

Can Transitional Justice Mechanisms Stop Wars from Reigniting and Support Lasting Peace?

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Do transitional justice (TJ) mechanisms prevent the recurrence of war and encourage lasting peace? These are foundational TJ aims, but it is challenging to determine if and how mechanisms, such as trials, truth commissions, amnesties, or lustration, contribute to lasting peace. Does accountability for atrocities undermine peace processes, or can it strengthen institutions and deter violence? Systematic assessment can help clarify which mechanisms may prevent war and foster durable peace and identify under what conditions TJ mechanisms can be ineffective or counterproductive.

The Studies

We present sixteen cross-national studies analyzing TJ mechanisms and non-recurrence of armed conflict. These studies offer evidence about the potential impact of accountability on lasting peace. We included peer-reviewed empirical articles published since 2010.

Outcomes assessed: The articles examine a range of outcomes related to armed conflict non-recurrence, including: conflict termination (Dancy 2010, 2017, 2018; Dancy and Montal 2016; Dancy and Wiebelhaus-Brahm 2018; Daniels 2020; Duursma 2020; Loyle and Binningsbø 2018); conflict recurrence (Almuslem 2020; Dancy 2010, 2018; Reiter, Olsen, and Payne 2012), conflict intensity (Meernik 2015), peace agreements (Kapshuk and Jamal 2020; Reiter 2014), and durable peace (Almuslem 2020; Druckman and Wagner 2019; Loyle and Appel 2017; Steinert 2019). We do not include studies that do not assess non-recurrence, even those addressing highly related outcomes, such as reductions in human right violations.

TJ mechanisms assessed: The most common TJ mechanism studied was trials (10 articles), including the International Criminal Court or ICC (8). Other mechanisms were truth commissions (6), amnesties (6), reparations (5), reconciliation initiatives (2), purges and lustration (3), and exiles (2). Six articles combine TJ mechanisms into single variables, making it impossible to isolate the influence of individual mechanisms.

Data sources: Across the studies, the Uppsala Conflict Data Program (UCDP, <https://ucdp.uu.se/>) or its derived datasets were used most frequently (14 articles) to measure outcomes. Additional datasets with outcomes related to war, conflict, peace, and human rights included:

- CIRI Human Rights Data Project (www.humanrightsdata.com), data on government respect for 15 internationally recognized human rights.
- Ethnic Power Relations dataset (www.icr.ethz.ch/data/epr/), data on ethnic groups' access to state power, settlement patterns, connections to rebel organizations, transborder ethnic kin relations, and intra ethnic cleavages.
- Major Episodes of Political Violence dataset (www.systemicpeace.org/warlist/warlist.htm), data on major armed conflicts.

Research suggests:

Transitional justice is most effective in reducing conflict failure during broader political transitions.

Ratification of the Rome Statute is associated with reductions in conflict and violence, but ICC involvement shows mixed results and is not consistently linked to durable peace.

Amnesties are most effective post-conflict and for non-severe violations.

Cross-national research on non-recurrence focuses on the ICC and other courts, and less on other mechanisms such as reconciliation or lustration.

- Polity IV (www.systemicpeace.org/polity/polity4.htm), annual polity scores.
- Political Terror Scale data (www.politicalterrorsscale.org), global data on the levels of political violence and terror based on a 5-level “terror scale” developed by Freedom House.
- World Bank Development Indicators (www.databank.worldbank.org/source/world-development-indicators), comprehensive development indicators, compiled from reputable international sources.
- Worldwide Governance Indicators (www.worldbank.org/en/publication/worldwide-governance-indicators), data on the perceptions of the quality of governance across countries and time.

Several datasets provide information about transitional justice mechanisms, such as:

- Post-Conflict Justice Dataset (PCJD) (www.prio.org/data/27), codes post-conflict trials and includes indicators for amnesties, reparations, truth commissions, and purges.
- Transitional Justice of Peace Processes (TJPP) dataset (*no link*), distinguishes between symbolic mechanisms (truth-telling, reconciliation) and material mechanisms (reparations, refugee rehabilitation).
- Transitional Justice Research Collaborative (TJRC) (www.transitionaljusticedata.com), now the Transitional Justice Evaluation Tools (TJET) (www.transitionaljusticedata.org/en/), data on human rights prosecutions, amnesties, truth commissions, reparations policies, and vetting policies.
- During-Conflict Justice (DCJ) dataset (www.justice-data.com/dcj-dataset), justice processes implemented during internal armed conflicts.
- Amnesties, Conflict and Peace Agreement (ACPA) (www.peaceagreements.org/amnesties), amnesties introduced as a result of ongoing conflict, as part of peace negotiations, or in post-conflict periods.

Core methodological challenge: In these studies, a challenge is that transitional countries that adopt TJ mechanisms may already be more committed to human rights and peace or may have conditions in place that make durable peace more likely, thus it can be difficult to determine whether non-recurrence is due to a pre-existing commitment or to accountability mechanisms. Studies attempt to address this with statistical techniques and control variables (Dancy and Montal 2016; Meernik 2015; Steinert 2019) and explicitly frame their work as identifying patterns in the data, not establishing causal inference (Dancy 2010). Scholars typically cannot make causal claims in these complex contexts; findings should be interpreted with this in mind.

