

Truth and Reconciliation Divided Nation

*How Cote d'Ivoire's Dialogue, Truth
and Reconciliation Commission
Could Be More Effective*



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*How Cote d'Ivoire's Dialogue, Truth
and Reconciliation Commission
Could Be More Effective*

A POLICY BRIEF

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Introduction

The May 2011 installation of Alassane Ouattara as the president of Côte d'Ivoire (CdI) hopefully marked the end of the country's long-drawn political crisis and the beginning of a new chapter towards a reconciled and stable nation. CdI has experienced political instability and economic decline dating back to 1993. This emanated from—and also resulted in—the politicisation of ethnic identity and nationality, military mutinies and coups, a civil war and disputed elections. The recent face-off between the then incumbent President Laurent Gbagbo and the then challenger and now current President Alassane Ouattara, leading to the eventual violent ouster of the former, is only the latest chapter in the country's history of political crises. The country is now struggling to rebuild itself. Among other measures taken in the hope of moving the country forward is the formation of the Dialogue, Truth and Reconciliation Commission (DTRC). In setting up the DTRC, CdI joins 17 other countries in Africa that have instituted truth commissions in an attempt to deal with their fractured pasts.

What can a truth commission achieve for CdI? What are some of the lessons from other similar undertakings in Africa and around the world? What are the likely pitfalls for the truth commission in CdI and how might they be avoided? How might a truth commission co-exist with other TJ measures, for example the arraignment of former president Gbagbo before the International Criminal Court and the proposed prosecution of those bearing responsibility for the human rights violations and loss of lives during the post-election violence?

This Policy Brief is intended to provide strategic stakeholders with research-based lessons and information on transitional justice in general and truth commissions in particular as they relate to the CdI context. It begins with a brief discussion of truth commissions such as the DTRC in the broader context of transitional justice. It then offers a summary of the CdI historical context and the implications of that history for the proposed DTRC. Pertinent research findings and lessons from five African countries are presented next, followed by specific policy recommendations to stakeholders in the CdI peace process, including the government, civil society, the international transitional justice community, and the media, among others.

The issues highlighted and recommendations made in this Brief are based on the findings of a multi-year, five-country research project on truth commissions carried out by NPI-Africa and the West Africa Network for Peacebuilding (WANEP) with funding from the International Development Research Centre (IDRC). The research explored expectations and perceptions of the performance of truth commissions in Ghana, Liberia, Kenya, Sierra Leone and South Africa. This constellation of

countries enabled the research to focus on varying transition stages; i.e., countries in which truth commissions had already concluded their work (Ghana, Sierra Leone and South Africa), a country where a truth commission was underway (Liberia), and a country where the option of deploying a truth commission was being considered and debated (Kenya). Respondents included victims of human rights violations and violence, TJ and human rights experts, former and serving TRC commissioners together with related staff, civil society leaders, government officials, self-confessed and presumed perpetrators of atrocities, former militia members, individuals who offered testimonies or submitted statements to the commissions, relatives of victims, and care professionals, among others.

This Brief recommends that truth commissions be viewed less as a default, standard operating procedure mechanism thrown at divided societies, and more as a complementary tool implemented alongside other deep-running approaches to transforming society. Even then, truth commissions should be resorted to rather sparingly, where it has been determined that they can play a unique role where no other mechanism is likely to apply. CdI is a deeply divided polity, and care is needed to ensure that the DTRC does not function merely as a tool for ‘laundering’ and glossing-over violations by certain actors. With political will, re-conceptualization and proper structuring, the DTRC could yet be turned into a vehicle for genuine national ‘dialogue’ to mend the political, regional and ethnic divisions and build consensus on national institutional and constitutional frameworks which safeguard everyone. Still, the DTRC can only be a humble beginning on the journey to national unity and should be understood as such.

