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MAYIBUYE! LET US RECLAIM! ASSESSING THE ROLE
OF MEMORIALIZATION IN POST-CONFLICT
REBUILDING

by

ERESHNEE NAIDU-SILVERMAN

A dissertation submitted to the Graduate Faculty in Sociology in partial fulfillment of the requirements for the degree of Doctor of Philosophy, The City University of New York

2014

About the Title

Mayibuye is a South African Xhosa word that has varied meanings. It could imply a return to the original or to a utopian state. It is a call to reclaim something. “*Mayibuye* Africa” was a popular freedom slogan during the Apartheid years. *Mayibuye* in this title supports survivors’ calls to reclaim their right to recognition, reintegration and dignity.

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This manuscript has been read and accepted for the Graduate Faculty in Sociology in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

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Abstract

MAYIBUYE! LET US RECLAIM! ASSESSING THE ROLE OF MEMORIALIZATION IN
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The past decade has seen a global increase in scholarly and practitioner interests in memorialization and social memory studies. While memorialization initially gained social and political significance after the Holocaust, as it served as a symbol of recognition of the millions of victims, it gained increased recognition with the growth of the transitional justice field. Initially subsumed under the banner of symbolic reparations, memorialization has over the past few years become a transitional justice mechanism in its own right. Increasingly, victims turn toward memorialization as a mechanism for recognition, justice and healing, and more truth commissions are recommending memorialization as a tool for post-conflict rebuilding. Despite this growth in the field, there is limited understanding of the actual impact that memorialization has in social rebuilding.

Using a case study approach, this dissertation employs a qualitative research methodology, asking the question: under what conditions do the mechanisms associated with transitional justice, most specifically memorialization, contribute to peace and social rebuilding? The study draws on research conducted mainly in Liberia and South Africa. Twenty-two expert interviews and six focus group interviews with a total of 90 participants inform this research project. This dissertation concludes that memorialization's role in peace

and social rebuilding is varied. However, there are certain conditions—such as an integrated approach to the implementation of memorialization and the delivery of other forms of reparations, a survivor-centered approach to memorialization and the use of memorialization as a catalyst for critical education—that may increase memorialization’s potential to contribute to post-conflict reconstruction.

Keywords: social memory, memorialization, reparations, transitional justice, Liberia, South Africa

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INTRODUCTION¹

On Sunday, 29 July 1990, at about 10 p.m., a group of armed men from the Armed Forces of Liberia (referred to as Doe's soldiers) entered the compound of the Lutheran Church and began to kill innocent citizens who were seeking refuge. The killings began in the school building where the women and children were staying. After intensive firing, the soldiers then moved to the church building where the men and young boys were staying. There they continued the massacre until around 6 a.m. the next morning. My brother, uncle and two cousins were killed that night. I was shot on my right leg, above my knee. My aunt and cousin were also shot on their legs. Those in my family that were killed that night were Nyan Quoigoah, my brother, Alfred N. Quoigoah, my uncle, and my cousins Wuo Quoigoah and Nyan Quoigoah. – Marcus²

Marcus is not alone in recalling the events of that fateful night of 29 July 1990. While each individual's recollections and experiences of that night may differ slightly, this was the story of almost 2,000 refugees who were seeking protection in St. Peter's Lutheran Church during Liberia's civil war. The Lutheran Church Massacre, perpetrated by troops loyal to then-president Samuel K. Doe, resulted in the deaths of almost 600 innocent men, women and children, killed on suspicions that they were ethnically aligned to rebel forces. Despite having worked with survivors for more than ten years, listening to the survivors' accounts of the St. Peter's Lutheran Church massacre, I was again unable to grasp the horror of such mass

¹ Excerpts of this chapter were published under the title "Memorialisation in Post-Conflict Societies: Potentials and Challenges." Pp. 29-46 in *Memorials in Times of Transition*, edited by S. Buckley-Zistel and S. Schäfer. Cambridge: Intersentia.

² Author's personal focus group discussion conducted with LUMASA survivors on 22 March 2012, Monrovia.

atrocities, let alone understand how these survivors and their communities could even begin to come to terms with the inhumanity of violence, betrayal and personal loss. As Marcus and his fellow survivors continue to rebuild their lives in the aftermath of this traumatic experience, his hope is that the Liberian state will eventually recognize the violations that they were subjected to and provide financial reparations, medical services and education opportunities for the many survivors who are in desperate need of assistance. Even though Marcus has forgiven the perpetrators of that massacre, he still hopes for an apology from them and from the Liberian state. He is also hopeful that St. Peter's Lutheran Church will one day be converted into a site of memory, which can serve as a memorial to his brother, uncle, cousins and the others who were killed there, recognize and tell the story of all those survivors who still bear the scars of that long night and teach current and future generations the empathy that is necessary to build a culture of human rights and peace. For Marcus, "Memorialization serves as a symbol of *no* return...it serves as a commitment to find peaceful solutions...and it also helps advocate for survivors and express their various needs."³

Memorialization is just one of many forms of reparations that survivors of conflict are increasingly beginning to demand. As processes through which memory is practiced, memorialization initiatives may include traditionally constructed memorials, museums, memory projects and the renaming of public facilities. Over the past decade, there has been a sudden increase in scholarly and practitioner interests in memory studies and memorialization. Apart from the increase in scholarly literature, which will be discussed in the next chapter, there has also been an explosion of nonprofits interested in pursuing work in this area, as well as increased donor interest in funding such initiatives under the umbrella of human rights and transitional justice. What factors have contributed to the upsurge in the field?

