Post-Conflict Justice and Sustainable Peace

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Abstract:
In recent years the international community has been witnessing the establishment of a number of international and local courts with the intention to prosecute individuals that have committed serious crimes against humanity during war. It seems evident that post-conflict tribunals can work as a deterring factor and as a moral justification to victims of war crimes. Still, these processes have been met with skepticism from academics as well as politicians, suggesting that the warring parties' fear of prosecution after conflict can prevent them from laying down their weapons and cease fighting. In this paper it is, however, suggested that it is necessary to distinguish between reaching a settlement and creating sustainable peace. Amnesty and exiles to wrongdoers can be an important part of peace negotiations and settlements, but the more long-term post-conflict peace building process may benefit from wrongdoers being punished and victims of war compensated. Building on a newly constructed dataset (Binningsbø, Elster & Gates, 2005) reporting the presence of various forms of post-conflict justice efforts (trials, purges, reparation to victims, and truth commissions) – as well as processes associated with abstaining from post-conflict justice (amnesties and exiles), starting with each conflict in the Uppsala-PRIO Armed Conflict Database, the long-term effect of post-conflict justice on the duration of peace after conflict is investigated. In doing so the authors are, however, aware that not all post-conflict processes are fair and just, and that the concept of justice is somewhat compromised. In an attempt to distinguish *legal justice* from *political justice* we therefore conduct an additional analysis, focusing on the durations of peace only in post-conflict democratic societies. We rely on a Cox proportional hazard model to investigate the influence of the various types of post-conflict justice on the length of the peace period before a violent conflict eventually reoccurs. Our expectations are, however, only partly supported. We do find post-conflict trials as well as other types of justice lead to more durable peace in democratic as well as non-democratic societies, but the results are weak and therefore difficult to generalize.

Introduction

In the 1990s the international community witnessed the establishment of two central tribunals with the intention to prosecute individuals that have committed serious crimes against humanity during war. One tribunal was the International Criminal Tribunal for Rwanda (ICTR) located in Arusha, Tanzania, and the other was the International Criminal Tribunal for the former Yugoslavia (ICTY), located in The Hague, Netherlands. Both courts were established within the framework of the UN International Criminal Court. The purpose of these International Criminal Tribunals seems evident. As expressed by Secretary-General of the United Nations, Kofi Annan, in regards to the Criminal Tribunal for Rwanda,

> "The International Criminal Tribunal for Rwanda delivered the first-ever judgment on the crime of genocide by an international court. This judgment is a testament to our collective determination to confront the heinous crime of genocide in a way we never have before. I am sure that I speak for the entire international community when I express the hope that this judgment will contribute to the long-term process of national reconciliation in Rwanda. For there can be no healing without peace; there can be no peace without justice; and there can be no justice without respect for human rights and rule of law."[1]

Post-conflict tribunals can work both as a deterring factor and as a moral justification to victims of war crimes, being an important factor on the road to post-conflict reconciliation. Still, the recent upsurge in universal jurisdiction towards past atrocities, have been met with skepticism from academics as well as politicians. The more pragmatic idea, which has dominated the conflict resolution literature, is that states in civil war situations do, occasionally, have to choose between peace and justice. Combatants of war, and others committing crimes against humanity, are considered as rational actors that may not be willing to lay down their weapons if they knew that they are regarded as criminals and will be prosecuted if they do (e.g. Aron 1981, Fearon 2005). Peace negotiations and settlements do, therefore, commonly involve an aspect of amnesty or exile for the combatants, making them immune to post-conflict prosecution. In an attempt to end the four decades long civil war in Colombia, for example, the government has initiated a reconciliation program offering amnesty and jobs to guerrillas in exchange for peace. These types of settlements are, of course, deeply unpopular among victims as well as human right activists, arguing that war-criminals should be held responsible for crimes committed during warfare, but are often seen as a necessity to reach a settlement and cease fighting (Bass 2005).

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[1] Quoted on the UN webpage for the International Criminal Tribunal for Rwanda: http://65.18.216.88/default.htm

How societies deal with a difficult past and the benefits and costs of doing so has long been a popular research task among scholars interested in democratization processes. Some have, similar to Aron (1981) and Fearon (2005) in the conflict literature, been concerned about post-regime prosecution as an obstacle to democratization (e.g. Huntington 1991), but a number of scholars have also discussed the possible benefits of *transitional justice* for more long-term reconciliation and the establishment of stable democratic institutions (e.g. McAdams 1997; Minow 1998; de Brito, Gonzalez-Enriquez & Aguilar, 2004; Skaar, Gloppen & Suhrke, 2005). Bringing perpetrators to justice may be important for the restoration of healthy relations between groups and help to build trust in the new social order (Gloppen, 2005: 22). Just bringing out the truth about past crimes can be helpful in the process of reconciliation and in consolidating the new democratic regime.

Within the conflict literature, however, little emphasis had been devoted to determining how dealing with past wrongdoings affects the prospect for more long-term peace and stability. Processes of democratization and civil conflict are empirically related, and some of the expectations from the democratization and transitional justice literature do, therefore, also apply to post-conflict settings. However, most post-conflict societies are non-democracies; calling for some research that also considers the importance of post-conflict justice in societies that are not characterized by democracy.[2] As we will argue in more detail in the next sections, there are several means by which transitional justice can contribute to durable peace also in post-conflict non-democratic settings. It can, for example, contribute to legitimize the incumbent government, preventing 'private justice', and stopping wrongdoers from launching another attack. Amnesties and exiles can be important cards in the negotiation process, but we do not know if they will be beneficial for the prospect of more long-term peace.

To empirically investigate this issue, we rely on a recently collected dataset from Binningsbø, Elster & Gates, (2005), that reports the presence of various forms of post-conflict justice (trials, purges, reparations to victims, and truth commissions), as well as processes commonly associated with abstaining from such justice (amnesty, exile), in the aftermath of each conflict, 1946-2003, present in the Uppsala-PRIO Conflict Data Base (Gleditsch et al. 2002). Previous research on transitional- and post-conflict justice has largely been case oriented. The Binningsbø, Elster & Gates (2005) dataset, therefore, offers a unique opportunity to

quantitatively investigate the influence of post-conflict justice in a variety of situations, complementing previous case studies of transitional as well as post-conflict justice.[3]

While relying on the Binningsbø, Elster & Gates, dataset to investigate the influence of post-conflict justice we are, however, aware that we compromise the concept of *justice*. When focusing on justice in non-democratic as well as democratic settings, the justice we investigate cannot necessarily bet termed *legal*. According to Elster (2004: 135-139) legal justice requires that processes of justice are based on unambiguous laws, that the judiciary is insulated from other branches of government, that judges and jurors are unbiased, and that the justice adhere to principles of due processes. This is not always the case in democratic settings, and it is certainly not a characteristic of the judicial system in many authoritarian post-conflict states. We acknowledge that some of the justice reported in the Binningsbø, Elster & Gates dataset is repressive and directed at deterrence rather than forgiveness and reconciliation.[4] But as long as we rely on a minimalist definition of peace, defined as the absence of organized violence (Galtung 1985), peace can be maintained by repression and deterrence. If we were to use a maximum definition of peace, i.e. where the potential for major future conflict is removed, this would require reconciliation among the previously hostile groups. The minimalist definition of peace is, however, the one that fits with our data, as the PRIO-Uppsala dataset defines peace as the absence of violent conflict. Though it is difficult to defend from a human right perspective, the absence of violence is also something to aim for and can eventually lead to a more solid peace over time.

However, since the purpose of justice and other means of dealing with past atrocities can be very different within an autocratic as opposed to democratic framework, it is still valuable to distinguish between these two post-conflict settings in an empirical analysis. The analysis will, therefore, be separated into two parts: one part where we investigate the influence of the various types of post-conflict justice following all conflicts reported in the Uppsala-PRIO dataset and one part where we limit our investigation to the influence of post-conflict justice in

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[2] Among the 291 conflicts reported in the Uppsala-PRIO dataset, approximately 70 conflicts result in a democratic post-conflict setting.

[3] To keep things simple, we refer to all processes reported in the Binningsbø et al. (2005) dataset as post-conflict justice although we are aware that some of the processes reported, such as purges and reparations to victims, are not usually referred to as processes of justice.

