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Transitional Justice

Lustration, Truth-Revealing and Reconciliation in the Political Transitions of the Czech Republic, South Africa and Northern Ireland

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Abstract

During the last decades there has been an ever-increasing amount of democratic transitions taking place all over the world. In connection to this phenomenon, transitional justice has developed as a subfield in post-conflict peacebuilding, dealing with the judicial aspect of transitions. In applying theoretical constituents of transitional justice, this study examines the concepts of lustration (i.e. political purges) and truth-revealing processes in relation to reconciliation and democratic consolidation in South Africa, the Czech Republic and Northern Ireland. Though culturally and socially somewhat differing cases, they share similar problematic issues. In examining the effects of lustration and truth-revealing, the conclusions are not unambiguous. Most findings indicate that lustration do not considerably contribute to reconciliation, but could, if comprehensively implemented, contribute democratic consolidation through the removal of counter-democratic elements within institutions. Truth-revealing, on the other hand, is considered to contribute to reconciliation and subsequent societal change indirectly to democratic consolidation. The different circumstances in the examined cases, the type of rule prior to transition and the mode of transition have also had implications in the choice and feasibility of implementing lustration or truth-revealing.

Key words: transitional justice, reconciliation, South Africa, Czech Republic, Northern Ireland
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1   Introduction

In recent years, more focus has been placed on the legal trait in democratic transitions around the world, particularly after the end of the Cold War where many countries have made the transition towards democratic rule and hence a rule of law. The notion of transitional justice is also closely bound with the international regime of human rights and previous authorities' abuse of these (Vité 2005). International human rights law as well as international law has developed significantly over the last decades and given a more protruding role in international contexts. In addition to this development there has also been a surge of democratic transitions in many parts of the world, giving the notion of transitional justice further weight (Backer 2003 p. 297; Koch − Vedsted-Hansen 2006; Posner − Vermeule 2005 p. 2). International commitment to peacebuilding in post-conflict states has been given greater attention to the role of transitional justice and how it can serve to address the needs and grievances of victims of a repressive former regime as well as promote reconciliation and reform state institutions (Klug 2000 pp. 66f; Hansen 2000; van Zyl 2005 p. 209).

As Jeong claims, "[a] dysfunctional judicial system adversely affects efforts to restore political stability necessary to the development of democratic institutions" (2005 p. 69), thus transitional justice and its mechanism are vital to a process of democratization and consolidation. The dilemma of how to deal with the past requires making strategic choices adapted to each transitional context, where a state's cultural and political circumstances play an important role in achieving the desired result in terms of consolidation and democracy. Possible strategies include lustration, a component of transitional justice signifying the political purging of the former elite from state institutions, as well as truth-revealing processes, operating under the logic that truth is imperative to consolidation but also in some sense able to bring justice.

1.1   Statement of Purpose

The aim of this study is to examine how transitional justice has been implemented in three different political transitions, focusing on the processes of lustration and truth-revealing and how they affect reconciliation in divided societies. Truth-revealing and lustration will be discussed in relation to institutional reform initiatives and reconciliation in the Czech Republic, South Africa and Northern Ireland. Despite the circumstantial difference in these transitions, there are similar problems regarding societal inclusion and reconciliation, which makes the cases relevant in examining the relation of political purges to democratization in

political transitions. In applying transitional justice's theoretical provisions of lustration, truth and reconciliation to the cases, I will attempt to draw conclusions on their relative correlation as well as to democratic consolidation.

The issue at question is:

In which ways do lustration and truth-revealing affect the terms of reconciliation and democratic consolidation in political transitions?

1.2   Theoretical Approach

When dealing with concepts of truth, justice and reconciliation, there is always the problem of subjectivity and normativeness. This analysis sets out from the assumption that the canon of human rights should be a guiding norm in post-conflict peacebuilding and the transition to democracy, but acknowledges that there could be instances of necessary trade-off between human rights and feasible options in the democratization process and the procedure of reconciliation. Reconciliation is a highly subjective factor and hard to operationalize, but there seem to be some indication of the internal antagonism described in the literature to serve as a starting point. This study will attempt to find the correlation between the concepts in three cases, based on the research in the area of transitional justice that has been done on the transitions in the three countries. The survey is unlikely to result in one single conclusion, but drawing a picture on the complex relationship between the concepts and the different outcomes in the cases.

  The theory of transitional justice will be applied to the transitional cases of South Africa, Northern Ireland and the Czech Republic. In the theoretical chapter, the theory and concepts of transitional justice will be further explored, and in particular its components of lustration, truth-revealing and reconciliation. These three issues are hard to separate from one another, but all have similar implications. In political transitions, the measures taken and choices made in the process towards democratization include lustration and truth-revealing in order to achieve reconciliation. The healing of wounds and coming to terms with the past is considered of great importance for the consolidation of democracy. This might not always include justice in its legal sense, where truth-revealing processes offering amnesties circumvent trials and prosecution of former perpetrators, but instead contribute to a kind of public justice where information about past events may lead to the social exposure of guilt and blame.

  In order to distinguish the different processes' influence on society they are consequently related to the situation and development in each of the three cases with the aim of coming across similarities and patterns.

1.3   Method and Material

The study takes the shape of a most different design, in comparing three culturally, historically and politically different cases. They do have one thing in common, that of some type of political transition where measures of transitional justice apply. There is a similar problem with the question on how to deal with the past in order to move forward, where different countries have chosen different strategies.

In applying the theoretical perspectives of lustration, truth revelation and reconciliation of transitional justice, the study attempts to develop the theoretical implications of the aforementioned concepts in terms of democratic consolidation and institutional reform. Reconciliation in relation to consolidation is the central aspect of the transitions, while the different measures of lustration and truth-revealing carried out in the different cases and mostly associated with a specific kind of context also can be applied to different types of political transitions.

The study takes its starting point in the transitional justice literature and its implications in political transitions and the subsequent democratization process. The focus is thereafter directed at the specific measures of lustration and truth-revealing in relation to reconciliation as a component of democratic consolidation. The different implications are next applied to the political transitions in the Czech Republic (and former Czechoslovakia), South Africa and Northern Ireland. The cases principally serve to illustrate the reasoning and relative relation of the theoretical concepts, hence the focus of the case study is not on historical events, but factors that contributed to and affected transitional justice in the different contexts.

The relative lack of extensive research on the specific effects of lustration and truth-revealing processes in transitional justice and the three cases limits the material to consist mainly of articles from scientific journals, while the literature in respect to transitional justice, political transitions and democratization is more extensive. In consequence, the first, more general part of the study makes reference to a wider debate on transitions and transitional justice, while the latter part focuses on the existing material on lustration and truth-revealing in the specific cases. Most scholars seem to agree on the general signification of the concepts, but they do differ in their opinion on their application. I have tried to represent their opinions evenly and present a fairly objective image of the discourse.

