

POST-CONFLICT LAW AND JUSTICE

# International Law and Post-Conflict Reconstruction Policy

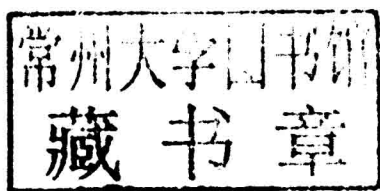
Edited by  
Matthew Saul and James A Sweeney

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# **International Law and Post-Conflict Reconstruction Policy**

**Edited by Matthew Saul  
and James A Sweeney**



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# International Law and Post-Conflict Reconstruction Policy

The trend for international engagement in post-conflict reconstruction has produced a host of best-practice postulates on topics such as local involvement in decision making, accountability for past atrocities, sensitivity to context, and the construction of democratic institutions of governance. International law has potential relevance for many of these themes, yet the question of how the implementation of best-practice policy recommendations might be affected by international law remains under-examined.

This book offers a fuller understanding of the role of international law in the practice of post-conflict reconstruction. It explores how international legal issues that arise in the post-conflict period relate to a number of strands of the policy debate, including government creation, constitution-making, gender policy, provision of security, justice for past atrocities, rule of law development, economic recovery, returning displaced persons, and responsibilities of international actors.

The chapters of the book work to reveal the extent to which international law figures in the policy of internationally enabled post-conflict reconstruction across a range of sectors. They also highlight the scope for international law to be harnessed in a more effective manner from the perspective of the transition to peace and stability. The book lays out a basis for future policy making on post-conflict reconstruction; one that is informed about the international legal parameters, and more aware of how international law can be utilised to promote key objectives.

**Matthew Saul** is a post-doctoral research fellow at the University of Oslo, Norway.

**James A Sweeney** is a Professor of International Law at Lancaster University, UK.

## Post-Conflict Law and Justice

International law has great relevance in post-conflict contexts, but the complexity of its role, both as a supporting and restraining factor, can be underestimated. This series explores the role of law, and in particular international law, in securing 'justice' in post-conflict contexts. The remit of the series extends to matters of law connected to, for example: post-conflict legal reforms and the development of constitutions; the establishment of the rule of law; the place of international organisations in post-conflict; peace-keeping; transitional justice mechanisms (including criminal justice); and discussion of *jus post bellum*. It also seeks self-reflexive works on notions of post-conflict justice, transitional justice, and similar.

**Series Editors:** James A Sweeney, Lancaster University and Matthew Saul, University of Oslo

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# Acknowledgments

The development of this volume has been closely linked to several other projects on popular governance of post-conflict reconstruction, and transitional justice, undertaken by Saul and Sweeney.

Saul's work (see Cambridge University Press 2014) has highlighted how international law can help to promote best practice policy in relation to popular engagement in decision-making on matters of reconstruction. But Saul's work has also drawn attention to how the underdeveloped nature of relevant aspects of international law can serve to enable situations where international actors keep individuals with potentially little claim to be representative of the will of the population of the state in authority. The risk that in such situations authority will be exercised in the interest of the governing individuals, rather than the population and situation as whole, necessitates that more attention is given to the issue at the centre of this book: how does international law regulate decision-making on matters of reconstruction following conflict?

The project has also been informed and benefited considerably from Sweeney's scholarly expertise on the topic of the interaction of transitional polices with European human rights law (Routledge 2012), as well as from his practical experiences, including his work as an expert advisor to the Council of Europe in Armenia, Azerbaijan (with the Venice Commission), Georgia, and Kosovo; and his recent work with the judges of the Supreme Court of Ukraine, and the Constitutional and Supreme Courts of Kosovo.

The completion of the volume has been aided through two workshops at which earlier drafts of the chapters were presented. The first workshop was held in Durham in June 2013, and was made possible by the financial assistance of Law and Conflict at Durham (now Law and Global Justice) and Durham Global Security Institute. A second workshop was held under the auspices of the Lancaster Centre for International Law and Human Rights in June 2014, and was made possible by the financial support of Security Lancaster. Many individuals were involved in making these workshops a success, but particular thanks are due to the key administrators Julie Platten (Durham) and Lynne Hargreaves (Lancaster).

Many thanks are also due to the team at Routledge who have been encouraging and extremely supportive from the outset, especially Mark Sapwell, Annabelle Harris, and Katie Carpenter. Particular thanks are also due to Routledge for

giving us the chance to start a new book series on the topic of post-conflict law and justice, for which we welcome enquires and proposals.

We also extend a special thanks to all of the contributors, not only for agreeing to participate and producing such excellent pieces of work, but for doing so with enthusiasm and an enviable capacity to comply with deadlines, which has made our roles as editors all the more pleasant.

Finally, thanks are due to our respective families, for providing the love, support and encouragement that has been crucial in the realisation of this ambitious project. Matthew Saul dedicates the book to Linn and their little son Scott Nathan who came into the world in April 2014. James Sweeney dedicates the book to Sarah, Grace and Isla.

Matthew Saul, James Sweeney  
Oslo and Lancaster  
October 2014

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