NEGOTIATING PEACE WITH THE PKK:

Disarmament, Demobilization, and Reintegration

Amnesty Arrangements

Truth-Telling and Reconciliation

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INTRODUCTION

Turkey and the Kurdistan Workers Party (PKK) agreed to a ceasefire and a withdrawal of forces on March 21, 2013. The agreement represents a historic opportunity to address the root causes of conflict that have caused more than 30,000 deaths over more than three decades.

While the agreement is not the first time that Turkey and the PKK have entered into a ceasefire, a combination of domestic political factors makes this agreement more viable. Prime Minister Recep Tayyip Erdoğan is seeking support from the Peace and Democracy Party (BDP) for constitutional reform establishing an executive presidency. Turkish Kurds have abandoned demands for an independent homeland, in lieu of expanded political and cultural rights, as well as economic opportunity. The situation is “ripe” for resolution. Both sides are exhausted by years of armed conflict.

Turkey is not the first country to transition from armed conflict to a period of peace-building. The Program on Peace-building and Rights at Columbia University’s Institute for the Study of Human Rights has experience working in other countries facing similar challenges. Drawing on its experience, this paper offers lessons learned and best practices in the fields of:

- Disarmament, demobilization, and reintegration.
- Amnesty arrangements.
- Truth-telling and reconciliation.

Information is deliberately illustrative, not prescriptive. It is respectfully offered as Turkey and the PKK consider strategies for consolidating their cease-fire agreement and negotiating sustainable peace.
DISARMAMENT, DEMOBILIZATION AND REINTEGRATION

Definition

Disarmament, Demobilization and Reintegration (DDR) is defined by the United Nations as a process that contributes to security and stability in post-conflict recovery context by removing weapons from the hands of combatants, taking the combatants out of military structures, and helping them integrate socially and economically into society and finding livelihoods.

- **Disarmament** is the collection, documentation, control, and disposal of small arms, ammunition, explosives and light and heavy weapons to combatants and also of the civilian population.

- **Demobilization** is the formal and controlled discharge of active combatants from armed forces or armed groups. The first stage of demobilization may extend from the processing of individuals combatants in temporary centers to the massing of troops in designated camps (cantonment sites, encampments, assembly areas or barracks). The second stage of demobilization encompasses the support package called reinsertion.

- **Reintegration**: Reintegration is the process by which ex-combatants acquire civilian status and gain sustainable employment and income. Reintegration is a social and economic process with an open time-frame, primarily taking place in communities at the local level.

Goals

DDR re-establishes the state monopoly over the use of force to prevent the renewal of violence and establishes conditions that allow for the reintegration of armed factions. DDR programs also aim to address the post-conflict security challenges that arise from ex-combatants being left without livelihoods or support networks during the critical transition period from conflict to peace and development. DDR seeks to support ex-combatants so that they can become stakeholders in peace. Beyond immediate security aims, DDR also seeks to contribute to stability in post-conflict environments, facilitate national reconciliation, and link to broader peace-building processes, enabling recovery and development.

Context

As a violent armed conflict comes to an end via cease-fires, peace negotiations, or victory, countries confront the challenge of what to do with armed combatants that fought in the war. This is a daunting problem with serious political, military, humanitarian and development implications. DDR programs of ex-combatants emerged as a response to this challenge.

DDR programs function as a critical step in ending violence by disarming armed actors, disbanding illegal, dysfunctional or oversized military organizations, and reintegrating ex-combatants into civilian or legitimate security sectors. In Colombia, for example, government authorities have created a program that supported the disarmament of over 31,800 ex-paramilitaries, as well as 21,000 former members of guerrilla groups, (as of 2010). Many came to the program with little or no education, few jobs skills, health problems, and accompanied by their families.
Since the late 1980s, DDR has become a standard feature of peace agreements and post-conflict peace-building environments. Thirty-four DDR programs were created between 1994 and 2005. In 2007, there were over a million former combatants participating in DDR programs in 19 different countries. The total cost of these DDR programs was estimated at over $1.6 billion dollars, an average of $1,434 per person demobilized.

