Mihr, 'From Reconciliation to the Rule of Law and Democracy', [2009] 1 *Web JCLI*
http://webjcli.ncl.ac.uk/2009/issue1/mihr1.html

From Reconciliation to the Rule of Law and Democracy

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First published in Web Journal of Current Legal Issues

Summary

Acts of reconciliation are a combination of truth or history commissions, reparations, apologies, commemorations or transitional justice through tribunals, courts and other mechanism. Reconciliation can link experience with past injustice to newly established rule of law and a democratic system. In many post conflict societies the rule of law is based on the experience and evaluations of past injustice, bearing traditional justice processes with international human rights norms to achieve a societal consent in order to overcome inequality and injustice that previously led to conflicts and turmoil. Then again, the rule of law is a prerequisite to stable democratic societies. The weaker political leadership and the societal elite adhere to it, the less likely democratic institutions will work effectively because civic trust in institutions such as courts or parliaments is malfunctioning. Consequently, acts of reconciliation are interlinked with establishing the rule of law in a society and thus lead to bad or good functioning of democracy. Examples of transition countries such as Armenia after 1991 and Rwanda after 1994 will be discussed in the following contribution.

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Introducing Reconciliation

Acts of Reconciliation such as truth, history or reconciliation commissions, transitional justice through tribunals, reparations or apologies are factors that impact the awareness of justice and injustice, human rights and thus the rule of law during a transition and transformation period of a country. Different kinds of acts of reconciliation can start during a transition period and continue after transition has ended and transformation or democratisation begins in a post-conflict or post-war society. Reconciliation is not exclusively for countries, societal groups or elites that lost power over a war like conflict, but for all sides involved in a conflict, winners and losers alike. It thus includes acts that combine inclusive participation of different parts of society: former enemies, perpetrators, victims, new and old elites, interest groups, NGOs and civil society. Including these groups – depending on political circumstances and stability – and start setting up commissions, round tables, commemorate, apologize and change national legislation are some of the multiple outcomes of reconciliation processes. During these processes it is worth evaluatingand balancing whether to grant amnesties to perpetrators or bring them to justice or establish tribunals. It all depends very much on the new political leadership, the speed in which new (democratic) institutions can be established and the inclusion or exclusion of former elite and new societal groups. In any case the set up of elites and societal groups during the transition period in which elites design a new societal and legal framework and constitution is crucial for the rule of law that will be established for the future of one's country or society.

Thus, concluding from past injustice, atrocities, war crimes or human rights violations should lead to an attempt to overcome and avoid injustice and atrocities in the future. Designing and drafting new democratic norms and standards – borrowing from international human rights law - can lead to the establishment of the rule of law in a country which can be recognised and respected by leaders and civil society likewise. Thus coming to terms with the past, history commissions, tribunals and other acts of reconciliation can help to shed a light on injustice and its root causes. At the same time they help to conclude from the unjust experience of the past in order to outline the (new) values and establish the norms that are needed to outline the rule of law in one's country. Consequently, international human rights standards often help to vision and frame the new legal set-up of a country.

Reconciliation and transitional justice first entered the academic literature in the 1990s. It was the attempt to explain the process of legal and punitive justice in post-conflict

societies and coming to terms with the past at the same time. For many years these notions were often seen as an end in itself without a long term perspective or democratic inter-linkage (Govier/ Verwoerd 2002). Entrepreneurs in the field of transitional justice and reconciliation such as Rudi Teitel (Teitel, 2000) and Priscilla Hayner (Hayner, 2002) attempted to analyse transition periods in Africa and Latin America and came to the conclusion that these processes are crucial for social and political stability in the countries which then again are the foundations for stable democracies. They argue that neither concepts of the rule of law or constitution-building or institution-making can be well understood without some aspects of transitional justice. Heyner adds that truth commissions and reconciliation processes during the period of transition and transformation are essential for justice and accountability of young democracies and thus any democratisation and consolidation process. Earlier, Martha Minow observed that after mass atrocities and human rights violations – in the second half of the 20th century - historical memory, narratives, memorials, recognition, truth commissions and forgiveness are somehow inter-linked when re-establishing societal trust and peace but did not counter-check them with the societal reality after introducing them (Minow, 1998).

