

# Diaspora Mobilization for Justice During Conflict

The Case of Syria

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Espen Ringkjøb Stokke

Thesis for the degree of Philosophiae Doctor (PhD)  
University of Bergen, Norway  
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UNIVERSITY OF BERGEN



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# Abstract

This dissertation asks how diaspora mobilization for transitional justice evolves during conflict. Mobilization for transitional justice typically “deals with the past” and focuses on retrospective attempts to deal with injustices in post-conflict or post-authoritarian contexts. During conflict, where injustices keep occurring and transition may seem increasingly remote, conflict-generated diasporas, who are by definition linked to these injustices, are in an advantageous position to advance such claims when the space for doing so domestically is limited. It is therefore surprising that little attention has been afforded to during-conflict justice mobilization among such actors. While impunity has largely persisted in the Syrian conflict, so too has the Syrian diaspora’s devotion to advancing an agenda of justice and accountability from abroad. I draw upon qualitative interview data collected between 2014-2021 with Syrian diaspora leaders and international human rights actors to assess the trajectory of transitional justice mobilization in the context of changing conflict dynamics. I employ an analytical framework that considers motivational, strategic, and relational dimensions of diaspora mobilization, which provides ample ground to assess the evolution of agency during conflict. The dissertation is composed of three independent articles that each considers different phases of conflict.

Article I (Phase 1: 2011-2013) investigates the fragmentation among Syrian diaspora actors in the pursuit of transitional justice. More specifically, it asks why the Syrian diaspora has been unable to present a coherent and unified transitional justice agenda. By looking at strategic and relational dimensions of mobilization, the article shows how a sequence of mechanisms (transnational brokerage, vertical coordination, and patronage relations) have led to fragmentation in the pursuit of justice. New brokered links between diaspora organizations, transnational human rights organizations and donors in the West have enabled vertical coordination on transitional justice issues. In these vertical coordination structures, local expertise and documentation of human rights violations in Syria have been supplied by diaspora organizations in exchange for financial and diplomatic support by donors. Fueled by differing conceptions of justice and confidence that the regime would quickly fall, organizations proliferated in this phase of the conflict. The links between diaspora organizations and donors entrenched diaspora organizations in patron-client relations, which precluded horizontal coordination among the Syrian diaspora. Moreover,

it posed challenges in terms of autonomy and the legitimacy of their transitional justice claims. While there has been concerted efforts to overcome the challenges of fragmentation in the context of increasing violence in Syria, cooperation within the Syrian diaspora remains limited on transitional justice issues.

Article II (Phase 2: 2013-2016) examines motivational and strategic rationales behind the Syrian diaspora's continued commitment to pursuing transitional justice in the face of unfavorable circumstances. It asks why diasporas continue to pursue transitional justice when it seems highly unlikely that they will succeed. The article advances a new concept, prospective transitional justice, to accurately reflect how the Syrian diaspora pursues transitional justice claims when the space for it shrinks. Prospective transitional justice is less about how transitional justice ought to be exercised in pre- or non-transitional contexts, but rather focuses on how actors mobilize claims related to the norms, values and practices that underpin transitional justice. This includes prescriptions for transitional justice processes and the preparation of evidence in the hopes of future transitional justice in the homeland. The article identifies three distinct ways diaspora organizational leaders rationalize their mobilization for transitional justice in this context. First, they are motivated by a sense of moral obligation. Second, they argue that framing claims through transitional justice are both an appealing and effective way to pursue transformations in Syria. Third, transitional justice is a discourse through which diaspora organizations may secure institutional survival.

Article III (Phase 2016-2021) considers the expansion of universal jurisdiction cases in context of broader transitional justice claims among the Syrian diaspora. It asks why, with whom, and how the Syrian diaspora contributes to the mobilization of universal jurisdiction cases. Considering motivational, strategic, and relational elements, this article, next to the qualitative interviews that constitute the main source of data for the dissertation, also make use of an original database on universal jurisdiction cases related to the Syrian conflict. The article observes a strategic shift to pursuing justice in host countries and argues that, while the Syrian diaspora favors universal jurisdiction cases in the absence of other accountability alternatives, they perceive such cases to be a way to keep transitional justice 'on the table', provide some modicum of recognition to victims, and expand the scope and impact of universal jurisdiction cases beyond what it presently provides. Diaspora organizations play a key role in coalition-building with international human rights

organizations, war crimes units, and supranational investigative mechanisms (such as the International, Impartial and Independent Mechanism for Syria). In addition, they provide documentation and help identifying war criminals, communicate legal access to victims, and mobilize conscience in the host state.

In sum, the dissertation contributes to a growing body of research at the nexus between diaspora mobilization and transitional justice. It provides insights on the global transitional justice industry, which may present challenges of autonomy and legitimacy of non-state actors who pursue transitional justice and the ways that it may ultimately affect mobilization trajectories. Moreover, it shows how diasporas sustain transitional justice activism in the face of adversity, motivated by strategic and emotional considerations. These findings suggest that future scholarly endeavors should evaluate motivational aspects in conjunction with strategic considerations and relational aspects. The analytical framework applied in this dissertation provides a useful way to do so. The dissertation also indicate that conflict-generated diasporas' demands for justice may translate into the pursuit of accountability through the principle of universal jurisdiction in host countries. Diasporas are not simply bystanders who passively accept universal jurisdiction on offer, but actors who strategically take advantage of legal opportunities in multiple contexts and who use their unique advantages in terms of material and immaterial resources to build such cases in collaboration with international human rights lawyers and local prosecuting authorities.



## List of Articles

Stokke, Espen, and Eric Wiebelhaus-Brahm. 2019. "Syrian Diaspora Mobilization: Vertical Coordination, Patronage Relations, and the Challenges of Fragmentation in the Pursuit of Transitional Justice." *Ethnic and Racial Studies* 42 (11): 1930–49. <https://doi.org/10.1080/01419870.2019.1572909>.

Stokke, Espen and Eric Wiebelhaus-Brahm. Forthcoming. "Syrian Diaspora Mobilization for Transitional Justice in the Absence of Transition." *Journal of Human Rights*. (accepted)

Stokke, Espen. Unpublished. "Dealing with Impunity from Abroad. Syrian Diaspora Mobilization for Universal Jurisdiction Cases." (under review)

# Table of Contents

- Acknowledgements ..... i
- Abstract..... iii
- List of Articles..... vi
- Table of Contents ..... vii
- Tables and Figures..... viii
- Introduction ..... 1
- Diaspora Mobilization and Transitional Justice ..... 11**
  - Diaspora Formation and Diasporas in Conflict ..... 11
  - Diasporas and Homeland Conflict – Multiple Roles and Effects ..... 16
  - Understanding Transitional Justice During Conflict – A Focus on Agency ..... 18
  - Broadening the Notions of Transitional Justice – Mobilizing Claims During Conflict ..... 21
  - Diaspora and Transitional Justice – Towards an Analytical Framework ..... 25
  - Identifying the Knowledge Gaps – Limitations of Current Research..... 31
- Research Design and Data ..... 37**
  - Why Study Syria? ..... 38
  - Data Collection Procedures ..... 46
  - Challenges, Limitations, and Ethical Considerations ..... 50
- Article Summaries ..... 55**
  - Article I: Syrian Diaspora Mobilization: Vertical Coordination, Patronage Relations, and the Challenges of Fragmentation in the Pursuit of Transitional Justice..... 55
  - Article II: Syrian Diaspora Mobilization for Prospective transitional Justice in the Absence of Transition ..... 57
  - Article III: Dealing with Impunity from Abroad: Syrian Diaspora Mobilization for Universal Jurisdiction Cases ..... 59
- Discussion and Conclusion: The Evolution of Diaspora Mobilization During Conflict ... 61**
  - Diasporas and During-Conflict Justice Mobilization..... 64
  - Effects of Patronage Relations in the Pursuit of Transitional Justice ..... 66
  - Motivations for Transitional Justice Mobilization During Conflict ..... 68
  - Universal Jurisdiction as a Step Towards Transitional Justice..... 69
  - Suggestions for Future Research..... 70
- References ..... 73**
- Appendix ..... 87**
- Articles ..... 91**

# Tables and Figures

Figure 1: Analytical Framework for Studying Transitional Justice Mobilization During Conflict.29  
Figure 2: Cummulative Civilian Death Toll in the Syrian Conflict.....45  
Figure 3: Total Number of Syrian Refugees Outside Syria .....46  
Figure 4: The evolution of diaspora mobilization for transitional justice during conflict.....62

Table 1: Summary of Articles. ....9  
Table 2: Syrian transitional justice organization in the diaspora.....43

# Introduction

In Cairo during the summer of 2012, Syrian opposition groups organized a conference under the auspices of the United Nations and the League of Arab States aiming to devise a robust and ambitious plan paving the path for a regime transition in Syria. Less than a month later, after having convened in Berlin several times over a five-month period, an independent Syrian organization led by Syrian opposition figures in exile published a comprehensive report with similar ambitions titled “The Day After Project: Supporting the Democratic Transition in Syria.” In August the following year, the Syrian Center for Political and Strategic Studies and the Syrian Expert House in Washington D.C. published the “Syria Transition Roadmap”, which provided another – arguably more detailed – blueprint for transforming the Syrian state. Meanwhile in Coventry and Istanbul, organizations such as the Syrian Observatory for Human Rights and Syrians for Truth and Justice built upon extensive networks of activists in Syria to document human rights violations and collect testimonies of individuals subject to atrocities in the country increasingly ravaged by war. Now, ten years after the initial uprising, the Syrian Center for Legal Studies and Research in Berlin and the Syrian Center for Media and Freedom of Expression in Paris pursue various legal avenues to achieve justice and accountability, including attempts in Germany, France, Sweden, and Norway under the principle of universal jurisdiction.

What the examples above reveal is that exiled opposition figures, activists, and human rights lawyers in the Syrian diaspora have sought to advance various transitional justice agendas for Syria by employing a wide range of strategies since the onset of the uprising in 2011 (Aboueldahab 2018; Schaack 2021; Bernath Forthcoming). Mirroring the extensive demonstrations occurring in Syria, political mobilization in various forms emerged in the Syrian diaspora across several countries both in support of the regime and, perhaps more forcefully, against it (Baeza and Pinto 2016; Moss 2016b). The ensuing conflict, proliferation of human rights violations and defiance of international law have produced a substantial impunity gap over the past ten years. Little has come to fruition in terms of justice with the International Criminal Court (ICC) unable to perform investigations due to jurisdictional limitations, given that Syria is not party to the Rome Statute. Furthermore, the Security Council has deadlocked on the Syria issue, owing much

to the use of vetoes by Russia and China on any proposal that would otherwise refer Syria to the ICC or establish an ad hoc tribunal (Schaack 2021). While the Security Council in 2015 unanimously adopted Resolution 2254, which calls for a ceasefire and political transition in Syria, there is little to no progress on these promises. This impunity gap has left perpetrators of serious international crimes largely untouched and, as a result, war crimes, crimes against humanity, genocide, and torture, continue more or less unabated. The evidence of these crimes are in abundance, owing in large part to networks of Syrian activists both within and outside Syria, who have taken advantage of a wide range of information technologies to document atrocities (Tenove 2019). Some pundits have referred to the Syrian conflict as, perhaps, the most documented of our time (Sigal 2016).

Yet, the space for pursuing transitional justice claims at home are severely reduced. Comparatively, conflict-generated diasporas, who by definition are linked to these injustices, are in an advantageous position to advance such claims from abroad. Indeed, diasporas are increasingly recognized as actors who build upon vast transnational networks to contribute to peace, reconciliation and development in the homeland (Baser and Swain 2008). While impunity persists, so too does the Syrian diaspora's devotion to advancing an agenda of justice and accountability. The remarkable perseverance of Syrian activists and the continued pursuit of transitional justice through advocacy, transitional planning, capacity-building, documentation, and legal mobilization is somewhat unusual in the context of an unresolved conflict with an authoritarian regime still at the reigns. By exploring diaspora mobilization under such circumstances, and the motivations that underpin such activities, this dissertation contributes empirically and theoretically to a recent surge of interest in the ways in which diaspora engage in transitional justice debates (Roht-Arriaza 2005; Quinn 2010; Haider 2014; Koinova and Karabegović 2017; Wiebelhaus-Brahm 2016; Baser 2017; Karabegović 2017; Orjuela 2017). It does so by challenging conventional ways of understanding transitional justice as post-conflict or post-authoritarian practices to deal with a violent past and by critically examining the evolving nature of diaspora mobilization during conflict. More specifically, the following overarching research question governs the endeavor:

❖ **RQ:** *How does diaspora mobilization for transitional justice evolve during conflict?*

In this dissertation, I engage in a qualitative case study of the Syrian diaspora dispersed in Europe and North America, focusing on the ways in which transitional justice activism has emerged in the context of the 2011 uprising and evolved in tandem with a changing conflict environment. I draw upon qualitative interview data collected between 2014-2021 in three articles that, as independent contributions, raise questions related to *motivational*, *strategic*, and *relational* dimensions of during-conflict mobilization for transitional justice. Examining motivational, strategic, and relational aspects is beneficial because it enables the identification of mobilization trajectories, revealing how diaspora agents respond to a constantly changing context in home and host states. Drawing on Koinova and Karabegović's (2019) theorizing on underlying rationales in diaspora mobilization for transitional justice, the dissertation expands upon these three aspects and their relevance in during-conflict settings. Each of the three articles have their own logic, research puzzle, analysis, and findings, and contribute to answering the overarching research question by researching diaspora organizations, organizational leaders,<sup>1</sup> and activists who in one form or another have adopted explicit interest in transitional justice.<sup>2</sup> In this dissertation, these agents are perceived to be important to mobilize diasporic identities as well as particularized interests. It is their diasporic activism and mobilization that are the foci and the claims and the ways in which these claims are pursued transnationally and over time. By answering the overarching research question, the dissertation provides useful insights for policymakers, donors and transnational activists who engage diasporas in the pursuit of justice as well as broadening our understanding of how conflict dynamics shape transitional justice activism. It makes *theoretical*, *empirical*, and *methodological* advances.

Theoretically, the dissertation addresses several lacunae in our knowledge of diasporas and transitional justice. First, it offers a broadened view of transitional justice, which focuses on specific claims advocated by diasporas *during conflict*, illustrating how transitional justice is a vibrant field of activism prior to transition from war to peace or between regimes. Traditionally, transitional justice is understood to encompass a variety of related concepts which accompany such transitions, including but not limited to criminal prosecution, institutional reform, reparations, collective memory and reconciliation (Teitel

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<sup>1</sup> The dissertation uses diaspora organizational leaders, elites, and entrepreneurs interchangeably.

<sup>2</sup> In practice, these actors are forcefully critical of the Syrian regime, but (with some variation) also criticize other actors who neglect or fail to adhere to international law in the Syrian conflict.

2000; Fischer 2011). More generally, transitional justice can be considered a “field of scholarship connected to a field of practice on how to deal with past human rights abuses in societies in transition” (Bell 2009, 5). While existing literature is largely preoccupied with how such concepts are dealt with in cases where transitions have already occurred, recent contributions to the field have indeed begun to assess how these mechanisms are sometimes devised and implemented while authoritarian regimes are still in power (e.g. Morocco) or while conflict is yet to subside (e.g. Colombia).

However, these studies have overlooked the ways in which civil society advocates for transitional justice under circumstances where transition seems remote. More specifically, diasporas have largely been excluded from studies of during-conflict justice because these contributions have principally explored implementation of such mechanisms by state actors or rebel groups rather than explore more broadly the ways in which transitional justice claims are advanced during conflict (Loyle 2017; Binningsbø and Loyle 2018; Dancy and Wiebelhaus-Brahm 2018). This is somewhat surprising given that diasporas are often recognized as important actors who significantly affect conflict in the homeland (Vertovec 2005; Smith and Stares 2007; T. Lyons and Mandaville 2012b). Generally, conflict-ridden and repressive states often render domestic mobilization difficult and thus potentially increases the significance of diaspora actors who may be able to pursue transitional justice agendas under more favorable circumstances in various host countries (Keck and Sikkink 1998; Risse, Ropp, and Sikkink 2013). The dissertation thus offers a recalibrated view of during-conflict justice that builds upon aspects of social movement theory to show how diasporas in host countries present *prospective* transitional justice claims amid conflict, where conflict termination seems distant and political transition improbable (Article I, Article II and Article III).

Second, the growing interest in transnational justice based on its normative appeal of dealing with (past) human rights violations has increasingly embedded donors, experts and civil society in what some observers have referred to as a global justice industry (Gready 2010; Madlingozi 2010; Subotić 2012). Such an industry is useful in that it connects networks of activists and experts on conflict transformation and transitional justice and is a way to offer sustained funding and support for diaspora civil society organizations engaged with transitional justice. On the other hand, this growing interconnectedness pose challenges of legitimacy and autonomy for such organizations. While these benefits and

drawbacks afforded by the transitional justice industry is apparent empirically, we do not know the process through which these relations develop and what their direct consequences are – particularly under circumstances of conflict where justice mobilization are quickly subject to backlash and politicization (Subotić 2012). The dissertation helps us understand the links between non-Syrian transnational activists and Syrian diaspora activists in the mobilization for transitional justice, revealing the potential pitfalls and challenges in terms of cooperation among these actors. Several scholars point to how these relations tend to develop between human rights experts and local actors (Madlingozi 2010; Andrieu 2016), but this dissertation reveals that diasporas are also absorbed into the transitional justice industry through mechanisms of brokerage and vertical coordination and the subsequent onset of patronage relations (Article I).

Third, while recent contributions to the literature on diaspora and transitional justice have begun to theorize about causal mechanisms that link the two (see special issue Koinova 2017), what motivates diasporas to pursue transitional justice and sustain such activism despite grim outlooks remain unexplored. Contributions that explicitly discuss how mobilization emerges in times of homeland conflict tend to refer to the importance of particularistic or hybrid identities (Shain 2002; Brinkerhoff 2006; Adamson 2012) often linked to traumatic experiences (Cohen 2008; Haider 2014; Wiebelhaus-Brahm 2016), favorable political opportunity structures and contextual embeddedness (Wayland 2004; Koinova 2014; Orjuela 2017), socio-cultural obligations, guilt and grievance (Hammond 2011; Brinkerhoff 2016), or ultimately more instrumental considerations such as power and influence (Mearsheimer and Walt 2007; Ambrosio 2002; T. Lyons and Mandaville 2012b). Yet, these explanations account for general forms of engagement with a homeland affected by conflict but offer less in terms of explaining why transitional justice claims remain a key concern in context of the limited feasibility and against the backdrop of increasing demands for contributions in other areas such as humanitarian aid. Moreover, studies on sustained or episodic mobilization have focused on post-conflict contexts and offer little in terms of explaining sustained, issue-based activism for transitional justice during conflict. The dissertation suggests that sustained activism for transitional justice can be explained by sets of underlying emotional, strategic, and institutional motivations that, in combination, drive such engagement in the absence of transition (Article II).



Fourth, renewed interest in universal jurisdiction<sup>3</sup> as a way to achieve justice and accountability have briefly pointed to how conflict-generated diasporas often consist of both victims and perpetrators of human rights violations and international crimes (Mégret 2015). The emergence of such cases is thus preconditioned on the presence of either or both in third countries. Yet, contributions to these scholarly debates, despite discussing general civil society engagement which often refer to international human rights organizations (Van Der Wilt 2015; Langer 2015; Bekou 2015; Brody 2017), surprisingly do not discuss the mobilizing capacity and contributions offered by diaspora organizations devoted to justice and accountability. This dissertation fills this research gap by speaking specifically to how diasporas provide key contributions and advance coalition-building among various actors to increase the prevalence of universal jurisdiction cases in multiple countries (Article III).

Finally, the dissertation shows that despite increased levels of conflict limiting the feasibility of transitional justice processes, this context does not reduce the demand nor mobilization for justice and accountability. On the contrary, sustained activism for transitional justice have remained a key endeavor for the Syrian diaspora in the face of adversity. This activism has evolved in several ways in this context, and I identify three distinct phases in this regard. The surge of optimism early on and the subsequent interaction with donors and international human rights organizations had implications for the diaspora's ability to present a coherent and unified transitional justice vision, ultimately leading to limited internal coordination and cooperation (Phase 1: 2011-2013). Attempts at remedying the lack of collaboration among Syrian diaspora organizations have been unsuccessful, even as they changed strategy towards primarily documenting human rights abuses. Despite the narrowing space for transitional justice and *fragmented* way in which these visions were advocated, Syrian diaspora actors continued its pursuit for justice and accountability prospectively (Phase 2: 2013-2016). Some of these actors *restrategized* and drew upon opportunities presented in various host states under the principle of universal jurisdiction, perceiving it as a small step on the long journey towards holding responsible those who commit serious human rights violations (Phase 3: 2016-2021). Each of the

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<sup>3</sup> “Universal jurisdiction is a criminal jurisdiction based solely on the nature of the crime, without regard to where the crime was committed, the nationality of the alleged or convicted perpetrator, the nationality of the victim, or any other connection to the state exercising such jurisdiction” (Macedo 2001)

articles more or less correspond to the identified phases of mobilization. Article I primarily assess the early stages of the conflict, characterized by the growth and expansion of diaspora organizations and how the onset of patronage relations ultimately led to movement fragmentation. Article II, although relevant for the entire period studied, draws particular attention to transitional justice mobilization in the context of an increasingly more violent conflict throughout 2012 and 2013. Article III shows how the limited space for transitional justice processes in the Syrian context drew mobilization, at least by some diaspora organizations, more in the direction of universal jurisdiction in 2016.

In terms of its empirical contribution, the dissertation adds to a growing interest in the Syrian diaspora's mobilization in context of the Arab uprisings in 2011 and the subsequent conflict escalation in the homeland. In particular, it sheds light on Syrian diaspora activism framed specifically through transitional justice to augment previous contributions that have focused more generally on contentious mobilization for or against regime change, development and humanitarian aid to the crisis, or specific foreign policy lobbying for military intervention (Jorum 2015; Svoboda and Pantuliano 2015; Moss 2016b; 2016a; 2020; Baeza and Pinto 2016). It provides empirical evidence for transitional justice mobilization while conflict is ongoing, which is quite unusual in the literature predominantly focusing on such engagement in post-conflict or post-authoritarian contexts. Furthermore, it reveals how the Syrian conflict, with its increasingly globalized and violent character have nonetheless been fertile grounds for advancing justice and accountability agendas abroad among diasporas and international human rights organizations alike.

The dissertation also makes an important methodological contribution that could assist future endeavors to explore and analyze dispersed, mobile, and transnational diaspora agents during conflict. It draws upon a combination of interviews, primarily with diaspora entrepreneurs, and direct observations of diaspora-hosted events and conferences in Europe and North America as well as Turkey and Lebanon. Importantly, the interview material are longitudinal qualitative interviews (LQI), which means they are conducted with the same individuals over some period of time. This method facilitates analysis of how actors experience, interpret and respond to change (Hermanowicz 2013). The data

collection has been multi-sited and multi-spaced<sup>4</sup>; a dynamic approach necessitated by the extent of dispersion among these actors as well as the degree of mobility they have exercised through mobilizations. Article III is a testament to this, given how universal jurisdiction cases has been filed in numerous different host-state contexts in Europe. These adaptations have remedied some of the challenges presented by studying diasporas but may also have beneficial lessons for those researchers affected by the limits presented by the COVID-19 pandemic.

