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TRUTH COMMISSIONS AND NATIONAL RECONCILIATION: SOME REFLECTIONS ON THEORY AND PRACTICE

Charles O. Lerche III

For countries just emerging from a struggle against oppression and tyranny the first challenge is whether to blindly forgive past oppressors or hunt them down and punish them. Often there seems to be a choice between reconciliation or justice, instead of attaining a balance between the two.

International Institute for Democracy and Electoral Assistance, 1998b

Justice in itself is not a problematic objective, but whether the attainment of justice always contributes to reconciliation is anything but evident. Truth, too, is a good thing; but as the African proverb reminds us, 'truth is not always good to say.

Ignatieff, 1996

Introduction

The “Post-Cold War” world presents staggering contrasts. On the one hand, the threat of annihilation has receded, totalitarianism seems to be in retreat and there is greater interest in such issues as sustainable development, human rights and good governance. On the other hand, however, political and economic instability seem chronic in many regions, and there is a sense of drift both within many countries and at the global level. Prominent on the “new agenda” of world politics is the apparent rising tide of communal conflicts around the planet: a trend which has both positive and negative aspects. Communalism is a threat to both the material and ideational foundations of the nation-state, and potentially, to the entire international status quo; but precisely because communal conflicts so often turn violent and have proved resistant to traditional methods of containment and resolution, they have stimulated the search for more innovative, more comprehensive, and more fully human approaches to dealing with conflict.

Reconciliation as a technique which goes beyond settling a conflict’s material stakes to restoring social relations and healing hearts and minds, has received increasing attention in recent years, largely because of the high profile Truth Commissions in places like Chile, Argentina, Brazil, El Salvador, Haiti and, most prominently, South Africa.¹ All of these bodies have proceeded, at least nominally, on the premise that shared truth was essential for social reconciliation. Over time, however, it has become increasingly clear that true “national reconciliation” is very challenging in countries attempting to make rapid transitions from authoritarian to liberal democratic rule. In most cases, there is a tension, if not a full-blown contradiction, between the officially proclaimed need for reconciliation and the capacity of the state to provide justice to the victims of past wrongs. The long term healing, stability and development of many societies may well depend on the degree to which this contradiction can, at least to some degree, be resolved.

In what follows the concept of reconciliation, as developed by Joseph Montville (1998) and others, is introduced and its contemporary application in the context of democratizing societies examined. In this regard, the tension between justice and reconciliation, as represented by the conditions of amnesty granted in several countries to the perpetrators of human rights abuses, is highlighted as a subject of concern in the practice of truth commissions. In addition, the difficulties

of establishing a "national truth" are considered. Subsequently, the paper considers what measures could assist in promoting further national reconciliation, and the emerging consensus about values of a "global civic culture" is explored as a promising source of more preventive long-term approaches to dealing with conflict.

Reconciliation: the concept and its application

Violence, perceived injustice and negative stereotyping have combined over extended periods of time to render many contemporary conflicts inaccessible to standard non-violent resolution processes. In these situations violence, either latent or manifest, has become the status quo and any lasting change can only follow a transformation of the various dynamics underlying that status quo. *Reconciliation* is promoted by its theorists and practitioners as just such a tool of transformation. There is some breadth of definition of this concept in the literature which the following selection of citations tries to capture:

Reconciliation is currently essential to the construction of sustainable peace. It can be defined as a profound process of dialogue between conflicting parties, leading to the recognition of the "other", and respect for his or her differences, interests and values (International Year for Reconciliation, 1998b).

Reconciliation is "the action of restoring broken relations" (International Year for Reconciliation, 1998a).

Reconciliation is..."the acknowledgment of the dignity of victims for long ignored. It restores the individual's capacity to take hold of herself and to manage the future and herself in that future. It restores the capacity to live with or alongside the other. It allows us, while remembering, to bring closure to a chapter in our past. It enables us to live in the present, making our life as a nation and our lives as individuals in a shared future. It always remains a never-ending process" (Commissioner Wynand Malan of the South African Truth and Reconciliation Commission, cited in "Reconciliation by Understanding," 1997).

Montville, who has studied the psychological effects of political violence in some depth, explains that those who have suffered unjustified violent attacks have an enduring fear of their trauma re-occurring; a fear which undermines the possibility of developing renewed trust in their victimizers, and inhibits any true negotiation or eventual (re)integration with them (Montville, 1998). Thus, in regard to most communal conflicts time does not "heal all wounds." Instead, grievances associated with unacknowledged and unforgiven wounds are passed down the generations, creating a widening gap of estrangement, fear and hatred, which increases the likelihood of further violent conflict and aggravates its intensity. Montville (1998) mentions

Catholics in Northern Ireland, Anatolian Armenians, European Jews during World War II, Palestinian Arabs after 1948, Poles and Ukrainians as examples of peoples for whom “victimhood is an integral part of their identity.” True healing according to Montville can only come through reconciliation which involves a sequence of three steps:

