



SPECIAL REPORT

1200 17th Street NW • Washington, DC 20036 • 202.457.1700 • fax 202.429.6063

ABOUT THE REPORT

In March 2004, the United States Institute of Peace (USIP), with assistance from the American Association for the Advancement of Science (AAAS), hosted a three-day conference at Airlie House in Warrenton, Virginia, entitled “Trauma and Transitional Justice in Divided Societies.” Participants included approximately forty-five researchers and practitioners from around the world, about half of them current or former USIP grantees.

The purpose of the conference was to explore, from different disciplinary perspectives, how divided societies emerging from violent conflict have sought justice and reconciliation through various transitional justice mechanisms and to assess what impact these mechanisms have had on trauma and reconciliation.

The conference focused on societies that have (1) experienced political transitions following inter- or intrastate conflict, communal violence, or widespread human rights violations along ideological, ethnic, and/or historical lines; and (2) relied on different transitional justice mechanisms and public policy interventions. Conference organizers included Judy Barsalou, Neil Kritz, and Colette Rausch (USIP), Audrey Chapman and Victoria Baxter (AAAS), Vamik Volkan (University of Virginia), and Joseph Montville (George Mason and American Universities).

This report was written by Judy Barsalou, director of the Institute’s Grant Program. It summarizes preliminary findings on a range of issues that conference participants agreed deserve further examination.

The views expressed in this report do not necessarily reflect those of the United States Institute of Peace, which does not advocate specific policy positions.

SPECIAL REPORT 135

APRIL 2005

CONTENTS

Defining the Issues	2
Recurrent Themes	3
Conclusions and Recommendations	11

Judy Barsalou

Trauma and Transitional Justice in Divided Societies

Summary

- Truth telling, justice seeking, and reconciliation are inherently political processes heavily influenced by conflicting interests and access to resources. The process of seeking justice through legal procedures can be more important in building respect for the rule of law than in the meting out of summary justice.
- Countries emerging from long-term violent conflict are troubled societies that may develop destructive social and political patterns. In such cases, fundamental psychological adjustments in individual and group identity—aided by reconstruction processes—are essential to reconciliation.
- The tasks of promoting justice, psychological relief, and reconciliation are hugely challenging and costly, and they may take decades to achieve. Yet interventions with these goals in mind are usually constrained by time and inadequate resources. The end goal of achieving reconciliation is likely to require multiple interventions.
- There is often ambiguity about who the beneficiaries of any particular transitional justice intervention are meant to be. Moreover, interventions may impact individuals and broader social groups differently with respect to psychological rehabilitation and reconciliation. Therefore, the needs of individual victims must be balanced against the society’s larger short- and long-term goals.
- In transitional justice processes, “complex truths” may be hard to find in individual survivors’ stories. Historical narratives are a crucial part of getting to the truth, but the telling of history reflects the perspective of the teller and can be the basis for continuing conflict. Truth commissions and war crimes tribunals can provide an essential service by presenting concrete evidence about terrible crimes.
- Societies emerging from conflict are culturally diverse. When designing transitional justice mechanisms, it is essential to identify and draw upon local cultural traditions and strengths to the extent possible and to consult the population that the interventions are meant to help.
- “Third-party” outsiders can play essential roles by introducing new perspectives about the conflict, by providing needed expertise, and/or by mediating among

ABOUT THE INSTITUTE

The United States Institute of Peace is an independent, nonpartisan federal institution created by Congress to promote the prevention, management, and peaceful resolution of international conflicts. Established in 1984, the Institute meets its congressional mandate through an array of programs, including research grants, fellowships, professional training, education programs from high school through graduate school, conferences and workshops, library services, and publications. The Institute's Board of Directors is appointed by the President of the United States and confirmed by the Senate.

BOARD OF DIRECTORS

J. Robinson West (Chair), Chairman, PFC Energy, Washington, D.C. • **María Otero** (Vice Chair), President, ACCION International, Boston, Mass. • **Betty F. Bumpers**, Founder and former President, Peace Links, Washington, D.C. • **Holly J. Burkhalter**, Advocacy Director, Physicians for Human Rights, Washington, D.C. • **Chester A. Crocker**, James R. Schlesinger Professor of Strategic Studies, School of Foreign Service, Georgetown University • **Laurie S. Fulton**, Partner, Williams and Connolly, Washington, D.C. • **Charles Horner**, Senior Fellow, Hudson Institute, Washington, D.C. • **Seymour Martin Lipset**, Hazel Professor of Public Policy, George Mason University • **Mora L. McLean**, President, Africa-America Institute, New York, N.Y. • **Barbara W. Snelling**, former State Senator and former Lieutenant Governor, Shelburne, Vt.