This introductory framing proceeds with a review of two distinct literatures to which this dissertation speaks, diaspora mobilization and transitional justice. Political mobilization and social movement theory permeate through this introduction but is dealt with more explicitly in the individual articles, particularly Article I and Article II. The review aims to disclose the theoretical underpinnings of this research, present an analytical framework useful for studying diaspora mobilization during conflict, and discuss overarching research gaps the dissertation intends to help fill. It then gives an overview of the research design employed across the individual contributions. This includes a discussion of methodology, methods, data, data collection and ethical considerations encountered throughout the research process. Subsequently, it summarizes the main findings of the three individual articles and discusses the overall implications theory-building, policymaking, and avenues for future research. Finally, each article follows in full reprint.

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<sup>4</sup> Multi-spaced as opposed to only multi-sited suggests that data collection has been conducted both in actual geographic locations as well as in virtual spaces through online interviews and direct observations at online conferences and events.

**Table 1: Summary of Articles.**

| # | Article title  | Research Question   | Rationale                           | Method & Data   | Findings   |
|---|--|---|-------------------------------------|---|--|
| 1 | Syrian Diaspora Mobilization: Vertical Coordination, Patronage Relations, and the Challenges of Fragmentation in the Pursuit of Transitional Justice | Why has the Syrian diaspora been unable to present a coherent and unified transitional justice agenda?      | Strategic, relational               | Qualitative, semi-structured interviews and reports, process tracing.                       | Fragmentation is caused by a sequence of mechanisms, from <i>transnational brokerage</i> to the development of <i>vertical coordination</i> and establishment of <i>patronage relations</i> . These developments have precluded horizontal collaboration among the diaspora.   |
| 2 | Syrian Diaspora Mobilization for Prospective Transitional Justice in the Absence of Transition   | Why do diasporas continue to pursue transitional justice when it is highly unlikely that they will succeed? | Motivational, strategic             | Qualitative, semi-structured interviews and reports.  | Advances the concept of <i>prospective</i> transitional justice. Mobilization is motivated by a combination of <i>emotional</i> (moral obligation) and <i>strategic</i> (transformation and institutional interests) factors.  |
| 3 | Dealing with Impunity from Abroad: Syrian Diaspora Mobilization for Universal Jurisdiction Cases   | Why, with whom, and how do diasporas contribute to the mobilization for universal jurisdiction cases?       | Motivational, strategic, relational | Qualitative, semi-structured interviews, reports, and data on universal jurisdiction cases. | Universal jurisdiction cases are a way to keep transitional justice “on the table”, provide some modicum of recognition to victims and expand the scope and impact of universal jurisdiction cases. Diasporas play a key role in <i>coalition-building</i> with international human rights organizations, war crimes units and supranational investigative mechanisms. |



# Diaspora Mobilization and Transitional Justice

The dissertation engages two relatively distinct academic literatures that have expanded significantly in empirical and theoretical space over the past two decades. In doing so it aims on the one hand to advance our understanding of diaspora agency, and on the other, how such groups engage with transitional justice. The endeavor necessitates a broad review of extant literature on both fields in order to illuminate the “state of the art”, identify strengths and shortcomings, and present an overview of central concepts applied in the different articles. This section will do so in four parts by: (1) discussing diaspora formation and diasporas in relation to conflict, (2) examining transitional justice theories and the gradual broadening of the concept in academic discussions, (3) develop an analytical framework, and (4) draw on these separate parts to identify and elaborate upon particular knowledge gaps to which this dissertation contributes.

## Diaspora Formation and Diasporas in Conflict

Over the past decades, diaspora studies have advanced beyond seemingly irreconcilable debates on definitions and conceptualizations of the term. Yet, to understand how diasporas engage transnationally in politics concerning homelands (particularly if the homeland is in conflict), it is necessary to assess the development of such communities and how we should understand the conceptual boundaries of diasporas. Most scholars tend to agree that, at the core, diasporas have “to do with *dislocation*, with having left particular places and living elsewhere, or with simply being ‘out of place’” (Sökefeld 2006, 265). Brubaker (2005) famously asserted that the changing meanings of the term in semantic, conceptual and disciplinary space had led to a distortion of its true meaning, which indeed limited its overall analytical utility. He advocated for a radical shift towards viewing diasporas not as a bounded entity, but as an idiom stance and claim to overcome issues of groupism that otherwise signaled a form of unitary actor with quantifiable membership. While the dissertation sympathizes with this sobering up of diaspora conceptually, the application of the term diaspora in each of the articles consciously draw on the core debates that have long underpinned diaspora studies, and with it, has implications for how to understand the distinction between individual experiences and diaspora organizations as well as diasporas’ social and political capacities locally and globally. It is thus necessary to

briefly discuss the main tenets of these debates prior to engaging in any meaningful review of diasporas in conflict and ultimately how they engage in transitional justice mobilization. Particularly two main strands of thought have emerged as dominant in discussions of diasporas and identity formation; the essentialist<sup>5</sup> and constructivist approach (Adamson 2012). The key disagreement between these two strands of thought in context of diaspora research revolves around questions of whether migration itself is a sufficient condition for the emergence of diasporas or whether diaspora formation necessitates social and political mobilization by strategic actors.

Under the essentialist approach, the emergence of diasporas is assumed to be an almost natural consequence of migration and dispersion (Bertrand 2004). Diasporas would designate any group of people who had migrated across borders, had some form of homeland orientation and maintained a distinct boundary vis-à-vis the host-state population (Safran 1991; Brubaker 2005). Such entities would reify ethnic or cultural communities from a home country, creating a sense of belonging or a collective identity while abroad. Early scholarly discussions of diasporas also drew significantly on the paradigmatic or prototypical case of the Jews and the notion of victimhood and forced exile in context of the Great Exodus from Palestine. As such, analysis often referred explicitly to the Jewish experience in analysis of other entities such as the Kurdish and Armenian diasporas and their reason for dispersion. Some scholars have downplayed the necessity of victimhood and traumatization as a necessary condition for diaspora formation, arguing that the emergence of such groups could also happen through other processes, including search for labor, trade, or even so-called lifestyle migration (Curtin 1984; Fallers 1962; Cohen 2008; Consterdine 2020). Nevertheless, essentialist conceptions of diaspora suggest, ontologically, that they are indeed bounded entities characterized by certain biological, physical and cultural attributes (Sheffer 2003, 18).

In contrast, the constructivist approach critiques the notion of diasporas being defined by such attributes and that migration and dispersion are sufficient conditions for diaspora emergence. This strand of thought suggests that diasporas develop based on the mobilization of identity by strategic actors. Such actors are often diaspora entrepreneurs, who activate, maintain and sustain identity networks for various purposes, including

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<sup>5</sup> Some also refer to these accounts as the primordial approach, see for example Baser (2015).

political or developmental goals (Adamson and Demetriou 2007; Brinkerhoff 2016). The constructivist approach holds that not all migrants and ethnic or religious communities constitutes a diaspora (Baser 2015, 20). It thus necessitates a realization on behalf of individual entrepreneurs or elites of opportunities and resources to advance a diasporic identity. In this sense, this approach to diaspora and diaspora emergence mirror the collective mobilization of social movements or transnational networks, although it does not equate these formative processes nor the social form (Sökefeld 2006).

While many of the contributions to either approach have sought to develop useful conceptualizations of diasporas that facilitate meaningful conceptual travelling without engaging in conceptual stretching (see Grossman 2019), this dissertation adopts a relatively pragmatic view of diasporas. It views diasporas through a constructivist lens, doing so for three reasons. Firstly, social construction of diasporas holds merit in that it does not equate the vast number of Syrian refugees who have been forcefully displaced from their homeland as a result of the ongoing conflict. On the contrary, the expression of diasporic activism, which surely claim to represent these refugees and attempts to absorb them in various ways, comes in many different forms and shapes, spanning from loose networks of activists to formalized organizational vehicles. Furthermore, claims among Syrians abroad are indeed heterogenous, which is precisely the problem with an essentialist approach that favors “groupism”. Diasporas are rarely homogenous and often have competing conceptions of the homeland (Vertovec 2005; Bush 2007). Even within transitional justice mobilization, which is only one field of engagement among Syrians, there are a multitude of cross-cutting identities, perspectives, and interests, some of which are explicitly discussed in Article I. Yet, the extent to which an individual’s diasporic identity is mobilized varies greatly. It is thus important not to overstate the size of the Syrian diaspora, although it is hardly controversial to suggest that the conflict-induced dispersion of Syrians and their experiences, particularly across Syria’s immediate neighborhood and Europe, are indeed latent resources that diaspora entrepreneurs have the potential to seize upon. At its core, however, being a part of a diaspora community involves a choice of whether to be active or passive (Bertrand 2004), and not all migrants choose to exhibit “voice” after “exit” (Newland 2010; Moss 2020). Focusing on diaspora organizations as expressions of the Syrian diaspora provides tangible units of analysis, overcoming at least in part, the issues of assuming that all migrants of a population automatically constitute a diaspora.



Secondly, social constructivism provides a theoretical bridge between diaspora studies and the literature on social movements and transnational activism. Similar to these forms of actors, diasporas mobilize based upon perceptions of political context and opportunity structures, availability of material and immaterial resources, and the application of ideational frames (Eccarius-Kelly 2002; Sökefeld 2008; Adamson 2012; Koinova 2014; Jörum 2015; Amarasingam 2015; Moss 2016a). Given the dissertation's focus on how diasporas engage in politics transnationally, this approach provides conceptual tools with which to explain how Syrian diaspora mobilization for transitional justice has evolved over time. Mechanisms of diaspora mobilization during conflict reflect those emerging from studies of social movements, including for example brokerage where diasporas draw on their unique position to connect otherwise disconnected parties (Adamson 2013) or coalition-formation, where diasporas develop mutually beneficial cooperative relationships (Koinova 2019). Social constructivism also offer explanations for how transnational civil society more broadly operate and what conditions their successes or failures (Keck and Sikkink 1998; Risse, Ropp, and Sikkink 1999). Refuting the statist paradigm of political science, these actor-oriented perspectives indeed provide ample ground for exploring and explaining how diasporas function in global politics. It is particularly the transnational linkages of diasporas and multi-sited positionality that are central to their significance as transnational actors (Ambrosio 2002; T. Lyons and Mandaville 2012b; Brinkerhoff 2016; Marinova 2017; Koinova 2017b).

Thirdly, since constructivism focuses on strategic mobilization of identity, such a perspective reveals the importance of diaspora elites and how organizations produce visible political and institutional expressions of identity. As argued by Adamson (2012), diasporas are not only actors that have certain effects, but are indeed effects themselves, of political mobilization and socially constructed identity communities. In many contexts, elites or political leaders mobilize identity because they recognize how important diasporas are for a wide range of purposes, including but not limited to seeking universal human rights (T. Lyons and Mandaville 2012a). As with social movements, diasporas involve various organizational modes, ranging from loose networks to more formalized organizations. While part of the same mobilized network, organizations are expressions of diaspora identity, often with reference to specific political, social or cultural claims, such as development (Newland and Patrick 2004; Brinkerhoff 2016), sovereignty (Koinova 2014),

or transitional justice (Orjuela 2017). Van Gorp and Smets (2015) argue that “diaspora organizations represent the ability to transform largely virtual imagined communities into more tangible communities of practice...” Organizational strength is also positively associated with successful political influence, at least in terms of host state foreign policy (Rubenzer 2008).

In this dissertation, I understand diaspora organizations and the organizational leaders who run them to be central to invoke a diaspora identity and key to advance a justice and accountability agenda transnationally. Diaspora organizations are important in opinion-making and often act as the public face of the larger diaspora population (Baser 2015). Many of the organizations and their leaders are indeed thoroughly transnational in the sense that, while formally operating out of a given host state context, they are able to draw upon networks of resources and interactions with partners to advance their interests in multiple contexts simultaneously. For example, Article I shows how individual organizations pursue particularized and sometimes competing notions of transitional justice, and Article III reveals how Syrian diaspora organizations pursue universal jurisdiction claims in several different host-countries. Diaspora organizations are thus important both theoretically and methodologically as a means to study diaspora politics.

While I recognize that there are different perspectives of what constitutes a diaspora and how they emerge, the three arguments above justify adopting a social constructivist approach. Drawing upon perhaps the most cited definition of diasporas in the literature on their political mobilization and engagements during conflict, the dissertation considers diasporas as:

[...] a social collectivity that exists across state borders and has succeeded over time to (1) sustain a collective national, cultural or religious identity through a sense of internal cohesion and sustained ties with a real or imagined homeland and (2) display an ability to address the collective interests of members of the social collectivity through a developed internal organizational framework and transnational links (Adamson and Demetriou 2007, 397).

In an effort to move beyond conceptual discussions of what constitutes a diaspora, scholars have directed their attention towards the transnational political capabilities of such actors, with the triadic relationship between diasporas, homelands and host countries having been particularly scrutinized (Sheffer 1986; Vertovec 1999; Baser 2015). In this context, the ways in which diasporas mobilize during homeland conflict have drawn substantial interest. How

do diasporas affect conflicts in the homeland? Do they possess peace-wrecking or peacebuilding capabilities, or both (Smith and Stares 2007)? Current research suggests that diasporas, perhaps unsurprisingly, have various effects during homeland conflicts, but that they are indeed significant actors in many contemporary deterritorialized, dispersed, and delocalized conflicts (Demmers 2002).

### ***Diasporas and Homeland Conflict – Multiple Roles and Effects***

With increased globalization, transnationalism, and movement of people across borders, diasporas' potential role in homeland conflict has gained increased scrutiny over the past decades. Securitization debates emerging in the aftermath of the September 11, 2001 attacks in the United States, for example, exceedingly viewed conflict-generated diasporas with a critical lens, referring to them as long-distance nationalists or fundamentalists who perpetuated conflict from abroad without putting themselves at risk (Østergaard-Nielsen 2006). Long-distance nationalism refers to how the population of a nation extends beyond territorial boundaries and participate in homeland affairs from afar (Anderson 1991; Demmers 2002; Glick-Schiller 2005).

Collier and Hoeffler's (2004) argument that large diasporas increase the likelihood of repeat conflict marked the inception of research on these entities' role in homeland conflict. Early contributions tended to highlight the various ways in which diasporas did indeed limit prospects for conflict resolution by providing financial, political and military support to rebels (Byman et al. 2001) or even radicalized local actors (Koinova 2011b). Particularly the Irish, Kosovar, Kurdish, and Tamil diasporas have been considered hard-line diasporas with largely detrimental effects on peacebuilding. In these cases, diasporas were cited as promoting extremist ideologies as well as financing and taking direct part in conflicts as combatants (Hall, Kostic, and Swain 2007). For example, the sudden increase in strength of the Kosovo Liberation Army in 1998 have at least in part been linked to fundraising efforts among the diaspora in the West and the return and direct participation in the conflict by diasporas during the 1990s. Similarly, the Tamil LTTE, with its extensive networks globally, have used its diaspora to raise funds to sustain its insurgent agenda (Byman et al. 2001; Wayland 2004). While finding that Syrian and Libyan diasporas during the Arab uprisings supported military interventions in their home countries, Dana Moss (2016a) argued that the motivations for promoting hawkish policies were not due to their

insulation from the conflict, but rather as a response to the threat and perpetuation of mass killings by each respective homeland regimes.

Other scholars have drawn attention to how diasporas may alleviate some of the hardships of or contribute to finding solutions for homeland conflicts. The devastating effects of war urge diasporas to provide humanitarian aid in order to sustain livelihoods (Fagen and Bump 2006), and in some cases, fill the assistance gap in extremely volatile areas (such as in Syria) where international agencies are unable to gain access (Svoboda and Pantuliano 2015). Moreover, remittances does not only fuel conflict, but could also be an important resource providing alternatives to a war-time economy and present opportunities for growth or development (Newland and Patrick 2004; Baser and Swain 2008; Brinkerhoff 2016). In some cases, diasporas function as peacebuilders in third-party mediations by providing trust and assurance as well as contextual insights, which encourage negotiations between warring parties (Baser and Swain 2008). As argued by Cochrane (2007, 85), “diaspora groups have a soft power potential, which might be harnessed for peaceful ends”. For example, Greek-Cypriots in various European states drew on their resources to pressure politicians in the US, Britain and Germany to increase their commitment to conflict resolution between Greece and Turkey regarding Cyprus (Zunzer 2004). Mohamoud and Osman (2008) argue that the Sierra Leonian community in Denmark and the Somali and Liberian communities in the Netherlands were important driving forces of conflict transformation. Furthermore, despite having been cited as conflict-promoting, the Irish diaspora were an indispensable force lobbying for and supporting negotiations that ultimately ended with the Good Friday Agreement in 1998 (Cochrane 2007).

Arguably, diasporas’ role in conflict can hardly be described as either positive or negative. They often have diverse and even multiple effects at different stages of a conflict cycle. In some cases they may be catapulting conflict and in others, propelling peace (Hall and Swain 2007). In an edited volume with several case-studies from all over the globe, Smith and Stares (2007) argue that a combination of internal factors related to the capacities of diasporas and opportunity structures presented by their transnational engagement in various contexts condition the ways in which diasporas affect homeland conflict. Given the heterogeneity of diasporas as discussed above, it is inevitable that also within the same diaspora, different actors express competing claims and interests in one and the same conflict. In her analysis of the Sri Lankan diaspora, Camilla Orjuela (2008) argues that

diaspora engagement with the conflict both reproduce polarization and hostilities as well as present challenges to these relations by advocating for conflict resolution and engaging in cross-ethnic dialogue. It should therefore not come as a surprise that, despite this dissertation's focus on transitional justice mobilization, the Syrian diaspora promotes a variety of different and sometimes competing agendas in both form and substance, as shown in Article I. Some may be involved in service provision related to humanitarian aid while others mobilize politically for military intervention; some are mobilizing in favor of the regime, while others against it. Ultimately, diasporas can affect the different phases of a conflict through political, military, economic or socio-cultural influences and these can either have positive, negative, or neutral effects on escalation or cessation of conflict (Bercovitch 2007). What this means is that diasporas do indeed have a plethora of effects and roles during conflict. The ways in which they frame goals through transitional justice, when transition is remote and injustices keep occurring, however, remains undertheorized and requires further scrutiny. To advance this research agenda, it is necessary to review literature on transitional justice and discuss the ways in which the concept can be understood in conflict contexts.

## **Understanding Transitional Justice During Conflict – A Focus on Agency**

Transitional justice has become a paradigmatic lens through which scholars and practitioners approach societies recovering from war and oppressive regimes. Accompanying regime-changes in Latin America and Eastern Europe in the 1980s and 1990s, such processes have grown in popularity globally over the past decades, including various forms of mechanisms. Practical responses are many, ranging from prosecutions and amnesties to reparation programs and commemoration projects. While the purpose of transitional justice is often assumed implicitly (Lambourne 2009), we can here understand transitional justice as ways to transform entire societies, consolidate peace and create the foundation for a political system governed by the rule of law (McAdams 1997; Thoms, Ron, and Paris 2008). Often, this means explicitly adopting legal and non-legal mechanisms to address past human rights violations (Olsen, Payne, and Reiter 2010, 1). The range of transitional justice mechanisms reflects the various underlying conceptions of justice as well as highlighting the various ways in which victims partake. A key development in this regard

has been how scholars have gradually been able to let go of legalism and acknowledge how actors other than the state may contribute to “thicken” transitional justice (McEvoy 2008).<sup>6</sup> A pinnacle of this effort to broaden the scope of such processes to also include non-legal and context-sensitive mechanisms, Boraine (2006) advocated for a holistic understanding of transitional justice. He cautioned against prescriptive remedies to post-conflict and post-authoritarian contexts centered on retributive criminal justice and called for a more context-sensitive approach to justice that would complement criminal justice with restorative elements including truth recovery, reconciliation, institutional reform, and reparations. The differing conceptions often challenge the core moral and ethical rationales for such processes leading to the juxtaposition of peace and justice or peace and truth. They also vary in whether they put emphasis on perpetrators or victims and the degree of inclusiveness of various victim’s groups. Moreover, actors, such as diasporas, may mean very different things when they propose and advocate for transitional justice.

The different conceptions of transitional justice can be understood through three main forms: retributive, restorative and reparative justice (Wiebelhaus-Brahm 2017). The predominantly legal responses to atrocities of the past have focused on the *retributive* element of justice. To this extent, transitional justice means coming to terms with the history of violations through mechanisms of accountability. Human rights abuses and other unjust performances by prior regimes are to be dealt with through legal means in order to “settle the accounts” (Orentlicher 1991). It is retributive because it centers on perpetrators of repression and the corrupt behavior of former officials. Holding them directly responsible for the suffering and negative implications of their practices is considered just and appropriate. Furthermore, legal prosecutions are by some argued to have a deterring effect preventing violence and human rights abuses from reoccurring in the future (Thoms, Ron, and Paris 2008).

*Restorative* justice on the other hand emphasizes mechanisms that facilitate reconciliation and common historical accounts of the past. Authoritarian regimes in general are often highly secretive of the systematic forms of repression and corrupt practices, thus implementing truth-telling mechanisms provide both victims and offenders the opportunity to tell their stories. Truth commissions are often used because they, arguably, facilitate

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<sup>6</sup> There is also the critique that transitional justice is a Western project (see e.g. Madlingozi 2010).

reconciliation between conflicting segments of society through establishing a common history. Instead of focusing on judicial proceedings, restorative justice processes in general, and truth commissions in particular, aim to (re)write the history, recommend reforms, and advance social healing (Hayner 1994; 2006; Wiebelhaus-Brahm 2017). With the acknowledgement that retributive justice is insufficient to achieve the broad aims of transitional justice, the last two decades have seen a growing emphasis on victim-centered approaches.

*Reparative* justice aims to offer victims restitution, compensation, and rehabilitation. The other side of the coin from criminal justice, this conception of justice does not only seek to punish the perpetrator of a past crime, but to repay the damage inflicted on the victim. Reparations are also recognized under international law, for example the Rome Statute that underpins the ICC (McCarthy 2009).

A central issue with transitional justice processes has been the overt focus on “top down” perspectives, templating of best practices, context-insensitive applications of various mechanisms and limited focus on how non-state actors’ approach transitional justice. For example, accountability through criminal justice at the international level, such as the oft-cited International Criminal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) have created the foundation for transitional justice elsewhere and even the establishment of the ICC as a permanent institution for criminal justice. Similarly, the lessons from the South African Truth and Reconciliation Commission were and still are being held as a reference for how to adopt restorative, truth-seeking justice elsewhere. Combining mechanisms that respond to retributive, restorative, and reparative demands has the advantage that it incorporates “bottom-up” perspectives in the typical “top-down” nature of international justice. A “thicker” form of transitional justice that looks beyond legalism and accurately reflect civil society’s aspirations and engagement is a necessary complementarity to the predominant focus on institutions (McEvoy 2008).

The last two decades have considerably improved our knowledge on how civil society organizations engage in transitional justice mobilization in various political contexts (Crocker 2000; Backer 2003; Duthie 2009; McEvoy and McGregor 2008b; Lambourne 2009; Wilcox 2009; Hovil and Okello 2011; Simić and Volčič 2013; Bakiner 2014). Having previously taken a “backseat” in the literature on transitional justice that followed the third

wave of democracy (Huntington 1991), it is now widely recognized that civil society and non-state actors are central to the creation, implementation and monitoring of transitional justice mechanisms. Not only because such actors conduct important work in terms of documentation and advocacy, but because they can be essential in facilitating peaceful transitions and restore the social fabric of war-torn countries (Backer 2003; Hayner 2004; International Center for Transitional Justice 2004; Hovil and Okello 2011). More specifically, civil society exerts pressure, which is indeed critical for the creation and monitoring of transitional justice processes (Skaar 1999; Gready and Robins 2017).