1. *Acknowledgment.* When oppressors publicly acknowledge what they have done, knowledge becomes, in a sense, truth, and victims are (to some extent) assured that the past will not repeat itself. This in itself contributes to victims' healing and, thereby, facilitates dialogue. However, as Montville (1998) points out: “The act of acknowledgment to be effective must be complete and detailed. The victim cannot accept the omission of any painful episode of loss by the acknowledging side, otherwise the good faith of the acknowledgment will be suspect.”
2. *Contrition.* The next step is to take responsibility for past actions, to express regret, and to directly request forgiveness. Again, sincerity, as judged by the victims, is the key to the success of this step.
3. *Forgiveness.* The first two steps by the oppressor/aggressor prepare the ground for the final psychological step, which is the victim's voluntary forgiveness of past injuries. It may take time for victims to express their forgiveness, but true acknowledgment and contrition by the other side will in themselves have a positive effect on relations between the parties (Montville, 1998).

Montville envisions reconciliation occurring in specially designed “workshop” contexts where participants from both sides feel secure, and trained neutral third parties conduct various therapeutic exercises such as “walks through history.” Reported results indicate that this kind of intimate, small-scale activity can bring about real transformation in attitudes and relationships among former enemies. However, where aspects of the reconciliation process have been applied at the national level to entire societies the results, while positive in certain respects, are on the whole more ambiguous. At present, states trying to get beyond their dark pasts seem to inevitably face a cruel short-term tradeoff between reconciliation and justice.

Truth Commissions and Reconciliation

Truth commissions have emerged in most cases as part of transitions from some form of authoritarian government (military or civilian dictatorship, or minority rule) toward a more democratic political system in societies often characterized by serious divisions along class or communal lines. Richard Wilson (1998) describes them as “... post-war structures for publicly addressing unresolved issues arising from past human rights violations”, which “...typically consist of an investigative team with a mandate to take testimonies, corroborate evidence, document human

rights abuses and make recommendations regarding structural reforms and reparations.” They have been established either through legislation or presidential decree to achieve a defined and delimited task, and they are dissolved once they have reported their findings.

Truth commissions can be seen as important milestones on the road toward democracy. The extensiveness of a commission’s mandate, the thoroughness of and public support for its inquiries and the impact of its report (if any) are all indicators of the relative strength of the new political order. The data on various commissions presented in the Appendix reflects just how diverse national experiences with truth commissions, and related bodies, has actually been. Even a cursory comparison of the various cases reveals significant differences in regard to:

Purpose. Besides exposing the truth of human rights abuses, some seemed intended to show the current regime’s immediate predecessors in a bad light (Ethiopia, Haiti)

Time period investigated. While some commissions investigated periods as brief as 3-4 years (Haiti), several examined one or more decades of their nation’s history (Chile, Germany, and South Africa among others).

Documentation. Several commissions documented thousands -- and in a few instances tens of thousands -- of cases of abuse (Chile) while others found very few (Bolivia).

Reporting. Some commissions have issued no report (Bolivia, Philippines) or a report which was kept confidential (Zimbabwe). In some cases those responsible for abuses were named (El Salvador, Honduras) and in others they were not (Uruguay).

One of the most controversial aspects of truth commissions has been the granting of amnesty. Though amnesty has not occurred in all countries, it has been prominent in just those cases where the commissions have been regarded as most thorough in their inquiries. On balance, it almost seems that some sort of amnesty has been a necessary prerequisite for a commission to contribute to national reconciliation. This is exemplified by the Chilean case, where the military under former Head of State General Pinochet only accepted the Truth Commission on the condition of amnesty and a compromise in which the maximum truth about “disappearances” could be reported but judgment on whether the deaths were justified was left to “individual discretion”(Green, 1996). Despite these seeming equivocations the Chilean truth commission is assessed by many human rights experts as having dealt with past issues in such a way as to contribute to national reconciliation (Human Sciences Research Council, 1998).

South Africa: Both Truth and Reconciliation?

The variety, and sometimes contradictory, commentary on the work of South Africa’s Truth and Reconciliation Commission (TRC) also reflects ambivalence about the real connection between

the commission and national reconciliation. While the commission was in session an impression was created that "wounds of the past" were somehow being healed. Much of this was, no doubt, due to the extensive national and international media coverage of the commission's activities. Winslow (1997) for instance, explains that as a result of being "...deluged with newspaper reports of detailed human rights violations on a daily basis.." White South Africans have been forced to face the fact that "... old norms, myths and beliefs no longer hold true..." (Winslow, 1997), while for blacks their suspicions were validated and elaborated. Certainly, in the course of its work the Truth Commission has provided a context for many individual incidents involving acknowledgment, contrition and forgiveness, the three steps in Montville's model of reconciliation. Most importantly perhaps is Winslow's (1997) conviction that the TRC represents a major watershed in South African history: "...because of the TRC, there is no turning back. The nation must now adapt to the new norms and realities about its history, restructure its cognitive processes, and move on from the past."

