

# Choosing Truth: The Influence of Function, Institutions, and Global Culture on the Establishment of TRCs

Claire Posner  
Macalester College  
May 9<sup>th</sup>, 2008

### Abstract

This study explores Truth and Reconciliation Commissions (TRCs) in post-conflict societies by testing three different theoretical explanations for their establishment. The first approach is grounded in functionalist theory in which the functional needs of the post-conflict society are seen as the most influential factor. The second approach emphasizes how institutional factors constrain the options available to post-conflict societies. The last approach argues that global culture determines whether or not a post-conflict society will establish a TRC. To determine which of these approaches is accurate I used qualitative comparative analysis to compare twenty different post-conflict societies on a number of variables. My study reveals that institutional factors are more influential than functionalist factors on a country's decision to establish a TRC. Specifically, the need for power sharing proved especially influential in both political oppression and civil war conflicts. My research also shows that the effect of international third parties is not consistent; international third party involvement does not guarantee TRC establishment. This finding suggests a greater complexity in global culture than previously thought.

The last hundred years have seen numerous conflicts, both between states and within them. Charles Tilly notes that the 20<sup>th</sup> century has witnessed more violent conflict than any other period and, unfortunately, the number of conflicts around the globe shows no sign of decreasing (1990: 67). Therefore, the dilemma of dealing with post-conflict societies will continue to be a pressing issue. Truth and Reconciliation Commissions (TRCs) have become an increasingly popular method available to post-conflict societies. Many have studied the various attributes of this reconciliation method (Buergenthal 2006, Gibson 2004, Minow, 1998), but there has been far less research done as to the factors that encourage a country to adopt the TRC method. Modes of conflict resolution, especially TRCs, remain an important area of study as it becomes increasingly clear that the method of reconciliation can prove crucial to avoiding future violence. I propose to answer the question of what types of factors most influence a post-conflict society to establish a TRC rather than some other mode of reconciliation.

My research suggests that it is less important that the reconciliation method perfectly corresponds to the functional needs of the society; rather the political dynamics within the post-conflict society are more influential on the ultimate likelihood of TRC establishment. My findings also reveal the need to further problematise the assumption of a cohesive global culture; even though the popularity of the TRC method has grown within the international community in general, this growth in popularity does not mean that individual countries have all adopted the global norm. This study furthers the discussion regarding the reasons behind the establishment of TRCs as well as pointing to a gap in the literature concerning the complexity of international norms of conflict resolution. Every country that has undergone widespread conflict must address the question of what steps should be taken towards reconciliation. Bringing some form of justice to a ravaged society is essential to ending the conflict (Kriesberg 2004:83). However, there are

many different paths towards achieving justice and reconciliation. In the last thirty years, TRCs and trials have been the primary options for post-conflict societies. The type of reconciliation method chosen can be crucial in preventing future conflict. Yet, the reasons why a post-conflict society chooses one method over another are not always clear; sometimes post-conflict societies adopt reconciliation methods that do not seem to address their needs. Hidden factors may influence a country to establish either a TRC or a system of trials. These hidden factors may correlate to the structure of the methods themselves or they may reflect dynamics within the post-conflict society. In this study I explore what these hidden factors are and how they influence a post-conflict society's decision to establish a TRC.

Traditionally, countries have responded to conflict resolution with criminal trials (Landsman 1996: 81). Martha Minow notes that “the rule of law calls for administration by a formal system itself committed to fairness and opportunities for individuals to be heard both in accusation and in defense;” trials provide the framework through which to reinstate the rule of law and bring legal justice (1998: 25). Trials return the rule of law to the state by relieving individuals of the burden of defending themselves and reestablishing the state as the only legitimate holder of the means of violence; the individual's desire for revenge is transferred to official state bodies instead of vigilantes (Minow 1998: 26; Vinjamuri and Snyder 2004: 347). Although trials can be effective, they also have some disadvantages. The first major criticism of trials is that they are an example of “victor's justice.” Because trials rely on a limited conception of guilt and innocence, one worries that one group will use trials as their vehicle to vindicate themselves by punishing another group (Teitel 2000: 31; Landsman 1996: 85; Kriesberg 2004:99; Minow 1998: 31).

In reaction to the limitations of trials, many post-conflict societies have turned to TRCs as an alternative. TRCs implement macro fact-finding investigations into “conflicts that produced large-scale violations of human rights and/or humanitarian law,” in which victims are invited to share their stories of the conflict (Buerghenthal 2006: 222). TRCs sometimes include the granting of amnesty to perpetrators who confess their crimes and show repentance. An important aspect of truth commissions is the establishment and legitimization of collective memory. By establishing a collective memory of the conflict, TRCs address the need for rectificatory justice. In many conflicts, few know of atrocities committed and those that do, know only by hunches and their knowledge is denied by the official government. TRCs establish a collective memory so that it becomes impossible to deny that certain atrocities took place (Gibson 2004: 204; Gutmann and Thompson 2000:33). The validity of the victim’s testimony relies on its “empathetic reception” and not on “the burden of their legal proof or judgment” (Humphrey 2003: 175). Such direct testimonials from both victims and perpetrators allow the different groups in the post-conflict society to access the world of their former enemies. As Molly Andrews suggests, understanding the world of one’s enemy allows for greater understanding of the initial causes for the conflict and can increase the chances of a lasting peace (2000: 78). Yet, some criticize TRCs for their focus on forgiveness, rather than on prosecution. Requiring repentance when the perpetrator does not yet feel it may “encourage a display of disingenuous feeling” (Andrews 2000:80). Forgiveness happens through interaction and confrontation between the two parties and cannot be forced (Andrews 2000:75). Both trials and TRCs have important benefits as well as flaws, which a post-conflict society must weigh as it pursues reconciliation.

Classic works in Sociology emphasize the influence of social factors on the development of law and policy (Durkheim, Weber). The presence of conflict represents a breakdown in the normal social environment, suggesting an opportunity for the development of new institutions. In order to better understand post-conflict institutions one must examine the social processes of reconciliation. Therefore, I examine the social factors—functional, institutional, and international—present in a post-conflict society that may influence the establishment of a TRC rather than another method of reconciliation.