MEMBERS EX OFFICIO

Arthur E. Dewey, Assistant Secretary of State for Population, Refugees, and Migration • **Michael M. Dunn**, Lieutenant General, U.S. Air Force; President, National Defense University • **Peter W. Rodman**, Assistant Secretary of Defense for International Security Affairs • **Richard H. Solomon**, President, United States Institute of Peace (nonvoting)

While much has been written about posttraumatic stress disorder the role that trauma plays on the broader societal level is less well understood.

parties to the conflict. But outside interventions can also inhibit social rebuilding and psychological healing if not handled properly or sensitively.

- Memorials can play a role in recovery from trauma and the shaping of historical memory. But the commercialization of memorial sites may have both positive and negative effects on society. Depending on the narratives they convey—and their timing—memorials can promote reconciliation or stimulate further conflict.
- Defining success, even in a single geographical context, is a complicated process. It is extremely difficult to evaluate the overall effectiveness of transitional justice mechanisms given the differing perspectives of victims and perpetrators. Little effort has been made to assess the impact of transitional justice on trauma relief programs.
- There is sometimes the unstated presumption that successful transitional justice mechanisms contribute to the establishment of democracy in countries emerging from authoritarian government. Clearly, this political outcome does not always occur. But effective transitional justice mechanisms can help victims regain a sense of dignity and self-worth—feelings essential to citizenship in a democratic polity.

Defining the Issues

The international community now recognizes that accounting for what happened during the conflict, seeking justice for those who were wronged, and promoting peaceful reconciliation among combatants and their broader societies are among the most important needs of countries emerging from violent conflict. While much has been written about posttraumatic stress disorder (PTSD)—the psychological distress that individuals may develop following exposure to an upsetting event outside the range of normal human experience—the role that trauma plays in these processes on the broader societal level is less well understood.

To explore these issues, the Institute convened a conference in March 2004 that focused on the following questions:

- What are the implications of seeking and achieving justice and reconciliation in both legal and psychological terms? How can transitional justice mechanisms and processes be designed that are sensitive to the psychological needs of individuals and societies in order to dampen the desire for revenge and end cycles of violence?
- How does trauma express itself at the societal level, and what impact does it have on the formulation and/or operation of transitional justice mechanisms and processes? Under what circumstances do transitional justice mechanisms address, exacerbate, or relieve trauma experienced by individuals or broader social groups?
- Has concern about the role and impact of societal trauma been explicit in the design and operation of transitional justice mechanisms? Do some transitional justice mechanisms aspire to address the needs of traumatized individuals or do they generally aim at addressing the psychological needs of larger groups or whole societies? When not designed with societal trauma in mind, have transitional justice mechanisms nonetheless had an impact—for good or for ill—on individual or societal trauma?
- How do transitional justice mechanisms that are not based on legal processes—such as public apologies, memorials, and museums—relate to societal trauma? What impact have these and other initiatives had on national reconciliation processes?
- What is the relationship between transitional justice mechanisms and processes that work at the national level or the international level, on the one hand, and at the community level, on the other?
- How do societies assess the impact of transitional justice mechanisms and their ability to promote or contribute to reconciliation at the individual or broader social level?

Recurrent Themes

In the course of the conference, a number of central themes emerged in relation to these questions. The remainder of this report is devoted to an exploration of those themes.

Influences on Transitional Justice

Truth telling, justice seeking, and reconciliation are inherently political processes, heavily influenced by the nature of the societies emerging from conflict, contending interests, and access to resources. The process of seeking justice through legal procedures can be more important in building respect for the rule of law than the meting out of summary justice.