As such, scholars have begun to think of alternative ways to conceptualize transitional justice to accommodate this broadened view, gradually moving beyond the accountability norm and towards agency-oriented perspectives that takes into account the diverse range of civil society actors. This transition within the field broadens the scope of our debates to also reflect upon the intersection between legal, political, and social dimensions of post-conflict and post-authoritarian settings. In bringing the theoretical debate one step further, the dissertation contends that a flexible and dynamic understanding of transitional justice is needed to recognize how transnationally organized human rights activists pursue their goals and develop preferences in contexts where political transition seems unlikely. Put differently, the argument is that transitional justice should be understood as forms of claims that non-state actors such as diasporas promote during homeland conflict. The dissertation draws upon several innovative perspectives on transitional justice in the field to make this argument.

### ***Broadening the Notions of Transitional Justice – Mobilizing Claims During Conflict***

As stated above, transitional justice processes are designed to address past human rights violations. Drawing extensively on the post-World War II Nuremberg trials, early contributions to this literature was heavily focused on legal mechanisms that would ensure accountability and afford justice (Kritz 1995; Teitel 2000). However, transitional justice has remained a hegemonic concept with deterministic properties insensitive to contextual variation, despite even recently expressed concerns that transitional justice has a fundamental and existential problem: “it does not really know what it is” (Gready and Robins 2020, 280). With the intention of trying to accommodate variation and the ways to understand justice in relation to conflict and conflict termination, Boraine’s (2006) holistic



approach has sparked other developments and conceptual innovation in the transitional justice field. For example, scholars have suggested alternative perspectives highlighting different aspects of transitional justice, such as transformative justice, pre-transitional justice, during-conflict justice, justice in transition, justice as discourse and justice as a field of contention. The expanded notion of transitional justice is of relevance if we are to understand how diasporas mobilize claims amid homeland conflict. Each of these advancements offer conceptual flexibility to consider agency, temporality, and structural opportunities for transitional justice.

*Transformative justice* takes into account the peacebuilding capacities of justice mechanisms and the specific needs, expectations and experiences of victims of violence (Daly 2002; Lambourne 2009; Eriksson 2009). This approach suggests a rethinking of transition, not as an interim, short-term process but as a thorough transformation, seeking long-term sustainable peace and addressing structural violence. Furthermore, it offers an agency-oriented analytical focus that highlights rights-based demands and claims, participatory instruments of justice, and the mobilizing capacity of civil society at local and global levels (Gready and Robins 2014). Such a recalibration of the transitional justice field invites for a focus on processes rather than simply outcomes of transitional justice mechanisms. It necessarily allows for the inclusion of actors beyond the state, ranging from local victims' organizations demanding recognition to international (and transnational) organizations of practitioners and experts who offer advice on best practices (Subotic 2012; Sharp 2013; Skaar and Wiebelhaus-Brahm 2013; Lefranc and Vairel 2014). Moreover, the focus on process and demands also suggest the inclusion of diasporas.

In some contexts, what is usually understood to be mechanisms of justice in the aftermath of violent conflict or regime change, are implemented while conflict is still ongoing. *During-conflict justice* refers to “a judicial or quasi-judicial process initiated during conflict that attempts to address wrongdoings that have or are taking place as part of that conflict” (Loyle and Binningsbø 2016, 443). Empirically, such mechanisms are indeed not uncommon and vary greatly in both scope and impact in various contexts (Binningsbø and Loyle 2018; Dancy and Wiebelhaus-Brahm 2018; Daniels 2020). However, by exploring how justice mechanisms are used amid war, during conflict justice conceptually expands how we should understand transitional justice. It provides a necessary amelioration of transitional justice in terms of temporality by admitting that these processes are indeed not

only relevant to consider in post-conflict or post-authoritarian settings, but highly important ways to deal with injustices also during conflict.

Drawing on a similar and expanded notion of transitional justice, Quinn (2015; 2021) has published extensively on what can be understood as *pre-transitional justice*. In her view, pre-transitional justice revolves around a debate on how to best prepare communities for transitional justice processes in the future in order to increase the likelihood of such mechanisms to lower tensions between communities in a conflict. Making concerted efforts to effectively change the context prior to the adoption of specific transitional justice mechanisms may create preconditions for success (El-Masri, Lambert, and Quinn 2020). For example, by “priming” different sides to transitional justice processes through educational measures or grassroots and organizational initiatives on the ground, these communities are more likely to develop thin sympathy, a form of cognitive capability to understand grievances of “the other”. Even a modest accomplishment of thin sympathetic response between otherwise conflicting or apathetic communities creates a more fertile ground to deal with a violent past, ensure robust and transformative justice, and ultimately more durable peace. For transitional justice to be successful, grassroots measures can fruitfully be employed in a variety of different contexts such as those where there is no transition, failed states, forgotten conflicts, frozen conflicts, or where fighting continues.

*Justice in transition* reminds us of the challenges of instituting the rule of law, increasing the legitimacy of courts and other institutions of justice (e.g. truth commissions), and ultimately the juxtaposition of procedural and substantial justice in countries attempting to grapple with the past in the present. Societies seldomly experience a clear-cut move from a situation of injustice to one of justice. Various forms of discrimination, inequalities and violence may persist. Being complementary to transformative justice as they consider a practice, Gready and Robins (2017) argue that the framework of justice in transition is “dynamic, diverse and contextual” and reflects how transitions should be considered as broad social projects and a condition in society. Instead of relying on prescriptive institutional remedies nested in normative assumptions of how to come to terms with gross and systematic injustices, they argue that research should consider “how individuals and communities engage with needs, rights, custom, community, agency and mobilization, and how they contest continuities of injustice and seek justice in their local environment and with regard to the state” (Gready and Robins 2017, 957). Explicit in this approach is the

centrality of non-state actors and how their multifaceted interests and actions relate to transitional justice in various contexts.

Transitional justice can also be understood as a *global discourse*. Various legal norms and concepts are often employed by both state and non-state actors to declare and legitimize specific interests and priorities in relation to conflict. It reflects the norms shift in international relations towards human rights-based advocacy, which is no longer confined to epistemic communities (Lutz and Sikkink 2001; Skaar and Wiebelhaus-Brahm 2013; Teitel 2014). On the contrary, domestic, and international human rights organizations have emerged adopting a universal interpretation of human rights norms and advancing these both nationally and globally. While some would argue that the application of transitional justice discourse is still mostly an elite activity (Robins 2012), civil society actors, seize the opportunities presented by transitional justice discourse, including funding, collaboration and recognition. In this sense, transitional justice constitutes a set of political opportunity structures, which shape and enable mobilization, including of diasporas (Orjuela 2017). The discourse they latch on to is informed by both scholarly debate about the foundational principles of transitional justice as well as first-hand knowledge of practitioners with expertise on individual cases.

Lastly, transitional justice is a *field of contention* through which non-state actors vie for power and influence over the trajectory of transitional processes (Mullin and Patel 2016; Gready and Robins 2017; Selim 2018). McEvoy and McGregor (2008a, 2) argue that transitional justice is and should be viewed as a contested space. Pursuing claims of accountability or reparations, for example, bears upon the interests of others, thus resembling contention in contentious politics (Tilly and Tarrow 2006). Similarly, the way actors constantly negotiate the priorities and boundaries of transitional justice mechanisms and civil society actors often push back on the state's concerns unless they are in line with their own (A. Lyons 2010). Furthermore, among transitional justice advocates, priorities are rarely uniform and often reveal competing interests. Building upon this idea, Kurze and Lamont (2019) identify new spaces and forms of actions that widens our scope of what has traditionally been understood to be post-conflict and post-authoritarian transitional justice. Spaces of contention, they argue, allows for the exploration of power struggles between different stakeholders and include specific sites of action as well as institutions that are subject to civil society engagement and the discursive space that they draw upon.

Furthermore, they extend our notion of civil society actors beyond the traditional human rights NGOs to also include other, less studied and often marginalized groups, such as youth activists.

Conceptual discussions have yielded great advances in terms of including various actors in transitional justice processes and broadening our scope and understanding of how global norms of human rights and justice and accountability should be understood in a variety of contexts. While the concept of transitional justice may still remain fuzzy, the dissertation draws upon these broader perspectives of transitional justice to conceptually distinguish transitional justice as legal and non-legal mechanisms to address past human rights violations and transitional justice as a claim bearing upon the interest of others. Put differently, it can be seen as a consciously articulated political demand (Tilly and Tarrow 2006). As argued in Article II, the focus is less about how transitional justice *ought* to be exercised in pre- or non-transitional contexts, but rather how actors *mobilize claims* related to the norms, values and practices that underpin transitional justice. In this context, transitional justice may indeed be highly relevant as a way to prescribe policies and prepare evidence for such processes in the future. Transitional justice is thus an important discursive opportunity through which diasporas gain political leverage and support, and a field of contention where competing visions and agendas may emerge (as seen in Article I). These claims are advocated in pre-justice contexts, such as during conflict, as studied in this dissertation specifically, but also in post-conflict contexts where formal processes are yet to materialize. A burgeoning research agenda explicitly studies diaspora mobilization in context of the latter. The next section reviews the nexus between diaspora and transitional justice literatures.

## **Diaspora and Transitional Justice – Towards an Analytical Framework**

Drawing on an extended view of civil society to also include non-state actors overseas, such as diasporas, is imperative to understand agency in transitional justice debates. The displacement and continued sense of belonging to the homeland are grounds for engaging in the topic of transitional justice, and the characteristics and conditions for such interactions are no different from that of domestic civil society. Diasporas are often motivated by their specific grievances, often linked to suffering they have endured in

relation to displacement (Haider 2014; Wiebelhaus-Brahm 2016). It is therefore useful to treat diasporas as “civil society beyond the state” (Cochrane 2007).

Nested within diaspora and conflict research, scholars have increasingly begun to examine how diasporas engage with issues of justice and accountability. Predominantly, this literature has centered its attention on the ways in which diasporas mobilize for transitional justice in post-conflict contexts. Under these circumstances, diasporas may advance human rights, justice and accountability for past atrocities through legal mechanisms (Mey 2008; Duthie 2011; Haider 2014; Wiebelhaus-Brahm 2016), mobilize for the remembrance or commemoration of significant historical events or truth commissions (Young and Park 2009; Karabegović 2014; Koinova and Karabegović 2017; Orjuela 2017), or facilitate institution-building and reconstruction efforts (Brinkerhoff 2008). A special issue that made strides in our theorizing of how diasporas mobilize both during and after conflict drew explicit attention to diaspora’s engagement with transitional justice processes. Building upon previous explorative studies of this link, these contributions advanced our knowledge of how diasporas seize upon international opportunity structures inherent in transitional justice discourse (Orjuela 2017), approach education for transitional justice purposes (Karabegović 2017), demand genocide recognition and accountability through host state governments (Godwin 2017), and lastly, advance accountability for sexual violence (Godin 2017). These contributions have enriched our understandings of the ways diasporas interact with existing transitional justice processes or mobilize based upon the norms and values that underpins it through a variety of comparative and empirical studies.

More importantly, the special issue raises important questions about the spatial and temporal logics that conditions diaspora mobilization (Koinova 2017a). Diasporas do not only mobilize within the confines of the triadic relationship they constitute together with homeland and host state but operate on multiple different levels and sites. These contexts are not only limited to traditional territorial states, but also include sub-state levels (cities or regions) and multi-sitedness (engagement in, between and across contexts). Furthermore, diasporas’ sociospatial positionality – the power these agents perceive themselves or are perceived as deriving from relations with others in different contexts – explain mobilization trajectories among these actors. Linkages to multiple contexts lead diasporas to strategically consider how to mobilize their interests and where to do so. Strong positions in certain contexts are more likely to lead to mobilization through more institutional channels whereas

weak positions tend to direct mobilization through contentious politics (Koinova 2017a; see also Koinova 2017b).

Time is also an important aspect that influences diaspora mobilization. Homeland events, such as crises or critical junctures can impact the diasporas' identity and relations to a homeland and also their capacity to mobilize. Interestingly, a discrepancy is identified here in terms of whether crises produce increased levels of diaspora mobilization (Godin 2017), or if protracted crises are conducive to fatigue and limited diaspora mobilization (Mavroudi 2017). In terms of transitional justice, Orjuela (2017) shows how chosen traumas of a violent past becomes experienced, performed and represented in the present and thus important in terms of framing claims through political, legal, and discursive opportunity structures inherent in global transitional justice norms.

The increased attention to spatiality and temporality is important to understand the linkages between diaspora mobilization for transitional justice during homeland conflicts for two reasons. Firstly, the continuous flow of individuals, both victims and perpetrators of human rights violations, to multiple contexts provides both political, legal, and social opportunities through which diasporas can mobilize for transitional justice. In line with the arguments above, relative strength of a diaspora affects which contexts are more conducive for certain types of mobilization. From a legal point of view, victims or perpetrators present in different countries have jurisdictional implications, which condition the opportunities diasporas have to pursue legal challenges such as criminal justice under the principle of universal jurisdiction, as argued in Article III. Secondly, the temporal dimension is particularly important when conflict is still ongoing as its constantly changing nature (e.g. introduction of new parties) and states' responses to changing conditions on the ground dramatically alter the possibilities to achieve mobilizational goals. Article I points to the optimism in the early days of the uprising, but the subsequent escalation of violence and the lack of commitment to transitional justice by powerful states with a stake in the Syrian conflict reduced the opportunities for transitional justice, as argued in Article II.

More recently increased attention has been afforded to studying specific causal mechanisms that link transitional justice and diasporas. A series of articles,<sup>7</sup> which also examined various empirical instances of diaspora mobilization, identified several causal

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<sup>7</sup> Article I in this dissertation is part of the special issue.

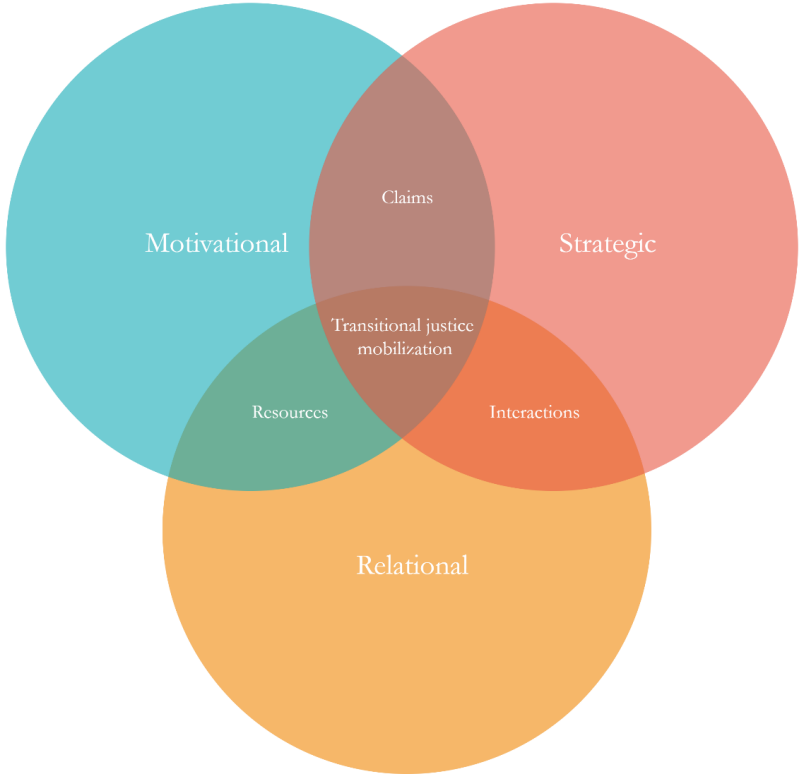
mechanisms and five underpinning analytical rationales for transitional justice engagement: emotional, cognitive, symbolic/value-based, strategic, and network-based (Koinova and Karabegović 2019). For example, Nikolko (2019) finds that the Ukrainian diaspora mobilized upon the traumatic events linked to a horrific famine in the 1930s (emotional), sustained activism through establishing us-them dichotomy between victims and perpetrators (value-based), and subsequently used the narratives of trauma as frames to further increase their influence in host-states for memorialization and commemoration purposes (strategic). Comparably, Quinn (2019) shows how Haitian diaspora elites cultivated a recognition of “the other” (emotional and cognitive), key to advance the truth commission in 1995. Not only did these articles theorize upon these causal mechanisms related to transitional justice in post-conflict settings, but they also teased how this link could occur during crises. Both Tenove (2019) and Article I of this dissertation explicitly discuss conflict-contexts in relation to transitional justice.

Building upon these underlying rationales, the dissertation contends that to analyze transitional justice mobilization by diasporas during conflict, an agency-oriented focus should incorporate examinations of *motivational*, *strategic*, and *relational* dimensions. Figure 1 demonstrates this analytical approach in a Venn diagram. This illustration implies that neither of these dimensions are mutually exclusive. Emotional and cognitive rationales constitute a motivational dimension for diaspora mobilization during conflict. Affection can motivate diaspora mobilization, by eliciting responses to feelings of fear, anger, resentment, hope, and pride. Previous research on activism and social movements, for example has pointed to how affection, or grievances, is instrumental in driving collective action (McAdam 1982). In combination with cognition, or a form of acknowledgement and assessment of one’s own and others’ situation (El-Masri, Lambert, and Quinn 2020), the two constitute important drivers for diaspora mobilization during conflict more broadly. Transitional justice mobilization specifically, can be motivated by emotional and cognitive responses to certain passions diaspora actors develop. Brinkerhoff, for example, argues that the passions of justice and solidarity are potent inspirations for diasporas to engage in entrepreneurial projects such as developing organizations or fostering institutional change in the homeland (Brinkerhoff 2016). Article II shows how a sense of moral obligation functions as internal commitments to advance justice and accountability in Syria. Moreover, Article III demonstrates how universal jurisdiction cases are, in part, motivated by the

trauma victims have endured in the Syrian conflict. The cognitive and affective rationales for motivational stimuli help us explain exactly *why* diasporas pursue these demands during-conflict, especially when the specific policies and large-scale processes have limited prospects for implementation in the short term. While motivations indeed help us explain mobilization in terms of internal factors, external factors also condition the ways in which diasporas advance these interests.

The strategic dimension involves a consideration of how diaspora agents consider structural opportunities and limitations. This is where motivations and strategy intersect. Diasporas, inspired by motivations rooted in emotional and cognitive responses, make specific choices. These choices are mitigated by external factors such as political context (both home and host state) and the perception of opportunity structures and limitations. Orjuela’s (2017) analysis referred to above indicate how strategic diaspora actors draw upon political, legal and discursive opportunities to advance transitional justice agendas. As

**Figure 1: Analytical Framework for Studying Transitional Justice Mobilization During Conflict**





argued by Jasper (2006) in the study of social mobilization, rational actors combine emotional convictions with preferences, expectations and calculations of the actions of others to pursue objectives in multiple arenas. These arenas describe the institutional and political context in which mobilization takes place. Diaspora behavior, or *what* the diaspora does at different points in time in a conflict cycle, facilitates examinations of the tactics employed for short-term and long-term objectives. Inspired by motivations, strategic considerations reveal the specific claims advocated and how they go about advancing them, including use of symbolic or norms- and value-based arguments. Article I, for example, demonstrates how different diaspora organizations mobilized for different conceptions of justice, rooted in a combination of underlying motivations and strategic considerations. Furthermore, as Article II reveals, motivations and strategic considerations are not mutually exclusive; diaspora organizations justify activism based upon moral convictions but are also strategically applying transitional justice to achieve desired objectives, whether they be long-term and structural with respect to homeland change or for individual or institutional interests.

Mobilizing for transitional justice during conflict, as in other contexts, does not occur in a vacuum, but entail interactions with other actors through a relational dynamic. Diasporas develop, take part in, and take advantage of networks with other actors at different levels, ranging from local actors on the ground to states and supranational institutions. Scholars of political mobilization, including those focused on diasporas, have pointed to how brokering new alliances endow activists with new resources and extend opportunities of cooperation and coordination between and among various actors (Tilly and Tarrow 2006; Adamson 2013). These actors could be international human rights organizations well established in the field or local actors on the ground in Syria. Diasporas can fill this structural hole and facilitate access to new and potentially beneficial partnerships between previously unconnected actors. However, such brokered links may also occur at a different level where human rights organizations or other influential actors connect diasporas to potential donors, be it states, or foundations committed to human rights and transitional justice. Article I illustrates how some of these relations strategically emerge through vertical coordination interactions between diaspora organizations and international activists and donors. These relations also have a motivational side in terms of resources where diaspora organizations, often in trade for documentation, receive sustained funding

and support. Article III argues that diasporas play an important role in mounting universal jurisdiction cases in host countries, by connecting Syrians in the homeland and in the broader diaspora to international human rights organizations, war crime units or supranational investigative mechanisms, such as the International, Impartial and Independent Mechanism (IIIM). Ultimately, examining relational aspects of mobilization stipulates *how* mobilization occurs, linking to strategic choices through interactions, or to motivations through the transactions of resources.

The dissertation employs this analytical framework implicitly in each of the three articles to show how transitional justice mobilization has evolved during conflict. Given the growing recognition of diasporas as global political actors generally, it is vital to examine why and how diasporas engage transitional justice issues from abroad and what their claims are. Moreover, in contexts where war is still raging and transition from war to peace or between regimes seem unlikely, the space for advancing justice claims domestically is severely reduced. Mobilizing these claims abroad can thus be a much more potent alternative, at least in comparative terms. The innovative approach suggested here provides a useful way to focus on such agency from abroad in a constantly changing political and conflict environment.

## **Identifying the Knowledge Gaps – Limitations of Current Research**

So far, this introductory framing has with broad strokes established the two main strands of literature to which this dissertation speaks and hinged the overall contribution within central conceptual and theoretical debates and established an analytical framework to analyze the research question. In this section, the aim is to elaborate on particularly four identified research gaps that this thesis seeks to ameliorate: (1) how can we understand diaspora mobilization for transitional justice during conflict; (2) how do diasporas develop and sustain relations with other actors within the field of transitional justice; (3) what are the motivations behind transitional justice mobilization during conflict, and; (4) how and why do diasporas advance universal jurisdiction cases in host countries to achieve justice?

The first of these questions point to limitations in our understanding of how diasporas could play an important role in advancing transitional justice agendas during conflict. Despite the broadened view of how transitional justice may indeed occur during conflict, how actors in such contexts can be primed for higher likelihood of successful

transitional justice implementation, and the growing recognition of agency in transitional justice, there seems to be a persistent knowledge gap at the intersection of these scholarly advancements. Either the research focuses too narrowly on ad hoc judicial interventions during conflict, such as for example trials or amnesties and grassroots initiatives to mete out accountability (Loyle and Binningsbø 2016; Loyle 2017; Dancy and Wiebelhaus-Brahm 2018; Daniels 2020), or alternatively, offer accounts of how transitional justice are important to transnational actors such as diasporas in contexts where transitions have already taken place (Young and Park 2009; Koinova and Karabegović 2017; Karabegović 2017; Orjuela 2017). At this nexus between transitional justice and transnational advocacy, diasporas can and indeed should be examined with respect to how they mobilize and try to bring about transformations despite ongoing conflict and limited prospects for transition and justice. Investigating this gap in the literature may help us understand what their underlying motivations are, what claims they pursue, and illuminate characteristics of the mobilization process and challenges faced under these circumstances. Ultimately, this dissertation thus sheds light on a hitherto unstudied subject and may offer concrete theoretical and policy-relevant advances in this respect.