³ *Ibid.*

While memorials have almost always been a part of the public landscape, the role of memorialization as a symbol of recognition of suffering—and as a form of reparations for victims—gained political and social capital following the Holocaust, as the world attempted to come to terms with mass atrocity, the scale of which had never before been seen in modern times. Since then, supported by the growth of the transitional justice field, memorialization has gained increased salience as one of the mechanisms enabling societies to come to terms with atrocity. A variety of truth commissions—such as the initial commissions in Latin America and more recent truth commissions such as those in Kenya and Brazil—have identified memorialization as one form of reparations. Post-conflict governments have also increasingly begun to initiate memorialization projects soon after a transitional period to mark a new era of remembering and coming to terms with the past. While initially subsumed under the banner of symbolic reparations, playing a supporting role to other forms of reparations, memorialization has over the years become a transitional justice tool in its own right.

Intergovernmental organizations such as the African Union (AU) and the United Nations (UN) have also boarded the memorialization bandwagon. Their acknowledgment of memorialization's role in post-conflict societies has also served as a stamp of approval. In January 2012, the African Union Human Rights Memorial (AUHRM) was unveiled as a part of the new AU headquarters in Addis Abba, Ethiopia. The memorial forms a part of the new AU precinct built at the site of a former prison, Alem Bekagn, which gained notoriety as a site of massacre and detention during the period of the Italian occupation in 1936 and the Red Terror period, from 1977 to 1979.⁴ The AUHRM—initially built to commemorate the Ethiopian Red Terror, the Rwanda genocide, Apartheid in South Africa, colonialism and the slave trade—aims to expand to include and acknowledge mass atrocities in other countries on the continent.

⁴ See Alex de Waal (2012) for a description of Alem Bekagn and the AUHRM .

At the inauguration of the memorial, Andreas Esthete, chairman of the Interim Board of the AUHRM, noted, “What is being singled out for particular attention are serious crimes for which, above all, we ourselves are to blame...African states and governments collectively resolved to honor the memory of those lost, innocent African lives. What is being recognized at this site today is a deep moral fact about ourselves that no emergent generation of Africans can ever afford to forget...In sum, the Memorial is a standing symbol of Africa’s commitment to justice” (Conley 2012).

The AUHRM is just one example of the increased role that memorialization has begun to play in post-conflict societies and how it has begun to be framed in terms of recognition, remembrance and—most recently—justice. Not only does the AUHRM exemplify the increased political recognition of, and commitment to use, memorialization as a means to recognize victims of mass atrocity at a regional level, it also highlights the increased role of memorials in broader transitional justice processes in which memorialization has come to bridge some of the gaps that cannot be fully addressed by formal transitional justice mechanisms such as prosecutions. According to Louise Hogan (2012), transitional justice processes in countries such as Rwanda and South Africa have shown that it is almost impossible to prosecute all perpetrators of gross human rights violations. Memorials such as the AUHRM serve to fill the voids between accountability and justice, providing victims with a concrete symbol that the suffering they were subjected to will be remembered (Hogan 2012).

The UN, too, has undertaken efforts to support memorialization processes in post-conflict societies. For example, as part of its strategic objective to “promote coexistence and peaceful conflict resolution” in Sierra Leone, the United Nations Peacebuilding Fund (UNPBF) has supported the development of the Sierra Leone Peace Museum, which forms a part of the

former UN Special Court for Sierra Leone's precinct.⁵ Furthermore, the UN special rapporteur in the field of cultural rights, Farida Shaheed, dedicates an entire report to memorialization processes in post-conflict societies.⁶ The report emphasizes the potential role of memorialization to contribute to peace- and democracy-building processes, highlights some of the current challenges related to post-conflict memorialization and stresses member states' responsibility to support memorialization initiatives that fulfill specific human rights and reconciliation goals. Finally, Shaheed notes the need for knowledge sharing, recommending the establishment of a compendium that shares best practices and lessons learned (UNOHCHR 2014). Given this growing support for memorialization in post-conflict settings, the question therefore is not whether memorialization can contribute to post-conflict rebuilding but more about how it can actually make its contribution to post-conflict rebuilding.

Proponents of memorialization argue that it can contribute to reconciliation processes, recognize victims of conflict, support truth-telling efforts by facilitating discussion and dialogue and assist in building cultures of human rights and justice. In addition to these potentials, memorialization has also shown itself to be adaptable, serving different goals at different times and also occurring at almost all stages of the conflict cycle (Barsalou and Baxter 2007). The spontaneous memorials set up during the 2011 Egyptian revolution in Tahrir Square commemorating the casualties and fatalities of the uprising and the almost immediate changing of names of public facilities in Tunisia following the ousting of former president Ben Ali bear testimony to the significance of memorialization as a powerful social and political tool. Similarly, during actual transitional periods, memorialization can serve as a symbol of a new era and help capture a nation's visions and hopes for the future. In recognizing this

⁵ See <http://www.unpbf.org/results/sierra-leone>.

