Transitional Justice & Responsibilities

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TJ measures...

- Trials
- Reparations & Compensations
- Apologies
- Memorials & Education
- Commissions of Inquiry
- Amnesties
- Security Sector reforms
- Vetting & Lustration
Assumption 1

TJ measures can define individual responsibilities, even through amnesty laws.

However, the way responsibilities are defined depends on the mix of measures, sequencing/timing and inclusive involvement of actors and institutions.
Assumption 2

Transitional Justice measures can change behavior of key stakeholders and thus the performance of (democratic) institutions in a rule of law complying way, if TJ measures are applied in a inclusive way and according to global standards.
Assumption 3

TJ measures have a deterrent effect because they keep buerocratic and political actors from doing the same violence, corruption and human rights abuses then before.

TJ measuers thus are tools with an mediation effect that can delegtimize the past (actors and institutions) and legitimize new institutions and actors.
Transitional Justice measures strengthen institutions

Delegitimize past autocratic regime/institutions → Legitimize new democratic regime/institutions
Formal & informal institutions building

- Constitution
- Judiciary (civil, criminal, administrative etc)
- Legislative (national and local parliaments and councils)
- Executive branch on all level
- Security Sector (police and military)
- Administration
- Civil society and organizations
- International and hybrid institutions
Why can TJ measures leverage (democratic) institutions for consolidation?

• **Accountability** through Responsiveness (Inquiries, laws, consitutional reforms, ...)

• **Transparency** through Reporting (TRC, Trials, Memorials...)

• **Participation** and Civic Engagement (**civic trust**, organized perpetrator and victim groups...)
## Differences between CJ and TJ

<table>
<thead>
<tr>
<th>Climate Justice</th>
<th>Transitional Justice</th>
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<tbody>
<tr>
<td>- Global (local)</td>
<td>- National (global)</td>
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<td>- Adaptation, mitigation, awareness, resilience of the existing regime</td>
<td>- Change and consolidation of regime</td>
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<td>- Political agreements</td>
<td>- Change of behavior</td>
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<td>- State focus (ICJ)</td>
<td>- Legal, political and historical agreements</td>
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<td>- Individual focus (ICC)</td>
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## Similarities between CJ & TJ

<table>
<thead>
<tr>
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<th>Transitional Justice</th>
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<tbody>
<tr>
<td>- Fighting inequalities</td>
<td>- Overcoming/ revealing root causes of conflict</td>
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<tr>
<td>- Participatory approach /CSO</td>
<td>- Victim CSOs and bystanders</td>
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<tr>
<td>- Duty-bearer &amp; right-holder approach</td>
<td>- Individual responsibilities</td>
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<tr>
<td>- Search for common narrative /version of injustice</td>
<td>- Historical narrative</td>
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