Transitional justice processes are profoundly influenced by a number of political and resource-based factors. They include:

- *How those in power define their interests.* When well-known human rights abusers and war criminals continue to hold high office, they are unlikely to permit the development of processes that will hold them and others accountable.
- *Restoration of basic security.* When security is absent, witnesses and judges may be intimidated, either requiring that transitional justice processes (such as war crimes tribunals) be held out of the country or preventing the operation of those processes in the first place.
- *The institutional, professional, financial, and cultural resources at the disposal of the affected country.* Some conflict-affected countries have well-developed legal systems, as well as large legal and mental health professional communities, but others may be almost entirely bereft of such resources. Likewise, some countries have more financial resources than others to spend on transitional justice and trauma relief, or they may have well-developed cultural practices, such as ritual purification ceremonies, that help promote reconciliation and trauma relief.
- *The extent to which the international community is interested and involved.* In such settings as East Timor, the former Yugoslavia, and Rwanda, the international community has committed substantial financial and professional resources to develop transitional justice institutions and programs, while other countries, such as the Democratic Republic of Congo, have received little attention and support. Even in countries where truth commissions and other transitional justice mechanisms are relatively well financed, their work tends to be of fairly short duration, and they are chronically underfunded, understaffed, and “over-mandated.”

One of the clearest cases of a transitional justice mechanism compromised by politics was the Chilean Truth Commission. Although its work was still of great value, its mandate was limited in three important respects: It could investigate only deaths and disappearances, not cases of torture or other human rights violations; all of its hearings were held in private; and it was forbidden to name perpetrators.

The design of the South African Truth and Reconciliation Commission (TRC) also was the product of a series of political compromises. Initially, the National Party demanded a blanket amnesty as a condition of a political transition, whereas the African National Congress wanted to prosecute those responsible for serious human rights abuses. The establishment of a truth commission with the mandate to extend amnesty for political crimes in exchange for full disclosure offered a middle ground. But the creation of the TRC by parliament was delayed at least a year by South African president Nelson Mandela, who understood that the top leadership of the army and police needed to be changed first so that the new government would be fully in control of those institutions.

Transitional justice processes are profoundly influenced by a number of political and resource-based factors.

One of the clearest cases of a transitional justice mechanism compromised by politics was the Chilean Truth Commission.

It is one thing to recognize the inherently political nature of transitional justice processes and another thing to prevent political considerations from dominating.

On another continent, the creation of the International Criminal Tribunal for the former Yugoslavia in part reflected the fact that, when the Balkans wars ended, local war criminals were heroes among their ethnic groups and unlikely to be immediately tried by local courts. The international community recognized that if justice was to be done the court would have to be located outside of the region in a place where judges and witnesses would be secure against attacks and where a tribunal would be, and would be perceived to be, impartial.

It is one thing to recognize the inherently political nature of transitional justice processes and another thing to prevent political considerations from dominating. Discus-sants observed that often a society or new government in power may seek to firm up its political support through the summary execution of high-level party officials who committed terrible crimes. However, the society will be better served if those officials are given legal counsel and due process is observed in their trials. In short, the *process* of seeking justice through legal and truth-telling procedures can be more important in building respect for the rule of law than the meting out of summary justice for specific perpetrators without proper respect for due process.

Psychological Elements of Transitional Justice

Countries emerging from long-term violent conflict are troubled societies that may develop destructive social and political patterns. In such cases, fundamental psychological adjustments in individual and group identity—aided by reconstruction processes—are essential to reconciliation.

Some individuals who participate in or are exposed to violence may suffer from psychological disturbances (such as flashbacks and sleep, learning, and physical disorders), as well as more fundamental identity and spiritual problems. Indeed, there are clinical definitions of individual trauma and healing, although the conceptualization and treatment of individual trauma remains an active subject of debate among scholars and practitioners.

On the broader level, societies caught up in long-term violent conflict can also undergo serious changes as a result of long-term exposure to violence. New social patterns may emerge, such as widespread prostitution, rape, and domestic violence. Violence experienced by specific social and ethnic groups can reinforce a sense of group identity and victimization, and can encourage the emergence of markers of group identity, expressed through dress, language, and social practices. Specific traumatic events, so-called chosen traumas, may become transformed or glorified in the retelling to subsequent generations and may be used to incite revenge and justify efforts to restore the honor or dignity of the victimized group. Societies transformed in these ways by long-term conflict can become engaged in highly (self-)destructive political dynamics in which they become locked in unending conflict with their hated enemies. In such cases, reconciliation will not be achieved through the signing of a peace treaty alone but will also require adjustments at a more fundamental psychological level.

There is disagreement over whether medical approaches to diagnosing and treating posttraumatic stress disorder in individuals are relevant for transitional justice and reconstruction processes at the community and national levels. While we often use medical terms to describe “wounded” societies and their “recovery,” some believe that we should not psychopathologize the process of social reconstruction but instead should identify and strengthen the sources of resilience within societies.