Truth Commissions as Tools of Transitional Justice

Truth commissions fall within the broader framework of transitional justice (TJ), which has become a key policy element in the ‘reconstruction’ of societies emerging from socio-political turmoil. Such transitional societies often inherit a legacy of hard-to-ignore human rights violations, mal-governance and post-conflict divisions. In simple terms, TJ is concerned with how these societies reckon with and redress their unfortunate past of human rights violations, violence and divisions. Ideally, transitional justice is preceded and made possible by a complete change of regime (‘transition’), though this is not always the case or a necessary condition. The implementation of transitional justice measures is almost always as a result of domestic and international pressure or a felt need by the new regime to distinguish itself from its predecessor(s). Again in an ideal world, dealing with the past would entail prosecuting or otherwise sanctioning those responsible for wrong-doing. However, depending on the nature of the transition (complete or partial change) and the circumstances around it (negotiated or outright electoral or military victory), societies may feel obliged to strike a balance between the ideal and what is politically realistic. Indeed, the truth commission emerged in Latin America as the realistic political compromise between demands for prosecution and blanket amnesty. In itself TJ has come to embrace a wide range of remedial or restorative options which include prosecutions, general or conditional amnesties, reparation for victims, removal of implicated or indicted government officials, reform of institutions, and the recovery of sequestered information regarding the past, among much else. Some of these processes unfold piecemeal, without an articulated overall policy of transitional justice.

Beginning with the trend-setting South African Truth and Reconciliation Commission (SATRC), the truth commission model has become one of the most visible—but not the only—TJ mechanisms in Africa. Its accent on ‘reconciliation’ in the context of post-conflict countries raises particular expectations about its contribution to national healing and reconciliation. This Brief points out that those expectations are hardly ever met, for various reasons that are indicated in the section on findings. Generally, however, truth commissions are resorted to because it is believed that they offer plausible solutions to difficult political dilemmas. Broadly, truth commissions are formed in order to:

- Carry out investigations to establish the truth about the past
- Establish an official record of the past
- Grant ‘earned’ individual—as opposed to blanket—amnesties
- Provide ‘free space’ for previously voiceless victims to tell their stories

- Provide perpetrators opportunity to expiate their guilt
- Recommend reparations for individual victims and communities
- Reveal information about crimes and events which would otherwise remain hidden
- Recommend measures to hold perpetrators accountable
- Promote reconciliation, based on the assumption that truth-telling is an important foundation for reconciliation

While truth commissions in Africa have indeed fulfilled some of these functions, the research by NPI-Africa and WANEP raises critical challenges that the DTRC would do well to consider if it is to make a difference in CdI.

Historical Background of the Ivoirian Conflict and Implications for the DTRC

For many years, CdI was regarded as a shining beacon of economic prosperity and was in 1969—nine years after its independence—described by the New York Times as West Africa’s most prosperous country. The capital city of Abidjan was often referred to as the ‘Little Paris of Africa’. This Ivoirian ‘miracle’ was regarded as a model of economic progress and political stability. However, coinciding with the opening up of competitive politics in 1990, followed by the death of the founding President Felix Houphouët-Boigny in 1993, CdI started on a descent into political instability and ruined economy, a divisive civil war, several dishonoured peace agreements that finally culminated in a problematic power-sharing government, and repeatedly postponed elections. President Gbagbo finally agreed to call for organization of the fateful presidential elections in 2010 and the decision by the incumbent to turn to the pliant Constitutional Court to overturn the decision of the Independent National Electoral Commission led to the latest cycle of violence and eventual military defeat of Gbagbo by forces loyal to his rival Ouattara in April 2011.

The following features are central to understanding the conflict in CdI:

- **Colonial origins of CdI:** Like almost every African state, the creation of the Ivoirian state was not a product of internal dynamics and logic but that of external imposition forcing different nationalities to co-exist and compete under a single authority.
- **Identity and politics:** CdI has over eighty ethnic groups coalescing around four cultural and historical identity clusters. Regionalism and ethnic identity have been central in the organization of national leadership, politics and access to power.
- **Citizenship:** The belated demarcation of CdI’s northern borders (particularly with Mali and Burkina Faso) only 13 years before independence led to ambiguity on who is a ‘true citizen’ of CdI. Before the demarcation in 1947, parts of present-day Burkina Faso had been administered together with CdI. As Tice (1974: 213) has suggested, “a stable political area within which an Ivoirian nation could be developed did not exist prior to 1947.”
- **Immigration policies and the politics of ‘Ivoirité’:** CdI’s independence government adopted a liberal policy on migration, largely as a way of attracting farm labour. These immigrants were at times accorded voting rights; at other times, particularly with the advent of competitive politics, the mantra of ‘Ivoirité’ was used to draw a line between native and non-

native Ivoirians including in 1998 to bar Alassane Ouattara from running for president.