My findings suggest that the political constraints present within the country are what create, or hinder, an environment that is conducive to TRC establishment. It is not as important that the TRC method matches the functional needs of the post-conflict society as long as it conforms to the institutional constraints present. Conversely, correlation between the needs of the post-conflict society and the TRC method is not enough to predict TRC establishment; political elites must consider the TRC method a viable option within the political environment. In my study I show how and why institutional factors have a greater influence on the likelihood of TRC establishment than functional factors. My findings also suggest that we should reconsider the universality of global culture regarding conflict resolution methods. I argue that regional power structures and interests mediate and may be strong enough to override the international norms. This does not mean that the international community does not influence the post-conflict society, for it is impossible to completely escape from international pressure. Yet, the way in which international third parties influence post-conflict societies is more varied than previously thought. International influence is still an important factor to consider, however I argue that it is not as all encompassing as some global culture theorists would suggest.

In the remainder of this study I explain the theoretical approaches that I test in my study – functionalism, institutionalism, and global culture – by describing how these theories could explain a post-conflict society’s decision to establish a TRC. Second, I explain my research method and case selection, describing how I crafted my variables to address the three different approaches to my research question. Third, I present my findings and my analysis of them. This section shows how my findings engage the three different approaches, ultimately revealing the institutional approach to be the strongest, the global culture approach to be useful, but not comprehensive, and the functional approach to be the weakest. Last, I reflect on how my study has contributed to the discussion concerning the establishment of TRCs and suggest the direction for further research.

### **Theoretical Approaches**

The question of why states make the decisions that they do has long intrigued sociologists and political scientists. In the case of reconciliation methods, there has been little research done on what makes a country likely to choose one method over the other. Does the function and organization of the method itself limit it to certain types of conflicts? Or is a country predisposed to pick a certain method? Do certain methods go in and out of fashion with states and the international community? Can national or international actors change the course of the decision? In order to separate the many factors that may influence the decision of method I look to a variety of social and political theories regarding the actions of state and society.

### *The Functionalist Approach*

Historically, functionalism has been a popular theory for explaining state and social action and it offers some useful insights into the question at hand. Functionalists conceive of the political environment of consisting of various inputs—or needs—which produce certain outputs in the form of policy responses (Almond and Powell 1966: 25). In the context of conflict resolution, functionalist explanations stress the match between certain types of conflict and certain types of conflict resolution methods; the type of conflict constitutes the input into the political system and the method that best corresponds to that type of conflict represents the output. Truth and Reconciliation Commissions seem to correspond best to conflicts resolution processes that identify a need for the establishment of truth rather than punishment of perpetrators as the primary goal. Therefore, by following a functionalist approach there would be a clear connection between type of conflict and the likelihood of TRC establishment.

Different types of conflict produce different demands on the post-conflict society. Conflicts such as long-term political oppression, which result in widespread, yet hidden, suffering, demand the cultivation of a collective memory of the conflict so that all members of society know what really happened. Other types of conflict, such as genocide or civil war, in which the events of the conflict occur openly, demand retribution for victims against their assailants. Functionalists argue that governments respond to the demands of the society in making decisions (Almond and Powell 1966: 26). A post-conflict society that demands truth rather than punishment may pressure a government to adopt a reconciliation method such as a TRC rather than a system of trials. In this way, the aggregation of interests articulated by the demands of the post-conflict society can be translated into government policies (Almond 1960:



39). The functionalist approach suggests that the type of conflict can effectively predict the conflict resolution method that the country will adopt. If the TRC method effectively addresses the interests of the members of the post-conflict society, which are controlled by the type of conflict experienced, then the government will decide to establish a TRC (Tilly 1978: 71). Although the simplicity of the functionalist approach is tempting, there may be other theories that address the complexity of government action in more depth.

### *The Institutional Approach*

Theda Skocpol reminds us that one cannot ignore the influence of states and state institutions on the decisions that governments make (1985: 3). Instead of focusing on inputs and outputs she and other institutionalists suggest that “administrative, legal, extractive, and coercive organizations are the core of any state” (Skocpol 1985: 7). Post-conflict societies do not act outside their political environment; political institutions and structures affect the reconciliation options available to them (Jeong 2005: 155; Meyer 2003: 21). Because of these constraints, governments simply may not be able to adopt the reconciliation method that best corresponds to the type of conflict that it has experienced as functionalists would suggest. A government must respond to the pressures exerted by the political system in which it exists. An institutional approach stresses the importance of prior political structures in predicting the likely outcome. Institutionalists argue in favor of examining the political environment of the post-conflict society rather than the correspondence between conflict type and reconciliation method.

Institutionalism directs our attention to the ways in which political institutions such as the legal system or the government power structure constrains the options available to post-conflict

societies. It is not enough for a Truth and Reconciliation Commission to address the demands of certain types of conflict if the political environment makes the establishment of a TRC unlikely or impossible. A society with a legal culture that is less comfortable with the investigatory method of TRC may not see the method as a viable option. Similarly, a post-conflict society in which one group dominates the political power structure may not see the need to adopt such an inclusive reconciliation method as a TRC as a post-conflict society made up of many groups who may have been enemies during the conflict. Such a society may opt for more one-side approaches such as trials. Institutionalism points out the factors within a society that act to constrain the options available.

State structures and institutions can create an environment that is friendly to the TRC method or one that is hostile towards it. How the society is accustomed to resolving conflict may be an important factor in the reconciliation method it chooses. Conflict resolution culture can most easily be determined by examining the judicial system present in that country. Certain legal systems may inculcate a familiarity with the TRC method better than others. Legal systems that emphasize investigations and truth gathering rather than unambiguous decisions by judges may make a country more likely to adopt a similar process such as a TRC. Similarly, political power structures that include high levels of power sharing may increase the appeal of the TRC method. Post-conflict societies in which power sharing is not present may not be as concerned with appeasing many different groups, therefore opting for more punishment oriented methods such as trials. Political institutions such as the judicial system or power structure can create a “political space” for other types of structures that fit the mold (Tarrow 1998: 72).