[4] This type of justice can be referred to as *political justice* (Elster 2004) or *winners justice* (Minow 1998; Gloppen 2005)

democratic settings. Given the information in the Binningsbø, Elster & Gates (2005) dataset, this is the best we can do in distinguishing legal justice from non-legal processes.

Since we are interested in the duration of peace in post-conflict societies, we will investigate the influence of transitional justice by relying on event history analysis. Event history or survival analysis allows us to model the effect of transitional justice on the duration of peace before a new conflict eventually erupts while simultaneously controlling for other factors, such as type of settlement, length of conflict, regime characteristics, and other factors that do possibly contribute to peace and stability. Before discussing the specifics of our model, we discuss why we believe transitional justice, manifested in terms of either legal or political reform, will contribute to the duration of post-conflict peace.

Post-Conflict Justice and Sustainable Peace

Previous studies of post-conflict peace have directed their attention at institution building and power-sharing between previously competing groups (e.g. Walter 2002; Hartzell & Hoddie 2003; Binningbø 2006). Among these researchers the general finding has been that extensive power-sharing leads to more successful implementation of peace agreements. The inclusion of previously hostile competitors in governing the post-conflict society has, therefore been seen as beneficial for the duration of peace. A phenomenon that has been somewhat ignored in the conflict literature, however, is the possible consequences of including perpetrators of the past in the post-conflict regime, rather than holding them accountable for atrocities committed during conflict. In general, there has been limited attention, among conflict researchers, directed toward how states attempts to deal with their past history of violence and how this can eventually affect the prospects for long-term peace and stability.

This is despite a growing literature on transitional justice within the democratization literature (e.g. de Brito 2001; Gloppen 2002; Elster 2004), and an upsurge of international courts and universal jurisdiction associated with crimes against humanity committed during violent conflict. There are some exceptions, such as Long & Brecke (2003), considering the influence of a general set of reconciliation events on the duration of peace in the aftermath of civil war and interstate conflict. Others, such as Pankhurst (1999) and Bass (2004, 2005) discuss the moral as well as practical aspects of post-conflict justice, while yet others, such as Othman (2005), emphasize the legal aspect vis-à-vis international law. But so far there have been few

systematic studies, and no large-N studies, investigating how attempts to deal with past wrongdoings in a post-conflict setting influence the possibilities of a stable and lasting peace. Is dealing with the past, by punishment, purges, truth-telling, and recognition of victims helpful in restoring order and creating a stable peace; or do such measures contribute to provoking old cleavages and destabilizing the society? We elaborate more on the various types of transitional justice below and discuss how they may eventually contribute to post-conflict peace duration.

Retributive Post-Conflict Justice

Retributive justice is the type of justice that have received the most attention in the conflict-literature as well as the democratization literature, and which is also the type of justice which is most commonly referred to by those skeptical toward post-conflict justice. This type of justice emphasizes the need to hold perpetrators accountable and being punished for their crimes. The institutional mechanisms for carrying out such justice include prosecution and sentencing in domestic courts and special tribunals, in international tribunals, in joint international and domestic tribunals, or in foreign courts. Administrative procedures to lock perpetrators and collaborators out of jobs and positions as well as public exposure and social shaming are weaker measures, but do also fall into this category (Gloppen 2005: 18). In post-conflict democratic settings these mechanisms are more likely to be carried out as part of the reconciliation process and as a response to humanitarian rights principles. In autocratic settings they are more arbitrary and usually directed toward the losing side of the conflict, such as separatist rebels, failed coup-makers, or leaders of the previous regime. In these situations, trials often take place as *show-trials* where the outcome is known prior to the legal process (Elster 2004). There are, however, several reasons to believe that post-conflict justice, either it is legal justice or show trials, can contribute to a more durable peace period.

The most commonly applied argument among human right activists and also a number of scholars within the democratization literature are the moral and juridical obligations to hold perpetrators responsible for gross human right violations, genocide, ethnic cleansing, torture and other types of war-crime. Civil wars by definition involve victims, regardless of what the purpose or mission of the insurgents and the government is.[5] There is little doubt that victims desperately want to see some kind of punishment for those that have destroyed their life or

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[5] The conflicts in the Uppsala-PRIO dataset do, by definition, involve at least 25 battle related deaths.

killed their loved one making amnesty an incomplete and unacceptable solution (Bass 2005: 3).[6] Trials can, therefore, be seen as a moral obligation to those that have suffered. Juridical obligations are also associated with the prosecution of war criminals. The obligation to bring to justice and punish perpetrators of human right violations, an expression of the duty to guarantee respect for human rights, is also expressed in a number of international charters within the UN framework (Othman 2005: 251).[7]

Although it is easy to argue in favor of the moral and juridical obligations associated with post-conflict justice, the merits of retributive justice as a mean to advance reconciliation is, according to Gloppen (2005: 22), more disputed. An idea from psychology is that retributive justice can enable victims to attain closure and restore healthy relations toward one another. It can also serve to demonstrate a break with the immoral order of the past and help to build trust in the new social order. However, skeptics argue that justice for the representatives of former regime is likely to increase tension and social conflicts in ways that prevent national reconciliation. Since few systematic studies have been conducted, the effect of retributive justice on peace and reconciliation is still uncertain. Nevertheless, Long & Brecke (2003) in their case-studies of ten negotiated civil war settlements find partial justice to be present in six of the seven cases leading up to successful reconciliation, though retributive justice was not fully achieved in any of these cases. At the same time, no partial justice was carried out in the unsuccessful cases. Our study will provide an additional contribution to this literature, investigating the influence of post-conflict retributive justice on a large number of post-conflict societies.

Furthermore, retributive justice can also play more pragmatic or practical roles in the prevention of future hostility in post-conflict societies though it does not immediately contribute to forgiveness and reconciliation. Preventing violence short-term can, nonetheless, be an important starting point for creating a more stable and solid peace, as time is a key-factor in the healing of old wounds. For example, a number of authors stress the importance of public retributive justice in the protection against a cycle of revenge attacks (e.g. Elster, 2004, 2005, Pankhurst 1999, Bass, 2005). Victims of war as well as dictatorship can be

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[6] To support his statement Bass (2005: 3-4) refers to a survey from northern Uganda in 2005 where some 76% of the respondents wanted to see war criminals punished, and only 4% supported an unconditional amnesty for member of the main rebel group: the Lord's resistance Army (LRA). In a similar recent survey from Iraq fully 98% of the respondents answered that they would like to see those responsible for war crimes and crimes against humanity punished.

tempted to carry out *private justice* toward other individuals if they feel that wrongdoings are not sufficiently dealt with by legal processes. Private justice can be seen as a substitute, or pre-emption, for legal justice (Elster, 2004: 153). It is evident that such private justice, particularly if it takes the form of extra-legal killings of wrongdoers, can distort a fragile peace between different social forces, and hence contribute to re-occurring civil war. As explained by Elster (2005: 10), immunity of the insurgents creates the danger of *wild justice*, or spontaneous revenge by one side that the other side will see as an attempt to initiate another civil war. Making sure that insurgents or previous dictators are dealt with by public trials can, therefore, be an important task for the post-conflict government to make sure that individuals do not seek revenge by private means, contributing to re-opening the settled conflict.

Closely related to the previous argument is the possible role of post-conflict retributive justice in legitimizing or inaugurating the position of the incumbent government. If people seek revenge, they will be more confident in a government that is able to handle past wrongdoers. Failing to do so can reduce the government's legitimacy, preventing it from stabilizing the situation (Elster 2005). If civil war represents a transformation from one regime to another, a public process directed against the previous regime holders can also have the effect of depriving the legitimacy and prestige of the previous elites and discrediting their ideology (de Brito, Gonzalez-Enriquez & Aguilar, 2001: 313). One should, nonetheless, believe that the possible effect of legitimizing the post-conflict regime and depriving the legitimacy of the old one should be more important if the post-conflict regime is a democratic one, dependent upon support from the electorate. But also in situation where an autocratic regime maintains its position through the civil conflict or a new autocratic regime emerges, the incumbents' ability to deal with insurgents or the wrongdoers of the previous regime can be important for depriving the legitimacy of these groups and stabilizing the regime. The position and strength of an autocratic government, applying political justice or show trials toward insurgents or rebels is, however, more likely to result in deterrence rather than confidence, though both situations help to stabilize the situation and prevent the reoccurrence of violent conflict.