Some psychologists have, however, warned against assuming that public "truth telling" leads to both individual and national healing:

There is a popular assumption that the TRC provides the space for a cathartic release of emotions that can form the basis for psychological healing - for individual deponents and for society as a whole. But this is questionable. Can we talk about individual healing in the same breath as national healing? Are the processes different or the same?

If we speak of helping individuals and society to 'heal' we must have at least a working definition of the ailment or injury; we must be sure that the 'cure' leaves the afflicted individual or society better and not worse off. In attempting to answer this question, it is crucial to establish whether there is a valid comparison between the cognitive and therapeutic processes that affect the 'society' and the 'individual' (de Ridder, 1997).

Furthermore, despite the willingness of many victims to forgive, the granting of amnesty and uncertainty over reparation payments are real and potentially explosive issues in South Africa today.

Some commentators, while agreeing that amnesty was a necessary and pragmatic compromise to permit the TRC to delve into human rights violations, feel it was not made clear that this was an "evil" compromise. In the worst case, this could contribute to the impression that the TRC has favored perpetrators over victims; an impression strengthened "...by the sense that at present it appears as though perpetrators have more to gain by receiving amnesty than victims have through reparation. Reparation seems distant as it will only occur once the TRC is over and there is no guarantee of what form it will take" (Hamblen, 1998). Though the South African case has several unique aspects, similar problems exist in other countries trying to make the transition from a closed to a more open system of government.

Truth in Transition

The possibility that national reconciliation may be getting higher priority than justice and healing for individuals, raises disturbing questions. What sort of reconciliation is it that leaves many personal wounds untreated? In this regard the expression “forgive and forget” takes on a new and perhaps sinister meaning. While forgiveness is certainly healthy, it is far from clear that a nation should ever forget even the most painful aspects of its past. Writing about the major commissions in Latin America, Ignatieff (1996) has argued that “false reconciliation” is a danger worth taking seriously:

The record of the truth commissions in Latin America has disillusioned many of those who believed that shared truth was a precondition of social reconciliation. The military and police apparatus survived the inquisition with their legitimacy undermined but their power intact. The societies in question used the truth commissions to indulge in the illusion that they had put the past behind them. The truth commissions allowed exactly the kind of false reconciliation with the past they had been expressly created to forestall.

The German writer and thinker Theodor Adorno observed this false reconciliation at work in his native Germany after the war: "Coming to terms with the past" does not imply a serious working through of the past, the breaking of its spell through an act of clear consciousness. It suggests, rather, wishing to turn the page and, if possible, wiping it from memory. *The attitude that it would be proper for everything to be forgiven and forgotten by those who were wronged is expressed by the party that committed the injustice* (emphasis added).

A fuller appreciation of the difficulties of blending principle with pragmatism can be gained if one sees truth commissions in the broader context of democratization. Sørensen (1993), a specialist in this field, has written that the most important influence on the outcome of democratization in a given country is the nature of the coalition promoting the change. As he (1993:44) explains: “The crucial distinction is between transitions dominated by the elites who were also behind the old, authoritarian regimes [i.e. transitions from ‘above’], and transitions in which mass actors have gained the upper hand [i.e. transitions from ‘below’].” To date, the majority of democratic transitions in countries with truth commissions has clearly been “top down.” They have most often been precipitated by a crisis in the previous authoritarian government, in response to which the ruling coalition divided into those wanting to continue the old style of rule despite the crisis, and those who felt a process of democratization could bring such benefits as renewed legitimacy (both at home and abroad) or more international investment. In this scenario at least some old elites remain in positions of power and they will only accept institutional arrangements which do not adversely affect their interests to any significant degree. Sørensen (1993:47), in fact, argues that this type of transition can result in the creation of “restricted democracy” characterized by:

...the presence of elite groups whose members reserve the right to interfere in the democratic process in order to protect their interests. In the case of democratic transitions from above, such interference can be part of the actual basis of the whole movement toward democracy. In other words, the elite groups (the military, traditional economic elites, and leading politicians) may make the transition toward democracy dependent on the acceptance of a set of agreements, or *political pacts*, that define vital areas of interest for the elites. (emphasis in original).

He also sheds light on the amnesty issue discussed above, citing the case of Argentina where the new democratic government under Raúl Alfonsín tried to bring the military to account for its past actions before a court. Unfortunately, this was more than the military would accept, and in the wake of the military rebellions of 1987 Alfonsín had to stop most efforts to try military officers (Sørensen, 1993: 49-50).

Karl, writing primarily about Latin America, argues in a similar vein that any democratic transition based on a “foundational pact” between the government and the opposition is to some degree problematic since the pact inevitably restricts representation in the new system to protect the position of the dominant classes. In the final analysis, he (1990: 11-12) characterizes these pacts as: “...anti-democratic mechanisms, bargained by elites, which seek to create a deliberate socioeconomic and political contract that demobilises emerging mass actors while delineating the extent to which all actors can participate or wield power in the future.” Commenting on Karl’s judgment, Pinkney (1993) (summarizes the positive and negative aspects of this path to democratization. He (1993: 142) explains that precisely because of the concessions made: “...transition by pact scores highly in terms of consensus, at least at the elite level, and stability, but poorly in terms of the prospects for equality and mass participation, and leaves a built-in elite veto in place.” However, one should not conclude that the new system is only different in form, rather than substance, from the old. Rather, in the new democracy there will most likely be an end to arbitrary arrest, torture and execution; there may be more freedom for trade unions; and, perhaps most important over the long term, the electorate acquires the power to remove unacceptable leaders (Pinkney, 1993).

