Getting to the Bottom of Truth: Examining Truth Commission Success and Impact

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Abstract: In light of their growing popularity, truth commissions are overdue for evaluation. More than simply judging them based on whether they complete their work, what is ultimately of interest is their broader social effects. A whole range of uses have been put forward for truth commissions, but there is little consensus on what criteria might be used to assess them. Yet, despite these wide-ranging claims, the evidence for them is often spotty. The issue is compounded by a growing chorus of critics that see truth commissions as ineffectual or even dangerous. This paper isolates a few such purposes often articulated by supporters: first examining the implementation record and then the consequences for democratization, human rights, and trust: and suggests how existing data might help us begin to answer this question without having to wait for better data collection in future cases. In addition, I address the problem of distinguishing truth commission impact from other factors given the fact that they are relatively limited institutions. From there, I suggest some important sources of truth commission variation that are likely significant in shaping outcomes.

Introduction

Truth commissions have enjoyed a meteoric rise over the past 15 years amongst many human rights advocates and academics interested in the pursuit of justice in the

1 Truth commissions are understood here to be “bodies set up to investigate a past history of violations of human rights in a particular country – which can include violations by the military or other government forces or armed opposition forces” (Hayner, 1994: 558). Hayner (2001) delineates four main characteristics of truth commissions. First, they focus on the past. The events may have occurred in the recent past, but a truth commission does not examine contemporary crimes as a human rights commission would. Second, truth commissions investigate a pattern of abuse over a set period of time rather than a specific event. This excludes investigations of a specific incident, such as the commission established to look into post-election violence in Côte d'Ivoire in 2000. In its mandate, the truth commission is given the parameters of its investigation both in terms of the time period covered as well as the type of human rights violations to be explored. Third, a truth commission is a temporary body, usually operating over a period of six months to two years and completing its work by submitting a report. These parameters are established at the time of the commission’s formation, but often an extension can be obtained to wrap things up. Fourth, truth commissions are officially sanctioned, authorized, or empowered by the state. This removes from consideration non-governmental inquiries, such as that of the archbishop of Sao Paulo and World Council of Churches in Brazil. Often, official status allows the commission to have greater access to information, greater security, and increased assurance that its findings will be taken under serious consideration. Official sanction from the government is crucial because it represents an acknowledgment
aftermath of gross human rights violations and in addressing the challenges of post-conflict peacebuilding. Some have argued that truth commissions are a necessary but not sufficient component of transitional justice (Mendez 1997; Roht-Arriaza 1998). Described as a chair with four legs, the transitional justice process ideally involves investigation and acknowledgment (truth commissions); prosecution and the achievement of justice (trials); reparations and compensation; and steps to purge and rebuild the security and police apparatus. This optimal scenario is highly unlikely in most transitional circumstances, however. Compromise is frequently central to political transitions unless the losing side is weakened to an extent it can exert no influence over the shape of the new political landscape. As a result, in any given transition, each of these four ‘legs’ is developed to varying degrees. In fact, countries often utilize only one of these, if any. Therefore, it is reasonable to undertake at least a preliminary investigation of the consequences for pursuing one of these components, namely the investigation and acknowledgment provided by truth commissions.

Such an undertaking is all the more important because the theoretical and factual bases of many claims regarding the power of truth-seeking have recently been called into question (Mendeloff 2004). A growing chorus of critiques has questioned the empirical claims of truth commission advocates. Some observers see truth commissions as weak, ineffectual substitutes for criminal prosecution. Others view amnesties as an unfortunate necessity in transitional situations as any mechanism to deal with the past is likely to threaten powerful interests and stir anger and resentment. In fact, although over two dozen countries have created truth commissions and many others such as Indonesia,
Afghanistan, and Bosnia are contemplating doing so, we still know relatively little about the consequences of utilizing this transitional justice tool. These arguments, both supportive and critical, rely largely on normative conviction and anecdotal evidence.

As a result, we are faced with a situation in which, despite their growing popularity, our understanding of the impact of truth commissions on the emerging political environment, both the immediate reception and longer-term effects, is cloudy. On a basic level, some argue that the commission even completing its work is significant. Not to diminish this accomplishment, but what is crucial is the broader purpose for which the commission was created in the first place. The literature on truth commissions does provide a number of clues regarding their expected effects, but they have not been explored across a range of cases. A number of observers have suggested how we might judge success (Abrams and Hayner 2002; Hayner 2000; Popkin and Roht-Arriaza 1995), but most criteria have yet to be operationalized let alone systematically applied. This lack of broader analysis is in part due to the fact that truth commissions have received relatively little attention from social scientists. Most of our knowledge comes from human rights activists, journalists, legal scholars, and policy analysts. For all that has been written about them, there is, in fact, little consensus on what criteria might be used to assess truth commissions.

This paper suggests some preliminary steps that might be taken to adjudicate between the varied claims made as to the consequences of truth-seeking. First, I review the consequences of truth-seeking and measures of success suggested in the literature. Assertions have been wide-ranging and contradictory, but overall the impact of truth commissions remains an open question. To provide some provisional conclusions, the
second step is to look more closely at the expectations of scholars and practitioners that might be usefully operationalized. I suggest steps that might be taken to obtain additional support for the claims by specifying different types of evidence that could be applied to the task. Third, given their relative weakness and the fact that they are themselves a product of the transition, it is a formidable challenge to isolate what affects the truth commission itself has. I will suggest some steps to begin to address this problem. Finally, I will delineate some important points of variation amongst truth commission experience that likely influence their ability to aid the transition process. Despite their relative weakness, much has come to be expected of truth commissions by academics and practitioners as well as the public in transitional societies. Given their growing use, it is worthwhile to pause at this stage to think critically about what is expected of them and to evaluate their ability to produce desirable outcomes.