Another possible effect of retributive justice in post-conflict societies is that perpetrators or insurgents are put away, at least for a while, so that they cannot launch a new insurgency once the conditions seem appropriate (Elster 2005: 8). As expressed by Pankhurst (1999) attempts

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[7] For a more detailed overview of international jurisdiction regarding war-crimes see Othman (2005: 251-252)

to mete out justice for past crimes can increase the chances for peace in the longer term because they exclude from positions of power perpetrators that might have their own reasons for prolonging or renewing the conflict. If rebels or previous regime holders are not arrested they may exploit the post-conflict situation to collect allies and persuade important actors to sabotage the policy of the post-conflict government. Another attack or a sabotage of the government's policy will lead to a destabilization of the regime and increase the risk of another civil war. In conclusion, the prosecution of perpetrators appears to have an effect on post-conflict peace duration in autocratic as well as democratic regimes. We make the following proposition:

> *Post-conflict trials will lead to a stable and more durable peace in autocratic as well as democratic societies.*

Justice Short of Retribution

Regardless of moral and juridical obligations as well as the possible positive benefits of post-conflict retributive justice on reconciliation and peace, successful prosecutions of past abuses are not always carried out. The prosecution of war-criminals is most feasible when the insurgents or the former regime is severely defeated and no longer poses a threat to the incumbent leadership. In situations of clear victory, negotiations over amnesty, as a guarantee against retributive justice, are unlikely. The institutional conditions for carrying out justice can also be poor, making it difficult to identify the perpetrators as well as the severity of their war crimes. Other forms of post-conflict justice can, therefore, be more realistic, or work as a supplement to retributive justice.

Truth commissions are a new type of institutions that have developed in order to deal with past atrocities where trials have been ruled out or proven too limited.[8] These are non-judicial bodies without the power to impose legal sanctions on perpetrators. The focus is on victims and their stories of human rights violations (Gloppen, 2005: 27). Also among those being skeptical toward retributive justice, there is a widespread understanding that to bring out the truth will advance reconciliation. The assumption that truth is a necessary step toward reconciliation is also prominent in the overall debate on transitional justice (Gloppen 2005: 33). Long & Brecke (2004: 67), for example, suggest that official truth telling can begin to

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[8] According to Gloppen (2005: 28) the first major truth commission was established in Argentina in 1983, and by the turn of the century about 20 truth commissions had completed their work or were underway, most of them in Latin American and African countries.

heal social wounds by unmasking official lies and stripping away impunity. By identifying perpetrators and victims, it is also linked to the restoration of identity such that social and political roles are reshaped and social relations refined (Long & Brecke, 2004:.68-69). Truth telling can, at least, contribute to the opening of a national reconciliation process by allowing past atrocities to become a possible subject for future political action. However, the link between truth commissions or truth telling and the pursuit of retributive justice has been mixed. In some cases, truth telling has been short of justice, and amnesties have been offered for truth. In other cases, such as with the Nunca Mas report in Argentina, published 1985, the material was used for compensation to victims as well as trials against perpetrators of the previous military regime (Gloppen 2005; Long & Brecke 2004).

Furthermore, truth telling can, also, constitute a risk toward post-conflict stability and peace. As suggested by Long & Brecke (2004: 68), "… it runs the risk of creating greater resentment among participants to civil conflict and of opening old wounds and inflicting new ones on already fragmented societies". Groups that do not benefit from the truth being uncovered can resort to violence to have the process stopped. Comparative studies, such as Long & Brecke (2004) have, however, indicated that truth-telling does have a positive effect on peace and stability. They find truth-telling to be part of each successful reconciliation event they study, while being absent from the three unsuccessful ones. Gloppen (2005) is more skeptical mentioning that empirical studies have resulted in mixed findings. In our initial expectations we do, however, side with those believing in uncovering the truth, assuming that truth commissions and truth telling contribute to more durable peace. Making these expectations we are aware that truth commissions and other means to uncover the truth about past regimes or previous conflict, is clearly associated with a peace based on reconciliation rather than repression and deterrence. Consequently, truth commission, unless they are only attempts to cover past atrocities, will primarily be established and have an effect in post-conflict democratic societies, while they will be of limited importance for maintaining peace and stability in post-conflict non-democratic regimes. We make the following proposition:

> *Truth-telling through the establishment of truth commissions leads to a stable and more durable peace in post-conflict democratic societies.*

Uncovering truth and punish wrongdoers may, however, not be considered as sufficient among victims or those suffering from previous violence unless it results in some compensation to the affected groups. An additional strategy of post-conflict reconciliation is, therefore, to offer

some reparation or compensation to victims that can improve their position under the post-conflict regime, and help them to recover from past brutality. Such reparation can involve economic compensation, provision of health service, symbolic restoration, public apologies, and efforts to advance social integration at the community level (Gloppen 2004: 18). According to Gloppen (ibid.) the presumption is that the physical, psychological, and social damage caused by past injustice must be acknowledged and repaired before reconciliation can be accomplished. The psychological argument that victims need to be recognized and perpetrators punished for groups to come to closure with one another and restore healthy relations also apply as an argument in favor of material and symbolic reparations to victims. But as long as the purpose of the measure is reconciliation, not repression and deterrence of rebels, we should expect the influence of reparation to victims to be most important in post-conflict democratic regimes:

> *Restitution of victims through material or symbolic reparations leads to a stable and durable peace in post-conflict democratic societies.*

A forth type of post-conflict action is purges in the state's administration or military apparatus. In one way, purges can be seen as a retributive type of justice, because it locks former perpetrators and collaborators out of jobs and positions (Gloppen 2004: 18). However, it can also be a forward looking strategy seen as part of an institutional reform. The point is that it helps to make a break with the former regime that was the initial starting point for the conflict. It represents changes in the underlying structure of the former regime and eventually the processes leading to conflict. Purges and other types of institutional reforms should, therefore have a positive effect on the ability to restore lasting peaceful relations; regardless of whether the new regime is a democratic or more autocratic one. We make the following proposition:

> *Purges in the administration leads to a stable or more durable peace in autocratic as well as democratic post-conflict societies.*

Amnesties and Exiles

There are, nonetheless, a number of post-conflict settings where there is limited evidence of post-conflict justice. These states may have decided to ignore their past rather than dealing with it, or there is a lack of information on their efforts. In their dataset, Binningsbø, Elster & Gates (2005) have recorded a number of cases where they find evidence of amnesties or exiles being granted. In the conflict literature amnesties are generally viewed as attempts to buy off perpetrators for peace, such as in the recent case of Colombia. According to Gloppen (2005:

23) amnesty guarantees in the negotiation process may effectively block the recourse to prosecution. This argument is empirically supported by Long & Brecke (2004: 71) finding the granting of amnesties to limit the realization of justice, though how severely depend on when in the reconciliation process it is granted. Assuming that these researchers are correct in their assumptions, and amnesties help perpetrators from the previous conflict to avoid prosecution; this can mean that they are still intact and can launch another attack. It can also increase the risk of wild justice or private revenge as well as distort the more long-term process of reconciliation. We suggest the following proposition:

When evidence of amnesties is recorded this reduces the post-conflict peace period.

Another possibility for rebels or wrongdoers to avoid prosecution is to flee into exile. This is not necessarily something the post-conflict society applies as a strategy; as it depends on the willingness of other states. But post-conflict societies do not necessarily try to prevent wrongdoers from fleeing the country and on some occasions the victorious part expels its opponents. We are, nevertheless somewhat vague in our expectations regarding the effect of exile on the sustainability of peace. Exile means that wrongdoers are removed from the post-conflict society, preventing attempts at private justice and preventing past wrongdoers from launching another attack from the inside, though they may still be able to gather forces for another attack and work as inspiration for those dissatisfied with the post-conflict regime. As with amnesty, it can also be an obstacle to reconciliation, as victims feel that the perpetrators are not properly punished for their past atrocities. Our overall proposition is, therefore, that:

When evidence of exile is recorded this reduces the length of the post-conflict peace period.

