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Truth and Reconciliation Commissions: Global norm or passing trend?

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Abstract

Why do we keep implementing transitional justice mechanisms around the world when we do not know whether they work? Scholars declare that truth and reconciliation commissions (TRCs) are now an international norm in post-conflict reconstruction that appeal to states because of their ethical goals. Western donor states and NGOs treat them as a norm. Yet, domestic political elites use this approach to repackage their own political projects and to access benefits on the international stage, silencing citizens' claims of structural grievance. This paper disputes the claim that TRCs are adopted because they are 'morally correct'. International gatekeeping rather, has made TRCs imperative under a false 'universality'. This paper applies a post-colonial perspective to international norms. Setting out a critical conceptual framework, Chapter 1 traces critical junctures in thematic reconciliation discourse at the global level and Chapter 2 and 3 discuss its effects on two states that experienced protracted conflicts: Northern Ireland and Colombia. The contribution this dissertation makes is that due to political elite appropriation and variation in TRC implementation, scholars must bring in new ideas for how to ensure stability and deepen democracy after conflict.

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ACRONYMS LIST

TJ – Transitional Justice

NI – Northern Ireland

TRC – Truth and Reconciliation Commission

ICTJ – International Center for Transitional Justice

NGO – Non-governmental Organisation

UN – United Nations

NATO – North Atlantic Treaty Organisation

EU – European Union

FARC-EP – Fuerzas Armadas Revolucionarias de Colombia - Ejército Popular (Revolutionary Armed Forces of Colombia - People's Army)

FARC (political party) – Fuerza Alternativa Revolucionaria del Común (Common Alternative Revolutionary Force)

ELN – Ejército de Liberación Nacional (National Liberation Army)

AUC – Autodefensas Unidas de Colombia (United Self-Defence Forces of Colombia)

IRA – Provisional Irish Republican Army

UVF – Ulster Volunteer Force

UDA – Ulster Defence Association

RUC – Royal Ulster Constabulary

SF – Sinn Féin

DUP – Democratic Unionist Party

CEV – Comisión para el Esclarecimiento de la Verdad, la Reparación y la No-repetición (Commission for the Clarification of Truth, Reparation and Co-existence)

JEP – Jurisdicción Especial para la Paz

Introduction

TRCs continue to be applied post-conflict even though it is unclear whether they work. Transitional justice addresses the challenges of moving from war to peace (Teitel 2014), bringing with it a global proliferation of truth commissions to post-conflict societies. Nevertheless, there is no empirical consensus on whether truth commissions deliver on the promise of societal transformation and reconciliation (Kissane 2016). In the age of political apologies, public confessions and state-led healing initiatives, it is not surprising that holding a TRC is portrayed as evidence that Western states are maturing and becoming more 'caring' (Moon 2008). With an increase in intrastate conflict since 1945 (Kissane 2016), former enemies will likely face living together post-conflict (Licklider 1995). Protracted conflicts in particular leave damaged, resentful societies in their wake that are susceptible to renewed violence (Friedman 2017). Recent memories of suffering, violence, and historical polarisation drive desires for societal change and explain why the reconciliation myth endures (Kissane 2016). State-led policies that aim for societal reconciliation after internal warfare are currently founded on the technocratic assumption (Kissane, 2016) that a perfect response to mass violence can be engineered (Brudholm, 2008). The assumption that TRCs produce societal reconciliation leading to lasting peace has become an "unquestioned policy mantra" that drives international funding, study and action (Hughes and Kostovicova 2018: 620).

Scholars assert that truth commissions "are here to stay" (Bakiner 2016; Hirsch 2014), and portray them as "imperative" for post-conflict societies (Bloomfield 2003, cited in Hirsch 2014; Hayner 2002). While some point to globalisation to explain TRC proliferation, other scholars go further in their claims, stating that TJ mechanisms have become an "accepted

norm of international peace-making" that guides state behaviour (Sharp 2013b, cited in Kostovicova and Bicquelet 2018: 281). Hirsch (2014: 825) offers a "content change proposition": Changes to TRCs post-2000 made them morally appealing to states. This apparently facilitated their global diffusion and permanent place "as a new standard of appropriate behaviour" (Hirsch 2014: 814) in post-conflict practice.

The claim that TRCs have become an international norm due to their ethical content must be examined critically. There is no evidence that truth-seeking avoids the repetition of atrocity (see Kissane 2016; Daly 2008; Bakiner 2016). In addition, many TRC recommendations and initiatives remain aspirational and have yet to be implemented, giving scholars "no empirical basis on which to build" (McAuliffe 2015: 71). With so much variation in TRC implementation (Bakiner 2016) and a lack of conceptual clarity concerning reconciliation, scholars declaring TRCs a 'norm' raises red flags.

The overarching question my dissertation seeks to answer is: Why are universal transitional justice mechanisms, specifically truth commissions, considered an essential component of building a lasting peace in post-conflict societies?

In this dissertation, I dispute the idea that TRC proliferation since 2000 means we are progressing "towards a more ethical or value-based" post-conflict practice (Björkdahl 2002: 22). Rather, I argue that TRCs are being used by international actors and Western governments to push non-universal conceptions of justice that are not evidence-based. I seek to demonstrate how new, international TRC discourse post-2000 exerts a powerful influence on domestic policy rationale for adopting TRCs. This is not due to TRCs' ethical content, but because implementing a TRC represents a route to legitimacy on the international stage. Furthermore, domestic actors' implement this mechanism and emulate dominant TRC

discourse to repackage their political projects, silencing future claims of structural injustice. I argue that the conceptual flexibility of TRCs provide an alternative explanation for why they have become so appealing to political elites. I analyse these changes and their effects on Northern Ireland and Colombia.

My research attempts to contribute towards the larger question of whether TJ mechanisms, specifically truth commissions, are the best approach for societies recovering from protracted conflicts. My dissertation concludes with suggestions for future research. If academia is going to make a serious contribution to post-conflict reconstruction, it must assess whether TJ mechanisms lead to deeper democracy and equality, providing opportunities for non-violent contestation in society (Friedman, 2017), or, whether they are simply policy trends particular to the 2000s that should be replaced with new ideas.

Argument Structure and Methods

To set out out the dissertation's critical conceptual framework, my introduction will define protracted conflicts and will clarify the fuzzy concepts of reconciliation and TRCs. I explain my process-oriented methods. Chapter 1 establishes an international-level timeline, tracing changes in TRC discourse in the post-2000 period. Post-colonial approaches to norms are then used as analytical tools for evaluating norm claims. Structural and universal critiques frame TRCs as an international gatekeeping strategy that provides a convenient way for domestic political elites to avoid addressing structural inequality. Chapter 2 explains why Northern Ireland and Colombia are selected and 'matter' together. Chapter 3 applies theoretical critiques to a domestic timeline using an interpretive, process-oriented analysis.

For my methods, I trace two parallel timelines for the reader. The first is a global timeline of the TJ field's development noting two critical junctures after which, TRCs proliferated: The South African TRCs report publication and the ICTJ's founding. I disentangle thematic, discursive shifts that occurred post-2000 in the transitional justice field that directly influence policy appropriation in the second domestic timeline.

Northern Ireland and Colombia are treated as one case on this domestic-level timeline from 1998 to 2019. With both experiencing protracted conflicts lasting 30 and 52 years respectively, it seemed 'natural' that high-profile peace negotiators and politicians from Northern Ireland directly advised Colombian negotiators in peace talks with the FARC-EP in Havana from 2012 to 2016 (Vulliamy 2015). The interaction between these actors (who I categorise as political elites) creates an 'overlap' in the domestic-level timeline, meaning I will not compare the countries as individual cases in my timeline analysis. Finally, I analyse power imbalances observed 'on the ground' in both contexts in 2019, connecting them to structural and universal critiques of TRCs to inform future research.

