

## Holding Concurrent Realities. Reflection on the Responses

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Coming from a range of perspectives and drawing on various cases, the responses to my article on human rights and conflict transformation are useful, encouraging and thought-provoking. I am grateful to my colleagues for their critical comments and ideas for further development, and appreciate the opportunity created by the Berghof team to engage in this conversation. The feedback gathered here and in other comments received, highlight that the issues discussed in the lead article are alive in many contexts around the globe. Their topical nature is also illustrated by the fact that a leading human rights organisation, a prominent mediation organisation, and a mediation project linked to a national Department of Foreign Affairs all published reports focusing on questions of peace and justice around the same time as the initial article was published (HRW 2009; Hayner 2009a; FDFA/MSP 2009). The limited space available for this concluding reflection will not allow me to do justice to the wide-ranging feedback and variety of case material presented. I will therefore concentrate on some themes that have emerged from the responses.

Starting with some definitional concerns, it is clear that opinions differ on the meaning of conflict transformation. While following my terminology, Babbitt doubts whether the term means anything different from conflict resolution. Her allusion to conflict mitigation or settlement as alternative reference points suggests a fairly narrow understanding of the notion: one that focuses predominantly on alleviating symptoms and achieving agreement between conflicting parties. In contrast, Nderitu employs the term in a broad and rather unconventional way, by relating it to integrated missions and including the activities of military actors in her application of the term. However, a suggestion of conflict transformation being a civilian undertaking emerges from García-Durán's contribution. These different understandings illustrate the lack of agreement that continues to permeate the peace and conflict field. They also raise critical questions about the added value of conflict transformation in theory and practice (in comparison to, for example, conflict resolution),

and about the nature of conflict transformation and the extent to which it comprises military actors and activities. Of course, it can be questioned whether such definitional debates matter. It seems to me that they do, at least to some extent; the terminological minefield does not facilitate understanding when engaging with practitioners or scholars working from another perspective. It also highlights the importance of consistently clarifying what one means when using certain terms in interacting with others.

On human rights, Nderitu points out a contradiction between the legal definition put forth and my emphasis on the need for a multi-dimensional understanding of human rights; a less legal-positivist definition would indeed have been appropriate. However, contrary to how Nderitu seems to have read me, I do not classify human rights in terms of positive and negative rights nor in terms of first and second category rights.<sup>1</sup> For me, economic and social rights are fundamental to any human rights and conflict transformation work – i.e. they are anything but ‘not real’ – and I have long been concerned that many discussions on peace and justice appear to overlook them in their understanding of justice (see further below). I fully agree with Nderitu on the indivisibility of human rights and welcome the opportunity to clarify this.

Referring to the dimensions of human rights that I have proposed, Diez and Pia advise against adopting too broad a definition of human rights. They argue that this may lead to paying insufficient attention to the consequences of invoking human rights as legal norms and the impact of different kinds of human rights articulations. Given the frequency with which human rights are referred to as legal standards in conflict contexts, this is an important caution. Yet it may be a matter of emphasis rather than of substantive oversight – a function of prioritising what points to make in an article of this nature. My advocacy of a holistic understanding of human rights seeks to counteract what has been called “the legal reflex within human rights discourse” (Gready/Ensor 2005, 9), precisely *because* it is so prevalent. In my view, rights can have a transformative potential in organising a society, but more so when they are rooted in everyday life, in the realm of moral, political and social processes. In that sense, the dimensions are an effort to operationalise human rights, not to define them. Reflecting how the presence or absence of human rights may take shape in people’s lived experience, they seek to provide guidance on integrating rights meaningfully into conflict transformation thinking and practice. Whether this is the best way for doing so, can of course be disputed – and probably will, since there is no uniform conception of human rights either (e.g. Diez/Pia in this volume, 51; Dembour 2010, 2).

By and large, the discussants endorse the idea that there is value in considering human rights and conflict transformation in conjunction. My thesis that these are complementary is generally well received, with colleagues adding valuable nuances. As Babbitt points out, my article focuses primarily on one side of the equation: how a human rights perspective can enrich conflict transformation. She rightly argues that the reverse also holds true and that human rights efforts can benefit from taking conflict transformation considerations into account, illustrating this by drawing on constitution-writing in Iraq and South Africa. Having discussed this aspect of complementarity elsewhere (e.g. Parlevliet 2002, 2009), I left it out to prevent duplication and excessive length. Some of my thinking on the matter however is featured in the lead article, for example in the application