This assessment suggests another question: truth commissions are based on the premise that there is one truth, but how realistic is this assumption during a top-down transition? Post-modernist critique has made us aware that social truth is always contested, and in a “dirty war” all sides have their versions of the truth. Where truth commissions have not been allowed to fix blame for the acts they document, the “truth” of the security forces-- i.e. that they were engaged in putting down insurgencies--cannot be refuted. Besides different versions of the truth, there are also different dimensions of truth: “ One should distinguish between factual truth and moral truth, between narratives that tell what happened and narratives that attempt to explain why things happened and who is responsible. The truth commissions had more success in establishing the first than in

promoting the second” (Ignatieff, 1996). Ignatieff (1996) in fact suggests that for communal conflicts, the past cannot be exposed and reified once for all; rather: “The past is an argument and the function of truth commissions, like the function of honest historians, is simply to purify the argument, to narrow the range of permissible lies.”

Guatemala: “top down” and “bottom up” truths

The case of Guatemala further highlights several of these points. The various accords and commissions tasked with looking into human rights abuses in that country have been far from completely satisfactory, and the most significant of these, the Commission for Historical Clarification (CEH)², was clearly limited by the realities of a war-torn society and a transitional state. Wilson lists five clauses of the accord creating the CEH which he feels “...undermine its potential for challenging impunity and promoting the rule of law” (Wilson, 1998):

- (1) the stipulation that only abuses “linked to the armed conflict” should be investigated, which means that illegal acts against those not connected to either side could be considered outside the brief of the Commission;
- (2) the Commission’s existence was limited to six months, which is an impossibly short time to investigate several decades of events;
- (3) the Commission was charged with making “objective judgements about events during the period under consideration”, which is understood to mean that the security forces and the rebels should be held equally responsible for violence;
- (4) the Commission was extremely weak, having no powers (in contrast to the TRC in South Africa) of search, seizure or subpoena; and
- (5) the Commission “will not individualise responsibility, nor have any legal implications” which means that no names would be included in the Commission’s report and no Commission findings could be used in later legal proceedings.

The Commission was further hobbled by a serious lack of funds. The government had initially intended to allocate only \$50,000 to the Commission, but under pressure the figure was increased to \$800,000. However, the Commission’s Head, German law professor Christian Tomuschat, was obliged to delay the Commission’s work until he could find substantial international financial backing (Hegstrom, 1997). Also, though a “Comprehensive Accord on Human Rights” had been concluded in 1994 which contained strong anti-impunity provisions, in 1996 rebels and government negotiators agreed on amnesty terms which came into effect in 1997 in the, ironically titled, “Law of National Reconciliation.”

Several civil society organizations have participated in the work of revealing the truth in Guatemala, and most prominent among these was the Catholic Archbishop’s Human Rights Office (ODHA) which carried out the “Recovery of Historical Memory” (REMHI) project. The REMHI project’s report, entitled “Guatemala: Never Again” and completed in April 1998, documented more

than 55,000 documented human rights violations, and it claims that during the period under study: "...150,000 people died, 50,000 'disappeared,' one million became refugees, 200,000 children were orphaned and 40,000 women became widows" (*A War Called Peace: Images of Guatemala*, 1998). Most importantly, the REMHI project named both perpetrators and victims on both sides of the civil war. Thus, it has both complemented the CEH and served to further highlight its shortcomings (Wilson, 1998). The gap between the "truth" of the officially sanctioned commission, and that of this more extensive civil society initiative was dramatically demonstrated by the murder of Monsignor Juan Gerardi Conedera. Gerardi, bishop of the Archdiocese of Guatemala, was the Coordinator of the ODHA and the driving force behind the REMHI; and just two days before his death he participated in the presentation of REMHI's final report. Though government officials call the killing a common crime, human rights activists see it as a reprisal for demands made at the presentation ceremony for justice based on the report's findings. It also seemed to confirm popular suspicions that, despite government denials, death squads continue to operate in the country (*A War Called Peace*, 1998).

The Guatemalan context was also shaped by a United Nations human rights presence, which made several important contributions to improving the human rights climate during the transition from military rule. However, as the transition advanced some commentators felt there was tension between the U.N.'s role in promoting human rights and its role as mediator and verifier of the Guatemalan peace accords. Thus, in April 1998 the United Nations Human Rights Commission ended its probe into human rights abuses, despite widespread objections from various humanitarian organizations. This decision gave rise to speculation that the U.N. was so concerned with validating the transition to democracy that it was willing to make concessions on human rights issues. The effects of the decision are potentially far reaching, since in its wake the Guatemalan armed forces can once again buy weapons internationally and receive foreign military assistance (Zubieta, 1998). Finally, it should be noted that the murder of Archbishop Gerardi did not cause the United Nations to alter its judgment.