The Consequences of Truth-Seeking

Early writing on truth commissions was largely made up of descriptive accounts of individual cases and studies exploring what factors shaped the choice of transitional justice mechanism. Although the former often dabbled in this, gradually attention has begun to turn to consider truth commissions as independent variable. In other words, interest has begun to shift to explore what impact truth-seeking has had on individuals and society in general. This is driven in part by the fact that international donors are increasingly demanding it (Shea 2000). It is surely also motivated by a desire on the part of practitioners, activists, academics, and funders alike to more rigorously determine how and under what circumstances truth commissions can positively contribute to political transitions.
The consequence of this has been an explosion of suggestions of often methodologically complicated criteria such as reconciliation, justice, or healing. There is little agreement on the best measures, nor have any of these been applied across a range of cases. In fact, the evidence for these effects is largely anecdotal and much of it derived from single case studies. What is more, some have focused more on the effects of truth-seeking on the individual whereas others have adopted the nation as the unit of analysis. It seems entirely possible that the effect of uncovering the details of the past is very different depending on whether one considers societies or individuals. In fact, the consequences may work at cross-purposes. More positive social effects may come at the expense of a negative impact on individual victims, for example. Moreover, most studies stop at the initial reception of the truth commission’s final report. Therefore, one is left with little sense of any lasting effect, whether the experience could be seen as a critical juncture in the country’s political development. In short, for all of the interest in truth commissions, the literature does not collectively add up to much in terms of assessing their influence.

To work toward this end, the remainder of this section will flesh out some of the assertions in the literature with respect to expected effects of truth commissions. Amongst the many ideas put forward as to the expected effect of truth-seeking, I find it useful to distinguish between what often prove to be two distinct lines of inquiry: to ask whether the truth commission has been a success or to ask whether it has had an important impact on the society that has conducted it. By success, I refer to what a truth commission does, the degree to which it fulfilled the duties assigned to it. When speaking of impact, by contrast, I want to key on the broader purposes to which the commission’s
work is put to. Based on many of the criteria for truth commission success put forward, it is entirely possible to have a successful truth commission that at the same time does not have much of an impact on post-transition political and social development. Although there is a growing chorus critical of truth commissions (Brody 2001; Mendeloff 2004; Snyder and Vinjamuri 2003), this paper takes truth commission advocates as its point of departure as this position is the most fully articulated.

**Theorizing Truth Commissions Expectations**

Given variation in commission structure and powers, the environment in which they operate, and the nature of the crimes they are to investigate, some assert the success of each truth commission should be judged on its own terms (Chapman and Ball 2001). On one level, this is true. It is a difficult to disentangle the truth commission from the political environment into which it is born. What is more, each has a slightly different set of tasks based on past and present circumstances. Yet, the truth commission literature has long outlined a series of albeit diverse purposes for which truth commissions are created.

One can distinguish between what one might call the commission’s “deliverables,” in other words what the commission produces as a result of its investigation e.g. its report, and the broader use to which these deliverables are meant to be put. This is the distinction made above between measures of success and measures of impact. With respect to the former, on a basic level, truth commissions are often viewed as a success simply by virtue of completing their work. In itself, this is no small feat. Bolivia and the Philippines, for example, closed down early having been either stifled by lack of funds or the commissioners having resigned in disgust at the lack of cooperation they were receiving. Even if the commission completes its investigation, the final report
is then put in the hands of the government. Although it has become much less common as truth commissions have attracted more attention, examples such as Haiti and Uganda (1986) illustrate that there is no guarantee the report will be given a wide release. At the same time, some observers see that instances such as these can also be seen as a success in that the commission’s mere existence focuses domestic and international attention on the cause of human rights.

To go beyond whether they finished their work, one could proceed to consider what the nature of that work was. On a basic level, truth commissions seek to uncover the details of past human rights abuses. Frequently, of central concern is determining the fate of individual victims. In their investigations, commissions often at least attempt to uncover the details of these deaths and work to locate victims’ remains. So, to some extent, if to a large degree a commission does uncover these details, it may be considered a success. Of course, each truth commission does this to varying degrees. Some have opted to find out as much as possible about as many cases as possible. In other instances, commissions have focused on a smaller number of representative cases for extensive investigations in order to provide a picture of the range of abuses committed. Clearly, the nature of the mandate given the commission can limit the scope of crimes open to investigation and consequently the ‘truth’ produced. A more basic problem with using this as a form of judging success is that the true extent of human rights abuses often remains in dispute. The true scale has been clouded by propaganda from all sides during the conflict and the subsequent fog of history. As a result, if one would like to assess truth commissions based on how much information they uncovered, it is not clear what the baseline would be.
However, a truth commission’s goal is not only to reveal what happened, but also how and why those crimes occurred. As such, they examine the structure of institutions in society to understand the conditions permissive of human rights abuses. At the same time, the purposes attributed to truth commissions go far beyond what may seem to be an almost academic exercise. For most truth commission advocates, the real benefit comes from the use that these details might be put to. A promising way to bridge the gap between success and impact is to focus on truth commission recommendations. Truth commissions not only uncover the details about past human rights abuses, but also identify the (largely institutional) faults that facilitated the crimes. A truth commission seems unlikely to be a success unless they produce recommendations (Popkin and Roht-Arriaza 1995). By identifying the institutional failures, in particular in the judicial system, police force, and military, for example, that allowed the crimes to occur, it is in a better position to make recommendations as to how a recurrence of these abuses might be prevented in the future. This forward-looking orientation makes releasing the report a crucial step, although this may be less important if the proceedings are very public as in South Africa (Shea 2000). Because of the focus on institutional reform, a number of observers have identified it as a significant measure of the impact of truth commissions (Abrams and Hayner 2002; Bronkhorst 2003; Freeman and Hayner 2003; Hayner 2001).

The following section begins with a deeper consideration of using the implementation record of recommendations in judging success. From there, it will consider how these reforms and the publicity surrounding truth commissions could plausibly effect three aspects of social and political practice: facilitating democratic consolidation; constructing a human rights culture; and the (re)building of trust. It will
further identify what types of data one might examine to bolster claims made on behalf of truth commissions. The proposed approach is rooted in methodological pluralism. Qualitative and quantitative approaches each can provide contributions to the project. Quantitative tools are useful in identifying patterns across a large number of countries. In this instance, they can tell us whether there is something unique about countries that have conducted truth commissions, or whether different types of truth commissions have different consequences. Quantitative approaches, however, often do less well at helping us determine why those patterns exist. This is where qualitative methods prove crucial in identifying mechanisms.