Investigating the Influence of Post-Conflict Justice

As mentioned in the introduction, the recent dataset on post-conflict justice (Binningsbø, Elster & Gates, 2005) offers a unique opportunity to empirically investigate our assumptions about post-conflict justice on a large number of post-conflict cases, complementing the theoretical and case-study oriented research on post-conflict justice with a large-N study. The dataset's distinction between different types of post-conflict justice does, furthermore, allow us to distinguish between the effect of the various types of justice as well as the overall effect of granting amnesties and allowing for exiles in a democratic as well as non-democratic setting.

In this process, we are aware that a society's ability to deal with its past by trials, purges, reparation to victims and truth commissions is heavily dependent upon characteristics and outcomes of the previous conflict as well as characteristics of the post-conflict society. In the transition to democracy literature, there are some factors in particular that are viewed as important for the probability of transitional justice processes. These same factors have been said to influence the prospect for post-conflict stability and more long-term reconciliation. Unless controlling for these factors in our analysis, it is impossible to tell if various attempts at post-conflict justice have an independent effect on post-conflict peace or if peace as well as justice are products of the same underlying factors.

The most important factor to look for in the transformation from autocracy to democracy is, according to de Brito, Gonzalez-Enriquez & Aguilar, (2001: 3004-05), the balance of forces between the elite of the old regime and the groups favoring democratization. In transition by 'collapse' the opposition is not obliged to negotiate amnesty because the balance of power is far more favorable. Gloppen (2005: 23) presents a similar argument, when she suggests that prosecution is more likely to be deterred by the fear of increasing conflict in situations where the previous regime has retained significant support. Subsequently, we are more likely to see justice in situations where the previous regime has been severely defeated. If we transfer this notion to the transition from war to peace, we should expect the balance of forces to be more decisive, making transitional justice more likely, if the conflict is terminated by victory by the government or the opposition than if it is terminated by agreements, negotiations or cease-fire. This is confirmed by Binningsbø, Elster & Gates (2005), finding post-conflict trials to be strongly associated with victory. Of the 98 trials registered in the dataset, 68 took place following victory to side A or B. Also in those cases where conflicts end with victory, we find the majority of evidence indicating that amnesty and exile is not offered. The strong correlation between type of termination and the commitment to some types of transitional justice makes it necessary to control for termination type in the analysis. Fortunately, the type of conflict termination is already coded into the Binningsbø, Elster & Gates, (2005) dataset, making it easy to investigate if the various attempts at post-conflict justice have an effect on peace duration when the conflicts' outcome is controlled for.

Another factor emphasized by scholars of democratization and transitional justice (e.g. Elster 2004, de Brito, Gonzalez-Enriquez & Aguilar, 2001) is the length of the previous regime. According to Elster (2004: 120) a general trend is that there seems to be more transitional

justice in situations where the previous regime has been of a relatively short duration, as the memories of suffering seems to be more vivid and the emotions correspondently strong. A long term dictatorship must also have acquired a minimum level of consensus among a significant part of the population and has been able to establish more routinized mechanisms of social control (de Brito, Gonzalez-Enriquez & Aguilar, 2001: 309). If this logic is transferred from democratization to peace-building, we can also assume that more long-term conflict will be less likely to result in post-conflict justice, as both wrongdoers and victims can be more difficult to identify, and the emotions from suffering are less associated with particular acts or events. In the peace-building literature the findings have however been mixed, making our expectations regarding conflict-duration and transitional justice somewhat vague. But since the data we rely on allows us to control for the precise length of the conflict period, an analysis of the influence of conflict duration and transitional justice on peace can easily be conducted.

A third factor emphasized by scholars of democratization and transitional justice is the nature of the ideological preferences and the commitments of the new democratic forces or leadership (e.g. de Brito, Gonzalez-Enriquez & Aguilar, 2001). When studying the transition from conflict to peace it is not evident that the new leadership is a democratic one. Since there has been limited emphasis on transitional justice in the transition from conflict to peace, we have limited expectations regarding regime-type and the level of justice in post-conflict societies. Still, since probability of sustainable peace might depend on regime type, and some types of post-conflict justice are more common in democratic societies, post-conflict regime type will be controlled for in the analysis. In the second part of the analysis, the same data on regime type will be used to distinguish between post-conflict justice in democratic and non-democratic societies. We expect the influence of truth-commissions and reparation to victims, in particular, to be more important in post-conflict democratic societies.

States' ability to carry out post-conflict justice is as well as managing peace is, furthermore, dependent upon the availability of institutional, human, and financial resources to carry out the processes of justice. More well-to-do states should, therefore, be better equipped for post-conflict justice as well as peace, making it necessary to control for economic factors in the analyses. Before moving to the analysis with all these theoretical expectations in mind we should, however, repeat that the goal of this research is partly to explore some general patterns of post-conflict justice and peace based on a newly collected data material. Some of our

theoretical expectations may be revised, at the same time as unexpected empirical patterns may be discovered.

Method

To analyze the duration of post-conflict peace we use a Cox proportional hazards model. The data for this analysis are structured as multiple-record data with multiple events with censoring. Given that civil wars frequently occur in the same country at different points in time, and indeed with the Uppsala-PRIO data, more than one armed civil conflict can occur contemporaneously, we must also account for a separate peace period after the resolution of conflict between belligerents.[9] We have transformed our variables so as to eliminate any time-varying parameters. To account for the obvious non-independence of peace events we calculate robust standard errors. We include a temporal control (the year that the conflict ended) to control for new types of innovations, such as truth commissions which have been employed more frequently in recent years. A number of wars and post-conflict peace periods were still on-going in 2003 (the last year of our data); we censored to account for this.

Data and operationalizations

To investigate the importance of post-conflict justice on sustainable peace, we will rely on the recently created dataset by Binningsbø, Elster & Gates (2005). This data provides an overview of how post-conflict societies deal/have dealt with the wrongdoings of their recent pasts. In order to define a 'post-conflict society' they rely on the Uppsala-PRIO armed conflict dataset (Gleditsch et al., 2002), which defines a conflict as 'a contested incompatibility that concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths' (Strand, Wilhelmsen & Gleditsch, 2004: 3). The version used is number 3.0 (December 2004). The units of analysis in the dataset are individual conflict periods and their accompanying peace transition periods. Explanatory variables relate to both conflict and peace transition periods. Begin and end dates of the conflict and peace transition periods are based on Gates & Strand's (2004) event dataset. Following Gates & Strand (2004: 10), 'Our initial coding criteria only includes the periods from when a conflict reaches 25 fatalities to the last fatality in the last year of recorded conflict.' The accompanying peace transition period begins the day of the last fatality in the last year of conflict, and ends the day when the conflict resumed, or the last day

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[9] We observe 291 conflict periods, of which, 105 reoccur, indicating a relatively high risk of peace failure.

of observation in the dataset (31 December 2003). However, a conflict period must have been followed by at least two years without observation of violence in order to be defined as terminated. A conflict period in the dataset is not reported to have terminated if there is only one year without observation of violence between two years of violence – this is reported as one continuous conflict period. If a conflict resumes after two years, this is a new observation of conflict period in the dataset. The dataset covers 291 conflict periods between 1946 and 2003. Of these, 27 were ongoing as of December 31st 2003.

Dependent variable:

To be able to investigate post-conflict peace duration, two conflict-related variables were added to the existing dataset: A duration variable measuring the length of the post-conflict peace period. This variable is measured in days, and represents the number of days from the last reported day of violence to the first day where the conflict again crosses the 25 battle-related deaths threshold. If the conflict does not reoccur, the end date is set to December 31st 2003, which is the last date in the dataset. An additional event variable indicates whether or not the peace-duration period ends in another conflict. The event variable is coded 1 if the peace-period ends in another conflict (failure) and zero if it marks the end date of the dataset.

Independent variables

Our main independent variables reflect to what extent post-conflict societies deal with crimes committed during the conflict. The main sources for this information are *Keesing's Record of World Events, Library of Congress Country Studies*, *Minorities at Risk Assessments and Chronologies*, and the *Peace Agreements and Truth Commissions Digital Collection from the United States Institute for Peace*. Other sources were used additionally. See Binningsbø (2005) for detailed narratives and references.

