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Abstract

The recent propagation of Truth and Reconciliation Commissions around the world marks the beginning of a shift from retribution and war tribunals to reconciliation and restorative justice. What factors have lead to this remarkable transition? This study looks to answer this question by employing a comparative-historical research method to examine recent TRCs in South Africa, Sierra Leone, and Peru. Grounding this research in popular theories of state policy making, this study looks to distill the influence of both international and domestic actors on the state's creation of a TRC. The research demonstrates the varied influence of both international actors, who offer significant resources in some cases and play a supportive bystander role in others, as well as sub-national organizations that have also been found to vary in composition and structure, specifically in the role of the church. While these distinctions are worth drawing attention to, this analysis concludes by suggesting that the influence of these organizations in each case demonstrates that both factors are nonetheless essential to the creation of a TRC.

Introduction

For as long as history has been recorded and remembered, the people of the world have witnessed atrocities against one another. While these infringements occur far too frequently, the methods in which governments attempt to assuage the victims of these crimes has altered throughout history. Historically, governments have demonstrated a preference for war tribunals such as those at Nuremberg. While such trials are still held around the world for egregious offenders, current trends show an increase in methods promoting reconciliation and restorative justice, with less focus on the retributive nature of war courts. This shift has been the most common in cases of transitional governments. Transitional government describes the process by which unstable, primarily authoritarian governments transform into democratic states. When confronted with past human rights violations, newly democratic regimes seeking transitional justice may opt for a variety of strategies ranging in spectrum from amnesia, the overall denial of prior rights violations, to trials, which represent the most extreme form of retributive justice (Amstutz 2005: 18). While methods of amnesia and trials have been exercised in the past, Amstutz suggests that truth telling, a solution which falls in the middle of his strategy spectrum, represents the most appropriate and useful method of transitional justice. Only through public acknowledgement of past atrocities can society take necessary steps toward confronting and overcoming its collective trauma (28). The question then becomes, what changes have led to the recent increase in truth commissions? What factors compel the state to disregard methods such as amnesia or trials in favor of truth commissions?

The introduction of reconciliation in transitional governments has been swift, with approximately 20 truth commissions being conducted in the last 30 years (Hayner 1994). The recent proliferation of these commissions demonstrates the essential reason to study and

understand them. While many scholars agree that these commissions can have a dramatic influence on the state of human rights, they have focused their studies primarily on the outcomes and effectiveness of truth commissions. Many of these scholars neglect to consider the variables that must be present to ensure the initial implementation of such commissions. While it is undoubtedly of great importance to study the outcome of truth commissions, we must first have a firm grasp on how a government initially chooses such a commission as its ideal transitional strategy. Because they have been employed so frequently, and seem likely to be implemented in the future, establishing such an understanding is crucial to the further study of truth commissions. More importantly, these commissions should be studied because of the enormous influence they can have on the future of human rights in these nations and in human rights around the world. Their goal, to be achieved through the telling of truths, is to foster tolerant communities which remember and forgive past rights violations. These commissions can have a cleansing effect, resulting in more rights conscious nations. The methods of amnesia and trials cannot have such a drastic impact on a country's approach and consideration of human rights. Amnesia condones these violations while trials only address the isolated incident and not the greater goal of exacerbating human rights violations from the state.

Understanding these factors can help to elucidate why restorative justice has displaced retribution. This essay will suggest that the implementation of truth commissions is both the result of persistence by international organizations, both formal bodies and non-governmental actors, and also domestic organizations, such as the church and local non-profit human rights groups. International organizations place pressure on the new regimes in each nation while also working in conjunction with domestic grassroots organizations. The continued pressure from

these united international and domestic fronts results in the government's decision to enlist a truth commission to facilitate the transitional process.

Of the numerous commissions that have been established over the last twenty years, the majority have been simply classified as truth commissions. The highly-acclaimed case of South Africa represents the first case in which a Truth and Reconciliation Commission (TRC), rather than a truth commission was instituted. This TRC, and those that have since followed, introduce a wider range of goals for the commission, looking not only to ensure that the truth is told, but also to encourage reconciliation and forgiveness among the people. While the structure of these commissions are quite similar to those of other truth commissions, the inclusion of reconciliation in their initial goals makes these bodies different than standard truth commissions, and therefore worthy of consideration. Due to these broader goals, and because only a handful have been created, this study will examine the factors that led to the creation of Truth and Reconciliation Commissions (rather than simply truth commissions) in South Africa, Sierra Leone, and Peru.

These three cases are also regionally representative as they include both cases from Africa and Latin America which are the two locations that have conducted the majority of these commissions. Priscilla Hayner, in her consideration of several truth commissions, addresses these regional differences. Latin America has conducted truth commissions primarily in response to the struggle of many nations with a history of successive military coups and authoritarian governments. These conflicts have been primarily political, involving an oppressive regime and its efforts to eradicate both its political opposition and the nation's peasant workers. The military has often been responsible for the majority of the human rights violations which they have justified "on national security grounds, portraying itself as valiantly fighting against the subversives" (Hayner 1994: 653). Africa, rather, has experienced many of

its violations as a result of ethnic or religious conflict. Many of these animosities date back to the colonial period which makes them deeply rooted and difficult to overcome. While most commissions have occurred in Latin America and Africa, countries outside of these regions (e.g., Germany and The Philippines) have also established such commissions.