**Three Takes on Truth Commission Impact**

As has been noted, truth commissions are relatively weak and therefore fulfilling these goals is not strictly within the commission’s own power. However, if truth commissions do provide the benefits for social reconstruction supporters claim, it is reasonable to expect there to be an impact on observed metrics. Reviewing the implementation record is a useful place to start in examining a truth commission’s role in ushering in a new political era. Although one important observer has argued that commission recommendations have rarely been implemented (Hayner 1996a), the claim awaits further elaboration. In particular, some recommendations are to promote institutional reform supportive of democratization. If uncovering the truth of the past in part serves as a deterrent, one would expect to see this development combined with institutional reform to help instill a human rights culture. Finally, although not all truth commissions have had reconciliation as an explicit goal, this appears to be one of the underlying motivations of using them. Reconciliation, however, is an ill-defined concept
which makes it difficult to examine empirically (Freeman and Hayner 2003; van der Merwe 1999). Others see reconciliation as too much to ask for given the relative weakness of truth commissions and put forward “peaceful coexistence, cooperation, and tolerance” as a milder, more reasonable alternative (Ash 1997; Norval 1999). Regardless of the definition, what observers are driving at is some sense that former opponents are now cooperating at least to a limited degree, that their interaction is not based on violence. A crucial component in bringing this about would seem to be the restoration of trust (Backer 2000; Bhargava 2000; de Greiff Forthcoming; Govier and Verwoerd 2002; Mendez and Mariezcurrena 2003; Quinn 2004), which may take a number of forms.

Implementation Record

Examining the extent to which truth commission recommendations have been acted upon is a useful place to start in examining their contribution to the transition process (Gairdner 1999; Popkin and Roht-Arriaza 1995). Most analyses, in fact, have focused on the initial reception of the commission’s work and not what might be termed its longer-term effects. However, if, as hoped, the commission does succeed in influencing public debate and shaping how the past is viewed, it may perhaps take time for momentum to be built. At the same time, one could equally imagine that, should the recommendations not be acted upon immediately, they will be lost in the morass of pressing issues facing a rebuilding society. It is also entirely likely that certain political conditions are more conducive to recommendations being taken seriously, but this remains to be shown.

It is equally true that all recommendations are not created equal. Therefore, it is necessary to look closely at the nature of each rather than to simply come up with a
‘percentage enacted.’ Recommendations have varied, but in general have focused on reforming political institutions and providing reparations in the form of symbolic memorials, social services, and, less commonly, money for victims and their families. For the purposes of understanding the contribution to the social transition, recommendations related to political institutions are of particular relevance because, unlike reparations, they impact all of society. Truth commissions typically make reform recommendations to prevent the repetition of past crimes (Abrams and Hayner 2002; Hayner 2000; Kaye 1997; Kiss 2000; Minow 1998; Popkin and Roht-Arriaza 1995; Rotberg 2000) and, thereby, attempt to usher in a new democratic society in which human rights are respected. Recommendations have often targeted similar sets of institutions to establish accountability. Significant reform of the military, particularly in terms of bringing it more firmly under the control of the civilian government have been common recommendations and also would be an important contribution to democratization. Similarly, truth commissions often identify the need for police reform. In addition, the crimes often occurred (or rather there were no sanctions for them) because the judiciary was not independent of other organs of government. Therefore, reforms strengthening the rule of law are important. Commissioners also often note the need to dismiss the leadership of these institutions to make a break with the past. Reforming these institutions would go a long way toward building a brighter future.

Therefore, one angle to approach the question of recommendations’ contributions to a new era is to ask whether truth commissions facilitate democratic consolidation, an assertion frequently made in the literature (Freeman and Hayner 2003; Gairdner 1999; Minow 1998; Quinn 2003; Teitel 2000). They are often created as part of a larger
government effort to inculcate democratic values (Boraine and Levy 1995; Chapman and Ball 2001; Gutmann and Thompson 2000). More specifically, the common forms recommendations have taken are consistent with efforts to promote democratic governance. In addition, commissions contribute by facilitating the removal of enclaves of authoritarian power and by helping to create democratic alternatives to authoritarian governance (Gairdner 1999). If done in an evenhanded way, the commission is likely to indicate to different social groups that the government is committed to giving each a voice. As a result, commissions may contribute to political stability by both (re)building a sense of shared destiny amongst groups giving them a stake in the ‘national project’ and through shaming perpetrators thereby depriving them of support that might otherwise encourage them to protect their interests through extra constitutional means.

Existing cross-national data on democracy are not perfectly tailored to what might be attributed to a truth commission, but they provide a means to examine general patterns. Polity and Freedom House are the most widely available democracy measures that allow for broad cross-national comparisons. Polity focuses more clearly on institutional factors. Generally speaking, the measure focuses on the degree to which political institutions both facilitate and constrain open political competition and the free and fair adjudication of disputes in a court of law. Freedom House provides a similar, if

2 Marshall and Jaggers conceive of institutionalized democracy “as three essential, interdependent elements. One is the presence of institutions and procedures through which citizens can express effective preferences about alternative policies and leaders. Second is the existence of institutionalized constraints on the exercise of power by the executive. Third is the guarantee of civil liberties to all citizens in their daily lives and in acts of political participation. Other aspects of plural democracy, such as the rule of law, systems of checks and balances, freedom of the press, and so on are means to, or specific manifestations of, these general principles. We do not include coded data on civil liberties.” This is contrasted with institutionalized autocracy, namely “the presence of a distinctive set of political characteristics. In mature form, autocracies sharply restrict or suppress competitive political participation. Their chief executives are chosen in a regularized process of selection within the political elite, and once in office they exercise power with few institutional constraints. Most modern autocracies also exercise a high degree of
perhaps less specific, measure of democracy in its political rights indicator.  

Although imperfectly matched, they can serve as a validity check on statistical results.