Second, the growing concern over an increasingly professionalized transitional justice industry suggests that transitional justice experts tend to “parachute” into new cases with ready-made templates and models (Salehi 2021). In doing so, the industry of which they are a part have structural incentives to further expand and institutionalize the field, both for themselves as well as for their moral convictions and principled beliefs (Subotic 2012). While most of the research on these actors have looked at how transitional justice experts operate, what their agendas are, and what their effects are in different contexts (Madlingozi 2010; Gready 2010; Skaar and Wiebelhaus-Brahm 2013), little attention has been afforded to their interactions with diaspora organizations, particularly in cases where conflict is ongoing. The incentives for engaging with diaspora actors can be linked to their ability to access an otherwise inaccessible conflict in terms of documentation of human rights violations, but it can also afford credibility and legitimacy with respect to transitional justice and human rights advocacy these actors conduct. Comparatively, diaspora organizations that emerge in context of specific homeland events and developments, a so-called diasporic turn (Demmers 2007), may, within the field of transitional justice, seek moral and material support for various agendas. The benefits and drawbacks of these

relations are largely undertheorized, and so are their implications. To help fill this gap, this dissertation investigates on the one hand how these two similar, but different sets of actors cohabit the transnational space for human rights activism and explore the characteristics of such interactions and the mechanisms that determine long-term mobilization trajectories.

Third, extant academic publications on motivations for diaspora mobilization tend to focus on why diasporas engage with the homeland in the first place. Some argue that these motivations are linked to identity, marginalization, or degree of integration in the homeland. For example, mobilization by a diaspora is in and of itself a way to express a particular and shared identity, as social constructivists argue (Adamson and Demetriou 2007; Brinkerhoff 2016). Conversely, the absence of mobilization may indeed suggest a full or partial integration into the host-country. Social, economic, political or psychological marginalization may motivate diasporas to reassert its homeland bonds through proactive expression (Brinkerhoff 2008). Others argue that diaspora engagement are driven by norms, values, or ideological convictions (Shain and Barth 2003). Such convictions are in some circumstances adopted by diasporas based on their socialization and experiences in the new host land in which they reside. For example, the expansion of liberal and pluralist norms in many parts of the world have motivated diaspora actors to pursue these norms in their respective home countries, which may be characterized by more autocratic practices. In this sense, liberal norms and values are not only appealing or motivating, but also cited as global political opportunity structures that diasporas seize upon to advance particularistic agendas, for example sovereignty-based claims (Koinova 2011a) or transitional justice (Orjuela 2017).

Pluralism itself could also give rise to diaspora organizations by encouraging the mobilization of interests. Scholars of ethnic lobbyism argue that diasporas can also be motivated by more instrumental concerns, such as power or resources (Ambrosio 2002; Mearsheimer and Walt 2007; T. Lyons and Mandaville 2012a). In post-conflict contexts, the interest in playing a key part in reconstruction efforts and governance may be driven both by internal commitments, such as values, beliefs, aspirations and passions, as well as institutional interests (Brinkerhoff 2016). Literature on political mobilization more broadly maintain that activism, for example in the form of social movements, are driven by a mixture of rationality and irrationality; both emotions and strategic calculation factor in to the motivational equation of why actors decide to pursue political objectives through

various means (Goodwin, Jasper, and Polletta 2000; Jasper 2006). While these contributions have all made strides in affording broad answers to what generally motivates diasporas to advance claims in various circumstances, it does little to pinpoint the link between underlying motivations, rationales, and transitional justice. As discussed above, transitional justice tends to be understood as post-conflict ways to deal with a violent past, so why do diaspora adopt transitional justice policies when injustices keep occurring and conflict termination seems distant? To fill this gap, the dissertation examines how Syrian diaspora and transitional justice experts whom they have worked with have sought transitional justice since even prior to the uprising and continued to pursue these objectives against unfavorable odds.

Fourth, in conflict contexts where impunity persist and peoples are continuously displaced, the availability of universal jurisdiction laws in host countries provides alternative avenues for justice in the absence of internationally mandated ad-hoc tribunals or local transitional justice processes. “Universal jurisdiction is a criminal jurisdiction based solely on the nature of the crime, without regard to where the crime was committed, the nationality of the alleged or convicted perpetrator, the nationality of the victim, or any other connection to the state exercising such jurisdiction” (Macedo 2001). Legal scholars have discussed universal jurisdiction extensively in terms of its normative appeal, legitimacy, and limitations, including its implications for achieving justice by enforcing global, universalistic claims or preventing countries from becoming safe-havens, harboring war criminals. This literature has also explored, and indeed grown out of, civil society mobilization which from the 1980s sought to advance human rights agendas and ensure accountability globally (Lutz and Sikkink 2001; Sikkink and Kim 2013; Sriram 2005). As some argue, even prior to the establishment of the current international criminal legal regime, human rights organizations influenced both structure and competences of the ICC (Van Der Wilt 2015).

Some scholars have also pointed to how conflict-generated diasporas, comprising both victims and perpetrators, create opportunities to invoke universal jurisdiction principles for criminal justice (Mey 2008; Haider 2014). Frédéric Mégrét (2015), for example, argues that both diaspora and legal scholars alike have overlooked the intrinsic link between displacement and rise of universal jurisdiction cases. Indeed, residence of victims is a critical component for the mobilization of universal jurisdiction in virtually all cases to date. He argues that diasporas constitute the “missing link” in this trend by bringing

the harms to the host state. While the contention is that host states should exercise universal jurisdiction as an act of hospitality and that diasporas constitute themselves as citizens through mobilizing such cases, the argument remains largely normative in nature and do suggest a rethinking of why states should adopt such provisions. Yet, a key gap remains in understanding exactly how diasporas mobilize universal jurisdiction cases and why they do so. The dissertation moves beyond asserting that diasporas are vital in universal jurisdiction cases, theorizing about the agency itself through empirical analysis and how such mobilization is linked to broader strategies of transitional justice.



## Research Design and Data

The dissertation seeks to explain the evolution of transitional justice mobilization among diasporas during conflict. Each of the three articles that contributes towards this objective rely on multiple considerations and choices throughout the research process, but fundamentally share a common underlying logic in terms of methodology and methods. Generally, within social science research, a distinction between methodology and methods can be made. While *methodology* reflects the tasks, strategies, logical structure, and criteria governing the entire research enterprise, *methods* refer to the specific procedures of data collection and analysis (Sartori 1970; Gerring 2012). This section intends to spell out the overarching methodology of this research, including the logical underpinnings of the entire project that flow through each individual article. I aim to clarify and justify specific choices made in the research process to maximize transparency, validity, and reliability. Overall, these considerations have implications for how the findings should be understood and might offer some advice to those who intend to engage in similar studies, rife with challenges, complications, and a good portion of serendipity.

The research question of this dissertation is: *how does diaspora mobilization for transitional justice evolve during conflict?* The nature of the research question and its particular focus on understanding a complex phenomenon and its evolution over time, suggests that it is primarily concerned with identifying new hypotheses and assessing complex causal relationships. I aim to advance our theoretical understanding of a specific type of diaspora mobilization in a specific form of context. The “how” question also indicate that the research project itself is concerned with *explaining* a phenomenon through extensive and in-depth analysis rather than evaluate the frequency and incidence of a phenomenon (Yin 2009). In doing so, it draws upon a qualitative methodological approach and the case study method. A case study can be defined as an intensive study of a single case to shed light on a larger class of similar cases (Gerring 2007). The case itself can be understood as an instance of a class of events (George and Bennett 2005). One could also argue that the case study approach to social scientific research is more than simply a method. Yin (2009, 18) contends that the case study enterprise is an “all-encompassing research method – covering the logic of design, data collection techniques, and specific approaches to data analysis.” It is particularly the continuous interplay between theory and empirical analysis, which allows



for the advancement of mid-range theories, that provide useful grounds for saying something about the ways in which diasporas mobilize for transitional justice during conflict.

Arguably, the strength of this dissertation is its temporal analysis of the phenomenon under study. I investigate the development of mobilization over time and how the changing circumstances facilitates or impedes such engagement. The dissertation thus resembles a longitudinal case study where a single case is studied at two or more different points in time (Yin 2009). Central to the conduct of a case study is to clarify what the case is a case of (George and Bennett 2005). At the more abstract level, I understand the class of events of this dissertation to be diaspora mobilization. As discussed extensively above, there are multiple ways that diasporas mobilize in host countries. In this dissertation, the focus is more narrowly on a sub-class of such engagements. I am interested in diaspora mobilization during conflict and how such mobilization is framed through transitional justice. Within this universe, which has received inadequate scholarly attention, Syria emerges as a useful contemporary case that can advance our understanding of this phenomenon. In the following section, I will explain why Syria is an apt case to do so.

## **Why Study Syria?**

Cases are not simply chosen based on being interesting or important, but on well-defined grounds rooted in theory and the empirical world. As argued by George and Bennett (2005, 83), “the primary criterion for case selection should be relevance to the research objective of the study, whether it includes theory development, theory testing, or heuristic purposes.” For this dissertation, the choice of studying Syria is motivated by three primary reasons, the political and social context that have severely restricted popular liberties and freedoms and produced widespread expatriation over several decades, the unusual transitional justice framing of diaspora mobilization in context of the Syrian uprising, and the violent escalation of conflict which conditions the space for transitional justice. I will now discuss each of these motivations in turn.

A natural starting point for discussing the modern-day political and social context of Syria is 1970 when Hafez al-Assad, after a series of internal coups during the preceding decade, assumed power to which he held on for 30 years. While ensuring regime stability for three decades, Syria under the rule of Hafez al-Assad have by observers been

characterized as a “presidential monarchy” with neo-patrimonial structures cross-cutting rural-urban and social divides and supported by strong and loyal military and security forces (Hinnebusch 2012). The regime was underpinned by secularism<sup>8</sup> and socialism,<sup>9</sup> and largely built its national legitimacy on anti-Israel sentiments. Throughout the 1970s, the Assad-regime sought to expand its popular base whilst centralizing and retaining robust control of the state and society.

Assad’s policies did not go unchallenged and its emphasis on secularism was viewed by many, particularly conservative religious figures, as a crucial issue, which became a source of contention between the regime and the Syrian Muslim Brotherhood (Khatib 2011). Political and economic marginalization of the Muslim Brotherhood led to increased tensions, culminating in a series of violent confrontations toward the end of the 1970s and the early 1980s. Inspired by the successful Islamic revolution in Iran and an outspoken commitment to violent insurrection by a militant off-shoot of the Muslim Brotherhood called the Fighting Vanguard, the skirmish intensified. Assassinations of political leaders and an (unsuccessful) attempt against Hafez al-Assad in 1980 strengthened the hardline branch of the regime, which included the President’s brother, Rifaat al-Assad, virtually giving him and the special forces under his command *carte-blanche* to stifle the growing insurrection and issuing a liquidation order of suspected members of the Muslim Brotherhood. The city of Hama, which served as a powerhouse for the Islamic organization became the starting place for an armed uprising that ultimately gained full control of the city and presented a real threat to the Assad regime. The uprising was met with unprecedented force by the Syrian military and intelligence apparatus, leading to the decisive Hama battle of 1982. Militarily superior to the insurgents, the regime retook the city and ended the rebellion. The forceful response had a chastening effect on Muslim Brotherhood sympathizers (Khatib 2011).

The tumultuous 1970s and 1980s and the growth of the security apparatus to fend off enemies of the regime effectively deadened the fragile political life of the pre-Baath era and substantially limited the autonomy of civil society (Hinnebusch 1993). The Syrian intelligence apparatus developed significantly in size and sophistication, instituting a

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<sup>8</sup> A new constitution in 1973 also omitted all references to Islam and designated the Ba’ath Party as the leading party of the nation (Khatib 2011).

<sup>9</sup> See Isaac (2009) for more information on the ideological foundations of the Ba’ath party.

securitization regime that built on psychological fear and widespread use of enforced disappearances to thwart any opposition. This political context have led some Syrian observers to refer to the decades between 1979 and the 2011 uprising as the “Years of Fear” (Ziadeh 2010). Over the course of the 1990s, the regime also gradually moved away from its commitment to redistributive economic reforms and towards selective economic liberalization to stave off economic recession and facilitate economic growth. With the death of Hafez al-Assad in 2000 and the immediate succession of his son Bashar al-Assad, the hopes for continued liberalization policies were high. Economic liberalization policies were continued, but political liberalization was stymied despite a surge in political activism calling for multiparty and competitive elections under the so-called “Damascus Spring”. Syrian intellectuals, including dissident politician Riad Seif, Sorbonne professor Burhan Ghalioun, human rights lawyer Khalil Matouq, and human rights activist Suhair al-Atassi organized forums for dialogue to increase participation and deliberation on Syria’s political future. The opposition saw the ascension of Bashar al-Assad as a unique opportunity to carve a new and more inclusive political system and mobilized to overcome ideological, ethnic, and religious differences through a common platform called the “Damascus Declaration”, published in 2005.

Underpinning this movement was a desire for Syria to end its decades-long state of emergency, replace the security state with an inclusive new regime that would respect universal human rights, and ultimately democratize the Syrian state. Instead of reconciling with the calls for political liberalization, Bashar al-Assad pursued a strategy of “authoritarian upgrading” that included a renewed anti-Israel mobilization of nationalism and a cooptation of reforming technocrats, business elites, and non-political Islamists (Hinnebusch 2012). This move also meant favoring some actors over others, creating a new capitalist elite, which eventually broadened the gap between impoverished groups and a new and powerful bourgeoisie (Khatib 2011). In addition, the security apparatus severely clamped down on the growth of dialogue forums, or political and cultural salons, that emerged across different parts of Syria, inspired by the perceived increase in freedoms afforded under the new leadership. Participants were persecuted and the forums were closed, effectively slamming the door shut for those who had perceived the rise of new leader as an opportunity for political change. Despite clamping down on calls for reform and applying various tools

from the authoritarian toolkit to retain power and control of the state, these strategies did not immunize the Assad-regime from the Arab uprising in 2011.

Throughout the period briefly discussed above, the gradual increase of repression through enforced disappearances and other intimidation policies in tandem with economic strains and brain drain policies of more developed countries in the region and in the West caused substantial outbound migration from Syria. The violent crackdown on dissidents against the backdrop of the Battle of Hama in 1982 forced members of the Muslim Brotherhood as well as the intellectual elite into exile in the immediate aftermath (Qayyum 2011). However, the combination of extraordinary use of surveillance, low threshold of repression, a cultivation of fear of the government and economic uncertainty were all important drivers for out-migration of many Syrians since the 1970s (Beitin 2012). Moreover, return migration have been severely restricted due to arbitrary bureaucratic measures, marginalization of scientists in research institutions and universities, and the existence of “exceptional courts” to safeguard “special” national needs (Sadeldine 2005). Economically motivated migration has primarily been to oil-producing regional neighbors, but political dissidents have largely resettled in Europe or North America.

Overall, the migration patterns from Syria are therefore quite complex, and despite having had lower pre-war net migration rates than other Arab countries such as Jordan or Yemen (Baldwind-Edwards 2005), Syria have had a sizeable population abroad. It is estimated that, prior to the 2011 uprising, the Syrian expatriate population equaled that of its internal population of approximately 20 million (Jörum 2015). The size of the Syrian population abroad has been an important pool upon which to mobilize the Syrian diaspora in general, but particularly in context of the Syrian uprising where the future of the homeland has been at stake. Moreover, the combination of a restrictive authoritarian home country and the relatively receptive political context of host countries have been important in facilitating political mobilization towards the homeland, incentivizing migrants to use voice *after* exit, hoping to shape its future. Indeed, political activism among the Syrian diaspora in Europe and North America have been documented extensively in context of the 2011 uprising (Jörum 2015; Moss 2016a; 2016b; 2020). The political context of limited inclusivity and the personal risks incurred by opting to dissent makes Syria a useful case in which to analyze the emergence of political mobilization and its evolution in context of conflict.

A second motivation to focus on Syria in this dissertation is the surprising adoption of a clear transitional justice language among Syrian activists at home and abroad with propositions for a process that to a varying degree would include retributive, restorative, and reparative elements of justice. As part of the Damascus Spring, human rights activists and organizations began entertaining the idea of revisiting Syria's history of repression dating back to the beginning of the Assad regime. These claims were inspired by similar contexts and processes elsewhere in the world, including the South African Truth and Reconciliation Commission from 1995 and regional neighbor Morocco's Equity and Reconciliation Commission from 2004. Radwan Ziadeh's report on the "Years of Fear" is another example of this growing demand for and interest in transitional justice and facilitating broad national dialogue concerning accountability and reconciliation for past human rights violations. These early discussions of transitional justice and the brokered links between diaspora organizations and donors arguably paved the path for extensive transitional planning. Given the detailed provisions for transitional justice presented in blueprints by Syrian organizations *The Day After* in 2012 and the Syrian Centre for Political and Strategic Studies in 2013, it seemed almost like Syria had already transitioned while fighting on the ground continued.

The framing of claims through transitional justice at this point, however, is somewhat unexpected and presents a unique context in which to explore transitional justice mobilization during conflict. Usually, one would expect to see mobilization for transitional justice occur after conflict or regime transitions such as suggested by evidence from Africa, Asia and Latin America (Skaar 1999; Gready and Robins 2017). Moreover, civil society mobilization for transitional justice, whether it be by local actors or diasporas abroad, tend to be analyzed in post-conflict context as discussed in previous sections. The number of organizations listed in Table 2 reveals the extensive focus on transitional justice among the Syrian diaspora. A non-exhaustive list, I identified these organizations as critical in advancing justice and accountability from abroad. Empirically, the adoption of transitional justice agendas may, as shown in the Syrian case, indeed be more widespread than this literature suggests, but it remains an academic blindspot warranting increased attention.

A third motivation to study Syria is how the expansion of anti-regime mobilization evolved into a full-fledged violent conflict, encompassing both regional and international

**Table 2: Syrian transitional justice organization in the diaspora<sup>10</sup>**

| <b>Organization</b>   | <b>Country</b>  |
|---|-----------------|
| <i>Association of Detainees &amp; The Missing in Sednaya Prison</i>           | Turkey          |
| <i>Assyrian Network for Human Rights</i>                                      | None Listed     |
| <i>Caesar Files Group</i>   | None Listed     |
| <i>Caesar Families Association</i>  | Germany         |
| <i>Center for Civil Society and Democracy in Syria</i>                        | Turkey          |
| <i>Coalition for a Democratic Syria</i>                                       | USA             |
| <i>Damascus Center for Human Rights Studies</i>                               | USA             |
| <i>Dawlaty</i>  | Lebanon         |
| <i>Families for Freedom</i>   | Germany         |
| <i>Fraternity for Human Rights</i>  | Germany         |
| <i>Free Syrian Lawyer Association</i>   | Turkey          |
| <i>Human Rights Guardians</i>   | None Listed     |
| <i>Hurras Network</i>   | Turkey          |
| <i>International Supporting Women Association</i>                             | None Listed     |
| <i>Justice for Life – Syria</i>   | None Listed     |
| <i>Kawakibi Organization for Human Rights</i>                                 | USA/Turkey      |
| <i>Massar – Coalition of Families of Persons Kidnapped by ISIS</i>            | None Listed     |
| <i>Omran Center for Strategic Studies</i>                                     | Turkey          |
| <i>Pro-Justice</i>  | USA             |
| <i>Rule of Law Support Center</i>   | None Listed     |
| <i>Syria Justice and Accountability Center</i>                                | USA/Netherlands |
| <i>Syrian American Council</i>  | USA             |
| <i>Syrian Archive</i>   | Germany         |
| <i>Syrian Center for Legal Studies and Research</i>                           | Germany         |
| <i>Syrian Center for Media and Freedom of Expression</i>                      | USA             |
| <i>Syrian Committee for Detainees</i>   | None Listed     |
| <i>Syrian Emergency Task Force</i>  | USA             |
| <i>Syrian Expatriates Organization</i>  | USA             |
| <i>Syrian Expert House/ Syrian Center for Political and Strategic Studies</i> | USA             |
| <i>Syrian Institute for Justice</i>   | Turkey          |
| <i>Syrian League for Citizenship</i>  | Lebanon         |
| <i>Syrian Legal Development Program</i>                                       | United Kingdom  |
| <i>Syrian Network for Human Rights</i>  | USA             |
| <i>Syrian Nonviolence Movement</i>  | USA             |
| <i>Syrian Observatory for Human Rights</i>                                    | United Kingdom  |
| <i>Syrian Women’s Network</i>   | Turkey          |
| <i>Syrians for Truth and Justice</i>  | Turkey          |
| <i>Ta’fi Initiative</i>   | None Listed     |
| <i>The Day After</i>  | Turkey          |
| <i>Transitional Justice Coordination Group</i>                                | None Listed     |
| <i>Ur Nammu</i>   | None Listed     |
| <i>United for a Free Syria</i>  | USA             |
| <i>Violations Documentation Center in Syria</i>                               | Netherlands     |
| <i>Women Now for Development</i>  | France          |

<sup>10</sup> This table is an extended version of the one published in Article I. New organizations emerge and old ones disappear rapidly, which makes it notoriously challenging to provide an accurate and updated overview. This list was last updated in May 2021. The process of identification is detailed below.

powers vying for power and influence. The mobilization for the removal of the Assad regime started in the provincial town of Daraa and quickly spread to the rest of the Daraa Governorate in Southern Syria and to other governorates such as Latakia, Homs, Idlib, and Deir ez-Zor. It presented the most serious threat to the Syrian regime for decades (Leenders 2013). While promising reform and making strategic concessions, the regime also responded to the popular unrest with unrelenting force, ultimately provoking international condemnation and ultimately armed insurgency. By 2012, local coordination committees had been able to organize widespread non-violent protests in virtually all of Syria, dissidents had mobilized a government-in-exile alternative to the Syrian regime, and defected military personnel had taken up arms to limit the Syrian regime's ability to repress anti-regime protests. The establishment of the Free Syrian Army (FSA) and its inclusion of several rebel forces soon began to assume control over large parts of Syria, including key areas such as Idlib, Hama, Homs, and Aleppo. At this point it seemed as if the Syrian regime was edging close to military defeat. However, the FSA was struggling with internal divisions, much due to the lack of foreign support, and its inability to govern territories under its control, which presented opportunities for radical Islamists to seize power (Lister 2016).

Considered a key turning point in the conflict, reports of the use of chemical weapons in 2013 challenged the resolve of President Obama who, in 2012, famously declared this to be a "red line" for the United States in terms of military action. The decision to respond in terms of providing military support for the Syrian opposition instead of intervening in the conflict, changed the conflict dynamic profoundly. The Syrian regime was able to garner military support from Hezbollah and Iran, ramping up its response against opposition groups. With the growing destabilization and power vacuum emerging in Northern Syria, radical Islamist organization Islamic State in Iraq and the Levant (ISIL) took root, spurring targeted involvement by the United States and its coalition partners from 2014.