**Beneficiaries**

For civilian populations that have suffered years of violence, DDR is often the first public indication that the fighting and violence has finally ended. Yet donors, governments, and practitioners tend to focus on DDR as a short-term technical and primarily military exercise with no consideration of the larger implications of these programs. The result of this kind of “guns, camps and cash” approach is disappointing. Transitions from armed conflict to peace must be based on a long-term strategy. Moreover, DDR alone cannot build peace, nor can it prevent the armed groups from reverting to violence. It needs to be implemented as part of a comprehensive strategy for peace-building and reconstruction, including elements of security sector reform, political and justice reform, transitional justice measures, and socio-economic development.

The focus of DDR programs cannot be solely on ex-combatants, many of whom have committed acts of violence and violated national and international human rights laws. Victims and victimized communities must also have a stake in DDR, including access to justice and benefits. Ex-combatants cannot be reintegrated into communities who cannot or will not absorb them. Often communities reject ex-combatants or marginalize them in ways that makes reintegration impossible. Concepts of ‘community-centered’ reintegration offer an alternative model. Such approaches offer a bridge to link the claims and needs of ex-combatants and victims, together with those of the communities where they reside.

While the majority of participants are men, ex-combatants can be members of irregular armed groups like rebel armies or guerrillas, or paramilitaries. They can also be members of the army or other national forces. DDR for a paramilitary force that has worked alongside the national army and police requires a very different set of incentives and options than guerrilla forces. There may also be significant numbers of child soldiers – boys and girls, as well as women combatants that need to be demobilized.

**Peace Agreements**

DDR is usually agreed to and defined within a ceasefire or peace accord, providing the political and legal framework for the process. In many post-conflict contexts, the parties to a ceasefire or peace agreement do not trust each other. In addition, they lack the capacity to design, plan, and implement DDR programs. A third party -- the United Nations, the Africa Union or another regional body, or a non-governmental organization – can play a leading role. In many cases, there is a national body created to oversee the DDR process on behalf of the government. For example, the Nepal Joint Monitoring Coordinating Committee has representation from both the Maoist Communist Party of Nepal and the Nepal Royal Army. It is working with the UN Mission in Nepal to reintegrate about 20,000 members of the Maoist People’s Republic Army.

Political will is particularly important. Beyond the signing of an agreement there are certain preconditions for DDR to take place, including a minimum guarantee of security and willingness
of the parties to the conflict. DDR is essentially a politically driven process. Most DDR programs stall, or are only partly implemented, because the political climate is not right.

Ownership

If the DDR program is perceived as a top-down international or government initiative, with no involvement or coordination with local officials and communities, those officials and communities are much less likely to support it. Designing and implementing a DDR program is dependent on reliable data, political analysis, and cultural understanding. Many programs have failed because of poor data and analysis, and a lack of local knowledge. For example, a first attempt at DDR in Liberia after the Comprehensive Peace Agreement was signed in 2003 had to be aborted. Fear that the security situation in the capital city of Monrovia would deteriorate if the factions were not immediately disarmed prompted an ill-advised early start to the first phase of DDR. Authorities were overwhelmed by the high turnout of ex-fighters for this first phase, and the situation deteriorated into violence and looting at cantonment sites. The process was aborted just ten days later, because of the lack of preparation and inadequate security. Field assessments, direct communication with leaders of the armed group or groups, and the integration of local experts into the planning team are needed.

DDR Models

El Salvador: DDR Coordinated with Political Reform

In January 1992, the government of El Salvador and the guerrilla groups came together as the FMLN signed peace accords to put an end to twelve years of civil war in which approximately 80,000 people were killed. The success of the peace in El Salvador depended on turning the guerrilla army into a political party. The peace negotiations, therefore, revolved around two issues: the democratization and demilitarization of society, and the incorporation of the guerrilla forces into the legal political system.

