

Human Rights and Transitional Justice in the 2011 World Development Report

In April, the World Bank released its 2011 World Development Report (WDR) entitled *Conflict, Security, and Development*. It is the first WDR that links transitional justice to security and development and places human rights violations at the heart of its analysis of conflict.

IMPORTANCE OF THE 2011 WDR

The 2011 WDR on *Conflict, Security, and Development* summarizes the extensive literature on these topics and articulates concrete links between them. The report's findings are substantiated by significant independent research commissioned by the World Bank. In a departure from previous WDR processes, the World Bank engaged in extensive consultations with the United Nations, regional and national organizations, and most importantly, with stakeholders in countries affected by conflict and high levels of criminality.

The International Center for Transitional Justice (ICTJ) participated in the WDR process through our Director of Research, contributing one of the commissioned background papers, taking part in consultations, and providing comments to various drafts of the report. Several ICTJ's research projects are referenced in the report as well as normative and theoretical work produced by ICTJ's Research Unit.

Conflict, Security, and Development will be a highly significant document for a broad range of international actors given the discussions in the UN and at local and regional levels regarding the intersection of conflict, security, and development and the collaboration between the United Nations and World Bank that resulted in the report.

"The central message of the Report is that strengthening legitimate institutions and governance to provide citizen security, justice and jobs is crucial to break cycles of violence."

— WDR 2011: *Conflict, Security, and Development*, 2.

CORE FINDINGS

Main argument: The report explores what countries can do to avoid cycles of violence that cause untold suffering and impede development. It focuses on three major areas of concern characterizing countries afflicted by cycles of violence:

- **Security** – The largest number of civil wars take place in countries that have been at war in the past.
- **Justice** – Hostilities may end but patterns of crime, including high murder rates, may persist and indeed grow stronger than those prevalent during conflict.
- **Development** – Among countries in conflict, not one has met a single Millennium Development Goal (MDG).

The report examines in detail what actors at the national and international level can do to make significant progress in these three related spheres.

Human rights and transitional justice: This WDR marks the first time human rights, and particularly transitional justice, are substantively discussed in a World Bank report.

The report shows that human rights violations increase the chances of current conflict. It establishes that "general rule of law and government effectiveness, low corruption, and strong protection of human rights correlate with a lower risk of onset and recurrence of civil war and of high homicides from criminal violence."

Transitional justice is one of the "core program tools" recommended by the WDR to forestall cycles of violence. In examining countries that have managed to pull back from the

brink of repeated cycles of violence, the WDR finds three fundamental tasks necessary:

- Political elites form sufficiently inclusive coalitions to move for change.
- Governments restore public confidence through various “signaling mechanisms” to indicate a break with past practices, and also by concentrating efforts on basic tasks including citizen security, justice, and jobs.
- Actors take advantage of the confidence generated by these “quick results” in order to facilitate further transformation of institutions.

The path out or from the brink of violence then follows an expanding spiral curve of confidence and institutional transformation that allows countries to effectively meet the demands of both internal and external stresses.

The WDR argues that transitional justice is one of the “signaling mechanisms” that governments can use in order to build confidence and to indicate that they are breaking from past practices. Transitional justice mechanisms have the double potential to send signals about the importance of accountability and simultaneously enhance institutional capacity.

Challenge to transitional justice practitioners: The inclusion of human rights and transitional justice issues in the World Bank’s influential WDR must be welcomed. At the same time, some of its findings present crucial challenges to transitional justice practitioners:

- Reform processes are slow, taking up to a generation to complete.
- Countries rarely go through one transition, but through many.
- As important as justice is, security and development are also essential dimensions of successful transformations.

This is perhaps the strongest invitation imaginable for transitional justice practitioners to think through distinctive contributions to processes of institutional transformation and the ways transitional justice interlinks with other fields of policy intervention.

“A key lesson of successful violence prevention and recovery is that security, justice, and economic stresses are linked: approaches that try to solve them through military-only, justice-only, or development-only solutions will falter.”

— WDR 2011: *Conflict, Security, and Development*, 28.

CIVIC TRUST THROUGH TRANSITIONAL JUSTICE

ICTJ has long maintained that understanding the breakdown of civic trust is crucial for understanding the effects of massive human rights violations and the way transitional justice mechanisms might work.

That position is summarized in the WDR background paper, “Transitional Justice, Security, and Development,” produced by ICTJ and cited in the report:

- Prosecutions can promote civic trust by reaffirming the relevance of norms that turn citizens into rights-bearers.
- Judicial institutions can show their trustworthiness if they can establish that no one is above the law.
- Truth-telling exercises may be seen as good faith efforts to come clean and understand root causes of conflict.
- Reparations can foster civic trust by demonstrating the seriousness with which institutions now take rights violations.
- Vetting can induce trust by demonstrating a commitment to systemic norms governing employee hiring and retention, disciplinary oversight, and prevention of cronyism.

The potential of transitional justice measures to affirm the force of basic norms and to articulate and disarticulate groups is the basis on which the WDR refers to transitional justice as a “core program tool.” These tools serve as confidence building mechanisms that can help break cycles of violence.

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