Thus, to reconcile is not forgiveness or an excuse to forget, neither is it an alternative to truth or justice. Reconciliation is a long-term objective, which can be reached after all the important ingredients of justice, truth, healing and so on have been addressed. A key element, according to Bloomfield et al, is to develop a democratic culture and thus create relationships for good democracy between communities, neighbors, constituencies and individuals which will lead to trust in democratic structures which, for example, seem to be the major challenge in Rwanda since 1994 (Bloomfield/ Barnes/ Huyse 2005, p. 14). Further and beyond the individual level of reconciliation any theory of justice is about social and moral justice and it is connected with the past and "historical truth" (Barkan 2000). Therefore, acts of reconciliation can have different outcomes and aspects and at the same time it can be itself the outcome of a truth commission, tribunals, education or trainings in many different ways. Reconciliation is in this sense not a goal itself but it always aims at achieving change in society such as the establishment of the rule of law and democracy.

From Human Rights to the Rule of Law

Acts of reconciliation can shape individual and societal consciousness to analyse and evaluate past injustice, inequality and human rights violations. This process influences one's human rights awareness, personal interests and the individual responsibility to act and protect. In transitional societies this awareness infiltrates the process of legal se-ups, constitution-building and to establish the rule of law. The rule of law in modern democratic societies is a set of traditional or international norms and standards that are converted into inalienable rights with monitoring mechanism such as courts, parliaments and police. Many of these norms and standards are taken from international human rights law. Parallel to this, courts can play an important role in enforcing the rule of law in interpreting national law in the light of international human rights obligations. Free access to courts and thus justice is a prerequisite in these countries in order to safeguard the rule of law.

Some countries have a "monist" approach to incorporate international human rights law into national law, some have a so-called "dualist" approach. In monist countries, courts may directly apply international law in the same way that they apply national law. Dualist countries distinguish between the national and international legal system and they interpret and apply international law in compliance with national law for each case (Weissbrodt/ de la Vega 2007, pp. 343-344). Nevertheless, where new elites are using international human rights law and obligation as guiding principles to construct peaceful societies, they are well advised to refer to them in their constitution and national law, when creating a rule of law.

The rule of law stands for the values and proportionality that are accepted and respected by the society at large and for which access to justice is guaranteed. It shows how the legal system upholds the law. The rule of law, or the 19th century developed concept of the *Rechtsstaat,* is considered a prerequisite for democratic societies to function (Craig 1997). Following on from that, criminal law and other legal mechanism develop. To measure the rule of law, one has to look at different societies and how their agents, elites and society alike have confidence in, and abide by, the rules of the society. In reverse, it is seen also as a prerequisite to discuss the implementation and adherence of human rights in one's society. The quality of the rule of law can be measured by how firm it stands against governmental shift and the trust in courts, police, parliaments and other democratic institutions. This is pivotal in post-conflict and post-authoritarian societies, for example in the case of Rwanda after 1994, where the demand for justice has been at the peak but not satisfied.

Tribunals, ad hoc courts and commissions are able to fill the gap of a non-existing strong legal system or independent courts. They ought to evaluate and judge according to international human rights or humanitarian law standards. Seemingly, the rule of law aims at avoiding impunity or to hide and deny any human rights violations of the past without justice.

The rule of law is important for the well-functioning of a democracy with a clear separation of powers such as independent courts and executive institutions. One of the most frequently used examples of successfully incorporating international human rights standards into national legislation and the rule of law is Article 21 of the Universal Declaration of Human Rights (UDHR) 1948 and Article 25 of the International Covenant on Civil and Political Rights (ICCPR) 1966. Both articles lay the foundation for equal participation of all citizens in a country in the set-up of governmental structures, elections and fair distribution of power (Weissbrodt/ de la Vega 2007, p. 113). They also oblige the new elite to set up monitoring systems and independent forces (courts) to control and check the new established legal systems.

Consequently, if acts of reconciliation can shape one's understanding of justice and injustice with reference to international human rights norms, then it also shapes the set-up of the rule of law that again is one of the foundations for a functioning democracy.