Because I define reconciliation as a political construction (Moon 2008), I will use critical discourse analysis methods to examine discursive practices in post-conflict domestic politics (Bartlett and Vavrus 2016). I present evidence of "value-heavy metaphors" that by convey ing 'truths' through public discourse" (Bartlett and Vavrus 2016: 87-88) serve as repackaging strategies for political elites.

I use primary sources such as policy documents and reports, the 1998 Belfast Agreement and the 2016 Colombian Final Agreement. The BA is simultaneously a "political deal between negotiating parties and an international treaty" between British and Irish governments (Connolly and Campbell 2012). The Colombian Agreement reached in 2016 is solely

between the FARC-EP and the government. Primary sources offer an 'anchoring' that allows me to contrast policy decisions with political elites' discourse. Colombian ex-president Juan Manuel Santos' speeches and interviews are used to analyse discourse. Spanish language sources cited in the bibliography are the dissertation author's translation.

I add the figures below to help the reader visualise the two parallel timelines:

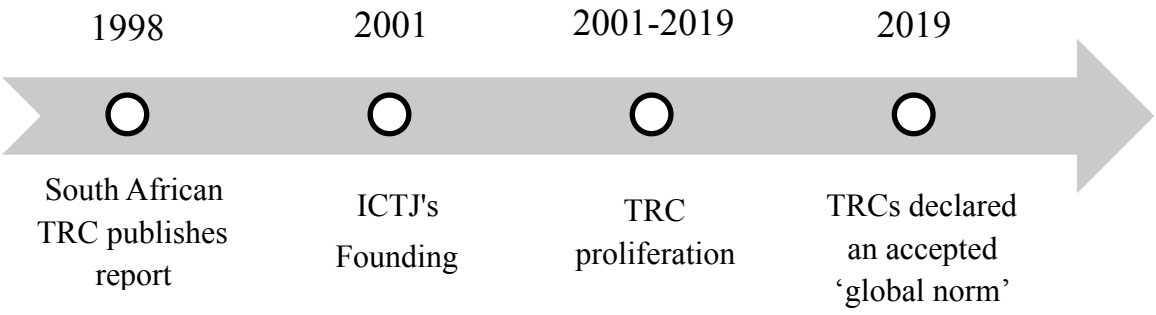

Figure 1: International-level Timeline

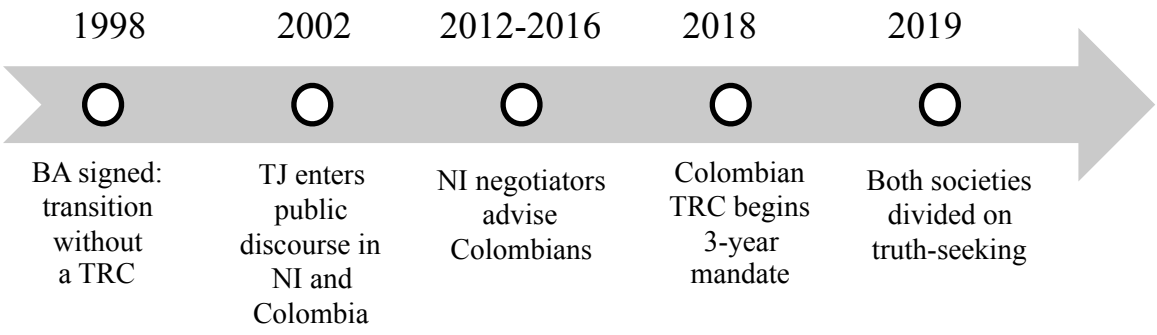

Figure 2: Domestic-level Timeline

Critical Conceptual Framework: Reconciliation as Political Construction

I define reconciliation as a political construction in my dissertation. Though reconciliation remains a contested concept in the scholarly literature (Skaar 2013), it supposedly leads to societal transformation after conflict (Kostovicova 2018: 682). I have chosen to study TRCs

because they are TJ's most recognisable mechanism that is specifically designed to elicit reconciliation (Moon 2008). Without a solid empirical basis, reconciliation is constructed as an "inevitable political process" (Moon 2008: 10) that simply occurs after TRC implementation. The mechanism's proliferation has engrained the truism that reconciliation is necessary for lasting peace and ensured that reconciliation is now the expected response for post-conflict societies (Moon 2008: 6).

TRCs are formally defined as state-led political-institutional bodies that investigate human rights abuses that occurred in the past (Bakiner 2016). Acknowledging the nature and causes violence, they culminate in an official report (Bakiner 2016). TRCs combine the goals of commissions of inquiry with activities meant to elicit cathartic truth-telling from those who suffered in conflict (Moon 2008).

I add a critical dimension to the definition. The assumption underpinning TRCs is that the therapeutic release of truth-telling combined with official, state acknowledgement of past wrongs creates a new, shared society (Teitel 2014) in which the likelihood of renewed conflict decreases (Bakiner 2016). Like reconciliation, TRCs are treated as an international construct in my dissertation, meaning I reject them as the inherently moral choice (Moon, 2009: 6). I use my critical conceptual framework to evaluate 'norm claims', arguing that TRCs have not proliferated due to their 'ethical' content, but, borrowing from Rowen (2017), because they have become more discursively and conceptually "malleable".

I raise concerns about the transformative effects of TRCs when applied to protracted conflicts. The specific properties of protracted conflicts have implications for post-conflict policies, as they are prolonged and often stem from a crisis of state legitimacy (Azar 1990). They are further characterised by cycles of violent relapse, and arise from deep, structural

inequalities in society, and the historical exclusion of certain groups from economic, social and political institutions (Friedman, 2017). After negotiated transitions, structural issues do not disappear. Truth-seeking initiatives create contention in these divided societies since the causes and forms of violence remain polarising (Friedman 2017).

Chapter 1: Literature Review

1.1 From Suspicion to Proliferation: The Changing Discourse Surrounding TRCs

Transitional justice was first applied as a response to 1980s democratic transitions in the Southern Cone (Friedman 2017). Its aim was to ensure repressive leaders left power peacefully, while providing some degree of legal accountability for state-led torture, disappearance, and murder of dissidents (Ben-Josef Hirsch 2014). When it was not politically possible to convict perpetrators, truth commissions were used as a second-best compromise for "real justice" (i.e. trials) (Hirsch 2014). At minimum, states would not be able to deny their role in past abuses (Cohen 2001). During this period, even suggesting reconciliation was viewed with suspicion and as taking an apologist stance towards the former regime (Friedman 2017). Until the mid-1990s TRCs were viewed as a regionally-specific mechanism that legal scholars hoped would be contained (Hirsch 2014).

Transitional justice has since evolved from the peripheries of global politics to its current status as a supposedly mainstream, globalised phenomenon (Sharp 2013b). TRCs have simultaneously proliferated since the early 2000s, their logic becoming increasingly appealing to states (Bakiner 2016). TRCs are now applied to a wide range of political contexts, from settler colonial states to states transitioning from war to peace (Teitel 2014).