- ***Low penetrative capacity of the state and limited development beyond the capital city of Abidjan:*** The Houphouet-Boigny government is thought to have started well, with efforts to establish state presence and distribution of prosperity beyond the capital city. However, this penetration declined from the 1980s as revenues from commodity exports declined and the Structural Adjustment Programmes (SAPs) were imposed, leaving rural populations, particularly in the north, feeling marginalised.
- ***Rising disaffection and xenophobia:*** A rising population, dwindling income from cocoa and coffee exports, and the oil crisis along with the devaluation of the CFA currency, led to a sharp decline in the country's economic prosperity and the rise of social grievance. This dovetailed with the introduction of multiparty democracy and the rise of xenophobic nationalism.
- ***Mutinies, military coups and civil war:*** The instability following the death of Houphouet-Boigny in 1993 persisted until 1999, when the military staged the first successful coup led by General Robert Guei. Guei organised presidential elections in 2000 but annulled the results to stop Laurent Gbagbo from claiming victory. This cancellation provoked a mass protest, which led to the killing of hundreds of demonstrators. Losing the support of the military, Guei fled the country, leaving Laurent Gbagbo to proclaim himself the winner. Two years later, a mutiny by the military turned into a coup attempt against Gbagbo, led by Guei, with the latter being killed in the mêlée. This evolved into a five-year civil war that split the country into two: the rebel-held north with Guillaume Soro as the leader, and government-controlled south under Gbagbo.
- ***Peace talks and power-sharing:*** A series of peace efforts were mounted, agreements signed and disregarded. Eventually, the Ouagadougou Peace Accord (OPA) of March 2007 brought together the two antagonists and hammered out a peace plan including a power-sharing arrangement and democratic elections in 18 months. Those elections were repeatedly postponed until October 2010, when Gbagbo yielded to pressure. Gbagbo's refusal to concede defeat and hand over to Alassane Ouattara after the November 2010 presidential run-off led to the latest episode of four months of armed confrontations and extreme violence that culminated in Gbagbo's ejection and arrest, and the installation of Ouattara as president. It is out of these recent events that a decision was announced to form a dialogue, truth and reconciliation commission.

The CdI Dialogue, Truth and Reconciliation Commission: Key Issues and Recommendations

This section of the Policy Brief presents select findings of the research that are relevant to the Ivorian context. It then makes recommendations for the Ivorian DTRC.

General Research Findings

The research carried out in Ghana, Liberia, Kenya, Sierra Leone and South Africa concludes that whereas truth commissions can be important mechanisms through which countries confront their difficult past, their effectiveness is far from assured. Certain categories of research respondents, among them former commissioners and staff members, government officials and some members of the civil society, tended to highlight the claimed—and theoretical—benefits of truth commissions. However, victims, the presumed primary beneficiaries of the truth commissions, found the experience and outcomes to be unsatisfactory. A significant number of respondents in Ghana, Sierra Leone and South Africa retrospectively characterized their truth commissions as well-intentioned mechanisms that nevertheless failed to meet their own expectations and those of victims. In Kenya and Liberia, respondents pointedly expressed scepticism regarding the truth commission process from the outset.¹ Thus the research found vast discrepancies between conceptual and policy assumptions about truth commissions and the realities observed in their wake in the countries researched. These disconnects suggest that societies should more critically assess their circumstances before deciding to form a truth commission. In particular, considering the complexity of some of Africa's postaccord and postrepression countries—of which CdI's history is one country—a truth commission can appear like a too-easy, ready-made answer whose ephemeral nature and process does not measure up to the intricacy of the context and the magnitude of the problem.