⁶ See <http://www.ohchr.org/EN/Issues/CulturalRights/Pages/AnnualReports.aspx>.

potential, the Sierra Leone Truth and Reconciliation Commission undertook a variety of memory activities to assist Sierra Leoneans in coming to terms with their past. The commission embarked on a National Visioning project,⁷ inviting ordinary citizens to contribute artworks that reflected their hopes and dreams for a new Sierra Leone. Today, the exhibition, housed at the National Human Rights Commission, testifies to the hopes and dreams of Sierra Leoneans and serves as a reminder of all citizens' collective responsibility for building a culture of peace and human rights. During its operations, the commission also renamed the Congo Cross Bridge—the bridge that marked the end of the invasion of rebel forces into Freetown—the Peace Bridge, as a demonstration of its own commitment to peace, justice and human rights.

Apart from its role in transitions, memorialization continues to play a role in active conflict situations. Memorial activities, for example, continue to take place in small villages like Manjeb,⁸ in war-torn Syria, as the local community attempts to rebuild relations between local opposing groups despite the devastation and mayhem of war that surrounds them. In acknowledging the role that memorialization plays in societies more broadly, transitional justice and human rights expert Judy Barsalou notes, “Whether or not in a transitional justice context, memorialization is a basic human impulse that is exhibited in a variety of ways in different historical periods amongst societies worldwide.”⁹

This study focuses on the role of memorialization as a transitional justice mechanism, particularly in post-conflict societies. Through a comparative examination of the South African and Liberian transitional justice processes, the study aims to assess the extent to which memorialization may contribute to post-conflict rebuilding. The research does not make a case

⁷ See <http://www.sierraleonetrc.org/index.php/national-vision-for-sl> for more information about the National Visioning project.

⁸ See <http://www.sitesofconscience.org/2014/02/memorialization-in-manjeb> for a description of activities.

⁹ Author's personal interview conducted with Judy Barsalou, 29 September 2012, Phnom Penh.

for memorialization as a transitional justice mechanism to be implemented in and of itself; instead it suggests how memorialization as one mechanism in a range of transitional justice tools may make a positive contribution to societies attempting to come to terms with their violent pasts. As such, the study will also examine the other social, economic and political factors that may hinder or bolster memorialization's success in functioning as a transitional justice mechanism. The rest of this introduction provides a brief overview of memorialization in post-conflict societies, highlighting some of its positive potentials as well as the challenges that may arise from such processes. This introduction also provides a synopsis of the chapters that follow.

The Dualities of Memorialization in Post-Conflict Societies

Increasingly, practitioners and scholars agree that the process of memorialization itself—the bringing together of different social groups and the discussions that it initiates—is its main contribution to post-conflict reconstruction efforts. Not only does it provide spaces for the parties to the conflict to discuss issues, but it may also encourage a dialogue between the different social actors around broader issues related to forgiveness, justice and accountability. The role of memorialization as a catalyst for dialogue is reiterated by former South African and Sierra Leonean truth commissioner Yasmin Sooka. She observes that memorialization, though an inherently political act opens up spaces for dialogue and constructive debate, since it is viewed as a nonthreatening transitional justice mechanism, with the general assumption that issues of justice and accountability will not be raised in the process.¹⁰ However, while there is a perception that memorialization may not raise questions of justice and accountability and is often viewed as a “soft” transitional justice issue, through discussion about whose stories

¹⁰ Author's personal interview conducted with Yasmin Sooka, 23 September 2011, Johannesburg.

should be told, who should be recognized and how different groups should be portrayed, issues of justice and accountability do emerge. Nevertheless, despite the apparent “nonthreatening” nature of memorialization, historical sites of memory, declared or undeclared, do indeed play an important role in truth-telling and awareness-raising processes in the public sphere. In Kenya, for example, human rights activists who were tortured in detention during Daniel Arap Moi’s presidency have successfully lobbied for the preservation of the basement cells of a public administration building, Nyayo House,¹¹ which still bears the marks of the former torture center that it was. The site has since been used as evidence in the survivors’ group action against the state for unlawful detention and torture. Survivors have held commemorative and healing rituals at the site and still hope that it will be officially converted into a site of memory. Similarly, long-established museums such as the Liberation War Museum in Bangladesh have spent years gathering artifacts, ordinary citizens’ oral-history narratives and other documentation; specifically, the War Museum has also played a lead role in lobbying the Bangladeshi government to initiate legal proceedings against high-profile perpetrators and Pakistani collaborators of the 1971 Liberation War.¹² While these anecdotes speak to the positive role of memorialization in contributing to truth telling and justice, it is equally important to note that memorialization and related issues of reparations can also spark new divisions and fuel latent conflicts.

Memorialization is an inherently political process that is linked to questions of identity, belonging and recognition. As such, issues of whose voices get included in a memorialization process, how they are represented and the stories that are told point to a society’s structures of

¹¹ See <http://www.sitesofconscience.org/wp-content/uploads/2013/01/Kenya-Needs-Assessment.pdf> for a detailed description of Nyayo House.

¹² See http://www.sitesofconscience.org/wp-content/uploads/2012/10/Members_member-Benefits_002.pdf for a detailed discussion of the Liberation War Museum.

power, reflecting the relationships within that society. Memorialization as a social and political tool is therefore constantly contested and mediated, changing over time to reflect the transformations and discourses in the social and political sphere (Olick 2003). Furthermore, issues of inclusion and exclusion in post-conflict memorialization processes especially may also bring to the fore questions of culpability, collective responsibility for atrocities and bystander liability. In his analysis of how individuals and society assign credit and blame, Charles Tilly (2008) posits that memorials, too, assign credit and blame as they work toward building a social memory. As processes that facilitate storytelling and contribute to identity and group formation, memorialization is a moral project that defines the boundaries among citizens within a state as well as upholds the boundaries between states (Tilly 2008). In pointing to the dualities of memorialization, Tilly notes, “War memorials extend the argument beyond the peace treaties. Despite most frequently and visibly awarding credit, war memorials always display the interaction of credit and blame” (p.11). Finally, Tilly (2008) also notes that memorialization can serve purposes of reconciliation and reparation.