How TRCs became ‘expected’ policies post-conflict can be explained by tracing the development of the TJ field and its integration with peacebuilding. Historically, peacebuilding and TJ were separate fields of scholarship and practice (Baker and Obradovic-Wochnik 2016). Peace-building is concerned with strengthening democratic institutions to ensure the durability of peace after a comprehensive agreement is reached (Jarstad 2008), while TJ uses political-institutional mechanisms to address past human rights violations (Baker and Obradovic-Wochnik 2016). Classic peace versus justice debates dominated negotiated transitions (Ben-Josef Hirsch 2014). Agreements were constrained by the political demands of perpetrators of mass violence wanting to avoid prosecution post-negotiation and the ethical downsides of impunity. The integration of both fields’ discourse and practice was “forged in international post-conflict reconstruction practice in the early 2000s” (Baker and Obradovic-Wochnik 2013: 282). Now, TJ institutions are “specifically mandated for peace-building purposes” (Friedman 2017: 22), with TJ provisions in peace agreements rising dramatically over time (Bell and Badanjak 2019).

A fundamental discursive shift occurred after the South African Truth and Reconciliation Commission in 1996 because of its novel characteristics (Hirsch 2014). Unlike previous truth commissions in the Southern Cone, it allegedly demonstrated how the power of ‘dialogue’ and ‘forgiveness’ can have transformative effects in society (Friedman 2017). Often criticised for its narrow, short-term legalistic approach, the TJ field could now showcase a mechanism that supposedly served different and even ‘better’ functions than trials (Hirsch 2014). Following the critical juncture of the South African TRC’s report in 1998 (Hirsch 2014: 825), TRCs underwent an “ideational shift” that produced a powerful discursive truism: Truth-seeking is in itself a form of justice (Hirsch 2014). This idea did not spread immediately and

transitional peace process in the late 1990s (Guatemala, Nigeria, Ecuador and Nigeria) all held truth commissions before 2001 without a "reconciliation clause", modelled on Southern Cone initiatives (Hirsch 2014: 823). Of the 32 TRCs implemented post-2000 however, all but one exception imported new ideas from South Africa (Hirsch 2014).

Post-2000, we can observe that this significant discursive shift moved peace and justice from an unfortunate trade-off into a "symbiotic relationship" (Baker and Obradovic-Wochnik 2016). Establishing the truth about the root causes of conflict and patterns of violence was constructed as the foundation for a healthy democracy (Hirsch 2014). After 2000, TRCs were perceived to "eliminate desires for revenge, clarify a state's contested past, and signal positive intentions in negotiations" (Hirsch 2014: 820). Thus, the democratising goals of TJ and peacebuilding had coalesced. Far from being a helpful development, blending the aims and practices of both fields has led to a stretching of concepts. TRCs and reconciliation are taken as "de facto starting points, not constructs for analysis" (Baker and Obradovic-Wochnik 2016: 291).

This discursive shift in the functions of TRCs can be directly linked to the ICTJ's founding in 2001. Human rights lawyers and activists who participated in the South African TRC in 1996 comprise the ICTJ's founding staff (Subotić 2012). The ICTJ contributed its technical assistance and expertise to various TRCs starting work in the early 2000s with the goal of achieving societal reconciliation. After South Africa, trials increasingly came to be perceived as a retributive form of vengeance and gave way to a hybrid approach in policy (Moon 2008). These new goals gave TRCs an elevated moral value over trials (Hirsch 2014). Now, the question is whether they should occur before or after trials (Sharp 2013b). In sum, TRCs evolved to become an essential feature of peace agreements in the 2000s. Implementing

TRCs in post-conflict environments however, raises new sets of concerns about the goals of truth commissions (Subotić 2009) and the agenda-setting role played by the ICTJ.

1.2 Post-colonial critiques: Whose consensus?

Scholars consider post-conflict TRC implementation to be an international peace-building norm. Though the study of social norms stems from sociology, when applied to international society, norms shape state behaviour (Finnemore 1996: 3). In Finnemore and Sikkink's classic constructivist definition, a norm is "a standard of appropriate behaviour for actors with a given identity" (1998: 891). Why one gets chosen over another (Florini 1996: 363) is based on mutual consensus about what is good and ethical among states (Finnemore 1996). Finnemore and Sikkink (1998) caution however, that because norms are not exactly tangible, we often rely on indirect evidence that they exist.

With its focus on human rights and justice, TJ has an intrinsically normative agenda (Sharp 2013b). The emerging 'consensus' post-2000 was that TRCs that serve desirable social ends (promoting "truth-seeking, justice and reconciliation", etc.) (Subotić 2009: 167). For Subotić (2009), TRCs are institutionalised norms because they represent a substantial change in how the international community addresses past crimes. For these norm proponents, TJ has evolved past Finnemore's and Sikkink's (1998) first two stages of emergence and diffusion in the norm life cycle, and is now in a third, 'global' phase of institutionalisation and internalisation (Teitel 2014).

Post-colonial scholarship offers an alternative perspective: it does not take norms as a given. It critiques classic constructivist approaches to norms because they "neglect studying power in shaping ideational international orders (Epstein 2014: 301). Not all norms are "normative

or moral" (Björkdahl 2002: 14). Slavery and colonialism contained sets of international norms. Thus, postcolonial scholars question norm definitions rooted in "moral cosmopolitanism" that have tended to universalise, creating an "implicit dichotomy between good global norms and bad local norms" (Achaya 2004: 242). What is constructed as "global" tends to be Western (Achaya 2004). These scholars' rejection of the idea that international changes are "marked by the liberal arrow of progress" (Epstein 2014: 306) informs my argument.

Post-colonial critiques help deconstruct this 'TRCs as norms' claim. Although the ease with which scholars declare TRCs institutionalised norms is suspect, it is beyond the scope of this paper to engage further with international norm debates. As discussed above, the TRCs as norms question is unclear. I am more concerned with the interests at stake in calling TRCs a norm of international peacebuilding because they are an intrinsically ethical mechanism. It is more revealing to look at "processes of normalisation" and the international power structures influencing what is considered appropriate and good international behaviour (Epstein 2014). This opens critical pathways to reveal whose norm it really is (Kostovicova and Bicquelet 2018), and whose norms matter (Achaya 2004) on the international stage: those of Western states and NGOs. An examination of the domestic level, however, indicates that there is no 'one global approach' in TRC implementation but rather, a powerful, dominant discourse that influences domestic actors. In contrast to the mainstream norm diffusion literature, post-colonial perspectives allows us to ask why certain ideas gain currency (Rowen 2017), and what existing local power dynamics shape policy adaptation and instrumentalisation.

Rather than being an ethically-infused norm, TRCs now represent a path to legitimacy on the international stage for states (Teitel 2014). Subotić (2009) explains that 'norm hijacking'

occurs when TJ ideas are strategically appropriated by different local elites at the domestic level. Though Subotić takes norms as a given, her reasoning is useful. TJ standards, such as TRCs, only require local domestic political elites to use them as "window dressing", that enhances their legitimacy. Elites ensure their states are invited into international clubs (i.e. the EU and NATO) (Subotić 2009). Gaining the international reputation of being "good global citizens" (Subotić 2009: 32) motivates political elites to lead TJ processes. These advantages allow them to further "position themselves as internationalist and reformist forces in society" (Subotić 2009: 35). Upon further scrutiny, the implementation of TRCs is "instrumental and directly tied to international symbols of reputation and status" (Subotić 2009: 37) Adding to Subotić's ideas, the next section makes use of two key criticisms of TRCs that help frame the dissertation.