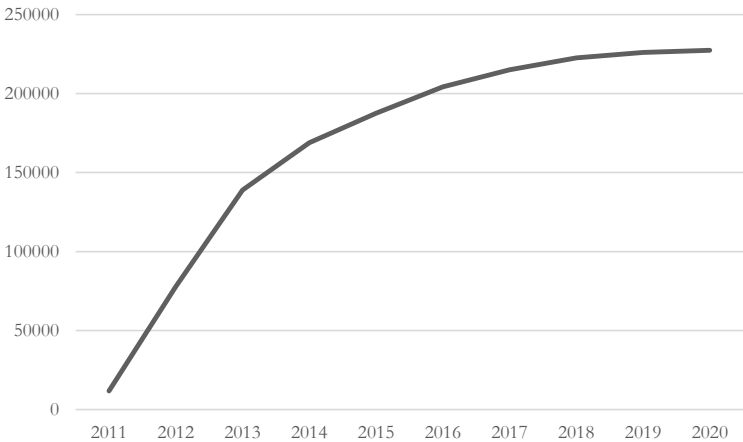
In 2015, Russia formally began a military intervention supporting the Assad regime, aiding it in its campaign to retake lost territories, including the city of Aleppo in 2016. Furthermore, Turkey has gradually become more involved in the conflict, both in support of opposition groups in North-West Syria, but most crucially to stem Kurdish advances on its border with Syria. In 2019, it began a series of ground interventions (re)fueling and increasing the complexity of the conflict. Ultimately, the increased violence following the

incursion of multiple new parties to the conflict have had serious humanitarian consequences since 2011. In March 2017, the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, called the conflict the “worst man-made disaster the world has seen since World War II” (UN News 2017). The share of civilian deaths over the course of the conflict supports the argument that this is indeed a case of violent homeland conflict, one that has escalated gradually since the uprising started in 2011.

Figure 2 below provides a descriptive overview of the conflict over time, measured in civilian death toll. While the civilian death toll subsided somewhat after the rapid escalation in the first few years, the conflict has continued with a high degree of intensity at specific frontlines. In 2016, the Syrian regime’s retaking of Aleppo caused a surge of internal displacement in the region and mass movement towards the Turkish border to the North. Today, the frontlines between the Syrian regime and opposition groups are around the city of Homs in Northwestern Syria where fighting and shelling continues. In addition to the loss of life, the conflict has also produced substantial popular displacement.

Given that the concept of diaspora is concerned with displacement and dispersion, the Syrian case becomes particularly significant. The surge of international refugees seeking shelter in Europe peaked in 2015, and whereas several factors can explain these developments, the Syrian conflict contributed considerably to these numbers. As described above, these migration trends have produced a larger pool of individuals eligible to mobilize

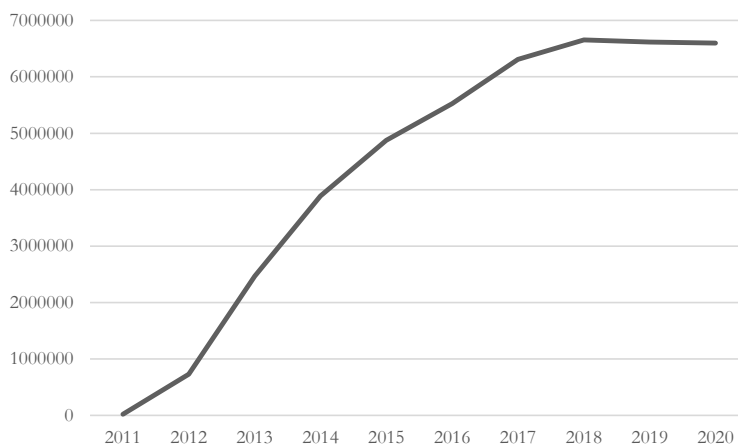
**Figure 2: Cummulative Civilian Death Toll in the Syrian Conflict**



Data source: Syrian Network for Human Rights (2021)



**Figure 3: Total Number of Syrian Refugees Outside Syria**



**Data source: UNHCR (2021)**

as diasporas by diaspora entrepreneurs, making Syria particularly relevant as a case study to understand transitional justice mobilization during conflict. As Figure 3 below reflects, the conflict has produced a large number of refugees in neighboring countries, Europe and elsewhere, based upon status as refugees or asylum seekers.

### **Data Collection Procedures**

Case studies often involve a wide range of procedures for data collection used for the researcher to build an in-depth picture of the case (Creswell 2012, 162). This research project is no different in this regard. It draws upon original primary data, consisting of *qualitative semi-structured interviews* conducted over a period from 2014-2021 with Syrian diaspora leaders and international human rights actors. Furthermore, it benefits from and an *original database on universal jurisdiction cases* in Article III.

Strategically, the project adopted a two-tiered, purposeful sampling approach to collect interview data. Aiming to interview leaders or representatives of diaspora organizations was a deliberate choice because I perceived them to be key players in the adoption of a transitional justice language and for mobilizing the broader Syrian diaspora on human rights and accountability issues. To gain access to a sample of these actors, other forms of data commonly used in qualitative case study research such as documents and direct or participant observation were important tools. Rubin and Rubin (2012) describe how documentary analysis provide important background information valuable in

preparing for interviews. This includes using websites and reports by advocacy organizations and observations of important diaspora events or meetings. At a preliminary stage of the research process, I collected and reviewed reports and statements by diaspora organizations suspected to be involved in transitional justice mobilization. Subsequently, I developed a social media presence (particularly on Twitter and Facebook) and participated in diaspora events both in person and virtually to identify specific diaspora individuals engaged in these issues. In 2015, I attended an event organized by the Syrian American Council in Washington D.C. about victims of chemical weapon attacks in Syria, and in 2018, I participated in a two-day conference in Geneva, organized by the International Center for Transitional Justice and Syrian partners on systematic attacks against schools in Syria. Online events included, for example, the joint Heinrich Böll and European Center for Constitutional and Human Rights event on Criminal Justice Across Borders in 2020, which hosted several Syrian diaspora activists.

Drawing on a preliminary exploration of the field, I identified diaspora organizations fitting three predefined characteristics. First, they needed to be organized and run either in full or in part by Syrians. Second, they had to be operating primarily from a host country. Third, they needed to explicitly engage in transitional justice and human rights issues. An overview of these organizations is presented in Table 2 above. I then reached out in multiple ways, including through online contact forms, E-mail, Facebook, Twitter, Skype, direct telephone calls or in-person networking, based upon direct observations at physical and digital diaspora events. Casting the net wide was a strategy that gave mixed results in terms of positive responses, but nonetheless facilitated contact with some key players. These contacts were asked for interviews and prompted for assistance to develop further connections with other relevant Syrian diaspora agents. These procedures are often referred to as snowballing or chaining and is a useful way to increase response rates as well as expand the sample of interviewees (Creswell 2012, 158). While this strategy may produce a skewed sample, it facilitated access with key actors engaged in transitional justice mobilization. In total, 58 interviews have been conducted for this dissertation (see appendix for an overview), 44 of which are specifically related to Syria and a remaining 14 that discussed more broadly displacement and transitional justice in the Middle East. Of the 44 interviews on transitional justice in Syria, 5 were with international human rights lawyers or activists and the remaining 39 with diaspora actors. Of the interviews, my co-author on the first two

Articles, Eric Wiebelhaus-Brahm conducted 15. All interviews are in accordance with ethics approvals obtained by the Norwegian Centre for Research Data (NSD) and University of Arkansas at Little Rock Institutional Review Board.

Interviews with the Syrian diaspora were with organizational leaders or elites based in France, Germany, Norway, Sweden, Turkey, United Kingdom, United States, and Qatar, thus providing a thoroughly transnational analysis of diaspora initiatives relevant for the study. Some of these were conducted in-person, but due to the mobility and dispersion of the organizations and their individual members, the dissertation often relied on online means of communication (see below for a more thorough description). Using the analytical framework proposed earlier in this introduction, I examined elements related to motivational, strategic, and relational aspects of transitional justice mobilization. General interview guides were developed following this framework, but also tweaked for each individual interview to account for variations in the type of organization and respondent (see appendix for standard interview guide). For example, some interviews were mostly concerned with the prospects for large-scale transitional justice processes in Syria while others centered on accountability in host state courts under universal jurisdiction. Questions were largely open-ended, which facilitated general conversations on relevant topics and permitted ample space for the respondents to define and reflect on issues they deemed important for their agency. This is a useful strategy because elites generally dislike close-ended questions and it can potentially increase response validity (Aberbach and Rockman 2002). Besides, the wealth of information you receive by posing open-ended questions is crucial for the continuous interplay between theory and empirical analysis in case study research, as mentioned above. All interviews were recorded and transcribed manually.

A key asset of this study is the use of longitudinal qualitative interviews (LQI), which provides a unique opportunity to assess how mobilization is affected by changes in context and gauge how actors respond to conflict dynamics. LQIs are conducted with the same individuals more than once over a period of time. This process of collecting primary data are important means to study how individuals experience, interpret and respond to *change* and is useful to expose processes, evaluate causality, and substantiate the linkage between micro and macro levels of analysis (Hermanowicz 2013). According to Corden and Millar, this method “provides an opportunity to explore how and why people make the individual

choices that add up to particular cumulative trajectories [...]” (Corden and Millar 2007, 529). In this vein, the interviews conducted with the same individuals diachronically is superior to doing so synchronically because it provides ample space for participants to define and redefine their agency in light of an evolving context. Ultimately, these changes in context may expand and shrink the space for such agency and thus affect its trajectory. LQI in this dissertation has been applied as stringently as possible. Not all informants were interviewed more than once or at fixed intervals. Conducting interviews with the same individuals at multiple points in time have been conditioned by access, as discussed more extensively below. An LQI approach to data collection also has implications for analysis. In the discussion and conclusion section below, each of the articles in the dissertation correspond to different phases in the evolution of transitional justice mobilization. LQI have facilitated the identification of these phases and an assessment of how mobilization has developed in each.

To study the mobilization of criminal accountability cases in host countries, the dissertation benefits from an original *database of universal jurisdiction cases*, which draws upon several different sources. These sources include diaspora and international human rights organizations who independently report on such cases (see Article III for more information). Although notoriously difficult to reliably count and systematically analyze, this database provides ground for a preliminary assessment of the extent and type of cases the Syrian diaspora engages. However, ambiguities in the ways human rights organizations’ record cases tend to distort some of these aspects. Core international crimes against terrorist groups, for example, are often counted at the individual level, whereas cases against regime perpetrators are grouped and often involve several high profiled targets. In all probability, this is because the former are often present in the host country, while regime perpetrators subject to universal jurisdiction cases tend to still remain in Syria. A descriptive overview of cases thus creates an overrepresentation of terrorism cases compared to those filed by the diaspora against the Syrian regime.

In an effort to ameliorate this shortcoming, the database used in Article III merges and cross-checks each entry of six different sources concerned with these cases and linked to the Syrian conflict. Using available information, the dissertation disaggregates cases that are recorded against groups of individuals (or that are of a more systemic nature) so as to level them with cases that are registered at the individual level. By performing this

disaggregation, we can more accurately describe the extent of ongoing universal jurisdiction cases related to Syria, examine the type of and how diaspora organizations strategically mobilize for them and present an overview of the gradual increase of such cases over time. It is important to note, however, that counting such cases is an imperfect way to assess the scope of universal jurisdiction cases. Investigative authorities do not always publicly reveal information about ongoing investigations, which is likely to yield an underrepresentation of the total amount of cases. However, these data may still be useful to provide a general overview of universal jurisdiction cases and for gauging the increased occurrences of them across multiple countries.

### **Challenges, Limitations, and Ethical Considerations**

The study of diasporas during conflict presents a unique set of challenges in terms of data collection. The decision to focus on diaspora leaders was critical in providing important information about motivational, strategic, and relational dimensions of mobilization, but establishing connections, scheduling interviews, and developing rapport were challenging. These challenges were exacerbated by the adoption of a transnational approach to studying diaspora leaders, which, in a way, breaks with the predominant strategy of studying diasporas in one or a limited number of host countries.<sup>11</sup> However, this was a deliberate choice that was necessary for two reasons. First, transitional justice mobilization among the Syrian diaspora is not limited to advocacy within one particular host state context. The Syrian Center for Media and Freedom of Expression is officially based in France, The Day After runs its operations from Turkey, and the Syrian Emergency Task Force are established in the United States. The multi-sited mobilization by Syrian diaspora organizations, renders conventional strategies for diaspora analyses less useful. Focusing too narrowly on one political context risks missing valuable information on the combined national and international efforts to advance justice and accountability in Syria.

Second, diaspora elites are particularly mobile with respect to where and how they pursue their objectives of transitional justice. For example, the early risers gravitated towards Washington D.C. because it was perceived to be a powerful space in which to

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<sup>11</sup> A discussion on methodological challenges in the study of diasporas were the focus of session WD75 at the ISA 2019 Toronto conference. Dana Moss argued that movement dispersal over time, the multi-sited and mobile characteristics of diaspora mobilization, and the changing access amid homeland conflict necessitates strategic sampling according to theoretical and empirical importance and variation. These considerations have been important for the adopted approach in this dissertation.

pursue transitional justice agendas, given the United States's active promotion of such in other conflicts. However, the Obama-administration's reluctance to engage in the Syrian conflict produced a shift where both new and old organizations emerged in Turkey instead, perceived to be a new player outspokenly critical to Assad and eager to promote regime change. Moreover, nine different Geneva processes to broker peace also attracted transitional justice advocates, particularly through its civil society track where diaspora organizations partook parallel to the official negotiations. With the increasing focus on universal jurisdiction, the diaspora has also built cases in several European countries, necessitating a high degree of mobility by diaspora elites in order to build networks and pursue their interests. In addition to a dispersed Syrian population across Europe and North America, conducting a conventional fieldwork was quickly abandoned in favor of a multi-spaced approach, which included attendance of specific diaspora-hosted events and interviews both on and offline. While political context surely matters in terms of opportunity structures, the Syrian diaspora has revealed a remarkable degree of mobility and adaptation to the change in these structures at the host-state level. Many organizations also have a continuous presence in multiple countries simultaneously, such as the Syria Justice and Accountability Centre, which has offices in the United States and the Netherlands. Adopting a transnational approach to data collection was perceived to be the best strategy to cope with these challenges.

Mentioned above, other more general issues have also been encountered in the data collection processes. Interviewing elites, for example, is especially difficult because of access challenges. Diaspora leaders are widely sought after and can be quite cumbersome to get hold of, as with other elites and officials (Aberbach and Rockman 2002). These issues were bolstered by the partial reliance on online interviews where the threshold for response is considerably higher compared to conducting fieldwork in the area in which they reside. Studying mobile and transnational diasporas, however, as in this case, necessitated a tradeoff between intimacy and resource considerations. Serendipity and persistence largely overcame these issues, although some high-profile targets remained out of reach and were thus not interviewed. Interviews conducted online also suffered from the inability to develop sufficient rapport between interviewer and interviewee in some cases. Comparing interviews done in person to those conducted online, the prior seems to generally yield a higher degree of response validity. Connection problems and the general impersonal nature

of online communication make these interviews less than optimal to discuss sensitive issues. However, these limitations have not substantially reduced the quality of the interview material this dissertation relies on. Multiple interviews with the same individuals have also helped alleviate some of these potential limitations.

Given the dissertation's focus on homeland conflict and gross human rights violations, these issues were challenging and posed important ethical questions in terms of the potential for retraumatization, particularly in an online environment. Furthermore, the extensive use of repression by the Assad regime applied also beyond its own borders has caused security concerns of respondents (Jørum 2015; Moss 2016b). However, the emphasis on diaspora leaders rather than recently arrived refugees meant that these individuals were considerably more used to discussing these topics openly and thus also, when prompted about safety, cited their public presence as a larger threat to their safety than individual interviews with a researcher. Where full names are revealed, this is done with the explicit consent of the interviewee. Article I is fully anonymized upon request by the special issue editor.

In addition to the challenges and issues mentioned above, this dissertation has three shortcomings that warrants further elaboration. First, the research has been conducted in English and not Arabic. This means that screening and identification of diaspora organizations, reports and statements, and all interviews were conducted in English. Accordingly, organizations with a public presence only in Arabic or any other language have not been included in this study. Although a shortcoming, the organizations invested in transitional justice have largely been dependent on international engagement and thus publish reports and official statements in multiple languages, most often in English and Arabic. It is therefore reasonable to assume that the organizations with a discernible international presence are also the most significant for the purposes of this dissertation. Diaspora elites and organizational leaders were also well versed in English and thus comfortable with discussing transitional justice and human rights issues.

Second, the dissertation predominantly focuses on agency across borders, which means that host-state political context and structures receive proportionately less explicit attention in each of the articles. However, this does not suggest that the dissertation ignores contextual factors, which indeed are important in the study of diasporas (Koinova 2017a). On the contrary, agency is not exerted in a vacuum and, consequently, the mobilization by

diasporas takes advantage of opportunities as well remain constrained by limitations both at the national and international levels. The dissertation also expends a considerable amount of effort to analyze context through perceptions among the diaspora obtained from the data. In a sense, agency is used as a proxy for context by studying how diaspora actors view opportunity structures and act upon them. For example, individual diaspora agents often cited how certain developments in one country expanded opportunities for pursuing justice and accountability there. Article III's focus on universal jurisdiction is a good illustration of this as the opportunities for such cases in Germany expanded their operations and collaboration with partners there. Yet, a study with higher sensitivity to host-state context could be a useful next step to consider the validity and reliability of the results from this dissertation.

Lastly, positionality, while not necessarily a shortcoming, is nonetheless critical to reflect upon in any form of qualitative research as it has implications for the data collection process as well as subsequent analyses. Being a researcher from Norway exploring justice claims related to a conflict in the Middle East provided both benefits and drawbacks in this regard. A particular advantage observed was that interviewees trusted the project and its objective, given that they perceived me as an independent third party without alternative motives that could jeopardize their interests.<sup>12</sup> This was particularly beneficial considering what many respondents referred to as “the walls have ears”, a fear that other Syrians in the diaspora could act as spies for the Assad regime. Furthermore, given the nature of the study which scrutinizes advocacy, once contact was established, respondents were very eager to share their cause in the hopes that I would be another voice that could strengthen and disseminate their message to a broader audience. To ensure transparency and maintain trust, the project aims were repeated on several occasions prior, during and after interviews as well as in a written consent form distributed to all participants.

A drawback from the position as a third-party, external researcher was that some interviewees assumed that I had limited to no knowledge of both Syria, the Syrian diaspora and transitional justice. In many cases, this caused interviews to take a considerable amount of time to ramp up and in some instances necessitated a form of intervention to change the

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<sup>12</sup> Article I's focus on internal diaspora relations and questions of funding did, at times, cause some concern that information provided would be used against them. More often than not, they still disclosed important information, but asked very specifically that they would not be quoted or that their organization would not be linked to some of these sensitive claims. I have followed these requests.



gear of the conversation. Otherwise, discussions such as these would be of limited value for either party. Positionality is also important to consider in context of interpretation. In each of the articles, the frequent use of direct quotes and limited use of paraphrasing has been a deliberate strategy to increase the reliability of the findings and to demonstrate on the one hand what the interview material says and on the other how this material has been interpreted. Given the varied meanings and moral underpinnings of transitional justice, it has been imperative to give ample space for the interviewees to thoroughly reflect on what it means for them, and to not superimpose any given conceptualization.

## Article Summaries

The articles of the dissertation each contribute to answering the overarching research question of how diaspora mobilization for transitional justice evolves during conflict. They do so by asking three different questions, each of which corresponds to different aspects and phases of the Syrian conflict. Following the analytical framework introduced above, the articles discuss motivational, strategic, and relational dimensions of mobilization with the research question of each individual article reflecting different phases of the conflict. Each article can be read individually but do represent a sequential logic from Article I to III. Article I focuses particularly on relational and strategic dimensions of mobilization in the early phases of the conflict, analyzing how vertical coordination with human rights organizations and donors cemented many diaspora organizations in patronage relations, precluding internal, horizontal coordination among transitional justice initiatives. Article II changes gear, going deeper into the motivational and strategic factors that drive diaspora mobilization for transitional justice in the face of increasingly more challenging circumstances. The introduction of new international parties to the conflict and the rise of more radical opposition groups shrunk the space for transitional justice in Syria. Article III, draws attention to the recalibration of strategy to pursue accountability through universal jurisdiction, emphasizing the diaspora's strategic and relational role in advancing these cases in multiple countries. This section provides a summary of each article, discussing their strengths and shortcomings as well as explicitly linking them to the overall research question of the dissertation.

### **Article I: Syrian Diaspora Mobilization: Vertical Coordination, Patronage Relations, and the Challenges of Fragmentation in the Pursuit of Transitional Justice**

Article I<sup>13</sup> examines *why the Syrian diaspora has been unable to present a coherent and unified transitional justice agenda*. The article observes a proliferation of diaspora organizations presenting claims for transitional justice in Syria. However, these claims are underpinned by various underlying conceptions as well as, on some occasions, representing similar agendas albeit through different organizational vehicles. Furthermore, the optimism that

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<sup>13</sup> Co-authored with Eric Wiebelhaus-Brahm.

ensued the popular uprising in 2011 can, at least in part, explain the rapid growth and expansion of mobilization for justice and accountability. However, even when conditions on the ground in Syria has made it more imperative with internal collaboration and coordination within the diaspora, mobilization have largely remained fragmented.

We study the development of transitional justice mobilization over time and inductively identify three mechanisms that in a sequence can explain this fragmentation. Drawing upon previous research on diaspora mobilization and the study of mechanisms and processes from social movement theory, the article reveals how *transnational brokerage* connected diaspora actors with international human rights organizations and donors in the West. Brokerage mechanisms had a two-pronged effect; on the one hand, diaspora organizations were able to broker links between Syrians on the ground and policymakers in the West, and on the other, international human rights organizations mediated the interests between diaspora organizations and those of the international community. These brokered links enabled the development of *vertical coordination* where diaspora organizations coordinated action with allies in more powerful positions with direct access to power or, at least, a higher degree of integration into policy debates in host countries. Such coordination has the benefit that it enhances diaspora organizations' survivability, but a significant drawback is that it may also entrench them in rigid dependency relationships. Involving some degree of mutual advantages, the onset of *patronage relations* has sustained funding for some diaspora organizations in exchange for local expertise, documentation of human rights violations, and more closely aligning their claims and interests with that of their patrons.

We show how patron-client relationships have presented challenges in terms of autonomy and legitimacy for diaspora organizations. While they are genuinely interested in advancing various forms of transitional justice claims, these relationships may create perceptions of a lack of autonomy, making it difficult for diaspora organizations to ensure a constant flow of resources without becoming completely absorbed by the interest of patrons. Diverging too far from the objectives of the patron may jeopardize the funding streams that are key for sustained mobilization. Aligning themselves too close to their supporters may alienate those the diaspora organizations claim to represent – Syrians both at home and abroad. Subsequently, these issues of autonomy have implications for the perception of legitimacy and whether diaspora organizations are true representatives of the

diaspora and the broader Syrian population or if they are organizational vehicles legitimizing the interests of their patrons.

Ultimately, the sequential process of these three individual mechanisms and the challenges they present in terms of autonomy and legitimacy have precluded horizontal coordination within the Syrian diaspora on transitional justice issues. With dwindling resources on these issues in favor of a heightened focus on security, humanitarian aid, and counterterrorism among donors, diaspora organizations have realized the need to pool their resources together and increase collaboration. Attempts to rectify these deficiencies have been made, such as the development of the Transitional Justice Coordination Group. Intended as an umbrella organization for the various transitional justice initiatives in the diaspora, the attempts were largely unsuccessful beyond issuing joint statements.