The wide range of measures set forth in the peace accords The Peace Accords included a wide range of measures: eliminating the repressive state apparatus, such as paramilitary groups; reforming and vetting the armed forces; building a new National Civilian Police; approving constitutional and judicial reforms; and reforming the electoral system, which included legalizing the FMLN as a political party. They also included an implementation timetable linking reintegration of the former FMLN combatants into civilian life with institutional reform measures. The FMLN was not willing to demobilize and dismantle its military structure without simultaneously realizing all of the measures in the peace accords that were seen as fundamental for the security of its members and for their full incorporation into the political system.

The DDR process in El Salvador challenged conventional thinking. The relationship between DDR elements was not linear. Demobilization, disarmament and political reintegration of the FMLN all took place simultaneously, since the reincorporation of the former combatants into civilian life began even before the formal disarmament. It was also innovative for its training programs for mid-level commanders, and its decision to keep the command structure of the demobilized forces intact.

According to the UN Observer Mission in El Salvador (1994), the total number of demobilized members of the FMLN came to 15,009. There were 4,492 women, accounting for approximately
30 percent of all the forces. Additionally, the reform of the Armed Forces of El Salvador (FAES), led to the demobilization of another 22,600 troops. It is estimated that some 40,000 persons were demobilized from both forces.

While the disarmament and demobilization processes were largely successful, reintegration faced serious problems in its design and implementation, which hindered compliance with timetables established in the peace accords, and which would later have a negative impact on the process of peacemaking and democratization in El Salvador. While the reinsertion and political reintegration of the FMLN was highly successful, the same cannot be said of the political insertion of the former combatants of the FAES. In addition, the reinsertion programs failed to consider the specific needs of women and child combatants.

Colombia: Demobilization from Below

What if there is no ceasefire or peace agreement? A few countries have provided incentives for on-going demobilization without a comprehensive framework or agreement with the armed groups. The demobilization from below approach aims to weaken the armed group by encouraging their fighters to disarm and demobilize individually.

In Colombia a number of armed groups have operated since the mid-1960s, most notable is the left-wing guerrilla group known as the FARC. Beginning in the early 1980s, paramilitary groups emerged out of drug-trafficking interests and also from the reaction of rural land owners to attacks and kidnappings perpetrated by left-wing guerrilla forces. In 2003, the government signed a peace accord with the paramilitaries. The accord provided for a collective demobilization program for the paramilitaries; meaning they disarmed and demobilized as units. These collective processes occur when the paramilitary commanders provide lists of combatants. There was a ceremony where the paramilitary groups handed over their weapons and took oaths of loyalty to the state. Simultaneously, the Colombian Government created an independent individual demobilization process for combatants from the other armed groups.

Colombia is working towards the collective and individual demobilization of more than 43,000 members of armed groups. Those demobilizing collectively are ex-combatants who have laid down their arms as a unit. The process begins when a representative from each illegal armed group provides a list of group members and other affiliated persons. If a combatant is not included on the list, he or she is ineligible for the benefits of the reinsertion program. Moreover, all listed members receive these benefits, regardless of the role they played in the armed group or the types of crimes they may have committed.

Individually demobilized persons, or those demobilized from below, include those who belong to armed groups that are not currently involved in any collective negotiations with the government (mainly the FARC and ELN). Individual demobilizations are proceeding steadily in Colombia, partly because of a 2003 decree that gave de facto amnesty to any former combatants not under investigation for human rights violations. Individual combatants who enter the DDR program are encouraged to communicate with their comrades and tell them that they will receive the same benefits if they lay down their guns. Simultaneously, the Colombian National Army is waging a violent offensive against the guerrilla groups, meaning that those who continue to fight face higher prospects of death, injury, or capture, and will lose the benefits of disarming voluntarily.
Haiti: Community Reintegration

Security is the primary challenge for Haiti. Violence is pervasive, especially in the capital city of Port-au-Prince. Protecting citizens is also central to the goal of dismantling urban gangs. In 2006, with the establishment of the National Commission on Disarmament, Dismantlement and Reintegration (NCDDR), the government put into place a three-part strategy for dealing with the gang-related violence: First, with the help if the United Nations Mission in Haiti, there is a military effort to put pressure on the gangs by seizing and holding their territory, including by creating checkpoints on the roads leading into and out of the slum areas. Second, the DDR program for gang members is linked to community development and violence reduction projects for the communities. These projects aim to create jobs, enhance infrastructure, provide visible services, and bolster the state’s presence in armed group strongholds. Third, gang members are targeted by special Haitian National Police units backed by UN troops and police if they refuse to disarm.