In a strict sense, institutional change is beyond a commission’s direct reach. Even in those few cases where recommendations were considered mandatory, there is typically little to compel the government to act. Often, recommendations are foregone out of the fear of putting the transition in jeopardy by antagonizing powerful elements of society. However, it is also possible that recommendations could serve as rallying points for those pressing for change. Thus, while these democracy measures are an admittedly crude measure of a truth commission’s impact, it can help triangulate what benefits they might bring.

One might also raise the objection that improvements in democracy may come about before the commission is ever created. Two responses are in order here. First, the measures are available on an annual basis thereby allowing one to control for prior levels of democracy in a pooled cross-sectional time-series model. Second, it would also seem useful in this context to utilize an interrupted time-series model. Derived from epidemiological studies, this model is meant to measure the effect of an intervention into the system, in this case the truth commission. Truth commissions are less about democratic transition, but more about seeking to facilitate consolidation. Therefore, it

3 As the methodology section of its website describes, ultimately Freedom House is interested in measuring freedom “by assessing two broad categories: political rights and civil liberties. Political rights enable people to participate freely in the political process. This includes the right to vote and compete for public office and to elect representatives who have a decisive vote on public policies. http://freedomhouse.org/research/freeworld/2003/methodology.htm (accessed July 6, 2004)
would be beneficial to examine whether the intervention of the truth commission is significant in influencing democratic practice in countries that opt to create one.

*Human Rights*

Of central import to a truth commission’s mission is to help instill the practice of protecting human rights (Abrams and Hayner 2002; Bhargava 2000; Boraine 2000; Chapman and Ball 2001; Ensalaco 1994; Gairdner 1999; Hayner 2001; Kaye 1997; Kiss 2000; Minow 1998; Steiner 1997). "[T]he expressed intent of most truth commissions is to lessen the likelihood of human rights atrocities reoccurring in the future." (Hayner 1994: 609) Even where not explicitly stated, many of the positive functions truth commission supporters point to are related to changing human rights practice. The commission’s work sheds light on past abuses and seeks to end the pattern of impunity. While they do not have prosecutorial power to punish those responsible for past crimes, commissions are designed to reveal how past violations of human rights were carried out. The reason for doing so is to recommend reforms to prevent repetition in the future. Their final reports outline institutional reforms that support the rule of law and accountability. It has, in fact, been argued that truth commissions may be more effective than trials by taking this approach rather than focusing on individual perpetrators (Minow 1998; Minow 2000).

The work of truth commissions may go beyond moral condemnation to real reform, but they need political help to do so. Truth commissions may achieve this in part by providing “a pressure point around which civilian society and the international community can lobby for change in the future” (Hayner 1994: 609). Commission recommendations often target judicial reform and structural change within the military.
and police in order to prevent a repetition of past human rights abuses. What is more, the commission’s findings can discredit institutions and individuals found responsible for crimes (Abrams and Hayner 2002). Individuals rarely face jail time or pay restitution, but in principle the revelations harm their image and they may suffer social stigma. Some argue that this allows truth commissions to have a deterrent effect by demonstrating to would-be human rights abusers that they will be held accountable for their actions. While there is some ambivalence as to whether commissions make abuses less likely in the future (Hayner 1996a), it appears to be widely believed that the revelation of truth helps to usher in a new human rights culture suggesting there should be some sort of longer-term benefit in this regard.

Beyond an examination of implementation records in the immediate aftermath of a commission’s report, there has been little assessment of truth commission consequences for human rights. Cross-national measures provide some opportunities to fill this gap and draw preliminary conclusions as to whether countries that have utilized truth commissions exhibit different patterns with respect to human rights as opposed to other countries. The Cingranelli and Richards (CIRI) Human Rights Data Set provides a new and important means of examining the aftereffects of truth commissions.4 The data set continues in the spirit of the Purdue Terror Scale (PTS), which derived scores from the annual human rights reports produced by the US State Department and Amnesty International. Just released in the summer of 2004, the CIRI dataset is an important breakthrough in providing yearly human rights measures from 1980 until 2002 allowing

4 The primary source of information for coding human rights practices comes from US State Department Country Reports on Human Rights Practices. For "Physical Integrity Rights," coders also used Amnesty International's Annual Report, which was treated as authoritative if there were contradictions in the two reports. For more information on CIRI, see http://ciri.binghamton.edu/.
for the incorporation of more recent truth commissions into the analysis. CIRI expands on PTS by providing a yearly evaluation of countries’ protection of a range of different human rights. Of particular interest for this study are annual assessments of rights to freedom from extra judicial killing, disappearance, torture, and political imprisonment, as well as an index of these that they term "Physical Integrity Rights." Coding is based on the frequency of these practices reported in a country-year.\(^5\) If truth commissions have the effects suggested in the literature, the resulting increased accountability and institutional change would likely be reflected in changes in these practices.

In contrast, Freedom House has constructed a broader measure of civil liberties.\(^6\) This seeks to measure such things as the rule of law, the protection of freedom of expression, belief, and association, and personal autonomy. While more diffuse than personal integrity rights, the Freedom House measure provides a validity check. What is more, this more expansive definition of human rights is perhaps better suited to judge whether the commission has really changed social practice. This measure also has the benefit of being available annually for a significant range of time to assess truth commissions, namely from 1972 through 2002.

As with the democracy measures, a cross-national time-series approach is suitable and an interrupted time-series may also hold benefits. In many circumstances, improvements in human rights predate the commission. However, important to truth commission success are claims that they contribute to entrenching a new respect for human rights. These statistical approaches allow one to control for pre-intervention (i.e.


pre-truth commission) levels of human rights protection. As a result, one would expect that, if they have the effects outlined by supporters, countries that have utilized truth commissions should be less likely than other transitional states to suffer setbacks in the level of human rights protections.

While quantitative analysis can be effective in identifying patterns, it is less useful in specifying the mechanisms through which these effects are realized. Qualitative data, therefore, is crucial in any assessment of a truth commission’s contribution to an environment in which human rights are respected. Fortunately, a good supply of data is available as human Rights NGOs have often been important watchdogs in providing periodic updates on whether countries are adhering to human rights commitments. Truth commission reports often serve as benchmarks to which NGOs hold governments accountable. What is more, scholars are also showing a renewed interest in the long-term development of human rights in transitional states (Barahona de Brito 1997; Roniger and Sznajder 1999).