Altogether, the dataset provides indicators of 4 types of post-conflict justice: trials, purges, truth commissions, and reparations to victims, and 2 indicators associated with abstaining from transitional justice: amnesties and exiles. All variables are measured due to which side of the conflict is the subject of justice, i.e. the government side (side A) or the opposition side (side B), or both, defined by the situation when the conflict started.

Prosecution seems to be the most common way of dealing with past wrongdoings. By putting those who committed war crimes on *trial*, the post-conflict society sends a strong message that

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these crimes are not accepted. However, the majority of the trials in the Binningsbø, Elster & Gates (2005) dataset are held for the losing party to the conflict. In very few cases does the winner put representatives of its own party on trial for war crimes, thus increasing our suspicion that winner's justice or political justice is more common than legal justice. The victorious party in a conflict will probably try to exclude sympathizers of the defeated party from various governing institutions, in particular the armed forces. Such actions are however not that often reported, only 25 of the conflict periods in the dataset are followed by *purges*. Almost all of these are towards the loser of the conflict.

Most peace agreements include ways to compensate civilian victims to war, especially repatriation of refugees. However, these efforts are often vaguely stated, and seem to be more ideal than realistic, given that countries ridden by armed conflict most often are poor and without the financial ability to fulfill their commitments. To ease the transition to a peaceful society some countries establish truth commissions to investigate the past wrongdoings. These commissions are not necessarily instruments for how to deal with the wrongdoers, but ways for individuals and societies to gain knowledge on what happened to friends and family, as well as for the society to have a common history. International news agencies and historical archives seem to be more interested in 'hard' justice efforts as trials than more 'soft' ones, as reparations to victims. The Binningsbø, Elster & Gates, dataset therefore reports many more trials than other types of justice. Although post-conflict societies try to compensate war victims as well, their efforts seldom reach the news headlines.

We have already discussed the phrase 'justice versus peace'. In order to make combatants end the violence and to preserve the fragile post-conflict peace, parties often demand immunity. While this can hardly be labeled *justice* many researchers argue that it can be a crucial mechanism to reduce the likelihood of continuing violence. Granting wrongdoers *amnesty* or immunity is quite common in post-conflict societies, in the Binningsbø, Elster & Gates, dataset more than 100 cases were followed by some sort of amnesty. In most cases these seem to be given to the losing party to the conflict, giving strength to our belief that amnesty is a way of 'buying' peace. In quite a few cases general amnesties were given to lesser participants, but leaders and/or those who carried out grave violations must face trials. In South Africa it was possible to apply for amnesty, but granting it required full information on all wrongdoings. If wrongdoers are not living in the country where the wrongdoings took place, it will be hard to try them, or at least make them serve sentences. The reasons for this *exile* might differ. In some cases the victorious part expels its opponents, i.e. the exile is a punishment following some kind of trial, but in many cases the wrongdoers are in exile

because they fled the country when they realized they would be defeated. For some armed conflicts the consequences of the termination (what group was victorious) are of such a kind that ordinary people decide to flee or emigrate. For example quite a few colonists left their former colonies after independence.

The detailed information in the Binningsbø, Elster & Gates, dataset allows us to create additional variables based on various combinations in the data material. We run our analysis on an aggregation of each of these types of transitional justice. For the purposes of our analysis, we created a dummy variable indicating whether or not a particular type of transitional justice war employed.[10] We also include two variables indicating whether or not states have abstained from post-conflict justice through exile or amnesty. Abstaining from TJ efforts can be helpful in the conflict termination process, but as we have argued above, trials, purges, reparation to victims and truth commissions are expected to contribute to more durable post-conflict peace.

Control variables:

As discussed above, the variable that is, perhaps, most likely to influence the probability of post-conflict justice as well as the likelihood of future conflict is the balance of forces after conflict, indicated by the type of conflict settlement. In the Binningsbø, Elster & Gates dataset, conflict termination is divided into the following 9 categories: victory by government (side A), victory by opposition (side B), agreement, cease-fire, independence, continued/resumed as different SubID/ID, low activity; ongoing (in 2003), and other/unclear. To be able to find meaningful result based on this variable in our analysis we need to recode this variable into a number of dummy variables, and use these as an indicator of the post-conflict balance of forces. We create 3 dummy variables: 1) victory by side A, 2) victory by side B, 3) negotiated agreement or cease-fire.[11] The reference category is low activity and unclear terminations. We expect peace-periods following a victory to be most prone to post-conflict justice and perhaps also the most durable, while peace periods following agreements or cease-fire will be less likely to experience post-conflict justice, and also less likely to last.

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[10] In addition to looking at the different types of post-conflict justice separately, coded 1 if there has been post-conflict justice and 0 otherwise; we created an additive index measuring the degree of post-conflict justice, based on how many types of justice have been conducted in the post-conflict society. Since there are four types of post-conflict justice, this variable will have values from 0 to 4, where 0 is no efforts toward justice and 4 if evidence of all 4 types is found.

Another important control variable is the length of the conflict prior to the post-conflict peace period. Since we have the start date and end date of conflict, measuring conflict length is straight forward. This variable counts the number of days the conflict lasted, from the first day it reached the 25 annual battle-deaths threshold to the last day of violence.

To measure post-conflict regime type we rely on information from the Polity Project's Dataset (Marshall 2003). We use the Polity2 variable, a democracy-autocracy scale where a county's autocracy score is subtracted from its democracy score. It ranges from -10, perfectly autocratic, to +10, fully democratic. When controlling for regime type, the variable reports the 5-year post-conflict mean of the polity2 score. In the second part of the analysis, we seek to distinguish between democratic and non-democratic post-conflict societies. In doing so, we set the threshold for being democratic at 5. All post-conflict states with an average polity score above 4.9, for the five years following the conflict, are considered to be democratic.

To control for the importance of economic factors in pursuing justice and rebuilding the society we rely on GDP data from Fearon & Latin (2003). The average GDP for the first 5 years after the end of conflict is calculated and included as a variable in the analysis. This variable was further log-transformed to avoid outliers.

We believe type of conflict matters. Therefore we include a variable controlling for the incompatibility over which the conflict was fought. This is a dummy where the value 1 corresponds to conflicts over territory; the reference category is governmental conflicts. In this way we can differentiate secessionist wars and those conflicts for which the objective is to capture the state for ideological or narrower interests.

The intensity of conflict might also be important regarding post-conflict peace duration. The battle-deaths data are from Lacina & Gleditsch (2005), the variable is a natural log-transformed to reduce skewness.

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[11] About 20 conflict periods ended by independence for side B. Most of these are colonial conflicts were the colony gained its independence, creating long peace periods with no risk of conflict reoccurrence. These 20 cases were therefore removed from the analysis, although they did not have strong effects on the final results.

Results

To provide an overview of how the various forms of post-conflict justice influence peace duration we first conduct bivariate analyses of the six types of post-conflict justice processes recorded in the Binningsbø, Gates & Elster (2005) dataset, as well as an analysis where all six types of post-conflict justice are included in the same model (Model 7). The results are presented in Table 1.

Table 1 Bivariate Cox proportional hazard model for separate post-conflict justice efforts and peace duration.

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
	_t	_t	_t	_t	_t	_t	_t
trialdum	**-0.424**						**-0.472**
	(0.035)**						**(0.048)****
purgedum		0.011					0.121
		(0.974)					(0.753)
victimdum			-0.512				-0.543
			(0.165)				(0.151)
truthdum				-0.694			-0.581
				(0.444)			(0.607)
amnestydum					-0.051		0.249
					(0.790)		(0.281)
exiledum						-0.371	**-0.403**
						(0.104)	**(0.093)***
Observations	236	237	237	237	236	237	236

Robust p values in parentheses
significant at 10%; ** significant at 5%; *** significant at 1%

From Table 1 we can see that trials, reparations to victims, and truth commissions are types of post-conflict justice that reduce the risk of peace failure, though trial is the only type of post-conflict justice that does so at a significant level. Post-conflict purges seem to have negligible influence on the risk of peace failure, and the effects of reparation to victims and truth commissions are weak. Amnesties and exiles do not work in the expected direction, though the effect of amnesty is weak in the bivariate regression and when all types of post-conflict justice is included in Model 7, amnesty goes from prolonging to reducing the peace period. The negative effect of exile on peace failure is stronger and more consistent, and in contrast to our theoretical expectations, the coefficient does actually become significant at a 0.1 level in Model 7. In conclusion, most types of post-conflict justice seem to work in the expected direction, but the results are not as strong and consistent as we hoped for. But for the processes associated with abstaining from post-conflict justice (amnesties and exiles), exile does, contrary to our theoretical expectations, reduce the risk of peace failure, while the effect of amnesty is more ambiguous.