### *The Global Culture Approach*

The last approach that I examine in this study stresses the effect of global culture and the international community on post-conflict societies. The effects of global culture and norms has become increasingly important since World War II as the “cultural and organizational development of world society has intensified at an unprecedented rate” (Meyer, Boli, Thomas, and Ramierz 1997: 145). It is no longer possible for a singular country to escape the influence of the international community; even in rejecting global norms, a country still engages them. More and more, it seems to be true that “worldwide models define and legitimate agendas for local action, shaping the structures and policies of nation-states and other national and local actors in virtually all of the domains of rationalized social life—business, politics, education, medicine, science, even family and religion” (Meyer et. al. 1997: 145). The influence of global culture is especially apparent in post-conflict societies as bodies such as the United Nations and other regional powers play an increasingly important role in conflict resolution. The global culture approach suggests that if an international third party is involved with the conflict resolution process it may pressure a country to follow international norms regardless of whether they correspond to the particular demands or political constraints of the post-conflict society.

The presence of international organizations or actors devoted to helping shape the conflict resolution direction of other nations is more profound than ever before (Meyer et. al. 1997: 146). If a country is unable or unwilling to establish the policies that correspond to global norms, then the international community is more that willing to provide “help” through guidance and support (Meyer et. al. 1997: 159). Many, but not all, countries solicit such help in the context of conflict resolution in the form of international or third party mediators. Such

mediators often not only help to end conflicts peacefully, but also provide an avenue to encourage a post-conflict society to integrate itself within the wider international community by following the tenets of global culture.

David Meyer rightly points out that the extent to which a country integrates itself in the international community affects the ability of global culture to influence the conflict resolution process (2003: 23). The influence of global culture will clearly be stronger in a country in which an international third party plays an important role in the conflict resolution than in one in which a third party is not involved. The global culture approach suggests that those countries that had active third party participants in the conflict resolution process, either as mediators or administrators, will be more likely to follow the global norm of establishing a Truth and Reconciliation Commission regardless of other factors in the society such as conflict type or domestic institutions.

### **Research Method and Case Selection**

For this study I perform a comparative-historical analysis between several states that have chosen to use Truth and Reconciliation Commissions after a conflict and several that have not. A comparative-historical analysis is the best way to examine post-conflict societies because it allows exploration of a large range of countries without losing the depth of discussion on each country. In comparing these countries I will use the qualitative comparative analysis method developed by Charles Ragin (1994). The wider universe of cases that I am interested in is all countries that can be classified as post-conflict, of which I have chosen ten countries that did adopt a TRC and ten that did not. I selected cases from a variety of regions and time periods to

ensure variation. My case selection also inherently reflects the prevalence of information available on each case. I will consider a country to have chosen the TRC method even if other methods were also used. Many countries may employ more than one method to achieve reconciliation; any country that established a TRC, regardless of other methods used, would be a candidate for my study. If states that have chosen the TRC method also share a particular aspect or combination of factors, it will suggest that these variables are influential in the establishment of a TRC. Conversely, if states that have chosen the TRC method do not share a particular aspect, it will suggest that this variable does not have a very strong influence on the establishment of a TRC. In order to explore what factors of post-conflict societies influence the establishment of a TRC I created presence-absence dichotomies that addressed each variable, which are presented below. I present the responses to these dichotomies in several truth tables, which reveals the widespread pattern among the sample.

I gathered my data using international political databases, which contained information on a large range of countries and measures. My major source was the UPPSALA Conflict Database compiled by the Department for Peace and Conflict Research. I used additional political databases and handbooks to supplement my research. These databases proved to be crucial to my research as they allowed me to avoid subjectively classifying my cases.

### *Variables*

In this study I have chosen five key variables corresponding to the theoretical postulates of functionalism, institutionalism, and global culture: type of conflict, length of conflict, legal system, the need for power sharing, and the involvement of an international third party. The type

of conflict reflects functionalism because certain reconciliation methods seem to match certain types of conflict better than others. In this study the types of conflict I examined genocide, civil war, and political oppression. I classified a conflict as genocide following the Geneva Convention definition of “acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group” (*Convention on the Prevention and Punishment of the Crime of Genocide* 1948). Conflicts that included such acts would be classified as genocide. I determined a conflict in which groups within the country fought each other for control of political power to be a civil war conflict. I classified a country as having a political oppression conflict when the ruling government made direct attempts to oppress a certain group within the population; political oppression conflict may include conflicts such as apartheid or “dirty wars,” in which the government engaged in unlawful arrests or torture of those they considered politically undesirable. Because acts of genocide often occur in combination with other types of conflict, there are several dual classifications of conflict type in my study.

I examine conflict type in order to address the functionalist approach. People may react very differently to genocide than they do to political oppression or civil war. Many believe that there are some crimes and human rights violations, including genocide, “that will never be tolerated and for which prosecution is obligatory” (Landsman 1996: 90). If this is true, then a conflict that included genocide or similar human rights abuses would not lend themselves to Truth and Reconciliation Commissions. Conflicts in which there was widespread participation in crimes of which the truth is yet unknown correspond more readily to TRCs. By looking at the type of conflict I expose whether conflict type pre-disposes a country to select a particular reconciliation method.

Length of conflict also reflects functionalism. Conflicts that last for many years or decades have very different characteristics than those that last for only a few months. In conflicts where covert violence went on for a long period of time and some atrocities, such as disappearances, are largely unknown, a TRC may effectively fit the interests of the post-conflict society. Before redress can be sought, the truth must be known. In this situation, a truth commission may be more effective in creating a “collective memory” of the concealed factors of a conflict (Gibson 2004: 204). It is easier to identify criminals from a short period of time than from a long period of time that may span decades, making trials more applicable for short-term conflicts.

In looking at legal system I classified my cases as either a civil law system or a common law system. The type of legal system addresses the extent to which the history of the institution of conflict management affects the choice to adopt a TRC. Civil and common law systems stress different factors of the judicial process. Civil law systems employ the inquisitorial system in which the court actively investigates the facts of the case, whereas common law systems rely on lawyers to argue the case in front of a judge. The inquisitorial method may make a post-conflict society more comfortable with the fact gathering process of a TRC. A common law system, on the other hand, might better prepare a country for a more argumentative form of reconciliation such as trials. People living under the common law system may be less comfortable with the TRC method because they are used to a legal system in which lawyers argue a case and judges make decisions based on their own understanding of the case, unlike the investigatory method of TRCs. I include legal system as a variable in an effort to determine the extent to which legal culture influences the level of comfort a post-conflict society feels towards the TRC method.