In the course of the essay, I will attempt to use the research I have collected to demonstrate the process by which Truth and Reconciliation Commissions are instituted, specifically considering the efforts of international and sub-national human rights groups. Before considering the research findings I will first offer a brief assessment of some of the current theories of state action and policy implementation. One of the most influential theories of state action is classical liberal pluralism, which suggests that state policy making is influenced primarily by members of local civil society. Another important influence is world polity theory which contends rather that the influence of international actors results in most policy making. Neither of these theories alone sufficiently describes state policy making in a transitional government, which is why a theory combining both the importance of international and local institutions is needed. The theory of transnational activism suggests that both domestic and international actors work together to influence state policy. Guided by this theory, I will then provide an explanation of the methodological approach taken in my study and why it is useful for this analysis. I will employ a comparative-historical approach to this research, drawing parallels among the cases which will elucidate the common variables, along with important differences, found in each state that result in the establishment of a TRC. My research uses mainly primary sources such as local newspapers and the websites and literature of human rights groups, which will provide accurate data describing the efforts of both international and local organizations in the implementation of the TRC. Grounding the research in the theory of transnational activism

and taking a comparative historical approach, I will present my findings and conclude with some recommendations for future research in the field of truth commissions.

Literature Review

While scholars have developed numerous theoretical perspectives to further the understanding of human rights, the development of Truth and Reconciliation Commissions can most accurately be understood as an example of state action and policy making. The question is not whether these transitional governments were committed to the promotion of human rights, but rather, how this commitment took the form of a TRC. Three theories offer particular insight into TRCs as a form of state action: classical liberal pluralism, world polity theory, and the theory of transnational activism. Each of these theories offers insight into the actors who influence the institution of TRCs. Classical liberal pluralism considers the main actors in state policy making to be civil society, while world polity theory suggests that it is international players who carry the most influence. The theory of transnational activism, which is hybrid of the two aforementioned theories, suggests that both international and domestic human rights efforts lead to the government's creation of a TRC.

Classical Liberal Pluralism

Classical liberal pluralism suggests that members of civil society exert primary influence on the state when it creates public policy. Pluralist theory posits that society is made up of numerous diverse groups. These groups "compete" to influence the decisions made by the state (Polsby 1963; Truman 1962). Pluralism acknowledges the varied interests of these groups and encourages members to accommodate their differences by engaging in peaceful negotiation. The state, therefore, is influnced by diverse members and groups of civil society (assuming they feel strongly enough about the issue to mobilize pressure) when making policy decisions (Manley

1983). For pluralism to function and to be successful in defining the common good, all groups must agree to a minimal consensus regarding shared values (which tie the different groups to society) and shared rules for conflict resolution between the groups; they must abide by the "rules of the game" (Truman 1962). The term *polyarchy* has been coined in reference to the "systems run according to punitive democratic rules of the game" (Dahl and Lindblom 1976). However, the necessary consensus on rules and values should not unnecessarily limit different groups and individuals within society in their value decisions. Those areas that need not be regulated to promote the success of society should be left to the decision of subordinate groups and individuals, so as to guarantee them a maximum degree of freedom.

The greatest weakness of using a pluralist approach to understand the creation of Truth and Reconciliation Commissions results from the commission's effort to start "fresh" and rewrite the rules of the game, therefore admitting that the former rules were in some way flawed or disregarded. Because pluralism requires that civil society creates many of the rules of the game, the blame for the atrocities falls on civil society for creating inadequate rules. Though this represents a potential flaw in the theory, it may still be accurate in describing the process by which TRCs are created. Under a pluralist model, the TRC would reflect the ideas and beliefs of the strongest, most influential local interest groups. Such groups would likely only interact with international organizations on the basis of interest, such as the acquisition of funds, and not on issues of beliefs and ideologies.

World Polity Theory

World polity theory opposes classical liberal pluralism by suggesting that world cultural principles and institutions, not civil society, shape the actions of the state (Boli 1993; McNeely 1995; Thomas 1994). World polity theory also considers the importance of establishing a

universal cultural framework. The purposes and behaviors of individuals and states are subject to change as this framework is modified and altered (Boli and Thomas 1997). Because these purposes and behaviors are readily alterable as cultural frames change, studies have found "striking structural homology across countries" which results from the creation of an overarching world culture (Boli and Thomas 1997). This world culture accounts for the ways in which nation-states of vastly different histories and regions are structurally similar in many unexpected dimensions and change in unexpectedly similar ways (Boli 1997). Such a world culture requires that states respond to global principles and not only to their own or societal interest. Individuals, organizations, and states each have interests that are defined in universalistic terms, and therefore each state is invested in a unitary global interest (Meyer and Jepperson 1996).

World polity theory suggests that we live in a dynamic world culture which is carried out by individuals and organizations that are constructed as legitimated actors who are filling roles as agents of universal law and collective goods (Boli 1997). This dynamism and variability is possible because world society is a stateless entity. If a world actor embodied a single state, rights-based claims would be discouraged. The discovery of new truths would also be discouraged due to the impending costs they would necessitate (Eisenstadt 1987). Therefore it is beneficial to have a stateless world society comprised of several compliant nation-states. The culture of world-society allocates responsibility to these nation-states (Boli 1997). While these nation states are granted authority, they must consider the intention of world society and those agencies that represent world society, such as the United Nations. Through receptive engagement in such universalistic terms, these actors work to legitimate one another.

Applying the principles of world polity theory, the TRC would be primarily influenced by the efforts of international actors, as they both provide resources and directly influence and

shape the beliefs of local interest groups. While world polity theory appears to pay little attention to sub-national organizations such as the church, local human rights NGOs, and influential local politicians, further research may show that these sub-national actors are well-connected to the world polity and therefore may work to transmit global goals and values to the society. If this is true, though, it suggests that because each nation has similar goals and ideas, the TRCs should appear and function in an almost identical manner. It therefore would not account for discrepancies in the set-up and procedures of various TRCs.

Using these theories, this analysis looks to describe the process by which TRCs are created in states experiencing transitional governments. It may be the case that neither local NGOs (classic liberal pluralism) nor international organizations (world polity theory) alone can sufficiently pressure the state, therefore suggesting the need for a new theory.

Research Design

I employ a comparative-historical research design to study TRCs in Peru, Sierra Leone, and South Africa. Traditionally, TRCs have been studied by interviewing officials and participants. Comparative-historical research can provide information regarding the similarities and differences between the three cases that interviews cannot. Interviews are often better suited for looking at one case as opposed to comparing the like trends in several cases. The results of interviews are often founded more in opinion than in fact, as interviewees are often caught up in the particularities of one case and its affects on a personal level. Such personal opinions and views are not entirely useful when attempting to distill the factors that lead to the initial institution of TRCs.