Table 2 presents the regression results when a number of control variables are included. Perhaps most importantly, we include control variables for conflict termination (victory side A, victory side B, and negotiated settlement, with low activity and unclear termination as the reference category).[12] In addition we also include controls for post-conflict regime type, type of conflict (territorial versus governmental), conflict duration, and battle deaths. To account for variation over time, we also included a variable measuring the end year of the conflict. Models 1-3 and Models 4-6 represent different measures of post-conflict justice.[13] We first investigate the effect of the various types of post-conflict justice separately, as we did in Table 1. Based on the idea that it may be the "complete package" of post-conflict justice that matters, i.e. that the more types of justice are applied thus more likely one would be to obtain durable peace, an additive index of the four types of justice (trials, purges, truth commissions), is constructed. The results from this additive index are presented in Model 2 and 5. The unexpected results on amnesties and exiles in the bivariate regression models do, furthermore, create questions about whether it could be beneficial do deal with the past rather than ignoring it, also if this includes granting amnesties and allowing for exiles. Perhaps providing amnesties and allowing perpetrators to flee into exile can lead to more durable peace even though it prevents some trials from taking place. A second additive index, including amnesties and exiles, were therefore constructed and investigated in Model 3 and 6.

Furthermore, we expect theoretically that the type of conflict termination does have important influence on post-conflict peace duration. Victory by either side is expected to lead to a significantly longer peace period than conflict terminating by other means. At the same time we know that approximately 70% of the post-conflict trials reported in the post-conflict data take place following a clear victory to either side. When controlling for conflict termination in the model, this can, therefore, be expected to eliminate the effect of post-conflict justice on peace. As an experiment we therefore removed conflict termination in Model 4-6, repeating the analysis from Model 1-3.

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[12] The original dataset included 20 conflicts that ended with independence to side B. By definition, these cases could not resume as internal conflicts. To avoid these cases from distorting our results we decided to remove them from the analysis.

[13] A variable indicating the average GDP/capita for the 5 years following conflict is excluded from the analyses presented in Table 2. Including this variable lead to a significant reduction in N. The variable, when included, was not significant and excluding it did not have an important effect on the results.

Table 2 Cox proportional hazard model for post-conflict justice and peace duration with and without termination type.

	(1)	(2)	(3)	(4)	(5)	(6)
	_t	_t	_t	_t	_t	_t
trialdum	-0.303			**-0.595**		
	(0.327)			**(0.060)***		
purgedum	0.080			0.165		
	(0.836)			(0.663)		
victimdum	-0.529			-0.483		
	(0.158)			(0.197)		
truthdum	-0.710			-0.628		
	(0.576)			(0.591)		
tj_tot		-0.295			**-0.387**	
		(0.128)			**(0.052)***	
amnestydum	0.307	0.323		0.213	0.179	
	(0.182)	(0.128)		(0.322)	(0.355)	
exiledum	-0.364	-0.367		-0.314	-0.327	
	(0.164)	(0.141)		(0.196)	(0.153)	
deal_tot			-0.105			**-0.194**
			(0.289)			**(0.037)****
victoryA	**-0.712**	**-0.694**	**-0.752**			
	(0.049)**	**(0.061)***	**(0.039)****			
victoryB	0.307	0.356	0.127			
	(0.487)	(0.410)	(0.750)			
negsettle	0.010	-0.049	0.018			
	(0.979)	(0.893)	(0.960)			
territorial	-0.180	-0.212	-0.192	-0.236	-0.254	-0.248
	(0.464)	(0.339)	(0.367)	(0.303)	(0.240)	(0.231)
lnconfl_dur	0.077	0.076	**0.081**	0.045	0.045	0.061
	(0.146)	(0.139)	**(0.097)***	(0.294)	(0.302)	(0.146)
lnbtldea	-0.046	-0.039	-0.046	-0.035	-0.018	-0.020
	(0.339)	(0.411)	(0.345)	(0.428)	(0.695)	(0.670)
pol2_5mean	-0.036	**-0.039**	-0.038	-0.031	**-0.032**	-0.030
	(0.144)	**(0.099)***	(0.104)	(0.137)	**(0.097)***	(0.109)
end	0.008	0.007	0.007	**0.017**	**0.014**	**0.015**
	(0.350)	(0.385)	(0.390)	**(0.051)***	**(0.078)***	**(0.052)***
Observations	206	205	205	206	205	205

Robust p values in parentheses

* significant at 10%; ** significant at 5%; *** significant at 1%

From Table 2 we can see that victory for side A is the variable that appears strongest and most consistent in the explanation of peace duration, while none of the post-conflict justice variables have significant influence. However, the signs of the coefficients from the bivariate regression are maintained, suggesting that there is a trend indicating that most types of post-conflict justice prolong peace, but the relationships are weak and insignificant. Adding the various types of post-conflict justice together in Model 2 and 3, does not lead to more significant results, though the signs of both coefficients indicate that post-conflict justice efforts do lead to a more durable peace.

In Model 4 to 6, conflict termination was removed from the equation, somewhat improving our results. The signs of the post-conflict justice coefficients remain and the effect of trials becomes significant. When testing the effects of the additive post-conflict justice indexes in model 5 and 6, they also have a significant and positive influence on the duration of peace. In conclusion, the results from Model 1 to 6, Table 2, indicate that the duration of post-conflict peace depends upon how the conflict is terminated. Processes of post-conflict justice can contribute to peace duration, but the presence of and the importance of post-conflict justice is truly sensitive to how the conflict terminates. When this is said, trials appear to be the most important type of justice, but it can be more important when complemented by other processes of post-conflict justice.

The importance of trials for the duration of post-conflict peace, in general, is somewhat in line with our theoretical expectations, since we expected trials to work both as a deterring factor in autocratic regimes and as a mean to reach reconciliation in post-conflict democratic societies. Other types of post-conflict justice, such as reparations to victims and truth commissions were expected to be more influential in post-conflict democratic societies. In Table 3 and 4 we therefore include post-conflict democratic societies only, although this lead to a significant reduction in the number of cases. Table 3 presents the bivariate results while Table 4 include control variables.[14]

Table 3 Bivariate Cox regressions for separate post-conflict justice efforts and peace duration, only democracies.

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
	_t	_t	_t	_t	_t	_t	_t
trialdum	-0.424						-0.769
	(0.365)						(0.187)
purgedum		-0.625					0.000
		(0.618)					(1.000)
victimdum			-0.512				-0.943
			(0.498)				(0.147)
truthdum				**-36.093**			**-36.243**
				(0.000)***			**(0.000)*****
amnestydum					0.158		0.501
					(0.766)		(0.333)
exiledum						**-1.238**	**-1.390**
						(0.073)*	**(0.068)***
Observations	70	71	71	71	70	71	70

Robust p values in parentheses
* significant at 10%; ** significant at 5%; *** significant at 1%

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[14] Since Table 4 include post-conflict democratic societies only, the variable measuring regime type is not included.

The bivariate results for democracies only do not differ significantly from the results obtained in Table 3. The most important exception is the effect of truth commissions which is highly significant for the duration of peace in post-conflict democratic societies. There are relatively few recorded cases of truth commissions, and these cases have all avoided peace failure. Another exception from Model 1 is that the negative effect of exile on peace failure becomes significant, disapproving our theoretical expectations about exile even further. Amnesty, in contrast, still has a positive effect on peace failure, though the relationship is weak and far from significant. For the other types of justice, they appear to prolong peace also in democracies, but their effects are weak an insignificant.

Table 4 Cox proportional hazard model with and without termination type, only democracies.