Power sharing also addresses institutional factors because it reveals the political constraints of the post-conflict society. Post-conflict power relations may be very important because the amount of power shared between parties is rarely balanced, making the more powerful party better able to influence the conflict resolution process (Hopmann 1996: 102). Many post-conflict societies face the dilemma of sharing power between groups that only recently were mortal enemies; in this case a TRC may represent a political concession by the more powerful party to maintain the delicate balance of power between players. In this study I show to what extent the presence of power sharing impacts the likelihood of TRC establishment

Third party involvement shows the impact of global culture on a country's decision to establish a TRC. In recent years TRCs have gained more widespread popularity and support from international actors. With the growing presence of TRCs as the global norm in conflict resolution, I found it important to examine the impact international third parties have on post-conflict societies. I gauge third party involvement by looking at when an international third party acted as a mediator or administrator of the conflict resolution.

### *Case Selection*

For this study I define post-conflict societies by two criteria: first, a post-conflict society must have undergone an extreme trauma by which the majority of citizens were affected; second, there must be a clear turning point in the conflict in which the country starts moving away from violence and towards the transition to peace. In this case, "extreme trauma" can include ethnic or racial genocide, civil war, or political oppression. My definition casts a relatively wide net for countries that are, or were at one point, candidates for adopting a TRC. I designate a move



towards transition as a necessary component of a post-conflict society because it is impossible for a nation to seriously undertake a TRC when significant violence still continues. However, moving towards peace does not always mean that there is a peaceful outcome in the long term. As a result, not all of the cases that I examine remain at peace today; many of the conflicts in my sample have flared up again since the initial move towards peace. Nevertheless, the fact that the peace process failed does not disqualify them as cases for my study. What is important is that at one moment in time when the country was considering reconciliation, it had the choice to establish a TRC. I am interested in the period during which a country was a candidate for a TRC and what factors influenced it one way or the other, not whether the country did ultimately find peace.

My case selection reflects the wide variety of possible variables influencing the likelihood of TRC establishment. In choosing the cases, I tried to have wide diversity in terms of the characteristics of the conflict so that more potentially influential factors could be explored. Since the first TRC in Uganda in 1975, there have been over twenty TRCs established. In the interest of space I look at ten different countries that have established TRCs in the last 30 years and ten countries that could have adopted a TRC, but did not. In selecting my cases for each category I made an effort to get a wide representation of regions to eliminate regional bias in my study. In this way, I was able to examine how particular factors within the country impact the decision to adopt a TRC without biasing my study by looking at a limited region of the world. The availability of information on each potential case also influenced which cases I ultimately included.

## Findings

My cases revealed a large range of responses for all of the factors that I investigated, which proved useful in determining broad trends. The qualitative comparative analysis reveals what variables combine to influence a particular outcome. One variable alone is often not sufficient to produce a Truth and Reconciliation Commission; instead different variables act in conjunction with each other to determine the reconciliation method. Table 1 presents my findings for all variables. In the following section I highlight the three most important variable combinations in my study: power sharing and civil war, power sharing and political oppression, and third party involvement and identity. I found a strong relationship between power sharing and TRC establishment, in both conflicts of civil war and political oppression. This finding suggests that political constraints influence the likelihood of TRC establishment. I also found a relationship between third party involvement and TRC establishment that points to a greater complexity of global culture than previously thought. Contrary to the global culture approach, which suggests that third party involvement enhances the likelihood of TRC establishment, I found that in some cases third party involvement actually diminished the likelihood of TRC establishment.

### *Civil War and Power Sharing*

I found that in regard to civil war, post-conflict societies that had power sharing were likely to adopt a TRC and those that did not have power sharing were unlikely to adopt a TRC. Tables 2 and 3 show the countries fitting these models. It follows that whereas the presence of power sharing makes a country likely to adopt a TRC, the absence of power sharing makes a

country unlikely to adopt a TRC. Focusing on post-conflict societies that experienced civil war highlights the impact that power sharing has on TRC establishment because my study included several post-civil war countries in both the TRC and non-TRC category.

Eritrea exemplifies how the political climate of the post-conflict society determines the likelihood of TRC establishment. Until 1941 Eritrea was an Italian colony; as with most African colonies, Eritrea's colonial boundaries were drawn with little regard for existing ethnic groups (Connell 1993: 48). After the collapse of Italian East Africa, Ethiopia successfully lobbied to have Eritrea joined to Ethiopia and in 1952 Eritrea was made an autonomous unit under the Ethiopian crown (Connell 1993: 56). Although, Eritrea was technically autonomous, in reality Ethiopia granted little real autonomy to Eritrea (Connell 1993: 57). By the mid-1950's most organizations or individuals who promoted Eritrean independence had been banned or imprisoned (Machida 1987: 33). Despite the political oppression, movements dedicated to freeing Eritrea began to develop by the early 1960's. In 1962, Ethiopia announced the official annexation of Eritrea, making it the fourteenth province of Ethiopia. The annexation marked a breaking point for the Eritrean people and brought about the beginning of an armed struggle that would last nearly thirty years (Machida 1987: 40). The Eritrean Liberation Front (ELF), formed in 1961, was the first group to engage in armed struggle, but they were joined by the Eritrean People's Liberation Front (EPLF) in 1965.

The armed struggle continued throughout the 1960's, resulting in extreme instability and a swiftly growing refugee population. In early 1970, following a particularly brutal battle, between 10,000 and 20,000 Eritreans entered the Sudan as refugees (Machida 1987: 52). On December 16, 1970 Ethiopia declared a state of emergency, restricting the rights and movement within the disputed territories (Machida 1987: 52). However, the fighting only escalated,

creating 35,000 more refugees by the end of 1970 (Machida 1987: 58). During this time, tensions began to mount between the ELF and the EPLF resulting in a civil war within Eritrea from 1972 to 1974. However, the conflict between the two groups was ultimately resolved as the ELF and the EPLF united against their common enemy (Machida 1987: 79). Following a battle near Decamare on May 19, 1991 Ethiopian troops fled the country and Eritrea finally gained its independence (Connell 1993: 246). As a result of the conflict's resolution Eritrea was granted autonomy from Ethiopia. Therefore, the need for power sharing between the warring parties was moot. Without the need for power sharing, Eritrean elites did not consider a TRC an attractive option.