Efforts at the community level are implemented through a network of Community Development Committees (CDCs), composed of community representatives. The NCDDR and the UN organized community based projects to support the reintegration of former gang members to their communities, reinforce local community’s capacity to resolve conflicts without violence, promote a culture of peace, assist victims of violence and support temporary employment. The approach aims to demilitarize communities as well as individuals. This new strategy has encouraged the voluntary surrender of weapons through a combination of deterrents, the provision of incentives, the creation of safe spaces, and meaningful local level dialogue.

Lessons

Each DDR program is unique and necessarily reflects or responds to the specific characteristics of the armed conflict, the negotiation process, the parties to the conflict, as well as the culture and history of the country or countries involved. Over the past 30 years there are, however, general lessons that can benefit planners and practitioners:

- National ownership is critical.
- Successful program design needs good information and analysis.
- Getting to DDR requires a combination of carrots and sticks.
- Justice approach.
- DDR alone cannot bring justice and peace.
- Focus cannot be solely on ex-combatants.
- Don’t short-change reintegration so the absorptive capacities of recipient communities can meet the needs of returning combatants.

Conclusion

DDR for combatants is often the first step in ending violent conflict. However, DDR alone cannot build peace, nor can it prevent the armed groups from reverting to violence. It needs to be implemented as part of a comprehensive strategy for peace-building and reconstruction, including elements of security sector reform, political and justice reform, transitional justice measures, and socioeconomic development. Amnesty arrangements may also be included in the DDR process.
AMNESTY ARRANGEMENTS

Definition

Amnesties are a positive tool for peace-building and conflict resolution. They are an act of forgiveness for past acts. Amnesties are also a legal measure, adopted in exceptional circumstances, whose primary function is to remove, conditionally or unconditionally, the prospect and consequences of legal proceeding against designated individuals or classes of persons in respect to designated types of offenses.

Article 6(5) of the Additional Protocol II to the Geneva Conventions (APII) provides: “At the end of hostilities, the authorities in power shall endeavor to grant the broadest possible amnesty to persons who have participated in armed conflict, to those deprived of their liberty due to armed conflict, whether they are interned or detained. The ICRC commentary on the Optional Protocol indicates, “(Amnesties) encourage gestures of reconciliation which can contribute to establishing normal relations in the life of a nation which has been divided.”

Amnesties are functionally linked to immunity. If an individual is compelled to give self-incriminating information before a court or commission, the state cannot later rely upon that information in a trial against that individual.

Goals

The way a conflict ends, either through the total victory by one side or in a stalemate, is a factor in amnesty negotiations. Based on an analysis of more than 500 amnesties, it can be generalized that amnesties seek to:

- Promote peace and reconciliation.
- Lure low-level combatants from a rebel movement (“defection-oriented” amnesties).
- Encourage exiles to return.
- Assist the return and reintegration of displaced civilians and former fighters.
- Protect state agents from prosecution.
- Alleviate internal pressure.
- Respond to international pressure.

Amnesties are often incorporated into peace accords and later implemented through national legislation. Amnesties may also be linked to DDR. In lieu of amnesty, individuals may be allowed to seek asylum in a third country. This may be a better option as amnesty provides legal entrenchment of impunity whereas asylum allows de facto impunity.

Targeting

Amnesties should address (i) the categories of crimes covered, (ii) categories of persons covered, (iii) and the legal consequences for any potential beneficiary.