Trust

Ultimately, many supporters of truth commissions argue that the purpose of revelation is to facilitate reconciliation. Although reconciliation is a contested concept that in some forms may be a generations-long project far beyond the reach of a commission, at its root the argument involves the restoration of trust. Some minimal level of trust would seem an important pre-condition for former enemies to live together peacefully (Govier and Verwoerd 2002). This likely involves both building trust in one’s fellow citizens as well as in political and governmental institutions. It has been argued that truth commissions are more useful where existing institutions are not trusted by the
population (Mendez and Mariezcurrena 2003) and that they can also contribute to building trust between former opposing groups (Govier and Verwoerd 2002). These reforms can also contribute to a restoration of accountability thereby helping to generate legitimacy for the new government and political institutions (Wilson 2001). It is not simply about restoring trust in institutions, but just as important is restoring trust in other individuals. A willingness to place one’s trust in those from other groups or in institutions that were once responsible for human rights abuses would seem to be an important indicator that the country has become reconciled with its past. This trust-building potential of truth commissions merits greater examination.

One could further divide this by distinguishing between building trust among the general population and among elites. Gauging public sentiment would be a useful endeavor, though with rare exceptions, the opportunity is long since past. Where public opinion has been consulted, it has typically been to study the commission’s reception. By far, the South African public has been studied most in this regard (Backer 2003; Gibson 2004; Gibson and Gouws 2003; Theissen 1999; Theissen 2002). Results have been mixed as by some measures the TRC appears to have had a positive impact, but not in others. In descriptions of some other truth commission cases, occasional reference is made to locally administered surveys, but it is often unclear if the data is available or what the process was by which it was collected. Our understanding of truth commission impact on the average person would certainly be helped by an expanded use of surveys and
interviews for current and future cases. Unfortunately, of the commissions completed thus far, we lack before/after insights to weigh any change produced by a commission. Therefore, while surveys may be of assistance for individual cases, their value is limited for cross-national comparison at this stage. The literature does, however, provide a number of potential avenues to be explored through case studies. One common suggestion for assessing truth commissions has been to examine how the past is dealt with in the public sphere (Hayner 1999; Ignatieff 1996; Weissbrodt and Fraser 1992). After all, if the truth commission’s output is accepted by most quarters, the past should recede as a point of contention. Hayner (1999) provides more specific ideas, namely whether opponents’ relationships are based on the past or the present and whether there is one version of the past or many within society. This suggests shifting the focus to relationships amongst elites. At the same time, it is significant to remain cognizant of connections between elites and the public.

In making the case for cooperation as a proxy for national reconciliation, Govier and Verwoerd (2002) argue that since groups cannot achieve friendship, in order to continue living together cooperation is necessary. A number of points of examination present themselves with respect to trust amongst elites. Is the membership of political parties and civic organizations diverse or segregated along the same lines that were the sources of conflict? Does political cooperation within the legislature bridge the former divide (at least in political systems where interparty cooperation is more necessary)? Are parliamentary debates and political campaigns waged on issues of the day or do they provide a platform for playing on historical caricatures of the opposition?

7 Clearly, surveys are not a perfect instrument for a host of reasons. However, this evidence should not be dismissed out of hand, particularly when evidence has been so hard to come by with respect to truth commissions.
Similar questions could be asked of the public’s support for different elites. Do parties (and individuals) most closely associated with the abuses of the past retain significant political support amongst the public? What is more, is this support with or without a significant revamping of the party platform and/or an attempt to distance themselves from the past? More generally, information regarding the sectors of society from which politicians and parties obtained their support would be useful. Where there is little heterogeneity of support, i.e. polarized groups back their own parties or individuals; the healing process would appear to be in poor shape. Similar questions can be asked about particular individuals associated with the prior regime. For example, the effectiveness of Guatemala’s truth commission might be questioned by the strong showing of Rios Montt in the 2003 election. Furthermore, does extremist media remain a significant force? Because it is often difficult for adults to change their views, have the findings of the commission made their way into textbooks used to teach the next generation? These questions can help us begin to get a better grasp of the extent to which truth commissions produce greater trust in society and, consequently, raise the prospects of peaceful coexistence, if not social reconciliation.

**Distinguishing Truth Commission Impact**

Any claims about truth commission impact are further complicated by the fact that they are relatively limited institutions that rely on other actors and circumstances to see most of these goals realized. Some critics have perhaps unfairly judged truth commissions based in part on developments beyond the commission’s scope or that occurred after it completed its work. Hayner concludes that although “this is a fair, indeed an important, means of evaluation, political realities and outside actors should be
recognized for the failure or success of a commission's long-term impact, as much as the work of the commission itself" (2000: 370). This section takes a preliminary look at some steps to address this.

In general, the purposes put forward for truth commissions are related to restoring accountability as well as promoting reconciliation and the protection of human rights, but momentum in these areas is often already picking up steam as a result of the transition itself. This momentum is in fact part of the reason why the truth commission is created in the first place and, therefore, has consequences for distinguishing a truth commission’s success. Governments theoretically are more likely to enact recommended reforms if they have established the commission. The problem of isolating commission effects is also evident in evaluating the truth commission’s outputs. Particularly when created as part of a broader peace agreement, parties sometimes agree that the commission’s recommendations will be mandatory. However, there is often little to compel the new government to live up to these commitments. Follow-up bodies have been created in some instances at the behest of the commission to oversee such things as reform enactment, reparations distribution or continued investigations, but the commission itself is not around to see its recommendations put into place. As a result, the impact of the commission is largely contingent on its ability to carve out a legacy through its report (and hearings in those cases where they were publicly conducted) to serve as an authoritative moral voice and as focal point for continued pressure from domestic and international actors to achieve a more peaceful, democratic society.

