What kind of contributions do you consider that truth commissions make to peace building in a post-conflict scenario?
“Truth commissions are...set up to investigate a past history of human rights violations that took place within a country during a specified period of time...Their role is truth-finding, or more precisely, documenting and acknowledging a legacy of conflict and human rights violations as a step towards healing wounds.” (Chapman & Ball, 2001: 2)

Archbishop Tutu, the chair of South Africa’s Truth and Reconciliation Commission (TRC), advocated truth commissions as providing a ‘third way’, “that avoided the two extremes of Nuremberg trials and blanket amnesty (or national amnesia)” (Tutu, 1999: 33-34). Such commissions are becoming a common feature of peace building in post-conflict scenarios (Hayner, 1994) and this essay explores the kinds of contributions they make. The literature suggests that both the strength and weakness of their contribution derives from the ‘third way’ they offer. Therefore, I assess the contribution of truth commissions by drawing comparisons with the alternatives; national amnesia and criminal trials. The limitations of truth commissions are also highlighted, because recognising the constraints to their contribution is essential in enabling their contribution to be positive.

As countries emerge from conflict, some suggest that the most effective way to build peace is to “let bygones be bygones” (Tutu, 1999: 30). However, advocates of truth commissions reject this idea, claiming that establishing “a fuller picture of the past” is essential (Roghe, 2005: 574). The foundational contribution of truth commissions is providing “an authoritative account of a specific period or regime” (Chapman & Ball, 2001: 3). This enables a country to create a “collective memory” (Gibson, 2004: 139) or a “new national narrative” (Minow, 2008: 180), making it increasingly difficult for people to deny the past and ensuring safeguards are established so the past is not repeated (Gibson, 2004; Chapman & Ball, 2001).

In reality, the evidence is limited regarding the impact commissions have on peace building (Mendeloff, 2004). For example, after a Ugandan commission submitted their report in 1974 “abuses by Idi Amin’s forces increased markedly” (Hayner, 1994: 612-613). Then, the 1990 publication of Chile’s Rettig Report was followed by three assassinations (Hayner, 1994). However, Hayner (1994) explains that in both cases the commissions also made positive contributions. Uganda’s commission had implications for those in the international community who supported Amin, and in Chile; all the recommendations made by the report were implemented. Creating an ‘authoritative account’ of past events can have positive and negative consequences.
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Gibson (2004: 128) suggests that “no country in history has so directly and thoroughly confronted its past in an effort to shape its future as South Africa has.” As a result of this, and the commission’s apparent success (Gibson, 2004), it has attracted much attention, and is considered by many to provide a model for future commissions (Moon, 2004). However, Gibson (2004) outlines numerous criticisms of the TRC suggesting that exploring the past intensified racial tensions and led to ‘irreconciliation’ not reconciliation. Despite this, his research supports the idea that establishing an account of the truth has led to reconciliation. Popkins and Roht-Arriaza (2000: 114) explain that it’s not just the final report which is significant, but the process by which it is compiled. They suggest that “a major success of the commissions is their role in listening to, and validating, the stories and the human dignity of the victims”. There is considerable evidence suggesting that truth commissions are more effective at peace-building than ‘national amnesia’.

Truth commissions also provide a more workable system than criminal trials (Minow, 2008). The scale of human right violations committed in countries such as Cambodia and Rwanda means that it would be impossible to prosecute all suspects (Chapman & Ball, 2001). Therefore, truth commissions provide a useful compromise, ensuring a degree of corporate accountability when otherwise only a few individuals may have been brought to justice. However, there are drawbacks. For example, there is evidence suggesting that if people perceive is not justice delivered; they are subsequently more likely to disobey the law (Roghe, 2005). However, Gibson (2004) argues that in the case of South Africa, despite the limitations, the TRC offered more justice than could have been served by criminal trials.

Another positive contribution of truth commissions is their ability to provide mass participation (Roghe, 2005). Many more people can be involved in a commission, than individual court cases. However, it’s not just how many people that is significant, but also who participates. Truth commissions, as they construct a complete picture of the truth require testimony from both victims and offenders (Roghe, 2005). This feature of South Africa’s TRC provided a useful contribution but was highly contentious (Roghe, 2005). Having testimony from victims and offenders enabled the commission to establish a more accurate picture, revealed that crimes had been committed by all sides, and led to more shared responsibility (Gibson, 2004). This potentially had a greater positive impact on peace building than criminal trials would have done. Criminal trials, with their focus on establishing the innocence or guilt of an individual do not produce an accurate picture of complex situations where both sides are guilty of atrocities; truth commissions can (Roghe, 2005).
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In criminal trials, it’s often only the losers who are prosecuted; truth commissions ensure that victims of both sides are listened to (Peskin, 2005).