I have chosen not to include the issue of morality, such as in the legal philosophical debate, as well as a deeper discussion on the responsibility of the state to protect citizens from human rights violations. In regard to lustration, I have chosen not to dwell on the issue of public employment and its requirements and implications in terms of political opinion in relation to national loyalty. Neither is the matter of democratic rule as the prevalent and dominating system problematized.

2   Theoretical Framework

The rule of law and democracy represent the two concepts of negative and positive liberty. Negative liberty is depending on the limitations of authority, where the rule of law is meant to protect citizens from state abuse, while positive liberty is subject to its exercise and advocate democratic participation (Sejersted 1988 pp. 131f). Transitional justice constitutes an elaboration of the legal aspect of democratic transitions in authoritarian states, and has earlier been incorporated into democratization theories. Situated at the crossroads between law, politics, and sociology, transitional justice is a contested field as well as its effects on societies in transitions (see e.g. Teitel 1997; Kritz 1995; McAdams 1997). During the last decades and its increasing number of democratic transitions, scholars have taken up an interest in the subject of transitional justice and begun to look into its different components, but yet today, the research in the area is not overabundant.

Authoritarian regimes might not be the only ones to leave traces of serious and systematic violations of human rights. Transitional justice is by its etymology closely connected to particular concepts of democracy and the transition towards it. The starting point in terms of movement has been the authoritarian state. But a similar legacy might manifest itself in states that have experienced long-lasting and structured political violence, even in cases where the structure could be considered largely democratic. The transition in such countries has nevertheless the same objective as in transitional democracies in achieving a stable and peaceful democracy. Traditionally the transition from authoritarianism to peace is a step in a process of conflict resolution, but according to the authors it can also help explain how judicial reform and measures play an important role in conflict resolutions in non-authoritarian countries like in the case of Northern Ireland as a part of Great Britain (Aoláin – Campbell 2005 pp. 173f). Posner and Vermeule takes a similar stand claiming that "legal and political transitions lie on a continuum, of which regime transitions are merely the endpoint" (2003 p. 3).

The main aspects of transitional justice focus on past actions and abuses. Prosecution, truth seeking and reparation are the most substantial elements, but there are also notions of reconciliation and institutional reform involved. These are by and large labelled as forward-looking measures in contrast to backward-looking measures striving to attain accountability for past abuses (van Zyl 2005; Posner – Vermeule 2003).

Debate concerns whether these measure do more harm than good, while many (e.g. Huntington 1991, Sieff – Vinjamuri 1999) claim truth commissions and prosecutions of war criminal in many cases are hurting society more than encouraging reconciliation, whereas others (e.g. Jeong 2005, van Zyl 2005) regard it as a necessary component in the democratization process and its consolidation. Strategies have ranged from massive criminal prosecution of the supporters of the

previous regime to unconditionally closing the book. All policy choices involve taking a stand in relation to the issue of acknowledgement, such as remembering or forgetting the abuses, as well as the issue of accountability, and whether to impose sanctions on the individuals who are co-responsible for these abuses (Huyse 1995 pp. 51f).

2.1 Transitional Justice, Legitimacy and Consolidation

According to Kaminski *et al.*, transitional justice refers to "the formal or informal procedures implemented by a group or institution of accepted legitimacy around the time of a transition out of an oppressive or violent social order, for rendering justice to perpetrators and their collaborators, as well as to their victims" (Kaminski *et al.* 2006 p. 295). Since the character of new democracies is largely influenced by the transitional authorities or popularly elected governments, they play an important role in deciding to enhance or diminish the respect for the rule of law. In their handling of the subtle balance between the gravity of the crimes committed by either the outgoing regime or by the opposition and the efforts of their perpetrators to forget the past, they set the tone for a continuing process of transition justice (Berat – Shain 1995 p. 175).

When evaluating transitional justice procedures, it is important to realize that they are not meant to be a permanent part of the political system, but are intended to operate only during the initial transitional phase. At this time the demanded for holding wrongdoers accountable for human rights is voiced, and the measures are to be in place only until such voices have died down. While many argued that in constitutional democracies laws should be executed according to protocol in a deontological fashion, their design should arguably also be governed by forward-looking considerations. Once in place, laws of the newly democratized state should always be followed, but in the stage of institutional design, their implementation should be conducted according to the long-term desirability of their future outcomes (Kaminski – Nalepa 2006 pp. 400f; Teitel 2000 p. 161).

2.1.1 Dealing with the Past

The mode of transition is one of the most important features when new regimes are to make choices on how to deal with the past and measures transitional justice. In case of an overthrow, there are very few constraints on the political limits, and full priority can be given to the need for justice and retribution. But in the case of a negotiated reform or compromise, the forces of the former order have not lost all power and control. The old regime and its advocates are able to influence political and social conditions and to a certain degree dictate the terms of the transition, leaving the new elites with limited options. The need to avoid confrontation

becomes the rationale for exchanging criminal prosecution and severe lustration for a policy of forgiveness. The successor government and its democracy are too vulnerable to reject exoneration of the former elite (Stepan 1986; Huyse 1995 p. 76).

The dilemmas that arise in democratic transitions generally include the issue on how to deal with the former regime and its adherents as well as how to achieve societal reconciliation and reconstruction of society (Kaminski *et al.* 2006 p. 295). The obvious political risk in a highly polarized society with a new, often weak regime is the damage measures of transitional justice might do. In most cases, the risk is closely associated with measures of retribution taken against those who have been involved in human rights abuses such as state officials or members of the opposition. The accused may still have connections and hold on to positions of power and might try to disrupt the democratic process through violent means or subversion to thwart the attempts to do justice. Prosecution and punishment of the security, police or armed forces which are often not wholly neutralized, could provoke a coup d'état and repeal all the gains of the unstable democracy. Additionally, if measures of retribution for some reason should fail to be implemented, developing democratic systems could lose the public support as well as the respect of the armed forces the new regime is trying to control (Cohen 1995 p. 34; Berat – Shain 1995 p. 166).