With regard to CdI, the following two general observations are relevant:

- ***CdI and the 'Transitional Moment':*** Typically, democratic elections and peace accords provide the 'transitional moment' within which TJ is considered. However, countries which have implemented truth commissions in Africa often lack a definitive break with a past which TJ measures are intended to

The research in Kenya was carried out in 2007-2009. The research findings contrast sharply with the findings of the 2003 Task Force on the Establishment of a Truth, Justice and Reconciliation Commission which at that time reported that more than 90% of Kenyans were in favour of the establishment of a truth commission. This research is of the view that this discrepancy has something to do with the methodology of the Task Force, which posed to respondents the leading question, "Should Kenya establish a TJRC?" A more open question, for example, "How should Kenya deal with past human rights violations and injustices?" might have elicited more nuanced responses and a range of options.

address. Instead, 'newly constituted' governments may actually represent continuity rather than change. Kenya, Togo and now CdI share the common trait of forming truth commissions to investigate a past in which sitting heads of state and their cohorts in government were active players. This is not necessarily to say that nothing can come out of such commissions, or that the leaders forming them are implicated in the atrocities. Commissions formed under such circumstances nevertheless raise questions regarding how impartially and satisfactorily they can investigate the past. Has there been a sufficient break from the past to facilitate its honest and impartial examination?

- ***Manner of the Formation of a Commission:*** In CdI, the above challenge is compounded further by the manner of the formation of the truth commission through a presidential decree, including naming of its chair. In certain circumstances, there is merit in forming such commissions through presidential decree, as this may expedite the process, undercut reactionaries within the ruling circle and signal the direct support of the commission by the head of state. However, such an approach has to be viewed within the particular context and the nature of the transition, particularly if there is a perception that the present leadership has been part of the past that needs to be investigated. In such circumstances, ensuring an independent and transparent process of setting up a truth commission, including the selection of the commissioners, can only enhance its credibility before the public. Further, decisions of who should be investigated further and possibly prosecuted could be left to an independent truth commission.

Specific Research Findings with Relevance to CdI

The following specific findings are relevant to CdI and inform the recommendations that follow. In themselves, these findings point out the pitfalls that CdI needs to avoid in its truth commission process.

1. ***Constraining transitional contexts:*** In Kenya and Liberia, truth commission processes were undertaken whilst personalities associated with the past continued to wield political and economic power within a seriously balkanised polity. The politics of accommodation and the continued influence of such persons on the national stage render truth commissions ineffectual as mechanisms for counteracting impunity and promoting reconciliation. The power wielded by office holders associated with the past under investigation raises the possibility that adverse truth commissions' findings/recommendations may not be implemented. In this way, truth commissions in Africa are being viewed as time-buying political tools, which create the impression of action on the past and obviate other actions such as prosecution of those responsible for the human rights violations and violence.

2. ***A victim-only, one-sided process:*** Despite the accent on ‘reconciliation’ (which suggests mutuality), perpetrators of human rights violations and other atrocities have tended to avoid participation in truth commissions, thus rendering it a victim-dominated process devoid of meaningful encounters between victims and offenders. The few perpetrators who do come forward—mostly after being summoned—typically deny any wrong-doing. Some choose to be accompanied by lawyers to the hearings, thus making the truth commission process adversarial and not easily conducive to the kinds of encounters that could lead to healing and reconciliation. Indeed, the inability of the commission to facilitate victim-perpetrator encounters compromises the basic expectation with regard to restorative justice, thus inhibiting the possibility of reconciliation.
3. ***Victim-friendly recommendations are ignored, delayed, or only partially implemented:*** truth commissions are lauded as ‘victim-centred’ mechanisms. However, failure to implement victim-friendly recommendations contradicts this assertion. In South Africa, perpetrators’ amnesty applications were processed immediately while victims were urged to forgive and then had to wait for reparations for several years. Indeed, amnesty for perpetrators was provided for in the SATRC founding legislation, while reparations were left to the discretion of the TRC at the end of its process. Respondents in South Africa and Liberia noted that the exhortation to forego ‘vengeance’ and to be satisfied with ‘moral victory’ while victims expected and demanded prosecution, reparations or other forms of redress amounted to ‘using’ victims to advance a policy agenda which did not fulfil the requirements of justice, healing or reconciliation.
4. ***High expectations of material compensation, not abstract future gains:*** Proponents of truth commissions are prone to cite the broad societal gains that are assumed to result from the exercise. These include the consolidation of democratic values, the promotion of a human rights culture or the establishment of a common historical narrative. In significant contrast, this research found that the greater portion of victims—variously defined—was motivated by more practical, and specifically material, considerations. In Africa, truth commissions function in contexts of great poverty and material deprivation. Human rights violations, together with the legacy of violent dictatorships, will have only rendered an already difficult situation much worse. Dissatisfaction with the truth commissions in South Africa, Sierra Leone, Liberia and Ghana is borne out of the paucity of reparations or other support for victims. In anticipation of the formation of the TJRC in Kenya, respondents indicated that they considered monetary compensation as their top priority. High expectations with regard to monetary compensation for different hierarchies of ‘suffering’ can lead to ‘victim competition’, particularly when select victim groups are more conspicuous, for whatever reason, than others. In South Africa, for example, divisions between recognised and unrecognised victims led to acrimonious competition for reparations.

