

# ESRC White Rose Network studentships in International Development: Transformative Justice

## 1+3/+3 Studentships Transformative Justice

3 fully-funded linked studentships are available in the area of Transformative Justice, with joint supervision between the Universities of York, Sheffield and Leeds

**Studentship 1: Repairing Political, Judicial and Security Institutions after Traumatic Pasts**

**Studentship 2: NGOs as Drivers of Change: Non Governmental Public Action for Transformative Justice**

**Studentship 3: Structural and Everyday Violence and the Challenges of Transformative Justice**

‘Transitional’ justice mechanisms have been introduced across much of the Global South as a response to conflict. They promise accountability and redress for victims of violence. Their impact, however, has been disappointing. Lasting conflict resolution requires deeper reforms based on ‘transformative’ justice, or the introduction of policies that target the structural inequalities and state biases and/or fragilities. Though not entirely a new concept, transformative justice is currently inadequately theorised and insufficiently analysed, empirically and comparatively. This network will extend academic understanding of transformative justice in 3 areas, namely, the challenge of building institutions to promote justice; non-governmental actors as drivers of transformative change; and the interconnections between ongoing structural and everyday violence that prevent just social and political settlements. Cases will be drawn from Latin America and Africa, with cross-regional comparison as an explicit aim of the network.

**Please note that the deadline for this funding is 28 April 2011.**

## Studentship 1

### Repairing Political, Judicial and Security Institutions after Traumatic Pasts

Supervisors: Gordon Crawford ([g.crawford@leeds.ac.uk](mailto:g.crawford@leeds.ac.uk)) and Lars Waldorf ([lw689@york.ac.uk](mailto:lw689@york.ac.uk)).

While scholars and policymakers have paid considerable attention to the institutional design and functioning of national truth commissions and internationalised criminal tribunals, there has been surprisingly little work done on how these specific mechanisms have shaped the processes and outcomes of institutional reform in post-conflict and post-authoritarian states. This is not particularly surprising given the general bias of these mechanisms toward individual rather than institutional accountability. Similarly, the vetting of human rights abusers from the justice and security sectors is more often focused on reforming personnel and not the larger institutional structures. Yet, without greater attention to reforming the institutional structures that promoted (or permitted) violence and exclusion, transitions will remain dangerously incomplete and unsustainable.

In recent years, some truth commissions have focused more on institutional accountability and institutional reform. For example, Ghana's truth commission looked at the role of the chieftaincy, judiciary, prisons, and security forces in past human rights abuses, and made non-binding recommendations for institutional reforms that were subsequently accepted by the government in 2005. Six years on, it is important to examine the implementation and impact of those recommendations, as well as how the commission shaped the development of Ghana's national human rights institution. Hybrid courts, such as those located in Sierra Leone and Timor-Leste, were also encouraged to promote institutional reform, particularly through capacity-building in the conventional criminal justice system. Yet, research is needed to determine whether this actually happened.

#### Objectives

This studentship will explore the extent to which a transformative justice paradigm has been incorporated (with attendant resisting and reshaping) into post-conflict and post-authoritarian institutional reform and what that implies for building democratic institutions. More specifically, the studentship will examine the following questions:

1. Do backward-looking truth and justice mechanisms divert attention and resources from other 'transformative' institutional reform needs?
2. How, if at all, do short-term transitional mechanisms influence longer-term institutional reform (e.g. the creation and functioning of ombudsman offices, human rights institutions and accountability reforms)?
3. Are there tensions between institutional reforms driven by transformative justice processes and those driven by donor imperatives (e.g. vetting versus public sector reform) and if so how do they manifest themselves?
4. Does the ethic of transformative justice privilege community, nation-building or individual justice; centralising or decentralising institutions; does it diminish or strengthen state capacity; and what are the justice implications of these changes?

The PhD student will be encouraged to analyse institutional reform across different sectors (e.g. security sector reform, legal reform, civilian oversight, accountability) in comparative perspective, with a view to highlighting sources of innovation and hybrid institutional experimentation that stem from the Global South, as well as challenges that have arisen. The student will work with existing academic and NGO collaborators shared within the Network, including the Socio-Economic Rights Institute and the Centre for Applied Legal Studies at the University of the Witwatersrand and the University of Pretoria in South Africa; and the Universidad di Tella and the NGO Centro de Estudios Legales y Sociales in Argentina.

## Studentship 2

### NGOs as Drivers of Change: Non Governmental Public Action for Transformative Justice

Supervisors: Paul Gready ([pg526@york.ac.uk](mailto:pg526@york.ac.uk)) and Jean Grugel ([j.b.grugel@sheffield.ac.uk](mailto:j.b.grugel@sheffield.ac.uk))

Transformative justice frequently meets with considerable resistance from within states, even after democratization, leading to concerns about the quality of democratic governance and the persistence of underlying conflicts. At the same time, structural and everyday violence threaten peace building. Considerable attention has been paid to the role of civil society organizations in supporting justice claims. In particular the role of human rights organizations in demanding accountability from repressive regimes is well documented, as is the significance of transnational advocacy networks in pressuring repressive regimes for reform. In contrast, there are few studies of either the agenda of, or the opportunities for, human rights activism in new democracies, which will be the focus of this studentship.