1.3 Structural and Universal Critiques

Rich, critical scholarship emerges as a result of the South African TRC, fundamentally questioning the concept of reconciliation and the moral legitimacy of forgiveness in politics (See Brudholm 2008; Moon 2008, 2009; Dwyer 1999; Murphy 2003; Derrida 2001). After 2000, "powerful, parallel critiques" are aimed at transitional justice and peacebuilding (Sharp 2013a: 169): both fields are apolitical, Western, white (McEvoy 2018), top-down, self-serving inventions (see Madlingozi 2013; Nagy 2008; McEvoy 2018; Sharp 2013a) that treat post-conflict policy with a "naïve technicism" (McAuliffe 2015: 104). The fields' managerial, "tool-box approach" applied to radically different contexts overlooks local power dynamics and policy instrumentalization (McAuliffe 2015: 98). TRCs in particular are guided by the assumption that society's knowledge concerning the truth about past atrocities (sometimes in painful detail), leads to the non-recurrence of violence (Daly 2008). TJ academics and

practitioners ascribe truth with the "curative powers" (Daly 2008: 23) required for societal reconciliation after conflict, raising societal expectations on what the truth can accomplish. However, as Daly (2008) poignantly asserts, simply *knowing* the specifics of violence and repeating their 'truth' does not improve the lives of those who suffered in conflict. As for the deterrent effects of truth-telling, we need not look far for conflicts that repeat vicious violence and atrocity despite the global spread of truth commissions (i.e. Syria and Yemen).

TRCs rely too heavily on a false universal applicability. Though the South African transition and TRC shaped post-conflict practice around the world, Kissane (2016) cautions about the great expectations globalisation creates for post-conflict societies. Peace processes that include TRCs have become standardised regardless of conflict-affected societies' particularities (Kissane 2016). In the 2000s, TRCs were a "fast-travelling" policy (McEvoy 2018: 187): networks of political elites advised each other on post-conflict lessons, which shaped the 'fast traffic' of TJ ideas around the world.

Rather than being universal, assumptions present in TRC stem from Western paradigms and "models of governance" that apply therapeutic ideas of 'healing' to entire nations (Moon 2009: 85). TRCs are constructed as a mechanism we can all comprehend because of our 'shared humanity'. Donor countries set the agenda on the importance of the past (Baker and Obradovic-Wochnik 2016). This over-reliance on universality ensures TJ is mainstreamed into peacebuilding checklists (Sharp 2013b), purposely obscuring the particularities of post-politics and structural inequality (McAuliffe 2015).

In deeply divided or unequal societies, structural factors are often the underlying cause of violence (Friedman 2017). It is doubtful that truth recovery can help people even agree, let alone 'settle' the root causes of conflict (Sharp 2013a). Focusing on physical violence, TRCs

can construct suffering as an extraordinary deviation from normal life (Thomason 2015). They miss how discrimination, exclusion and violence may have been intrinsic to society's structure before conflict.

After a TRC, post-conflict societies may be less violent, still not socioeconomically just (Bakiner 2016). Going further, the "constructed invisibility" of the socioeconomic in TRC implementation reveals a "surprising tepidity" in terms of actual proposals on how to achieve economic redistribution (McAuliffe 2015: 95). While certain scholars attribute this to TJ's tendency to assume neoliberal models of democracy are inevitable (McAuliffe 2015: 96), others are more cautious, owing this under-analysis to feasibility concerns. TRCs are simply not equipped to deliver structural transformation and redistribution. Still, it is important to discuss *why* policy-makers' use TRCs as a "quick fix solution" (McEvoy, McEvoy and McConnachie 2006: 95) to long-term structural problems.

TRCs use a "pacifying discourse" that "goes out of its way to fabricate a sharp divide", a before and after in a state's collective story (Coulthard 2014: 121). This false temporality serves to absolve states from enacting the tremendous policy changes required to remedy structural injustice (Hughes 2018). Since the state has already acknowledged its role in suffering, and perhaps 'apologised', TRCs transfer the burden of healing onto citizens. Enacting public truth-telling allows states to claim they are doing something, and any persistent problems are because of a problematic polity, effectively silencing any further calls for action (Coulthard 2014). The danger of placing too much faith in these mechanisms is that academics and practitioners at best fail to criticise structural inequality and at worst, actively neutralise it with "apolitical human rights talk" (McEvoy 2018: 188). The next section focuses on the key actor that epitomises these debates and concerns: the ICTJ. With its

'respectable' legal and academic credentials, it attempts to turn TJ into a 'science' of sorts has led to the proliferation of a universal, 'best practices' approach to post-conflict societies.

1.4 Transitional Justice's Gatekeeper: The ICTJ

The ICTJ institutionalised the TJ field in the post-2000 timeline. Though it is formally an NGO, it currently defines the TJ field's parameters, contributing to its gate-keeper status with states. ICTJ initially favoured trials over TRCs. It eventually became a dominant advocate of a hybrid approach to post-conflict justice, which meant mixing trials and TRCs (Hirsch, MacKenzie, and Sesay 2012). In the late 1990s, with many regimes in the Global South discounted as democratically illegitimate, there was an accepted shift onto the 'third sector' to fill this empty role, favouring "the growth of a market-like space for the provision of services related to peacebuilding" (Dezalay 2017: 216). Their new role in conflict environments made international TJ advocacy NGOs deeply involved in the political outcomes of conflicts, moving their action for that of "interested observers into the realm of alternative policymakers" (Subotić 2012: 123). For this reason, my dissertation focuses on the 'best practices' the ICTJ advocated at the international level.

'Respectable' elements (McEvoy 2018) of the ICTJ's work allow it to dominate the "sub-sector of post-conflict justice" and influence states' discourse (Dezalay 2017: 220). Initially, TRCs were not a go-to choice for the ICTJ, as it began its work amidst the 'naming and shaming'-style human rights advocacy of the late 1990s and early 2000s (Dezalay 2017). At the time of its founding, due to the heavy 'lawyerisation' of these activist spaces, the dominant view was that TRCs were a soft option (Dezalay 2017). The organisation sought to differentiate itself with a more neutral, research-based approach (Dezalay 2017: 215). The

ICTJ staff's academic credentials enabled the creation of the *International Journal of TJ* (Dezalay 2017) solidifying TJ's respectable professional image. This augmented "its capacity to define and impose its own categories of action in relation to donors" (Dezalay 2017: 217). The ICTJ's proximity to elite "US campuses, US media and US power centres of New York and DC foreign policy establishment" (Dezalay 2017: 213) contributed to its gate-keeping role. The ICTJ's move to endorse of TRCs was undeniably influential and contributed to the dominant view that TRCs are an 'indispensable' or 'essential' pillar for resolving conflicts (Bloomfield et al. 2003). The mixing of policy, practice and academia in this NGO however, means that the same individuals fulfil both academic and practitioner roles and evaluate each other's work (Hirsch, MacKenzie, and Sesay 2012). These methodological biases create great incentives frame TRCs as an institutionalised, international norm.

Chapter 2 has troubled the idea of norms as a 'given', arguing that they reflect the dominance of a Western agenda. It has identified two key theoretical critiques that help explain why TRCs may be a gate-keeping strategy and an attractive quick-fix option for policymakers. Tracing the development of TJ and TRC proliferation in post-conflict transitions, it has created a timeline of global-level changes in TRC discourse before and after critical junctures. The timeline approach demonstrates that a proliferation of South Africa-like TRCs coalesces with the second critical juncture: the ICTJ's founding. Chapter 2 justifies my case selection.

Chapter 2: Case Selection

Chapter 2 begins with the brief backgrounds of the Colombian and Northern Ireland conflicts, then discusses the significance and strength of the Northern Ireland-Colombia relationship and why this matters for my analysis.