2.1.2 Democratic Consolidation

Measures of transitional justice could advance the long-term democratic consolidation in affecting society's behaviour, attitudes and legal foundations (Linz – Stepan 1996 pp. 6ff). Unless the crimes of the defeated are investigated and dealt with, there can be no real growth of trust, nor can democratic norm come to be implanted in the society at large and consequently no genuine consolidation of democracy take place (Huyse 1995 p. 57). Successful institutional reform and a continuous democratization process also vindicate the value of former political dissidents' convictions and rebuild confidence that the repressive regime destroyed. The establishment of equality before the law, universal suffrage and equal rights indisputably demonstrates the end of divisive practises and a move towards democracy (Przeworski 1988; David – Choi 2006 p. 344). A new or reinstated democracy is thus in need of legitimacy. Prosecution is considered one of the things necessary to "assert the supremacy of democratic values and norms and to encourage the public to believe in them" (Huntington 1991 p. 213). The success of restoring the rule of law is highly dependent on the political will, and failure to take measures of transitional justice such as prosecution and lustration could cause popular cynicism and distrust towards the political system in the general public (Mani 2000p p. 99f; Huyse 1995 p. 56).

Part of the normative discussion around transitional justice is focused on the aspect of retroactivity and how new laws are applied to the past (Kaminski – Nalepa 2006 p. 387). Transitional justice is often accused of establishing a retroactive justice, in the punishing of deeds that were legal at the time they were

performed (Kaminski *et al.* 2006 p. 298). Even though retroactive laws are contradictory to the three principles of generality, predictability and equality before the law, which characterize the rule of law, one has to realize that the principle on non-retroactivity was introduced in a different political context than those of democratic transitions. The principle's core meaning was to prevent extensive changes in law from disrupting citizens' lives and sense of safety, as well as to provide predictability in a stable political regime (Kaminski – Nalepa 2006 pp. 387f).

2.2   Lustration

Lustration systems are part of post-conflict intervention strategies and are commonly used to describe political purges in Eastern Europe's post-communism transitions. It involves barring former (communist) secret police agents and collaborators from public office for a certain period of time. The disqualification of the former elites, the agents of the secret police and their informers, or of civil servants is a second way to address the question of acknowledgement and accountability. In most post-communist countries in East and Central Europe, lustration has been a way to sidestep criminal prosecution (David 2006 p. 363; Lós 1995 p. 118, footnote 1; Huyse 1995 p. 52). Pure forms of democracy require pure political equality, although this principle may conflict with the new state's need for stability, and it might be decided to limit the former elites' access to office (Kaminski *et al.* 2006 p. 298).

Lustration law is designed to result in personnel changes to eliminate corruption and power abuses, which were emblematic for regimes lacking a rule of law. The objective with lustration is to prevent vindictiveness and excess in settling accounts with collaborators of the former political police using extralegal measures. It also aims at removing persons form public service who are not deemed trustworthy because of their involvement in the former regime. In this way, the law contributes to establishing a loyal administration and armed forces. The absence of lustration laws or its poor implementation allows people once closely connected to the old regime to continue influencing the new democracy and take advantage of their social capital. The perils are connected to with having undisclosed former collaborators in positions of authority, when their past may still hold power over them in terms of old connections, loyalties and networks etc. They may furthermore be blackmailed in connection to their past and used to serve undemocratic forces' purposes, and could in this way pose a threat to national security and the emerging democracy (Lós 1995 p. 148; David 2004 p. 789; Kaminski – Nalepa 2006 p. 386).

The reform of institutions of law enforcement or security character in transitional contexts poses difficult challenges through their traditionally rigid structure and record of repressing rather than serving the governed. In the transformation of institutions there might be significant persistence of old personnel from the old system, there is likely to be some kind of "shifting of the

bad apples", possibly through a process of lustration. Change therefore surpasses mere reform, where modified legal and organizational frameworks, in addition to personnel changes and alteration of institutional ethos contribute to form a break with the past. When applied to a democratic context, change in a liberal-democratic state should be characterized by more of an institutional continuity since the state institutions operate with the consent of the governed, and they are supposedly more sensible to the need for change. The disparity between required and actual behaviour should thus be much less significant than in authoritarian states. Institutional change in a democratic context requires the acknowledgement of institutions that they were complicit in the conflict and that they were inadequate to respond to the needs of their community (Aoláin – Campbell 2005 pp. 200f).

2.2.1 Criticism of Lustration Procedures

From a legalistic human rights perspective, lustration is a questionable method of coming to terms and dealing with the past. It gives rise to a collective witch-hunt rather than the pursuit of individual responsibility through some kind of criminal law. Whole groups of people are being punished for association, no matter how unsubstantiated a relation, instead of any specific violation. This kind of collective punishment represent the worst kind of state crime, such as whole communities being punished for the actions of one member and has been severely criticized by the human rights community (Cohen 1995 p. 27).

The central role of the secret police archives in any lustration policy aggravates this ambiguity. A means for truth revelation to some, an outrageous totalitarian fabrication to others, they have become texts loaded with political and ethical significance in the debate on truth and justice. The problem with lustration is more the way it has been carried out than its implications, with evidence based on unreliable secret police files thus removing supposed informers and collaborators from public office, the very categories of offenders that could pose a threat to the moral purity of a society by blurring the boundaries of good and bad. (Lós 1995 p. 118; Cohen 1995 p. 27)

The credibility of the secret police files has been a constant theme in the political and public debate on lustration. As opposed to those favouring the opening of the secret archives and bringing the truth out in the open, another view rejects the possibility that any truth could come from such "professional liars" as the secret police. Another version of the fabricated truth points to various internal, administrative, and financial pressures that allegedly led secret police functionaries to falsify their records. Moreover, the archives comprehensiveness is challenged, where many of the records show gaps and raise the suspicion that large quantities of files were destroyed or removed by secret service officers during the transition period (Lós 1995 pp. 132, 135f). The apparent inaccuracy of the secret files forms a wobbly foundation for lustration process to stand on.

2.2.2 Lustration in Relation to Truth and Reconciliation

Lustration is one way of acknowledging past evils, but its moral and legal flaws aside, is technically a rather unsuited method of truth telling. Truth lies in accumulation of individual details, personal responsibility for actions, and not in a blanket disqualification of anyone tarnished by the old system (Cohen 1995 pp. 18f). Lustration may be preceded by some kind of truth-revealing process, a temporary body of inquiry investigating patterns of abuses, but is not a necessary feature. Truth commission might also be instigated when the conditions are such that lustration procedures are not viable due to lack of documents to be used as evidence. Since lustration requires an archive with names and cases, the procedure can only be applied when there was a sizable secret police apparatus than documented its activities (Kaminski – Nalepa 2006 pp. 384f). Lustration might contribute to reconciliation between individuals and state institutions in the way of recreating trust in the state institutions. If feared and hated violators of human rights in the military and police are no longer part of the system and bearing the authority of state uniforms and duty to protect the citizenry, people might regain some of their trust in the institutional system (Mani 2005 p. 520).