In considering the influence of international and domestic organizations, and the extent to which they work together to pressure the transitional government, the path to instituting a truth

commission can be more clearly understood. Using these organizations as independent variables in each case, we can compare the results to determine which variables do actually influence the creation of a truth commission, and which may be only supplementary and/or case specific. This is another of the major benefits of enlisting a comparative-historical approach; each outcome is accounted for by historical evidence. Yet another benefit can be found in the data sampling as it is relevant to the research question and not chosen at random. When considering the independent variables that affect the implementation of a TRC, many questions arise. What degree of influence does each factor have? Does this degree vary across examples or is it a fairly consistent trend? If it does vary, what affects does this variation have on the final creation of the TRC? Which of the proposed theoretical models is it the most consistent with? A comparative-historical approach to this study can help clarify the answers to questions such as these. It is also important to mention that, while a comparative-historical method has proven to be the optimal approach to this study, such an approach often provides such vast bodies of information that some potentially fruitful findings must be sacrificed. In this study I have neglected to closely consider the role of the state in implementing TRCs. While political figures in each nation certainly played an influential role in the decision to create a TRC, they alone could not have instituted such a commission, therefore necessitating a closer examination of the roles of international and sub-national actors.

I selected the cases as a purposive sample of regionally representative TRCs. As previously discussed, it is important to study cases from both Latin America and Africa as truth commissions are abundant in these regions, though they arise for vastly different reasons. This study uses the method of agreement in considering the three cases at hand, while also examining subtle differences in the establishment of the TRCs. Each of these cases represents a situation in

which a variable, or combination of variables, resulted in the creation of a TRC. Not only are they regionally representative, but these three cases also are the only Truth and Reconciliation Commissions (rather than simply truth commissions) that have been completed, making them worthy of case selection. This study lacks a fully developed method of difference comparison, which would require examining countries that could have – but did not – develop TRCs. I do, however, examine the cases to see potential differences in national and international influence in the establishment of TRCs.

While extensive research has been published on the TRC in South Africa, the literature on Peru and Sierra Leone is significantly more limited. Because South Africa is the only country in which such broad research has been conducted, this article requires a close examination of primary sources to determine the factors in the cases of Sierra Leone and Peru (as well as the more accessible primary and secondary sources on South Africa). The analysis uses sources which reference the role played by both international and local organizations in the creation of TRCs, and more specifically looks at sources that describe how these two types of organizations work in relation to the state and one another. I use evidence collected through newspaper articles, statements from various organizations, scholarly articles, websites, and other written sources, which I then piece together to provide a useful picture of the specific organizations that influence state policy making. Using primary sources is extremely useful in this type of research as it provides information that is frequently overlooked. For example, many of the local organizations in the three nations were greatly influential in encouraging the state domestically, but are relatively unheard of outside the nation. Through accessing local newspapers, I include information about the roles of these organizations.

Case Histories

Before analyzing the establishment of the three TRCs, I will provide a brief background description of the conflicts that the TRCs were meant to address. The first of these cases is undoubtedly the most well-known case of South Africa. The institution of apartheid in South Africa was a process of racial segregation that lasted from 1948 to 1994. Under apartheid, people were geographically separated by race, with a white minority comprising the ruling class (Amstutz 2005). Education, medial care, and other public services for non-whites were vastly inferior to those available to white South Africans. In 1960, the African National Congress (ANC), the primary party of the non-white Africans decided to use violence to combat the injustices of apartheid. Many members ANC, including future president Nelson Mandela, were arrested and sentenced to life imprisonment for treason and terrorism. In 1973, the General Assembly of the United Nations condemned apartheid as inherently unjust and racist and therefore a violation of human rights. In the late 1980s the nation was in a constant state of emergency, as the government attempted to balance increasing civil unrest without help from neighboring nations or international organizations. In 1990, President de Klerk, recognizing the state of the nation, lifted the ban on the ANC and called for the release of Mandela from prison. These actions soon resulted in the end of apartheid, democratic reforms, and the election of Mandela as president.

The civil war that plagued Sierra Leone throughout the 1990s was different than apartheid in South Africa in that it was not driven by ideology or ethnic tensions, but rather a radical faction's quest for personal enrichment. The Revolutionary United Front (RUF), headed by Foday Sankoh and supported by Liberian President Charles Taylor, invaded Sierra Leone under the pretense of "fighting government corruption" and quickly forced the collapse of the state apparatus. The RUF became notorious for the practice of amputations as well as the forced

enlistment of children into their army (Roper 2006). They then gained control of the lucrative diamond industry which they traded for support from Charles Taylor's army in Liberia. The government continued to function using primarily grants and loans from international organizations. In 1998, Sankoh was captured and jailed, and in 1999 the opposing factions acknowledged that they had reached a stalemate and signed the Lome Agreement (Roper 2006). While there were a few minor attacks after the signing of the agreement, by 2002 the combatants had been completely de-militarized.

These cases of human rights violations are not unique to Africa as is evident in the case of Peru. Peru experienced two decades of abuse by military regimes and violent radical reformist groups. The most well-known of these reformist groups is *Sendero Luminoso*, or Shinning Path. This group became infamous for the guerilla warfare techniques they used against highland peasants (Stern 1998). Members of the radical group openly rejected the notion of inherent human rights, suggesting that such an idea was merely the creation of bourgeois elites. While the government was initially dormant, the military, under the orders of President Alberto Fujimori, eventually retaliated by engaging in similar oppressive tactics. The government suspended constitutional rights in areas that were thought to be controlled by Shinning Path guerillas in order to carry out an all-out attack on these rebels. Approximately 70,000 civilians died at the hands of the government and rebel organizations.

