e.g. dialogue and inter-group activities aimed at identifying and addressing common needs); or that focus on developing new notions of citizenship (e.g. political and constitutional reforms). Collaboration with actors working in other fields and sectors can help not only with more effective peacebuilding but can also draw attention to potential negative spill-over effects of transitional justice activities, such as on humanitarian actors.

It is necessary for transitional justice actors to conduct a thorough analysis of the particular context in which they are operating and to determine the key factors that must be considered in order to ensure that transitional justice serves its intended beneficiaries and breaks the cycle of violence.

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Biography

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