2.1 Conflict and Peace Process Backgrounds

The Colombian conflict began in 1964 and has left 220,000 people dead and approximately 7 million forcibly displaced (Al Jazeera 2013). It involved a variety of armed non-state actors besides FARC-EP insurgents (other leftist guerrilla groups like the ELN[1], right-wing paramilitary groups, drug trafficking organisations and Colombian state actors) (Rowen 2017). From the FARC-EP's perspective, the conflict was about land redistribution and the dismantling of an unjust capitalist economic system. For the state and its supporters, violence was used in legitimate defence of the nation against an insurgent turned terrorist threat. Between 2012 and 2016 in Havana, the FARC-EP and the Colombian government brokered an accord drawing on significant international conflict resolution expertise (Joshi and Quinn 2019). The agreement supposedly tackles the root cause of the conflict: the fact that Colombia has some of the most unequal land distribution in the world (Brett 2018). The agreement integrates the FARC-EP into electoral politics under the same acronym (Díaz Pabón 2018).[2]

Violent conflict from 1968 to 1998 in NI led to 3,700 deaths (Lawther 2013), and left tens of thousands of people injured (Lawther 2013). NI's small population of 1.6 million at the time of the BA's signing meant most families were affected in some way by the conflict,

[1] The ELN remains active at the time of writing.

[2] See Acronyms List above.

particularly within working class communities (McEvoy et al 2006). Political violence in NI was among three broad groups (Connolly and Campbell 2012). The republican movement, (represented predominately by the IRA), sought to liberate counties in the province of Ulster from British rule and unite the island of Ireland after its wrongful partition in 1921 (Powell 2008). British state security forces (British armed forces and the RUC) and groupings of Loyalist paramilitaries (UDA and UVF) fought to defend British sovereignty over the region (McEvoy et al 2006). The political manifestations of republicanism and unionism (Lawther 2014) are SF and the DUP respectively, who were among the parties involved in the talks resulting in the Belfast Agreement.

2.2 The NI-Colombia Connection

The Northern Ireland-Colombia connection is highly relevant to my argument. It illustrates the strength of the problematic assumption of universality used in peacebuilding and TJ. Political elites have stressed similarities between both conflicts and peace processes (Powell 2016) that strengthened the NI-Colombia connection and legitimised the transferability of universal lessons: Both countries suffered incredibly protracted and complex conflicts in which armed groups (often labelled as terrorist) challenged state legitimacy. The meta-conflict dispute remains unresolved ("conflict over what the conflict was about") (McGarry and O'Leary 1995: 355) in both contexts. Previous peace talks failed. Profound structural discrimination, inequality and a historical exclusion from politics were reasons for taking up arms in both conflicts.

Top advisors and negotiators involved in the British-Irish peace process (for example, Irish Labour MP Eamonn Gilmore, Tony Blair's Chief of Staff and British lead negotiator in NI

Jonathan Powell, former NI Assembly Speaker John Thomas Alderdice, and the late Martin McGuinness) were invited to the Colombian government's negotiations with the FARC-EP in Havana. The BA has had an impact on subsequent peace agreements at the global level (Political Settlements Research Programme 2019). Colombians used its '*nothing is agreed until everything is agreed'* principle in their talks, citing Northern Ireland's direct influence (Political Settlements Research Programme 2019).

Juan Manuel Santos visited Belfast in 2016 to express his thanks to Stormont politicians whose expertise was crucial in Havana (Waltz and Brodinsky 2016). This visit secured UK government funding for a NI-Colombia strategic partnership "to share expertise on peacebuilding" (Northern Ireland Office 2016). Strengthening this connection is UK funding for the Colombian peace process, with a contribution of £28 million in Conflict Stability and Security Funding since 2015 (HC Deb 18 June 2019).

2.3 Limitations

Initially intent on studying the peace process in Colombia as a single-case study, I am forfeiting the richness of this method for greater leverage in answering my research question. Placing two contexts on a timeline, tracing processes and changes, helps tell a richer analytical story of how TRCs became part of a "complex set of TJ expectations" for post-conflict states (Subotić 2009: 3).

Due to space constraints, my dissertation only engages with the "broad contours" (McEvoy et al 2006: 84) of both conflicts and their resolution. By placing NI and Colombia on a timeline, I combine different kinds different levels of socioeconomic inequality, histories, and regional characteristics into one analytical case. To avoid homogenising contexts I choose not to

compare them. Instead, my research argues that false universality is in fact a serious flaw in the TJ paradigm, and intends to highlight the ways in which this unfolds domestically.

I identify potential problems with the evidence used in my dissertation. Since it was a closed-door process and minutes are not available, we cannot know exactly what NI negotiators advised Colombians. They may have assisted with pragmatic policy minutiae or shared broader lessons, or advised for or against holding a TRC. I can only compare agreements and policy choices in primary sources with what political elites touted at the discursive level using interviews, speeches and statements. Clearly, political elites are motivated to repeat truisms to portray themselves and their choices in a positive light. At first glance their statements may not appear analytically useful. I argue that discourse *does* matter in the current global context. Western dominance may be 'softer', but it is still the status quo.

Chapter 3: Analysis

Chapter 3 applies my arguments and critical conceptual framework to a domestic-level timeline. I present an analysis of how NI was able to market its 'model' status despite having no TRC after the BA. Recall that international discourse changed after 2001, influencing NI's approach to truth-seeking policies. Calls for a TRC are still rhetorical and point to political elites' instrumentalisation of TJ discourse. To secure continued relevance on the international stage, NI negotiators touted 'the power of dialogue' to account for the model's success. Learning from NI political elites, Juan Manuel Santos used this discursive strategy to repackage his political project. He took TRC discourse further to rationalise his policy choices post-2016. I propose two alternative explanations that motivated Santos to implement a TRC: the great expectations of the international community and domestic-level power

imbalances. I briefly analyse structural issues that persist at the domestic level that are genuine impediments to peace in both contexts.

3.1 The NI peace process: Post-conflict Reconstruction without a TRC

Since the BA was signed in 1998, political elites and scholars continue to tout Northern Ireland (NI) as a conflict resolution model (Hughes 2015). Its reputation as a leader in the field (Ruane and Todd 2010) persists at the international level though no formal TRC process took place (Lawther 2014). The BA does not mention the need for formal truth recovery (Belfast Agreement 1998). Northern Ireland's global influence is still considered relevant because its leaders stressed the 'power of dialogue', which fits into TJ's redemptive narrative (Hughes 2015b). 'TRCs as norms' claimants could posit that NI missed out on the benefits of a norm that emerged and institutionalised itself post-2000. As the next section explains, this is not the case.

In the aftermath of the NI peace process, truth-seeking to promote reconciliation was viewed with caution, if not with outright disdain. Sir Kenneth Bloomfield's *Report on Victims* published 18 days after the BA had a tentative question mark hanging over the idea of a truth commission. Evaluating the South African experience and its applicability to NI, Bloomfield cautioned against overly zealous hopes that truth would bring reconciliation, stating: "unhappily, 'truth' can be used as a weapon as well as a shield. If any such device were to have a place in the life of Northern Ireland, it could only be in the context of a wide-ranging political accord" (Bloomfield Report on Victims 1998: paragraph 5.37). Ex-combatants and those who suffered in the conflict rejected TJ mechanisms. To them, reconciliation was a 'dirty word' (McEvoy and Shirlow 2006). People were already weary of the concept, as it had

become synonymous with intermittent British-imposed 'community relations' policies (McEvoy, McEvoy and McConnachie 2006). A Community Relations Commission was established as far back as 1969, demonstrating that half-hearted attempts at promoting inter-community dialogue between Catholic and Protestant "religious blocs" had no effect on ending the conflict (McEvoy, McEvoy and McConnachie 2006). Commentators noted that in the peace processes and subsequent BA, community relations/reconciliation discourse was "refreshingly absent" (McEvoy, McEvoy and McConnachie 2006: 93). In NI, transitional justice issues were peripheral to the subsequent elite power-sharing agreement (Hughes 2015). Nevertheless, into the 2000s, critical junctures at the international level caused TRC discourse to shift: Peace in Northern Ireland was depicted as 'unfinished business' because of the absence of formal truth recovery.

