

Reconciliation and Truth and Reconciliation Commissions

The Meaning of Reconciliation

- What does the term 'reconciliation' mean to you?
- Ambiguity and variety of definitions
e.g., Susan Dwyer defines reconciliation in terms of 'reducing the sting of tension', especially bringing apparently incompatible descriptions of events into 'narrative equilibrium' (e.g., making sense of things)
- Takes Different Forms
- Building Solidarity
- Not Just Forgiveness

Goals of T & R Commissions

- Forgiveness
 - Disagreement about whether it is realistic or even necessary
 - Facilitation of Nation-Building After Conflict
 - Can also be problematic
- Redress as restorative justice to enable the new regime to have legitimacy.
- Importance of social and structural change

Typical Mandate of a T&R Commission

- gathering of testimony and documentation regarding the period and/or events covered by the commission;
- writing a public report based on the information collected;
- allowing victims an opportunity to recount their experiences;
- promoting national reconciliation while sometimes contributing to the realisation of legal justice;
- recommending institutional reforms; and
- providing information

Variation in Mandate and Powers of T& R Commissions

- Importance of Mandate & Powers
- Variation in Powers Re:
 - issuing subpoenae
 - granting amnesty from prosecution
 - certifying individuals for reparations.
- Some have a parallel judicial process, some do not. This affects the frankness of testimony by perpetrators.

Diversity of Contexts of T & R Commissions

- in Australia, Stolen Generations + centuries of gross and subtle human rights violations;**
- war (invasion by Indonesia) in East Timor;**
- apartheid in S.A. with its state-sponsored violence, black on black violence, & liberation violence;**
- unsuccessful revolutionary war and village 'cleansing' (Shining Path communist guerrillas) in Peru**
- disappearances in Chile**
- civil war in Sierra Leone**

‘Ubiquity’ of T & R Commissions

- **“Truth commissions have become an almost obligatory component of the process by which national societies attempt to reconstruct themselves in the aftermath of, and recover from, periods of violent, authoritarian rule, and/or war, especially of the civil variety. Proponents of truth commissions see them as indispensable to promoting reconciliation between former adversaries/enemies.”**
- **Examples-** South Africa (a model for others, based on the study of those that went before it), Panama, El Salvador, Guatemala, Argentina, Chile, Bolivia, Peru, Rwanda, Ethiopia, Chad, Uganda, Sierra Leone, Zimbabwe, East Timor, Phillipines

Are T&R Commissions Morally Second-Best?

- e.g. because they trade justice for truth by granting amnesty to perpetrators who tell the truth
- Often there are no real alternatives.
 - e.g.,
 - not enough resources to bring perpetrators to trial (too many perpetrators)
 - corrupt or decapitated judiciary
- Perhaps we should consider T&R commissions to be morally inferior approaches to reconciliation only when there are morally acceptable options available.