An Alternative to Courts

Though truth commissions very likely promise more than they can deliver, what they can deliver, as described above by Pinkney, is very significant. This is further illustrated by considering the differences between truth commissions and courts. It must be remembered that commissions are instituted in countries where the legal system had been, one way or another, perverted in such a way as to permit human rights abuses to occur, and even be "justified." The new order emerging out of a "top down" transition simply does not have, as clearly demonstrated by the Argentine case, the institutional capacity to right the wrongs of the past through the rule of law. Truth commissions represent, therefore, an imperfect but politically viable alternative way for a people to raise and examine at least some of the shortcomings in the human rights practice of their legal systems and security forces. Commenting on his country's experience, South African lawyer Richard Penwill

(1997) argues that the difference between the TRC and a court is, in many ways, the key to its success:

The TRC is not, and was not intended to be, a court of law. It was not created to make a judgment; it was created to help ventilate the evidence, establish the truth and bring about reconciliation. Unlike a court it does not aim at a conclusion so much as a process....Ironically it is these non court-like characteristics that have enabled us, the general public, to hear a wide ambit of evidence which has raised questions about the role of the courts, police and instruments of law and order and justice in our society.

Penwill goes on to illustrate this point using the example of TRC testimony in which a policeman confirmed the past use of the infamous “wet bag” torture by demonstrating how it was applied. This technique had been used frequently to illegally extract confessions which led to convictions of people for serious offenses they did not commit. Though the defendants regularly claimed that their confessions had been obtained under duress, there was no corroboration and the courts were obliged to accept the confessions as evidence (Penwill, 1997). Now all of South Africa has proof of the “justice” system being used for injustice and oppression, and by implication, everyone has seen the need for a new legal order which clearly distinguishes itself from past practice. Again, commissions cannot themselves reform institutions, but they can help create a climate in which true reform may become possible.

Furthermore, truth commissions seem to have contributed more, to date, to national reconciliation than war crimes tribunals. It is often argued that the two recent war crimes tribunals, for the former Yugoslavia and for Rwanda, have proved too slow in their operations to meet the demands of justice, and that they lack the means to ensure that many known criminals stand trial. Writing about the Great Lakes region of Africa, Vandeginste (1998) explains that:

The International Criminal Tribunal for Rwanda (ICTR) was set up not only to prosecute persons responsible for serious violations of international humanitarian law between 1 January and 31 December 1994 but with the belief that prosecutions ‘will contribute to the process of national reconciliation and to the restoration and maintenance of peace.’

However, he concluded (in 1997) that : “Three and a half years later, it is becoming increasingly clear that the ICTR will not be able to contribute significantly to national reconciliation” (Vandeginste, 1998). The Guatemalan experience also seems to confirm the view that formal justice procedures are too slow and politically charged, and as Wilson (1998) explains:

...a maximalist ‘Nuremberg option’ for addressing war crimes is not even remotely possible in Guatemala. This is not to say that the legal route to justice should be

abandoned altogether...What is essential is that the limitations of the legal system be recognised so that the Commission and other initiatives can complement its work.

This overview of contemporary truth commissions as efforts at national reconciliation permits a few concluding observations. First, it seems clear that an effort at *national* reconciliation cannot be limited to Montville's (1998) three steps of acknowledgment, contrition and forgiveness. Rather, justice has to figure into the process somewhere. However, it is precisely the inability of transitional democratic institutions to provide justice that constitutes the most compelling rationale for truth commissions. This suggests that the long term constructive influence of truth commissions is their role as a bridge from a past where justice was denied and a present where it is not yet practically and politically possible, to a future where it can, in all its dimensions, become an integral part of the social order. In that sense, a process of national reconciliation must go beyond coming to terms with the past to seeking out and implementing more broadly equitable models of governance.

Towards a New Political Culture

Several analysts have argued that national reconciliation, whether through Truth Commissions or other means, is neither a complete approach to conflict transformation nor an adequate end in itself. Galtung (1998) writes, for instance, that what he calls the "three's" -- resolution, reconstruction and reconciliation -- are all essential to stabilization and progress in post-conflict situations, and omitting any one will undermine efforts to achieve the other two. In a similar vein, Øberg (1996) describes post-conflict "reconstruction" as involving the reconstruction of "...1) human beings, soul and bodies, 2) social structure, 3) culture, 4) environment, and 5) a peace culture of reconciliation, repentance, forgiveness, respect...and simultaneously moving toward a vision of peaceful coexistence..." In contrast to such a comprehensive approach to conflict resolution, Øberg (1996) mentions the Dayton agreement for Bosnia-Herzegovina which, though stopping military activity, does not solve any of the underlying conflicts in the area. Clements (1997) suggests that the keys to "...development of more stable peaceful relationships between people lie in a deepening awareness of the key psychological, social and political processes which generate trusting communities within which individuals can realize their deepest sense of self." These are important insights: it is increasingly obvious that the real challenge in most countries attempting reconciliation is to build a society which is truly participatory and fulfilling for all groups. Otherwise, fissures giving rise to alienation and deep-seated conflict will emerge in the new order as they did in the old, eventually necessitating further efforts at reconciliation – efforts which would certainly be greeted with more cynicism than enthusiasm.

