Copyright is owned by the Author of the thesis. Permission is given for a copy to be downloaded by an individual for the purpose of research and private study only. The thesis may not be reproduced elsewhere without the permission of the Author.

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

Master

in

International Development

at Massey University, Manawatū, New Zealand

Amanda Patterson

2014

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.

Table of contents

Abstract

Table of contents

List of abbreviations

1. Chapter 1: Introduction 1
    1.1. Background
    1.2. Significance of the research
    1.3. Limitations of the research
2. Chapter 2: Research methodology 5
3. Chapter 3: Transitional justice 8
    3.1. Overview
    3.2. Mechanisms
        3.2.1. Prosecution
        3.2.2. Truth telling
        3.2.3. Reparation
        3.2.4. Institutional reform
    3.3. Key debates
        3.3.1. The prioritisation of justice versus peace
        3.3.2. International law
        3.3.3. Contextualising transitional justice strategies to individual states and situations
4. Chapter 4: Transitional justice and development 22
    4.1. The relationship between transitional justice and development
        4.1.1 Areas of convergence
        4.1.2 Areas of divergence
    4.2. Potential areas for collaboration

5. Chapter 5: The challenge for post-conflict development and transitional justice in Syria 40
    5.1. Transitional justice
        5.1.1. Transitional justice mechanisms
    5.2. Post conflict development
        5.2.1. Post-conflict development objectives
6. Chapter 6: How can a consideration of post-conflict development objectives inform a transitional justice process for Syria? 52
    6.1. National ownership
    6.2. Good governance and institutional reform
    6.3. Reconstruction and rehabilitation
    6.4. Reparation
7. Chapter 7: Conclusion 66
    7.1. Conclusion
    7.2. Areas for further research

References

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

MASSEY UNIVERSITY

MASSEY RESEARCH ONLINE **http://mro.massey.ac.nz/**

Massey Documents by Type Research Reports

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, Master in International Development, at Massey University, Manawatū, New Zealand

Patterson, Amanda

2014

http://hdl.handle.net/10179/7394

13/01/2022 - Downloaded from MASSEY RESEARCH ONLINE