	(1)	(2)	(3)	(4)	(5)	(6)
	_t	_t	_t	_t	_t	_t
trialdum	-0.991			-1.061		
	(0.174)			(0.125)		
purgedum	0.203			0.358		
	(0.944)			(0.817)		
victimdum	-1.157			-1.233		
	(0.143)			(0.123)		
truthdum	**-39.790**			**-39.919**		
	(0.000)***			**(0.000)*****		
tj_tot		**-0.991**			**-1.006**	
		(0.081)*			**(0.074)***	
amnestydum	0.494	0.500		0.829	0.708	
	(0.507)	(0.505)		(0.188)	(0.215)	
exiledum	**-2.011**	**-2.060**		**-1.621**	**-1.516**	
	(0.004)***	**(0.004)*****		**(0.008)*****	**(0.007)*****	
deal_tot			-0.710			-0.537
			(0.192)			(0.148)
territorial	-0.168	-0.115	-0.629	-0.327	-0.333	-0.548
	(0.780)	(0.839)	(0.249)	(0.509)	(0.480)	(0.299)
lnconfl_dur	0.070	0.062	-0.030	0.037	0.001	0.003
	(0.467)	(0.507)	(0.835)	(0.743)	(0.992)	(0.977)
lnbtldea	**-0.371**	**-0.358**	-0.244	**-0.326**	**-0.289**	-0.230
	(0.018)**	**(0.037)****	(0.162)	**(0.031)****	**(0.065)***	(0.123)
end	0.013	0.014	0.024	0.013	0.014	0.027
	(0.607)	(0.557)	(0.193)	(0.562)	(0.483)	(0.108)
victoryA	0.755	0.802	0.231			
	(0.431)	(0.388)	(0.804)			
victoryB	1.236	2.052	0.073			
	(0.651)	(0.157)	(0.948)			
negsettle	0.841	0.801	1.099			
	(0.381)	(0.416)	(0.309)			
Observations	65	65	65	65	65	65

Robust p values in parentheses
* significant at 10%; ** significant at 5%; *** significant at 1%

When control variables are included in Table 4, the influence of truth commissions remains strong and significant. The effect of the additive index in Model 2 is also strong and

significant, though not when the two measures of abstaining from justice (amnesty and exile) is included in Model 3. When comparing Model 1-3 and Model 4-6, however, we note that conflict termination appears less important when the post-conflict society is a democratic one. The influence of conflict termination is not significant and it does not have significant impact on the other variables included. Another important finding is the strong effect of exile in all models, indicating that allowing for exile prolongs rather than reduces peace duration.

How do the results obtained in Table 1 to 4 fit with our initial theoretical propositions? The first proposition suggested that trials would lead to longer peace duration in democratic as well as non-democratic societies. Trials appear to prolong peace in democratic as well as non-democratic post-conflict societies, but the results are weak, and appear sensitive to conflict termination. The second proposition suggested that reparation to victims would prolong peace in post-conflict democratic societies. Reparation to victims have a negative effect on peace failure in democratic as well as non-democratic societies, and when control variables are included the coefficient is closer to significant for post-conflict democratic societies than when all post-conflict periods are included in the analysis. Still, though the results point in the correct direction they are weak and insignificant. The third proposition suggested that truth commissions would lead to longer peace duration in democratic societies. Truth commissions have a negligible effect on post-conflict peace duration in general, but the effect is strong and significant when applied to democracies only, indicating support for the third proposition. The forth proposition regarding purges, in contrast, does not obtain much support in any model. Purges appear to be somewhat irrelevant for post-conflict peace duration. Our fifth proposition concerned amnesty, and we expected amnesties to reduce rather than prolong the post-conflict peace period. Though amnesty appears to reduce peace duration in most post-conflict settings, the effect is weak and insignificant in all models. Finally, though we were quite vague on this proposition, we suggested that exile reduces the post-conflict peace period. In all models, however, exile contributes to prolonging peace duration, and for post-conflict democratic societies, this relationship is strong and significant, lending limited support to the final proposition.

The general conclusion we can draw from the analysis is, accordingly, that a number of our propositions are somewhat supported, but results are weak and rarely significant. The results are, however, somewhat strengthened when various forms of post-conflict justice are added together, indicating that a more complete package of post-conflict justice can be helpful in

obtaining enduring peace. For some models, the influence of justice is also sensitive to conflict termination, indicating that termination type is more important than justice.

The failure to obtain significant results can be due to a number of factors. Firstly, how societies deal with past atrocities can simply be irrelevant for the duration of peace. Other factors, such as the type of conflict termination, post-conflict regime characteristics, and the severity and length of the conflict, can be more important. We have already indicated that conflict termination type is important and that processes of post-conflict justice are sensitive to termination, but the other control variables do not seem to be very influential. We should also keep in mind that although the results are weak and insignificant, the directions of the coefficients are largely consistent across the various models and, though there are exceptions, they are mostly in line with our theoretical propositions. A relatively low N, particularly when studying the post-conflict democratic societies only, makes it more difficult to obtain significant results. It can also be that categorizing evidence of post-conflict events in a number of countries into a limited set of categories do not measure the same phenomenon. We have already discussed the distinction between legal and political justice and have tried to differentiate between these types of justice by relying on regime type. The variation between different types of justice within different political and cultural contexts may, still, be too great to obtain strong and consistent large-N results. The context in which post-conflict justice takes place as well as the character and intention of this justice should therefore be more carefully explored in future research.

Another possible explanation is that the effect of the various types of post-conflict justice is not proportional with time, and hence we violate an important assumption of the Cox proportional hazard model. For example, amnesty can reduce the risk of post-conflict peace failure for a period of time, although it increases the long-term risk of peace failure. The risk of failure for a given variable over time can be expressed by a Kaplan-Meier survival plot. As an example Appendix 1 contains 4 Kaplan-Meier survival plots. Figure 1 expresses the survival rate for post-conflict peace periods with and without the presence of trials, while Figure 2 expresses the survival rate for post-conflict periods where amnesties has been recorded. The lines in Figure 2 intersect several times, meaning that although amnesties can reduce the short-term risk of failure this may not be the case long term. The same tendencies are present in Figure 4, expressing the survival plot for post-conflict peace in democratic societies, with and without amnesties, explaining the weak results for amnesty in Tables 1 to

4. The survival rate for trial versus no trials, in general (Figure 1), is more proportional and the lines to not intersect, explaining why the results for trial are stronger than those for amnesty. In democracies only (Figure 3), the hazard rate for trial is, again, less proportional, explaining why the effect of trial appears to be weaker in post-conflict democratic societies. In future research, we should explore these patterns of non-proportionality in more detail and estimate models controlling for these irregularities.

Conclusion

A general argument in the peace and conflict literature has been that states involved in civil wars do, occasionally, have to choose between peace and justice because guarantees against post-conflict prosecution makes it more attractive for rebels to lay down their weapons and cease fighting. In this paper, we have, however, argued that although guarantees against prosecution can be important in reaching a settlement, processes of post-conflict justice can be important for the duration of peace after settlement.

We expected various forms of post-conflict justice (trials, purges, reparation to victims, and truth commissions) to have positive influence on post-conflict peace duration. Processes associated with abstaining from post-conflict justice (amnesties and exiles), in contrast, we expected to be negatively associated with peace duration. However, we find only partial support for our theoretical propositions. The most important finding seems to be that trials contribute to peace duration, but the results are weak and sensitive to how the conflict terminated. Conflicts terminating by victory increase the chances of trials and prolong the peace period, though this finding is much weaker when we look at post-conflict democratic societies only. For the other types of post-conflict justice, the results were weak and insignificant. The exception is truth commission that has a strong and significant effect on peace duration in post-conflict democratic societies. Another important finding that goes contrary to our theoretical expectations is that allowing former perpetrators to flee into exile significantly reduces the risk of peace failure.

Still, there are many patterns to explore and findings that should be investigated in more detail. As mentioned in the introduction, this paper should be viewed as a primarily attempt to investigate some general patterns of post-conflict justice and peace quantitatively by the data made available in the Binningsbø, Elster, & Gates (2005) dataset. We do, however, acknowledge that variation in the context in which post-conflict justice are carried out, as well

as the various intentions underlying these processes, can make it difficult to obtain strong and consistent results. A suggestion for future research is, therefore, to pay more attention toward the variation in post-conflict justice. Including more interaction terms, where we distinguish between the effects of post-conflict justice in different contexts, can be a possible solution. Another suggestion is to look more carefully at the risk of failure over time, since this is not always proportional with duration. Are the short-term effects of post conflict justice different from the more long-term effects? The analytical results in this paper opened up for new questions and more research to be done. Fortunately, the detailed information in the Binningsbø, Elster & Gates (2005) data allows us to investigate these questions further.