Research Findings

In this section of the paper, I elucidate the relationship between international and local organizations and the influence they have on the establishment of Truth and Reconciliation Commissions. These organizations work successfully to persuade the state to create these

commissions. These factors can be distilled from a detailed analysis of South Africa, Sierra Leone, and Peru.

International Human Rights Organizations

When considering the roles and interactions of the variables that influence the state, I will address the interests of international human rights organizations. While there has been a recent propagation of such organizations, this study will specifically address two of the most distinguished organizations, the United Nations and Amnesty International, which work together closely in combating human rights violations worldwide. The focus on these two organizations allows for more direct sampling of primary source material produced by these international actors, while the two different bodies represented are among the most prominent inter-governmental and non-governmental organizations.

The United Nations is the preeminent organization which focuses on the promotion and protection of human rights. While human rights were not a consideration at the inception of the UN, the issue quickly gained in importance. The UN has created a wide array of human rights treaties throughout the years which have all worked to influence the current perception of human rights (Barkin 2006: 80). The UN created a Commission on Human Rights which is comprised of 53 nations that work together to study human rights abuses around the world. The UN has also created several smaller, more specific human rights bodies which required the establishment of the United Nations High Commissioner for Human Rights (UNHCHR). The UNHCHR works to provide efficiency and a united voice for the various commissions, which provides legitimacy to the organization (Barkin 2006: 81). Without this sense of cohesiveness, the various organizations would surely conflict with one another, making it difficult to provide a united front against human rights abuses. This vast increase in the expanse of the United Nations

demonstrates its vested interest in human rights. The UN as a peacekeeping entity cannot succeed in any areas of involvement without also being an active promoter of human rights.

The UN relies heavily on collaboration with various NGOs which specialize in human rights, one of the most influential being Amnesty International. Amnesty International's mission statement includes the desire "to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights" (Amnesty International 2006). Groups like Amnesty International have proved to be more successful at instituting immediate changes in specific cases of human rights violations, while the United Nations has been successful at encouraging a gradual shift in how the world views human rights. Thus, the union of the two organizations proves to be beneficial for both partners, so valuable that many scholars have suggested that "international organizations responsible for monitoring human rights have fundamentally changed the way international politics work" (Barkin 2006: 82). This difference justifies my focus on these two specific organizations for this analysis. While numerous international human rights organizations exist, the inclusion of both a powerful intergovernmental organization (the United Nations) and a well-known non-governmental organization (Amnesty International) provides insight into the work that has been done by a variety of international organizations to support TRCs.

International organizations often play an essential role in the transition to democracy. In their roles as peacekeepers and the providers of financial and human resources, international organizations ease the transitions made in many of these countries. Given the aim of TRCs to serve as a mechanism to promote stable transitions, it seems likely that international actors may

have been involved the promotion of TRCs. I now turn to the historical evidence to determine if that is the case.

International Influence in South Africa, Sierra Leone, and Peru

South Africa.   The United Nations actively fought the human rights abuses under apartheid in South Africa for decades. During the Cold War era, the South Africa campaign was one of the most visible undertakings of the UN, and the UN still today considers the successful democratic election of Nelson Mandela in 1994 to be one of its greatest achievements. The UN actively participated in the election by creating the United Nations Observer Mission in South Africa (UNOMSA), which the organization heavily staffed to assist in the election process. On June 23rd, after 24 years, South Africa took its place once again in the United Nations General Assembly. It is interesting, then, to consider that the UN did not play a influential role in the Truth and Reconciliation Commission in South Africa, but rather left the decisions largely to local government officials and other international organizations. While the United Nations has established and funded truth commissions in other nations, such as Peru, the UN's recognition of the relative stability of South Africa after Nelson Mandela's election to the presidency allowed the organization to adopt the role of a powerful and influential bystander.

Amnesty International also closely monitored and participated in the transitional stage of South Africa from apartheid to democracy. Upon Mandela's election, Amnesty International made several recommendations about steps that needed to be taken such as "calling on the government to ratify international human rights instruments, abolish the death penalty and to bring to justice perpetrators of human rights violations" (AI Report 1995). While Amnesty International was an adamant supporter of the TRC, they, as well as many other international human rights organizations, were opposed to the offering of blanket amnesty to those who were

guilty of the most horrific human rights violations. While the offering of amnesty encouraged perpetrators to fully divulge their crimes, it did not allow for the appropriate punishment of their actions. One representative of Amnesty International stated,

> We are strongly against these amnesties and we have made strong representations to the South African government to make our position clear. It is not our job to prescribe punishment, but we insist that the perpetrators of the worst violations must be brought to justice. What we can say is that known perpetrators must be prohibited by law from holding political positions and from jobs where they have responsibility for people in detention and for the use of force (AI Report 1995).

This vehement opposition to unhindered amnesty did not alter Amnesty Internationals support of the TRC, as despite their desire for some form of retributive punishment, they continued to view the commission as being an ultimately more effective tool in restoring peace and democracy to South Africa than could be achieved using only criminal tribunals. Amnesty International pressured the commission to begin in a timely manner and encouraged the commissioners to conduct the most extensive survey possible in the allotted time period.

Sierra Leone. The United Nations was significantly more visible in the actual implementation of the TRC in Sierra Leone than it was in South Africa. The UN was very active in the effort to end the civil war that plagued Sierra Leone throughout the 1980s and 1990s. The UN's persistent pressure (as well as the stalemate that arose between the opposing factions) resulted in the creation of the Lomé Agreement, which both provided an end to the war and required the creation of a Truth and Reconciliation Commission. The UN, as well as other international organizations such as Amnesty International, openly embraced this treaty. The UN also was responsible for the fundraising of the TRC. While the UN was active in the establishment of the TRC, it was perhaps even more influential in the creation of the Special

Court of Sierra Leone which was responsible for trying the most egregious human rights offenders (Roper 2006: 36). After the South African TRC, in which many violent human rights offenders were granted amnesty in exchange for their testimony, the UN felt that further steps needed to be taken to ensure that the worst violators were punished. The simultaneous operation of these bodies was not flawless, as it was difficult for violators to admit wrong doings at the TRC hearings in fear of being punished for these actions if indicted by the Special Court (Artz 2006). This tension resulted in some of the most serious offenders only being tried by the Special Court and not being heard by the TRC, which the UN considered to be a necessary sacrifice. These bodies were both supported by the United Nations and worked in conjunction with one another to facilitate transitional justice in Sierra Leone.