Crimes can be political or conflict related, ordinary crimes, international crimes, and/or economic crimes.
The amnesty agreement should clearly demarcate the categories of persons who are eligible or illegible according to metrics such as affiliation, rank, and the nature of their participation in specific crimes.

They can cover persons with a range of affiliations including at the state level (army, police, intelligence agents), the para-state (militias, paramilitaries and self-defense groups, or the non-state level (rebel groups, private companies and religious institutions).

Amnesties are usually negotiated with persons who themselves have committed crimes and are most vulnerable to prosecution. It is unlikely that they will disarm after an accord if they or their cohorts face prosecution.

Amnesties, as provided for in South Africa, obligate the applicant to fully describe the crimes they committed. They may also be required to provide knowledge or evidence about the crimes of others. A condition of amnesty can be a public apology for wrong-doings.

Types

There are fundamental differences between different types of amnesties and amnesty contexts. Some amnesties are given in post-conflict contexts (Croatia, 1996) and others in non-conflict contexts (Spain 1977). Some are given to correct past injustices (Morocco 1994) and others to entrench impunity (Chile 1978). Some cover acts of violence (Algeria 2005). Some appear in constitutions (Ghana 1992) and others in legislation (Guatemala (1996), and others in executive decrees (Greece 1974). Some apply only to state agents (Turkey 1982) and others to opponents of the state (Colombia 2003), and others to both (Sierra Leone 1999).

Some are sweeping in nature (Angola 1999) and others are more circumscribed (Ivory Coast 2002). Colombia’s 2005 Law on Peace and Justice offers the possibility of a reduced or conditional sentence but not amnesty. They can also be narrow in scope. For example, “weapons amnesties” require that the combatant surrender weapons. Amnesties often make disarmament and demobilization an explicit condition for the beneficiary’s eligibility. In many cases, insurgents not only have to surrender. They also have to give up their weapons. Surrender of weapons can be linked to cash incentives through “buy-back” programs.

Amnesties that are part of a DDR process tend to grant a very broad scope of immunity to former combatants, in order to facilitate their disarmament and mobilization. The 2000 Uganda amnesty agreement creates a DDR program that offers amnesty for any conflict related acts by non-state combatants with the exception of a few leaders against whom the ICC has issued arrest warrants.

Amnesties are conducive to the goals of DDR. They can help establish a secure environment so that other elements of recovery and peace-building can proceed. For example, the Mozambique 1992 amnesty was not linked formally to the DDR process, but helped advance the goals of DDR. The 2005 DRC amnesty was not linked to the DDR program, but was limited in scope because it excluded crimes covered by the Rome Statute.

“Reciprocal amnesties,” as established in South Africa’s 1995 Promotion of National Unity and Reconciliation Act, can encompass amnesty negotiated by state and non-state actors in which both sides benefit. Public consultation and debate allow all sectors of a war-torn society – the individual, community, society and the state – to become engaged participants in decisions.
around transitional justice. Consultation reinforces the legitimacy of any amnesty. Reciprocal amnesties are more durable when they result from negotiation and public consultation.

Problems

There is an inherent tension between the role of amnesties in a DDR process and the goal of accountability, which is central to transitional justice. Amnesties encourage ex-combatants to disarm and demobilize, advancing the goal of peace in the short term, while doing the least possible harm to the transitional justice values of truth, justice, reparation and reform, which contribute to the durability of peace in the long-term. Some view amnesties as sources of impunity that compromise transitional justice by removing the possibility of criminal accountability. Amnesties covering grave acts of violence can be seen as undermining the state’s remedial obligations and, correspondingly, victim’s rights. Amnesties can damage public confidence in the rule of law. Broad amnesties may also allow war criminals to remain a part of society, and can possibly embolden amnestied individuals to commit further crimes. Tension may arise between national amnesty arrangements and obligations of State signatories to the Rome Statute of the ICC, which establishes a permanent court with an international criminal mandate.