<sup>1</sup> I do not use the terms ‘positive/negative’ and see no difference between my statement that “some [rights] instruct states to refrain from certain actions while others impose obligations on the state to act in certain ways”, and Nderitu’s point that “civil and political rights are based on the concept of non-interference – whereas social, economic and cultural rights require the state to take positive action” (in this volume, 57). On ‘first/second’, it seems to me that Nderitu is thinking of first or second *generation* human rights in her critique of my supposed categorization of rights; but my use of “first domain” and “second category” when elaborating on “some rights” is merely a stylistic device, not an ideological position on human rights or an assessment on the relative value of different rights.

of the Dugan/Lederach nested paradigm to human rights violations as causes and symptoms. Moreover, two of the dimensions of rights – rights as relationships and as process – originally ‘owe their existence’ to an earlier consideration of what conflict transformation can bring to human rights, although I have since managed to ground them in human rights literature. Of course, the human rights field’s recognition of the interdependence between process and outcome does not negate Babbitt’s point that conflict transformation has much to offer when it comes to process (and relationships).

Darweish and García-Durán highlight the importance of recognizing the dynamic nature of the conflicts at stake, in terms of the interaction between different elements of rights-related conflict (Darweish) and the evolution of armed conflict over time, since a deepening human rights crisis poses ever-greater challenges for human rights protection and conflict transformation (García-Durán). A warning not to assume too rosy a picture of the human rights/conflict transformation relationship also emerges from several responses – though none of the discussants says so explicitly. According to Diez and Pia, human rights are no panacea for conquering conflict, given the “highly ambiguous role of human rights articulations in conflict” (in this volume, 53). Gomes-Mugumya and García-Durán point to tensions that arise in relation to the pursuit of both peace and justice when violent conflict is ongoing, referring to Uganda and Colombia respectively. Nderitu asserts that human rights and conflict transformation “are naturally suited on paper” but that this is rarely borne out in practice (in this volume, 55). Nevertheless, the Mount Elgon example she describes reflects a practical coming together of ideas and strategies from both fields, incorporating analysis, rights education, joint problem-solving and visioning, dialogue between diverse groups, and relationship-building between rights holders and duty bearers.

These suggestions and exhortations are welcome as they highlight the complexity of the human rights/conflict transformation relationship. As such, they point to a question I’ve grown increasingly interested in: what factors influence the unfolding of this relationship in practice, in terms of potential for complementarity? García-Durán’s article provides a few clues in this regard. His allusion to “interesting social experiences from below” (in this volume, 96) points to the possible relevance of the level at which interventions take place. The idea that there may be more scope for synergy at Track III than at Track I has some resonance in the literature. The contributions by Nderitu and Gomes-Mugumya also offer some evidence for this thesis, which corresponds to my own impressions and interactions with colleagues as well. García-Durán further suggests that convergence and divergence are partly determined by the specific strategies for rights protection and conflict transformation that are required at different times in the conflict cycle. In some phases these may go better together than in others.

This requires further elaboration indeed, and his identification of relevant *practices* at different stages provides food for thought. (It is however more descriptive than analytical; he draws no conclusion and makes no pronouncement on which practices may be more or less easily reconciled, or the feasibility of doing so in different phases.) Even so, I suspect that the aspect of practices is – or should be – but one part of such a temporal analysis. The specific *issues* that arise in different phases and the relative weight or priority that activists in either field attach to them will probably be just as important for determining convergence/divergence. (And this priority assessment, in turn, may well be influenced by the theories of change they adhere to, something commented on by both Babbitt and Darweish; and identified as an area for further research in the lead article.)

Finally, García-Durán calls attention to the need to examine the political context in which the concepts and tools of human rights and conflict transformation are used. Who uses these and to what end? What political interests are at stake behind either agenda, and what vision of the state do

they espouse? His explanation of three ways in which human rights have been framed in Colombia illustrates how a particular understanding and use of human rights discourse may open up or close space for connecting human rights and conflict transformation. Diez and Pia underline this emphasis on the political, reminding us of the interrelatedness of politics and human rights. Their comments on the limitations of an apolitical human rights discourse touch on a long-standing debate in the human rights field – what many highlight as objective (i.e. apolitical) global norms, are perceived by others as cultural models framed in specific historical conditions and/or criticised as modern-day imperialism.

