



Global Learning Hub  
for Transitional Justice  
and Reconciliation

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## Reflection Paper

### Agency – Power – Space. Exploring the transformative potential of transitional justice

PRACITIONERS' CONFERENCE, BERLIN 2023

After violent conflicts or authoritarian rule, the past remains present. It impacts the everyday lives of victims and their families as well as societies and politics. Different measures to acknowledge and redress gross human rights violations, war crimes and other injustices – frequently referred to as transitional justice – play an important role in paving the way from socio-political violence to peace, democracy and the rule of law. Over the past decade, however, strong calls have been made that transitional justice processes should contribute to social justice by addressing structural inequalities, discrimination and poverty as part of a transformative process addressing the root causes of conflict. This implies, amongst others, to look more closely at the linkages with development and peacebuilding. It requires a rethinking of approaches and priorities and points towards fundamental questions of agency, local power struggles and the type of social change envisioned.

The two-day conference “Agency – Power – Space. Exploring the transformative potential of transitional justice” with 70 participants from over 20 countries brought the diversity of practice to the centre stage of current debates on how to transform transitional justice. What kind of social change has been experienced? What contributed to success and what challenges have been faced? What are commonalities and differences – and what needs to be done differently?

Plenary sessions and workshops provided space for networking and mutual learning; the evening event “Beyond box-ticking. How people-centred transitional justice contributes to peace” reached out to a wider policy community. This paper reflects some of the insights Hub team members gained during the conference.

## 1 How we worked

We did not give lectures nor did we follow panel discussions. Instead, we carefully designed space for collaborative thinking and learning, guided by key questions. We brought together seasoned practitioners, grassroots activists, representatives of institutions, young leaders and politicians. Our joint endeavour created a vision of how we should think transitional justice in the upcoming decades: as people-centred, transformative approaches.

## 2 Invest in the “how” – not standardised approaches

Bringing together people of diverse backgrounds and experiences, we focused on interaction and mutual learning. Every context is unique – and every transformation process should be driven by internal actors. Addressing violence and injustice is one piece of a complex puzzle in the long-term efforts to build – and protect – peaceful, just and inclusive societies.

It became obvious that implanting transitional justice mechanisms or standardised approaches recommended from the outside does not initiate meaningful change. It is the context-specific and process-oriented “how” we need to put our efforts in. Hence, we do not want to communicate generalised recommendations, which might be misleading or even harmful, inappropriately abstract or phrases of buzzwords. Besides many differences, however, we identified common challenges as well as strategies and approaches to address them.

## 3 How to transform

**Addressing exclusion:** Building trust requires avoiding explicit and implicit exclusion. This is not trivial due to power imbalances, competition for public attention, support and resources. Frequently, (civil) society is divided, we are faced with a hierarchisation of victim groups, and victims and their representatives might share prejudices. Thus, understanding the different dimensions and mechanisms of exclusion, not least by adopting feminist perspectives on transitional justice and dealing with the past, providing resources to marginalised groups, building trust among them, promoting their leadership and supporting safe spaces is crucial.

**Evoking solidarity and empathy:** While strengthening the voices of marginalised groups and creating safe spaces are important steps, change must happen in the public sphere. Reaching out to a broader community and the hard-to-reach, or motivating silent “bystanders” to act, is again not trivial. Often, it is about creating necessary pre-conditions for public acknowledgement, redress and healing, such as evoking empathy and solidarity for the grief of the “others”, respect for human rights and values – and responsibility to protect them, or building on the energy and creativity of young generations.

**Building strong alliances:** Entering and “occupying” the public sphere cannot be done in isolation. It is essentially an issue of building strong alliances: with human rights

defenders and social activists, with political parties (or groups within them), with individuals working in key institutions, with artists, journalists and public figures and with professional associations.

Creativity, resources and capacities are required to build alliances and design meaningful collaborative action. One must bear in mind the serious risks people are taking in many conflict contexts to “cross borders” and (political) divides. Building alliances also implies acknowledging and integrating diversity. It is neither about compromising particular interests or values nor about fundamentally preaching them, but about identifying issues around which actors can temporarily join forces. Giving power and space to women and youth to become agents of change is much needed, and poses many challenges because of cultural norms and power structures.

**Moving beyond... and moving on:** To unfold its transformative potential, transitional justice must move beyond criminal accountability and address structural causes of violence and inequalities. It also needs to move on after ad hoc institutions, such as truth commissions, have fulfilled their tasks. Far too often, follow-up processes, which are supposed to contribute to political reform, the re-distribution of resources and access to decision making processes as well as the reparation of victims, are never realised due to a lack of political will and/or available resources. This does not only undermine the effectiveness and legitimacy of transitional justice initiatives, but increases grievances and might, in the long-run, result in the relapse into violence. Moving beyond and moving on is one of the biggest challenges transitional justice initiatives are facing and in each situation, we need to strike a balance between realistic goals and far-reaching transformative objectives.

**Staying engaged:** The incremental nature of transformation and shifting political commitments call upon us to stay engaged in dealing with the past processes – and adapt to changing dynamics in society and politics. Time might be a “change maker” by itself – but it can also become a major stumbling block, because historical narratives and mutually excluding victim identities, stigmatisation and discrimination, impunity and the misuse of power get ingrained in a given society. Moreover, the recent experiences of right-wing and populist politics in Europe and elsewhere dramatically demonstrate that even well established “structures”, democratic norms and human values can be undermined. Staying engaged might involve support to initiatives and projects that strengthen change makers and catalyse processes, or investing in education that moves beyond tolerance and fosters a culture of respect as well as active solidarity with victims of discrimination and violence. And yet again, broad coalitions are needed to counter any kind of “othering” and dehumanising ideologies, the political instrumentalisation of history, hate speech and violence. Staying engaged is, hence, of utmost importance in each society.

## ABOUT THE INITIATIVE

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The Global Learning Hub for Transitional Justice and Reconciliation is a network of organisations from Germany and across the world, initiated by the Berghof Foundation and the German Federal Ministry for Economic Cooperation and Development in early 2022. The Hub reflects a diversity of experiences, benefits from the respective strength of each partner and promotes their work.

### IMPRINT

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