After excitement around the agreement waned, the BA started receiving criticism for its failure to address "truth, reconciliation and 'legacy' issues" (Hughes 2018: 635-636). After 2000, direct influences from the ICTJ are observed in "the conceptualization and jargon of policy approaches to reconciliation in Northern Ireland" (Hughes 2015: 262). Jonathan Powell, who had initially stated that negotiating parties were too focused on complex power-sharing provisions to concern themselves with reconciliation (Hughes 2015), changed his rationale in 2008. For Powell, peace was *almost* guaranteed, but the past had to be "exorcised before the two sides could become truly reconciled" (Powell 2008: 308). To accomplish this, he advocated something like the truth and reconciliation process "that helped heal the wounds in South Africa" (Powell 2008: 308).

Truth-seeking reappears in government policy over the 2000s, but only rhetorically. The clearest impact of this dominant policy jargon are contained in the 2005 *Shared Future:*

Improving Relations in Northern Ireland Report (Ruane and Todd 2010). *Shared Future* demonstrates TJ discourse's force of habit: it discounts structural issues (segregation in housing, the "duplication" of education and health services) as neither immediate nor pressing (Ruane and Todd 2010). In 2009, the Consultative Group on the Past — its leaders appointed by the British government — published a report calling for a 'Legacy Commission' (Lawther 2014). Though the CGP's report is the most comprehensive survey approach to date, none of its recommendations have been implemented (Lawther 2014). The Bloody Sunday Inquiry in 2010 is so far the "most visible form of truth recovery" (Lawther 2014: 43). Perceived as an atomised approach however, (Lawther 2014) it raised expectations for more holistic truth-seeking initiatives (Connolly and Campbell 2012). In 2013, former US diplomat Richard Haass called for an examination of the past's legacy in NI (Political Settlements Programme 2019). The banal repetition of 'the past needs to be addressed' continued in proposals for an Independent Commission on Information Retrieval (ICIR) in the Stormont House Agreement (2014: paragraphs 9-10). These ideas remain on paper as NI has had no formal truth recovery to this date. Policymakers' calls for truth with no substantive action suggest they are employing truth-seeking discourse to give legitimacy to a peace process that never had a TRC.

An alternative explanation is that political elites in NI may see TJ mechanisms as a "sites of opportunity" (Connolly and Campbell 2012) . This manifests differently within the 'triangle': The SF and the DUP have incentives to instrumentalise a TRC politically to tell "their" truth (Lawther 2014). Unionists tend to frame TRCs as a way to evoke repentance from republicans (Lawther 2014). By setting the bar high in its calls for a UN or internationally officiated, formal TRC, SF can make sure it does not happen, validating its claim that the British state is intent on covering up the past (Connolly and Campbell 2012). The British

state's atomised strategy to truth recovery indicates it is not enthusiastic about deeper examinations of its activities during the conflict (Lawther 2014). Hypocritically, it has touted TRC and dialogue discourse around the world, particularly in Colombia.

3.2 The Model's Exportable Discourse:

UK, Irish and international elites predominantly cite dialogue as the reason for success in ending the NI conflict (Hughes 2018). Powell (2008: 66) asserts that a guiding principle for successful negotiations is that "it is always right to talk to your enemy however badly they are behaving". His more controversial claim is that the power of dialogue can and should be harnessed even with those labelled 'terrorists' (Powell 2008; Hughes 2015). 'Dialoguing' became a golden rule applicable to other conflict-affected contexts. Powell's key lesson fits into the dominant redemptive narrative (Teitel 2014) underpinning the TRC mechanism, which begins with "contact and dialogue", which lead to "truth recovery to justice" and produce a "harmonious society" (Hughes 2018: 625). The 'power of dialogue' discourse has been promoted and adopted worldwide simply because it is more 'exportable'. 'The boring', or the highly particular elements of the NI peace process are difficult to market internationally.

Critics assert that "disproportionate weight" is placed on the mere *process* of dialogue for bringing peace in NI (LSE Ideas 2011:21). More tangible factors leading to the final agreement are downplayed (Hughes 2015), "over-simplified, or, over-conceptualised in a way that fails to acknowledge the ragged edges of real historical experience" (LSE Ideas 2011: 17). Hard power factors, (like the IRA's *realpolitik* calculations concerning its declining military strength (LSE Ideas 2011: 20)) figured more strongly in their decision to sit at the

table. Institutional engineering and consociational power-sharing between political elites do not fit into an international political environment obsessed with 'inspirational' post-conflict narratives.

NI negotiators have bolstered the country's peacebuilding reputation on the basis of exportable discourse. It has also paid dividends for their careers. Inter Mediate, Jonathan Powell's NGO, advises in peace processes around the world and participated directly in the Colombian negotiations in Havana (Powell 2016). NI's 'Model' branding meant their presence was afforded certain gravitas in the Colombian peace process.

3.3 With a Little Help from our Friends: The Repackaging of two Colombian TRCs

As in NI, TJ and reconciliation in Colombia were already familiar terms before the 2016 peace agreement called for a TRC. TJ language entered the public discourse in full force during the Álvaro Uribe administration's 2002 negotiations with AUC paramilitaries (Uprimny and Saffon 2008). At the time, a formal transition away from conflict was nowhere in sight. State collusion primarily with the AUC incentivised negotiations and a TRC-like approach. This false transition is a clear example that TRCs were not implemented because of their ethically-infused content. Rather, they were chosen because of the flexibility they permitted (Rowen 2017), enabling a blatant misuse of TJ and a classic 'hijacking' of its principles (Subotić 2009) to suit domestic actors' political goals. Thanks to their ties with those who were close to Uribe (landowning elites, bureaucrats and state agents), paramilitary groups forged strong economic and political ties that were more valuable than their military strength (Uprimny and Saffon 2008). Being pro-state and anti-guerrilla, AUC paramilitaries

were rarely prosecuted or hindered throughout their campaigns because the state directly benefited from their activities (Uprimny and Saffon 2008).

ICTJ experts who had been involved with the South African TRC advised Uribe's government on the AUC negotiations (Uprimny and Saffon 2008). His government implemented Law 975/05 (called the Justice and Peace Law), claiming it was directly informed by 'restorative justice' concepts from South Africa. Pardons were justified based on new TRC ideas that criminal prosecutions are an obstacle to reconciliation (Uprimny and Saffon 2008). Law 975 created a National Commission on Reparation and Reconciliation and promised reductions in prison sentences if AUC members confessed all their crimes in *versions libres*, truthful and complete confessions (Rowen 2017).

Facing criticism from civil society organisations for helping Uribe force a transition, the ICTJ disassociated itself from the TJ process (Rowen 2017). While the Inter-American Court of Human Rights ordered the Uribe administration to modify its approach (Rowen 2017), the Colombian Constitutional Court upheld Law 975, declaring it justifiable to ensure peace. A more lenient definition of justice was therefore useful in domestic politics to rationalise choices made in negotiations (Rowen 2017: 632). An interview with one of Law 975's principal architects revealed that policymakers created the law to avoid domestic and international legal obligations, precisely because "TJ makes political interpretation very flexible" (Rowen 2017: 632). Truth-telling was equated with justice in this example. The Uribe government consistently adhered to global ideas of TJ, but applied it nefariously to the 'wrong' group. Law 975 throws the 'TRCs as norms' claims into question, due to the unpredictable (Rowen 2017), varying nature of domestic TRC implementation.

