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Assessing the Toolbox of Transitional Justice

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Abstract

The new millennium is associated with the proliferation of transitional justice – the process of redressing large-scale human rights violations in the wake of conflict or authoritarian regimes. The OHCHR has published operational guidelines, the Rule-of-Law tools for Post-Conflict States, in order to advise UN missions, national authorities and civil society to better craft their responses to transitional justice needs. The aim of this thesis is to assess these Rule-of-Law Tools. An interdisciplinary research method is used combining evaluation research with conventional social science methods. First, the tools are analysed by studying the process of implementation of transitional justice mechanisms vis-à-vis the guidelines outlined in the tools. Secondly, the strengths and weaknesses of the Rule-of-Law Tools are further examined applying the theoretical framework of transitional justice. The assessment revealed that the strength of the tools is the interrelationship between them, since no mechanism can reach the aims of transitional justice on its own, while the weakness of the tools is the narrow legalistic focus. Based on recent developments in the field, it is recommended to have a more holistic approach to transitional justice and broaden the notion of justice in order to ensure justice to victims and expand the range of measures against impunity.

Key Words: Transitional Justice, Toolbox, Rule of Law, Assessment

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