

Research Brief

Toward Systemic Social Transformation: Truth Commissions and Development

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Contemporary societies find it very difficult to bring about qualitative and systemic changes. This affects development and transitional justice processes in similar ways, for both practices seek to bring about precisely such changes; the shared challenge is a link between the two fields that has yet to be considered. This paper explores the relationship between transitional justice and development from the perspective of truth commissions, considering both their experience and reflections on their role.

Transitional Justice and Development: A Question of Collective Action

Transitional justice and development attempt to foster systemic changes. “Systemic changes” refer to profound transformations of social organization and of the mechanisms and basic social arrangements by which society reproduces. The change that leads, for example, from a society that operates on the basis of hierarchical presuppositions to one that reproduces on the basis of egalitarian premises is a type of systemic transformation that involves not just the economic but also the legal, cultural, and political dimensions of collective existence.

Truth commissions are highly visible public and political actors during transitions. They constitute a corps of temporary public servants with the legal and/or moral authority to question powerful actors and to appeal to public opinion from a unique position. They set in motion processes of public deliberation and make their weight felt in a manner antagonistic to the established order. Accordingly, a truth commission constitutes an ad hoc actor that in its brief existence focuses a high degree of democratic energies. Such energies have great potential for calling attention to the systemic obstacles to justice and to show the need for systemic transformation.

A central aspect of transformation is the change in collective beliefs regarding the feasibility of achieving justice in practice. By promoting justice where it has been most clearly denied, the measures of transitional justice can alter collective skepticism or cynicism regarding the possibilities of government under the rule of law. For this reason, it is important that truth commissions be capable of conveying the need to

Research Project

Transitional Justice and Development

This project examines the relationship between transitional justice and development, two fields that, academically and in practice, have proceeded largely isolated from one another. The project identifies and analyzes specific synergies between justice and development, and articulates how the two types of initiatives ought to be designed and implemented in order to reinforce the shared goals of citizenship, social integration, governance, and peacebuilding. The project is managed by Roger Duthie, Research Associate in the Research Unit at the ICTJ.

launch sustainable reform processes leading to the emergence of a dominant consensus as to the feasibility and advisability of government under the rule of law—a consensus about democracy as the only possible option for settling disagreements and conflicts in a society and for inducing changes in it.

Development actors and truth commissions should have a clearer understanding of their shared interest in promoting not only incremental change but societal transformation, which would allow for mutual reinforcement from within their respective spaces. This reinforcement would give sustainability to the impact of each actor, which is a conceptual and practical requirement of long-term efforts geared to combating the conditions that make violence possible, rather than just the consequences of violence.

Truth Commissions as Mechanisms of Ethical and Institutional Change

Truth commissions are the measure best placed to take on the role of “spokesperson” for the changes sought by transitional justice. Seen in this light, commissions should be geared in a more sustained fashion to the whole of public opinion in their respective societies, and not just to the actors directly involved in the conflict. Assuming and performing the role of strong public actor should be understood by truth commissions not only as a useful defense against possible attacks, but as a requirement that goes hand in hand with the project of transitional justice on the longer horizon of social change.

When truth commissions are seen as part of a process that transcends them, it is essential to take stock of the long-term project that is being initiated. This function of truth commissions, which is charged with substantive political meaning, would not require huge sums of resources nor would it demand changes in the rights-based logic with which commissions’ mandates are formulated. It is a matter of attending more to public opinion: explaining and defending what a commission does, calling different actors to participate in a new experience of justice, renewing memory, and winning commitments for the conscious transformation of society. A critical dialogue with prevailing common sense and consideration of the macro-social context become decisive. This should reinforce the work of truth commissions, rather than distract from it.