5. **Contested truths:** Although some truth commissions—notably the SATRC—have grappled with the conceptual interpretation of ‘the truth’, they have limited capacity to deliver satisfactorily on any truth form, narrative or forensic. Witness narratives are typically contested by those portrayed as villains, thus rendering the final report a contested rather than an agreed official account of the past. For instance, the SATRC was sued by several entities ostensibly for publishing contested narratives as ‘the truth’. Similarly, the recollections of victims regarding past events are frequently in dispute. Outgoing regimes typically destroy evidence, while key witnesses may have died or may have forgotten critical details, leaving the recollections of survivors open to contestation. Similarly, the choice of historical periods or time frames for investigation predetermines which truth narratives are admissible, even as victims and perpetrators may have switched places severally along the progression of time.
6. **Role of secret societies and initiation rituals:** Research findings in Liberia and Sierra Leone indicate the futility of expecting ritually initiated ex-combatants, members of militias and members of secret societies usually responsible for war atrocities to reveal the truth in public forums without having performed the appropriate rituals to release them from the secret oaths. This group of combatants typically swears to secrecy during initiation. How do modern instruments of transition—such as truth commissions—deal with the opaque world of rituals and secret oaths in societies who consider them integral to the prevailing cultural composite? At this juncture, the problematic remains unresolved, and may be relevant to CdI.
7. **Structural and historical contexts of violations:** Rightly or wrongly, participants in the truth commission process invariably expect it to address or at least take into account structural and historical contexts within which violations took place. This is more so if the truth commission is the only transitional justice mechanism in place. Thus, Ivoirians would expect the DTRC to delve into and offer remedies for the challenges of unequal development, citizenship and identity. Similarly, the Kenyan TJRC is tasked to investigate ‘historical injustices’, understood to include issues of land distribution, patterns of development in the region, economic and political marginalization, etc. Realistically, however, truth commissions are not the vehicles for offering remedies to structural and historical injustices. While truth commissions may pronounce on these issues, resolving them requires constitutional remedies, concerted institutional reforms and administrative decisions over the long term. These kinds of reforms are never guaranteed, even after the change of the regime. CdI will need to develop a comprehensive reform agenda that addresses the structural dimensions of the Ivoirian conflict.
8. **Revelation of ‘new’ truth:** In Liberia and Kenya respondents were of the view that the truth was already in the public domain; that the perpetrators and

their actions were already known. Particularly in Liberia, respondents identified known perpetrators, some of them in prominent government positions and thus serving as clear examples of impunity. In Kenya, earlier commissions had already examined issues, which the TJRC was also being asked to investigate. In CdI, the DTRC will need to demonstrate that it is capable of adding to what is already in the public domain. Often, the challenge is not necessarily digging up hidden truths, but rather what gets to be done with the truth that is already known.