Diez and Pia identify an additional variable impacting on complementarity: human rights articulations themselves. They explain that the way in which human rights are invoked in conflict contexts matters greatly, more so than the fact of them being invoked: articulations that reinforce group identities and are exclusive are likely to intensify conflict dynamics. My own experience confirms the significance of how human rights claims are framed, though I have so far approached this mostly through the prism of positions and interests (e.g. in this volume, 30; Parlevliet 2002, 36). It has also struck me how the beliefs/assumptions about the nature of human rights held by those invoking them may affect the formulation of rights claims. For example, claims put forth in the parading context in Northern Ireland appear to have been informed by perceptions of human rights as ‘either/or’ and ‘zero sum’ matters: the notion that one’s rights are either completely respected or not at all, or that one’s rights can be exercised only at the expense of someone else’s claim (Parlevliet 2009, 283-284). Such absolutist conceptions of human rights lead to human rights being invoked merely on behalf of the members of one group (i.e. exclusive articulations).

The conceptual framework of securitisation put forth by Diez and Pia is hence an exciting new source of contemplation. However, these authors may be too cautious when suggesting that rights invocations are “highly unlikely” to have a de-securitising effect “as long as there is a conflict situation” with “contemporary foes” (in this volume, 49/52). Consider ceasefire agreements and peace accords: research has highlighted that discussion on human rights can have a facilitative function in such settings. A case in point is the civilian protection accord concluded between the Philippine Government and the Moro Islamic Liberation Front (MILF) in October 2009, following an outburst of violence.<sup>2</sup> I suspect that this can be explained in the securitisation framework by considering such agreements as constitutions (following Bell, see Babbitt in this volume, 69), and the references to human rights in such agreements as references to the past. This suggests that “temporal securitisation” is not only possible in relation to events that are long past (as Diez and Pia seem to suggest, in this volume, 49). It could also apply to recent violence between opponents who have not conclusively resolved the issues between them as yet.

The responses show that there are different ways of considering the relationship between human rights and (violent) conflict, besides the framework I have outlined in the lead article. According to Nderitu, many scholars and practitioners focus more on international humanitarian law (IHL) when considering human rights in conflict transformation rather than on human rights law; in her view, the human rights perspective, while more comprehensive, is “usually seen as theoretical rather than practical” (in this volume, 56). For me, the chief limitation of international humanitarian

<sup>2</sup> The parties signed this civilian protection agreement following an escalation of violence after the country’s Supreme Court had issued a temporary restraining order preventing the Government and the MILF from signing the Memorandum of Agreement on Ancestral Domain, which would have concluded all disputes and lead to the signing of a Final Comprehensive Compact. Comments from a key figure suggest that a primary reason for the protection agreement was to rebuild trust both between the parties and within the parties’ respective constituencies; the talk teams would only be able to re-engage in negotiations with each other after assuring their constituencies that a key concern (i.e. regarding violence and safety) had been addressed (conversation with member of Philippine talk team, 28 January 2010, Berlin).

law in relation to conflict transformation is that it applies to situations of outright violence amounting to armed conflict in terms of the Geneva Conventions.<sup>3</sup> This is problematic because many conflicts do not necessarily qualify as such. Moreover, conflict transformation is also relevant in situations of latent conflict, where societal tensions have not led to violence (yet) – or where violence has come to an end. Finally, most of IHL relates to international armed conflicts; the rules applying to ‘non-international’ armed conflict are far less well-developed. Yet contemporary conflicts tend to take place within states, not between states, even if they are becoming increasingly regionalised (Griffiths/Whitfield 2010, 6). Still, Nderitu’s article throws down the gauntlet: when considering human rights in conflict transformation, it is imperative to do so in a way that is practically relevant and not just theoretically interesting.

Darweish considers conflict related to human rights in terms of Galtung’s ABC triangle, discussing the attitudes, behaviour and conflict context in relation to the Palestinian/Israeli conflict, with particular reference to the situation of the Palestinians in the occupied territories and in Israel. His analysis suggests that the Israeli state is unlikely to embark on any genuine reform without a shift in (Israeli) public opinion and solidarity amongst Palestinian and Israeli civil society organisations. He thus criticises my strong emphasis on the state and argues that I pay too little attention to the role of civil society nationally and internationally as a force for change. It seems to me, however, that his description of an intricate and sophisticated system of legislation, policies and practices that institutionalises discrimination and accords preferential treatment on the basis of ethnicity, only confirms a key point of my argument: the pivotal role of the state and systems of governance in generating, escalating and maintaining violent conflict. In that sense, for structural transformation to occur, *there is no way around the state* – those concerned with ensuring long-term change have to deal with the state and those in government at some point and in some way. I share Darweish’s view that civil society can play an important role in addressing conflict and violence in divided societies. Nevertheless, it faces certain constraints in doing so, as I have discussed elsewhere (Parlevliet 2001); one is the possibility of divisions within civil society, noted also by Darweish. Hence, this discussion attests that conflict transformation must involve both the state *and* civil society. Babbitt’s point on the need for both continuity and change strikes me as quite relevant in this regard, as a possible entry point for working with resistance, rather than against it.