## **Article II: Syrian Diaspora Mobilization for Prospective transitional Justice in the Absence of Transition**

Article II<sup>14</sup> asks *why do diasporas continue to pursue transitional justice when it is highly unlikely that they will succeed?* In this article, we assess how diaspora actors justify their continued commitment to transitional justice during conflict. While overlapping temporally with certain aspects of the first article, it emphasizes the second phase of the mobilization process; a period in which the conflict sees the introduction of new state parties as well as the proliferation of radical non-state actors. In contexts where transition and justice are remote, little scholarly attention has been afforded to transitional justice mobilization generally and of diasporas specifically. Thus, the article aims at examining specific motivational and strategic factors that underpin this form of advocacy in this context. Despite a gradually shrinking space, diaspora organizations have been devoted to transitional justice *prospectively*, designing mechanisms for future justice and accountability processes, collecting evidence for future trials, and discussing ways to ensure societal transformations that ultimately reduce the prospects for repeat conflict and address core underlying grievances. We coin the term prospective transitional justice as a way to understand and distinguish mobilization that targets existing processes versus those that call for their establishment. Moreover, prospective transitional justice means that we are less interested in how such processes *ought* to be exercised in contexts where transition is

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<sup>14</sup> Co-authored with Eric Wiebelhaus-Brahm.

uncertain, but rather how actors such as diasporas *mobilize claims* related to the norms, values, and practices that underpin transitional justice.

Drawing on interview data, we identify three distinct ways that diaspora entrepreneurs rationalize their mobilization for transitional justice. First, a sense of moral obligation was an important motivational factor for a majority of those interviewed. Subject to arbitrary detention, torture, or other severe means of repression, either personally or by proxy through relatives, rendered the quest for justice and accountability both necessary and meaningful despite reduced opportunities and limited feasibility. Moreover, pursuing accountability through transitional justice claims was a moral imperative to address injustices both historically and in the present and served as a way for the diaspora to remain committed to the main tenets of the 2011 uprising, rooted in freedom, justice, and dignity. Some also referred to a sense of guilt for having left the country and saw transitional justice as a way to remain connected and invested in homeland affairs.

Second, framing claims through transitional justice was perceived to be an appealing way to transform Syria from an authoritarian regime to one that respects fundamental principles of international law and human rights. It prescribes an alternative to the current regime and most importantly suggest ways in which Syria can address the underlying multiple and multifaceted grievances that caused the conflict in the first place and prevent future relapses to war. Many diaspora leaders cited transformative justice's proposed ability to produce enduring peace and reconciliation as underlying motivations for sustained engagement with transitional justice during conflict. Transitional justice was also a way to navigate the sensitive nature of opposition politics; rife with internal struggle and a constant tug-of-war between states seeking to influence its direction. Yet, pursuing transitional justice branded these actors as civil society and human rights groups, making it easier to distance themselves, at least in part, from politics and claim impartiality and independence. This is also supported by evidence which suggests that all parties to the conflict should be subject to scrutiny in a prospective transitional justice process, which is a recurring theme in diaspora reports and statements.

Finally, transitional justice mobilization is a discourse through which diaspora organizations may secure institutional survival. This argument extends the findings of Article I by showing how diaspora actors are not only entrenched in patronage relations, but also motivated by bureaucratic and organizational interests. While convinced by its

normative appeal, advancing transitional justice also provides access to funding opportunities and ultimately a job, which is key to organizational survival and longevity.

### **Article III: Dealing with Impunity from Abroad: Syrian Diaspora Mobilization for Universal Jurisdiction Cases**

Article III draws attention to diaspora mobilization for accountability mechanisms in host state courts. It asks *why, with whom, and how diasporas contribute to the mobilization of universal jurisdiction cases?* The extensive documentation of violence by Syrian diaspora organizations (Tenove 2019), and the dispersion of Syrians as a result of the conflict have created opportunities to advance legal cases in host countries under the legal principle of universal jurisdiction. This principle suggests that some violations are so serious that usual jurisdictional requirements are suspended to permit prosecution, regardless of nationality (of either victim or perpetrator) and without any regard to where the act was committed. Crimes against humanity, war crimes, genocide, or torture are usually referred to as core international crimes subject to universal jurisdiction. While scholarly discussions tend to grapple with normative legal implications of the principle, limited attention has been afforded to the agency of diaspora. Frédéric Mégrét (2015) has taken a first important step in recognizing how diasporas are important in terms of bringing the crime to the forum state, sensitize it to its existence and demand some form of recognition, but he offers little scrutiny of the mobilization process that drives such cases in multiple host-countries simultaneously.

The article demonstrates how justice and accountability engagement by diasporas evolve in the third phase of mobilization, where the conflict remains unresolved and deeply entrenched. I argue that diasporas make a shift in their strategic priorities in response to this context. Pursuing legal cases in host countries provides an avenue through which they can achieve short-term and small-scale justice, but that this ultimately serves a longer term, prospective transitional justice objective. Empirically, the article shows how the diaspora has been a critical actor in advancing universal jurisdiction cases against regime perpetrators. Although they have filed complaints with authorities in several countries against suspected members of armed non-state actors, most cases where diasporas take direct part are related to the Syrian regime and often target individuals who may not be in the host state or in custody. Conversely, most cases against non-state actors (mostly related to designated

terrorist organizations such as Islamic State or Jabhat al-Nusra) emerge from investigations conducted by war crimes units and prosecutors. The descriptive evidence in this article provides an overview of how the shift to focus on universal jurisdiction in 2016 have subsequently led to an extensive and strategic proliferation of such cases. While many of the cases against regime perpetrators are *in absentia*, which limits some jurisdictions' ability to prosecute, the article shows how these cases nonetheless functions as way to keep transitional justice "on the table" despite the limited viability of any such process in Syria in the short to intermediate term. Drawing upon the conceptual innovation in Article II, diaspora claims of universal jurisdiction can be considered prospective transitional justice as it is a means to achieve an end rather than being an end in and of itself. Universal jurisdiction cases are primarily a step in the right direction, but with miles left to go.

However, I also show that the cases are not completely without justice merits. In particular, the symbolic effect of the *Al-Khatib Case* in Koblenz in Germany against two members of the Syrian regime, does indeed offer some form of recognition to victims. Not only does it provide a space for victim participation, the crimes prosecuted and the grievances shared in the courtroom resonates with the broader Syrian diaspora, and perhaps even as far as to Syrians who remain in the homeland. Furthermore, it establishes a precedent and record on official accounts international core violations committed in Syria, which may serve to both encourage future cases as well as lower the barrier for acknowledging human rights abuse related to the conflict.

I also argue that, while one can hardly argue that diasporas are necessary and sufficient for universal jurisdiction cases to emerge, they do indeed play a key role in coalition-building with international human rights organizations, war crimes units and supranational investigative mechanisms (such as the IIIM) to advance such cases. Diaspora organizations particularly contribute by providing documentation, identifying war criminals and victims who reside in respective host countries, communicating legal access and opportunities present under universal jurisdiction, and appealing to the host state public for solidarity and support. All of these contributions are ways for diaspora organizations to advance long-term transitional justice claims.

# Discussion and Conclusion: The Evolution of Diaspora Mobilization During Conflict

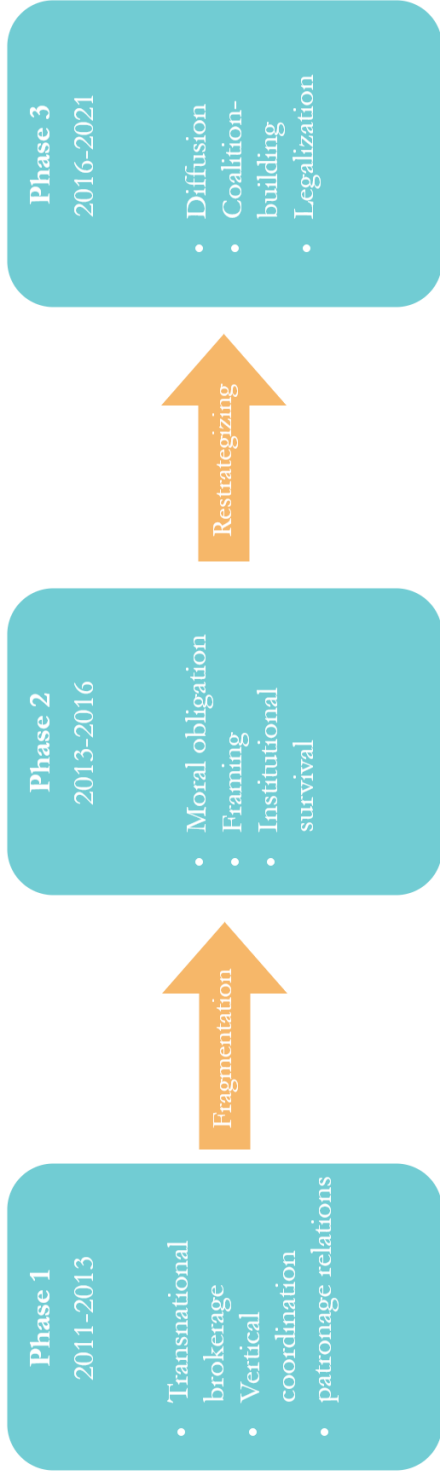
Having presented each of the three articles that constitute the main parts of the dissertation, this section will discuss the results in context of the overall research question and the identified research gaps. I intend to engage more broadly with these topics, drawing on the findings of the articles to assess wider theoretical and policy implications. I will then conclude the general introduction by pointing to fruitful avenues for future research on diasporas and transitional justice.

The overall research question this dissertation seeks to answer is *how do diaspora mobilization for transitional justice evolve during conflict?* The three articles each answer this question in part by describing the Syrian diaspora's transitional justice mobilization and its trajectory in conjunction with the development of conflict. Figure 4 summarizes the evolution of mobilization in three different phases. Phase 1 between 2011-2013 reflects the initial mobilization phase, characterized by a surge of new organizations and initiatives with different degrees of professionalization and sometimes competing perceptions of transitional justice. Simultaneously, international human rights organizations and transitional justice experts were eager to offer material and immaterial support to these initiatives and assist in what seemed to be a swift regime change. The suitability for transitional justice processes in such a context was evident, drawing parallels to experiences with accountability processes in Latin America, or truth commissions in Morocco and South Africa.

In this phase, I identify three mechanisms that ultimately produced fragmentation of transitional justice mobilization among the diaspora. As described in Article I, transnationally brokered links between Syrian activists on the ground, the Syrian diaspora in various host states, and international human rights organizations and donors created conditions for vertical coordination where material and immaterial resources, such as documentation of human rights violations and local expertise, were traded in exchange for financial aid, transitional justice knowledge and access to policymakers. These coordination structures facilitated the gradual development of dependency where diaspora organizations required a steady flow of resources to sustain their engagement. In this development of patronage relations, diaspora organizations found themselves competing for support.



**Figure 4: The evolution of diaspora mobilization for transitional justice during conflict.**



Vertical links and the subsequent formation of patronage relations have caused *fragmentation* of Syrian diaspora mobilization for transitional justice.

Phase 2 between 2013-2016 saw the gradual increase of violence and the introduction of new state parties and non-state actors to the conflict. This phase saw the shrinking availability of funds for transitional justice purposes. Article I describes how the stalemate and realization that a swift regime change would not occur ultimately narrowed the space for transitional justice mobilization. With the increasing focus on anti-terror issues and the overwhelming humanitarian burden, many organizations vanished due to the lack of resources. Dwindling patronage also increased professionalization among those who remained, particularly in the area of documentation to make evidence not only an advocacy tool to showcase the gravity of the conflict, but to also be more suited for legal prosecution, should the opportunity arise. In this phase, sustained mobilization was driven by a sense of moral obligation, a firm belief that transitional justice framing would provide the best way to pursue durable change in Syria in the long-term, and that the transitional justice discourse remained a promising way to secure institutional survival. Staying committed to prospective transitional justice despite the unfavorable odds for such mobilization, diaspora organizations *restrategized*, to focus on alternative avenues to advance their justice agenda. mobilization. With the increasing focus on anti-terror issues and the overwhelming humanitarian burden, many organizations vanished due to the lack of resources.

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Phase 3 from 2016-2021 saw the rise of universal jurisdiction cases related to the Syrian conflict in a number of host countries, including for example Germany, Austria, Norway, and Sweden. Realizing that the prospects for justice through the ICC, an ad hoc court, or a domestic transitional justice process was low, Syrian diaspora organizations have

strategically shifted their focus to pursue such cases. In this phase, the mechanism of diffusion brings the conflict from the ground in Syria to the courts in third countries through legalization. Building coalitions with international human rights organizations, war crimes units, and supranational investigative mechanisms, the diaspora has been able to keep transitional justice relevant as the Syrian regime is gradually reinstating control of large parts of Syria. Drawing on a wealth of professionalized evidence and networks within the diaspora, these actors have strategically advanced justice agendas in multiple host countries when the space for it has shrunk in the homeland.

Diaspora mobilization for transitional justice and its trajectory in conjunction with conflict dynamics provide a number of important lessons for both theory and policy. I will discuss these contributions in context of the identified research gaps. To reiterate, (1) how can we understand diaspora mobilization for transitional justice during conflict; (2) how do diasporas develop and sustain relations with other actors within the field of transitional justice; (3) what are the motivations behind transitional justice mobilization during conflict, and; (4) how and why do diasporas advance universal jurisdiction cases in host countries to achieve justice?

## **Diasporas and During-Conflict Justice Mobilization**

The conceptual broadening of transitional justice over the past years have been important to understand different facets and dimensions of accountability struggles for serious human rights violations. From considering how such measures are employed in pre- and non-transition contexts (Quinn 2021) to contexts where conflict is still raging (Loyle 2017; Loyle and Binningsbø 2016; Dancy and Wiebelhaus-Brahm 2018), Gready & Robin's (2017) argument that transitional justice is dynamic, diverse and contextual, provides a useful vantage point to address how diasporas engage these issues during homeland conflict. This dissertation shows how transitional justice agency is vibrant during conflict and even as the space for such engagement gradually diminishes. Scholars should indeed pay more attention to the nexus between diasporas and during-conflict justice. Conceptually developed in Article II, *prospective transitional justice* mobilization reflects how diasporas not only attempt to influence established transitional justice processes but devise ambitious schemes and engage in extensive documentation efforts to lay the groundwork for such processes for when and if the opportunity arises in the future. Given the limited space for advocating

such interests at home amid conflict, diasporas become a much more potent force for these agendas in host countries, at least in comparative terms.

Understanding transitional justice as prospective political claims have several advantages. First, it provides an alternative proposition to the discussion on whether the country in question is in transition or not. Extensively discussed (see e.g. Quinn 2015), the notion of whether transition is a necessary condition for transitional justice is largely irrelevant when examining transitional justice activism because we are interested in the claims these actors promote and the way they go about it rather than the implementation of transitional justice mechanisms in countries that are either pre-, during-, post-, or non-transitional countries. The international transitional justice discourse, available support, and underlying motivations drive contention for justice and accountability agendas regardless of whether the country in question is experiencing a transition in which coming to terms with injustices takes place.

Second, it does not limit itself to questions of whether transitional justice processes (prosecutions, truth-telling, reparation) or their outcome are essentially just or not. It views justice as a form of demand, which they frame through internationally established norms and principles and it is the adoption of these agendas that are scrutinized, not their normative implications. Agency-focused analyses of transitional justice need to consider the various conceptions of justice and interests that underpin such mobilization and how these interests may vary across time and in conjunction with changing perceptions of opportunities and constraints in any given context.

Third, transitional justice should not be understood as a spatially bounded phenomenon. Demands for transitional justice and specific claims can be pursued locally, nationally, or transnationally. In pursuit of their visions, non-state actors engage at multiple levels depending on the political context and strategic considerations. Advancing accountability through universal jurisdiction is indicative of this and demonstrate how such mobilization occurs in multiple spaces and levels simultaneously.

Consequently, we should not only be concerned with how ad hoc judicial processes are conducted while conflict is raging but afford greater attention to how diasporas in these contexts mobilize for transitional justice prospectively. Theoretically, this is significant because, as demonstrated, transitional justice claims do not only emerge in post-conflict contexts where transitional justice in some form have been initiated, demands for it are

advanced during conflict. Moreover, diasporas, are not only important in facilitating peace negotiations, providing humanitarian aid, or supporting early reconstruction efforts (Shain 2002; Østergaard-Nielsen 2006; Bush 2007; Baser and Swain 2008; Svoboda and Pantuliano 2015), but can indeed keep human rights and transitional justice on the agenda through prospective transitional justice mobilization, including by pursuing concrete accountability measures in host countries. We should, thus, expect to see diasporas who engage in justice mobilization towards homelands where transition seems remote and injustices keep occurring, to prepare and advocate for universal jurisdiction cases. This also has implications for policy because countries with large refugee populations from violent conflicts are likely to find both victims and perpetrators among them, making it imperative to decide on whether to allow universal jurisdiction to fight impunity, and if so, what should condition its application. Furthermore, where the demands for justice are mobilized legitimacy and support afforded by host countries and international human rights organizations can have both positive and adverse effects.

### **Effects of Patronage Relations in the Pursuit of Transitional Justice**

Over the past decade, several scholars have raised concerns over the expansion of transitional justice as an industry where international human rights activists and transitional justice experts, besides following moral convictions and principled beliefs, have structural incentives to expand the field (Madlingozi 2010; Gready 2010; Subotic 2012; Skaar and Wiebelhaus-Brahm 2013). The eagerness with which these actors approach new cases where transitional justice seems applicable have raised concerns of ownership, legitimacy, and autonomy with respect to local actors. This dissertation lends some support to these claims by pointing to how interactions can indeed have both positive and adverse effects in context of diasporas. Article I shows how patronage relations can affect internal diaspora coherence and retard its ability to develop a unified transitional justice vision. While the transfer of resources between these actors in general facilitate mobilization on these issues and may increase professionalization in the longer term, it provides incentives for developing niche organizations, having for example a certain view on transitional justice, what priorities to make, and in some instances, carry exclusive databases of documentation. As a source for continued funding and support, these databases function as a comparative advantage for many Syrian organizations, inhibiting the interest in horizontal coordination.

Furthermore, Article II's institutional survival argument points to the underlying motivational structure among diaspora actors, where besides being morally committed to transitional justice, also draw on the opportunities present in this discourse to pursue organizational interest. Article III points to positive effects of these relationships in context of universal jurisdiction. The strategic positioning of diasporas connecting Syrians at home and abroad with international human rights organizations, war crimes units in host countries, and supranational investigative mechanisms, facilitates the development of international criminal cases. While these cases may not be offering the principled justice the diaspora advocates, it can indeed offer some modicum of recognition for victims as well as prevent impunity among war criminals who have come to third countries as refugees or asylum-seekers.

The implications of these findings are twofold. First, it appeals to policymakers and donors to consider the long-term effects of resource provision to specific diaspora organizations in the early mobilization phase. In conflict contexts where rapid escalation of violence increases the demand for justice and is likely to trigger diasporic activism, coordination structures within the field of transitional justice may have adverse long-term effects on mobilization. Fragmentation that ensued in the Syrian case are not unlikely to emerge elsewhere, with similar implications for their perceived legitimacy and autonomy in the eyes of ordinary nationals in the diaspora or at home. The global transitional justice industry thus has the potential to shape transnational mobilization for transitional justice among dispersed populations across host countries and policy need to reflect this reality by taking into account how incentive structures have implications for movement coherence. Second, the conflict context effectively restricts local pursuit of transitional justice. We do not know to what extent these mechanisms and effects on long-term mobilization are unique to conflict contexts and diaspora organizations, as opposed to post-conflict context and local mobilization. The alarms raised by scholars on the effects of transitional justice as an industry, and the findings in this dissertation, warrants further scrutiny into the mechanisms that characterize interactions between international human rights organizations and both local actors and diasporas in the pursuit of justice and accountability.

## **Motivations for Transitional Justice Mobilization During Conflict**

Motivations behind diaspora mobilizations have been subject to much scrutiny, offering explanations for the emergence of diasporas as political actors more generally (Adamson and Demetriou 2007), or how they engage in specific forms of mobilization and contexts (Brinkerhoff 2016). Some argue that diaspora engagement is driven by norms, values, or ideological convictions (Shain and Barth 2003), while others cite instrumental aspects, such as access to power or resources (Ambrosio 2002; Mearsheimer and Walt 2007; T. Lyons and Mandaville 2012a). This dissertation examines the motivations for advancing transitional justice in a context where injustices keep occurring and where transition seems remote. The argument that a combination of both emotional and strategic underlying rationales drives this consistent and sustained mobilization has several important implications. First, on a theoretical level, it suggests that future endeavors to study why diasporas mobilize for transitional justice needs to evaluate motivational aspects broadly in conjunction with strategic considerations and relational aspects. The analytical framework applied in this dissertation provides a fruitful avenue to do so.

Secondly, it affords some explanations for why this mobilization persists when it seems futile to do so. Moral obligation suggests that diasporas mobilizing for transitional justice do so to remain connected to homeland affairs and is a way to offer continued support despite being physically removed from conflict. While some observers have shown how diasporas sometimes radicalize in the face of injustice experienced in the homeland (Collier and Hoeffler 2004), this dissertation argues that it may as well garner support for justice and human rights claims. Moreover, transitional justice claims are not only perceived to be post-conflict tools to address past human rights violations but may indeed also be a way to foster reconciliation, develop trust, and build peace. While the peacebuilding capacities of transitional justice remain vigorously debated in academic circles (see Lambourne 2009) it is nonetheless a way the diaspora justifies its commitment to it. In considering strategic aspects of mobilization, it should not be understated how institutional survival is an important driver for sustained mobilization, especially when the outlooks for transitional justice are limited.

Lastly, motivations to pursue transitional justice against the odds does indeed offer some promising evidence. Schaak (2021) notes that Syria suffers from entrenched impunity

with many causes, including an international lack of commitment to deliver on Security Council Resolution 2254 (appealing for ceasefire and a political transition in Syria) and the use of Security Council vetoes by Russia and China on a referral of Syria to the ICC. In the face of lacking commitment and inability to advance the justice file on Syria, the diaspora can be an effective voice for grievances related human rights violations and ultimately keep transitional justice on the table. The firm belief that transitional justice can both aid peacebuilding and make durable transformations mean we should pay increased attention to diaspora organizations who seek justice during conflict.

### **Universal Jurisdiction as a Step Towards Transitional Justice**

Much of the academic discussions on universal jurisdiction tend to focus on normative aspects, such as if states should be able to prosecute criminal cases if neither the victim nor perpetrator are nationals and if the crime was committed outside its territories. Within this literature, agency among global human rights actors have been both praised and thoroughly researched with respect to how they impacted the development of the current international criminal legal regime (Lutz and Sikkink 2001; Sriram 2005; Sikkink and Kim 2013; Van Der Wilt 2015). Yet, the connection between diasporas and universal jurisdiction have received little systematic analysis in these endeavors besides intermittent mentions and appeal to the intrinsic link between conflict-generated dispersion and criminal justice in third-countries (Mey 2008; Haider 2014; Mégret 2015). The dissertation helps filling this gap by specifically reviewing why, how, and with whom diasporas mobilize for universal jurisdiction. Several important theoretical and policy implications can be drawn from this research.

First, while diasporas may not in any strict sense constitute a necessary and sufficient condition for the emergence of universal jurisdiction cases, they do indeed play a significant role in their proliferation. Diasporas are, as demonstrated in Article III, not simply bystanders who passively accept universal jurisdiction on offer, but actors who strategically take advantage of legal opportunities present in various host countries to assert their transitional justice agendas. Their specific roles in identifying war criminals and victims are particularly useful for war crimes units who, depending on the jurisdiction, can benefit extensively from cooperating with diasporas to prevent harboring war criminals or enforce global justice standards.



Second, the multi-sited approach to universal jurisdiction reveals how diasporas mobilizing for human rights and accountability issues are not necessarily restricted by their position in a given host country. The extensive cross-country coalitions these actors build provides them with the means to advance such cases in multiple jurisdictions simultaneously.