2.3 Truth-Revealing Processes

Truth revelation procedures are examples of transitional justice in the aftermath of democratic transitions, rather than measures of transitional justice in the wake of wars of independence or the like (Kaminski – Nalepa 2006 p. 386). Preconditions for a successful truth commission includes broad and clear mandate, political support throughout the process, as well as political will and commitment to implement reforms and recommendations. If these conditions are not met, there is a great risk that the work of the truth commission will fail and in this way lose the opportunity for justice (Mani 2005 pp. 517f).

The truth phase of transitions depends much on the relationship between the former and current order. Total regime change is highly uncommon, and where a displacement of every agent of power and influence is simply not possible, there will always be individuals in positions of power in the transitional or final democratic regime that were involved in abuses of the past or sanctioned them by their silence (Cohen 1995 p. 15). Snyder and Vinjamuri conclude that truth commissions have most frequently been employed in states still depending on the cooperation of potential spoilers with retaining influence for its stability. They claim truth commissions likely to be "most useful when they provide political cover for amnesties, and when they help a strong, reformist coalition to undertake the strengthening of legal institutions as part of a strategy based on the logic of consequences" (2003 p. 31).

But truth-revealing processes need not necessarily trade off justice for peace. The attitudes of victims can benefit the whole society in ending cycles of violence and re-establishing the order (Chinapen – Vernon 2006 pp. 118ff; David – Choi

2006 p. 340). A victim-centred course of action based on the demands of those oppressed, can be problematic in the sense that the demands are seldom internally coherent. In some cases, survivors might be content with truth-telling and political testimony, while in other cases victims can not let offenders do unpunished after having confessed to atrocities. At this point the question arises whether to engage in legal procedures and punishment even if the greater public is against it, with the motivation that the value of law need to be upheld and should not be waived on account of a capricious public opinion. Central in all strategies is yet the assumption that some kind of truth-telling first has to take place (Cohen 1995 p. 42-44).

Kamiski and Nalepa are of the opinion that the ultimate goal of truth revelation procedures is reconciliation between members of the society that stood on opposite sides during the past regime (2006 p. 386). For survivors of the old regime, the primary incentive in truth-telling lies in the value of truth itself. After years of denials and lies, many people have a powerful desire to know what actually happened, and for many victims the demand for truth is often more important than the need for justice. Justice will not change past, but the truth may change the perception of it (Cohen 1995 p. 18).

According to Gibson (pp. 420, 430), the only successful way to democratization requires some sort of truth and reconciliation process. Reconciliation of some kind is essential for most democracies to be consolidated, such as commitment to tolerance, the rule of law, etc. Democratic consolidation cannot take place without the fundamentals of a democratic political culture, such as democratic beliefs, values, attitudes and behaviours predominant in the political system. And a democratic culture grounded in reconciliation is more likely to be stable than one that is not.

2.4   Reconciliation

When reconciliation includes forgiveness the need to know the truth becomes especially important. Victims and survivors have a hard time forgiving if they do not know what they are supposed to forgive (Cohen 1995 p. 41). The reconciliatory link between the past and the future is the central theme in both post-conflict peacebuilding and transitional justice, at the same time connecting transitional justice as well as separation them. Mani considers transitional justice giving greater importance to the past and resolving the burden of past atrocities, while reconciliation is turned towards the future and a return to normalcy (2005 p. 514). On the other hand, reconciliation being one of the desired outcomes of transitional justice, processes of naming and punishing human rights violators is considered to promote reconciliation between former dissidents and the oppressors by healing the wounds of the dissidents and their supporters (Kaminski – Nalepa 2006 pp. 396f). This is illustrated by Huyse's reasoning that putting back in place the moral order that has broken down requires that "justice be done" (1995 p. 55). The successor government is considered to owe doing justice, above

all as a moral obligation to the victims of the repressive system. Post-authoritarian justice serves to heal the wounds and to repair the private and public damage the antecedent regime has caused.

Reconciliation can be divided into four sub-dimensions and defined as interracial reconciliation, political tolerance, support for human rights principles and the rule of law, and the extension of legitimacy to political institutions. This also implies rejection of interracial stereotypes and prejudice, and a willingness to allow one's political foes full rights of political contestation. Re-education on the grounds of human rights is an example of an important step in the right direction, but not only rights such as listed in covenants, but also on the limits of obedience to authority, the virtues of whistle-blowing and the duty to intervene (Cohen 1995 p. 42; Gibson 2006 p. 413).

However, part of the process of reconciliation involves changing societal norms and values. When victims share their experiences with the rest of society it can stimulate an understanding of the past, while at the same time providing sympathy and social acknowledgement. This can promote attitudinal changes within society, and the testimonies from victims on the pattern of abuse can add to the advancement of structural and institutional reform (David – Choi Yuk-ping 2005 p. 434).

The restoring of relationships after conflict is generally focused on national reconciliation, while little attention is given to individual reconciliation. The emphasis on national reconciliation in a politically driven post-conflict process does not automatically bring about individual reconciliation and may even impair it. On the other hand, national unity and reconciliation are dependent on the individuals in society feeling reconciled with each other and the new state authorities. Forgiveness comes to play an important role in the process of individual reconciliation in the aftermath of political conflicts. Considered to support the process towards peace and reconciliation, forgiveness also benefits victims, perpetrators and divided societies. Citizens have to be inclined to reinvest their trust in the state and its institutions. Forgiveness can end cycles of violence, renew civic relationships between victims and perpetrators and allow bystanders to realize their own role in the past (Mani 2005 p. 513; David – Choi 2006 p. 340).

Reconciliation can in turn give rise to the consolidation of democratic change tied to its different components. The reduction of political intolerance leads to the expansion of individual freedom and an unrestricted marketplace of ideas as well as a reduction in inter-group prejudice results in increased inter-group trust and cooperation. Support for a human rights culture increases the constraints in the ability of authorities to suspend or manipulate the rule of law, while institutional legitimacy expands the capacity of institutions to make unpopular but necessary decisions. Finally, the creation of a collective memory redirects the political debate from the past to the future (Gibson 2006 p. 415).

In Mani's opinion (2005 p. 522), reconciliation can only come from a kind of justice that is inclusive and uniting rather than exclusive and dividing. It needs to be survivor oriented rather than focused on victims and perpetrators, permanent and progressive rather than transitional, temporal and incomplete. She considers

truth commissions and trials unable provide for this, and she proposes a more inclusive kind of retributive justice. All individuals in post-conflict society must be included in the form of justice pursued and must be treated as "survivors" of conflict (see also Gready 2005; Backer 2003). One could argue that the democracy system could provide such a justice, through its rule of law and supposed inclusiveness, and if national reconciliation can lead to consolidation of democracy, national reconciliation could in this way contribute to individual reconciliation.