The processes of closure and healing—psychological and medical concepts that are used most often in reference to individuals rather than communities—are poorly understood when they are used to describe social dynamics in societies emerging from violent conflict. It is difficult to define these processes in practical or quantifiable terms and

Specific traumatic events, so-called chosen traumas, may become transformed or glorified in the retelling to subsequent generations and may be used to incite revenge.

problematic to apply them to widely different cultures. The term “reconciliation” is often used to describe processes through which societies recover from trauma, mete out justice, and engage in social reconstruction, but defining exactly what reconciliation means and how it is achieved remains a challenge.

While it is clear that societies exposed to long-term violence undergo profound psychological changes that affect the behavior of those societies and particular groups within them, there is disagreement about how to address the resulting dysfunctions. What priority should be given to different strategies, ranging from medical interventions to constitutional reconstruction, judicial restructuring, economic revitalization, and educational system reorganization? Even when medical approaches seem appropriate, many societies emerging from conflict have limited medical communities and no means to provide psychological counseling to thousands, let alone millions, of citizens.

Those who argue against “medicalizing” the focus of trauma relief suggest that reliance on terms such as “trauma” and “healing” divert attention away from the basic issue of how societies rebuild themselves after massive violence. From this perspective, the success or failure of those efforts depends primarily on establishing (or reestablishing) the rule of law and viable political institutions, security from violence, freedom of movement, access to unbiased information, economic and physical reconstruction, and the development of a quality educational system. All of these factors are likely to play a role in the restoration of individuals’ sense that they have control over their lives. Yet, arguably, while reconstruction along these lines is necessary to achieving stabilization and accountable government, fundamental psychological adjustments in individual and group identity—aided by reconstruction processes—are essential to reconciliation.

Time and Resource Constraints

The tasks of promoting justice, accountability, psychological relief, and reconciliation are hugely challenging and costly, and they may take decades or more to achieve. Yet interventions with these goals in mind are usually constrained by time deadlines and inadequate financial resources. Single-shot approaches or quick one-time fixes usually fall short of expected goals and often raise unrealistic expectations. The end goal of achieving reconciliation is likely to require multiple interventions.

Resource constraints and mandate limits are inevitable features of transitional justice mechanisms and trauma relief programs. Adding to the challenges imposed by resource limitations is the fact that the timing and sequencing of interventions is important. There is often a limited window of opportunity to establish particular mechanisms. For example, a lustration program to remove from responsible positions individuals associated with the previous regime is often—although not necessarily—best implemented early in the transitional justice process. Collection of evidence and witness statements for war crimes trials and/or a truth commission is generally best undertaken quickly, before loss or damage occurs and while memories are fresh.

On the other hand, early mandates, especially when imposed by outside actors, to set up a transitional justice mechanism may ignore political, societal, and budgetary realities. The urge to act quickly must be balanced against the need to spend time on a broad consultation process, on securing resources, and on developing sound mechanisms. Indeed, the implementation of a transitional justice mechanism may benefit from the passage of time as survivors—both victims and perpetrators—process their experiences and adjust to the new order.

Time and resource limitations may increase the temptation to “over-mandate” any particular transitional justice mechanism or intervention. Truth commissions are commonly expected to undertake a wide range of functions: to establish an authoritative record of the past; to gain public acknowledgement of past abuses and violence; to restore dignity

Societies exposed to long-term violence undergo profound psychological changes that affect the behavior of those societies and particular groups within them.

Resource constraints and mandate limits are inevitable features of transitional justice mechanisms and trauma relief programs.

Transitional justice mechanisms sometimes disappoint those who expect them to deliver more than they can realistically accomplish.

People affected by transitional justice mechanisms may range from individual victims and perpetrators to the wider society and even future generations.

The needs of individual victims must be balanced against the society's larger short- and long-term goals.

to victims and promote psychological healing; to forge the basis for a democratic political order; to end violence and prevent future human rights abuses; and to promote reconciliation. In particular, the latter goal has come into question as observers of truth commissions have argued that "revealing is not healing." As temporary bodies with limited resources, truth commissions have limited capabilities. Under such circumstances, it is not surprising that these and other transitional justice mechanisms sometimes disappoint those who expect them to deliver more than they can realistically accomplish.

No single intervention is likely to solve all the problems, and interventions that begin where others have left off may prove to be more effective. For example, war crimes tribunals may help establish the culpability of individual perpetrators but may fail to establish larger societal patterns of criminal behavior. Truth commissions may take on this task but may fail to meet the needs of victims for compensation. Monetary compensation programs, in turn, may not address the need for symbolic reparations, such as monuments and memorials. All of the above may neglect or, in some cases, promote individual or group psychological recovery. Collectively, these mechanisms may play a role in building toward reconciliation.