Amnesty International also closely monitored Sierra Leone's transition and the end of the civil war. Though the organization was not as directly involved as the United Nations, they produced numerous publications in support of the TRC and pressuring the government to extend the commission's reach as far as possible. In their 2003 report on Sierra Leone, Amnesty International commended the "significant improvement in the human rights situation" (Amnesty International 2003). While Amnesty International still acknowledged (and continues to acknowledge) the great amount of work that is to be done, they recognize the important progress that has been made since the 2002 creation of the Truth and Reconciliation Commission and the Special Court. The organization has recently welcomed the surrender of Liberian president Charles Taylor (who was a key figure in the human rights violations that were endemic during the civil war) to the custody of the Special Court.

Peru. The case of Peru also exemplifies the involvement of international organizations in the creation of the TRC. The United Nations was an active supporter of the TRC in Peru,

offering time and resources (primarily funding) to the endeavor. The Peruvian government signed an agreement with the United Nations Development Program in which the United Nations agreed to donate funds to Peru for the Truth and Reconciliation Commission, provided the UNDP had control over the allocation of the funds (Comision de la Verdad 2006). This funding was essential to the commission, as it enabled the commission to do extensive work to ensure the creation of the most useful and detailed final report possible. The United Nations is currently pressuring the government to now follow through with the findings of the report to encourage the goal of reconciliation.

Amnesty International was also actively involved in the foundation of the TRC in Peru. One Amnesty International report on torture called on the Peruvian authorities to take decisive action to eradicate torture and to correct the problem of impunity (Amnesty International 2004). Amnesty International also wrote a letter to then president, Alejandro Toledo, emphasizing the importance of the commission:

> The organization welcomes the setting up of this Truth Commission to clarify violations of human rights and humanitarian law which took place in Peru between May 1980 and November 2000. It believes that it is essential to take steps to shed light on what really happened in terms of human rights during this period not only so that history is aware of it but also to encourage the Peruvian State to meet its international obligations with regard to the prevention of human rights violations and to show that, when such violations occur, it is absolutely essential to investigate them, bring to trial and punish those responsible and provide reparations for any damage caused (Amnesty International 2004).

Amnesty International encouraged the initial establishment of the TRC and has continued to support its work. "The [TRC's] report is an important step towards truth and justice in Peru, after two decades of internal armed conflict in which grave human rights violations and abuses

were committed by the state and by the armed opposition" (Amnesty International 2004). In an earlier press release, Amnesty International also urged the Japanese government to return Fujimori to Peru to pursue judicial proceedings regarding the widespread human rights abuses that were committed during his presidency (Amnesty International 2004).

Through an examination of the role of international actors in each of the aforementioned TRCs, a few key differences in the implementation of each case become apparent. In the case of South Africa, the international organizations, while frequently voicing support for the TRC, seemed to occupy the role of a bystander who, rather than playing an active role in the actual planning and proceedings of the commission, was content to watch and ensure the TRC progressed smoothly and in a timely manner. While these international organizations were surely influential, it is apparent that other factors must also have played an influential role in the implementation of the TRC in South Africa. The UN played a much more predominant role in creating the TRC in Sierra Leone and Peru. In Sierra Leone, the UN was especially active in establishing the Special Court to operate alongside of the TRC. Many international organizations were unsupportive of the blanket amnesty offered by the South African committee and therefore strongly backed the creation of a court which would serve to try the most egregious human rights offenders. The UN was responsible for guaranteeing that these separate bodies worked successfully and in conjunction with one another. In Peru, international organizations, specifically the United Nations, were largely responsible for funding the TRC. While they also assisted in the funding of the South African and Sierra Leonean commissions, they were the sole financial supporter in Peru, and therefore had ultimate control over the specific operations of the TRC. Amnesty International played a less direct role in each of these cases than the UN in

regard to funding and personnel, but was active in supporting and persuading the government in each case to adopt a TRC.

While we are able to distill differences in how international organizations participated in the TRCs in each of these cases, the most important factor to recognize is that these organizations were essential in each case. These international actors played a less influential role in South Africa than in the other two cases because, in South Africa, democracy had already been established and the government was stable enough to take the lead role in organizing the TRC. The UN did closely monitor the situation, though, and Amnesty International continuously pressured the government to set up the commission as they deemed appropriate. It can, therefore, be suggested that the extent of international involvement in the TRC is inversely correlated to the level of democratic stability in each country. Because these international organizations closely monitored each case, we can conclude that, as suggested by world polity theory, without the influence of international organizations, it is unlikely that the TRCs in these nations would have been successfully established. It is also important to recognize, though, especially in light of the bystander role taken in South Africa, that international involvement alone was not sufficient to encourage the governments of these nations to implement TRCs; therefore, there must be other factors which also work to secure the institution of these commissions.

Domestic Human Rights Support

When considering what these other factors that lead to the creation of a TRC might be, we must turn away from the international and consider the role of sub-national actors. Whether the commission is implemented by the president, parliament, or is a requirement of law, it is usually the product of a local and international collaboration. I examine the role of domestic actors such as local human rights groups and the role of the church in these three cases. It is first

important to consider why local human rights groups and churches would be so influential in influencing state policy, as this has not always been the case.