Identifying a truth commission’s impact on society is problematic for a number of reasons. Most importantly, it is not always clear whether particular effects can be
attributed to the commission or to other dynamics in the transition period. The creation of a truth commission is part of a broader break with the past. The transitions preceding truth commissions are often towards a more democratic system. These changing conditions also often produce at least temporary improvements in human rights. Any effect on trust is less clear. Yet, the point is that there are antecedent conditions that cloud one’s ability to distinguish what independent effect a truth commission has had on a society in transition. Truth commissions are aimed to sustain initial progress in these areas brought about by the transition itself. As such, it is important to examine the factors that produce truth commissions before delving into their effects to control for endogeneity.

Clearly, since the factors producing truth commissions are likely to produce similar trends in the outcomes of interest, it is important to control for these antecedent variables in order to account for selection effects. There is a fairly strong literature examining what factors shape transitional justice policies. The balance of forces, nature of the *ancien* regime, the condition of the judicial system, and international factors amongst others have been suggested as significant variables affecting how the past is dealt with in particular transitional circumstances (Ash 1997; Barahona de Brito, Aguilar, and Gonzalez Enriquez 2001; Chapman and Ball 2001; Hayner 1999; Pion-Berlin 1994; Zalaquett 1989).

The balance of forces at transition is perhaps the most significant. The degree to which the *ancien* regime remains a significant force in post-transition politics, the greater the degree to which they can influence how the past is dealt with. Generally speaking, in situations where the old regime has little control over shaping the new political
landscape, they are more likely to be put on trial by the victors. However, if the victors also were responsible for serious human rights violations, they may pursue a policy of doing nothing about the past to avoid embarrassment. Truth commissions have been more likely, by contrast, in cases where the balance of forces was relatively even. The new government is still faced with a formidable foe in the old regime that is able to significantly influence the shape of the transition. Yet, there exists a genuine desire on the part of many domestic actors as well as external pressure to deal with crimes of the past in some way. In these circumstances, truth commissions provide a compromise solution. Although less explored, it seems reasonable to expect that the balance of forces is likely to influence the degree to which truth commission recommendations are acted upon as well.

Amongst other factors shaping the means of transitional justice chosen, a few others would also seem to have relevance for trust, human rights, and democracy. First, the role of civil society has been implicated as having significance for the impact of truth commissions (Barahona de Brito, Aguilar, and Gonzalez Enriquez 2001; Crocker 2000; Hayner 1999). Complicating quantitative analysis, depending on the measure used, a strong civil society can be seen as an indicator of democracy. In most circumstances, a strong civil society will be pushing the cause of democracy and human rights regardless of whether a truth commission (or other transitional justice mechanism) has been used. However, opting to do nothing about past crimes is more likely where civil society is weak. Civil society can also contribute to a truth commission’s impact by putting pressure on the government to implement the commission’s reform recommendations suggesting an interaction effect.
Second, a similar impact is expected from the international community. The international role in truth commissions has been both supportive and controversial (Hayner 2001). Where a stronger interest by external actors is exhibited, governments seem more likely to respond to these pressures for taking a stronger response to past human rights abuses and for enacting truth commission recommendations (Barahona de Brito, Aguilar, and Gonzalez Enriquez 2001; Hayner 1999). At the same time, international involvement can take a variety of forms. At perhaps its most mild, foreign governments and human rights NGOs pressure the new government to see some form of justice done for past crimes. These actors also may go one step further and provide funding for the commission. The international community may even go so far as to completely fund the project and staff it as the United Nations has in El Salvador, Guatemala, and Sierra Leone after a commission was negotiated into the terms of peace agreements there. It seems likely that the greater the degree to which the truth commission is under international control, the greater the chance the past will remain contentious. Although the international community may provide expertise and resources and may be necessary in cases where opposing sides remain deeply at odds, truth-seeking under these conditions is more easily dismissed as a foreign imposition and shrugged off once international attention turns elsewhere. Thus, international involvement is a significant dimension on which truth commissions have varied a great deal and it is important it be accounted for, although its multiple dimensions present some difficulties for operationalization.

In seeking to identify the impact of truth commissions, one must also be cognizant of the fact that, depending on the situation, truth commissions may either be part of a
broader effort or the only means of addressing past crimes that are created at the time of transition. Truth commissions were once seen as alternatives to trials as a means to address a pattern of human rights abuses. With any luck, evidence collected by the commission might be used in future trials once the transitional period becomes more settled, but this was uncertain and historically unlikely. However, as the prospects of prosecution have increased over time, truth commission advocates have argued that these bodies still have a unique role to play. In some recent cases, such as East Timor and Sierra Leone, where trials (with international sponsors) have been conducted, truth commissions have been seen as an ideal mechanism to deal with minor criminals in order to ease their reintegration into society. What is more, the presence of a functioning judicial system can provide the threat of prosecution and may entice individuals to come forward and cooperate with the commission (Shea 2000). Therefore, it is fruitful to distinguish what different mechanisms are available in each country.

It seems also important to control for the nature of the conflict that is to be investigated by the commission. Independent of what the commission is authorized to investigate, truth commissions have been used for a range of circumstances from government repression in Zimbabwe’s Matabeleland in 1983 to Chile where human rights abuses, although brutal, were concentrated in the early years of the Pinochet regime a decade and a half before the commission to Guatemala’s brutal thirty year civil war. The more severe human rights abuses were and the more recent they were seems likely to make reconciliation more difficult (Sriram 2004). This is true both in terms of the number of crimes committed and in how severe the human rights abuses were. In other words, prospects for social reconciliation would seem to have different prospects in
conditions where there was greater violence compared to others where human rights violations may not have been as brutal nor the wounds as fresh. It is also possible that whether the prior conflict was based on ethnic or ideological division may have implications for the reception of a truth commission.

Finally, some other responses are specific to the method chosen. On the quantitative side, for data available in a time-series, as the democracy and human rights measures are, one can control for the prior year’s score. What is more, there is a reasonably well developed quantitative literature on both democracy and human rights that provide controls to be included. For democracy, important determinants identified in the literature are the level of urbanization, education, British colonial history, Islamic societies, size of the population, being engaged in civil war or interstate war, and the level of economic development (Barro 1999). The level of economic development, size of the population, war involvement (both interstate and civil), and democracy have been shown to influence the level of human rights protection in a country (Poe and Tate 1994; Poe, Tate, and Keith 1999).