So while promoting justice or social reconstruction, memorialization may also become a fault line for active conflict, especially when used to assign blame or to sow vengeance and dissonance. Furthermore, in situations in which certain justice issues have been unresolved, memorialization may serve to open old wounds or to provide a constant reminder of a society’s disagreements and the internal boundaries¹³ within that specific society. One needs only to look at the discussions and debates¹⁴ on the issue of slavery and reparations in the United States, what actions have been taken and what is left unspoken, to understand these complexities. For example, in 2008 and 2009, the U.S. House of Representatives and the

¹³ See Tilly (2008) for a discussion on internal and external boundaries within a state.

¹⁴ See for example <http://www.postcrescent.com/article/20110909/WIS0911/110909135/A-decade-controversy-shadowed-9-11-memorial-construction>.

Senate both apologized for slavery and Jim Crow–era human rights violations, respectively. However, in so doing, the Senate apology also opposed any type of reparations. While the debate¹⁵ for and against reparations is ongoing and has once again gained media traction,¹⁶ more interesting is that there has been no attempt to recognize in the nation’s capital, at the National Mall, the history of slavery. The Emancipation Memorial in Lincoln Park and the African American Civil War Memorial, each with its own contestations, commemorate African American history and the struggle for freedom; however, these initiatives were funded almost fully by African Americans.¹⁷ In 2003 the National Slave Memorial Act was introduced during a congressional session, proposing the creation of a national slave memorial to honor victims of slavery. However, the proposal was dismissed. Congress instead approved a proposal for the development of a National Museum of African American History and Culture, which is planned to open in 2016. The fact that the United States, almost 150 years after the abolishment of slavery, continues to struggle to address the legacy of slavery points to some of the social and political implications of what it means to memorialize.

While advocates continue to make the case for memorialization, many do so with a warning about inclusivity, broad stakeholder participation and specific attention to the process. The reality is that the outcomes of memorialization initiatives are often unpredictable, and memorialization’s success to contribute to broader positive reconstruction is affected by a wide range of social and political factors. Some studies have found that while memorialization initiatives do make a short-term impact—for example, by raising awareness around a specific human rights issue or contributing to some kind of individual attitudinal change—it is difficult

¹⁵ See Torpey, J., and Burkett, M. (2010) for an overview of the debates in the field.

¹⁶ See article that renewed the debate at <http://www.theatlantic.com/features/archive/2014/05/the-case-for-reparations/361631>.

¹⁷ See http://www.washingtonpost.com/lifestyle/style/on-emancipation-day-in-dc-two-memorials-tell-very-different-stories/2012/04/15/gIQAj3u9JT_story.html.

to measure the lasting impact of such projects (Hamber, Sevchenko and Naidu 2010). Brandon Hamber, Liz Sevchenko and Ereshnee Naidu (2010) attribute this challenge to the fact that transitional justice as a field has been unable to prove that individual transitional justice mechanisms such as prosecutions or truth commissions, let alone memorialization as one smaller component of transitional justice, do indeed contribute to macro social change. Judy Barsalou reiterates this belief, saying, “I think one challenge that those who are trying to push memorialization as a more prominent type of intervention in the larger collection of transitional justice mechanisms [is that they] are often called upon to prove that they have a positive impact in helping to reconstruct societies.”¹⁸ She notes that in order to make a case for memorialization, to access funding resources and to gain more prominence in the field of transitional justice, memorialization supporters will need to prove that they are making a positive change, or else memorialization runs the risk of continuing to be the “stepchild” of transitional justice.¹⁹

It has been shown thus far that memorialization by its very nature can contribute to social cohesion as well as foster divisions. Within the transitional justice field, proponents of memorialization continue to implement initiatives with a limited understanding of the risks that such initiatives may entail. Alternatively, skeptics dismiss memorialization in favor of legal transitional justice mechanisms, ignoring the possible positive role that memorialization can play beyond these limited legal endeavors. By focusing on the positive potentials and the risks associated with memorialization initiatives in post-conflict societies, this study, through the cases of Liberia and South Africa, assesses the role of memorialization in rebuilding societies in the aftermath of conflict. The chapters outlined below seek to understand the ways in which

¹⁸ Author’s personal interview conducted with Judy Barsalou, 29 September 2012, Phnom Penh.

¹⁹ *Ibid.*

memorialization can contribute to peace and social rebuilding as well as identify the factors that may contribute to its success or failure.

Chapter Outline

Chapter One examines the literature in the fields of social memory and transitional justice. It seeks to highlight key debates across different academic disciplines, the gaps in the literature and the opportunities for contribution to the existing body of knowledge. It also outlines the methodological approach of the study, including a discussion of how participants were selected, the research and sampling strategy, a description of research instruments and procedures for data collection and analysis.