The truth commission approach can create a complex narrative; however, Gibson (2004) suggests that this creates a space for reconciliation to occur, which may have been impossible if the blame had been unilateral. However, in order to achieve this, amnesty was given to many perpetrators in exchange for their testimony (Gibson, 2004). It is claimed, that the benefits of this to peace building outweigh the concerns of injustice (Minow, 2008). In fact, Roghe (2005) suggests that in terms of building peace offering amnesty might be more effective than arresting large numbers of offenders, which can lead to violent uprisings. However, it raises questions as to who gained the most from the contribution the TRC made to the peace building process – the victims or the perpetrators (Lerche, 2000).

When considering the contribution of commissions it is important to note that they are seeking different outcomes to criminal trials. Criminal trials focus on finding objective truth at the micro level; establishing whether or not an individual is guilty of a specific crime. However, Chapman and Ball (2001) suggest that truth commissions focus on establishing subjective truth at the macro level. They explain that the rise of postmodern thought has greatly impacted the perception of truth, and in the process of peace building, significant attention is now given to subjective truth. While criminal courts are primarily concerned with establishing ‘objective truth’, truth commissions are able to explore how people see an ‘objective event’ from differing perspectives. Rather than establishing the truth, commissions are able to place truth within a social construct. They refer to this as “restorative truth” and suggest that by putting facts into context enables victim to make sense of their experiences, thereby contributing to peace building (Chapman & Ball 2001: 11).

It’s also significant that this happens at the macro rather than the micro level. This enables commissions to examine “the roles of institutions and the social structures that produced the violence instead of indentifying individual perpetrators” (Chapman & Ball, 2001: 13). Roche (2005: 570) suggests that the focus of the Nuremberg trials on prosecuting relatively few individuals ignored the “social infrastructure required to support and enforce Nazi policies”. It is learning gained regarding social structures during truth commissions that could be significant in ensuring history doesn’t repeat itself.
What kinds of contributions do you consider that truth commissions make to peace building in a post-conflict scenario?

Having explored some of the potential positive contributions of truth commissions it is essential to acknowledge that despite high expectations (Mendeloff, 2004), they are limited by the mandate and resources they are given (Minow, 2008). Commissions alone cannot build peace; however they can be a useful step (Roghe, 2005). How useful that step is has much to do with timing. Truth commissions usually take place during a transition between an authoritarian regime and more democratic system (Lerche, 2000). However, Popkins and Roht-Arriaza (1995) argue that introducing democracy is not something commissions tend to contribute to peace building. Mendeloff (2004) explains that commissions are most effective when the state is relatively stable. The unrest caused by the truth commissions in Chile, compared with the relative success of South Africa’s TRC, provides evidence for this (Hayner, 1994; Gibson, 2004). The strength of commissions lies not in providing short-term peace, but in facilitating the building of long-term peace. That is why timing is essential in order for truth commissions to make a useful contribution, because the commission itself, despite the benefits of the process for some victims, has little impact on the peace-building (Popkins & Roht-Arriaza, 1995). It is what the commission facilitates that is most significant and if the commission takes place too soon, the impact might be minimal, or negative. A stable government is necessary to ensure the report is published, crimes are acknowledged and recommendations implemented. If the report remains unpublished, as in Zimbabwe, the process lacks legitimacy (Hayner, 1994). If the crimes are not acknowledged, little will be done to restore the dignity of victims (Minow, 2008). Roghe (2005) and Mendeloff (2004) suggest that it’s the implementations of the commission’s recommendations that make the most significant contribution to peace building. Recommendations can include education and legal reform, and the creation of museums and monuments. It is possible for truth commissions to instigate much action that can contribute to peace-building.

Truth commissions make numerous positive contributions to peace building, but their potential negative impacts need to be considered to ensure that a commission is carried out at an appropriate time, in the appropriate manner, to ensure maximum effectiveness. However, perhaps the most significant contributions made towards peace by truth commissions are what they enable to happen following their completion.
What kinds of contributions do you consider that truth commissions make to peace building in a post-conflict scenario?

Bibliography