Defining and Identifying the Beneficiaries

There is often ambiguity about who the beneficiaries of any particular transitional justice intervention are meant to be. Moreover, interventions may impact individuals and broader social groups differently with respect to psychological rehabilitation and reconciliation and sometimes may even cause harm. Therefore, in designing transitional justice mechanisms, the needs of individual victims must be balanced against the society's larger short- and long-term goals.

People affected by transitional justice mechanisms may range from individual victims and perpetrators to the wider society and even future generations. Yet, the designers and implementers of transitional justice mechanisms rarely define explicitly who the mechanisms are meant to benefit. Clearly, truth commissions and war crimes tribunals are designed to help societies expose evidence of crimes committed against individuals and groups and, in the process, set the historical record straight about what happened during a given conflict. In so doing, the benefit to individual victims may be a primary consideration, but to what extent do such transitional justice mechanisms also benefit the larger society by, for example, reestablishing the rule of law or promoting respect for it? Does the import and value of such transitional justice mechanisms change from one community to another within the affected country or from one generation to the next?

While transitional justice mechanisms can serve a number of limited purposes relating to exposing the truth and holding perpetrators accountable, their contribution to psychological recovery and reconciliation, either at the individual or societal level, is also not well established. Indeed, there is evidence that some interventions may re-traumatize individual victims who relive their terrible experiences while testifying in tribunals. Even when great care is taken to handle witnesses in a sensitive manner, participation in truth commissions and courts can impair survivors' psychological well-being and reinforce divisions between victims and perpetrators.

In designing transitional justice mechanisms, policymakers and practitioners engage in a complex moral calculus unguided by scientific principles yielding definitive proof of their ultimate benefits or harms. In this calculus, the needs of individual victims must be balanced against the society's larger short- and long-term goals. Ideally, transitional justice mechanisms will have the effect of minimizing harm to individual survivors while maximizing the achievement of society's goals.

The Elusiveness of Truth

In transitional justice processes, complex truths may be hard to find in individual survivors' stories. Historical narratives are a crucial part of getting to the truth, but the telling of history reflects the perspective of the teller and can be the basis for continuing conflict. Truth commissions and war crimes tribunals can provide an essential service by presenting concrete evidence about terrible crimes.

Survivors find it hard to focus on anything but their own truth, but what is ultimately needed to promote reconciliation is the revealing of complex truths. Individual stories alone are insufficient in casting light on the complex personal and institutional relationships that lead to violence, or, as one conference participant put it, "the network of responsibility and shame that divides communities internally." Establishing the identities of victims and perpetrators is complicated in contexts where everyone claims to be victimized. With respect to any given conflict, one has to ask the question, "Who is the victim and who is the perpetrator?" knowing that the answer to that question will differ depending on who answers it. From a societal point of view, everyone is a survivor of the conflict. While legal trials are designed to uncover and publicize the truth and to punish perpetrators, they may set back the process of reconciliation when all parties concerned view themselves as victims.

Often, the truth can be inconvenient. For example, an ethnic group struggling to recover from years of targeted discrimination and violence will be reluctant to lift the lid on evidence of violence that members of the same group committed against each other. Crimes committed by oppressed groups in battles against a greater evil, such as apartheid or genocide, may be suppressed in the narratives that emerge once the conflict ends. The effort to uncover the truth may also raise difficult issues of moral judgment: Is a crime committed by a targeted group the moral equivalent of a crime committed by an oppressor?

The telling and writing of history is a crucial part of the effort to get to the truth. But the development of historical narratives is fraught with difficulty because they reflect the perspectives of the persons telling them and can be the basis for continuing conflict.

Indeed, competing narratives of victimhood often vie with each other in countries emerging from violent conflict. "What is the way out?" asked one conference participant. He answered his question by suggesting that it is important to question the validity of prior, monolithic narratives that pit one group against another and to facilitate the emergence of alternative narratives through the collection of documents, oral histories, and historical artifacts.