Through the lens of the South African Truth and Reconciliation Commission (TRC) and the Liberian Truth and Reconciliation Commission (TRC), Chapter Two provides an overview of the conflicts that led to the establishment of each of the commissions. It also explores the political dimensions and the shortcomings of the respective commissions. Chapter Two highlights that the success of truth commission processes depends mainly on the implementation of its recommendations and that it is through the delivery of a holistic and integrated reparations strategy that transitional justice mechanisms such as truth commissions can be meaningful to survivors.

In a comparative study of the TRC Report of South Africa (SA TRC Report) and the TRC Report of Liberia (Liberian TRC Report), Chapter Three investigates the challenges of defining reconciliation and the ways in which it has been used to fulfill political agendas in both countries. By focusing on issues of inclusion, exclusion and representation, the chapter questions whether memorialization perpetuates identity-based stereotypes along ethnic, gender or racial lines or whether it actually does rebuild relationships and communities.

Champions of memorialization have often highlighted its potential to contribute to building a culture of human rights and a future in which “never again” may truly be realized. Chapter Four questions the necessity for current and future generations to learn about the past. This chapter continues to explore the dual potential of memorialization, examining the extent to which memorialization may contribute to building a culture of human rights or promoting social and political divisions. The chapter argues that memorialization can contribute to positive social reconstruction goals and build a culture of human rights and peace only when accompanied by sustained education programming that seeks to foster critical thinking, tolerance and empathy across political and social divides.

Chapter Five explores the more recent debates related to the intersections between development and transitional justice. With memorialization especially, there is often the argument that there are more pressing development needs in post-conflict societies. This chapter argues for an innovative approach to memorialization, with the developmental and transitional justice sectors working together to address the multiple needs of survivors of conflict. It also emphasizes that memorialization should not be a substitute or excuse for any government to not fulfill its responsibilities for the provision of basic services.

The conclusion of this study outlines recommendations for best practices if memorialization is to support the rebuilding of societies in the aftermath of mass human rights violations. This section of the study does not seek to provide definitive answers but, drawing on the research, provides guidelines for addressing some of the challenges. Given the trend toward memorialization in post-conflict settings, the conclusion proposes recommendations that can serve both policymakers and practitioners embarking on such initiatives.

CHAPTER ONE: LITERATURE REVIEW²⁰

On 9 April 2003, the world watched with mixed feelings as jubilant Iraqis toppled a statue of Saddam Hussein in Baghdad's city center. The United States–led forces had finally captured Baghdad. The 12-year on-again, off-again war in Iraq was almost over. While we later learned that the destruction of Hussein's statue was part of the U.S. military's myth-making²¹ project instead of a spontaneous act, the image has become an indelible part of our collective consciousness. This is just one example of the symbolic power of memorialization, its manipulation and its links to identity and politics. In his examination of the social and political construction of space, Henri Lefebvre (2008) observes that memorialization²² is just one of the symbolic elements within a socially constructed space that serves as a reminder of consensus and belonging. He notes that memorials also provide illusions of durability and a sense of immortality of the ruling powers (Lefebvre 2008). Similarly, James Young (1993) posits that while memorials often seem to be a natural part of the national landscape, memorialization is endowed with meaning and ideology. Given their meaning and role in society, memorials—in periods of political transition or during war—are among the first public symbols that are destroyed, often to be replaced by new ones that seek to mark a regime change or a new social or political reality (see Lefebvre 2008; Levinson 1998 for examples).

World War I (WWI) and World War II (WWII) memorialization practices began the process of commemorating the victims and survivors of war, however, it was only until the

²⁰ Excerpts of this chapter were previously published. Citation: Naidu, Ereshnee. 2014. "Memorialisation in Post-Conflict Societies: Potentials and Challenges." Pp. 29-46 in *Memorials in Times of Transition*, edited by S. Buckley-Zistel and S. Schäfer. Cambridge: Intersentia.

²¹ See http://www.newyorker.com/reporting/2011/01/10/110110fa_fact_maass for a discussion on war and myth-making specifically related to the Iraq war.

²² Lefebvre (2008) uses the concept of "monumental space" to refer to memorialization.

Holocaust that memorialization became an important part of recognizing victims, serving as a point of reference for Holocaust survivors and for future generations (Winter 2010). Holocaust memorialization practices have since informed how post-conflict societies use memorialization as a mechanism for social rebuilding and coming to terms with the past. As a result, the past two decades have seen increased scholarly and practitioner attention to its role in marking boundaries of transitions and conveying moral messages²³ about conflict, victimhood and justice. Given this study's working definition that memorialization is the processes through which memory is practiced, this chapter firstly examines the literature in the field of social memory and highlights some of the factors that have influenced the rise of memory studies in the social sciences. It then explores the evolution of the transitional justice field, with a particular focus on reparations, identifying how social memory and memorialization fit into the literature. Finally, by focusing on some of the challenges in the field of transitional justice and the gaps in the scholarship, this chapter will highlight the ways in which this study contributes to addressing these issues. It will conclude with a discussion of the methodology for this study.

The Making of Social Memory

While previously relegated to the fields of sociology and psychology, the study of memory has grown to become an interdisciplinary area of inquiry crossing sociology, psychology, political science, history, philosophy and anthropology. Initially examined by Emile Durkheim (1997) in his study of commemorative rituals and its role in promoting organic solidarity,²⁴ memory as a social phenomenon gained traction with Maurice

²³ See Jay Winter (2010) for a discussion about "moral messages."