In case studies, one way in which insights can be gained is by comparing countries that have created truth commissions to countries with similar antecedent conditions where the truth commission option was not chosen. Should a truth commission country prove to have a significantly better human rights record than an equivalent non-case, for example, that would provide some support for the utility of commissions. Conversely, if countries that opt not to create a commission end up in a similar condition to a truth commission country, it would suggest a reexamination of where time and money are best spent in that critical transition period. For example, many South
American truth commission cases followed an era of bureaucratic authoritarianism. However, Brazil, another example of institutionalized military rule, did not conduct an official investigation into the past. Should Chile, for example, prove to be better off than Brazil on our variables of interest, this would provide support for the benefit of official truth commissions.

What is more, case studies can allow the researcher to trace the use of truth commission findings and the way in which they are injected into the language of political debate. An important source of information is civil society, both domestic and foreign, which is likely to attempt to hold the government accountable for acting on recommendations. In many instances, reports from interested groups detail progress (or lack thereof). Following where commissioners go professionally after the commission’s end can also provide hints as to the truth commission’s impact. In some cases, they have entered civil society, others government. Neither path provides definitive evidence of truth commission impact on its face, but rather provides hints as to one direction in which to look.

Attributes of Truth Commissions

Obviously, not all truth commissions are created equal as the language thus far might suggest. There has been significant variation on a range of dimensions. From the scope of the mandate, the size of budgets, the degree to which it is in the public eye, and

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9 Given the competing demands of rebuilding, funding is often limited for truth commissions, which will restrict the thoroughness of the investigation. The Chadian commission, for example, was forced to take up residence in a former detention center and the Ugandan commission shut down for periods of time due to lack of funding. Where significant funding does exist, it has often come from external actors. In fact, there is relatively little variation in funding. With the possible exception of South Africa, all have struggled with funding to varying degrees.
the make-up of the commission are all variables that seem likely to have significant implications for a truth commission’s ability to positively shape post-conflict societies (Freeman and Hayner 2003; Hayner 1994). I expect three characteristics of truth commissions, in particular, to influence effectiveness: the nature of the mandate, the public nature of the commission, and the make-up of the commission.

One important dimension on which truth commissions have varied significantly is in terms of the nature of the mandate it is given to conduct its investigation. Many have had significantly circumscribed mandates, which restricts the range of crimes open to investigation. These holes often emerge as part of the political compromise at the time of transition (Ensalaco 1994). Some commissions, for example, have not been able to examine torture and disappearances unless it resulted in death. Such circumstances necessarily produce an incomplete record that will likely leave some segments of society dissatisfied from the lack of acknowledgment and loss of eligibility for reparations (if they are offered). At other times, the mandate is in fact drawn too broadly. Chad’s commission, for example, was also authorized to look into corruption charges in addition to human rights abuses. An overly expansive mandate is likely to stretch resources and time too thin and result in incomplete findings.

The timeframe open to investigation is another significant aspect of the mandate. This is important because it will shape the truth produced by the commission. Therefore, it is open to politically motivated manipulation. Generally speaking, commissions have had the major events available to them for investigation, but it remains to be seen whether shorter, more focused commissions fair differently than those with a bigger scope.
Finally, commissions have had different lengths of time with which to complete their work. The consensus is that it should be a relatively short time (Hayner 1996b; Shea 2000). Despite perhaps coming at the expense of thoroughness, six months to two years is favored in order for it to ride the wave of public interest and make a contribution to the transition. However, there has in fact been relatively little variation in this regard. With the exception of the second Ugandan commission, which stretched over nearly a decade due to a lack of a deadline and periodic funding shortages, truth commissions have mostly been within about two years or less in duration.

To summarize, most argue that the mandate should be sufficiently broad so that the commission has a free rein to produce a thorough, balanced picture of the past (Abrams and Hayner 2002; Freeman and Hayner 2003; Hayner 1994). The potential risk would seem to be that the commission’s time and resources could be spread too thin. In other words, commissions should have the full range of crimes open for investigation, but to focus only on human rights abuses. The timeframe should coincide with the beginning and end of the conflict and the commission should operate for 1-2 years, any less and its findings will be superficial, any more and it cannot contribute to the transition. In practice, truth commission mandates have varied a great deal. Table 2 summarizes truth commission cases by the scope of their mandates based on research conducted thus far.

<table>
<thead>
<tr>
<th>Restricted</th>
<th>Comprehensive</th>
<th>Too Broad</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uganda 1974</td>
<td>Germany</td>
<td>Uganda 1986</td>
</tr>
<tr>
<td>Bolivia</td>
<td>El Salvador</td>
<td>Chad</td>
</tr>
<tr>
<td>Argentina</td>
<td>Haiti</td>
<td>Nigeria</td>
</tr>
<tr>
<td>Uruguay 1985</td>
<td>Burundi</td>
<td></td>
</tr>
<tr>
<td>Zimbabwe</td>
<td>South Africa</td>
<td></td>
</tr>
<tr>
<td>Philippines</td>
<td>Ecuador</td>
<td></td>
</tr>
<tr>
<td>Nepal</td>
<td>Guatemala</td>
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The commission’s connection to the public is a second point of comparison. One way in which the connection can be made to national healing is to view truth commissions as costly signals (Pion-Berlin 1994). As argued earlier, truth commissions are typically created by new governments to demonstrate a commitment to human rights, democracy, and the rule of law. The more open the process is, the more costly the signal is likely to be and consequently, governments may be more likely to act on the truth commission’s findings. In terms of the public nature of truth commissions, two dimensions must be examined. First, truth commissions have varied in the degree to which the proceedings are open to the public. The degree to which the commission’s findings are accessible by the public is a second crucial element. Truth commissions have varied in the extent to which their operations were open to public observation. Public proceedings draw the attention of the population even if not always prompting active participation. It has been more common for African commissions to conduct public hearings,\textsuperscript{10} and the population has typically observed with rapt attention.