Conclusion

Amnesty is but one issue within a larger negotiation process involving bargains on peace, justice and power. Sustainable peace requires the restoration of democracy, civil and political rights, reparations to the next of kin, the allocation of special development funds for victim communities, the creation of repatriation and reintegration programs for refugees and IDPs, and the establishment of a truth-telling or truth and reconciliation process.
TRUTH-TELLING AND RECONCILIATION

Definition

Truth-telling occurs in the broader context of dealing with conflict or significant social trauma caused by conflict, crimes against humanity, or war crimes. It is part of a broader transitional justice (TJ) strategy aimed at helping states transition from war to peace or from authoritarian rule to democracy, while addressing legacies of human rights abuse. TJ involves redress. It also seeks to prevent the recurrence of violent conflict, and assist a state or society repair itself through a range of measures such as reparations and justice sector reforms.

Experience

TJ has different meanings in various contexts. In Timor Leste, it sought reconciliation between victims and perpetrators. In Peru, it was aimed at dignifying victims. In the Democratic Republic of the Congo (DRC), it was a way of consolidating the peace. And in Argentina, it set the stage for criminal prosecution and criminal justice sector reforms.

Dictatorships in Argentina, Brazil, Chile, and Uruguay institutionalized deception. Their lies were directed to both the victims, as well as their surviving family members. In response, “Truth” was a significant feature of human rights movement in Chile and elsewhere in Latin America during the 1970s and 1980s. Jose Zalaquett, a leader of Chile’s Human Rights Commission, heralded the “absolute value of truth.” Argentina’s “Mothers of the Plaza de Mayo,” demanded to know what happened to loved ones. The UN Human Rights Commission codified the “right to truth” in its 2005 resolution, which obligated the state to investigate human rights violations, inform individuals of the fate of missing or forcibly displaced relatives, provide information on official investigations, provide “mortal remains,” and disclose the identity of violators.

Truth was expressed in two different ways—as voice and as evidence. The Spanish term, “Testimonio,” is related to memory and storytelling. It differs from the English term, “testimony,” which is a form of legal documentation. Testomonio emphasizes personal accounts of victims, witnesses, family members, and survivors who tell their story in their words. Testimonio provided victims and family members with a forum to be heard, maximizing their emotional impact and healing power.

Historians and others simultaneously used oral history as a sub-discipline, seeking factual as well as narrative truth. In addition, lawyers and legally-oriented NGOs were documenting the abuses of regimes. To clarify the status of the “disappeared,” they were filing Habeus Corpus and other legal briefs with the authorities. They established a paper trail through formal requests to meet with detainees and compiled portfolios using media reports and other sources of information to document the fate of victims. They were also taking steps to lay the ground for criminal prosecution either in a domestic court or at an international tribunal through depositions, affidavits, and collecting legal testimony from witnesses and others.
Truth Commissions

Since the Argentine transition back to democracy began in 1983, there have been dozens of TCs around the world. TCs vary in size, budget, goals, aspirations, and mandate. However, they include some common characteristics.

TCs are established to examine past abuses and consider the pattern of abuses over a specified time, as opposed to a particular event. They provide an overarching narrative of the historical period, including an account of the causes and consequences of violations. TCs are essentially victim-centered, defining victims and identifying beneficiaries. Though officially sanctioned by the state (and an armed opposition group if part of a peace accord), TCs require financial, legal, and operational independence. TCs can directly support prosecutions (e.g. Argentina, Chile, possibly Liberia) or be an alternative to prosecutions (e.g. South Africa). TCs provide a final and complete report.

Some governments may create a TC to illuminate the truth, while others may seek to defer action, deflect criticism, and undermine justice by:

- “Outsourcing” the responsibility of historical justice to a third party.
- Gaining “breathing space” by pointing to a process underway.
- Attributing investigative failures to the commission not the government.
- Presenting an alternative that is less threatening than trials and less expensive than compensation.
- Exhausting public interest in greater measures of political and legal accountability.