²⁴ In his study of the relationship between the individual and society, Durkheim (1997) described "organic solidarity" as a form of solidarity that exists in modern societies, where diverse individuals come together in an interdependent relationship, which is based mainly on occupational specialization.

Halbwachs's groundbreaking thesis that memory is a social construction. According to Halbwachs (1980), individuals remember, but each individual recalls and makes sense of memory through social interactions within a group. For Halbwachs (1980), collective memory is actively constructed and reconstructed through "social frameworks" such as tradition and customs that form the basis for group membership and as such is inherently a social process. *Collective memory*, therefore, is memories shared among individuals of a group (Olick 2008). While scholars (for examples, see Connerton 1998; Schwartz 1991; Cubbitt 2007) have since built upon Halbwachs's theory, there is still consensus in the field that memory is a social process that is continually evolving to meet changing social and political needs. How then has social memory²⁵ changed over the past decades, and what are the factors that have influenced these shifts in social memory?

With the invention of nation states in the 17th century, memory became a significant aspect of nation-building processes (see Weber 1946; Hobsbawm and Ranger 2009; Olick, Vinitzky-Seroussi and Levy 2011). While this type of social memory focused on an imagined and ideal future, recent decades have seen significant shifts toward memory practices that center on the past (Huyssen 2011). Key events for this shift were WWI, WWII and the Holocaust. After the WWI, social memory practices transformed individual grief and mourning into a public memory that celebrated victories and glorified heroes (Olick et al. 2011). However, following WWII and the Holocaust, social memories shifted and began to focus on survivors' and victims' narratives, finding ways to come to terms with the past, and with the

²⁵ Despite the progress in collective memory theory, Jeffrey Olick (2008) argues that there is still a lack of methodological and conceptual analysis on the subject. In analyzing the predominant theses on collective memory, Olick (2008) proposes the replacement of the term *collective memory* with the term *social memory*, arguing that it serves as a more comprehensive term for the aggregated mnemonic practices that make up social memory. Further, he substantiates this proposal by noting that all remembering is in some way a social process (Olick 2008). For the purposes of this study, therefore, the term *social memory* will be used to refer to collective memory processes.

atrocities, pain and suffering (Olick et al. 2011; Huyssen 2011). Holocaust social memory practices have since informed how societies try to come to terms with the genocides and mass violence that have followed. Given the scale and scope of mass atrocity in the 20th and 21st centuries, there has been an increase in social memory practices conducted both by governments and by independent groups wishing to commemorate past atrocities.

Several scholars have described the upsurge of social memory over the past two decades as the “democratization,” “nationalization” and “commodification,” of memory (Barkan 2000; Torpey 2006; Grunebaum 2011). These expressions speak to the fact that social memory, its ownership and its construction have shifted from the purview of the elite and become more secularized and accessible to a range of ordinary people. The large number of civilian victims of mass violence has not only resulted in a shift regarding who is remembered and how they are remembered but has also contributed to the growth in identity politics bolstered by a human rights movement that values victims and survivors (Barkan 2000; Torpey 2006; Olick 2008). Questions of memory, recognition and restitution support this new victim-centered politics and identity,²⁶ with social memory becoming a product imbued with moral value. These changes in the sociopolitical arena have resulted in increased demands for social responsibility to both remember the past and take responsibility for it (Blustein, 2008). As such, there has also been an increased willingness from states to address the past because such initiatives bring with them moral credit and international approval.

Drawing on Halbwachs’s theory of the social nature of memory, Erika Apfelbaum (2010) focuses on the role of social memory in constructing and legitimizing victim’s identities. She posits that memories of trauma gain legitimacy when they are validated within a group. Victims of conflict, therefore, need to share specific points of reference—such as a

²⁶ See Elazar Barkan (2000) for a broader discussion on the politics of victimhood.

shared time or space—with the rest of society for individuals within that society to empathize with them and allow them to bear witness to the trauma to which they were subjected (Apfelbaum 2010). Furthermore, victims' social frameworks need to resonate with the social frameworks of a specific society for their experiences to be seen as meaningful and to be included into the living memory of that society (Apfelbaum 2010). Truth commissions as one transitional justice mechanism provide this social framework for victims to recount their experiences (Apfelbaum 2010). The following section will focus on transitional justice and how transitional justice mechanisms such as truth commissions and reparations draw on social memory to enable societies to address the mass atrocities in their pasts.

Making Amends for the Past: Transitional Justice and Reparations

The late 1980s and early 1990s saw the emergence of the transitional justice paradigm on the international stage. With the goal to end cultures of impunity and establish the rule of law in societies emerging from violent conflicts and dictatorships, transitional justice mechanisms were established to enable societies to come to terms with their violent pasts (Kritz 1997; Hayner 2002). Two of the main goals of transitional justice mechanisms such as truth commissions are to develop a consensus on the events of the past and set the historical record straight, thereby contributing to processes of justice and reconciliation (Hayner 2002; Torpey 2003; Maier 2003; Blustein 2008). A big part of the project of setting the historical record straight is ensuring that the new social memory become a part of the national consciousness. Truth commissions as just one transitional justice mechanism represent active processes of memory making, providing the framework for the integration of social memory into a national narrative as well as in itself serving as a commemoration of the past (Posel and Simpson 2002). While truth commissions are backward-looking mechanisms, their

recommendations around reparations, prosecutions and institutional reform are forward-looking, as they seek to rebuild relations, contribute to upholding the rule of law and promote cultures that respect human rights and peace (see De Greiff 2006).