Select Findings from a Global Review

Transitional justice mechanisms support conflict termination: Broadly, TJ mechanisms are associated with greater likelihood of conflict termination. One study examined aggregated data on international, hybrid, and domestic trials, truth commissions, and lustration. They found that TJ mechanisms are associated with lower failure rates of conflict termination, suggesting that TJ mechanisms are most effective when implemented concurrently with ongoing transitions rather than before (Dancy 2010). The study also showed that in “double transitions” (i.e., democratization alongside the end of conflict), TJ mechanisms were associated with lower failure rates, suggesting TJ mechanisms may be well utilized in post-conflict contexts. Other research suggests that TJ mechanisms are associated with increased likelihood of full peace agreements, negotiated settlements, and durable peace (Druckman and Wagner 2019; Kapshuk and Jamal 2020; Loyle and Binningsbø 2018).

ICC involvement shows mixed results: The Rome Statute that established the International Criminal Court is the culmination of the codification of international human rights norms that emerged in the second half of the 20th century. Researchers have found that ratification of the Rome Statute, similar to ratification of other human rights treaties, is associated with positive global trends, such as fewer civil wars and mass violence (Dancy 2017; Dancy and Montal 2016) and reduced ethnic violence and conflict intensity (Meernik 2015).

The ICC is a unique TJ mechanism, because it is the first permanent criminal judicial institution focused on the gravest crimes, and it is external to any country or situation. ICC investigations begin without the consent of the

nation state (such as Sudan) or at the invitation of the state (such as Uganda). ICC cases do not follow the typical pattern of being integrated into a TJ strategy developed by a nation undergoing a transition, following the end of war or regime change. The involvement of the ICC is associated with mixed conflict recurrence outcomes. One study found that ICC interventions were associated with declines in violence in contexts such as the DRC, Uganda, Sudan, and Libya, while in others, such as Nigeria and Kenya, they coincided with spikes in violence or had no observable change (Dancy 2017). Duursma (2020) finds that ICC arrest warrants do not inhibit mediation or prevent peace agreements from being signed, but they do reduce the likelihood that conflicts are resolved through durable negotiated settlements. Another study concluded that direct ICC involvement through preliminary investigations does not yield consistent pacifying effects (Dancy and Montal 2016). Another study found that international trials, including the ICC, have no association with conflict termination (Dancy and Wiebelhaus-Brahm 2018).

Post-conflict amnesties can support peace: Amnesties are among the most common TJ mechanisms used during and after armed conflict, but their effects on peace depend on timing and design (Reiter et al. 2012). Studies show that amnesties granted during active hostilities do not increase the likelihood of ending conflict (Dancy 2018; Reiter 2014). Such measures are often perceived as ambiguous, untrustworthy, or are subject to misinterpretation by the opposing side, encouraging continued fighting rather than building trust. Post-conflict amnesties, especially those included in peace agreements and that exclude serious violations, are associated with a lower risk of conflict recurrence (Almuslem 2020; Dancy 2018), while those that include serious violations have no pacifying effect (Dancy 2018). Further research finds that the positive impact of amnesties on peace increases over time (Loyle and Appel 2017). Amnesties formalized in law (versus informal offers) can improve the likelihood of a negotiated settlement (Daniels 2020). Reconciliation-oriented and non-self-amnesties (i.e., not solely intended to protect government or state entities) are most associated with lasting peace, whereas “carrot” amnesties during conflict rarely support violence termination (Reiter 2014).

Truth + reconciliation supports peace processes: One study assessed TJ mechanisms that offer material elements (such as reparations or refugee rehabilitation), truth-seeking, and reconciliation mechanisms (Kapshuk and Jamal 2020). Combined reconciliation and truth-seeking supported comprehensive peace agreements. Truth-seeking alone was not predictive of reaching peace agreements, nor were material elements of TJ mechanisms, though they may be important for survivors. Integrating reconciliation and truth-seeking into TJ may facilitate more comprehensive settlements.

Implications and Recommendations

Sequence TJ carefully: Evidence suggests that TJ mechanisms (such as trials and amnesties) are more effective at building peace or preventing renewed armed conflict when pursued alongside broader political processes and when they happen after armed conflict. Research also suggests that TJ mechanisms should not be used in isolation since each has their own strengths and weaknesses.

International commitments as deterrence: Commitments to international human rights norms, including through ratifying the Rome Statute and other treaties, is consistently associated with reductions in violence. Beyond their legal obligations, these commitments may send normative signals and reinforce domestic deterrence. The research suggests that the symbolic and practical value of such commitments may provide a lever for more effective accountability and advocacy.

ICC involvement is complicated: Studies suggest that ICC involvement may complicate the durability of peace processes. Mediators and policymakers can consider this research when influencing when and how the ICC is integrated into peace building processes. There are relatively few instances of ICC investigations, and even fewer ICC trials, so there is currently a very small data pool available to understand the role of the ICC.

Amnesties must be timed well: Amnesties are most effective when they are designed as part of a post-conflict framework, exclude serious violations, and signal sincere commitments to peace processes. Poorly timed or self-serving amnesties risk undermining trust and failing to secure durable stability.

Evidence base expansion: Current research disproportionately focuses on how trials are linked to non-recurrence, while other mechanisms are either understudied or grouped into broad categories. More disaggregated and comparative research is needed to clarify the distinct and cumulative contributions of more diverse TJ mechanisms.

Limitations

This review includes studies of armed conflict non-recurrence, excluding other intended TJ outcomes such as truth, survivor well-being, or institutional reform. The evidence base is small, relying on sixteen cross-national, peer-reviewed studies, making it challenging to draw firm conclusions. This review does not include books or grey literature. Cross-national quantitative designs can identify broad patterns, but may overlook local variation, micro-level mechanisms, and survivor perspectives. The study authors acknowledge that treating TJ mechanisms as binary variables is a simplification that obscures diversity in content and quality. Additionally, TJ mechanisms are rarely implemented in isolation: they happen alongside democratization and peacebuilding.

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