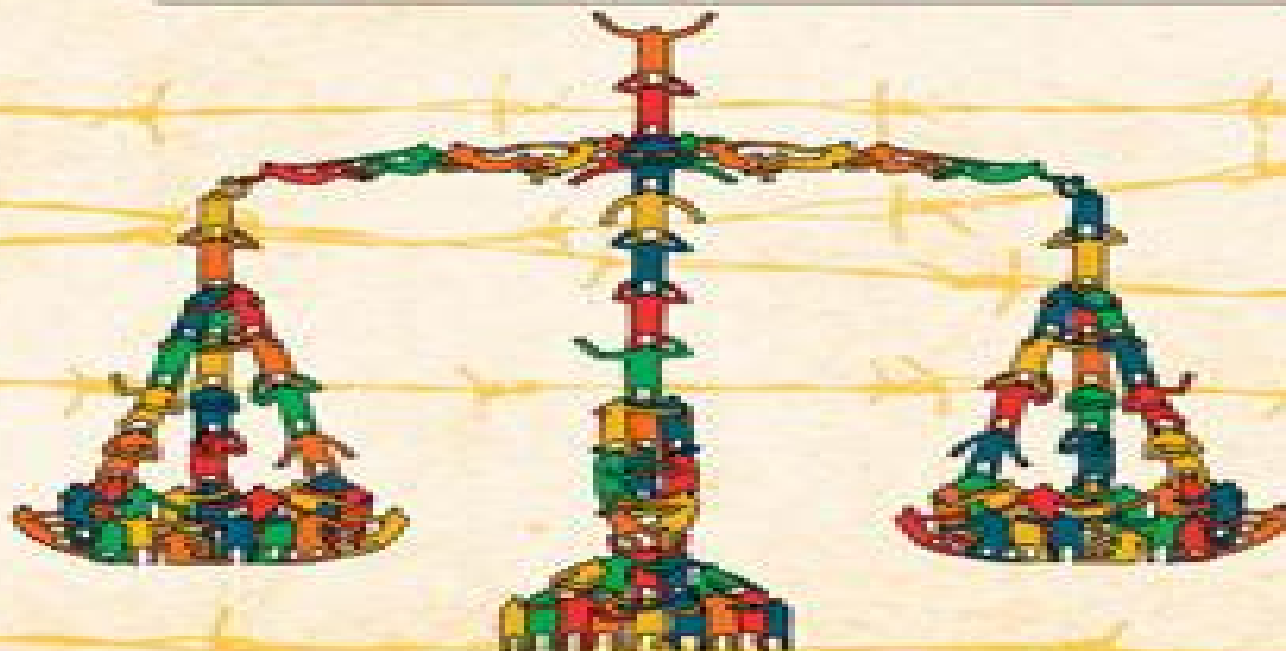


CUSTOMARY JUSTICE AND THE RULE OF LAW IN WAR-TORN SOCIETIES



Deborah Isser, editor



Peacebuilding and the Rule of Law

Customary Justice And The Rule Of Law In War Torn Societies

Olivera Simić



Customary Justice And The Rule Of Law In War Torn Societies:

Customary Justice and the Rule of Law in War-torn Societies Deborah Isser, 2011 The major peacekeeping and stability operations of the last ten years have mostly taken place in countries that have pervasive customary justice systems which pose significant challenges and opportunities for efforts to reestablish the rule of law These systems are the primary if not sole means of dispute resolution for the majority of the population but post conflict practitioners and policymakers often focus primarily on constructing formal justice institutions in the Western image as opposed to engaging existing traditional mechanisms This book offers insight into how the rule of law community might make the leap beyond rhetorical recognition of customary justice toward a practical approach that incorporates the realities of its role in justice strategies Customary Justice and the Rule of Law in War Torn Societies presents seven in depth case studies that take a broad interdisciplinary approach to the study of the justice system Moving beyond the narrow lens of legal analysis the cases Mozambique Guatemala East Timor Afghanistan Liberia Iraq Sudan examine the larger historical political and social factors that shape the character and role of customary justice systems and their place in the overall justice sector Written by resident experts the case studies provide advice to rule of law practitioners on how to engage with customary law and suggest concrete ways policymakers can bridge the divide between formal and customary systems in both the short and long terms Instead of focusing exclusively on ideal legal forms of regulation and integration this study suggests a holistic and flexible palette of reform options that offers realistic improvements in light of social realities and capacity limitations The volume highlights how customary justice systems contribute to or detract from stability in the immediate post conflict period and offers an analytical framework for assessing customary justice systems that can be applied in any country *Transitional Justice and Rule of Law Reconstruction* Padraig McAuliffe, 2013-06-26 This short and accessible book is the first to focus exclusively on the inter relation between transitional justice and rule of law reconstruction in post conflict and post authoritarian states In so doing it provides a provocative reassessment of the various tangled relationships between the two fields exploring the blind spots contradictions and opportunities for mutually beneficial synergies in practice and scholarship between them Though it is commonly assumed that transitional justice for past human rights abuses is inherently conducive to restoring the rule of law differences in how both fields conceptualise the rule of law the scope of transition and obligations to citizens have resulted in divergent approaches to transitional criminal trial international criminal law restorative justice and traditional justice mechanisms Adopting a critical comparative approach that assesses the experiences of post authoritarian and post conflict polities in Latin America Asia Europe and Africa undergoing transitional justice and justice sector reform simultaneously it argues that the potential benefits of transitional justice are exaggerated and urges policy makers to rebalance the compromises inherent in transitional justice mechanisms against the foundational demands of rule of law reconstruction This book will be of interest to scholars in the fields of transitional justice rule of law legal pluralism and

peace building concerned by the failure of transitional justice to leave a positive legacy to the justice system of the states where it operates This is a bold and nuanced scrutiny of the international system s approach to transitional justice and the much vaunted rule of law project Dr McAuliffe should be congratulated for this well researched book which should be a must read for not only scholars and researchers in transitional justice and peace and conflict studies but also policy makers in the international system Dr Hakeem O Yusuf Senior Lecturer University of Strathclyde and author of Transitional Justice Judicial Accountability and the Rule of Law *Research Handbook on Transitional Justice* Cheryl Lawther, Luke Moffett, 2023-08-14