Truth commissions are short-lived phenomena that give rise to an intense mobilization of wills of those committed to the fate suffered by victims who often belong to the most underprivileged sectors. They have the potential to bring together a plurality of actors and foster intense social integration. Part of this potential is contextual in nature: truth commissions are instituted in situations in which it is more likely that public decisions will be adopted than it is in normal times. Transitional periods are, on one hand, instances of strategic action and negotiation; on the other hand, acute awareness

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of the crisis to be overcome and the enthusiasm of the democratic restoration generate a climate in which certain executive or legislative decisions become possible, along with agreements among sectors of society that would not be possible in routine situations.

Transitions and peace processes are moments in which there is a high concentration of political will. At the same time, truth commissions are in a position to prolong the moment, feeding it with renewed symbolic ingredients from the past and fostering new groupings such as victims' organizations, which in the best of cases come into the public arena with their own voice, often with the backing of international or multi-lateral actors, thus making possible other weighty political decisions.

A truth commission's short duration can be made most of when there is a clear understanding of transitional justice as ultimately an element of a slow and necessarily protracted—yet feasible—process of historical change. Without the proposal for a long-term project that can continue its work, the mission of a commission may be seen as temporary and therefore weaker. In short timeframes, it is not possible to consolidate citizen recognition of those who most suffered the violence and denial of their rights.

Truth, Justice, and Development

Truth commissions make evident the need for wide reform of the justice system and for the transformation of other institutions. These changes have the potential to modify the way in which interpersonal relations are thought of and to enhance the experience of citizenship, equality, and institutional fair play among the inhabitants of society. It is from this societal projection of truth commission aims that arise the links with the field of development.

Transitional justice is aimed at investigating specific human rights violations, determining responsibility and individual victims. Its first area of action is justice. Truth commission recommendations may include wide-ranging institutional reforms, but they should not get into technical specifications for which they have neither the expertise nor the authority. What truth commissions need to do is explain why a given public policy or economic target should be accorded priority for making reparation for the harm caused by prolonged violence, placing special emphasis on reparations in the hardest-hit regions.

Acknowledging the other, that which is different, is a core theme in the practice of truth commissions which should receive more attention. To take a close look at the innocent who suffered personal harm with impunity is a painful human experience, but it is extremely valuable for better understanding the societies in which we live. It is in the nature of truth commissions to bring about this kind of relationship between teams of experts and the victims, their family members, and the places where they live. This kind of relation is at the core of the ties among citizens. Their importance is not limited

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to the interpersonal realm; they are necessary for democratic institutions. In such circumstances, the measures called for by truth commissions are aimed at “enacting citizenship.” They do so not only as a discourse but also in a performative way.

Truth commissions seek to promote the functioning of law as a form of protection for people who ordinarily have not experienced it as an effective guarantee of their rights, not even when their lives and physical integrity were at stake. A truth commission demands that the most progressive gains of contemporary law be applied on behalf of previously marginalized persons. For them, truth commissions call for comprehensive reparations and broad institutional reforms that ultimately deal with the basic definitions of social policy. They foster a positive integration among persons, cultures, and technical-professional systems that tend to ignore one another.

Conclusion

Transitional justice and development have their own respective spheres of action which—though they may overlap—are fundamentally different. The most significant convergence between them does not emerge from the similarity of their specific tasks, but from what each is ultimately about. Both are ethical proposals that invoke systemic processes to make necessary changes in societies described as very imperfect, where it is very difficult for changes of that sort to come about incrementally. For that reason, it is important for the promoters of both forms of justice to lay down roots as much as they can in those places where the excesses of violence and extreme poverty too often coexist.

Truth commissions are—and can be to an even greater extent—*sui generis* actors which, as they arise at intense, perhaps even charismatic moments, can make explicit in their discourse and practice that they seek to begin a process to make justice credible and to end impunity for the powerful, which implies making substantive changes in social relations and in the state. The key is to affirm, through the discourse and the new capacities for agency acquired by certain groups, that each element of transitional justice is just a link in a process that must be long-lasting (even trans-generational) and coherent lest it fizzle out.

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