Third, mobilizing these cases through extensive coalitions between diasporas, international human rights organizations, war crimes units, and supranational investigative mechanisms, may help to alleviate some of the legitimacy concerns raised in Article I. By providing ample space for diaspora organizations to not only partake but take a leading role in the advancement of such cases could suggest that universal jurisdiction processes, at least with time, could be a leveling field. Fourth, the strategic shift to universal jurisdiction is not only a “second-best” alternative to any large-scale transitional justice process the diaspora advocate. Drawing upon the conceptual innovation in Article II, advancing universal jurisdiction cases in host countries is a strategic and deliberate way to keep transitional justice relevant in a time where it seems futile. Indeed, small victories in these jurisdictions may have limited justice implications with the most serious perpetrators out of reach, yet it advances transitional justice prospectively by setting the record and reminding perpetrators, victims, and bystanders that serious international crimes committed in Syria will not be easily forgotten.

## **Suggestions for Future Research**

This dissertation has shown that diasporas mobilize for transitional justice during conflict, when the prospects for local transitional justice processes seem distant and accountability mechanisms at the international level through the ICC or an ad hoc tribunal are unlikely. It contributes in multiple ways by detailing how Syrian diaspora mobilizations have evolved in conjunction with the emergence of violent conflict. As a case study, I have sought to probe for new and unspecified explanations for how and why diasporas pursue transitional justice amid conflict. Future avenues for research should take into consideration these findings and seek to advance this relatively uncharted territory further.

One such avenue would be to conduct a cross-national examination of diasporas and to what extent and how they engage transitional justice while their homeland is in conflict. While contextual differences may account for variation in engagement, it may be

a useful next step in evaluating how diasporas are incorporated into the global transitional justice industry, advance our knowledge of underlying motivations for these agendas, and consider possibilities and limitations of universal jurisdiction cases in the event of large-scale impunity. The propositions afforded here should, as a next step, be scrutinized and compared to experiences elsewhere. More broadly, the nexus between diaspora and transitional justice research needs further exploration, particularly how expatriate agency for justice and accountability emerges in context of homeland crisis. The analytical framework proposed and applied here provides a fruitful way to do so.

Further research on the Syrian diaspora and transitional justice should better incorporate grassroots voices. Although justified on the merits of how organizations and organizational leaders are crucial for opinion-making and often act as the face of the larger diaspora population, this choice comes at the expense of how ordinary diaspora members consider justice and accountability issues. Moreover, an extension to other segments of the Syrian diaspora should also consider more carefully creative expressions of justice claims and how new forms of contention emerge in challenging contexts.

Another avenue for research, which can potentially have substantial theoretical and policy effects, would be to continue exploring the implications of an expanded transitional justice industry. While considered normatively desirable by many, this dissertation points to both beneficial and adverse effects on diaspora mobilization, which lends support to some scholars who have voiced concerns about its proliferation. The trend has clear parallels to the development industry, which is often criticized for creating systems of dependency, limiting local (and diaspora) agency, and pushing political and ideological agendas. Viewing transitional justice in this context might be a productive way to move forward.

Finally, the extensive mobilization by the Syrian diaspora and its allies to bring about accountability through universal jurisdiction begs the question of what these cases' long-term implications are, both in terms of justice for crimes committed in Syria and for the legal principle itself. As universal jurisdiction has been considered to be in decline by many, the number of cases related to the Syrian conflict challenges this perception and may even serve to revitalize the principle in the face of large-scale impunity elsewhere.



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## Appendix

| Interview | Description   | Date       | Space   |      |
|-----------|---|------------|---------|------|
| I1        | Diaspora organization executive director                  | 09.06.2014 | Offline | MA   |
| I2        | International human rights lawyer                         | 10.06.2014 | Offline | FT   |
| I3        | International human rights lawyer                         | 12.06.2014 | Offline | HN   |
| I4        | International transitional justice expert                 | 13.06.2014 | Offline | MAD  |
| I5        | Diaspora journalist and entrepreneur                      | 16.06.2014 | Offline | WS   |
| I6        | Diaspora transitional justice program leader              | 01.07.2014 | Online  | AAS  |
| I7        | Diaspora journalist and artist                            | 24.11.2015 | Offline | IAF  |
| I8        | Diaspora organization executive director                  | 03.12.2015 | Offline | MA   |
| I9        | Diaspora organization branch executive                    | 10.12.2015 | Offline | SAMS |
| I10       | Diaspora organization executive director                  | 11.12.2015 | Offline | HAK  |
| I11       | Diaspora lobbyist   | 12.12.2015 | Offline | DF   |
| I12       | Diaspora organization leader                              | 14.12.2015 | Offline | OA   |
| I13       | Diaspora organization media contact                       | 14.12.2015 | Offline | OH   |
| I14       | Diaspora organization policy advisor                      | 14.12.2015 | Offline | SB   |
| I15       | Diaspora organization founder and executive               | 15.12.2015 | Offline | RZ   |
| I16       | Diaspora organization executive                           | 08.01.2016 | Online  | RM   |
| I17       | Diaspora organization executive                           | 10.01.2016 | Online  | NB   |
| I18       | Diaspora writer and organization executive                | 11.01.2016 | Online  | AA   |
| I19       | Diaspora policy advisor                                   | 09.02.2016 | Online  | YN   |
| I20       | Diaspora organization executive                           | 07.03.2017 | Online  | HAK  |
| I21       | Diaspora organization founder and executive               | 10.03.2017 | Online  | FAG  |
| I22       | Diaspora organization executive                           | 10.03.2017 | Online  | MM   |
| I23       | Diaspora organization co-founder and executive director   | 21.03.2017 | Online  | BA   |
| I24       | Diaspora organization executive                           | 01.08.2017 | Online  | MM   |
| I25       | Diaspora organization executive founder and director      | 08.08.2017 | Online  | RZ   |
| I26       | Diaspora organization executive director                  | 10.08.2017 | Online  | HAK  |
| I27       | Diaspora organization founder                             | 14.08.2017 | Online  | MB   |
| I28       | Diaspora organization general director                    | 14.08.2017 | Online  | MD   |
| I29       | Diaspora organization executive director                  | 15.08.2017 | Online  | MA   |
| I30       | Diaspora journalist and entrepreneur                      | 17.08.2017 | Online  | WS   |
| I31       | Diaspora journalist and entrepreneur                      | 24.08.2017 | Online  | WS   |
| I32       | Diaspora organization founder and executive director      | 11.09.2017 | Online  | MD   |
| I33       | Diaspora organization co-founder and executive director   | 30.01.2018 | Online  | BA   |
| I34       | International organization project officer                | 20.09.2018 | Online  | DA   |
| I35       | Migration and LGBT worker                                 | 15.11.2018 | Offline | DM   |
| I36       | Human rights and transitional justice doctoral researcher | 16.11.2018 | Offline | SB   |

|     |  |            |         |      |
|-----|--|------------|---------|------|
| I37 | International human rights lawyer                    | 17.11.2018 | Offline | RB   |
| I38 | Migration and humanitarian worker                    | 18.11.2018 | Offline | RA   |
| I39 | International organization coordinator               | 19.11.2018 | Offline | AH   |
| I40 | Media worker   | 19.11.2018 | Offline | TR   |
| I41 | International human rights student and activist      | 19.11.2018 | Offline | MBA  |
| I42 | International human rights researcher                | 22.11.2018 | Offline | ZB   |
| I43 | Scholar on democracy in the Middle East              | 23.11.2018 | Offline | MS   |
| I44 | International accountability activist                | 23.11.2018 | Offline | AA   |
| I45 | International human rights lawyer                    | 23.11.2018 | Offline | ABM  |
| I46 | International human rights lawyer                    | 02.10.2019 | Online  | MS   |
| I47 | International justice and accountability activist    | 03.10.2019 | Online  | MEB  |
| I48 | International transitional justice expert            | 18.01.2019 | Online  | IA   |
| I49 | Diaspora organization program manager                | 07.02.2019 | Online  | SK   |
| I50 | Diaspora organization founder and executive          | 21.05.2020 | Online  | FAG  |
| I51 | Diaspora organization founder and executive          | 26.05.2020 | Online  | RZ   |
| I52 | Diaspora organization executive director             | 27.05.2020 | Online  | MS   |
| I53 | Diaspora organization executive director             | 23.06.2020 | Online  | MA   |
| I54 | Diaspora organization program director               | 29.10.2020 | Offline | OAS  |
| I55 | Diaspora organization founder and executive director | 02.12.2020 | Online  | MD   |
| I56 | Diaspora organization founder                        | 03.12.2020 | Online  | JS   |
| I57 | International human rights lawyer                    | 30.12.2020 | Online  | PK   |
| I58 | International human rights organization leader       | 12.01.2020 | Online  | GMES |

# Interview Guide – Syrian Diaspora and Transitional Justice

## **Part I: Basic information**

Name:

Sex:

Age:

Organization:

## **Part II: Transitional Justice Mobilization over time**

1. Given the circumstances of the Syrian conflict in 2020, what motivates you to continue pursuing transitional justice?
2. What do you consider to be key moments over the past nine years in terms of transitional justice for Syria?
3. How have your priorities and goals changed over the course of the conflict?
  - a. Has your ranking of priorities changed over time? Why or why not?
4. What is the most important work Syrian civil society actors in the diaspora can do to promote transitional justice today?
  - a. What strategies are most important/effective?
5. What has changed in the way you work today compared to the early days of transitional justice mobilization?
  - a. Internal to the organization
    - i. Funding
    - ii. Organizational structure
    - iii. Other operational factors
  - b. External relations
    - i. The evolution of interaction among Syrian TJ/human rights organizations.
    - ii. How has your interaction with non-Syrian activists changed over the course of the conflict?
    - iii. To what extent has donor interest in transitional justice changed over the past nine years?
    - iv. What is your assessment of the IIIM? How, if at all, have your views changed over time?

## **Part III: Universal Jurisdiction**

1. There are now ongoing trials in Germany against two former regime officials as well as investigations into other war crime and human rights abuse cases in Europe. What are your thoughts on these developments?
2. Who are the main drivers of universal jurisdiction cases?
3. What are the positive and negative outcomes of universal jurisdiction for your overall transitional justice goals?



# Articles



# **Syrian Diaspora Mobilization: Vertical Coordination, Patronage Relations, and the Challenges of Fragmentation in the Pursuit of Transitional Justice**

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## **Abstract**

The 2011 Syrian uprising saw the rise of several Syrian diaspora organizations seeking transitional justice (TJ). In this article, we ask why these organizations have been unable to present a coherent and unified TJ agenda. We show how a sequence of mechanisms (transnational brokerage, vertical coordination, and patronage relations) have led to fragmentation in the pursuit of justice. The analysis is divided into two sections. First, we discuss the onset of patronage relations made possible by brokered alliances and vertical coordination. Fuelled by differing conceptions of justice and confidence that the regime would quickly fall, organizations proliferated and fragmented. Second, we show how the entrenchment of patronage relations has largely precluded horizontal coordination, even as groups shifted strategy in the wake of changing conditions in Syria. We then argue that collaborative efforts among diaspora groups have largely failed to overcome the rigid patronage relations established early in the mobilization phase.

**Keywords:** Syria, transitional justice, diaspora, brokerage, patronage, vertical coordination

## **Introduction**

Syrians abroad have long been interested in justice for human rights violations committed in their home country. The Syrian Civil War has galvanized these demands as approximately half of Syria's pre-war population of 22 million have been forced to flee their homes, many of whom have sought refuge in Europe and elsewhere in the West. Yet, the conflict is but the latest iteration of displacement. Many fled after 2005 when increased repression marked the end of the Damascus Spring, a moment of optimism for gradual political change. Even going back to the 1970s, many left to escape the Assad regime's oppression. Thus, it is unsurprising that Syrian diaspora groups and transnational activists alike demand justice for mass atrocities.

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What is unusual is that these demands have been framed in transitional justice (TJ) terms. Christine Bell (2009, 5) defines transitional justice as a “field of scholarship connected to a field of practice on how to deal with past human rights abuses in societies in transition.” As of mid-2018, transition seems unlikely; Assad’s victory appears inevitable. Yet, activists adopted TJ language from the beginning of the uprising in 2011. In fact, many diaspora activists were familiar with TJ from studying truth commissions in Morocco and South Africa before 2011. Moreover, most observers anticipated a swift revolution. As a result, diaspora groups rushed to articulate frameworks for establishing a new political order, including dealing with the past. TJ rhetoric also provided a means through which Syrian groups could signal a compatibility with Western conceptions of justice and donor government interests.

However, justice mobilization has been fragmented. This is partially the result of optimism of a swift revolution and conflicting conceptions of TJ. More importantly, donor patronage enabled the proliferation of competing organizations. As the civil war worsened and international jihadists flooded Syria to exploit the security vacuum, donors began prioritizing humanitarian assistance and counterterrorism, which reduced funding for Syrian TJ groups. With transition increasingly remote, diaspora organizations’ tactics and goals have changed, but collaboration beyond joint press statements condemning atrocities remains a struggle.

In this article, we draw upon interviews over the past four years with Syrian TJ activists and transnational non-Syrian activists (henceforth referred to as ‘transnational activists’ to distinguish them from Syrian activists who also operate transnationally) with whom they have collaborated to explain why the Syrian diaspora has been unable to present a coherent and unified TJ agenda. By employing a social movement theory framework, we show how *vertical coordination* and *patronage relations* with transnational activist networks and donors precluded *horizontal coordination* among Syrian diaspora organizations. By brokering links with donors and providing assistance in articulating TJ agendas that suited the interests of funders, transnational activists were able to help secure financial and diplomatic support for diaspora organizations. We argue that access to policy-makers and funders produced incentives to prioritize vertical coordination over horizontal coordination with similar Syrian organizations. Even as conditions on the ground have made horizontal coordination more imperative, these efforts have largely failed to overcome the rigid vertical relations established early in the mobilization phase.

The article begins with a review of current thinking on diasporas in the TJ and transnational social movement literatures. Specifically, we examine how the network-based mechanisms of brokerage and patronage, as well as strategic behaviors of vertical and horizontal coordination have shaped internal movement dynamics as well as relationships with outside actors (see Koinova and Karabegović, this issue). Then, we use our interview data to trace how Syrian groups' TJ strategies have changed as conditions on the ground in Syria and international interest in the conflict have evolved. We conclude by reflecting upon the lessons for TJ and diaspora mobilization scholarship.

### **Diasporas, transnational social movements, and transitional justice**

Diasporas have become a focal point of study in recent decades, including studies of their emergence, political activism, and impact (e.g. Shain 2002; Sökefeld 2006; Smith and Stares 2007; Orjuela 2008; Koinova 2014). By diaspora, we mean “[...] a social collectivity that exists across state borders and has succeeded over time to (1) sustain a collective national, cultural or religious identity through a sense of internal cohesion and sustained ties with a real or imagined homeland and (2) display an ability to address the collective interests of members of the social collectivity through a developed internal organizational framework and transnational links” (Adamson and Demetriou 2007, 497). In fact, diasporas often have links to several contexts beyond the homeland and host state, thus their derived power and mobilization trajectory must be viewed through their sociospatial positionality in multiple contexts (Koinova 2017). Diasporas' extensive transnational linkages are key to their significance as transnational actors (Ambrosio 2002; Lyons and Mandaville 2012; Brinkerhoff 2016; Marinova 2017).

While diasporas are no longer neglected in conflict studies as some previously argued (Smith and Stares 2007), they remain little researched with respect to TJ (Koinova and Karabegović 2016). Nonetheless, a burgeoning literature seeks to fill this gap (Roht-Arriaza 2005; Quinn 2010; Haider 2014; Wiebelhaus-Brahm 2016; Koinova and Karabegović 2016; Orjuela 2017; Karabegović 2017; Baser 2017). Some of these studies emphasize diasporas as protagonists. For example, Naomi Roht-Arriaza (2005) gives much of the credit for the eventual pursuit of legal accountability for military era crimes in Latin America to exiles who launched cases against former junta members in courts across Europe in the 1990s. Joanna R. Quinn (2010) finds that the Haitian diaspora was instrumental in bringing about Haiti's National Truth and Justice Commission in

1994. In some cases, diasporas' target of mobilization may not be governments. The Bosnian diaspora, for instance, pressured the multinational corporation ArcelorMittal to establish a memorial at the former Omarska concentration camp in Bosnia and Herzegovina after the company purchased the facility (Koinova and Karabegović 2016).

The existing literature presents several lacunae that the Syrian diaspora's experience address. First, studies rarely unpack fragmentation and contestation *within* diasporas. Camilla Orjuela's (2017) examination of memorialization debates among Sri Lankan and Rwandan diasporas highlights such divisions, but more attention is needed to uncover exactly why this happens. As we will emphasize, competing perceptions of TJ and patronage relations have nurtured divisions among Syrian TJ groups. Second, as Koinova and Karabegović (this issue) note, inadequate attention has been afforded to causal mechanisms linking diasporas and TJ. We identify specific strategic (vertical coordination) and network-based (patronage) mechanisms through which diasporas mobilize for TJ. Thirdly, the TJ literature has long been concerned that a transnational network of justice activists and experts in global civil society and within foreign aid bureaucracies, what some have called the 'TJ industry' (Madlingozi 2010; Gready 2010), was promoting Western notions of justice. While we do not find that Syrians are articulating TJ views contrary to their own preferences or strictly to obtain support, our study specifies ways in which the global TJ industry exerts influence.

Transnational social movement theory provides concrete mechanisms through which international actors influence local TJ processes, thus making valuable connections between the literatures on diaspora politics and TJ mobilization. A rich literature links social movement theory with the study of diasporas (e.g. Eccarius-Kelly 2002; Sökefeld 2006; Adamson 2012, 2013; Koinova 2011a, 2013; Amarasingam 2015), including mobilization among the Syrian diaspora (Jörum 2015; Moss 2016a, 2016c, 2016b; Baeza and Pinto 2016). These studies of the Syrian diaspora do not specifically address TJ. Rather, they focus on the Assad regime's transnational repression and the difference in mobilization for and against the regime in Europe and the Americas.

There are two primary reasons why social movement theory is useful for studying diasporas. First, diasporas are in and of themselves constructed through processes commonly associated with social movement emergence (Sökefeld 2006; Adamson 2012). Both are the result of social, cultural, and political mobilization by independent actors for a variety of political

purposes. Second, the evolving nature of Syrian TJ mobilization tends to reflect mechanisms identified under the rubric of contentious politics. Below, we examine transnational brokerage as well as two novel mechanisms that have not yet been included in studies of diaspora mobilization: vertical coordination and patronage.

### ***Transnational brokerage***

Several contributions in diaspora studies point to the importance of brokerage mechanisms in political mobilization (Koinova 2011b, 2014; Adamson 2005, 2013; Andén-Papadopoulos and Pantti 2013; Koinova and Karabegović 2016). Transnational brokerage connects otherwise disconnected social actors (Tarrow 2005, 190). Brokers are entrepreneurs who gain power by linking disparate networks to fill ‘structural holes’ (Burt 1992; Goddard 2009). Such linkages are key for the transfer of ideas, financial and other material resources, and documentation for TJ purposes. Positioned at the nexus of disparate networks, diaspora entrepreneurs are well-suited to assume the role of broker, mediating between various stakeholders. Diasporas derive particular in-between advantages to initiate and pursue political change based on their disposition, migration experience, and hybrid identities (Brinkerhoff 2016). We use this mechanism to point to transnational connections among several disconnected parties: the diaspora, Syrians in the homeland, non-diaspora activists and experts, and donor government policymakers. As we show, multiple actors assume the role of broker in order to gain political leverage and build support for their TJ interests.

Transnational activists assumed the role of broker by establishing linkages between Syrian activists and policy-makers. These technical experts are important in influencing global TJ norms, preferences, and practice (Skaar and Wiebelhaus-Brahm 2013). The International Center for Transitional Justice (ICTJ), for example, has provided technical assistance and helped facilitate TJ initiatives worldwide since its creation in 2000 (Van Antwerpen 2005; Subotic 2012). In Syria, former United States Ambassador for War Crimes Stephen Rapp and groups such as the Commission for International Justice and Accountability (CIJA) and the Public International Law & Policy Group (PILPG) have played a critical role in linking Syrian TJ groups with donor governments.

In turn, diaspora groups link various actors to homeland affairs. First, they connect migrant populations to homeland affairs (Koinova 2011b; Adamson 2013). Second, they enable donor

governments to advance their own foreign policy interests in the homeland. Finally, Syrian diaspora groups provided transnational activists with access to data and evidence in Syria that enables them to enhance their reputations as leaders in the global justice and accountability movement.

### ***Vertical coordination***

These brokered alliances may lead to vertical coordination between diaspora groups and their non-diaspora partners. The vertical dimension of coordination is similar to what Kriesi et al. (1996) refer to as ‘external structuration’, by which they mean how social movement organizations coordinate action with allies, such as political parties, outside the movement itself. Vertical coordination recognizes that these alliances often have a hierarchical nature to them. The hierarchical nature symbolizes that Syrian diaspora organizations have assumed a subordinate position vis-à-vis donors and transnational activists. Diaspora organizations are important voices in these coordination structures, but do not necessarily possess the means to fundamentally alter policies. Conversely, the superior position of allies reflects direct access to power, or at the very least, more formal integration into policy debates.

To be sure, coordination among movement organizations also is important for collective action (Tarrow 2005; Tilly and Tarrow 2006). Within our framework, alliances among diaspora organizations operating within the same field are horizontal coordination because organizations assume relatively similar power positions. We argue that the vertical dimension of coordination was a dominant feature of early Syrian TJ mobilization. While such relations enhance diaspora organizations’ survivability, they also potentially entrench them in rigid vertical relationships. Diaspora organizations risk becoming gradually more dependent on vertical coordination to secure organizational survival. Seen as a sequential process, vertical coordination may lead to a form of dependency, ultimately producing a patron-client relationship. Increasingly embedded in such structures, horizontal coordination among diaspora groups may become more challenging.

### ***Patronage***

Patronage is most commonly used to depict how financial and other types of resources are exchanged for political support (Schmidt et al. 1977). Social movement research has demonstrated that patronage relations can both facilitate and obstruct mobilization (Edwards and McCarthy

2004; Auyero, Lapegna, and Poma 2009; Lapegna 2013). Patronage relations are often complex and involve some degree of mutual benefit for the parties involved. As highlighted in the discussion of brokerage, diaspora organizations seek funding and access to political actors in exchange for providing states and transnational activists with local expertise and primary data (e.g., evidence of human rights violations). Such relationships may advance both diaspora and host state interests, as research on diasporas and United States foreign policy has demonstrated (Marinova 2017). However, as the vertical dimension implies, patrons are dominant in this relationship. Instead of merely cooperating based on mutual interests, the mechanism of vertical coordination can transform into a relationship characterized by dependency rather than voluntarism.

Competition for patronage, however, can generate divisions among different groups within a diaspora. Despite agreeing on the ideal of TJ, individual Syrian diaspora initiatives frequently envisage the process and end-goal differently. For example, diaspora organizations have designed various pathways to achieve TJ in Syria, emphasizing different forms of justice (e.g. retribution vs. reparations). Patron-client relationships can thus function as a mechanism facilitating separation and/or competition of otherwise similar justice agendas in the diaspora. The reason for this is that patronage presents diaspora organizations with challenges related to autonomy and legitimacy.