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Appendix 1

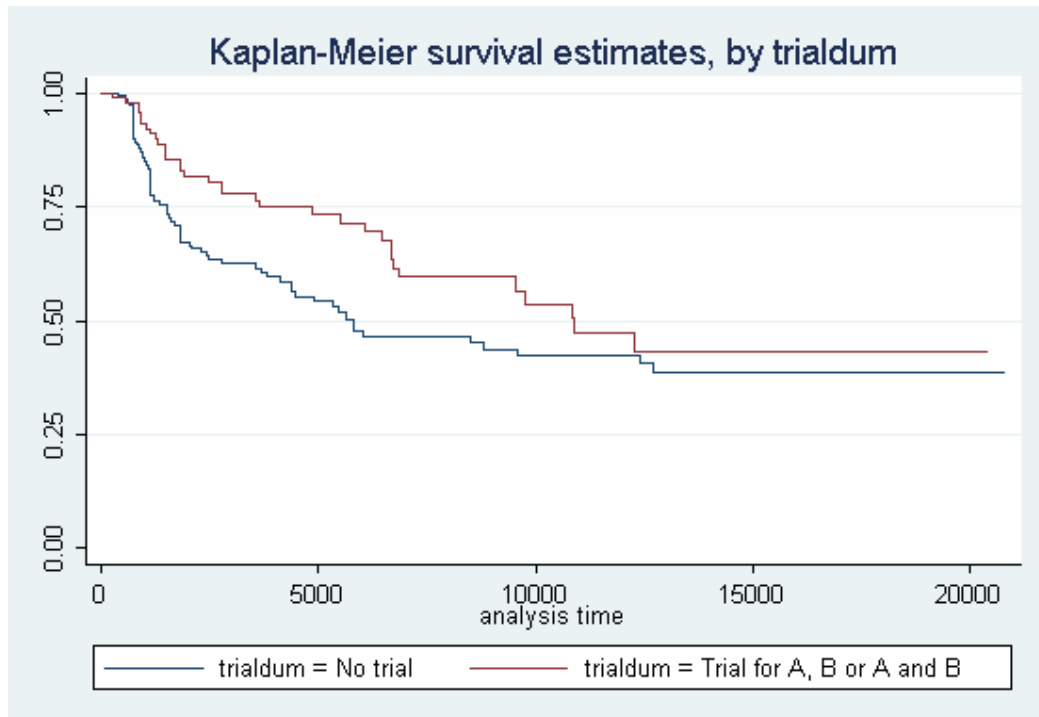**Figure 1: Kaplan Meier Survival Plot of Trial , all post-conflict periods**

Figure 2: Kaplan-Meier Survival Plot of Amnesty, all post-conflict periods
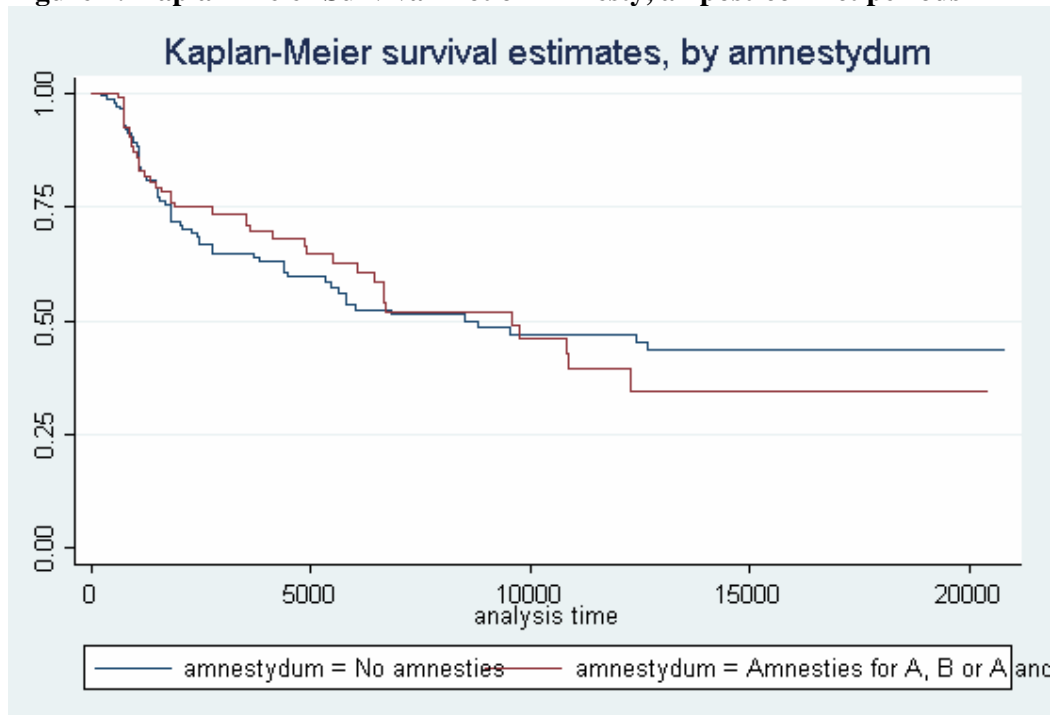
Figure 3: Kaplan-Meier Survival Plot: Trials in post-conflict democratic societies

Kaplan-Meier survival estimates, by trialdum

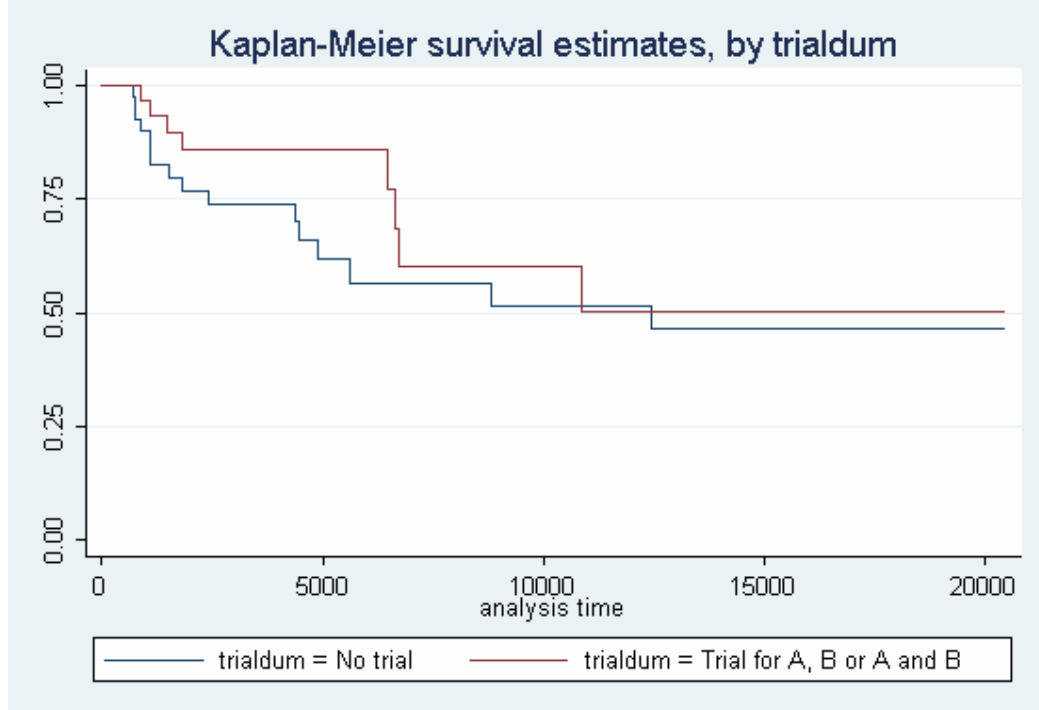trialdum = No trial
trialdum = Trial for A, B or A and B

Figure 4: Kaplan-Meier Survival Plot: Amnesty in post-conflict democratic societies

Kaplan-Meier survival estimates, by amnestydum

amnestydum = No amnesties
amnestydum = Amnesties for A, B or A and