In recent years it has been fashionable to discuss this process in terms of ‘truth’, ‘justice’ and ‘reconciliation’. However, all these terms are open to subjective interpretation and take on different meanings in each post-conflict situation. Citing the cases of Northern Ireland, Serbia and South Africa, this article explores the relationship between several concepts of truth, justice and reconciliation in the early post-conflict phase.

Truth as acknowledgement

The desire for public acknowledgement of past events is strong among all groups in post-conflict populations. “Serbs need to know what was done in their name”, said a Serb journalist who had witnessed the Srebrenica massacre. For other Serbs it means public recognition for the many who risked much to protest against Milosevic and resist the draft. In a Catholic community in North Belfast, Northern Ireland, it was acknowledgment that “there was a war on” (April 2000) instead of continuing to refer to the last 30 years of conflict as the euphemistic ‘Troubles’. This need for telling the truth as perceived by different groups is important for clarifying events and understanding both similarities and differences in the range of experiences during conflict.

The value of a forum for formal versus informal truth-telling has been somewhat misunderstood. While undeniably laudable in ambition and scope, a major weakness of the 1995 South African Truth and Reconciliation Commission (TRC) was that the government used it to promote a forced reconciliation by dictating how participants should react to revelations. The emotionally charged Human Rights Violations hearings promoted an exclusively Christian view that “invoked notions of confession, forgiveness, sacrifice, redemption and liberation”. They “became national rituals of ‘reconciliation’, forgiveness and truth-telling … Like all rituals, they were met with a complex mixture of compliance, acceptance, indignation and resistance.”

Sometimes tensions are too high and the timing too soon (or too late) for a formal truth commission. In a country

Truth, justice and reconciliation in early post-conflict society

by Marcia Byrom Hartwell

One of the greatest challenges facing a country after civil war is to find a way to peacefully coexist and rebuild with former enemies.
such as the UK, where many unan-
swered questions continue to exist
questioning the extent of state, mili-
tary and police collusion with Loyalist
paramilitaries in Northern Ireland,
there is common recognition that a
formal truth inquiry could have a
devastatingly explosive effect; a ‘safer’
vehicle for truth has begun to emerge
in the form of legal inquiries. One is
the ongoing Bloody Sunday Inquiry, a
second inquest into an event that
took place on Sunday 30 January
1972, when British army soldiers fired
on and killed 13 unarmed citizens
during a civil rights march in
Londonderry/Derry. Another is the
continuing inquest into the 1999 car
bomb death of solicitor Rosemary
Nelson, who received questionable
protection by the police despite hav-
ing long received death threats for
defending Catholic Republicans in
cases sensitive to the Royal Ulster
Constabulary. Both cases have raised
as many questions as answers by
presentation of the facts.

Serbia has formed a TRC but it is
widely believed to be a ploy by
President Vojislav Kostunica to satisfy
demands for accountability by the
international community and at least
two members resigned soon after
their appointment. Meanwhile, per-
haps more ‘truth’ has continued to be
revealed through the Serbian
Parliamentary debate on Slobodan
Milosevic’s extradition procedures, his
removal to the Hague and the mixed
reactions as his trial unfolds than
might be expected to come from a
formal commission.

Truth-telling on its own is not a
panacea guaranteeing social healing
and reconciliation. The real value of
post-conflict public truth-telling, both
formal and informal, is that it may
function as a kind of public forum for
acknowledging the almost inexpress-
ibly deep anguish of loss, giving a
common platform of dignity and
respect for the experience of all.

Justice as fairness

In the aftermath of a violent conflict,
there is a strong urge to move on
quickly to the business of rebuilding
lives. While slow moving formal trials
serve a ritualistic purpose in much
the same way as formal truth com-
missions, humans need a faster way
to judge fairness of treatment in
order to understand and develop their
place in the new political, social and
economic order. Much recent debate
has focused on the role of retributive
justice in high profile war criminal
trials but in early post-conflict situa-
tions there are two distinct views of
justice being served: the external (the
international community, including
hostile countries) and the internal (the
country’s inhabitants).

In the case of Serbia, the external view
has centred on the extradition and
trial of Slobodan Milosevic for war
crimes at the Hague. Internally, this
action is seen as the price demanded
by the international community in its
desire to publicly humiliate the man
who defied the West and instigated the
break up of the former Republic
of Yugoslavia. Most anti-Milosevic
Serbs feel justice was sufficiently
served by throwing him out of office and
reforming a new government.
Many now feel that it is time to find
ways to address the real problems,
such as finding a job that will earn a
subsistence wage without having to
work two or three legitimate jobs, or
without being pushed toward the
temptations of the black market.