Truth commissions and war crimes tribunals can provide an essential service by presenting concrete evidence about terrible crimes. Without such evidence, social, ethnic, or political groups linked to the violence may be less inclined to accept responsibility for the roles their groups played. Encouraging the articulation of historical narratives by survivors and seeking a means of narrowing the differences among narratives are two ways of extending the work of truth commissions, which generally focus on the stories of individual victims and perpetrators and which operate for very limited periods of time. Understanding what one generation wants to convey to the next generation about what happened during the conflict, and the means by which that history is conveyed, is also very important. More work needs to be done analyzing the relationship between historical narratives and transitional justice mechanisms, and the role that the teaching of history in schools and community-based educational programs can play in inhibiting or promoting reconciliation.

Survivors find it hard to focus on anything but their own "truth," but what is ultimately needed to promote reconciliation is the revealing of "complex truths."

Truth commissions and war crimes tribunals can provide an essential service by presenting concrete evidence about terrible crimes.

Incorporating Local Traditions

Societies emerging from conflict are culturally diverse. When designing transitional justice mechanisms, it is essential to identify and draw upon local cultural traditions and strengths to the extent possible and to consult the population that the interventions are meant to help.

The cultural complexity of postconflict societies increases the challenges of designing effective interventions.

Some traditional societies have nonverbal methods for expressing and addressing trauma.

The cultural complexity of postconflict societies increases the challenges of designing effective interventions. Societies have widely different ways of dealing with violence and individual and collective guilt, remembering the past, and exorcising psychological demons. Knowledge of local cultures and cultural sensitivity are essential especially for outsiders involved in the design and/or implementation of intervention strategies.

Some societies have indigenous traditions, such as customary law practices or traditional healing rituals, that may be more effective in promoting individual and social recovery and reconstruction than legal or medical solutions imported from the West. For example, while Western approaches to trauma rely primarily on “verbalized remembering,” some traditional societies have nonverbal methods for expressing and addressing trauma. More specifically, legal trials and truth commissions may “honor” victims in Western terms by providing them with a public forum for revealing their suffering, but eliciting victims’ testimony through highly structured processes may not be culturally sensitive or appropriate in some settings.

Additionally, storytelling—an important component of various transitional justice mechanisms—can take different forms in different cultures. In South Africa, which established the first truth commission to sponsor public hearings, victims’ testimonies conveyed a narrative of violence and suffering that made it difficult to deny the abuses of the apartheid regime. In other societies recovering from conflict, such as Mozambique, storytelling does not focus on traumatic events but instead on resilience, healing, and successful efforts to outsmart the more powerful. Further, the needs of storytellers may change over time. As one participant noted, some rape victims in Bosnia, having told their stories, now want to forget and to no longer be identified only as victims.

The Role of Outsiders

“Third-party” outsiders can play essential roles by introducing new or independent perspectives about the conflict, by providing needed expertise, and/or by mediating among parties to the conflict. But outside interventions can also inhibit social rebuilding and psychological healing if not handled properly or sensitively.

An interdisciplinary approach to the design of interventions may result in the design of more effective programs.

Outsiders involved in designing transitional justice and trauma relief interventions may be aided by immersion in the cultural, political, and historical traditions of the societies in which they intervene. An interdisciplinary approach to the design of interventions—in which local and international legal and medical experts, political scientists, historians, educators, anthropologists, economists, development specialists, and spiritual leaders play a part—may also result in the design of more effective programs.

When outsiders participate in transitional justice mechanisms and trauma alleviation processes, the very fact of their presence can affect outcomes. For example, an anthropologist documenting the *gacaca* process in a rural village in Rwanda may cause confrontations among survivors and perpetrators that they might otherwise have avoided. These encounters may, in some cases, encourage a catharsis that promotes reconciliation among neighbors or, in other cases, may confirm the neighbors’ continuing mutual enmity.

The complexity of societies emerging from conflict will challenge outsiders and locals alike engaged in helping countries deal with the past. Outside “interveners” in particular may have trouble identifying precisely who their local interlocutors are. What role did those people play in the conflict, and what political interests do they now serve? How

will those considerations affect their advice about the design of interventions to promote legal accountability, justice, trauma relief, reconstruction, and reconciliation?

Memorials and Reconciliation

Memorials can play a role in recovery from trauma and the shaping of historical memory. But the commercialization of memorial sites may have both positive and negative effects on society. Depending on the narratives they convey—and their timing—memorials can promote reconciliation or stimulate further conflict. Generally speaking, it is not wise to rush into the building of memorials as soon as a conflict ends.

Given the inherently political nature of public memorials, there is often disagreement about the appropriate goals of memorials and about which groups—the victims, the wider society, the government in power, or future generations—will serve as arbiters and beneficiaries of memorials and legacy projects. It is unrealistic to try to build memorials that are free from political perspectives and undesirable to do so.