“Memoryworks”

Victims want the truth to be remembered. To this end, “Memoryworks” focus on memory of the past to create public dialogue and open civic spaces. Memoryworks often emerge from recommendations in the final report of a TC. For example, Sierra Leone’s “National Vision Project” invited the public to submit written and artistic expressions of their vision for the country’s future. Peru’s “To be remembered” project included a major photo exhibit. Morocco held public debates on the meaning of truth, state violence, political trials and prison literature. Other examples of Memoryworks include Iraq’s Memory Project, which catalogues tons of Mukhabarat documents itemizing the Anfal campaign against Iraqi Kurds. Cambodia’s Genocide Museum displays human skulls neatly stacked to the ceiling.

Unofficial Mechanisms

Beginning in Latin America in the 1980s, religious communities, academic institutions and local government have cooperated to document violations and issue reports, prompting democratic governments to take action. Unofficial truth projects produce reports similar in shape and scope to TCs. They can also undertake special activities such as mock trials that document abuses.

- Northern Ireland’s Ardoyne Community Project used multi-media to describe “The Troubles” from the perspective of an affected community.
- USA/Greensboro Truth and Reconciliation Project documented the killing of 5 civil rights activists by the KKK on November 3, 1979 as a platform for community education efforts.

- Guatemala’s Recovery of Historical Memory Project compiled statements from 6,500 people over 3 years after the UN brokered an accord ending the murder of indigenous people by security forces. The project set a standard and galvanized creation of an official commission.

- Brazil’s “Nunca Mais” was an ecumenical initiative of Catholic and Protestant leaders who gained access to security archives to document disappearances by the junta (1964-79). The initiative resulted in city-based inquiries, exhumations and reparations.

- Colombia’s Palace of Justice TC was led by former Supreme Court justices looking into the security’s assault on the Supreme Court when it was seized by guerillas on November 6, 1985. More than 100 people including all the justices were killed during the incident.

Non-governmental or unofficial truth projects also produce memory works (e.g. theater, art, video and literature projects that focus on the past, as well as memorials, museums and traveling exhibits).

Peace-building focuses on post-conflict rather than the post-authoritarian context. In his seminal article "After Violence: Reconstruction, Reconciliation, Resolution: Coping with Visible and Invisible Effects of War and Violence," Johan Galtung describes models of different forms of reconciliation and the relationships between reconciliation and a “positive peace.”

Reconciliation

Do the terms “truth” and “reconciliation” necessarily go together? Not all TCs use the term “reconciliation.” The Historical Clarification Commission in Guatemala, for example, deliberately steered away from the idea of reconciliation, as did the Paraguayan Truth and Justice Commission.

The Chilean government established the world’s first “truth and reconciliation” commission in 1990. Reconciliation focused on the political class and involved:

- Granting amnesties and commuting prison sentences.
- Creating conditions for the return of political exiles.
- Providing pensions or reparations to “both sides.”
- Taking symbolic measures (e.g. monuments).
- Incorporating losers into cabinet posts, congress, etc.
- Adopting constitutional, electoral, and legal reforms.
Reconciliation means a variety of different things in different contexts.

- Mutual respect and peace between communities: As conflict comes to an end, it becomes important for combatants who have fought against each other to learn to co-exist in a way that respects differences.
- Selective Forgetting: When Cambodia’s Khmer Rouge leaders call for reconciliation, they are asking for “bygones to be bygones,” not for a rigorous remembering of the past.
- Nation-building: In some contexts, including South Africa, reconciliation emphasizes the importance of being a single nation in which different ethnicities and races agree to live and work together and consider themselves parts of a single nation.
- Political cooperation: Another form of reconciliation, such as in Chile and Myanmar, is the idea that political actors can work together in a political system.
- Post-conflict reconstruction: Involves the institutions necessary for reconstruction after a conflict, the rule of law, and transparent or democratic decision-making bodies.