In this regard, Burton's work on human needs provides a useful benchmark against which plans for "post-conflict" society can be measured. Burton (1990: 23) starts from the premise "...that there are limits to the extent to which the human person, acting separately or within a wider ethnic or national community, can be socialized or manipulated..."; and "...that there are human development needs that must be satisfied and catered for by institutions, if these institutions are to be stable, and if

societies are to be significantly free of conflict.” While acknowledging that this is still a new and contested research area, Burton presents a plausible list of needs. First, human beings require a sense of *security* and of *identity*. Second, since people have a generic drive to learn, they require a *consistent response from the environment*, without which learning is impossible. Third, from their social context people require both *recognition* and *valued relationships*, or *bonding*. Finally, and perhaps most importantly, individuals require (some) *control* over their environments in order to insure that their needs are fulfilled (Burton, 1990: 47 and 95). This approach has important implications for social institutions. If, on balance, needs are being met within an institution, the institution receives support and is consolidated and perpetuated. If, however, needs are not met, the institution loses support and legitimacy, and confronts increasing opposition. In the latter case, authorities tend to react with repression and coercion, but if an institution is “de-legitimated” for enough people, conflict can not be resolved this way. Rather, the institutional structures have to evolve, sooner or later, to more fully accommodate the needs of the people they affect.

To Burton (1990: 127), legitimacy is a dynamic, rather than a static, condition which “stresses the reciprocal nature of relations with authorities, the support given because of the services they render, and respect for legal norms when these are legitimized norms.” He (1990: 127) contrasts this with a static notion of *legality* which “...has associated with it...loyalty to a sovereign or formal leader right or wrong, elitism, the common good and the national interest as interpreted by elites...” From this perspective, national reconciliation would not be complete until the social and political order was popularly perceived as legitimate. Though such legitimacy is currently considered to inhere in liberal democratic institutions, Burton (1998: 4) has recently argued that conventional representative democracy is only effective in a society with “...relative ethnic homogeneity, classlessness and equality...”; and this model alone is not able to guarantee institutional legitimacy “...in a society that contains major income differences, and in which minorities are unrepresented but must observe the norms of a majority”-- conditions characteristic of many transitional countries. In summary, Burton’s work indicates that social reform which goes further than conventional Western models of governance to meet human needs is necessary if the deep-seated conflicts of war-torn societies are ever to be transformed into peaceful and creative relations among the groups concerned.

There is, in fact, a widening consensus among human needs theorists, human rights advocates, international organizations concerned with development and peace researchers about the requisite qualities of such a new social order. Consider the United Nations Development Program’s (UNDP) “five aspects of sustainable development”³

Empowerment - The expansion of men and women’s capabilities and choices increases their ability to exercise those choices free of hunger, want and deprivation. It also increases their opportunity to participate in, or endorse, decision-making affecting their lives.

Co-operation - With a sense of belonging important for personal fulfillment, well-being and a sense of purpose and meaning, human development is concerned with the ways in which people work together and interact.

Equity - The expansion of capabilities and opportunities means more than income BB it also means equity, such as an educational system to which everybody should have access.

Sustainability - The needs of this generation must be met without compromising the right of future generations to be free of poverty and deprivation and to exercise their basic capabilities.

Security - Particularly the security of livelihood. People need to be freed from threats, such as disease or repression and from sudden harmful disruption in their lives (United Nations Development Programme, 1997).

These characteristics closely resemble Burton's needs. In a similar vein, the UNDP goes on to outline the elements of a governance system which would promote sustainable development, suggesting that sustainable development can only be realized through political institutions which function according to similar principles (UNDP, 1997).

The convergence evident here parallels recent advances in the theory and practice of human rights. The Cold War division between the Capitalist camp's emphasis on civil and political rights and the Socialist/Third World preference for social, economic and cultural rights has now been recognized as unhelpful and unacceptable. All five major areas of human rights have been acknowledged by the international community (however grudgingly in some cases) as an indivisible whole. However, as indicated above, rights and the improved quality of individual and collective life they represent can not simply be legislated into existence; an understanding reflected in the emphasis by many activists and organizations on a "cultural" approach to the problem. Consider the following sample of such initiatives:

1. The United Nations Educational, Cultural and Scientific Organization (UNESCO), and others, are promoting a "Culture of Peace" defined as: "...a set of values, attitudes and behaviours which reflect and inspire participatory democracy, social interaction, sharing, tolerance, gender equity, solidarity, human rights, the rejection of violence and conflict prevention through dialogue" (UNESCO, 1996).
2. A group of Nobel Laureates is promoting a "Culture of Non-violence", which would encompass love, justice, harmony; reject oppression; and embrace social diversity, non-violence and personal transformation (Decade for a Culture of Non-Violence, 1998).