Many studies have discussed the recent proliferation of human rights organizations around the world. This increase in human rights groups and the simultaneous propagation of truth commissions is not a mere coincidence. The explosion of human rights groups in the last 20 to 30 years has been especially noticeable in Latin America and Africa (also the locations of the majority of past truth commissions). Latin America has more domestic human rights NGOs than other parts of the third world with a 1990 list suggesting that there are more than 550 such organizations (Sikkink 1993: 419). They have "emerged as part of a movement committed to the idea of an alternative development that would differ from the dominant exclusionary, top-down, and often repressive forms of development" (Bebbington 1997: 117). These groups have gained legitimacy and power over time, and have become especially influential in cases of transitional governments. While human rights groups in Africa have not mobilized quite to the extent than they have in Latin America, there has still been a dramatic increase since the 1970s. These African organizations are also more dependent on international funding than their Latin American counterparts. "There is little doubt that many of the groups could not function effectively or even survive without external financial support" (Matua 1994: 31). This is a concern to some African leaders as they fear that these large international organizations will micro-manage local human rights groups.

These human rights organizations alone do not influence the state from the domestic level, but rather the church also works to persuade state policy makers. Before looking at the role of the church in implementing these commissions it is important to consider why the church would take on such an activist role in pressuring the state. The moral foundation of religious doctrine

has influenced churches' involvement with TRCs. Many previously established war tribunals sentenced violators to death, to which many religious institutions have voiced opposition. The work of the TRC "including its [South Africa's] controversial amnesty provisions, achieves or promotes important moral values, values that are far less likely to be attained through prosecutions" (Kiss 2002: 69). Therefore, the ideology behind truth commissions, which promote forgiveness and reconciliation, closely reflects most religious doctrine. Amy Gutmann, in her analysis of the morality of truth commissions suggests, "[i]n a democratic society, and especially in a society that is trying to overcome injustices of the past, trading criminal justice for a general social benefit such as social reconciliation requires a moral defense if it to be acceptable" (2000: 22). Such a defense has been used by many religious groups in their support of these commissions.   Each commission has been headed by a local religious figure which also exemplifies the importance of the church as an influential actor in state policy.

Domestic Influence in South Africa, Sierra Leone, and Peru

South Africa. The end of apartheid started in 1990 with several domestic negotiations which worked to establish a new constitution. The Convention for a Democratic South Africa succeeded in establishing such a constitution in 1993, and it established the basis of a transitional government (Amstutz 2005: 192). While this process was overseen and encouraged by international human rights organizations, it was also encouraged by local human rights organizations in South Africa. In 1996, the nation established the South African Human Rights Commission (SAHRC) which was granted "wide powers to defend ordinary citizens from the abuse of power and foster a culture of tolerance and mutual respect" (South Africa Human Rights Commission 1996). The group has voiced its support for and admiration of the work done by the TRC, and has vowed to encourage that the recommendations made by the

commission to end racially motivated violence are acted on. Barney Pityana, the Chairman of the SAHRC, stated at a Reconciliation Day gathering, "There is one race, the human race. There is no white or black race or colored race or Indian race. It is a myth that made the 20th century one of the color lines" (Rights Activists 2000). Prominent South African human rights groups such as the Study of Violence and Reconciliation encouraged the TRC because it provided the opportunity to "open a serious debate about apartheid" (Zavis 1996). The organization has encouraged the commissioners of the TRC to challenge the statements of those who are known to have committed human rights violations; by making the situation unpleasant and requiring that these abusers are completely open and honest, the entire horrible truth can be disclosed and the process of reconciliation can truly begin.

While the support of grassroots human rights organizations was essential in the establishment of the TRC in South Africa, these groups alone did not offer the sufficient pressure from below to influence the state, but rather were joined with support from the church. Archbishop Desmond Tutu has become the iconic figure of the South African TRC. He has used the foundation of the church and the immorality of racial discrimination and human rights violations to encourage the establishment of the TRC, which he believed would work to address and condemn such behaviors. In 1997, he added his signature to a survey conducted by Amnesty International in their celebration of the Universal Declaration of Human Rights, thus voicing his unwavering dedication to the promotion of human rights and the end of apartheid. As he signed the pledge book, Archbishop Tutu committed himself "to do everything in my power to ensure that the rights in the Universal Declaration of Human Rights become a reality throughout the world" (Amnesty International 1997). The South African Council of Churches (SACC) also promoted the establishment of the TRC and its effort to combat racism and promote

reconciliation in a divided South Africa (Mathiane 2000). The SACC has suggested that one of the primary goals of the TRC should be to help whites rid themselves of racist tendencies, as many whites have claimed an unawareness regarding the retention of these practices, and indicated an uncertainty in how to eliminate such beliefs. The SAHRC has also encouraged the work of the SACC suggesting that "legislation cannot change the hearts and the minds of people the way the churches can" (Mathiane 2000). It is instead through the efforts of both local human rights organizations and the church that adequate domestic support was placed on the state to encourage the establishment of a TRC in South Africa.

      Sierra Leone. Several local human rights organizations in Sierra Leone have worked in conjunction with international organizations to pressure the government to establish a TRC to help alleviate the victims of the horrors which resulted from the civil war. The National Forum for Human Rights, the largest coalition of human rights groups in Sierra Leone, has fervently labored to ensure the implementation of a TRC in Sierra Leone with hopes of achieving success similar to that of South Africa. Two member organizations - Forum of Conscience and ARTICLE 19: The Global Campaign for Free Expression - initially proposed the "two-track approach" on achieving truth and justice in Sierra Leone, which included the development of both and Truth and Reconciliation Commission and an war crimes tribunal (which later became the Special Court of Sierra Leone). The Forum of Conscience released a statement, reasoning that "The RUF has launched a direct attack on the peace process. In reaction, we called for the establishment of an international war crimes tribunal. But this does not mean that there is no longer a role for the Truth and Reconciliation Commissions to help peace return to this country" (Africa News 2000). The article also suggested that because whatever judicial system is set up will have a greatly limited capacity to promptly undertake a large number of prosecutions, "the

TRC process can assist in addressing the sense of injustice which many may feel if there seems little prospect in the foreseeable future of prosecution of those implicated in human rights abuses against relatives, friends, or communities" (Africa News 2000). The human rights organizations also put pressure on international organizations, such as the UN to stress the priority of establishing a truth commission in Sierra Leone. ARTICLE 19: The Global Campaign for Free Expression and the Sierra Leone Working Group issued joint statements to the Office of the UN High Commissioner for Human Rights to encourage expediting the process of launching the TRC (Africa News 2000). These groups were hugely influential in both encouraging the initial creation of the TRC and also in seeing the process and hearings carried out.