Dealing with the past is an inescapable task for new democracies. Successor elites may be put off by the many delicate and explosive aspects of the assignment. But there is no way out. Choices must be made, even if each of the alternatives presents serious problems. Just ignoring the problem of transitional justice may be tempting, but have shown to turn out very costly in terms of democratization and consolidation. Reconciliation is seen as a crucial prerequisite for the consolidation of a developing democracy, and to some, reconciliation can only be attained if the successor elites refrain from seeking justice from the previous regime. Opponents of impunity argue that, on the contrary, the survival of a new or re-established democracy depends on measures of transitional justice being carried out and especially prosecutions as the ultimate insurance against future state-sanctioned abuses (Huyse 1995 pp. 64f).

3 Lustration, Truth-Revealing and Reconciliation in Political Transitions

3.1 The Czech Republic

In Czechoslovakia, a lustration law was passed in October 1991, thus barring former high-level party officials, members of the police forces, and their collaborators from occupying high public posts within the state sector, including the military, the judiciary, universities and state mass media for five years. Although the law was not enforced in Slovakia after the break-up of the federation at the end of 1992, it was extended twice in the Czech Republic, the second time without limitation (Lós 1995 p. 121; David 2004 p. 792).

The Velvet Revolution of 1989 was not followed by a massive removal of the advocate of the old order. Between October 1991 and November 1992, Czechoslovakia had a relatively severe lustration law in place. High functionaries of the Communist Party, state security agents, informers, together with students from some schools of higher education were to be automatically banned from assuming certain posts for five years (Huyse 1995 p. 68).

After the fall of the Berlin Wall and the commencing disintegration of communism in the neighbouring countries of Poland and Hungary, Czechoslovakia's Communist Party was left in political isolation. Student strikes and mass demonstrations during a few days in November 1989 was enough to put the old government out of power and lose all control of decision making at the central Governmental level. This enabled the new government to make greater progress in dealing with the past than its neighbours could. The repressive provisions of the penal code were lifted, and repressive organs of the state were resolved (David – Choi Yuk-ping 2005 p. 397). The incumbent elements in the Czechoslovakian transitional authorities were weakened to the point where they became dependent on the opposition to avoid their complete elimination. Officials in the former communist order relied on the new regime to protect themselves from uncontrolled acts of retribution by the people, and in such situations transitions are likely to result in extensive attempts to do some kind of justice. The subsequent measures of lustration after Czechoslovakia's Velvet Revolution clearly illustrates this point (Berat – Shain 1995 p. 170).

Despite measures to facilitate the prosecution of perpetrators and legislation to circumvent the principle of retroactivity, the new regime failed miserably in the prosecution of political crimes. This failure depended on a combination of

structural obstacles in legal, institutional, and personnel continuity with the past, as well as the post-communist mentality and the ideological constraints stemming from the peaceful nature of the Velvet Revolution (David – Choi Yuk-ping 2005 pp. 400f).

The post-communist Czechoslovakia was a state with many victims but few identifiable perpetrators (Kaminski *et al.* 2006 p. 300). Countless victims, but also perpetrators, are still heavily afflicted by the past in the Czech Republic, implying a lack of reconciliation and how past political conflicts and divisions have not been overcome. Unhealed wounds and a general frustration that perpetrators had knot acknowledged their responsibility have continued to generate antagonism that hamper reparation (David – Choi Yuk-ping 2005 p. 426).

The truth phase in Czechoslovakia took the shape of opening up secret archives and publicizing its files. This knowledge was subsequently more tied to demands for individual punishment such as the purgative policy of lustration (Cohen 1995 p. 16). A truth commission as a public forum where victims have the opportunity to tell their stories and to meet and restore their relationship with perpetrators was not established in the Czech Republic. Truth-telling was mainly done by the media and access to the secret files archive, but many of the informers' names had been blacked out from the records (David – Choi Yuk-ping 2005 pp. 400, 412).

The use of police archives and the inclusion of names on these lists even of people who refused to collaborate with the communist regime or who were blackmailed led to grave mistakes, abuses and injustices in the process. The most ardent adherents of the lustration process were people who hardly contested the old regime, but were part of the previous silent mass. Perhaps not feeling the need for justice in the position of victims, they did feel a real desire for truth and justice, a need to hear some admission of shame from the worst of the public officials. But there were no public shame, no apologies, no confessions, and no accountability at all which resulted in such an obsession with naming, lists and purging (Cohen 1995 p. 26). The people had to make do with social acknowledgment that was rendered through parliamentary acts and government activities, such as acts on the illegitimacy of the old regime and honouring of the resistance (David – Choi Yuk-ping 2005 p. 400).

Lustration law in the Czech Republic does in some ways violate the right of former employees of the totalitarian state to hold senior administrative positions in the new democracy. Nevertheless, the right to public employment was intentionally omitted from the European Convention of Human Rights since the requirement imposed on public servants mean that their employment is generally treated differently from that in the public sector. Public employment was once upon a time considered a privilege, and while the concept has been abandoned, its functions have not changed. Requirements for public service or legitimate state interest are basically the same today as then, hence there are still good reasons for not regarding public employment as a right (David 2004 pp. 797f). Still, former political prisoners are critical that the lustration law has not prevented all the former adversaries from holding political office. All post-1989 with the exception

of Vaclav Klaus are former members of the Communist Party (David – Choi Yuk-ping 2005 p. 402).

Roman concedes that although "the Czech lustration law served important functions during the initial period of transition, the balance between liberty and security is not constant". Lawn need to be reviewed as the political environment changes and other considerations needs to be taken into account as well. The changing nature of networks could also indicate a need for revision of the lustration law. Post-communism corruption, lack of impartiality and poor efficiency of public administration, problems of law enforcement and the like, can only be blamed on the former communists for so long. New corrupted actors are coming along, using other channels to strengthen their economic influence in Central Europe. (David 2004 pp.804f)

To sum up, lustration in former Czechoslovakia was largely enabled by the weak position of the former regime during transition and the authoritarian state's lack of legitimacy. Criticized for being contrary to principles of the rule of law, the new government decided that political purging of state institutions was more important than adhering to the rule of law. Lustration was also the only measure of transitional justice than were properly implemented in the Czech Republic, while prosecution fails and truth-telling was conducted through the media. Despite lustration law, victims still express their disappointment over prominent politician in the post-communist government despite corroboration with the former regime. Lustration has thus not completely fulfilled its purpose. Reconciliation is not widespread, with many victims and also perpetrators still feeling heavily affected by past injustices and crimes, possibly due to the lack of any kind of truth-revealing process.