3. A former United Nations Secretary General promoted the creation of a “universal culture of human rights” (United Nations Secretary General, 1989).

4. The Institute for Democracy and Electoral Assistance promotes a “Culture of Democracy”, which highlights nonviolent conflict resolution, open decision-making, the role of civil society, transparency and participation (International Institute for Democracy and Electoral Assistance, 1998a).

Finally, the World Commission on Culture and Development draws some far-reaching conclusions from this burgeoning consensus. They believe it provides strong evidence that there is a discernible “global civic culture” from which important elements of global ethics can be derived (World Commission on Culture and Development, 1996). These “global ethics” are:

general principles denoting the fundamental moral concern that in a social and political community ought to find adequate reflection....the basic moral concern -- *to protect the integrity and to respect the vulnerability of human beings* -- is universal in its appeal and can be shown to be part of all major traditions of moral teaching...

In their own formulation, they put forth five principle ideas that should form the core of global ethics:

- Human rights and responsibilities
- Democracy and the development of civil society
- Protection of minorities
- Peaceful conflict resolution
- Equity within and between generations

These principles, like those cited earlier, reject elitism and give priority to participation in all institutions and social programs. Furthermore, they argue that states, though historically the worst violators of these principles, are now under increasing pressure from global civil society and international organizations to conform to standards of global ethics both domestically and in international relations. Only then can the dominant pattern of conflict and power politics be replaced by something else.

Returning once more to the Guatemalan case, it is quite clear that such principles figured prominently in the peace accords that brought the armed struggle to a definitive conclusion. As Palencia Prado (1998) has explained:

The central concerns of the peace accords include the need to transform existing relations between state and society, so that political institutions are capable, *for the*

first time, of mediating the interests of all social groups in a poor, unequal, multi-ethnic, and multilingual Guatemala. To achieve this transformation, core provisions express time and again the need for participative consultation in the formulation, execution, evaluation and monitoring of state policies, and for accountability in legislative action and executive decision-making. In other words a *culture of involvement* in which public decision-making responds to the will of the citizenry is clearly promoted in the accords...(emphasis added).

The author goes on, however, to catalogue a number of ways in which political life in the new Guatemala either falls short of the ideals embodied in the accords or diverts from them completely. Though the country now has more democratic institutions, a better organized and more extensive civil society and distinct support for human rights from the international community, it is clear that a complete culture change in the direction of what she calls involvement remains a long-term goal demanding unrelenting effort. However, as argued below, Burton's work indicates that nothing short of such an effort can bring stable and creative social peace to this or any other country in transition.

Conclusion

Burton has emphasized that there are two fundamentally different approaches to the analysis of conflict: either conflict is due to inherent human aggressiveness and can, at best, be controlled, or, as outlined above, it results from inappropriate social institutions that frustrate human needs. The former position justifies coercion and elite control in society, but the latter points out a direction for positive change (Burton, 1998: 1). His analysis is compelling for the countries considered in this paper since their historic turning points have been reached through the collapse of overtly coercive systems. This fact, in itself, lends prima facie support to Burton's second premise. Further support is provided by the broad consensus about what values a truly peaceful and democratic society should uphold: a consensus in fact sanctioned by state representatives in the Vienna Declaration on Human Rights in 1993 (Human Rights Internet, 1999).

Truth commissions can be points of departure for a process of transformation towards a civic culture which would fulfill rather than frustrate human needs; but they are not enough in themselves. The ambiguities surrounding these commissions and the problems of contemporary political development in countries where national reconciliation has been attempted, indicate that far-reaching challenges are still to be met before successor institutions in transitional societies acquire long term legitimacy. For instance, even assuming good will on the part of leadership, mounting evidence indicates that the pace and scope of contemporary economic globalization imposes policy choices that sow seeds of further disruptive conflict in transitional societies.⁴

Ultimately, the fate of transitions, whether incorporating formal truth commissions or not, may hinge on the degree to which they avoid what Galtung (1995: 12) calls the "one mistake which is no longer pardonable: the single-shot 'table at the top', the high table, for the 'leaders.'" He (Galtung, 1995) goes on to promote another model: "Let one thousand conferences blossom... Tap

the insights all over, marginalizing nobody, *making peace-making itself a model of structural peace*" (emphasis added). Thus, if the proliferating institutions of civil society can continue to define and focus attention on needs-related issues, such as human rights and sustainable development, and hold public institutions accountable for steady progress in these areas, it may be possible to gradually complement the original "top down" pact which launched transition with a longer term "bottom up" dynamic of social change.

Notes

¹ Houston Chronicle reporter Tony Freemantle (1997) wrote that as of 1996: "some kind of truth commission charged with investigating past violations of human rights has been used in at least 14 countries."

² The commission's full name is: The Commission for the Historical Clarification of the Violations of Human Rights and Acts of Violence which have Causes Suffering to the Guatemalan Population.

