

Effect of transitional or restorative justice & Justice system support and reform on Transitions of power.

Transitional justice mechanisms and justice system reforms can support smoother transitions of power in post-conflict settings, though the effect on reducing autocracy is small.

Geographic Area: Global

Effect: Small effect ($g = 0.072$)

Confidence in study findings: Low confidence (2 studies with 11 effect sizes)

Short Summary:

The studies indicate that transitional justice interventions have a small effect on promoting accountable power transitions. Keil (2015) finds that Truth and Reconciliation Commissions (TRCs), when integrated with broader justice system reforms, can restore faith in government institutions by exposing past abuses and recommending structural changes. However, without follow-through through prosecutions or institutional reforms, amnesties risk fostering impunity and eroding public trust. Royer highlights that transitional justice measures influence who remains in power by promoting accountability but may be largely symbolic if old elites reclaim authority. Overall, these interventions support power transitions modestly, emphasizing that their effectiveness depends on the combination of restorative and retributive elements.

Long Summary:

The Intervention:

The interventions include the establishment of TRCs, truth-telling mechanisms, amnesties, and broader justice system reforms aimed at improving accountability, transparency, and governance. The goal is to address past abuses, prevent recurrence, and foster institutional legitimacy. These interventions can be complemented by reforms to legal frameworks, capacity-building for courts and legal professionals, and implementation of both retributive and restorative justice processes to ensure that perpetrators are held accountable while communities have the opportunity to reconcile.

How the intervention is expected to work:

TRCs and similar mechanisms are expected to expose past human rights violations and recommend institutional reforms, thereby restoring public trust and strengthening governance. Restorative processes, such as truth-telling and reconciliation ceremonies, are designed to facilitate healing and reduce intergroup tensions. Unchecked amnesties may temporarily stabilize post-conflict societies by reducing immediate tensions, but without retributive follow-up, they can enable impunity. Effectively, transitional justice works by combining restorative and punitive elements to promote accountability, transparency, and legitimacy during power transitions.

The Evidence Base

This cell contains 2 impact evaluations, both using non-experimental designs, with a global focus. The studies assess the effects of transitional justice interventions, including TRCs and justice system reforms, on power transitions in post-conflict contexts.

Evidence Findings

The evidence indicates that transitional justice interventions have a small effect on supporting accountable transitions of power. Truth and Reconciliation Commissions (TRCs) and restorative approaches can foster public trust and community reconciliation, but without complementary retributive measures, they may be insufficient to prevent old elites from regaining power. Overall, the studies suggest that integrating both restorative and retributive elements is necessary for modest improvements in political accountability and smoother post-conflict power transitions. While the cell provides useful insights into the role of transitional justice and justice system reform, the findings remain limited due to the small number of impact evaluations.

Included Studies

Keil (2015): This study shows that transitional justice, particularly through mechanisms like TRCs—can significantly shape transitions of power by either strengthening or undermining state reform and the rule of law. According to Keil (2015), when TRCs are effectively integrated with comprehensive justice system reforms, they “restore faith in the justice system” by exposing past abuses and recommending institutional changes that bolster public accountability, thereby fostering a more transparent transition to democratic governance. However, the findings also warn that if such methods are implemented without the necessary follow through, such as failure to prosecute major offenses or granting unchecked amnesties - resulting impunity can erode public trust and hinder meaningful and necessary power transitions. As evidenced by examples of persistent institutional weakness in post-conflict society. Thus, effectiveness of power transitions hinges on the intervention's ability to secure justice and promote reforms that empower new leadership, whilst mitigating the risks of resorting back to authoritarian practices.

This study is rated low confidence due to partial intervention and outcome definitions and no mention of power calculations

Royer (2017): demonstrates that transitional justice significantly shapes power transitions in post-conflict societies by influencing who remains in power and who is held accountable. The results show that while restorative approaches such as TRCs and amnesties facilitate healing and reconciliation by allowing communities to confront past abuse, they often fall short in preventing old elites from reclaiming power. Luc Huyse (2003) is cited, retributive justice “can help post-conflict societies move forward by preventing perpetrators of abuses from returning to power and ending a cycle of impunity”. Furthermore, Royer emphasises Skaar’s (1999) insight that the balance of power within a state fundamentally determines the choice of justice mechanism; (henceforth), states with a string, undemobilised military are less inclined to opt for trials or TRCS because of the risk of coups or reassertion of authoritarian power. Taking on Skaar’s approach, Royer contends, effective reform of the justice system that integrates both retributive and restorative elements is crucial in ensuring that transitional justice not only addresses historical wrongs but also restructures power dynamics.

This study is rated medium confidence due to non-experimental design, partial description of interventions and little to no mention of power calculations.

Confidence Assessment:

Overall Low: The cell is rated low confidence due to the limited number of the studies, which significantly reduces the reliability of the findings within this cell.

Other outcomes in the study:

Human security / Government performance

Community and state governance / Civic participation

Community and state governance/ Access to justice, rights and public services