The Transfer to Democracy

Many democratisation processes begin to malfunction the moment that public needs and access to justice are denied or excluded from incorporating in the new set-up of the rule of law, legislation or elections' process – thus, the denial of Article 21 of the UDHR or Article 25 of the ICCPR. Civic trust can hardly be established. Democratic institutions and mechanism of reconciliation have to be parallel set up in a post-conflict society in order to have a long-term impact. The first five years of transition can be crucial and the time when the first post-war generation starts asking questions again 15-20 years later. In the first period, transitional and punitive justice can have an important impact, as seen in post-war Germany, post-dictatorship Spain and post-genocide Rwanda. For the second phase memorials, historical narrative and educational reforms can be other elements of reconciliation. In all phases it is important that the new political leadership and decision makers are adaptive to the changes and demands of people in the society. But unlike Huntington (Huntington 1991, p. 228), O'Donnell and Schmitter (O'Donnell/Schmitter 1986, p.30) who argue for "quick trials or no trials" or Kaminski and Nalepa (Kaminski/ Nalepa 2006) who assume that by looking at democratisation processes in Latin America that acts of reconciliation can undermine democratic efforts, inclusive acts of reconciliation can help to establish the rule of law and reconstruct justice and peace. As seen in post-apartheid South Africa or post-war Germany, similar acts of reconciliation have not undermined democracy, as long as their acts and the process are open to all sides and groups in society and therefore inclusive, as Gibson argues (Gibson 2006). Nevertheless, it is always disputable how open truth should be spoken, and who dominates the truth-speaking discourse, as seen in the very different cases of Rwanda or Armenia.

Again, reviewing the current literature, the definition of democratisation and consolidation has not much changed since the early 1960s. According to earlier publications, democratic systems are stable when political freedom rights are respected, elections and institutions are established and political actors adhere to them (Dahl, 1998; Linz/Stepan 1997, pp.14-33; Huntington 1991). Additionally, a consolidated democratic regime has been defined when 'all significant groups regard its key political institutions as the only legitimate framework for political contestation, and adhere to democratic rules of the game' (Gunther/ Diamandouros/ Puhle 1995, p.7). Part of this process and establishing civic trust in institutions is the creation of civic culture as defined by Almond and Verba (Almond/Verba 1989). According to them civic culture is a creation that can lead to democratic behaviour but can not be installed or imposed. It grows slowly because it is a set of behaviour between modernity and tradition in a society. Consequently it refers to the past, experience with justice and injustice as seen in Germany, Spain and Rwanda, and a constant reflection of the behavior of current societies and how this impacts future societal conflict resolution and solving mechanism.[1]

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[1] Later works reflect the transition and democratisations processes in Eastern and Southern Europe as well as in Latin America from the 1970s till the mid 1990s. Theses studies have been conducted in the range of the so called "third wave" of democratisation and consolidation processes defined by Huntington (Huntington 1991). They emphasised the importance of creating a democratic culture and collective democratic identities in the emerging democracies. Some of the later studies of the 1990s on Eastern and Central Europe are based on the early literature of the 1960s and 1970s of Parsons, Huntington, Moore,

Democratic consolidation remains to be understood mainly as the trust in political institutions and the liberal and free political participation by the majority of all societal groups. All people living in a consolidated democracy ought to be included in a democratisation process and adhere to the democratic rules and standards and thus be able to solve problems and conflicts by peaceful and democratic means. Low level of socio-economic disparity, common identities, aspects of a democratic political culture and high elite influence with capabilities to negotiate conflicts are favorable components that facilitate an intertwined reconciliation and democratisation process (Schneckener 2004, pp.18-39).

Democratic structures and norms such as the rule of law based on fundamental human rights, political participation and access to justice are seen as a prerequisite to consolidate a conflict-torn society. Consequently, to reconcile is pivotal in any democratic society because these processes create credibility and trust in democratic institutions and thus build up the legitimacy of the newly established democratic political system. Without such acts of reconciliation the democratic system could weaken because human rights abuses of the past will not be addressed, perpetrators not brought to justice, victims not recognised and thus injustice and human rights violations will be legalised and become part of the present and future justice system. Such systems will not carry democratic and liberal elements inside. Instead, it will lead to corruption and thus collapse of the new system. A new conflict can be predicted. Without accountability through the rule of law and independent monitoring mechanism, civic trust in political and democratic institutions will be absent.

Even though reconciliation is only one part of democratisation among many different determinants that lead to successful democracy it could be a crucial one when building up sustainable and long term democratic structures. If reconciliation is imposed or absent in society it might lead to the malfunctioning of democracy as I will outline in the case of Rwanda and Armenia.

The case of Armenia

A very different but interesting case of lack of reconciliation that leads to malfunctioning of the rule of law and thus democracy is the case of Armenia in the Caucasus. Between 1915 and 1917 the Armenian Genocide took place in what is today Turkey. Armenians were citizens of Turkey under the Ottoman Empire and they lost almost half of their population through the persecution and atrocities against them. Their expulsion had already been initiated in earlier times of the Ottoman Empires. Today more than half of the Armenians worldwide, approx. 3million, or those who consider themselves as belonging to the Armenian nation, live outside Armenia, mostly in Russia, France and the USA.