Providing a refreshing take on transitional justice this second edition Research Handbook brings together an expanse of scholarly expertise to reconsider how societies deal with gross human rights violations structural injustices and mass violence Contextualised by historical developments it covers a diverse range of concepts actors and mechanisms of transitional justice while shedding light on new and emerging areas in the field **Legal Pluralism and Development**

Brian Z. Tamanaha, Caroline Sage, Michael J. V. Woolcock, 2012-05-28 Previous efforts at legal development have focused almost exclusively on state legal systems many of which have shown little improvement over time Recently organizations engaged in legal development activities have begun to pay greater attention to the implications of local informal indigenous religious and village courts or tribunals which often are more efficacious than state legal institutions especially in rural communities Legal pluralism is the term applied to these situations because these institutions exist alongside official state legal systems usually in a complex or uncertain relationship Although academics especially legal anthropologists and sociologists have discussed legal pluralism for decades their work has not been consulted in the development context Similarly academics have failed to benefit from the insights of development practitioners This book brings together in a single volume contributions from academics and practitioners to explore the implications of legal pluralism for legal development All of the practitioners have extensive experience in development projects the academics come from a variety of backgrounds and most have written extensively on legal pluralism and on development **Peacekeeping, Policing, and**

the Rule of Law after Civil War Robert A. Blair, 2020-11-05 The UN plays a vital but underappreciated role in restoring the rule of law in countries recovering from civil war *Promoting the Rule of Law in Post-Conflict States* Laura

Grenfell, 2013-07-11 In most post conflict states a strong level of legal pluralism is the norm particularly in regions of Africa and Asia where between eighty and ninety per cent of disputes are resolved through non state legal mechanisms The international community in particular the United Nations persistently drives the re establishment of the rule of law in war torn areas where traditionally customary law is prevalent Laura Grenfell traces the international community s evolving understanding of the rule of law in such regions and explores the implications of strong legal pluralism for the rule of law enterprise Using the comparative examples of two unique case studies South Africa and Timor Leste *Promoting the Rule of Law in Post Conflict States* provides insight into the relationship between the rule of law and legal pluralism Alongside these

studies the book offers a comprehensive introduction to the conceptual framework of the rule of law in the context of approaches taken by the international community An Introduction to Transitional Justice Olivera Simić, 2020-07-30 The Second Edition of An Introduction to Transitional Justice provides a comprehensive overview of transitional justice judicial and non judicial measures implemented by societies to redress legacies of massive human rights abuse Written by some of the leading experts in the field it takes a broad interdisciplinary approach to the subject addressing the dominant transitional justice mechanisms as well as key themes and challenges faced by scholars and practitioners Using a wide historic and geographic range of case studies to illustrate key concepts and debates and featuring discussion questions and suggestions for further reading this is an essential introduction to the subject for students **Evaluating Transitional Justice** K. Ainley, R. Friedman, C. Mahony, 2016-02-16 This major study examines the successes and failures of the full transitional justice programme in Sierra Leone It sets out the implications of the Sierra Leonean experience for other post conflict situations and for the broader project of evaluating transitional justice *The Journal of Legal Pluralism and Unofficial Law* 64/2011 , **Access to Justice in Rural Communities** Daniel Newman, Faith Gordon, 2023-05-04 This book offers insight on access to justice from rural areas in internationally comparable contexts to highlight the diversity of experiences within and across rural areas globally It looks at the fundamental questions for people's lives raised by the issue of access to justice as well as the rule of law It highlights a range of social geographic and cultural issues which impact the way rural communities experience the justice system throughout the world with chapters on Australia Canada England Ireland Kenya Northern Ireland South Africa Syria Turkey the USA and Wales Each chapter explores three questions 1 How do people experience the institutions of justice in rural areas and how does this rural experience differ to an urban experience 2 What impact have changes in policy had on the justice system in rural areas and have rural and urban areas been affected in different ways 3 What impact does the law have on people's lives in rural areas and what would rural communities like to be better understood about their experience of the justice system By bringing in the voices and experiences of those who are often ignored or sidelined by justice systems this book will set out an agenda for ensuring social justice in legal systems with a focus on protecting marginalised groups

Unveiling the Power of Verbal Beauty: An Psychological Sojourn through **Customary Justice And The Rule Of Law In War Torn Societies**

In a global inundated with screens and the cacophony of quick transmission, the profound power and psychological resonance of verbal art often fade into obscurity, eclipsed by the regular barrage of noise and distractions. However, nestled within the lyrical pages of **Customary Justice And The Rule Of Law In War Torn Societies**, a charming function of literary elegance that pulses with natural emotions, lies an memorable trip waiting to be embarked upon. Composed by way of a virtuoso wordsmith, this magical opus books readers on a mental odyssey, lightly exposing the latent potential and profound affect stuck within the complicated internet of language. Within the heart-wrenching expanse of the evocative examination, we shall embark upon an introspective exploration of the book is key styles, dissect its interesting publishing design, and immerse ourselves in the indelible effect it leaves upon the depths of readers souls.

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