9. ***Sensitivity to issues of gender:*** Sierra Leone's TRC is regarded highly for its gender-sensitive process, involving separate flexible hearings with options providing for confidentiality and anonymity. However, this nuanced approach was not pursued or adopted by other truth commissions studied. In Liberia, one of the commissioners cited what he considered to be inconsiderate treatment of sensitive testimonies—including those related to gender and sexual violence—as sufficient reason for not endorsing the final report of the TRC. In South Africa it emerged that competitive access to reparations led to an increase in violence at household level. The DTRC should actively seek to learn from the experience of Sierra Leone and other exemplary processes with regard to a gendered approach.
10. ***Catharsis is temporary if expectations are not met:*** The reciting of personal narratives at a truth commission is believed to bring a sense of relief to victims and restore a sense of dignity. Several respondents did affirm that they appreciated the opportunity to tell their story. However, they also pointed out that the cathartic relief faded away with time when the anticipated concomitant changes or benefits were not forthcoming. Extreme material need, often exacerbated by conflict or violation of human rights, creates expectations for material redress, which cannot be met by the mere telling one's story. Equally, there are expectations that societal structures will change considerably with the installation of a new government. The initial catharsis in South Africa and Sierra Leone was found to have given way to disappointment and a deepened sense of victimhood.
11. ***'Sudden death' and lack of follow-up mechanisms:*** The typically abrupt end to a truth commission process leaves in its wake much unfinished business, including incomplete investigations, inadequate or inappropriate management of information and selective implementation of recommendations. The Liberian and Sierra Leonean truth commissions scrambled to finalise their reports and hardly had time, money or political support to hand over to any successor institutions or processes. Although it has been argued that a commission's mandate does not include the implementation of its own recommendations, this research indicates that failure to anticipate or to specify a range of follow-up options with regard to the incomplete work and the implementation of recommendations is a fatal shortcoming of truth commissions.

Recommendations

General

1. ***Articulate and implement a comprehensive transitional justice programme:*** The formation of the truth commission in CdI was announced almost immediately after the capture of former President Gbagbo and the swearing in of president Ouattara. This was at a time when questions were being raised about massive human rights violations by both sides of the post-election crisis and violence. The presidential decree, including the naming of the chair of the commission, raises the question of whether it is assumed that the truth commission will independently and effectively address human rights violations by both sides of the conflict. There is also the question of the need for an accountability-focused approach that may involve the prosecution of key people responsible for serious crimes. In addition, the conduct of and the split in the security forces, the conduct of the electoral commission and the Supreme Court, and the unresolved issues of citizenship, among others, suggest the need for institutional and constitutional reforms as part of a broader transitional justice programme.
2. ***Delimit which aspects of CdI's past the DTRC can helpfully address:*** Proponents of truth commissions as a TJ mechanism do well to address the conceptual disconnect between the discourse and objectives related to human rights, on the one hand, and those of peace-building, healing and reconciliation on the other. At this juncture it must be questioned whether these desired ends are achievable simultaneously within a TJ mechanism such as the truth commission. The DTRC will need to be realistic and decide what it can achieve, while CdI must design other processes suitable for addressing different aspects of the transitional justice puzzle.
3. ***Be realistic, avoid overloading:*** The DTRC should not be presented as a catch-all solution for all of CdI's problems. In some cases truth commissions' mandates have been excessive, thus setting them up for poor delivery. Kenya's TJRC stands out in this regard. CdI should be clear about which desired reform could be achieved more effectively through other processes, such as the promulgation of a new constitution, the adoption of a new policy on citizenship and nationality, strategies for long-term national reconciliation and unity, etc. A truth commission is most efficacious when deployed for very specific and limited purposes, such as reviewing a country's history with a view to building an inclusive national narrative, acknowledging victims of human rights violations and marginalization, and offering redress when it can.
4. ***Anticipate follow-up from the beginning:*** The law and design of a truth commission must anticipate how the recommendations and any pending tasks

will be carried forward. In the eyes of the public, the credibility of the truth commission is pegged not only on the clarity of its analysis, but also on the specificity of follow-up recommendations and action. A truth commission's design should therefore include a self-implementing mechanism which obliges the government or established institutions, such as the Judiciary or the National Human Rights Institution, or a new successor institution, to assume responsibility for the implementation of the eventual recommendations.