Dahl and Lipset. Reflecting the changes and democratic developments worldwide after 1989/90 most studies in the second half of 1990s went further and focused on stabilisation and consolidation processes in other parts of the world and how to create long term democratic institutions and cultures. See: Schmitter/ Guilhot 2000; Croissant/ Merkel 2004; O'Donnell 1996; Whitehead 1996.

After the Genocide, the first independent Armenian Republic in 1918 was created. It lasted only two years. The state became then part of the Soviet Union under communist dictatorship. The country did not again enjoy political independence until 1991 when it held its first free elections. Today Armenia is a member of many international organisations and started the political transition process in 1992. The young and small country, surrounded by Azerbaijan and Turkey, was confronted with its vulnerability and unstable situation when starting the war with Azerbaijan about Nargorno Karaback in 1988 which only paused by cease fires. Azerbaijan and Turkey do not maintain diplomatic or other official exchanges and isolate Armenia economically. One of the reasons for the isolation and keeping Armenia land-locked in the Caucasus is the fact that Turkey refuses to recognise the Armenian Genocide. The Armenian government instead makes it a pre-requisite to any official exchanges and can not leave it due to the promise they made to their constituency and also the Diaspora Armenians. Even though some attempts of independent history commissions of Turkish and Armenian historians and scientist have been set up since 2001, they largely failed to function or even start their work. In 2008 a group of intellectuals in Turkey collected signatures to pressure the Turkish government to recognise the massacres or even Genocide against the Armenians in 1915. That group has been under heavy pressure ever since.

As a consequence the Armenian Genocide is the major element of any agenda-setting and i.e. of the political party program in Armenia. The Genocide dominates the Armenian foreign policy, inter-state exchanges and diplomatic intervention on the level of the UNO and others. The official state version of the Genocide, set by Armenian historians and scholars, is kept as the only one. It influences the internal and external political discourse to such an extent that the governments and authorities can avoid tackling other important issues in the country and region.

Till today the country remains in "constant" transition with an unstable political system. The constitutional reform in 2006, initiated under the pressure of the Council of Europe, is still pending, and the political will to change the traditional clan structure of political elites is absence. Internal violent conflicts and turmoil remain, just seen after the recent presidential elections in February 2008, and there is little trust in political institutions such as courts or parliament. A rule of law, independent courts or parliament does not exist or function. Civic trust in political institutions is low. Many young men try to emigrate or try to "buy them out" of the military service in Armenia, in order not to fight in the war in Nargono Karabakh or other conflicts that might arise in the future. The state doctrine is that the political problems with Azerbaijan and Turkey need military prevention.

Even though it is internationally recognised, for example by the European Parliament in 2005, that the 1915 atrocities were a Genocide, today there is no open debate on the Genocide of 1915 and no process to uncover the atrocities and human rights violations that happened under the communist dictatorship until 1991. What keeps the Armenians together is largely the feeling of victimisation of an oppressed and persecuted nation. The country is economically and geographically isolated, pending economically on the

Diaspora Armenians in Russia and elsewhere who also dictate a large part of the politics inside the country. Civil society, third and fourth generation survivors or state representatives did not have the chance to reconcile officially with Turkey. Any "inclusive" attempt to set up long lasting history commissions from both sides Turkey and Armenia have failed. The Armenian nation at large feels victimised and thus righteous to interpret the past in its own way. The human rights awareness is one sided, racism, mistrust against anything "Turkish" is still widely spread. The Christian identity in the 98% homogeneous society in Armenia is more important than constitutional set ups, the rule of law or individual rights and thus the mistrust in the so-called democratic institutions is large. Officials in Turkey and Armenia remain in their own "true version" of the killings and massacres happened between 1915 and 1917. This is so dominant that even the soviet dictatorship and suppressive regime is nowhere mentioned in the history book or official doctrine, bearing in mind that the Armenian security and existence depends today on Russian military presence in the country (Khorozyan 2009, pp.119-132).