In their quest for showy public trials,
the international community may be
overlooking the way perceptions of
fair treatment shape the human sense
of justice. Using past experience and
current treatment as a basis for seek-
ing and assessing fairness of future
solutions, a number of studies have
shown that the way groups perceive
they are being treated feeds into a
process of cooperative or resistant
behaviour that could strongly impact
on a peace process. In other words,
people are more willing to cooperate
if they feel they have been treated
fairly or less willing if they feel the
opposite is true.

Some of the greatest post-conflict
challenges to the rule of law have
emerged in the almost universally
controversial act of granting amnesty.
The South African TRC amnesty given
in exchange for testimony was chal-
 lenged by the families of murdered
Black Consciousness Movement leader
Steve Biko and defence lawyer Griffiths
Mxenge as denying their right to bring
the men’s killers to trial.

In Northern Ireland, where both
republican and loyalist paramilitaries
contributed to peace by supporting
cease-fires from within the Maze
prison, it was understood that
amnesties for all political prisoners
would be made part of the 1998 Good
Friday Agreement. It caused great
controversy but there is little doubt
that Northern Ireland would not other-
wise have been able to continue on
the road to a deal that has arguably
supported the most lasting promise
of peace for Northern Ireland seen
this century.

Perhaps, as Susan Jacoby stated in her
examination of the relationship
between justice and revenge, for jus-
tice to be positively received in both
private perceptions and public trials
requires a “delicate balance between
retribution and compassion …
Unrestrained retribution destroys the
noblest human hopes along with
human bodies; the absence of mea-
sured retribution leaves vindictive
force in the hands of those who are
unable or unwilling to restrain
themselves”.

Reconciliation

Reconciliation, simply stated, can be
seen as a fundamental process comb-
ining perceptions of truth and
justice in a way that allows group and
individual identities shaped by war
to make a smooth transition to peace.
The process of reconciliation strives
for a balance between forgiveness and
revenge to allow a compromise with
which the majority, including security
forces as well as groups in direct con-
flict, can live. Or as Alex Boraine,
Deputy Chair of the South African
TRC, expressed it during a 1999 visit
to Northern Ireland: “In Northern
Ireland and in South Africa we simply
do not have to like each other but we
have to coexist with mutual respect.”
Priority concerns of early post-conflict
populations tend to be security, quality
of life, justice and social issues.
Ironically, one of the major internal
Serbian post-conflict issues is
the Kosovo refugees. Blamed for starting the
war in Croatia and Bosnia in the early
1990s and in Kosovo in 1999, Serbia
now has an estimated 900,000 Serb
refugees (700,000 from Croatia/
Bosnia; 200,000 from Kosovo), which

“We simply have to learn to live together, otherwise we will continue to kill one another…”
makes it host to one of the largest refugee populations in the region. Milosevic refused to allow refugees to take Yugoslav citizenship, thus denying them jobs and property rights. Recent figures compiled by the European Union’s Stability Pact for the Balkans has shown that only 3% of the refugees have a living standard above the average; the remainder survive in the grey economy. Their kiosks selling CDs, clothing and other items proliferate throughout the central areas of Belgrade. In Subotica, a Serbian city on the Hungarian border, refugees are seen as “a problem of social adaptation”, not knowing “how to behave … not used to hearing different language and different kinds of customs”.

“Is a form of justice possible that is not at the same time victor’s justice? Is a form of reconciliation possible that is not at the same time an absence of justice, and thus an embrace of evil?”

A distinction was made between the rural and city refugees, with the urban ones cited as acclimatizing more easily, while the rural ones are still living in local refugee camps with no land to till and no other adaptable skills. The issue of repatriation versus local integration is becoming more pronounced. The New Serbia Forum held in December 2000 (post-Milosevic) stated that “If safe return is not possible for these groups in the foreseeable future, many experts agree that a new democratic government should promote their permanent settlement in Serbia. This would require additional resources to provide adequate accommodation, welfare assistance, and job creation schemes.”

In Northern Ireland, reintegration efforts have been primarily focused on ex-combatant/prisoner paramilitary members. Complaints about use of EU funds to help Republican prisoners and their families at the expense of Protestants has been a sore point for many Protestants who perceive that they are on the losing end of the 1998 Good Friday Agreement. In reality, many residents on both sides of the conflict experienced internal displacement — either by being burned out or through intimidation by their own or the opposing side — and were forced to move to safer areas within Northern Ireland. Many on both sides left Northern Ireland during the past 30 years, settling in Great Britain, the Republic of Ireland, France and the US; many young Protestants are still leaving.