Because memorials are inherently political in nature, it is inevitable that one narrative about a conflict is likely to become more dominant than others. A museum may advance the process of social healing if it gives voice to contending narratives, but it will lose its ability to contribute to peace building if it gives equal weight to all narratives, including those that promoted violent conflict. While the planning and implementation of memorial projects inevitably is tinged by politics, decisions about what is to be remembered, how that is to be expressed, and where the memorial is to be located are best made in consultation with all the communities affected by the violence.

The commercialization of some memorial sites has become an issue, especially when they are used by governments to encourage tourism. Such an outcome can have both positive and negative effects. A site that attracts tourists, such as Robbin Island where Nelson Mandela was imprisoned, can generate revenues that can be used to benefit victims and their families as well as help outsiders understand the conflict better. The commercialization of such sites, however, can demean their value to victims and their communities. Some governments place greater priority on constructing elaborate, expensive memorials than on helping the poor neighborhoods in which the memorials are placed recover from the negative economic effects of the conflict. When that happens, the presence of memorials can have a jarring effect on the local population.

Memorials commemorating specific individuals, such as victims of a particular bombing, can emphasize divisions and are more likely to have a psychological impact limited to the immediate families and communities of the victims. They can reflect the woundedness of a family or a community. Memorials that focus on the larger tragedy of the conflict and acknowledge the pain of all who suffered from the violence can constitute a form of reparation that builds bridges between groups or parties involved in the conflict.

Timing is important. First, the passage of time influences how memorials affect those who are exposed to them. Memorials of events or persons who died a long time ago are less likely to have the same impact or meaning for those who were born after the people or events they commemorate. Second, it is probably not wise to rush into the building of memorials as soon as a conflict ends. The passage of time permits the allocation of scarce funds to more immediate humanitarian needs and development projects that may be the greatest priority of survivors. Third, the passage of time also allows survivors to reach more nuanced or balanced views of what happened during the conflict.

Problems of Defining Success

Defining success, even in a single geographical context, and applying lessons learned from one context or time frame to another is a complicated process. It is extremely difficult to evaluate the overall effectiveness of transitional justice mechanisms given the differing

It is unrealistic to try to build memorials that are free from political perspectives.

The passage of time also allows survivors to reach more nuanced or balanced views of what happened during the conflict.

perspectives of victims and perpetrators. Little effort has been made to assess the impact of transitional justice on trauma relief programs.

The social and political stability that arises from real reconciliation encompasses both interpersonal and wider social relationships within and among communities.

If achieving justice and reconciliation is conceived as a dynamic process rather than a static condition that unfolds from different interventions over time, it may wax or wane depending on the circumstances, and may look very different depending on one's individual perspective. The social and political stability that arises from real reconciliation encompasses both interpersonal and wider social relationships within and among communities. It requires accommodation among former antagonists, coming to terms with past injustices and violence, the development of new social and political relationships, and the readjustment of group identities. But these relationships and identities, by definition, are fluid, and their transformation may be more complete in some communities than in others.

A transitional justice process that may satisfy one victim may appear to be of little benefit to another. It may be enough for one victim to tell her story before a truth commission and get public recognition for her suffering, while another may find the exercise useless, or even harmful, unless the perpetrator is held to account and punished. In this connection, one conference participant said, "Survivors bring completely different expectations to the process [of storytelling]. Some of them want to be listened to by someone who cares and who takes note of their suffering. Some of them want to tell their story to their community. Some of them want to tell their story because, by telling it, they can emphasize the need for justice, the need for further investigation. It's a form of presenting their demands or their needs. . . . Sometimes it's a process that needs to happen in private." The same goes for other transitional justice mechanisms, such as compensation programs. One victim may find that any financial compensation offered for loss has value because it represents acknowledgement of wrongdoing, while another may be disappointed by the amount offered or insulted by the notion that money can compensate for loss.

The perceived success or failure of transitional justice processes reflects the varying interests and perspectives of victims, perpetrators, and beneficiaries of the previous regime within the affected society. Perceptions of the desirability of pursuing truth, justice, and reconciliation, as well as the appropriate means of doing so, vary considerably among victims and perpetrators, and are shaped by time, group identity, location, and other factors.

The social science literature offers little guidance on the best methods to evaluate the impact of transitional justice mechanisms.