Sierra Leone, however, shows a different outcome from a civil war conflict. Violence erupted in March 1991 between the government and the rebel group, the Revolutionary United Front (RUF), led by Foday Sankoh. The RUF identified government corruption, inequality, and poverty as the primary factors motivating it to rebel (Laing 2006: 268). As the conflict wore on, both sides committed numerous atrocities. One of the most tragic outcomes of the civil war was the widespread use of child soldiers by the RUF (Laing 2006: 272). In July 1999 the government and the RUF signed the Lome Agreement, ending the nine year civil war. After the signing of the Lome Agreement, Sierra Leone faced several conditions that increased the appeal of a TRC including power sharing and, to a lesser extent, the presence of the UN.

The Lome Agreement did not identify any clear victor, but instead allowed for the presence of both government and RUF officials within the post-conflict government. The UN helped to mediate the differences between the two groups within the government (Dobbins, Jones, Crane, Rathmell, Steele, Teltschik, and Timilsina 2005: 143). The close proximity of former enemies, both politically and socially, increased the need for effective reintegration

methods such as a TRC (Laing 2006: 271). Although the UN maintained a strong presence throughout the reconciliation process, as reflected in the creation of the Special Court for Sierra Leone, the TRC was a national body requested and created through domestic legislation, rather than through international processes (Laing 2006: 274). The TRC in Sierra Leone can be seen as a truly domestic effort to respond to the presence of power sharing within the government as well as the social integration of ex-combatants.

East-Timor does not follow this pattern as it adopted a TRC even though power sharing was not present. In this case I would argue that the impact of a third party was important in shaping East-Timor's conflict resolution process. East-Timor was under a UN mandate during the transition to independence. It is very possible that East-Timor adopted a TRC even though it did not have power sharing because of the level of involvement of the UN.

The relationship between civil war and power sharing further reinforces the argument that institutional factors encourage or discourage an environment that is conducive to TRC establishment. The presence of civil war alone is not enough to produce a TRC; the political environment determines if a TRC is a viable option for the post-conflict society. Countries such as Eritrea that had no power sharing after the conflict had ended have no political motivation for establishing a TRC. In these countries, a TRC would not serve any political goal and therefore is not as appealing as other methods of reconciliation. However, in countries where a delicate balance has been struck between two political groups, such as Sierra Leone, a TRC serves an important goal in maintaining that balance and therefore is an appealing option for achieving peace. The establishment of a TRC may also be the result of the ability of one group to successfully lobby for it within the system of power sharing. Examining the origins of TRCs and

of power-sharing in these countries could shed light on whether TRCs are the outcome of political-institutional processes or functional needs in the post-conflict societies.

### *Political Oppression and Power Sharing*

I found that in post-conflict societies that experienced long term political oppression in which acts of genocide did not occur, the country was also likely to adopt a Truth and Reconciliation Commission if power sharing occurred after the conflict ended. Table 4 presents the countries fitting this model. This finding corresponds to what one would expect after examining the structure and purposes of TRCs. In many ways, a post-conflict society with power sharing that endured long-term political oppression is the ideal match for a TRC. Political oppression, especially long term political oppression, often includes violence that is covert such as secret arrests and torture; such conflicts produce a situation in which there is a real need to establish the truth of events that have long been hidden. One of the purposes of TRCs is to establish a collective memory of events and crimes that were covered up by the former regime, making it a good match for countries that have experienced such conflicts. However, it is not enough that the TRC method matches the needs of the post-conflict society; institutional factors that make a TRC viable must also be present.

The presence of power sharing acts to make a TRC an attractive option for a post-conflict society. The correlation between TRC adoption and the necessity of power sharing also closely matches my expectations for what factors make a country likely to adopt a TRC. A political structure that includes power sharing creates a conducive environment for TRCs because they are less vindictive than other reconciliation methods; truth gathering is prioritized over taking

punitive action. In post-conflict societies where both “victims” and “perpetrators” must share power elites may perceive a TRC to be a more attractive option than other methods.

South Africa is perhaps the most well known example of a TRC. It also exemplifies how power sharing can increase the likelihood of TRC establishment. Even though apartheid officially ended in 1994, the country is far from healing all of the wounds caused by the system. The system of apartheid and the devastating impact it had on black, colored, and Indian South African continues to be felt. It seems illogical that a people that had been so violently and unjustly oppressed would agree to a power sharing agreement once they finally gained power, but a deeper examination of the political and social realities of the country show why power sharing came about in South Africa.

By the late 1980's, the African National Congress (ANC) and the National Party (NP) had reached a stalemate: both groups realized that it would be impossible to militarily dominate the other, therefore their only option was negotiations (Louw 2004: 159). However, the two groups had very different views on how power should be allocated in the new government. The NP favored consociationalism, or power sharing, in order to ensure minority rights (Louw 2004: 162). The ANC supported majority rule, rejecting ethnically based group rights (Louw 2004: 162). The NP saw negotiations as a way to convince the ANC to agree to power sharing in an attempt to hold on to what little power the NP had left (Louw 2004: 161). Power structure proved to be a major point of contention during the peace talks in the early 1990's. The NP's insistence on protecting minority vetoes led to the ANC walking out of the first Codesa peace talks in 1992 during which Mandela accused de Klerk of “refusing to submit to the will of ‘the majority’” (Louw 2004: 166). In the end, the two groups compromised by creating a temporary consociational “government of national unity” in which the top three parties would share power

for five years. As a result of the 1994 elections, the ANC, the NP, and the Inkatha Freedom Party had to share power; two weeks later Nelson Mandela was inaugurated as president and F.W. de Klerk as second deputy president (Sparks 1995: 228). At least for the first five years, the negotiation process necessitated the presence of power sharing.

My sample also suggested a correlation between legal system and TRC establishment; both Chile and South Korea have civil legal systems. Having a civil legal system in combination with other factors may impact the likelihood of TRC establishment as well as the presence of power sharing. This finding would suggest that the legal culture present in the country does have an impact on the extent to which the society feels comfortable with the TRC method. However, I do not feel that my findings show a strong enough correlation between legal system and TRC establishment to make a broad conclusion.

Although post-Soviet Russia fits the model of a long-term political oppression conflict with power sharing, it does not follow the pattern of TRC adoption. Russia suggests a very interesting finding about the range of acceptance of TRCs on the part of specific countries within the international community. Although, TRCs enjoy popularity among some key players within the international community, such as the UN or the United States, it may not be the case that particular countries have accepted TRCs to the same extent. Russia, along with some other countries may fall into this category. I discuss this finding further in the following section.