With the growth of the idea of transitional justice, the issue of reparations for victims of gross human rights violations has taken center stage in national and international law and politics. The right to a remedy is asserted in a number of regional and international human rights documents that have been drafted after the horrific experience of genocide, crimes against humanity and war crimes committed during WWII. The compensation to survivors of atrocities committed by the Nazis during WWII, in particular, has set a precedent for the reparations programs that have followed. More recently, reparations have been framed as instruments of restorative justice, since they seek to improve—that is, restore—community and social relations. Given their historic evolution,²⁷ reparations have commonly come to mean monetary compensation. However, as John Torpey (2003) notes, with the growth of the human rights paradigm and the burgeoning of the transitional justice field, the concept of reparations has come to include redress that goes beyond monetary compensation to include a broader range of practices. These may include material restitution, the provision of services to victims as well as symbolic gestures such as apologies and commemoration through memorialization.

The *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (Guidelines)* draws on international instruments such as the Charter of the United Nations, the Universal Declaration of Human Rights and the international covenants on human rights (the International Covenant on Civil and Political Rights, and so on) in framing the right to reparation. The *Guidelines* emphasizes victims' right of access to

²⁷ See Torpey (2003) for a detailed discussion on the evolution of the term *reparations*.

justice and the relevant state's responsibility to undertake reparations efforts that meet the economic, social, psychological and political needs of victims. According to the *Guidelines*, reparations can take the form of restitution, compensation, rehabilitation, satisfaction (the category under which memorialization may fall) and guarantees of non-repetition. They are diverse in form and may range from financial measures to symbolic actions, taking both individual and collective forms. Truth commissions, including those in South Africa and Liberia, have recommended a variety of reparative measures such as a combination of individual and collective compensation and the provision of social services for specific groups, community reparations, restitution, rehabilitation, symbolic reparations and memorialization. Most truth commissions recommend reparations in order to recognize the suffering of victims, to restore their dignity and, it is hoped, to contribute to the process of individual and collective healing and reconciliation. Collective measures, such as symbolic reparations and memorialization, are especially significant for developing a collective memory or some kind of historical consensus about the past, promoting social solidarity and encouraging civic engagement (de Greiff 2006). Symbolic reparations or memorialization initiatives such as monuments, museums, apology, commemorative celebrations, rituals or the renaming of public facilities are some of the most meaningful embodiments of social memory and have the potential to fulfill the goal of setting the historical record straight beyond the narrower realm of history books.²⁸

Despite the potentially positive benefits of reparations, many reparations programs are unable to fully meet survivors' needs and tend to be perceived as unsuccessful. Reparations in any form are symbolic in nature and can never really make up for the loss or harms suffered by victims (de Greiff 2006; Hamber 2006). Furthermore, victims themselves are not a

²⁸ See Brandon Hamber (2006) on the benefits of symbolic reparations.

homogenous group, and individual and group needs of victims vary. As such, no reparations program can truly satisfy all victims (Torpey 2006; Hamber 2006). Finally, the success of reparations programs is largely dependent on both the political will of the state to implement such measures and the resources that are available to fulfill such programs. With memorialization and symbolic reparations specifically, much of the success in fulfilling positive post-conflict goals depends on how it relates to other forms of reparations as well as the processes around which the memorial project is initiated (Naidu 2006; Hamber 2006; Blustein 2008). As outlined in various truth commission reports, memorialization is recommended as part of a broader reparations strategy and as such is not meant to replace other recommendations but to complement them. Furthermore, as Hamber (2006) notes the processes and the public discourse around the granting of reparations, or the initiation of memorial projects, affect the success or failure of the initiatives in redressing the past and rebuilding social relations. Given some of these preconditions for the success of memorialization and transitional justice more broadly, have transitional justice mechanisms proved to be effective tools for coming to terms with the past? The following section will examine this question in relation to some of the debates in the transitional justice field.

Debates in the Field of Transitional Justice

The early 1990s saw the emergence of a large body of literature that celebrates transitional justice as a framework to address past violence and rebuild societies after violent conflicts. However, as transitional justice has evolved as a field, working in similar areas as the development, human rights and peacebuilding sectors, there is an increased need for transitional justice practitioners to prove the effectiveness of their endeavors in post-conflict settings as each of the different sectors compete for limited resources and credibility.

Furthermore, emerging questions about distinctiveness and the need for transitional justice mechanisms to adapt to different contexts rather than a one-size-fits-all approach to post-conflict reconstruction have supported the call for evaluation and ongoing impact assessments of transitional justice methodologies (Roht-Arriaza 2009). Despite the argument for a context-specific approach to transitional justice, the South African transitional justice model—irrespective of its shortcomings—remains a dominant frame of reference that continues to inform the field (Kritz 2009). Additionally, as Neil Kritz (2009) notes, given the popularity of transitional justice as a mechanism to address the past and the increase in donor resources to support such initiatives, states are turning more and more to transitional justice as a mechanism to deal with the past. However, much of this decision to use transitional justice as opposed to other justice and peacebuilding mechanisms rests largely on the availability of transitional justice entrepreneurs at their disposal instead of an analysis of the actual needs on the ground (Kritz 2009). Given these factors, recent scholarship has begun to question the assumption that addressing the past can promote peace and reconciliation and to ask whether transitional justice does in fact provide justice for victims (Moon 2008; van der Merwe, Baxter, Chapman 2009).