The social science literature offers little guidance on the best methods to evaluate the impact of transitional justice mechanisms. Not surprisingly, empirical evidence about the impact of different types of interventions is also very limited, especially assessments that include baseline data reflecting the situation before the intervention.

In designing evaluation methods, one needs to identify the various audiences for which transitional justice mechanisms have been designed, distinguish between short-, medium-, and long-term impacts, and develop operational measures to discern changes in attitude and behavior before and after interventions are made. The comprehensive, long-term impact of transitional justice interventions ultimately may be too complex to measure precisely. But evaluative judgments can be made about the processes involved in implementing any given transitional justice mechanism and the changing relationships between individuals and groups resulting from the intervention.

Conclusions and Recommendations

General recommendations that can be drawn from the conference include the following:

- Recognize the inherently political nature of transitional justice mechanisms and processes. Avoidance of politics may be impossible, but acknowledging the role of politics may help limit its influence.
- Do no harm. Policymakers and practitioners need to recognize both the risks and the opportunities inherent in transitional justice and trauma alleviation work and proceed with programs only after careful consideration and widespread consultation. Understanding the impact of any given program will depend on careful assessment before and after intervention.
- Be explicit and realistic about intentions, goals, and target audiences. It is easy to raise unrealistic expectations about outcomes and to promise more than can be delivered.
- Understand that reconciliation and trauma recovery are long-term processes that involve a series of carefully designed interventions and are influenced by complex events and relationships difficult to gauge or control. At best, a single transitional justice mechanism can just begin these processes and may be successful only if carried out in tandem with other social reconstruction efforts. It is important for both governments and civil society actors to approach the problems of reconstruction and reconciliation from multiple angles and over an extended period of time.
- Be respectful of cultural differences from one country to another and within any given country. For those offering assistance from outside, be aware that many outsiders operate from assumptions and employ perspectives based on Western culture.
- Examine the ethical bases and implications of proposed interventions. What may be effective at the societal level may harm individuals, and what may be effective at the individual level may harm the broader society. Further, what may be painful in the short-term may prove beneficial in the long-term.

Finally, there is sometimes the unstated presumption that successful transitional justice mechanisms contribute to the establishment of democracy in countries emerging from authoritarian government. Clearly, this political outcome does not always occur or, if it does, it cannot necessarily be linked to the success of transitional justice mechanisms. But, as one conference participant suggested, an important connection between transitional justice, politics, and psychological trauma is that transitional justice mechanisms are intended to help victims regain a sense of dignity and self-worth—feelings essential to citizenship in a democratic polity.

Avoidance of politics may be impossible, but acknowledging the role of politics may help limit its influence.

Be explicit and realistic about intentions, goals, and target audiences.

Transitional justice mechanisms are intended to help victims regain a sense of dignity and self-worth—feelings essential to citizenship in a democratic polity.

An online edition of this report can be found at our website (www.usip.org), together with additional information on the subject.

Of Related Interest

A number of other publications from the United States Institute of Peace examine reconciliation and transitional justice in traumatized societies.

Recent Institute reports include:

- *Building the Iraqi Special Tribunal: Lessons from Experiences in International Criminal Justice* (Special Report, June 2004)
- *Can Faith-Based NGOs Advance Interfaith Reconciliation?: The Case of Bosnia and Herzegovina* (Special Report, March 2003)
- *Training to Help Traumatized Populations* (Special Report, December 2001)
- *Postgenocidal Reconciliation: Building Peace in Rwanda and Burundi*, by John Prendergast and David Smock (Special Report, September 1999)

To obtain an Institute report (available free of charge), write United States Institute of Peace, 1200 17th Street NW, Suite 200, Washington, DC 20036-3011; call (202) 429-3832; fax (202) 429-6063; or e-mail: usip_requests@usip.org.

Recent books from USIP Press include:

- *Reconciliation in the Asia-Pacific*, edited by Yoichi Funabashi (2003)
- *Turbulent Peace: The Challenges of Managing International Conflict*, edited by Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (2001)
- *Building Peace: Sustainable Reconciliation*, by John Paul Lederach (1997)
- *Transitional Justice: How Emerging Democracies Reckon with Former Regimes* (Vols. I, II, and III), edited by Neil J. Kritz (1995)

For book sales and order information, call (800) 868-8064 (U.S. toll-free only) or (703) 661-1590, or fax (703) 661-1501.



**United States
Institute of Peace**

1200 17th Street NW
Washington, DC 20036

www.usip.org