

## PROJECT PROFILE

# Addressing Post-Colonial Legacies in Transitional Justice

### Hub Members

**Professor Fionnuala Ní Aoláin, Queen's University Belfast**

**Professor Bill Rolston, Ulster University**

**Dr Claire Wright, Ulster University**



### About the Project

Many states to which transitional justice mechanisms are applied are former colonies. But colonial occupation, decolonisation, and the ongoing legacy of colonialism frequently go unremarked in scholarly transitional justice debates and policymaking. In the vast literature on transitional justice, the issue of colonialism, with its different legacies and possible effects on both armed conflict and peace processes, has lightly been touched upon and rarely integrated into the substance of transitional justice. Likewise, practices of transitional justice seem to overlook the long-term impact of colonialism despite the importance of a historical perspective to identify and overcome entrenched barriers to a durable and meaningful peace.

In response to this lacuna, this project aims to see what – if any – role transitional justice can play in relation to colonial harms embedded in the contemporary societal structure. Looking at both Colombia and Northern Ireland, two countries with very different experiences of colonialism, the research focusses on the following three questions:

- When deciding to deal with 'the past', how far back should policymakers and legislators look?
- How does the colonial past shape conditions conducive to contemporary conflict?
- How should engaging this past shape contemporary conflict-ending solutions?

A core element of our work involves 20 interviews with academics based in Colombia, alongside interviews with Indigenous and Afro-descendant women in collaboration with the non-governmental organisation Corporacion Alianza Iniciativa Mujeres por la Paz-IMP.

## Key Findings: Colombia

- **Links between colonialism and peace accords are rarely explored in research and practice.**

Most academics interviewed do not see a clear link between colonialism and peace processes. Some social movements, particularly those led by Indigenous and Afro-descendant Colombians, identified the value of a colonial time frame, but this is not framed as a central concern by Colombian academics.

- **The Havana Peace Accord engages with, but does not sufficiently address, colonial legacies and their enduring impacts.**

Colonial legacies cut across many aspects of the Colombian peace process, from Indigenous people's claims, to land restitution and its implementation, through to social responses to maintaining the peace agreement – specifically in conservative pushback against the peace accord. The project asserts that if colonial legacies are left unaddressed, these important issues undermine the peace process and the prospect of enduring peace.

- **The ongoing Black Lives Matter movement has resulted in discourse shifts in Colombia over the issues of colonialism.**

This research commenced just before the Black Lives Matter protests, which renewed global concerns about the human rights of Afro-descendent peoples. Discourses around colonial legacy, slavery, and discrimination rightly remain persistent in the public sphere since then. As a result, transitional justice institutions emerging in this context are beginning to incorporate these perspectives and issues into their work more frequently.

- **Decolonisation can be too big of a process for transitional justice to fully and holistically address.**

Interviews with Afro-descendant women leaders throughout Colombia supported by literature in this area explores how the scale and scope of decolonisation can be overwhelming for transitional justice to address. Colonial legacies are entwined with cultural legacies and filter into value systems, education and deeply rooted discrimination. There must be a “decolonising of the mind”, a process of individuation that goes beyond traditional understandings of a transitional justice process.

- **Education reform is essential to decolonisation efforts.**

Educational content and reform are a key site for the implementation of decolonisation efforts. Many interviewees note that the primary route for Indigenous,



You have to take a long-term approach to peacebuilding to really unpack the kind of the details of past grievances and dispossession of land, territory, culture, language... how do you build peace if you don't look at these historical grievances and structural injustices?''

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Afro-descendant, and Black women to tackle multiple obstacles in their way is via education, as well as the power of intercultural education in decolonisation.

- **The Colombia Truth Commission has addressed colonial legacies.** The Truth Commission takes on a broad outlook and is immersed in the global denouncement of colonial power, with many references to colonialism in its final multi-volume report. The section in the report on Indigenous peoples specifically expands the scope of the work beyond the past 50-year period of the Havana Peace Accord by stating “we're going to talk about a 500-year period”.
- **Language and the framing of colonialism varies across contexts.** Colonialism as a term is understood differently in different communities. For example, some Indigenous women and communities reject the term as one invented by external communities to talk about what was happening to Indigenous peoples. For the Afro-descendant communities, colonialism is an important term that marks the beginning of their experience of slavery and exposure to violence. In this sense, grappling with and understanding the nuances in terminology use is key to de-colonial work.