3.2 South Africa

The South African Truth and Reconciliation Commission (TRC) is undoubtedly the most widely discussed truth and reconciliation process in transitional justice, and generally considered the most effective any country has yet produced (Gibson 2006 p. 409). The transition in South Africa was characterized by the attempt to strike a balance between the interest of the old and the new regime. The democratic opposition negotiated a power-sharing arrangement with the same forces, and sometimes the very same people, that were responsible for the worst oppression. Despite the seeming flaws in such a transition, the paradox is that in order to achieve the political conditions under which the rule of law is eventually possible, some measures of impunity might be the best way to create these conditions (Cohen 1995 p. 34).

The ANC had little choice in accepting the granting of amnesties, since the apartheid forces had made the issue non-negotiable in the bargaining during the transition. The ANC was weakened by the loss of the support from the collapsing Soviet Union, and the military was still a strong institution. In order to avoid the outbreak of full-scale civil war in South Africa the demands for widespread trials

had to be sacrificed and were not a feasible option (van Zyl 1999 pp. 650f; Gibson 2006 p. 424).

In 1992, one human right organization wrote to South African president F.W. de Klerk as the government was planning on a general amnesty that it would be "impossible to expect 'reconciliation' if part of the population refuses to accept that anything was wrong, and the other part has never received an acknowledgement of the suffering it has undergone or of the ultimate responsibility for that suffering" (Human Rights Watch 1992). But the truth and reconciliation process concerned a great deal more than just amnesties, and even amnesty hearings often turned into tutorials on reconciliation and forgiveness. One of the most important aspects of the process was the fact that victims were given the voice to tell their stories, receive acknowledgment and in some ways experience a restoration of their dignity. In this sense, the amnesty proceedings shifted the focus from the perpetrators to the victims, and still managed to neutralize the impact of spoilers. The fact that the process was emphasizing a non-retributive form of justice also contributed to its achievement. Despite the granting of amnesties to gross human rights violators, the commission seemed to generate a kind of justice that satisfied many, and could in such a way overcome the prosecutable justice deficit (Gibson 2006 pp. 417, 425).

One of the first steps on the way to reconciliation is the realization that the opponents were unjustly victimized and that one's own side bears some responsibility. The way the South African Truth and Reconciliation Commission even-handedly laid the blame on all sides of the conflict contributed to reconciliation, and according to this logic truth contributes to democratic consolidation by changing society and people's perception of themselves and their opponents. The ANC leaders were from the outset also willing to acknowledging the abuses by their own people, thus facilitating reconciliation in taking part of the blame (*ibid* p. 419; Berat – Shain 1995 p. 167).

The reconciliation process was also facilitated by the public respect that the top incumbent and opposition leaders possessed and that they had not been directly implicated in illegal abuses. Institutions of apartheid were certainly designed in an autocratic and repressive way and did over time come to clash with international human rights norms. State officials also perpetrated many human rights violations in an extralegal manner. But apartheid still retained a relatively high level of state legalism, if not in practise, at least in theory and propaganda. The general behaviour of the state as such was markedly rooted in notions of professionalism such as impartiality, continuity of service and institutional autonomy form partisan politics, characteristics firmly connected to values of democracy (Berat – Shain 1995 pp. 167, 188f).

Also in terms of procedure, apartheid was very much a system based on the rule of law. Racial discrimination and political suppression was not practised in an arbitrary and unregulated manner outside the law, but carefully carried out in accordance to legal rules and procedures. The comparison of the scope of the rule of law in South Africa should not so much be made to fully functioning democracies but to other authoritarian states, where rule is often highly arbitrary. Needless to say, a rule of law can work as repressive too, and serve dictators and

democrats as well, but in South Africa it provided procedural protection to those whom it denied substantive rights to a remarkable degree (Gibson 2006 p. 422). This probably contributed to the main opposition's understanding was such that the continued viability and legality of the old state institutions, despite the old regime's lack of legitimacy, were essential in accomplishing a peaceful transfer of power (Berat – Shain 1995 p. 167).

In South Africa, lustration seems to have been peripheral in the two-phased transition with the initial caretaking of the administration and subsequent power-sharing coalition that managed democratization. The creation of parliament, constitutional conventions, election procedures, control over police and military forces, how political parties should be constituted, recognized, and dissolved for cause were issues that all were more central to the constitution-making process than the process of lustration (Stinchcombe 1995 p. 268).

Though the process in general opinion was successful in South Africa, the truth and reconciliation process carried out there may not experience such a triumph elsewhere. The conditions favouring reconciliation in South Africa may be absent and the desirable outcome not achieved, leaving unfulfilled high expectations behind (Mani 2005 p. 519). In comparison, the conflict over apartheid in South Africa was not a civil war and large proportions of the population were not directly affected by the conflict. This no doubt makes reconciliation easier than elsewhere (Gibson 2006 p. 426).

South Africa's negotiated settlement was characterized by a strong incumbent influence. The anti-apartheid opposition did not have the political means to shape the transition and the processes to deal with the past, and had to agree to the granting of amnesties etc. Both sides did accept part of the blame that the truth commission directed at the, and the commission was considered being fairly unbiased. It is considered that the ANC and further opposition had to agree to a trade-off between legal justice and truth-revealing, in order to succeed in accomplishing the negotiations. The truth-revealing process is generally considered to have contributed to democratic consolidation and changing societal attitude. It is also suggested that the surprisingly legalistic structure of the apartheid system rendered lustration procedures unnecessary. This was possible a contributing factor when the ANC agreed to amnesties and truth-revealing instead of insisting on institutional reform and lustration in combination with prosecution and trials.

3.3   Northern Ireland

There is a general assumption that democratic states do not systematically violate human rights, because one the initial infringement is committed the states own human rights protection system should be activated to correct the behaviour and prevent it form happening again. Thus, when systematic abuse takes occurs in a democratic state, it is a clear indication that the political process is some way is dysfunctional. Although the United Kingdom as a whole has long functioned as a

liberal democracy, this is not true of Northern Ireland. During the first fifty years of Northern Ireland existence's there had only been unionist one-party rule to represent the substantively divided society in power, later to be succeeded by direct rule from London in 1972. While regular elections were held in Northern Ireland and some procedural conditions of democracy were met, the state was still largely excluding the minority Catholic population, resulting in a democratically dysfunctional entity within a liberal democratic state that did not attend to the problems of its existence (Aoláin – Campbell 2005 pp. 186f, 191).