³ The UNDP defines sustainable development as:
...expanding the choices for all people in society. This means that men and women – particularly the poor and vulnerable – are at the centre of the development process. It also means 'protection of the life opportunities of future generations... and...the natural systems on which all life depends.' (UNDP, *Human Development Report* 1996). This makes the central purpose of development the creation of an enabling environment in which all can enjoy long, healthy and creative lives (UNDP, 1997).

⁴ Malcolm Waters (1995: 46) has argued, for instance, that the *intra-national* and *transnational* conflicts generated directly and indirectly by globalization may prove to be "...more intractable than the previous disputes between nations."

Appendix

Examples of Official Commissions of Inquiry 1971 — 1995

Country	Year	Commission	Result
Bangladesh	1971	Commission on war crimes	30,000 charged after 1971; general amnesty 1973
Uganda	1974	Commission of inquiry into disappearances	1,000 page report published, but no details on individual cases
Brazil	1992	Human rights council	Said 111 detainees in Sao Paolo wilfully killed by military

Country	Year	Commission	Result
			police, 1992
Mexico	1992	National human rights commission	Reported on various disappearances
Nicaragua	1992	Tripartite commission	Reported deaths of ten members of former opposition
Togo	1992	National human rights commission	Said government forces responsible for 1991 killings
Niger	1992-1993	Human rights commission of the national conference	Only some corruption cases investigated
Ethiopia	1992	Special public prosecutor	Dozens of perpetrators charged in early 1995
Sudan	1992-1994	Commission of inquiry into government violence (Previous regime)	Report on incidents in Juba to be published
Thailand	1992	Ministry of Defense inquiry into killings and disappearances during demonstrations in May 1992	Report not made public
El Salvador	1993-1994	Joint investigation committee on illegal armed groups	Reported many killings had political background; perpetrators mentioned in confidential appendix
Zimbabwe	1993	Human rights commission to investigate violations under present and previous governments	In progress
Ghana	1993-1994	Commission on human rights and administrative justice	Failed investigation into killings of early 1980s
Burundi	1993	Commission to investigate	Commission apparently never

Country	Year	Commission	Result
		killings in coup attempt 1993	started work
Honduras	1993	National commissioner for the protection of human rights	Report named those responsible for 1984 disappearances
Malawi	1994	Commission of inquiry into political killings of early 1980s	In progress
Sri Lanka	1994	Three commissions to investigate killings and disappearances since 1988	In progress
South Africa	1995	Truth and Reconciliation Commission	Investigation of 30 years of apartheid regime violence and counter-violence. Report published 1998
Guatemala	1995	Commission of elucidation	Investigated human rights violations and acts of violence
Bolivia	1982	Commission of inquiry into disappearances	No report
Israel	1982- 1983	Commission of inquiry into killings in Sabra and Chatila	Report said no direct responsibility but urged measures against certain officials
Argentina	1983- 1985	Commission on the disappearance of persons (Sabato Commission)	Nunca Mas report documented nearly 9,000 disappeared, analyzed repression apparatus
Guinea	1985	Commission of inquiry	No report
Uruguay	1985	Parliamentary investigative commission on 'disappeared' persons	Report published, no details of individual cases

Country	Year	Commission	Result
Zimbabwe	1985	Commission of inquiry into Matabele land murders by North Korean 5th Brigade during early years of Pres. Mugabe's rule	Report kept confidential, amidst churches' and public's demand for its release
Philippines	1986-1987	Presidential committee on human rights	Report not completed
Chile	1990-1991	National commission on truth and reconciliation	Extensive report documented 2,100 cases, analysed repression apparatus, many recommendations for reparation and rehabilitation
Chad	1991-1992	Commission of inquiry on crimes by ex-president Habre and others	Report said 40,000 were killed, details on 4,000 cases named perpetrators
Czech Republic	1991	Parliamentary commission on lustration law	Some 200,000 individuals asked for certificate of clean record
Sri Lanka	1991	Presidential commission of inquiry	No report published
Germany	1992, 1995	Parliamentary commissions of inquiry to study effects of communist party, ideology and security apparatus	Analytical history of 150,000 pages, files opened for individual requests
Poland	1992	Inquiry by the Ministry of the Interior	Secret list of 64 names leaked to press, then discredited
Bulgaria	1992	Temporary commission of inquiry on the Communist Party	No report
Romania	1992	Parliamentary commission of inquiry	Two reports published

Country	Year	Commission	Result
Albania	1992	Commission on killings by security apparatus in Shkoder 1944-1991	Six mass graves discovered, 2,000 victims reported
Chile	1992	National corporation for reparation and rehabilitation	Ongoing investigation into killings and disappearances
El Salvador	1992	Ad hoc commission on the military	Confidential report recommended dismissal of 100 military officers for human rights violations
El Salvador	1992-1993	UN Commission of truth	Report said 60,900 killed, of which 5% by opposition; named perpetrators

Source: Human Sciences Research Council, <http://www.hsrc.ac.za/corporate/InFocus/May98/truthcomm.htm>.

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