A concern with steering away from dichotomies is also central in my thinking on the question of peace and justice. As noted by García-Durán, Gomes-Mugumya and other colleagues, my lead article contained little discussion of this beyond some comments in the literature review. When working on the article, so much had already been written on peace and justice that I questioned whether I could add anything meaningful to this debate. It also seemed to me that discussions on this issue get so easily stuck that little attention remains available to explore the wider implications of considering human rights and conflict transformation in conjunction. For me, it was important to get at the latter – because my experience is that (a) there is, or can be, a constructive interface between human rights and conflict transformation at both a conceptual and a practical level and that (b) some fundamental questions arise about conflict transformation when reflecting on it from a human rights perspective, notably about issues of roles and power, and the extent to which we are able and/or willing to challenge the status quo. My main interest was in sharing my thoughts on these two topics. I therefore also refrained from discussing human rights and conflict transformation in terms

<sup>3</sup> In contrast, human rights law applies to both peace- and war-time, although it allows for the suspension of certain rights at specific times (e.g. times of emergency); this is called derogation of rights. Some rights are however non-derogable, which means that they cannot legally be suspended at any time.

of “peace and justice”, even though the latter is at times used as a catchy label to refer to the former. In my view, too much goes missing when doing so.

At the core of the peace and justice debate and the tensions observed by Gomes-Mugumya and others is a very specific dilemma: the pursuit of accountability for serious violations of human rights and international humanitarian law in situations of conflict where an end to violence is badly needed. It is thus concerned with the imperative to establish negative peace and the risk that those responsible for violence may demand immunity in exchange for agreeing to lay down arms. As such, it focuses on one aspect of justice: criminal or retributive justice. Other aspects of justice such as institutional reform and redistributive justice, feature too seldom in this debate. Yet they are just as important to establishing the rule of law, rehabilitating victims, survivors and their relatives, and legitimising state institutions in a post-settlement society. While I am convinced of the need to fight impunity,<sup>4</sup> an exclusive focus on investigations, prosecutions and punishment for doing so disregards that this strategy primarily targets the consequences of conflict, not its causes. It also only deals with violations of civil and political rights. This is problematic given the impact of violent conflict on people’s economic and social rights, and the extent to which violations of these may have been at the root of what caused the conflict. Lastly, the emphasis on retributive justice is based on the assumption that it acts as deterrence and is as such key to prevention of future crimes. Empirical evidence for this is still lacking, however. Thus, one of my concerns in relation to the debate on peace and justice regards the narrow conception of justice that drives many contributions and also informs Gomes-Mugumya’s and García-Durán’s comments on this issue. The UN-endorsed Joint/Orentlicher principles to combat impunity identify four areas to address: the right to know, the right to justice, the right to reparation and the guarantee of non-recurrence. In my view, more attention should be paid to all four rather than focusing mostly on one.

In addition, it is important to note that even when it comes to criminal justice, the situation is less straightforward than may seem at first sight. As noted in the literature review, sequencing is now recognized as critical; international law does not prescribe that investigations and prosecutions must take place within a specific time frame. Without suggesting that waiting for 30 years for trials to be conducted is desirable, recent developments in Argentina and Chile show that justice delayed is not necessarily justice denied. Also, the suggestion that peace requires granting amnesty and is therefore by definition irreconcilable with justice is too simplistic, as is the notion that granting amnesty means maintaining impunity. International law recognizes that it may be legitimate and advisable for a state to offer amnesty to individuals who have taken up arms against it. What is prohibited is blanket amnesty and amnesty for the most serious crimes – genocide, crimes against humanity and war crimes; these must be investigated and, if warranted, prosecuted. (The United Nations has, for example, issued guidelines that its representatives cannot support an amnesty for these crimes, nor for the wider category of “gross human rights violations”.) It is thus the *kind* of amnesty that must be discussed, not amnesty as such. A person’s position in the chain of command also needs to be taken into account; investigation and prosecution are to focus on those who bear the greatest responsibility for the serious crimes committed. The Rome Statute of the International Criminal Court (ICC) recognizes further that the first responsibility for addressing serious crimes lies with the national state and the parties to the conflict. Only when they are unwilling or incapable of doing so, should