Northern Ireland constitutes a good example of a situation where security responses, especially in the early years of the conflict, repeatedly debilitated the legal responses trying to remove the political causes of the conflict. This trend was denied by official measures on emergency and anti-terrorist powers, which throughout the conflict were labelled as a response to politically motivated violence and terrorism of the liberal-democratic state. Though the conflict has mainly been described as one between militaristic internal constituencies, the laws and institutions of the state played a significant role in the conflict, being involved in the causes and management of it. Hence the legal failings of the state during the conflict compromise its current efforts at facilitating the end of conflict. The political ownership of the police and military actions makes it difficult to acknowledge their failings. When the state did not have the necessary distance to the actions of its law enforcement institutions they could not distinguish the cause and effect of the state's response to terrorism and the origin of violence (Bell *et al.* 2004 p. 310; Aoláin – Campbell 2005 pp. 192, 203).

Fundamental elements of the previous political power structure are still in place in Northern Ireland and have remained intact to protect its interest, making it very difficult to place British rule and its systematic abuse under investigation and possibly trial (Rolston 2002 pp. 96-98). There is some acknowledgement of the existence of individuals within the system who are guilty of human rights abuses and a concession that state officials and institutions might have behaved inappropriately or outside the law at certain occasions. In spite of this, there is no investigation for systematic conclusions, and facts indicating such behaviour are vehemently denied. (Aoláin – Campbell 2005 p. 205)

The Good Friday Agreement targeted the legal institutions of the police, the courts, the prosecutions service, as well as the prisons while simultaneously putting forth provisions for their reform (Thompson 1999 pp. 239ff). This institutional reform is contested in two main aspects. There is no shared version of past events, no shared truth of the causes of the conflict and its manifestations which has led to differing opinions on the legitimacy and role of actions of legal institutions during the conflict. Neither is there consensus on the extent to which legal reform need to be grounded in some sort of constitutional settlement (Bell *et al.* 2004 p. 313). One of the problems with the reform of legal institutions was the fact that even though the Good Friday Agreement contained provisions for institutional change, the details of reform were to be decided on by various commissions and reviews. This led to a substantial renegotiation of the terms and the change in the scope of reform, further illustrating democratic institutions unwillingness to reform. (Aoláin – Campbell 2005 p. 204)

During the negotiations leading up to the Good Friday Agreement there was little debate on the need for truth about the state's previous human rights abuses in contrast to other democratic transitions (Rolston 2002 p. 92).But gradually, voices are starting to being heard claiming the need for far-reaching reform on the grounds of widespread institutional failing, corroborated by the number of human rights abuses (Bell *et al.* 2004 p. 313; Hart 2001 pp. 160ff). In the current transition, the dealing with the past has been fragmentary. The Good Friday Agreement gives no specific reference on how to deal with human rights abuses of the past, although some isolated commitments has been done under some scattered provisions dealing with prisoners and victims of the conflict (Aoláin – Campbell 2005 p. 208).

Considering the diverging opinions about past events, an official inquiry and attempt to establish some kind of consensus concerning the injustices could have constituted an impediment to the peace process. The gradual approach that has been applied in Northern Ireland evaded this problem and could focus on reform in regard to the issues for which there have been specific political demands. Another possibility could have been to try and establish a broader truth-revealing procedure, not intent on finding a single truth, but multiple ones that cumulatively could contribute to understanding and acceptance (Bell *et al.* 2004 p. 316). All parties did agree on the indispensability on acknowledging and addressing the suffering of victims of violence as a necessary element of reconciliation. The efforts were led by various British state officials and immediately took a slightly biased character in giving greater recognition to victims of violence within the police and military forces in the service of the community than to victims of state violence, leaving public interest groups of the latter victims struggling to bring their cause onto the agenda (Rolston 2002 p. 93).

Northern Ireland constitutes a different case in transitional justice. Being part of a democratic state has not automatically implicated an absence of human rights abuses and democratic settlement of the conflict. Instead, supposedly democratic legal institutions have come to be part of the conflict. The problem is then how to acknowledge their failing without undermining the democratic British state, where the democratic label essentially shields institutions form criticism and reform. The transition in Northern Ireland is far from complete, seeing as few of the provisions of the Good Friday Agreement have been implemented and there has been substantial defiance to their realization. It seems like Northern Ireland (and Great Britain) need to come to an understanding regarding the events of the past to overcome hostilities and divide. The implementation of the Good Friday Agreement would provide with a good basis for such a development, in spelling out institutional and democratic reforms that might contribute to reconciliation.

4   Discussion and Conclusion

As the case study has illustrated, diverse measures of transitional justice have been applied in the different countries. The common problem of dealing with the past is encountered in the political transition that has taken or is taking place in the Czech Republic, South Africa and Northern Ireland. The different processes of lustration and truth-revealing have led to diverging developments in the concerned cases, where decisions had to be adapted to feasible solutions and realistic approaches. The cases vary in the extent of human rights abuses, being most widespread and enduring in South Africa. But political repression in former Czechoslovakia was significant in relation to its population, in the same way that inter-group violence had divided Northern Ireland. The basis for conflict and discrimination is also different in the three cases, with repressions on racial grounds in South Africa, political grounds in the Czech Republic and ethnic/religious ground in Northern Ireland.

The extent of institutional reform is also varying. Lustration laws in former Czechoslovakia brought on institutional reform through political purges, where the stability and integrity of the state were deemed dependent on the removal of corrupt and untrustworthy individuals from state institutions. Institutional reform was also initiated in Northern Ireland, but ran into complications due to the unwillingness of actors and institutions to acknowledge guilt and responsibility. In South Africa, institutional reform and lustration were traded off in exchange for truth and reconciliation. The process of lustration thus seems to be related to the existence of democratic or legal institutions. While there were no democratic elements in the Czech system, lustration was considered a necessary stipulation to protect vulnerable institutions without the protection of democratic heritage. In South African, the legal character of institutions corresponded to an astonishingly high degree with the legality of democratic systems. Presumably because of this, they were not considered as important to address in relation to the democratic consolidation as the reconciliation of society. The opposition had to prioritize and pick their fights, and did then favour reconciliation over legal justice. In Northern Ireland on the other hand, the democratic system seems to be inhibiting the reform of institutions through the assumption that they by their democratic nature are without fault.

In terms of reconciliation and its positive influence on consolidation, truth procedures appear to be most efficient. There is widespread recognition of the reconciliatory effect on society in South Africa, even though it might not entirely be attributable only to the truth-revealing process. It is not plausible to eliminate the possibility that other factors also might have influenced the process of democratization. Evidence suggests that lustration in the Czech Republic did not prevent former collaborators to infiltrate the political system and hold high public

offices, while at the same time undermining the rule of law through its extrajudicial character and unsatisfactory implementation, thus lessening the consolidating effect. The further developments in Northern Ireland will have to determine the effect of institutional reform on consolidation. At present, there has not been sufficient progress of transitional measures to be able to deliver judgement on the issue. It seems however likely that the United Kingdom will have to accept a larger involvement in the process, admitting that there are problems within its democratic structure in order to be able to address them.