5. ***Align mandate with design, process and resources:*** Truth commissions such as those in Kenya and Togo, with a 'justice' component, must define what they understand by 'justice' and then demonstrate through design and process how this justice component is to be pursued. In the case of CdI, there is a 'dialogue' component. The process of the dialogue should be clearly spelt out. As indicated above, it was found that perpetrators hardly ever participate in truth commissions. How will 'dialogue' take place within the DTRC process? Can the DTRC facilitate dialogue among Ivoirians or does the 'dialogue' refer only to the encounter between the commissioners and a few witnesses? Similarly, the commission should be accorded resources commensurate with its mandate, including adequate staff and realistic timeframes within which to complete assigned tasks.
6. ***Simultaneously ensure local rootedness and national reach:*** In contexts marked by people-to-people communal violence, a truth commission process must be rooted in the authenticity of local grassroots dynamics, on the one hand, and be able, on the other, to capture the imagination and function credibly as a national process. Localized processes of dialogue must be carried out through meaningful interaction with local structures. CdI has a well-established network of traditional chiefs, religious leaders and civil society. All these can be incorporated in the truth commission process to ensure localized hearings at specific sites of violations; and the deployment of local languages and local rituals to enhance participation, all of which must function recognizably within a national legal framework. A localized approach may very well help to materialize the 'dialogue' component of the DTRC.
7. ***Facilitate encounters:*** Encounters between victims and perpetrators should be encouraged both within the truth commission's framework and beyond the commission space. For this to happen, both victims and those thought to be responsible would need to be prepared for the process. Rituals and covenants of non-repetition of violations can be facilitated by community organizations and by civil societies apart from the immediate truth commission mandate. The Sierra Leonean group, Fambul Tok offers useful lessons on preparing and facilitating encounters between victims and perpetrators and encouraging acts of forgiveness and reconciliation. More information on this group and its work is available at www.fambultok.org.

8. ***Deal sensitively with gender-based and sexual violence:*** During investigations and hearings, victims of gender-based and sexual violence must be allowed all possible options to enable dignified participation. Options of confidentiality, privacy, anonymity and freedom to choose which commissioners to speak to, should be explored. Moreover, gender-based and sexual violence should not be clustered with 'other human rights violations'; it must be treated as a crime in itself.

To the Government, Donors, the United Nations and Human Rights Institutions

1. International and local proponents of TJ should assist the government and civil society to formulate a comprehensive and well-sequenced transitional trajectory, based on an assessment of the peculiar needs of CdI. Specialised institutions should accompany the process of the DTRC to provide technical and material supports where needed.
2. Work to ensure independence and credibility of the DTRC.
3. Ensure adequate legal grounding, access to information, and access to financial and human resources throughout the life of the commission.
4. Ensure meaningful engagement with existing healing and reconciliation structures, including traditional justice and reconciliation mechanisms.
5. Provide technical and administrative support.
6. 'Fund-raise' resources to supplement government budgetary allocations.

Non-Governmental Organisations

1. Advocate for a comprehensive approach to change and transformation of the Ivoirian society, recognising that the DTRC is only a small part of what is needed.
2. Work in multi-ethnic, cross-regional teams to carry out public education on the DTRC process as a whole, facilitating informed participation.
3. Ensure broad ownership of the DTRC beyond a few urban-based civil society elite.
4. Organise and accompany victim groups in their quest for recognition, accountability and redress.
5. Train a wide range of stakeholders, including journalists, victims and offenders, on DTRC process and terminology.
6. Consult, engage with and, where necessary, train commissioners on important technical aspects such as the recording of comprehensive statements and addressing gender concerns.

7. Ensure clear criteria is developed for the hiring of statement takers, paying attention to their independence, gender sensitivity, trust by those whose statements they will record, etc.
8. Maintain an astute balance between active engagement with the DTRC and objective distance in order to both accompany and critique the commission's performance.

To the Media

1. Build a knowledge base on the workings, objectives and challenges of TJ and DTRC by assigning and training specialised journalists.
2. Conduct public information campaigns communicating clearly the commission's mandate, structure and process.
3. Develop and adhere to a code of conduct on treatment of victims and perpetrators by the media; stories of both victims and perpetrators should be treated ethically without sensationalising.
4. Keep in focus the broad goals of the DTRC when reporting on day-to-day events.
5. Air public hearings in a nuanced manner without focussing only on the emotional and dramatic scenes.
6. Disseminate key messages, objective analyses and audits of the truth commission.

Conclusion

The DTRC for CdI is already underway. However, all actors should even at this stage be concerned about ensuring that the commission makes a difference. Research findings indicate that the noble ideals associated with truth commissions and the results of the chosen processes do not uniformly meet the expectations of the respective publics. Indeed, any continuing deployment of truth commissions as one-size-fits-all 'standard operating procedures' risks the possibility of discrediting this otherwise innovative TJ mechanism. The DTRC and all the stakeholders involved (the government, the international community, traditional and religious leaders, the media, the civil society, etc.) have the opportunity to make sure that the commission makes a difference for the country and, hopefully, moves it closer to reconciliation and national unity.

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