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Considerations for a collaborative approach to post-conflict development and transitional justice in Syria

A research report presented in partial fulfilment of the requirements for the degree of Master of International Development

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Abstract

Neither transitional justice nor post-conflict development is possible without the other. Thinking about reconstruction, and development more generally, requires an understanding of core political issues of ownership, governance and participation which are similarly key concerns of transitional justice. Such issues also need to be informed by longer-term processes for development which includes strategies for rehabilitation, reform and reparation, all consequences of war which influence development outcomes.

A consideration of how post-conflict development objectives can inform a transitional justice process for Syria identifies key areas of convergence and divergence between the two fields as well as debates pertaining to the prioritisation of justice versus peace, international law, and contextualising strategies to individual states and post-conflict situations. In Syria, where work is already under way by multiple organisations and activist groups to facilitate, gather and document evidence of human rights violations in preparation for a future transitional justice process: a ‘good-enough’ approach to governance (Grindle, 2004), the strengthening of civil society to provide national level support, and institutional reform are identified as key areas for development intervention.

However, the success or otherwise of development interventions in these areas will rely upon a number of critical factors: the willingness of a transitional government to take ownership of post-conflict development and transitional justice processes, facilitate citizen participation by first addressing Syria’s severe humanitarian crisis, and accept independent or international involvement where required; the capacity of Syrian civil society to provide national level support following an intense and prolonged period of conflict; the state of Syria’s post-conflict physical and human resource; and the willingness of a divided Syrian society to accept cross-community human rights initiatives or a transitional government comprised of any one party where violations have been committed by both sides of the conflict.
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List of abbreviations

CIL Customary international law
DDR Disarmament, demobilisation, and reintegration
ECCC Extraordinary Chambers in Court of Cambodia
HRBA Human rights-based approach
HRW Human Rights Watch
ICC International Criminal Court
ICRC International Committee of the Red Cross
ICTJ International Center for Transitional Justice
IDP Internally displaced person
IHL International humanitarian law
ICTY International Criminal Tribunal for Yugoslavia
MDGs Millennium development goals
NGO Non-governmental organisation
NJWP No Justice Without Peace
OECD Organisation for Economic Co-operation and Development
OHCHR Office of the High Commissioner for Human Rights
PICC Syrian Planning and International Cooperation Commission
PILPG Public International Law and Policy Group
ROL Rule of law
SAMA Syrian Aid Management Authority
SCJA Syrian Commission for Justice and Accountability
SDGs Sustainable development goals
SJAC Syria Justice and Accountability Centre
SLA Sustainable livelihoods approach
SSR Security sector reform
TRC Truth and Reconciliation Commission
UN United Nations
UNDP United Nations Development Programme
UNSC United Nations Security Council
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