## Key Findings: Northern Ireland

- **Much can be learnt from Colombia when looking at the potential to decolonise Northern Ireland.**

While each context is distinct and requires a careful context-specific analysis, placing the Irish and Colombian contexts into dialogue with one another reveals important insights about how the decolonisation of Northern Ireland might progress in light of the Good Friday Agreement and subsequent political agreements and the possibilities of a border poll.

## Recommendations: Colombia

### Government, Transitional Justice Institutions and The Truth Commission

- **Peacebuilding processes must engage with and analyse the continued impact of colonialism.** Addressing the impacts of colonialism should be embedded in the structures of peacebuilding institutions and transitional justice mechanisms as the conflict is not separate from these impacts.
- **Engagement with the continued impacts of colonialism will differ by context but must be done holistically and with impacted communities.** The impacts of colonialism look different in different contexts, it is therefore important to include, for example, Indigenous and Afro-descendant peoples in discussions and decision making, to not only prevent any continuation of colonial discrimination, but to ensure that engagement and policies are community driven and speak to specific contexts.
- **Inter-cultural education is essential to addressing colonial legacies.** Colonialism and its impacts should be brought centrally into school curriculums, not just from a historical perspective, but from a critical and intercultural

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The Colombian Truth Commission is very much swimming in the waters of decolonial theory. And so, the Indigenous People, the Ethnic People's chapter is approached with a decolonial methodology. "

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perspective. These programmes should be both developed for and accessible to all.

- **Decolonial transitional justice work must not just talk about decolonisation, it must be methodologically decolonial in its creation as well.** Transitional justice frameworks should take a decentralised approach and take into account the practical implications of this in relation to time, funding, and language skills. A good example here is the Colombian Truth Commission and the ethnic peoples' volume where there was a prior consultation on methodology, which is a key right for Indigenous peoples.





## Recommendations: Northern Ireland

### Key Actors in the Peace Process (Governments, Policymakers and Civil Society Leaders)

- **Peace processes must be flexible enough to deal with things that get left out in the peace agreement framework with an understanding that peace is slow and evolving.** Peace processes should be flexible and contain mechanisms built in to review and return to issues that may have been overlooked or excluded. Addressing colonial legacies is a key example here. To do this it also requires the recognition that peace is slow, as has been the case in Northern Ireland, and that the process is one of continued changes and evolution.
- **Peace processes must find ways to include groups who have been historically left out.** Communities who are part of the conversation can change over time, and finding ways to include them is significant for the durability of peace. In the context of Northern Ireland this means for example the inclusion of traveller communities, and different language communities that were not central to the peace discussion at the time.

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Northern Ireland is a really good example of the point that peace is really slow. It's not a one and done. It's never a one and done. //

PROFESSOR FIONNUALA NÍ AOLÁIN

- **Peace processes must prepare for meaningful changes in the transition to peace over time.** As the steps towards peace are taken, peace processes and policymakers around this must anticipate future transitions and be fluid in their approach to these. For example, the contemporary conversation about reunification between the north and south of Ireland, which is prefigured by the peace treaty and the peace agreement.



To learn more about this research project and read its publications visit:  
<https://thegenderhub.com/stories/addressing-post-colonial-legacies-in-transitional-justice/>

This Project Profile was first published in the Hub's final report, *Gender, Justice and Security: Structural Challenges, Feminist Innovations and Radical Futures*. Go to [www.TheGenderHub.com](http://www.TheGenderHub.com) to read the full report and to learn more about all 38 research projects in the Hub.



This research is part of the UKRI GCRF Gender, Justice and Security Hub. The Hub is an interdisciplinary, transnational research network working with local and global civil society, practitioners, governments and international organisations to advance the delivery of Sustainable Development Goal (SDG) 5 on gender equality; SDG 16 on peace, justice and strong institutions; and the implementation of the UN Security Council's Women, Peace and Security (WPS) agenda.

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