Similar to South Africa, religious groups in Sierra Leone also proved to be an essential component in establishing the Treaty which instituted a Truth and Reconciliation Commission. The Inter-Religious Council of Sierra Leone (IRCSL) was created in 1997 as a coalition of Christians and Muslims, the two major religious groups in Sierra Leone. The organization's primary focus has been the institution of peace in the previously war ridden nation. While the IRCSL has not supported the violence that resulted from the rebel factions, they have encouraged the government to negotiate with the RUF groups to end the violence that was endemic throughout the civil war, thus bridging the gap between the rebels and the government to allow discussion and negotiation (Lang 2000). The IRCSL was perhaps the most prominent religious proponent of the TRC and its goals, and it continues to work toward forgiveness and reconciliation for the people of Sierra Leone. Many of these activist religious organizations have networked with both local and international NGOs, as well as UN agencies in lobbying the government to support a TRC (Mwangi 1999). These religious organizations have also advanced the cause of reconciliation by issuing public apologies for often "failing to perform [their]

prophetic role in speaking aloud against such issues like human rights" (Kamara 2002). They have suggested that the TRC is an essential step toward reconciliation, which is praised as a central teaching of the church. Religion also proved to be an influential factor in deciding the commissioner for the TRC as it was chaired by Rt. Rev. Dr. Joseph Christian Humper, the Bishop of the United Methodist Church of Sierra Leone. By casting a religious figure as the head of such a commission, the government made the statement that religion is respected and influential in the process of reconciling human rights violations.

Peru. Local human rights organizations are widespread throughout Latin America. As most Latin American nations have experienced at least one, though often several, oppressive military regimes, human rights groups have been developed to fight these violations and encourage a peaceful transition to democracy. Peru fits this model, as local human rights organizations have multiplied in response to the repressive actions of both the Peruvian military and rebel opposition groups such as Shining Path. These groups have worked diligently to promote fair and democratic elections and a TRC for Peru which would allow victims, primarily peasants from the highlands who are without recourse, to be heard. Peru's National Human Rights Coordinator (NHRC) successfully pressured the transitional government to create a TRC, and upon its institution became responsible for its overall design (Lama 2001). Sofia Macher, the executive secretary of the NHRC, suggested that the commission must "work with respite towards three goals: truth, justice, and reparations" (Lama 2001). While local human rights groups have applauded themselves as well as international human rights organizations on effectively mobilizing to influence the government, they continue to pressure the government to address the commission's recommendations adequately (Benson 2004). As is evident in each case studied, the effort to secure a foundation of human rights is not complete with the institution

of a TRC, but rather takes years of work and, if needed, forced compliance by all involved parties.

Religious organizations in Peru have, as in the cases of South Africa and Sierra Leone, supported the idea of a truth commission to facilitate justice and reconciliation. The difference between Peru and these other cases is that, in Peru, the Church has been divided on the issue of human rights. In South Africa and Sierra Leone the various religious organizations opposed the prior human rights violations and supported the creation of a Truth and Reconciliation Commission. In Peru, the Catholic Church was divided on the issue, with those groups who were born under the influence of liberation theology actively opposed to the human rights violations and in support of the TRC, while members of the more conservative branch of the Church, specifically those who are members of the Opus Dei sector, denounced the claims of rights violations.[1] Many citizens are opposed to Opus Dei and its practices, and rather support the more liberal branches of the Church and their promotion of universal human rights. These liberal branches advocated the development of a TRC in Peru to help assuage the trauma of those who endured the human rights crimes that were rampant throughout the 1980s and 1990s. Salom Lerner, who was the former dean of the Catholic University of Lima, headed the TRC in Peru. Lerner and other religious officials have frequently commended the work of Archbishop Tutu in South Africa, often referring to him as an exemplary figure to embody the strengths of TRCs. The Church has frequently criticized President Fujimori suggesting that "the scale of ethical, civic, and religious values has been left to one side, giving way to impunity, lies and half-truths" (Zamolloa 2000). Bishop Luis Bamabaren, a staunch support of human rights and equality, further suggested that the nation would only be governable when "each and every one of those

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[1] Perhaps the most prominent member of Opus Dei, Cardinal Juan Luis Cipriani, has suggested that "most human rights groups were apologists for Marxist and Maoist organizations" in his defense of the military's action against the guerillas (Vecchio 2004).

who are responsible for democratization in Peru takes the truth as a starting-point," arguing for a truth commission as the optimal way to achieve this goal (Zamolloa 2000).

When considering the roles of domestic organizations in promoting TRCs in South Africa, Sierra Leone, and Peru, their enormous influence becomes immediately apparent. In each case, citizens established human rights organizations. These organizations along with the dual efforts of the church combined to form a powerful grassroots effort which successfully pressed the government to establish TRCs. Though they lacked the resources offered by international organizations like the United Nations, these domestic rights organizations played a role similar to that of Amnesty International as they provided continuous pressure on the governments to create a TRC. Their influence was multiplied by the combined efforts of religious organizations, which adamantly supported the development of TRCs due to their moral foundations. Though the Opus Dei faction of the Catholic Church in Peru represented opposition to the TRC, the majority of church officials were strong advocates for such a truth commission. In Sierra Leone, despite significant religious diversity, the various religious sectors joined together to form a single, moral community in support of the TRC. As Gutman suggests, in a world that previously placed great authority in criminal tribunals, the church succeed in legitimizing the commission's goals of restitution and reconciliation on moral grounds. It was likely due to their firm commitment to reconciliation and absolution that leading church figures were selected in each case to head the TRCs. This grassroots effort, combined with resources and pressure from international organizations, succeeded in creating TRCs to foster justice and tolerance in these previously fractured nations.