Autonomy has been addressed when it comes to diaspora-homeland relations (see Koinova 2012), but patronage mechanisms also present unique challenges for autonomy vis-à-vis patrons. Maintaining a close relationship with allies provides a host of avenues to influence policy directly, and it is thus beneficial to “‘play the game’ of the international community” (Koinova 2011a, 439). While diaspora organizations often frame claims in liberal discourse in order to obtain support (Koinova 2011a; Orjuela 2017), the pull to do so may be even stronger when such organizations are entrenched in patronage relations with Western donors. Diaspora actors may find it particularly difficult to distinguish their own interests from that of their patrons because diverging too far puts the flow of resources in jeopardy. Align too close with their allies and they become more exposed to external influence and the agenda of their patrons (Shain 2002; Marinova 2017). While donor governments hold the key to progress on TJ issues, diaspora organizations risk becoming absorbed by their demands.

Reduced autonomy may raise questions about diaspora organizations' legitimacy. Legitimacy is a key resource, but a scarce one among newly established diaspora organizations. While patronage may be essential for organizational survival, it raises questions of legitimacy, particularly in the eyes of diaspora constituents and actors in the homeland. That the diaspora is outside the country in conflict is problematic in and of itself. Moreover, a lack of autonomy can enable rival interests to question an organization's legitimacy and, consequently, complicate collaborative efforts among diaspora activists. Effectively, diaspora organizations are subject to a delicate balancing act, forced to grapple with questions of autonomy and legitimacy while struggling to maintain their organization and pursue their TJ goals.

## **Methods**

Our analysis of TJ mobilization within the Syrian diaspora is based upon data collected from in-depth interviews with twenty-four Syrian activists, primarily executive directors of organizations, and transnational activists, supplemented by relevant reports from activists, governments, and the UN. Table 1 lists the Syrian organizations examined in our study. We began identifying our subjects by mapping diaspora TJ initiatives based upon press reports. We then expanded our list via snowball sampling. The interviews were carried out in person or over Skype since 2014. We employed a semi-structured interview design, which facilitated conversation with the informants. It allowed them to reflect upon their work, helping us to identify the main facets of TJ mobilization in the diaspora. This strategy also facilitated the development of rapport between interviewer and interviewee, which was particularly important since the topics discussed were sensitive. Some informants were especially hesitant to share confidential information about themselves and their organizations.

### TABLE 1 ABOUT HERE

Our goal is to demonstrate the links between transnational brokerage, vertical coordination, patronage, and movement fragmentation. Process tracing is well-suited to this. Process tracing involves the examination of potential causes of observed outcomes without using large-N comparisons (George and Bennett 2005). Rather, the method uses within-case comparison by collecting data from multiple groups within the diaspora, and by interviewing several respondents

at different points in time. The combination of various sources of data, as noted above, produces a wealth of data with which to analyze diaspora behavior.

### **Transitional justice mobilization among the Syrian diaspora**

The protests that began in Dara'a in March 2011 prompted widespread collective action among Syrians abroad. Demonstrators called for the removal of the al-Assad dictatorship, which has ruled Syria for more than four decades. Prior to 2011, activism in the Syrian diaspora was limited, owing to the restrictions imposed by the extensive security apparatus operating through the *Mukhabarat* and Syrian embassies (Jörum 2015; Moss 2016b). The unprecedented level of anti-regime mobilization included specific demands for justice, dignity, and accountability as well as formalized frameworks for political transition. These claims galvanized diaspora organizations that took root in 2011 and 2012, most of them located in the West. In this section, we demonstrate how transnational brokerage, vertical coordination, and patronage sequentially contributed to a fragmentation of TJ claims in the Syrian diaspora. We do so by providing examples drawn from conversations with Syrian activists engaged in such issues and by examining the implications of fragmentation in the context of changing circumstances on the ground in Syria and the evolving priorities of the international community.

#### ***Transnational brokerage, vertical coordination and the onset of patronage relations***

As TJ mobilization in the diaspora developed in the early days of the uprising, it became increasingly clear that their claims were fragmented. Syrians both in the diaspora and at home associated TJ with different, often conflicting elements. Informant 21 (March 2017) recalled that early on there were approximately ten to fifteen versions of TJ, many of which were not sufficiently informed by global practice. Divisions revolved around various ideals of justice. Some, like the Syria Justice and Accountability Center (SJAC), advocated for accountability measures and focusing primarily on retribution for past abuses. Such ideas were often rooted in specific events that caused significant trauma for particular communities, such as the Hama uprisings of 1982 for religious Sunnis and the Qamishli riots of 2004 for Kurds, but also included calls for justice for decades of arbitrary arrests and disappearances. Other organizations, such as Syrians for Truth and Justice (STJ) were less interested in criminal justice, promoting instead more restorative and reparative notions of TJ. Put differently, such organizations focused more on



coming to terms with traumas of the past and uncovering ‘the truth’. As such, they were more concerned with victims rather than perpetrators of abuse and sought reconciliation.

The multiplicity of TJ visions also reflected different activities related to TJ. The Violations Documentations Center (VDC), for example, focused exclusively on documenting abuses whereas the Syrian Expert House (2013) concentrated more on devising a policy plan for political transition. Further divisions among organizations pertained to the methodology behind documentation and political preferences in the event of an actual transition. A plethora of organizations operated, some large and professionalized, whereas others were what Informant 1 (June 2014) described as “three guys operating out of a room in Istanbul.” The desire to make a positive impact in Syria, regardless of TJ vision, necessitated some form of organizational stability and professionalism. This produced a perception, and to some extent a reality, that external funding was essential. Thus, producing good relations with potential donor governments was understood to be key to making a difference.

The connection between diaspora organizations and donor countries materialized through the mechanism of brokerage. By providing expertise and training on TJ issues, transnational activists were able to help diaspora groups formulate a TJ agenda consistent with global TJ discourse and the interests of Western donors in order to secure funding. Despite the absence of a political transition, TJ discourse represented an opportunity structure (Orjuela 2017) that enabled Syrian activists to advance long-standing justice demands. Furthermore, activists’ connections to important policymakers allowed them to facilitate the transaction of both material and nonmaterial resources between diaspora organizations and donors. An important function of transnational activists’ brokerage role has been to mediate the interests of the diaspora and those of the international community. Syrian diaspora organizations also brokered new links, but between Syrians in Syria and policymakers in the West. By facilitating testimonies of victims, diaspora organizations have been able to connect policymakers and publics to the conflict in Syria. These links enabled vertical coordination from the ground in Syria to the international community.

The links produced by transnational activists offered an unprecedented avenue for diaspora organizations to pursue TJ issues. Taking advantage of these newly brokered links, Syrian diaspora activists sought to coordinate and sustain relations with powerful supporters. Many of these supporters had political interest in Syria and thus saw a mutual benefit of allying with diaspora actors to legitimize their own goals. Well-connected organizations like IREX and ICTJ were

particularly influential in linking Syrian TJ organizations with various donors and cultivating coordination among them. Several other organizations such as PILPG, the United States Institute of Peace, David Crane's Syrian Accountability Project, William Wiley's CIJA, European Endowment for Democracy (EED), and No Peace Without Justice have performed similar roles in several host state contexts in the West.

The role of IREX in bridging the gap between American policymakers and SJAC illustrates how vertical coordination and patronage relations emerged. Early in 2012, United States Secretary of State, Hillary Clinton, publicly announced the need for an accountability initiative for Syria and tasked the Bureau of Democracy, Human Right, and Labor with promoting it. IREX, an organization experienced in obtaining United States government grants, worked with Syrian activists to establish SJAC later that year. Promoting SJAC's mission, IREX legitimized the diaspora organization's claims in the eyes of American policymakers and thereby facilitated vertical coordination. They also provided expert help in establishing the administrative features of SJAC, offering advice on financial reporting and compliance. By enabling coordination between the new accountability initiative and the United States government, IREX effectively provided SJAC with direct access to policy-makers and, consequently, sustained funding. The vertical coordination with American policymakers became indispensable for SJAC in its pursuit of TJ objectives. In turn, SJAC became an important Syrian voice issuing TJ claims consistent with American interests. The coordination between them was an example of a mutually beneficial host state-diaspora relationship (Marinova 2017).

Nonetheless, the link undermined SJAC's autonomy and challenged its legitimacy in the eyes of Syrians, both at home and abroad. SJAC came to be closely associated with American policy (Informant 20). The transfer of material and non-material resources between the two parties resembled dependency rather than simply coordination of TJ activities. To counter the legitimacy concerns, SJAC began planning to move out of IREX's office in 2015. The move helped mitigate the perception of SJAC as merely a conveyor of American policy. However, diaspora actors and donor governments alike scrutinized the vertical coordination and patronage relationship between SJAC and the United States.

We observed similar trajectories among other Syrian diaspora organizations. STJ, for instance, received training from ICTJ on the formulation of TJ demands and the collection of data. PILPG facilitated meetings with representatives of the American Department of State in order to

promote the organization's work and garner political support. EED also was an important broker, instrumental in enabling vertical coordination with European donors and entrenching STJ in a patron-client relationship.

There were costs to relying upon donors, however. Informant 21 explained how difficult and time-consuming it was to secure stable funding. Conforming to donors' norms, standards and requirements were preconditions for support. As one Syrian activist put it, donors said, "We can provide you with funds, but you need to do this and that" (Informant 20, August 2017). Consequently, diaspora groups had incentives to adopt certain elements of international TJ discourse that would resonate well with donors in Europe and elsewhere. Many organizations found themselves balancing their own interests against those of their patrons in a similar manner.

Interviewees recognized that the close relationship with donors made it difficult to coordinate action among diaspora organizations. Combined with growing anger over the international community's inaction as the civil war intensified in 2012-2013, Syrian TJ organizations strived to distance themselves from their donors to improve their legitimacy in the eyes of ordinary Syrians, both at home and abroad (Informant 1, August 2017). Discussing close relations among diaspora organizations and their donors, Informant 7 claimed that getting Syrian organizations out of their supporters' grip was an important, but challenging objective. Transnational activists helped professionalize Syrian diaspora TJ organizations in addition to providing them with legitimacy in the eyes of donors, new financial opportunities, and direct access to policy-makers. The close relationship that SJAC had with IREX and that other diaspora organizations have established with other donors have complicated the quest for legitimacy and made it difficult to coordinate actions horizontally with other diaspora organizations. Furthermore, it has made it more difficult for diaspora organizations to work with Syrians at home.

In sum, transnational brokerage was vital for connecting diaspora organizations, transnational activists, and donors. Diaspora organizations garnered international political and financial support for their TJ agenda. However, strong vertical coordination came at the expense of horizontal coordination efforts among various TJ organizations. The reliance on donors became the Achilles heel of many organizations. Several informants claimed that prevalence of funding sources contributed to fragmentation on TJ issues. Conforming to donor requests ensured survival, but entrenched them in what resembles a patron-client relationship, challenging their legitimacy among Syrians at home and abroad. Overcoming this drawback has proven difficult.

### ***The rigidity of vertical coordination and patronage relations***

As the dynamics on the ground in Syria and the priorities of international actors changed, diaspora groups have struggled to adapt. Over time, states have increasingly perceived a tradeoff between peace and justice in Syria, and have reduced their rhetorical and financial support for TJ. Transnational activists' role has increased in recent years as they too sought to keep global attention on atrocities in Syria. Many Syrian informants saw this as a mixed blessing, as their interests did not necessarily coincide. In the wake of these changing circumstances, many Syrian groups have adjusted their strategies. In doing so, they have recognized the need for greater collaboration among themselves. While there has been some progress, this section argues that the vertical coordination and patronage relations established early on continue to inhibit horizontal coordination. Specifically, waning donor interest has increased Syrian organizations' incentive to reinforce vertical ties by highlighting their individual contributions in order to maintain access to dwindling patronage.

Several informants highlighted 2013 and the rise of Islamic State of Iraq and Syria (*Daesh*) as a turning point in their work. During the year, conditions on the ground in Syria changed dramatically. The presence of *Daesh* grew, culminating in the January 2014 declaration of Raqqa as its capital. Its capture of Mosul and Tikrit in Iraq five months later deepened regional and global powers' fears. The United States and its allies began airstrikes against *Daesh* in August 2014. Meanwhile, hopes for a settlement between the government and the main opposition were frustrated when the Geneva II talks failed in early 2014. As of mid-2018, although the threat posed by *Daesh* is diminished, Assad looks likely to win the war, making any form of TJ process increasingly remote.

At the international level, the UN has inconsistently engaged with TJ issues. Diaspora organizations often speak of the UN efforts with frustration. UN Special Envoy for Syria Staffan de Mistura, for example, has generally avoided any talk of justice and accountability for fear it will create further obstacles to peace negotiations. Blocked by Russia and China, the UN Security Council also has been unable to advance a justice agenda. The UN Human Rights Council did establish the Independent International Commission of Inquiry on Syria in August 2011 to document violations, and in December 2016, the UN General Assembly passed a resolution to establish the International, Impartial and Independent Mechanism (IIIM), mandating it to collect and analyse evidence of human rights violation in Syria.

Syrian diaspora organizations, however, feel ambivalent about both UN initiatives. They want to support international action that brings justice closer to a reality, but SJAC's Executive Director Mohammad Al Abdallah (2017) argued that the UN's inaction on Syria and the failure of the Commission of Inquiry increased "distrust of the international community among Syrians." Several informants felt that the Commission of Inquiry exploited Syrian organizations for evidence. Informant 22 said, "There was no two-way communication". Informant 1 (August 2017) and 22 were similarly critical of the lack of input Syrian groups had in the drafting of the IIIM. Moreover, Informant 22 worried that the IIIM will be a rival for funding as it relies upon voluntary contributions from donors. Despite this discontent, many organizations signed memoranda of understanding with the IIIM in April 2018 as it represents the only justice efforts the international community has been willing to engage in.

Changing circumstances in Syria also have dramatically affected the behaviour of donors. Patron funding dried up as many donors reduced spending on Syria or redirected it to anti-terror or humanitarian efforts. Interviewees cited Switzerland as the most faithful TJ supporter along with the Scandinavian, British, and Dutch governments. Diaspora organizations with ethical concerns about accepting support from governments that were simultaneously worsening the humanitarian crisis by fighting against *Daesh* found themselves with fewer options (Informant 22, 2017).

In light of changing relations with states and transnational activists, Syrian groups' strategies have changed. Informants 1 (August 2017) and 23 argue that the failure of the Geneva II talks in early 2014 led groups to abandon devising TJ plans and raising awareness about TJ. Informant 4, who worked for an international NGO, said that creating TJ blueprints was "a waste of time, completely useless, and a waste of resources" because conflict is still ongoing and there is no meaningful way to involve Syrians in the country in the design process. Many groups disappeared during this time. For those that survived, with the prospects of implementing TJ increasingly remote, groups emphasized other activities such as documenting human rights violations, training Syrians within Syria to collect evidence, delivering humanitarian aid, and pursuing criminal cases in third countries. In doing so, many organizations' core missions changed to better reflect the interests of donors and transnational activists.

When organizations obtain funding, it has had profound effects on organizational behaviour. Donor funding has generally been very short term, typically four to six month contracts.

As a result, as Informant 24 noted, organizations have to spend lots of time fundraising rather than doing TJ work. Dwindling patronage may have had some positive consequences, however. Over time, Informant 22 notes, while the number of organizations declined, their professionalization and expertise grew dramatically. Combined with less reliance on financial support from donors, this has increased their autonomy and possibly enhanced their legitimacy.

The relationship between diaspora organizations and transnational activists also have been strained in recent years. Over time, Syrians have become less sanguine about their cooperation. Several informants were critical of what appeared to be increasingly self-interested behavior on the part of non-diaspora activists. Informant 22 decried “‘international experts’ who do not speak Arabic and have not spent time in the region, yet present themselves as Syria experts.” Informant 24 said that, when they need information for a report or a token Syrian for a panel they are organizing, international NGOs come calling. As he put it, however, “Syrians must lead, rather than just be brought in as examples or witnesses.”

One major tactical division relates to the value of pursuing criminal cases now, which is something most transnational activists support. With the Security Council unwilling to refer Syria to the International Criminal Court or to create a special tribunal for Syria, some groups have pursued cases in third country courts under universal jurisdiction principles. The centerpiece of this effort has been the so-called Caesar Files, named for the codename of a Syrian military photographer who smuggled more than 50,000 photos documenting government abuses out of the country in early 2014. However, this effort has exposed other divisions among Syrian groups. Some organizations, in collaboration with prominent international experts like Ambassador Rapp, Crane, and Wiley, view this data as a critical means of advancing accountability now. Moreover, some think that the publicity might deter future atrocities. Other groups are more wary. Because defendants are not in custody, Informant 1 (August 2017) feels it is a waste of time. More importantly, he fears these trials will unrealistically raise victims’ hopes and reduce pressure on the international community to reach a political solution. Even groups who are part of the effort are somewhat ambivalent. Informant 23, whose organization has been working with CIJA, characterized their foreign partners as “looking for something easy and visible.”

One area where major efforts have been expended to promote horizontal collaboration is in documenting atrocities in Syria. This was a central purpose of the Transitional Justice Coordination Group (TJCG), an umbrella organization formed in 2014. Membership varied

between 14 and 18 organizations in subsequent years. Informant 24 argued the TJCG was a way for groups to pool their strengths. Some had better finances than others, for example. The Syrian Center for Media and Freedom of Expression has consultative status through the UN Economic and Social Council, which enables access to the UN system. More generally, groups' different relationships provide access to different people. Informant 22, who was part of the TJCG, says members were initially "very self-absorbed in own organization, but over time have come to see they must work together." Nonetheless, the rigid vertical relations established early on continue to inhibit deeper horizontal collaboration. As a new round of peace negotiations got underway in 2016, the perceived need for greater collaboration increased as Syrian groups worked to ensure that TJ was not forgotten. One major initiative was to map violations. However, cooperation proved difficult. As Informant 5 notes, the size of one's database is a key selling point when seeking funding from donors, so sharing creates a competitive disadvantage. Informant 1 (August 2017) says that even TJCG members questioned its purpose. As of early 2018, the TJCG no longer had an online presence and appears dormant. With the Syrian Justice Conference held in Istanbul in February 2018, the Free Syrian Lawyers Association and its ally the Center for Rule of Law and Good Governance sought to improve horizontal coordination among Syrian groups, yet little evidence beyond a joint final statement supports genuine collaboration.

Despite attempts at producing a coherent TJ vision for Syria, the diaspora has been unable to overcome the consequences of strong vertical coordination structures and patronage relations. Competition for funding remains a core obstacle, and the relative decrease in its availability has cemented the groups' differences. Changing tactics have yet to produce concrete results in the form of extensive cooperation – even on documenting atrocities.

## **Conclusion**

The Assad government's repression of peaceful protestors in 2011 unleashed an unprecedented level of activism among the Syrian diaspora. Non-Syrian transnational activists were eager to broker relationships between Syrians and donor governments, and the subsequent coordination and patronage relations created outsized expectations among the diaspora of their potential to shape a new Syria. Such vertical relations, however, raised autonomy and legitimacy concerns among Syrians, both at home and abroad. Moreover, the availability of patronage sustained a plethora of organizations, working – at least implicitly – in competition with one another. In the context of

changing donor interest and worsening conditions within Syria, diaspora organizations have endeavored to adjust their strategies and detach themselves from donor interests. Nonetheless, the vertical coordination structures and patronage relations established early on have inhibited collaboration among diaspora organizations.

The Syrian diaspora's TJ mobilization advances our understanding of transnational mobilization in important ways. First, we introduce the notion of *vertical coordination* and *patronage* to describe situations in which relations between diaspora organizations and their patrons are cemented by the provision of resources. As we show, vertical links can retard the development of coordination among movement organizations. Competition for patronage has been a major source of tension among Syrian activists, thereby inhibiting horizontal coordination even when circumstances made such cooperation more imperative. Even when Syrian groups sense the benefits of vertical coordination are waning, horizontal coordination has been limited. Several interviewees mentioned the resentment TJ activists within Syria feel because they have not gained the resources, security, and celebrity of their counterparts in the diaspora. Thus, we identify specific mechanisms through which the global TJ industry shapes local TJ processes.

Second, transnational experts connected Syrians with donor governments, which was important for building and sustaining diaspora organizations. In turn, transnational activists gained from Syrian groups brokering connections with Syrians within the country to collect evidence that would support high profile legal cases around the world that enhance their own reputations. Syrian groups and transnational activists both gained legitimacy with different audiences from their interactions. Nonetheless, this is risky for diaspora groups because these relationships raise questions about their autonomy.

Finally, the Syrian case reveals fruitful areas for future research. First, we highlight the contentious politics within diasporas over TJ philosophies and strategies. Most previous research situates diaspora activists as protagonists fighting against hostile or indifferent home and host country governments. Studies of other diasporas may reveal whether diaspora fragmentation is more likely in diverse societies in the midst of conflict and/or with histories of identity-based political and economic marginalization. Second, other causal mechanisms identified in this issue deserve greater attention with respect to Syria. We need to know more about scale shifts that may occur as Syrian activists engage a variety of audiences. In addition, activists' attempts to reframe debates (challenging the alleged tradeoff between peace and justice earlier in the conflict or the



growing emphasis on returnee needs and property restitution as the war winds down) needs further study. Finally, coalition building among TJ activists in different Middle East diasporas has not received attention.

**Table 1: Syrian transitional justice organizations in the diaspora**

| <b>Organization</b>  | <b>Country</b>  |
|--|-----------------|
| <i>Assyrian Network for Human Rights</i>                                     | None listed     |
| <i>Center for Civil Society and Democracy in Syria</i>                       | Turkey          |
| <i>Coalition for a Democratic Syria</i>                                      | USA             |
| <i>Damascus Center for Human Rights Studies</i>                              | USA             |
| <i>Dawlaty</i>   | Lebanon         |
| <i>Fraternity for Human Rights</i>   | Germany         |
| <i>Free Syrian Lawyer Association</i>  | Turkey          |
| <i>Human Rights Guardians</i>  | None Listed     |
| <i>Hurras Network</i>  | Turkey          |
| <i>International Supporting Women Association</i>                            | None Listed     |
| <i>Justice for Life – Syria</i>  | None Listed     |
| <i>Kawakibi Organization for Human Rights</i>                                | USA/Turkey      |
| <i>Rule of Law Support Center</i>  | None Listed     |
| <i>Syria Justice and Accountability Center</i>                               | USA/Netherlands |
| <i>Syrian American Council</i>   | USA             |
| <i>Syrian Center for Media and Freedom of Expression</i>                     | USA             |
| <i>Syrian Archive</i>  | Germany         |
| <i>Syrian Emergency Task Force</i>   | USA             |
| <i>Syrian Expatriates Organization</i>                                       | USA             |
| <i>Syrian Expert House/Syrian Center for Political and Strategic Studies</i> | USA             |
| <i>Syrian Institute for Justice</i>  | Turkey          |
| <i>Syrian League for Citizenship</i>   | Lebanon         |
| <i>Syrian Network for Human Rights</i>                                       | USA             |
| <i>Syrian Nonviolence Movement</i>   | USA             |
| <i>Syrian Observatory for Human Rights</i>                                   | United Kingdom  |
| <i>Syrians for Truth and Justice</i>   | Turkey          |
| <i>The Day After</i>   | Turkey          |
| <i>The Syrian Committee for Detainees</i>                                    | None Listed     |
| <i>Transitional Justice Coordination Group</i>                               | None Listed     |
| <i>Ur Nammu</i>  | None Listed     |
| <i>United for a Free Syria</i>   | USA             |
| <i>Violations Documentation Center in Syria</i>                              | Netherlands     |
| <i>Women Now for Development</i>   | France          |

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