When Uribe left power in 2010 and Santos took over, the idea of TJ was tarnished in Colombia. Colombians were accustomed to TJ discourse being used as a rhetorical repackaging device with legitimising effects for those in power (Upriminy and Saffon 2008). Nevertheless, Santos' negotiating team proposed a TRC curiously analogous to Uribe's initiatives. This replication also makes 'norm claims' highly problematic. The next section analyses how Santos used NI negotiators' discourse to push his political project.

TJ was depicted as the most challenging provision of the CFA to negotiate. Santos asserts that "justice was the real crux" of the talks (Silver, 2017). Striking a deal on TJ issues was deemed essential for getting to peace (Bakiner 2019). The negotiations culminated in an agreement with an ambitious transitional justice model, distinguished by its degree of deliberation and planning (Bakiner 2019). In other words, the agreement responded to "today's heavier" international TJ expectations (Brett 2018: 21). The CFA mandates the creation of the CEV, which is a TRC that started work in November 2018 and will publish its final report in 2021. While its nomenclature omits the term reconciliation, Joshi and Quinn (2019) find it is similar to previous TRCs. What is more significant is that an official truth-seeking report had already published in Colombia in 2012 (See Centro Nacional de Memoria Histórica 2012). Recall that Uribe held a TRC-like mechanism too. Though both truth-seeking initiatives are repeated twice, this has not altered international expectations and perceptions surrounding the 2016 peace agreement.

Colombia currently implements alternative post-conflict justice arrangements for FARC-EP ex-combatants through a "reduced punitive system" (Sánchez León, García-Godos and Vallejo 2016: 259). The negotiations felt a new pressure that NI had not: the ICC now prohibited blanket amnesties (Sánchez León, García-Godos and Vallejo 2016). Colombia's

judicial system could not process all parties to the conflict either (Sánchez León, García-Godos and Vallejo 2016). 'New' post-conflict justice arrangements were therefore created, and their content can be explained by the strong interference of the ICTJ.

Colombia is the ICTJ's largest program (Subotić 2012). Despite societal backlash against its activities in 2010, an independent report from the Swedish International Development Cooperation Agency (SIDA) (2018) found that the ICTJ directly influenced the CFA's content. Its advisory role in Havana was influential in amnesty provisions and the design of public policies surrounding truth-seeking. The ICTJ even participated in the selection of TRC commissioners and made recommendations on the design, structure and staff composition of JEP, the special courts that would process former FARC-EP combatants (SIDA 2018).

The FARC-EP demobilised and decommissioned its weapons on the condition that certain members would face special judicial tribunals and submit to restrictions on their liberty for five to eight years (Bakiner 2019). Alternative sanctions are called 'accountability pardons', which are meant to be "restorative and will repair the harms inflicted" (Sánchez León, García-Godos and Vallejo 2016: 259). The Special Jurisdiction for Peace, the alternative tribunal in charge, hands down sentences in accordance to the degree of truth and culpability recognised and disclosed before the tribunal (Jurisdicción Especial Para la Paz 2019). To incentivise truth recovery, if the tribunal finds omissions or the accused fail tell the complete truth about abuses they committed, a more punitive sentence is applied. The truth is afforded an increased value in this hybrid tribunal. The JEP's alternative process relies especially on truth to help reconstruct peace and benefit society. How did this idea gain so much currency?

Santos uses NI negotiators' 'universal lessons' on the power of dialogue to rationalise his decisions in the Colombian peace process. Dialoguing was depicted as a necessary step to

opening talks and securing an agreement. In an interview with the BBC's HARDTalk, in response to a question on why he engaged with a movement he used to label "terrorists and bandits", Santos replies, "you don't make peace with your friends, you make peace with your enemies" (Santos, 2015). Santos goes further, stating that despite the FARC-EP's previous use of negotiations to stall and re-arm, in the Havana negotiations he was "completely trusting them" (Santos, 2015). He asserts that his role is to convince people that TJ "is the price to pay, but is the package for peace" (Santos 2015). The interviewer raises the divisive issue of the alternative justice scheme in Colombian society (Santos 2015). Santos replies with a question: "What did the UK do with the IRA?" Here, he directly invokes the 'model' peace process, though the ICC most likely would not have permitted the informal amnesty with former perpetrators in NI peace process (Hughes 2015).

Using NI negotiators' discourse as a starting point, Santos' rationale eventually transcends the the peace versus justice trade-off. In Santos' discourse, alternative sanctions are legitimised through his statements that 'victims' are "his strongest allies", and have been "the most generous" in the process (Silver 2017). Speaking on their behalf, he stresses that contrary to punishment, "what they want to know is the truth" (Silver 2017). Truth is necessary to a new future for Santos, as he states: "Only in a Colombia with truth can we begin to turn the page" (Al Jazeera 2015). Santos' framing, using dominant, globally accepted TRC discourse, depicts the negotiations as dependent on the "virtuous restrictions" of victims' rights (Uprimny and Saffon 2008: 184). Here, Santos demonstrates how progressive he and his government are because they incorporate international TJ standards expectations into negotiations. Society however, was not ready for truth as justice. The initial 2016 deal was rejected by a small margin in a plebiscite on October 2, 2016. 'No' voters vehemently campaigned against the agreements' essential TJ points (Chaparro Amaya 2018).

With the international validation of NI model-expert learning behind him, Santos' government performed the legislative gymnastics necessary to pass an amended peace deal in Congress in November 2016 (Chagas-Basto 2019). In a victorious speech, Santos welcomes the FARC to democracy as a formal political party, using metaphor to construct a before and after in the nation's history. He declares that "the horrible night has ended and the glorious day has arrived" (Silver 2017). Though peace negotiations have failed repeatedly in the past, this discourse is used to signal that this time, at last, peace had arrived thanks to his government. The next section focuses on what Santos achieves by using 'truth as justice' discourse when deciding to implement a truth commission. TRC implementation was due to a series of strategic calculations on behalf of his administration when negotiating peace (Brett 2018).

3.4 Great Global Expectations:

The international community's expectations surrounding TRCs influenced Santos' decision. In a 2016 documentary film, Santos explains that part of his motivation to achieve peace — no matter the cost — is because "the world needs success stories. This is probably the only successful process out of more than 22 conflicts going on in the world right now that shows that things can indeed be fixed through dialogue. A 50 year-long war *can* end. The international community appreciates this enormously" (Silver, 2017). His construction of an idealised transition (Rowen 2017) held numerous personal benefits. Santos received the 2016 Nobel Prize for Peace, hold an honorary degrees at the London School of Economics and Visiting Professorship at Oxford, and has retired from formal politics to share his knowledge around the world (Mineo 2016).

Santos uses TJ language to portray Colombia as a mature, caring, Western state that keeps up with international standards (Rowen 2017). Lord Alderdice, speaking in 2016, contrasts his experience negotiating in NI with Colombia's progressive initiatives: "They started with a victim's law. We left it till the end when people didn't care too much" (LSE Ideas 2016). Alderdice laments NI's inability to incorporate a TRC into their peace process, and heralds Colombia's approach while making the international community's high expectations clear: "This is one of the very few serious peace processes that is going anywhere at all. If you can rubbish this one, what's the message to other people trying to create peace?" (LSE Ideas 2016). In sum, the stakes were high to deliver peace using TJ mechanisms. The next section shows how international gatekeeping standards exert more than symbolic weight on grantees. More tangible, monetary reasons explain policymakers' choices.