Although closed hearings mean the public will likely be more out of touch with day-to-day operations, this does not mean a truth commission without public proceedings cannot connect with the public provided the report is widely distributed (Hayner 1994). The widespread release of a report focuses attention, both domestic and international, on

\textsuperscript{10} It is in part an illustration of the dramatic impact of the South African Truth and Reconciliation Commission that Peru strayed from the regional norm and modeled many of their procedures after South Africa including public hearings.
crimes of the past. If revelations and recommendations are more widely known, there will likely be greater pressure on the government to respond. As a result, one would expect that the more public the truth-seeking process is the more likely governments will enact the commission’s recommendations and consequently facilitate healing. Of course, in both reporting on its proceedings and its findings, the realization of this benefit relies on the presence of independent media in order for the commission’s message to be spread (Shea 2000).

Table 3 lists the countries by the public nature of their truth commission based on data collected thus far. As each category is not necessarily mutually exclusive and the relationship not clearly ordinal, some cases appear more than once.

**Table 3: The Public Nature of Truth Commissions**

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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ukraine 1974</td>
<td>Argentina</td>
<td>Uganda 1974</td>
<td>Bolivia</td>
<td>Chad</td>
</tr>
<tr>
<td>Ukraine 1986</td>
<td>Nepal</td>
<td>Uruguay 1985</td>
<td>Zimbabwe</td>
<td>Germany</td>
</tr>
<tr>
<td>Nigeria</td>
<td>Chile</td>
<td>Haiti</td>
<td>Uganda 1986</td>
<td>Sri Lanka</td>
</tr>
<tr>
<td>East Timor</td>
<td>El Salvador</td>
<td></td>
<td>Philippines</td>
<td>South Africa</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>Sri Lanka</td>
<td></td>
<td>Ecuador</td>
<td>Peru</td>
</tr>
<tr>
<td>Ghana</td>
<td>Burundi</td>
<td>Guatemelal</td>
<td>Panama</td>
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</tbody>
</table>

Finally, commission composition seems likely to influence a truth commission’s impact on society. Truth commissions have differed as to whether commissioners were selected explicitly for their ties to one side of the conflict or for being neutral, respected members of society. One-sided commissions, consisting of members affiliated with only one side of the conflict, seem less likely to provide the basis for moving forward in peaceful coexistence and more likely to descend into a kangaroo court. By contrast, a commission evenly divided amongst representatives of the former opponents may lend it credibility with all sides as some have asserted the Chilean commission did (Weissbrodt
and Fraser 1992). There appears to be general consensus, however, on composing commissions of well-respected members of society, such as academics, civil society members, or clergy. These individuals untainted by the past conflict seem likely to produce a truth that would be perceived as unbiased, but the resulting commission may also lack the punch to have itself taken seriously. What is more, they generally do come at the project with the assumption that human rights are a high priority, which may lead some to assert that they are not wholly impartial. The predominance of such an approach, however, suggests a consensus that neutral commissioners are most conducive to facilitating social healing.

In a number of instances, commissioners have also been drawn from outside the country to further accentuate the perception of neutrality. Truth commission cases have in fact varied as to whether commissioners were selected domestically, drawn from a pool of international candidates, or some mixture. A commission composed of international figures may lend legitimacy and authority (Kaye 1997) and may be the only workable option if the sides are too polarized as was perceived to be the case in El Salvador. However, an international commission may also leave the truth commission without a local advocate and could allow opponents of the commission to deride it as a foreign imposition. In addition, foreigners often lack local knowledge, which could inhibit their ability to do as thorough of a job.

Table 4 provides a breakdown of the compositions of each truth commission based on data collected thus far.

Table 4: Where Do Commissioners Come From?

<table>
<thead>
<tr>
<th>One-Sided</th>
<th>Balanced</th>
<th>Respected Members of Society</th>
<th>International Members</th>
</tr>
</thead>
</table>

32
<table>
<thead>
<tr>
<th>Brahms</th>
<th>Chad a</th>
<th>Chile</th>
<th>Germany</th>
<th>Argentina</th>
<th>El Salvador</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Uruguay 2000</td>
<td>Bolivia</td>
<td>Bolivia</td>
<td>El Salvador</td>
<td>Bolivia</td>
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<tr>
<td></td>
<td></td>
<td>Chile</td>
<td>Argentina</td>
<td>El Salvador</td>
<td>Chile</td>
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<tr>
<td></td>
<td></td>
<td>Bolivia</td>
<td>Uruguay 2000</td>
<td>El Salvador</td>
<td>Uruguay 2000</td>
</tr>
</tbody>
</table>

* It appears that the commission was not one-sided in its composition, but its mandate dictated it look only at abuses of the former government.

b Some consider it a whitewash, but this is largely due to the government’s reaction to the commission.

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It is worth emphasizing that I am not arguing against the utility of truth commissions. In my view, this is an important empirical question that remains to be satisfactorily answered. We owe it to the countless victims of human rights abuses around the world to pursue this line of inquiry and I have sought here to move in this direction. Clearly, despite beliefs about their worth, this is a growing concern for many as is evidenced by a recent international conference on the subject.  

This paper has sought to outline some steps that could be taken to conduct a preliminary analysis of the deeper, longer-term effects of truth commissions on transitional societies. It has noted that, although examining mass public reaction is an

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important task, we are really only well-equipped to do so for future cases. While there has been some research on the aggregate effects, they have generally been descriptive and focused on the immediate reception of the truth-seeking project. Whether and in what ways the findings become part of the broader social fabric are poorly understood. From there, I have suggested three broad areas in which data is relatively well available to begin to address this gap. First, the implementation of truth commission recommendations with respect to the reform of political institutions has important ramifications for the prospects of democratization. Second, truth commission investigations are in part motivated by a desire to create a human rights culture in society. Third, truth commissions are intended to help former opponents live together in peace, an important foundation for this being trust-building. I have also sought to caution of potential pitfalls in tying causation to truth commissions. Finally, I have argued that the ability of truth commissions to realize the three goals outlined above will vary according to salient differences in the nature of truth commissions that have been created thus far.

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