For those who stayed, there have been many recent community efforts to promote reconciliation through initiation of EU-funded victims groups. However, one of the more interesting internally-driven community efforts has been the Springfield Inter-Community Development Project, begun in 1988. Years of cross-community dialogue and construction of a ‘peace-wall’ — a barricade physically segregating communities that had entrances that could be locked when trouble started — had failed to de-escalate growing tensions. Community leaders on both sides of the wall decided to create a new project that would give an equal voice and sense of empowerment to all individuals and groups. Creating a project of this nature in the environment prior to the 1994 cease-fires was highly unusual and extremely risky for all participants, requiring approval from community-based paramilitaries on both sides. The project, which is still going strong and is independent both of church affiliation and of external funding, considers itself to be part of an ongoing process of articulating the special economic, political and social needs of interface (borderline) communities.

Each country’s culture and individual history of conflict will influence and shape the reconciliation process necessary for a sustained peace. Writing about recovering from genocide in Rwanda, Mahmood Mamdani asks, “Is a form of justice possible that is not at the same time victor’s justice? Is a form of reconciliation possible that is not at the same time an absence of justice, and thus an embrace of evil?” His answer is an alternative version that he calls ‘survivor’s justice’ which refers not only to surviving victims “but to all those who continue to be blessed with life in the aftermath of a civil war . . . Where beneficiaries [of a dominant group’s action] are many [as was the case with South Africa’s white population], reconciliation has to be social to be durable, which is the same thing as saying there can be no durable reconciliation without some form of social justice. But where beneficiaries are few [and perpetrators many, as in Rwanda], the key to reconciliation is political . . . The prime requirement of political reconciliation is neither criminal justice nor social justice, but political justice. It requires not only shifting the primary focus of reform from individuals to institutions, but also recognizing that the key to institutional reform is the reform of institutions of rule.”

Forgiveness and revenge

Finally there is the issue of forgiveness and revenge. These are a legitimate part of a reconciliation process that needs to be based on freedom of choice, not pressured expectation. One of the more relevant
descriptions linking forgiveness, revenge and justice has been developed by psychologist Robert Enright. Derived from a series of clinical studies, the first five of a six stage process depicts a ‘pseudo’ forgiveness — conditional justice headed toward forgiveness but bound by motives of revenge. The sixth stage is defined as genuine forgiveness — and arguably genuine justice because it is given freely without expected reparation. The offended acknowledge that they have been treated unfairly and have no duty to forgive but in a spontaneous act of compassion reach beyond ‘a fair solution’ to break the cycle of guilt, shame and rage.2

‘Passive resentment’, a condition when feelings between groups are strongly negative but not acted upon, seems to be one of the earliest stages of this process. Interestingly, it appears to go through a transition of its own, changing from an externally directed focus in the earliest days of peace, to a more introspective stance. When asked whether they thought they could forgive, the Serbian response in January 2001 (echoed by others) was: “I can forgive America [for the NATO bombing]. They’re a superpower and that’s the way superpowers act.” (Kosovo Albanians were not mentioned in January and rarely mentioned during an April 2001 visit except to say that “Albanians and Serbs don’t get along.”) While in Northern Ireland in April 2000 (an especially tense time when the Northern Ireland Assembly had been suspended by London), the same question, posed further along in their peace process, to both Loyalist Protestant and Republican Catholic working class communities in West Belfast was answered by looking inward, saying yes, they could forgive others in their community for bad treatment and for the coercion/protection by their own paramilitaries.

Conclusion
In the end it may be that the best truth and justice can offer to the process of reconciliation is to try and serve the needs of the majority while preserving the dignity of both perpetrators and victims. The external community needs to remember that peace can never be an assumed condition in a place where there has been war. The greatest contribution to be made by outsiders is to listen, observe and respond to articulated needs of post-conflict populations, rather than to outside assumptions. While the long journey out of the abyss is one that outsiders can support, it is a process that only former enemies can create. The formal and informal role of truth and justice will always be too much for some and too little for others but the internal will and determination to continue in spite of all obstacles appear to be the key to success.

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Websites:
CAIN Web Service (Conflict Archive on the Internet: Northern Ireland http://cain.ulst.ac.uk/index.html)
European Union Special Support Programme for Peace and Reconciliation in Northern Ireland & the Border Counties of Ireland: www.eu-peace.org/ 
New Serbia Forum: www.newserbiaforum.org
Springfield Intercommunity Development Project: www.peacewall.org/