<sup>4</sup> In Nepal I have seen how impunity for past and present human rights violations fits into a much wider pattern of failure to hold individuals accountable for their actions, be they police officers torturing suspects; members of the youth branches of political parties assaulting journalists and human rights defenders; local government officials appropriating public funds; judges accepting bribes; elites owning land far beyond the legal ceiling; or political leaders pursuing their own narrow interests rather than those of their larger constituencies. This general lack of accountability has negatively affected the peace process, both before and since the signing of the peace agreement, and is a major obstacle to the further democratisation of Nepal.

investigation and prosecution of such acts be pursued at the international level.

This is not to downplay the challenging nature of the political, ethical and legal issues that arise in relation to the pursuit of individual criminal accountability in conflict situations. Those who are formally least eligible for amnesty (i.e. the leadership of parties in conflict), stand to benefit most from it. At the same time, those same leaders are the most likely to take part in peace negotiations, or at least have the ability to influence those who do. A complicating factor is the involvement of external actors and the tension that may arise between global norms and local agency highlighted in the conclusion of the lead article. It seems to me that the latter may be a more fundamental question in relation to human rights and conflict transformation than the issue of criminal justice as such. In part this is because transnational advocacy networks have become so influential in human rights activism (Keck/Sikkink 1998); at the same time, global power relations are shifting and the world is an increasingly less Western-dominated place. The global/local question is a theme that runs through all articles in this Dialogue, my own included. Diez and Pia's comments on the political nature of human rights and the unresolved debate about universality touch on it. Darweish raises the role of external actors in challenging unjust power structures and policies. García-Durán notes the growing number of local and international NGOs working on human rights and peace; an increase in international monitoring, reporting and oversight of human rights in conflict situations; and rapid development of international law. Babbitt mentions facilitating change from within a society or relying on rules and structures imposed from outside as a key difference in conflict transformation and human rights theories of change. Nderitu highlights the need to identify change agents within the post-settlement context itself, and emphasises that the implementation of international human rights standards must be context-specific. Gomes-Mugumya joins her in stressing the relevance of traditional practices for dispute resolution and addressing past crimes.

While agreeing with the last two discussants that traditional justice mechanisms can have merits that must be taken into account, I question any uncritical endorsement. The fact that certain practices are traditional does not make them legitimate *per se*, nor necessarily preferred by local populations. Careful examination is needed to assess who advocates them, to what end, and what interests such mechanisms serve; it also needs to be explored what they mean in practice, for example in relation to gender relations and due process. Still, it is important to acknowledge the existence of traditional or customary mechanisms and to appreciate that they can resonate strongly amongst local communities. As such, they have the potential to assist with finding a middle ground between blanket amnesty and extensive criminal prosecutions and can help with localising justice when they are incorporated into a holistic approach to dealing with past crimes. Thus, blanket dismissal of traditional justice mechanisms has limitations, as does romanticizing or idealising them.

Overall, the above discussion suggests the importance of nuance and openness to a range of options for dealing with the accountability dilemma. It also speaks to the need to refrain from absolutism and dichotomising in debates on peace and justice. Taking general, absolute positions on the need for 'justice' or 'peace' to prevail in a specific situation is not very helpful. The same applies to claims that developments in the one area will definitely preclude progress in the other. (Such positions and claims were, for example, made in relation to the Juba peace talks for the conflict in northern Uganda and the ICC arrest warrants for the leadership of the Lord's Resistance Army.) I am therefore grateful for García-Durán's speaking of "a certain level of impunity" and "achieving some degree of peace with justice" (in this volume, 95/101). This corresponds to the notion of "sufficient justice" that some colleagues at the Centre for Conflict Resolution in South Africa used in the late 1990s when discussing the country's efforts to address the serious crimes committed during apartheid. These formulations reflect that the question of seeking criminal accountability in

conflict situations can be excruciatingly difficult and that imperfection may be embedded in any modus decided upon. It is probably inherent to the issue at hand and the complex context in which it arises. Of course, acknowledging this does not resolve the issue. Questions arise immediately when entertaining the notion of sufficient justice – for example, what is sufficient? Who is to decide? On what basis? And sufficient for *whom*?