The need for truth-revealing processes might have been larger in South Africa due to its violent past than in the Czech Republic, where repression occurred on a more political basis. This is not to say that South African abuse was not politically contingent, nevertheless, the system was characterized by racial divide and discrimination on ethnic grounds. There is no way out of your racial ethnicity, but political association is voluntary. The same reasoning should thus be able to apply to the situation in Northern Ireland. Even if you have the possibility to chose your religious affiliation, it is usually a deeper rooted notion than political opinion. Cultural values come into play, and the national belonging as Irish Catholics or British Protestants. The conflict is in some ways an international conflict between Ireland and the United Kingdom, requiring both states to take their responsibility to facilitate the peace process. The successful endorsement of the Good Friday Agreement was partly a consequence of its provisions relating to Ireland's involvement. Nonetheless, greater effort in creating a common understanding of the conflict and its causes, possibly through some kind of truth-telling process, might facilitate coming up with ways to address the problem.

The possibilities of putting a truth-revealing process into practice seem to be dependent on the political will and commitment. In South Africa, the political will was strong and the new leadership headed by Nelson Mandela, put great emphasis on national reconciliation through a truth commission. This may partly have been because other measures of transitional justice were not feasible to carry out, and truth-telling became the only available method of dealing with the past. Conversely, in the Czech Republic there seem to have been enough political will to institute government sanctioned truth-telling, and the procedure was mainly left to the media. This forum might not have been the most suited for the task, and many victims felt they did not have the opportunity to share their experiences and contribute to societal reconciliation. In Northern Ireland, truth seems to have a very subjective character. The British state appears most unwilling to acknowledge that something might be amiss. The situation is not so much represented by political unwillingness, but political denial and excuses to deflect blame. In order to solve the problem, the first step has to be to concede that there have been violations of human rights and unjust treatment. In a way, truth might bring truth. If the circumstances and facts are brought out into daylight, they might create a need to address the issue in a more formal manner which in turn might create some kind of truth-revealing situation. The most important thing is perhaps not agreeing on a single truth, but providing information so that people might create their own version of it.

On the subject of reconciliation, it is hard to verify its magnitude. Being highly a highly subjective concept, one has to rely on the limited quantitative research that has been done. South Africa is generally considered being a success story in the aspect of reconciliation. This is not to say that the whole society and every individual has forgiven, forgotten or moved on. But it is considered that reconciliation is relatively widespread and diffused in society. In terms of democratic consolidation, reconciliation seems to have had a greater impact in changing societal values and attitudes contributing to consolidation, than lustration and institutional reform. On the other hand, institutional reform can in itself be considered adding to consolidation without taking the detour via reconciliation. Yet in relation to the examined cases, institutional reform has been limited or not entirely serving its purpose, perhaps indicating that the detour might be worthwhile. Lustration does not seem to have significantly contributed to reconciliation, possibly because there have been no exposure of actually events, only a notion of involvement or not. Victims in the Czech Republic are asking for a more official truth-telling procedure than the one media is providing in their desire of coming to terms with the past.

The need for reconciliation might also differ depending on the situation. As mentioned earlier, racial segregation might run deeper than political divide, with religious affiliation scoring somewhere in between the two. This can also be observed in terms of the scale of violence in the conflict. Czechoslovakia's transition being called the Velvet Revolution could probably give a hint of its nature. Northern Ireland has over the years displayed violent clashes between Protestant and Catholic paramilitary, similar to the strife in South Africa. This is not to say that the issue of reconciliation should be neglected in the Czech Republic, simply that the demands of the silent, grey mass took predominance over the needs of victims of political repression. Following this reasoning, the need for reconciliation in Northern Ireland should be fairly substantial. This implicates the necessity to address the reconciliatory elements in the ongoing transition. Up until now, there seem to have been little done on the issue, and judging from this study and the experience of South Africa, a suitable way of achieving reconciliation could be the establishment of some sort of official truth-telling procedure. But there are problematic aspects in the term "official" in Northern Ireland, implicating British involvement and consequently biased foundations. To prevent this, the British government need to increase its credibility as an impartial, just institution or else such a truth-revealing initiative must be run by some other agent, jeopardizing its status and recognition as an official inquiry.

It seems hard to distinguish between backward- and forward-looking measures, when dealing with the past is one way of moving on into the future. Reconciliation is depending on the dealing with past abuses, but at the same time playing an important role in the process of consolidation and democratization, concepts of a forward-looking character. In terms of the relation and effect of lustration and truth-revealing to reconciliation, the answer must be "it depends". Lustration as an isolated process did not seem to significantly contribute to reconciliation in the Czech Republic. It may however have contributed to

consolidation of democracy in the way it removed unreliable individuals from public institutions, but it appears as though it was not thoroughly implemented as former communist collaborators later reappeared on the political scene. In terms of consolidation through truth-revealing and reconciliation there has not been a notable effect. In South Africa, lustration did not take place due to the mode of transition and balance of power at the time. Institutional reform was not widely carried out, as it had been traded off for the possibility of engaging in a truth and reconciliation process or not given priority over other considerations. The truth-revealing process in South Africa is on the other hand considered having contributed to the democratic consolidation through reconciliation. In Northern Ireland it is still too early to judge how these measures would affect reconciliation and democratic consolidation. Given the findings of this study, the situation resembles the South African transition. There may be several different options on the journey towards reconciliation and democratic consolidation. Reconciliation might be to prioritize over democratic consolidation, given the fact that the United Kingdom is a democratic state, but with non-democratic elements present in the institutions regarding Northern Ireland. On the other hand, these elements would have to be addressed in a truth-revealing process aiming for reconciliation. The provisions of the Good Friday Agreement appear like a development in the right direction, but what is needed now is the political will and commitment to carry them out.

Transitional justice seems to be gaining ever-increasing importance in the development of world politics. Democratic transitions have occurred with great frequency during the last decades, and will hopefully continue to do so in the future. Transitional justice seems in one way or the other to be permanently present in world politics as illustrated by the recent events of the execution of former Iraqi dictators Saddam Hussein and the abdication of Warsaw's arch bishop Stanislaw Wielgus for having collaborated with the former communist regime over 30 years ago. These dealings with the past have on the one hand possibly created one of Islam's greatest martyrs and on the other deprived devout Poles of their revered arch bishop, illustration transitional justice wide scope and long-lasting implications.

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