South Africa’s 1995 “Promotion of National Unity and Reconciliation Act” established a Truth and Reconciliation Commission (TRC). The TRC was sought to address “the past of a deeply divided society characterized by strife, conflict, untold suffering and injustice” and to create a future “founded on the recognition of human rights, democracy and peaceful co-existence for all South Africans, irrespective of colour, race, class, belief or sex.” To hear the voices of perpetrators, South Africa’s TRC granted amnesty to those who had committed crimes.

Technical issues

Development of a truth-telling process depends on the range of political issues and strategic considerations described above. In this context, protagonists must also consider a range of technical issues.

Objectives

- Establish facts.
- Interpret facts.
- Recognize the experience of victims on all sides of a conflict to restore their dignity.
- Emphasize impartiality by involving both sides.
- Contribute to other transitional justice policies.

Authority

- Executive branch (e.g. presidential decree in Argentina, Peru, Chile and Honduras).
- Legislative branch (e.g. South Africa, Liberia, Kenya).
- Hybrid involving measures by both the executive and legislature (e.g. Nigeria, DRC)
- Monarch (e.g. Morocco).
- Judiciary (e.g. Canada, Colombia)
- United Nations (e.g. Timor Leste), part of a peace agreement (e.g. El Salvador), or via legislation codifying an accord (e.g. Sierra Leone).
Creation by decree is generally more expeditious. Alternatively, creation by law involves multi-party negotiations and is thus more legitimate. Legislatures can typically grant the TC with quasi-judicial powers whereas executive typically cannot.

**Functions**

- Conduct research (e.g. examine witnesses, access records, inspect locations, forensics).
- Utilize special powers (e.g. subpoena, cooperation incentives).
- Organize hearings and other outreach activities.
- Report back to the authorities and the citizenry.
- Complement other truth seeking mechanisms such as freedom of information legislation or opening records of the security forces.

**Competence**

- Define human rights violations or other crimes. (e.g. Article 2 of Liberia’s used international humanitarian law to define violations. Article 3 of Peru’s TRC offered a shorter list of core examples.
- Consider a specific time period and territory (e.g. longer examples are Morocco [1956-99] and South Africa [1960-94]).
- Identify targets a group (e.g. state officials/security apparatus, members of armed opposition groups). Differentiate from a historical commission. (e.g. Turkey rejects the term genocide of events between 1915 and 1923, highlighting conditions of armed rebellion dating from the 1880s).

**Powers**

- Request cooperation.
- Subpoena private or public persons and information.
- Witness protection.
- Administer legal benefits (e.g. immunity, amnesties, and clemency in exchange for cooperation).

**Composition**

- Direct appointment by head of state (e.g. Panama); legislature (e.g. Germany); joint executive/legislature (e.g. Sierra Leone and South Africa).
- All nationals (e.g. Uganda), all foreigners (e.g. El Salvador), advised by UN (e.g. Sierra Leone), or advised by international experts (e.g. Timor Leste).

**Credibility**

- International membership.
- Capacity/independence to carry out its mandate/tasks.
- Public consultation or vetting (e.g. mandate and composition).
- Diverse representation (e.g. ethnicity, religion, gender).
- Participation (e.g. persons with high moral standing, reputation for objectivity, or representing constituencies directly affected by the conflict).

**Financing**

- National government (e.g. Argentina).
- International sources (e.g. El Salvador).
- Both national and international sources (e.g. Peru).
- Private foreign donors (e.g. Nigeria). Budgets range from $5-10 million/year.

**Working Methods**

- System (interviews).
- Database (aggregate information by region, background of victim, type of conduct, patterns).
- Duration (Note: TCs that do not conduct public hearings typically last less than one year. With public hearings, they usually last 1-2 years. Uganda had the longest running TC lasting 8 years).
- Staff (Personnel usually include social scientists, lawyers, and statisticians. Chile’s TC was the largest comprised of 500 national staff).

**Conclusion**

Many countries have considered truth-telling in the aftermath of violent conflict. There is, however, no boiler plate approach. Each country should design its own process to balance truth-telling and accountability. The process reflects the country’s unique history, culture and conditions of those directly affected by events. Reconciliation and societal healing are the ultimate objectives.