The fact that there is neither a political and civil discourse nor an agenda to discuss the past handicaps the relationships with its neighbouring states Turkey and Azerbaijan. The violent outbreaks over the past years, demonstrations against fraud and unfair elections, murders of politicians, disappearances, corruption and mistrust in security forces and courts can be linked to the fact that Armenians feel that there has never been a rule of law or "justice" for them in any way. People have little experience with democratic institutions, and even less so with the trust in them. Instead they experience that what is labeled democracy is the old regime, equally corrupt than before and that conflicts can only be solved in a violent or defensive way. Democracy does not seem to work for the people in this transition countries unless there is enough and great pressure from the international community.

Armenia is a case in which the past Genocide stays top on the political agenda but without allowing any critical and open discourse or reconciliation that could actually foster a process of coming to terms with the past. The country remains paralysed by its past and victimisation and therefore unable to move ahead. Equally, the side of the perpetrators, the successor state of the Ottoman Empire, Turkey, is not willing to give in to the "Genocide version" of the massacres that happened in 1915 on Turkish soil. And then there is Russia as the successor state of the Soviet Union which rather keeps the legend of the heroic soviet past and rescuer of the Armenians instead of coming to terms with its gruesome and dictatorship past (Rau von Koester 2008; Mihr et al 2006).

The case of Rwanda

Rwanda is a case in which acts of reconciliation were imposed from above, the rule of law reinterpreted as the law by the government and not by the people. Reconciliation is a state doctrine, imposed from above right after the Genocide took place in 1994 and where by law it is forbidden to question the Genocide and its legacy. During the 100 day Genocide in Rwanda from April till June 1994 almost 1 million people died, they were slaughtered and massacred. Hundred of thousands had to flee the country and many of

them are still living in exile. The conflict between the Hutu-government and the Tutsi minority who were aimed to be exterminated, had been ongoing since the times of colonisation. It broke out after Rwanda had become independent in 1962 from Belgium. When the "Hutu-powers" and the *interahamwe* militia troops, who were responsible for Tutsi Genocide, were defeated by Tutsi military troops coming from Uganda, the Hutu government fled to the Democratic Republic of Congo (DRC). There they established a parallel quasi-government of Rwanda in the DRC which was heavily involved in the war like conflicts since November 2008 – also called "proxy war" between Hutus and Tutsis of Rwanda. The border between Rwanda and the DRC remains thus the major security threat and violent conflicts and military actions between Rwandese military and Hutu militia are a monthly issue.

After the first presidential election in 1994 the new government - since then under the leadership of Paul Kagame, who led the Tutsi troops during the war - depended on international support and help from the UNO, EU and countries like France and Belgium. With about 100.000 alleged perpetrators in prison, an insufficient judiciary system in place and no tradition of democracy, the introduction of the rule of law and measures to establish a justice system seemed almost impossible. The international community made sure that reconciliation and transitional justice was one of the top priorities on the political agenda of the governing party, the Rwandese Patriotic Front. At the same time, the UN established the International Criminal Tribunal on Rwanda in Tanzania (ICTR). By 2006 it had handed down 22 judgments on officials, ministers or parliamentarians which, nevertheless, shed only some light on the gross involvement and atrocities that were committed by many more "smaller fishes" that were trialled outside the tribunal. The tribunal is keeping the main political perpetrators in custody in Tanzania and other countries in Africa. All other cases of alleged perpetrators who participated actively in the Genocide have been sued and charged in Rwanda. Many thousands of them have been released because the system can not afford too many people in prison. It has become an important economical factor.

What makes the Rwanda case interesting is the fact that reconciliation is a state doctrine in Rwanda. The country has a state-owned reconciliation commission, re-education camps and reconciliation is an integral subject for the school curricula and any political doctrine. Society at large is obliged to participate in the process but can not determine its own role or discourse. Any interpretation of how to do reconciliation is decided by the government and thus it is beyond democratic means. Rather, there is one official and indisputable version of what happened in 1994, namely that the Hutu-powers and *interahamwe* suppressed and killed 1million people during the war and Genocide and that the Tutsi minority had to suffer great discrimination and suppression long before the conflict became brutal. The current government and the RPF are seen as a liberator and *guaranteur* of a solid and peaceful Rwanda. Reconciliation is widely understood as "reconciliation for Tutsi" and thus often as acts of vengeance rather then reconciliation. There exists no public debate on the Genocide, no civic or independent truth or history commission, no free media or radio stations at present. Everything is under state control, fearing again violent outbreaks along the old cleavage between Hutu and Tutsi, such as in 2008 in the DRC with the border to Rwanda.