With regard to opportunities, the trend toward democratization has meant spaces for domestic contention in many countries have gradually re-opened. In these circumstances, Sikkink suggests that activism can take the form of an 'insider-outsider coalition', where activists focus on the domestic level but draw strength strategically from supportive international structures. Success, however, demands on the emergence of what Tarrow (1996) calls 'group-specific opportunities' and 'policy-specific opportunities'. Success also depends on civil society capacity. With regard to the agenda of rights activism, there is a need to explore how far NGOs take on a broader range of concerns to do with social and development rights and move away from simply focusing on political and civil rights.

### Objectives

Legacies of authoritarian rule and periods of state violence in Argentina and South Africa, the case studies for this studentship, include a revalorisation of the public sphere and a fresh appreciation of the importance of local voices and civil society, and many of the demands for restitution and reform have been articulated by local civil society actors. The role of civil society organisations in both countries in promoting democratization has been closely studied but less is known about their adaption to democracy. As such the broad research questions underpinning this research are:

1. How do human rights organisations in Argentina and South Africa 'translate' (to adopt Engle Merry's term) the global values of human rights to the everyday challenges of upholding human rights in democracy?
2. What rights do rights activists claim in Argentina and South Africa: how far has the agenda of activism moved beyond civil and political rights to embrace an agenda of rights for development?
3. What policy-specific opportunities for successful rights activism arise in Argentina and South Africa and how have rights groups adapted to them?
4. Do human rights activists in South Africa and Argentina continue to move between the international and domestic levels in promoting transformative justice or do they privilege one or the other; and how does this affect the rights issues they take up?

The student will be encouraged to develop a comparative analysis that focuses on exploring the meaning of transformative justice and the rights claims that underpin it, as well as how groups mobilise in pursuit of transformative justice. Indicatively, these cases could be drawn on protection from torture and violence, housing, land rights, the right to health or children's rights. The student will carry out research in both countries and will have access to support from academic partners for field work.

## Studentship 3

### Structural and Everyday Violence and the Challenges of Transformative Justice

Supervisors: Paula Meth ([p.j.meth@sheffield.ac.uk](mailto:p.j.meth@sheffield.ac.uk)) and Jelke Boesten ([j.boesten@leeds.ac.uk](mailto:j.boesten@leeds.ac.uk))

Structural violence is the systematic violence of social and political institutions that oppress certain social groups, condemning them to poverty and the marginalisation that accompanies severe inequality. They are 'the social machinery of oppression' (Farmer 2004:307). In contrast to structural violence, everyday violence is more readily blamed on the individual, her criminality, his substance abuse, the lack of coping mechanisms, and so on. Yet the two are intrinsically linked, since everyday violence can also be analysed as a concrete manifestation of structural violence and a product of the oppression and desperation of inequality, marginalisation, and poverty. Our thinking builds on other work that links structural with everyday violence (e.g. Scheper Hughes 1993, Bourgois 2002) in order to better understand the perpetuation and reproduction of inequalities and human insecurities. Violence against groups that experience structural and everyday violence is frequently reproduced through the institutions of the state. Everyday violence can be normalised by labels that remove it from the political sphere into criminal, domestic, or social spheres; as a result, it generally escapes the attention of processes of peacemaking and transitional justice. Nevertheless, the ordinary and routine use of violence serves to reproduce the inequalities and oppressive hierarchies that underpin repressive regimes. If they are not addressed after conflict has ceased, peace is unlikely to be sustainable or universal. Gendered violence is a classic example of these processes and often serves to perpetuate women's wider marginalisation within society; at the same time, poor men also experience gendered forms of exclusion (Meth, 2009).

### Objectives

To date, there has been little recognition of the blurred nature of the boundaries between categorisations of violence, and its absence, i.e.: war/peace, democracy /authoritarianism, political/domestic or between the link between peace building in the formal world of politics and addressing structural and everyday violence. This studentship will do so, by applying the framework of transformative justice to explore what are the conditions that make possible a sustainable peace for all members of post-conflict societies. In order to do so, it will address the structural and everyday violence experienced by poor women in low-cost housing settlements. As such the questions that underpin the research are:

1. What role does the state play in 'peacetime' in ameliorating, challenging or permitting gendered violence (Jacobs et al 2000) or in perpetuating and creating violence?
2. How does the environment (cultural, physical) in which poor women and their families live encourage or challenge gendered structured or everyday violence?
3. How is gendered violence contested, within poor neighbourhoods, by community organisations and by human rights organisations and how effective are their actions?

The research will be carried out in South Africa and Peru, where everyday gendered violence is rooted in structural experiences of poverty, marginality and repression. Supervisors have extensive contacts and field experience in both field sites. In South Africa, the student will work with the NGO, Centre for the Study on Violence and Reconciliation based in Johannesburg and the Planning and Law Departments at Wits University. In Peru, s/he will work with the Movimiento Flora Tristan and Paz y Esperanza, both based in Lima.

### Contact

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