Conclusion

Truth and Reconciliation Commissions do not automatically appear as part of democratic transitions after a period of egregious human rights violations. They are rather implemented as a result of the combined efforts of international organizations, such and the United Nations and Amnesty International, and local human rights and religious groups, to promote the recognition of truth and justice. While theories such as world polity theory and classical liberal pluralism suggest that either international or grassroots campaigns alone can succeed in adequately encouraging the state, neither of these theories presents an adequate model of nations that are experiencing a period of transitional justice. The instability and uncertainty that has permeated these nations during oppressive regimes makes it impossible for a new democratic government to facilitate the creation of a truth commission without the pressure and of both international and sub-national agencies. Therefore, Truth and Reconciliation Commissions must be understood not using world polity theory or a theory of classical liberal pluralism, but instead must be consider as a marriage between the two. Understanding the way in which these theories can coexist in cases of transitional justice can help us to understand the variables that must be present for future commissions to be developed.

International organizations are essential for many reasons. In some cases, such as Peru, the TRC could not have been created without funding from the United Nations. Resources such as funding and manpower are essential for a TRC to have any power or influence in the nation. Even in cases where the tangible resources of international actors are not as essential, these international organizations act as "watchdogs" to ensure that the commission runs smoothly and successfully. They also help to provide the commission, as well as the nation, with legitimacy in the global community. International recognition of the work of the TRC in South Africa has

undoubtedly led to the creation of many new TRCs. This does not suggest that each case exactly mirrors the others; in fact there are many differences between the cases that have been discussed in this analysis. For example, South Africa granted blanket amnesty to even those guilty of the worst human rights offenses, while Sierra Leone's TRC operated in conjunction with a criminal court. International support was required more in some cases than others due to the stability of the nation and the new government. Nations such as Sierra Leone and Peru lacked the relatively well-established democracy of South Africa. Despite these differences, none of these cases could have successfully instituted a TRC without the support of international organizations.

While the possible creation of a TRC depends on the pressure international organizations place on the state, it is also fully reliant on grassroots human rights organizations and local churches. These organizations are highly visible to the state (much more so than international organizations), and therefore the new government is likely to respond to the demands of its people. The recent dissemination of human rights organizations around the world, and specifically in regions such as Latin America and Africa, has resulted in a drastic increase in the human rights consciousness of nations. These organizations have worked to end the hatred and racism that has plagued their nations' pasts. They have used their increasing power to pressure the state to adopt human rights oriented policies and institutions such as TRCs. As globalization persists, it can be assumed that international human rights organizations will continue to expand their reach, and the proliferation of local human rights groups that has characterized the last 20 years will continue, thus suggesting that truth commissions and the promotion of restorative justice will continue developing throughout the world. These groups will continue to work in conjunction with the church in providing sub-national and international pressure. While the religions of each nation vary, the church plays an equally influential role in each of the TRCs.

The shift from retribution to restitution and impunity to morality would not have been possible without the support of the church.

While this essay has looked to provide a unique analysis of the origins of Truth and Reconciliation Commissions, and specifically the factors that encourage the state to implement such commissions, it is also important to recognize the limitations that exist with such a study. While employing a comparative-historical method of analysis proved to be a very useful approach to the research question, interviews with people involved in the commissions would also have value. Such interviews could perhaps provide further enlightenment into the efforts made by international and local human rights organizations. While interviews alone are an insufficient approach to this research topic, they would compliment the findings of a comparative-historical research method as they could help to fill in the gaps of the primary source records. Another limitation of this study is that it neglects to consider cases in which a transitional government did *not* choose to implement a truth commission. This would provide a useful consideration of the method of difference as it would either further verify the appropriate selection of the theory of transnational activism as a theoretical framework, or would point the research in a new direction.

I hope in future research to consider such a method of difference, using at least one case from Latin America and one case from Africa in which a truth commission was not created. This research suggests that the absence of either international support or domestic pressure would likely result in the state choosing one of the alternative options for transitional government such as amnesia or war tribunals. As mentioned in the research methods section, a closer examination of the role of the state would also be useful in future considerations of TRCs. While each government agreed to a TRC, it would be interesting to consider whether they fully supported the

initiative or whether they needed significant persuading. This could perhaps help account for the differences in the way each commission was structured. Future research should also look more closely at the role of the church in these commissions. This study has concluded that the role of the church is imperative to the implementation of a TRC, though there is very little literature on the role of the church when compared with that available on international and domestic human rights groups. Even the vast body of literature on the morality of truth commissions neglects to adequately consider the role of churches in the initial institution the commissions.

Another consideration of future research would be to find a new theory to describe the process by which international and sub-national organizations promote state policy making. One such theory could be Keck and Sikkink's theory of transnational activism (1998). This theory embraces the ideas of both liberal pluralism and world polity theory in its effort to explain the factors that influence the state. This theory suggests that advocacy networks (such as human rights advocacy groups in favor of TRCs) are "significant transnationally and domestically" (1998: 1). These groups work together and share information which helps them to gain leverage over more powerful governments. Keck and Sikkink provide a list of dynamic actors in advocacy networks, which include 1) international and domestic nongovernmental advocacy organizations, 2) local social movements, 3) parts of regional and international intergovernmental organizations (such as the UN) and 4) churches. Each of these actors has played a significant role in the creation of TRCs. It is important to note that Keck and Sikkink suggest that "the networks participate in domestic and international politics simultaneously, drawing on a variety of resources, as if they were part of an international society" (4). For this theory to be applied to the implementation of TRCs, further research would be needed to demonstrate the ways in which these international and domestic organizations work together. It

is very likely that future research could reveal such connections, making this the optimal theory through which the creation of TRCs can be understood. Such considerations would greatly expand the existing literature and discussion on the valuable topic of Truth and Reconciliation Commissions.

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