

Call for Papers – CCJHR Postgraduate Conference 29th April 2010

The relationship between the broad and contested fields of transitional justice and development is significantly under-developed and under-explored in existing academic literature and State practice. Nonetheless, there is a substantial normative and practical overlap between these fields in the immediate aftermath of armed conflict or the perpetration of widespread and systemic gross violations of human rights.

This paper argues that international law governing post-conflict and transitional regimes serves as a costly example of the more general trend of fragmentation in international law. In this paper, I will identify some examples of the current deficiencies and missed opportunities in the international legal obligations surrounding transitional justice, peace building and the right to development. I contend that this nascent body of international law and norms may be more coherently understood as forming the *jus post bellum*, a neglected category of the just war tradition in international law and political philosophy. I will argue that at present the current state of international law and the idea of *jus post bellum* radically under-determine a State's legal and moral obligations towards its citizens in the aftermath of war or gross violations of human rights.

In seeking to provide a structure for the future development of *jus post bellum* and international law in this area more generally, I contend that international lawyers must be mindful of the need for a contextualized and dynamic response to mass conflict, having regard to competing stated value goals in this area. I conclude that the need for some departure from a single universal set of international legal rights and obligations remains a challenge to which international law has yet not developed a response.