The connection between political oppression and power sharing shows how functionalist and institutional factors can combine to encourage the establishment of a TRC. The TRC method is well suited to conflicts involving political oppression and the need for power sharing makes a TRC a viable option for a country that must accommodate groups that were formally enemies. The legal system, as another institutional factor, also contributes to the likelihood of



TRC establishment, although not as strongly as power sharing. The conflict type makes the TRC method an appealing option and power sharing makes it politically possible.

### *The Complexity of Third Party Involvement*

There were some post-conflict societies that did not adopt a Truth and Reconciliation Commission even though power sharing was present as shown in Table 5. For these cases I looked at other factors in order to determine what was causing the country to go against the expected outcome. The one variable that all five of these countries share besides conflict type or power sharing is the involvement of a third party. One would expect that third party involvement would make a country more, not less, likely to adopt a TRC. However, one must examine the specific third party involved in these countries compared to the third party involved in the rest of the cases. In the majority of my cases that had third party involvement, the UN acted as the mediator or administrator. However, in Papua New Guinea, Australia acted as the mediator, in Bangladesh, India did, and in Abkhazia-Georgia, Russia played that role. The international community is sometimes thought of as a cohesive bloc pushing all countries in the same direction. However, my findings suggest that this may not be the case.

In regard to TRCs it may not be in the best interest of particular countries to encourage a post-conflict society to adopt a TRC. Adoption of a TRC in a neighboring country may upset regional power structures. Regional powers such as Russia, India and Australia may not want smaller countries to engage in TRCs because they may fear that truth gathering commissions could threaten their own power within the region or uncover their involvement or support of previously repressive regimes. In the case of Nicaragua, the United States played a major role in

the termination of the conflict. Even though the United States has acted as a mediator in other conflicts that did ultimately adopt a TRC, it follows that the United States would not encourage adoption of the method in Nicaragua because of its own involvement in the conflict. Information regarding the United States may come out during a TRC that could threaten its power in the region. Another hypothesis is that although key players in the international community encourage the adoption of TRCs, the popularity of this reconciliation method may not be held universally. Not only did Russia not advise Abkhazia-Georgia to adopt a TRC, it also did not adopt a TRC itself even though other factors of its history may have made it a good candidate for a TRC. My findings suggest an interesting complexity of international opinion regarding conflict resolution and point to an area for further research.

## **Conclusion**

A TRC can be a very useful option for many post-conflict societies seeking long-term peace. However, it is not a politically viable one for all post-conflict societies. My study shows that the functionalist approach alone does not fully address why a post-conflict society establishes a TRC. Instead, it is more useful to employ an institutional approach that takes into account certain functional factors such as conflict type. Political and institutional constraints have a profound impact on the options that are seen as possible in a post-conflict society. It is not enough for the TRC to be an appropriate reconciliation method for the particular type of conflict; if a TRC does not match the political environment the country will not establish one even if it does address the nation's needs. The global culture approach is also somewhat useful, as post-conflict societies are unable to escape the international community. However, the

uniformity of global culture within the international community should be further scrutinized. My study suggests that the reach of global culture may not be as strong in certain circumstances.

For a post-conflict society to establish a TRC, several factors must be in place. The presence of certain types of conflicts make a TRC a possibility, but ultimately institutional factors must create an environment that is conducive to the TRC. Finally, key international third parties involved in the process cannot be pursuing an agenda that goes against TRC establishment. My study reinforces the knowledge that countries do not make decisions in a vacuum: a post-conflict society's decision to establish a Truth and Reconciliation Commission reflects particular political and social constraints, both domestically and internationally. It is clear that the structure and purpose of TRCs makes them a better match for certain types of conflicts. Conflicts that involved widespread suppression of knowledge of committed crimes or conflicts for which conduction trials would be infeasible because of the span of time under consideration seem particularly well suited for the TRC method since a TRC would satisfy a post-conflict society's demand for truth without resorting to "victor's justice" in the form of trials. In a perfectly functionalist world, the input of conflict type and length would directly lead to the output of the establishment of a TRC.

However, my study confirms that we do not live in a functionalist world, at least in regard to conflict resolution choice. There were both positive and negative responses to conflict length in TRC countries as well as in non-TRC countries, suggesting that conflict length alone cannot be used to predict TRC establishment. The patterns of conflict type produced similar results. Although there was a high rate of civil war in my non-TRC cases, there were also cases of civil war in my TRC cases. The high prevalence of civil war in non-TRC cases may reflect the limitations of my case selection more than any broad trend. I choose my cases to reflect a large

diversity of region, but did not focus specifically on gathering a large variety of conflict type. If I included a larger number of cases that covered a wider range of conflict type I suspect that the bias towards civil war among non-TRC cases would disappear. Therefore, I ruled out functionalist factors in isolation as influential on the likelihood of TRC establishment.

Institutional factors such as domestic power dynamics and the type of legal system act as constraints on the range of possibilities open to a post-conflict society. Although, a country may have experienced a type of conflict that would make it a good candidate for a TRC, without the need for power sharing after the resolution of the conflict it is unlikely that it will establish a TRC. Countries that had clear victors, as opposed to countries where rival parties must continue to co-exist, are more likely to choose reconciliation methods such as trials that are more suited to a one-victor system. Similarly, the legal system also restricts the types of reconciliation methods considered depending on how well they match the society's ideas of what it means to achieve justice. The findings of my study confirm that even after the resolution of conflict, countries remain within the range of options determined by their political institutions.

Because certain players in the international community actively present themselves as representing the cohesive beliefs of the world as a whole, it is tempting to take the presence of a unified global culture for granted. This assumption is especially true within the field of conflict resolution where international actors such as the UN have such a pervasive presence. However, perhaps we should reconsider the extent to which conflict resolution norms have spread within the international community and how these norms interact with regional hierarchies. The popularity of the TRC method may have increased with certain key players within the international community, but this may not mean that all individual members have fallen in line. My findings suggest that there is a limit to how profound the reach of global culture actually is.

Individual countries may outwardly support the global consensus while inwardly perusing different goals or they may simply quietly ignore international norms of conflict resolution. It is especially interesting that in three out of four of the cases in which the third party did not encourage the establishment of a TRC, the mediating country is a more important player regionally than globally. For countries with high regional power, but only moderate international power, it might make more sense for them to encourage alternative resolution methods within their sphere of influence. It is beyond the scope of this study to determine the regional power dynamics at play in the three cases in question.