States and policymakers emulate TRC discourse because they are accountable to donors. This section uses the EU as an example to show how discourse on truth-seeking and 'the past' tends to be donor-driven (Baker and Obradovic-Wochnik 2016). TJ mechanisms promoting reconciliation are an integral part of the EU's peacebuilding checklist (Sharp 2013a; Baker and Obradovic-Wochnik 2016). If we follow the money trail, we find similar discourse emulated domestically based what the EU considers important. Formal reckoning with past wrongs are part of its 'entrance requirements' for membership (often demanded of Balkan states (see Subotić 2009)). The EU funds therefore explain current obsessions with the examining the past to build peace in recipient countries. The EU has funded peace in NI since 1989. This support has gone on for so long, that it has demarcated four funding phases (PEACE I-IV) to describe changing priorities (European Parliament 2018). From 2000-2017, the EU has earmarked a total of 1.5 billion euros for peacebuilding and TJ activities in

Colombia (Delegation of the European Union to Colombia 2018). After the peace process, it highlights its support is specifically to promote reconciliation (Delegation of the European Union to Colombia 2018). This supports the argument that TRCs are a donor-driven policy trend, but what other factors explain its implementation?

3.5 Dodging Structural Inequality

Power dynamics at the domestic level reveal alternative reasons for why a TRCs appealed to Santos. One of the principal goals of Santos' peace initiatives was to "pacify the country" to open its natural resources up for business (Brett 2018: 11). He describes a conversation with Nelson Mandela in which the late leader advised him that "as long as Colombians didn't end the war, his country was not going to become a developed country" (Mineo, 2018).

Santos has explicitly stated that Colombia's economic model was not negotiable in the peace processes (Bakiner 2019). His administration went to great lengths to reassure Colombia's business community and ruling elite that their interests would not be threatened (Brett 2018). Uribe's connections, among them to landowning elites, were powerful spoilers in the peace process. The task was to convince them that peace was more lucrative than conflict (Brett 2018). After the 'no' vote prevailed in the 2016 plebiscite, land reform proposals that were too radical were omitted (Bakiner 2019). Failure to address the structural causes of the conflict was the "'Achilles' heel of the talks" (Brett 2018: 25): it helped move them forward but did not touch "the exclusionary economic model that drove conflict in the first place" (Brett 2018: 21). Nevertheless, the agreement claims to address one of the conflict's root causes: the fact that Colombia has some of the most unequal land distribution in the world (Brett 2018). A massive land restitution program is underway (Sikkink et. al 2016).

Evidence suggests however, that structural change may be a false promise given the tremendous challenges involved in delivering reparations to a growing list of victims (Sikkink et. al 2016). It remains unclear whether the TRC and land reparations programs do enough to dismantle the tight-knit collusion among former paramilitaries, the elite political class and economic interests in the country (Uprimny and Saffon 2008). Whether the transitional justice provisions will deliver appears doubtful.

3.6 What is Happening 'on the ground'?

In Colombia, the conflict has been foundational to the very structure of the state and society (Chaparro Amaya 2018). Combined with its protracted nature, this means it will be difficult to extricate the political grip elite actors hold over high-level decision-making. Never being seriously addressed, socioeconomic inequality and exclusion endures. Violence continues: There has been a spike in homicides against social activists (Meernik, Demeritt and Uribe-López 2019). The 'truth' may be of little help in the context of entrenched societal divisions regarding reconstruction. Attacking the root causes of the conflict stays at the rhetorical level as it is doubtful whether Colombia has the "capacity to provide substantive redress" to 7 million victims of forced displacement (Rowen 2017: 643). Still, donor countries like the UK, disparage Colombia's new president and 'no' campaigner Iván Duque's actions since he took office in late 2018, stating, "his attitude and disdain towards the agreement" and its fundamental TJ initiatives is concerning (HC Deb 18 June 2019). Duque's constitutional challenges and attempts to dismantle the CEV and special tribunals have been blocked by congress and the courts (Grattan 2019). Although progressive political elites in Colombia discredit him as a pariah, his campaign platform *did* centre on a rejectionist stance to TJ

mechanisms in the of peace process. His election to office in 2018 demonstrates that society is still split on the issue of truth-seeking.

On the societal level in NI, every time the possibility of a formal truth-seeking mechanism is discussed, divisions and tensions rise to the surface (Hughes 2015b). As discussed above, political elites' hesitancy to implement a TRC means calls for 'truth' are either just rhetoric or political opportunism (Connolly and Campbell 2012). There is still an idea, attributable to the influence of international reconciliation discourse that has taken hold in NI: maybe if a TRC process is implemented, and gets over and done with, societal problems will be solved (Hughes 2015b). Current challenges facing society in NI will require more than truth-recovery. Structural segregation in housing and education is the greatest obstacle to reconciliation and a 'shared society', but political will to address structure is non-existent (Hughes 2018). NI is in political crisis, not having had a government since January 2017 (Lawther 2018). If the crisis is eventually resolved, NI policymakers will most likely keep postponing structural issues with allusions to quick policy fixes (McEvoy, McEvoy and McConnachie 2006).

Conclusions

In this dissertation, I have discounted claims that TRCs have spread around the globe due to their ethical content. Developing an answer to why truth commissions are considered an essential component of building a lasting peace in post-conflict societies, I have shown that political elites use TRCs and TJ discourse to showcase their relevance on the international stage and depict themselves as mature Western states. I have provided alternative reasons, grounded in post-colonial, structural and universalist scholarly critiques, for why TRCs are

considered an appealing policy mechanism in protracted conflicts. Beyond interrogating their perceived universal applicability, and their deficiencies for creating structural transformation, I have argued that their universal characteristics and conceptual flexibility serve to silence structural grievance on the domestic level.

In both NI and Colombia, there were pre-emptive calls for reconciliation well before the TRC 'norm' supposedly emerged. TJ discourse was not new and had already been clearly instrumentalised (Hughes 2015; Rowen 2017). This fomented an aversion in both societies to concepts of truth, 'reconciliation' and TJ that persists. Domestic rejection contrasted with the continued presence of TRCs in policy and elite public discourse, suggests TRCs have provided ways to recycle and rebrand the same tired approaches to change. Critics of my argument may ask: If you reject TJ, are resentment and inaction the alternatives? I have shown that structural issues remain at the heart of both conflicts. Until they are seriously addressed, we will keep seeing the same flaws with TJ. My research suggests that TRCs may be 'here to stay', but not because they represent the best way forward for these two societies.

The TJ field must reckon with its waning credibility (Thomason 2015). More scholarly research must establish whether TRCs are simply naive policymaking or represent a purposeful maintenance of the status quo of global power arrangements. Conflict and contestation are normal in healthy democracies (Brudholm 2008). Academia must look deeper look into the unintended consequences of TRCs (Moon 2008) and their global, Western-based promotions of what democracy looks like. Furthermore, is it enough to add structural redress into TJ mechanisms? Do we need a more "incremental, politically-sensitive approach" (McAuliffe 2015: 105) to domestic context variation or a completely new approach to post-conflict reconstruction altogether? The key lesson of TRC proliferation is

that the nation state cannot force embittered populations into reconciling when they are unwilling (Kissane, 2016). In an ongoing complex, brutal conflict like Syria, TJ mechanisms currently appear absurd and inconsequential to its resolution. This suggests that rather than 'ethical norm', the use of TRCs in peacebuilding may in fact be a post-2000 policy trend on its way out. Conflict resolution and TJ scholars need to think of new ways to address the structural, root causes of conflict, and create stronger, alternative solutions to TRCs.

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