Following publication of the initial article, several persons (not contributing to this Dialogue) informed me that they were much relieved at my observation that the debate has shifted from an emphasis on peace *versus* justice to peace *and* justice. Yet I soon became aware that another commentator had just come to the reverse conclusion: in her view, the debate on peace and justice has only intensified in recent years (Hayner 2009b). This raised the question of how this was possible. Which observation was correct? I came to realize that both assessments are valid, in that they reflect realities that exist concurrently. The former relates to peace and justice in a broader sense, as referring to the intersection of human rights and conflict transformation. The latter relates to peace and justice narrowly defined; peacemaking and seeking accountability for serious abuses has become more complicated as the ICC gets engaged in ongoing conflict situations – and the debate on the universality of human rights plays itself out, for the first time, in the context of shifting global power relations. Since then, I have also found the notion of concurrent realities useful in thinking about the relationship between human rights and conflict transformation in general. Recognizing the complementary nature of the fields of human rights and conflict transformation does not preclude the possibility that in certain respects real tensions or contradictions arise. Once more, the convergence and divergence of human rights and conflict transformation is in and of itself not a matter of *either/or*, but of *both/and*. Controversy arises when we insist that the fields interact in just one way or the other – much like challenges arise when one analytical or policy perspective seems to leave no room for the other, when approaches from one field are presented as superior without recognition of their limitations, or when one imperative, be it peace or justice, is construed as necessarily trumping the other. Perhaps, at the core, this Dialogue issue on human rights and conflict transformation constitutes a call for nuance and for further engagement between people from different backgrounds concerned with peace, conflict, human rights and justice. This requires a willingness to engage with approaches, concepts and terminology that are not one's own; to explore the experience, values and methods of 'the other field' in order to appreciate what they bring to one's own understanding and practice; and to recognize the limitations of one's own perspective. Above all, it requires flexibility; a readiness to get confused, challenged and/or frustrated; and an ability to hold the (seeming) paradox of these concurrent realities.

**NB.** *If you would like to share feedback and comments with the author directly, please feel free to contact her at [michelle.parlevliet@gmail.com](mailto:michelle.parlevliet@gmail.com).*

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\* All further references mentioned in the text can be found in the lead article of this volume.

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[All weblinks accessed 13 May 2010.]

## Further Reading

Both Amnesty International and Human Rights Watch have just published noteworthy reports to feed into the ICC review conference, to be held in Kampala in June 2010 (which has peace and justice as one of its themes).

Human Rights Watch 2010. *Making Kampala Count. Advancing the Global Fight against Impunity at the ICC Review Conference*. New York: HRW. 10 May 2010. [www.hrw.org/en/reports/2010/05/10/making-kampala-count-0](http://www.hrw.org/en/reports/2010/05/10/making-kampala-count-0).

This 102-page report assesses progress and recommends steps to strengthen international justice. The report addresses the four themes identified as part of the conference's "stock-taking exercise": peace and justice, strengthening national courts, the ICC's impact on affected communities, and state cooperation.

Amnesty International 2010. *Commissioning Justice: Truth Commissions and Criminal Justice*. New York: AI. 26 April 2010. [www.amnesty.org/en/library/info/POL30/004/2010/en](http://www.amnesty.org/en/library/info/POL30/004/2010/en).

This paper is based on Amnesty International's experience and assessment of the work of truth commissions in many countries around the world over the past decades, and is being published in order to contribute to the debate about truth and reconciliation processes as a complement to criminal justice at the Review Conference of the Rome Statute of the International Criminal Court. Part One offers an overview of the 40 truth commissions established between 1974 and 2010. Part Two analyses their practice with respect to amnesty and prosecutions.

## About the Author

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## See also...

This article has been published as part of Véronique Dudouet and Beatrix Schmelzle (eds.) 2010. *Human Rights and Conflict Transformation: The Challenges of Just Peace*. Berghof Handbook Dialogue No 9. Berlin: Berghof Conflict Research.

Hardcopies of the complete version, including the following articles, can be ordered at Berghof Conflict Research ([order@berghof-conflictresearch.org](mailto:order@berghof-conflictresearch.org)):

- *Introduction: Towards Peace with Justice* by Beatrix Schmelzle and Véronique Dudouet
- *Rethinking Conflict Transformation from a Human Rights Perspective* by Michelle Parlevliet
- *Conflicts and the Politics of Human Rights Invocations* by Thomas Diez and Emily Pia
- *Conflict Transformation and Human Rights: A Mutual Stalemate?* by Alice Nderitu
- *The New Constitutionalism: An Approach to Human Rights from a Conflict Transformation Perspective* by Eileen F. Babbitt
- *Reflections on Rights and Conflict from Uganda* by Albert Gomes-Mugumya
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