I purposely choose a large-N model for my study so that I would be able to determine widespread patterns within the greater universe of post-conflict societies. My objective was not to determine why any one country chose to establish a TRC, but rather what kinds of factors in general influence the adoption of a TRC. Although, this research method did allow me to examine general trends it also limited the depth of my examination of the particular dynamics within each country. I attempted to address this shortcoming of my research method by including brief case studies to illustrate my findings. These case studies should by no means be seen as an exhaustive examination of either country. The process of conflict resolution in any of the countries in my study is both unique and complex, but it is beyond the confines of this study to explore these complexities. Detailed cases studies may shed further light on the causal factors of TRC establishment.

My study, by examining general patterns pertaining to the establishment of a TRC, reveals the need for further in-depth research on the individual cases selected. A small-N comparative study is needed to determine the deeper dynamics that my findings suggest. I believe that such a study would be most useful if done on the countries in which an international

third-party did not encourage the establishment of a TRC even when other factors increased the likelihood of TRC adoption. Further examination of this phenomenon would not only add to the discussion of TRC establishment, but also contribute to the dialogue concerning the scope of a global culture. Ultimately, the establishment of TRCs is not an independent phenomenon, but rather is inexorably connected to the wider political and international environment.

### Works Cited

- Almond, Gabriel and Powell, G. Bingham Jr. 1966. *Comparative Politics: A Developmental Approach*. Boston: Little, Brown and Company.
- Almond, Gabriel. 1960. "A Functional Approach to Comparative Politics." Pg. 3-64 in *The Politics of The Developing Areas*, edited by G. Almond and J. Coleman. Princeton, NJ: Princeton University Press.
- Andrews, Molly. 2000. "Forgiveness in Context." *Journal of Moral Education* 29: 75-86.
- Buerghenthal, Judge Thomas. 2006. "Truth Commissions: Between Impunity and Prosecution." Presented at the Frederick K. Cox International Law Center Lecture in Global Legal Reform at Case Western Reserve University School of Law, October 17.
- Connell, Dan. 1993. *Against All Odds: A Chronicle of the Eritrean Revolution*. Trenton, NJ: The Red Sea Press.
- Dobbins, James, Jones, Seth G., Crane, Keith, Rathmell, Andrew, Steele, Brett, Teltschik, Richard, Timilsina, Anga. 2005. *The UN's Role In National Building: From the Congo to Iraq*. Pittsburgh, PA: Rand Corporation.
- Durkheim, Emile. 1947. *The Division of Labor In Society*. Translated by Simpson, George, Ph.D. Glencoe, IL: The Free Press.
- Gibson, James L. 2004. "Does Truth Lead to Reconciliation? Testing the Causal Assumptions of the South African Truth and Reconciliation Process." *American Journal of Political Science* 48: 201-217.
- Gutmann, Amy and Thompson, Dennis. 2000. "The Moral Foundations of Truth Commissions." Pg. 22-44 in *Truth v. Justice*, edited by R. Rotberg and D. Thompson. Princeton: Princeton University Press.
- Hopmann, Terrence P. 1996. *The Negotiation Process and the Resolution of International Conflicts*. Columbia, SC: University of South Carolina Press.
- Humphrey, Michael. 2005. "Reconciliation and the Therapeutic State." *Journal of Intercultural Studies* 26: 203-220.
- Jeong, Ho-Won. 2005. *Peacebuilding in Postconflict Societies: Strategy and Process*. Boulder, CO: Lynne Rienner Publishers.
- Kriesberg, Louis. 2004. "Comparing Reconciliation Actions within and between Countries." Pg. 81-110 in *From Conflict Resolution to Reconciliation*, edited by Y. Bar-Siman-Tov. New York: Oxford University Press.

- Laing, Sarah. 2006. "Sierra Leone." Pg. 267-282 in *Taking Wrongs Seriously: Acknowledgment, Reconciliation, and the Politics of Sustainable Peace*. Amherst, NY: Humanity Books.
- Landsman, Stephan. 1996. "Alternative Responses to Serious Human Rights Abuses: Of Prosecution And Truth Commissions." *Law and Contemporary Problems* 59: 81-92.
- Louw, Eric. 2004. *The Rise, Fall, and Legacy of Apartheid*. Westport, CT: Praeger.
- Machida, Robert. 1987. *Eritrea: The Struggle for Independence*. Trenton, NJ: The Red Sea Press.
- Meyer, David S. 2003. "Political Opportunity and Nested Institutions." *Social Movement Studies* 2: 17-35.
- Meyer, John, Boli, John, Thomas, George M and Ramirez, Francisco O. 1997. "World Society and the Nation-State." *The American Journal of Sociology* 103: 144-181.
- Minow, Martha. 1998. *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence*. Boston: Beacon Press.
- Ragin, Charles. 1994. *Constructing Social Research*. Thousand Oaks, CA: Pine Forge Press.
- Skocpol, Theda. 1985. "Bringing the State Back In: Strategies of Analysis in Current Research." Pg. 3-37 in *Bringing the State Back In*, edited by Evans, Peter B, Rueschemeyer, Dietrich and Skocpol, Theda. Cambridge: Cambridge University Press.
- Sparks, Allister. 1995. *Tomorrow Is Another Country: The Inside Story of South Africa's Road to Change*. New York: Hill and Wang.
- Tarrow, Sidney. 1998. *Power in Movement*. New York: Cambridge University Press.
- Teitel, Ruti G. 2000. *Transitional Justice*. New York: Oxford University Press.
- Tilly, Charles. 1990. *Coercion, Capital, and European States AD 990-1990*. Cambridge: Basil Blackwell, Inc.
- Tilly, Charles. 1978. *From Mobilization to Revolution*. New York: Random House.
- United Nations. 1948. Convention on the Prevention and Punishment of the Crime of Genocide.
- Vinjamuri, Leslie and Snyder, Jack. 2004. "Advocacy and Scholarship in the Study of International War Crime Tribunals and Transitional Justice." *Annual Review of Political Science* 7: 345-362.



Weber, Max. 1978. *Economy and Society*. Edited by Roth, Guenther and Wittich, Claus.  
Berkeley: University of California Press.