Opposition groups who query the role of the RPF during the war and the atrocities and acts of revenge they committed against the Hutus shortly after, are oppressed and many of their members have to leave the country. Rwanda is a police state and Hutus who remain the majority in the country are not, in significant numbers, part of the political elite There is no serious sign of the functional independent courts or a democratic system under the rule of law. Instead, so called "Genocide laws" have been introduced, but they depend on the political judgments of a selective leadership. People suffer legal repercussions if they try to question facts and incidents that happened in 1994. Formally, any distinction between Hutu and Tutsi is forbidden "under law". But most daily social conflicts and disputes go along the divide of either being Hutu or Tutsi, and the narrative memories of the genocide that prevail throughout the whole society. Historical truth has not been revealed and remains in the hands of a few elitists. Lawyers and judged are free and deliberate to decide who falls under the Genocide law and charges. The traditional local *cacaca* courts play a doubtful rule in the process of transitional justice, because they were traditionally never meant to deal with cases of crimes against humanity and other mass atrocities like the Genocide (Clark and Kaufman 2008). They are local courts which deal with local crimes and to settle disputes among different parties of the same community (Drumbl 2007; Mihr 2007). Consequently, there is a silence and a sense of intimidation across the country. Nevertheless, victims, survivors and perpetrators have to live close to each other, door-to-door and have no other place to go. It is a rural and agricultural country and each family has suffered in its own way. The Genocide is an overall dominant factor and its memorials, commemoration days, community services and other mechanism and symbols to remember the Genocide are spread across the country and all societal groups. No village is without its own memorial. Rwanda is a country in which the memories of the people are still very fresh and are deliberately kept alive – however, only under a state doctrine and without enough independent institutions and courts to act. Parallel to this, people are still threatened and terrified by the terror they experiences 15 years ago – but which has not prevented again violent outbreak between Tutsi and Hutu over the time.

Justice in Rwanda has not been sufficiently achieved, acts of personal vengeance are still a day to day practice, democratic reforms have not been sufficiently introduced and a public discourse has not started. Any acts of reconciliation are thus under state control of a Tutsi government.

At the same time the wounds of the victims and the traumatised are still open. To avoid violent outbreaks the military has to intervene in many places. Rwanda is a ticking bomb because it lacks true reconciliation, the establishment of the rule of law to which also the president and military has to adhere. But in the name of security and with a psuedo-war in the DRC, the rule of law is rather absent, reconciliation limited and malfunction of democratic structures rather the norm then the exception.

At the same time Rwanda is confronting a new young generation asking inconvenient questions. For a country without any democratic tradition and no experience of trustworthy institutions, low level of education, strong corruption and a system of

division and discrimination between Hutu and Tutsi which were in place for decades, it is hard to imagine how it will develop. The military actions on the boarder to DRC, the state doctrine on reconciliation, the pressure of the international donor community, the permanent presence of police and military in the streets, the oppression of opposition, the lack of judiciary system and justice, the exclusion of the majority of Hutu population in the current system, altogether lead to a explosive mix which most unlikely will lead to consolidation in democratic terms in the near future (Mihr 2007; Straus 2007; Power 2002). Historical narrative and memory prevail strongly in Rwanda, as in many post-conflict societies, so do stereotypes and revenge. To reckon with the past is a long-term process and sometimes it works against democratisation efforts.

Conclusion

Acts of reconciliation, human rights awareness, the rule of law and democracy are interlinked to the extend that proper and inclusive reconciliation can lead to new establishment of norms and monitoring systems that allow people to regain civic trust in institutions and thus strengthen the democratic system. If including all sides of old and new elites, perpetrators and victims alike, during a reconciliation process and work towards a common consent, then the likelihood is that the rule of law is respected and above "man-made law" and thus can lead to more justice, equality and peace then traditional, elitist rules and laws. The more people feel that there is an attempt to address past injustice with the new rule of law the more they will adhere to it and trust in democratic institutions and governmental leadership. But if the rule of law can not be monitored by independent courts and is seen as not being above any governmental power, the law will fail and injustice and corruption will prevail or return in society. Democracy, as a consequence, will malfunction and turn into so called "defective democracies" (Croissant/Merkel 2004). Corruption, and authoritarian leadership will grow and future conflicts can be predicted as seen in Armenia and Rwanda. Therefore complete reconciliation can only be fully guaranteed in strong democratic societies. The less democratic a society is, the lesst complete or inclusive a reconciliation process.

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