## Tables

**Table 1. Profiles of all Case Studies**

Conflict	Conflict Type?	Ten Years?	Legal System?	Power Sharing?	Third Party?	TRC?	Sources
South Africa (1960-1994)	Political oppression	Yes	Common	Yes	Yes	Yes	2,9
Guatemala (1962-1996)	Civil war with acts of genocide	Yes	Civil	Yes	Yes	Yes	1,3,9
Sierra Leone (1991-1999)	Civil war	No	Common	Yes	Yes	Yes	1,9
Chile (1973-1990)	Political oppression	Yes	Civil	Yes	No	Yes	2,3,4,5,9
East Timor (1974-1999)	Civil war with acts of genocide	Yes	Civil	No	Yes	Yes	1,9,10
Uganda (1971-1974)	Political oppression with acts of genocide	No	Common	No	No	Yes	2,5,9
Argentina (1976-1983)	Political oppression	No	Civil	No	No	Yes	2,3,5,9
Yugoslavia (1991-1999)	Civil war with acts of genocide	No	Civil	Yes	Yes	Yes	1,3,6,9
South Korea (1953-1987)	Political oppression	Yes	Civil	Yes	Yes	Yes	2,4,9
Ghana (1974-2001)	Political oppression with acts of genocide	Yes	Common	Yes	No	Yes	2,4,7,9
Nicaragua (1983-1990)	Civil war	No	Civil	Yes	Yes	No	1,9
Eritrea (1970-2000)	Civil war	Yes	Civil	No	Yes	No	1,8,9
Papua New Guinea (1989-1996)	Civil war	No	Common	Yes	Yes	No	1,9
Bangladesh (1980-1997)	Civil war	Yes	Common	Yes	Yes	No	1,9
Vietnam (1968-1976)	Civil war	No	Civil	No	No	No	2,4,9
Northern Ireland (1970-1998)	Civil war	Yes	Common	Yes	Yes	No	1,9
Russia (Soviet era)	Political oppression	Yes	Civil	Yes	Yes	No	2,9
Lebanon (1988-1990)	Civil war	No	Civil	No	Yes	No	1,9
Abkhazia-Georgia (1992-1993)	Civil war	No	Civil	Yes	Yes	No	1,9
Egypt (1980-1998)	Civil war	Yes	Civil	No	No	No	1,9

*Sources:*

1. Department of Peace and Conflict Research. 2006. *UPPSALA Conflict Database*. Retrieved 2007 (<http://www.pcr.uu.se/database>)
2. Banks, Arthur and Overstreet, William and Muller, Thomas ed. *Political Handbook of the World*. New York: CQ Press. [insert dates].
3. United States' government's Political Instability Task Force. 2004. *Annual Data on Cases of Genocide and Politicide, 1955-2005*. Retrieved 2007 (<http://www.cidcm.umd.edu/inscr/genocide>)
4. Center for Systemic Peace. 2007. *Major Episodes of Political Violence, 1946-2006*. Retrieved 2007 (<http://www.systemicpeace.org/warlist.htm>)
5. Brahm, Eric. 2004. "Truth Commissions". Retrieved 2007 ([http://www.beyondintractability.org/essay/truth\\_commissions](http://www.beyondintractability.org/essay/truth_commissions))
6. United Nations. 2001. *International Criminal Tribunal for Yugoslavia Annual Report*.
7. Government of Ghana. 2002. *National Reconciliation Act of Ghana*.
8. Sarkees, Meredith Reid. 2004. "The Correlates of War Data on War: An Update to 1997." Vol. 3-0 CSV.
9. Kritzer, Herbert M. ed. 2002. *Legal Systems of the World: A Political, Social, and Cultural Encyclopedia*. Santa Barbara, CA: ABC-CLIO.
10. Government of East Timor. 2006. *Final Report of the Commission for Reception, Truth and Reconciliation in East Timor*.

**Table 2. The Positive Influence of the Combination of Civil War and Power Sharing**

<b>Conflict</b>	<b>Conflict Type?</b>	<b>Ten Years?</b>	<b>Legal System?</b>	<b>Power Sharing?</b>	<b>Third Party?</b>	<b>TRC?</b>
Guatemala	Civil war with acts of genocide	Yes	Civil	Yes	Yes	Yes
Sierra Leone	Civil war	No	Common	Yes	Yes	Yes
East Timor	Civil war with acts of genocide	Yes	Civil	No	Yes	Yes
Yugoslavia	Civil war with acts of genocide	No	Civil	Yes	Yes	Yes

**Table 3. The Negative Influence of the Combination of Civil War and Power Sharing**

<b>Conflict</b>	<b>Conflict Type?</b>	<b>Ten Years?</b>	<b>Legal System?</b>	<b>Power Sharing?</b>	<b>Third Party?</b>	<b>TRC?</b>
East Timor	Civil war with acts of genocide	Yes	Civil	No	Yes	Yes
Eritrea	Civil war	Yes	Civil	No	Yes	No
Vietnam	Civil war	No	Civil	No	No	No
Lebanon	Civil war	No	Civil	No	Yes	No
Egypt	Civil war	Yes	Civil	No	No	No

**Table 4. Relationship between Long-Term Political Oppression and Power Sharing**

<b>Conflict</b>	<b>Conflict Type?</b>	<b>Ten Years?</b>	<b>Legal System?</b>	<b>Power Sharing?</b>	<b>Third Party?</b>	<b>TRC?</b>
South Africa	Political oppression	Yes	Common	Yes	Yes	Yes
Chili	Political oppression	Yes	Civil	Yes	No	Yes
South Korea	Political oppression	Yes	Civil	Yes	Yes	No
Russia	Political oppression	Yes	Civil	Yes	Yes	No

**Table 5. Post-Conflict Societies That Did Not Establish TRCS and Also Had Third Party Involvement**

<b>Conflict</b>	<b>Conflict Type?</b>	<b>Ten Years?</b>	<b>Legal System?</b>	<b>Power Sharing?</b>	<b>Third Party?</b>	<b>TRC?</b>
Nicaragua	Civil war	No	Civil	Yes	Yes	No
Papua New Guinea	Civil war	No	Common	Yes	Yes	No
Bangladesh	Civil war	Yes	Common	Yes	Yes	No
Northern Ireland	Civil war	Yes	Common	Yes	Yes	No
Abkhazia-Georgia	Civil war with acts of genocide	No	Civil	Yes	Yes	No