While there is some consensus in the field that accountability is important to building sustainable peace, scholars still argue that the lack of empirical knowledge to support the larger claims regarding the results of transitional justice mechanisms may make for inflated assertions about their value; these claims include justice for victims of conflict, promotion of democracy, contribution to non-recurrence of past atrocities and the facilitation of broader reconciliation and healing processes (see Mendeloff 2004). Further, scholars (see Lorey and Beezley 2002; Mendeloff 2004) note that long-term goals such as truth-telling and reconciliation can be realized only if transitional justice initiatives are sustained and institutionalized over a long

period, and they will therefore require long-term monitoring and assessment.

Related to questions of impact and effectiveness of transitional justice mechanisms is the fact that as a jargon-filled field, there is little consensus on key terms such as *truth*, *justice* and *reconciliation* that form part of the transitional justice repertoire.²⁹ *Reconciliation*, for example, has become an overdetermined term central to the transitional justice discourse. However, it has ambiguous and multiple meanings, making it difficult to assess (van der Merwe, Baxter and Chapman 2009; Chapman 2009; Hamber and Kelly 2009; Gibson 2005). While some scholars have attempted to define the term or identify indicators to measure reconciliation, scholars and practitioners are unable to agree on what a reconciled society would look like. Furthermore, in the transitional justice discourse, reconciliation is assumed to take place on various levels—the individual, interpersonal and societal levels—further complicating consensus or a definition. In his study of reconciliation in South Africa, James Gibson (2006) conceptualizes reconciliation within the South African context as breaking down racial barriers, fostering political tolerance, promoting a culture of human rights and ensuring the legitimacy of political institutions. However, these indicators and this definition are specific to South Africa and may therefore need to change according to different sociopolitical milieus. Focusing on a definition with greater global applicability, Priscilla Hayner (2002) defines reconciliation as “building or rebuilding relationships today that are not haunted by conflicts and hatreds of yesterday” (p. 161). In acknowledging that such an open definition is difficult to assess, Hayner (2002) adds that reconciliation will also include a broad public and political acceptance of the historical account of the past, while former opponents forge relationships based on the present rather than on the past. Finally, she notes that societal

²⁹ See Audrey Chapman (2009) for an in-depth discussion of the conceptual dilemmas when addressing and assessing “truth” and Hugo van der Merwe (2009) for a critique of the term “justice.”

reconciliation cannot be easily predicted or controlled; however, she proposes five key factors that may encourage reconciliation. These include an end to violence or the threat of violence, acknowledgement or reparations for victims, the implementation of projects that seek to bring opposing groups together, and addressing structural inequalities and the material needs of victims (Hayner 2002). Hayner (2002) also notes that the lapse of time may contribute positively to reconciliation processes.

In addition to the lack of supporting evidence for transitional justice's effectiveness and the challenges related to assessment and evaluation, scholars have also criticized the transitional justice paradigm more broadly. Rami Mani (2005) posits that transitional justice may be more divisive than proponents admit given its limited scope and often narrowly defined parameters. Moreover, truth-telling processes tend to assign narrowly defined labels to different social groups such as victims and perpetrators, which tends to exclude bystanders and the broader population that was affected—groups who may be relevant to uncovering the truth about the past and who may be instrumental in contributing to positive social transformation (Mani 2005). In noting these shortcomings, Mani (2005) calls for a “reparative justice,” which includes transitional justice mechanisms as well as broader peacebuilding goals such as the amelioration of deep-rooted structural inequalities. Meanwhile, Paul Gready and Simon Robbins (2014) propose a model of “transformative justice.” They call for a fundamental amendment of current transitional justice politics and goals, arguing that the current transitional justice framework needs to shift its focus from the politics of the liberal elite to a more people-centered approach that seeks to address the root causes of conflict such as social marginalization, inequality and exclusion (Gready and Robins 2014). Finally and directly related to this study, David Mendeloff (2004) questions the role of transitional justice

mechanisms in building a collective identity through memory-making practices. In noting the selective process of national memory making, Mendeloff (2004) argues that distortions, selectivity and revisionism are often used in the service of national memory projects. He warns of the potential risks of “hypernationalism,” myths of victimization and consequent intolerance and scapegoating that truth-telling processes could breed as they are deployed to build a new national narrative and social memory.

Despite these criticisms of transitional justice and its mechanisms, it is important to note that most commentators on the matter seek not to dismiss transitional justice per se, but to contribute to its improvement. Discussions therefore focus on rather technical aspects such as timing and sequencing of activities, their complementarity, their expansion to fulfill broader peacebuilding³⁰ goals and their long-term sustainability. Most remarkable is that all scholars recognize the need for ongoing research assessing transitional justice mechanisms in peacebuilding and social reconstruction processes. With the global increase in initiatives aiming at transitional justice as well as its recognition by international bodies³¹ in contributing to peace and justice, there is little scope for assuming that it is a mere trend that will soon wane. It is therefore important to ensure that transitional justice mechanisms do indeed contribute to peace and reconciliation. The test for whether these mechanisms make a positive difference in post-conflict societies depends on how they affect millions of people at the local level of the societies concerned. The present study seeks to contribute to this discussion and to recognizing the need for the ongoing evaluation of transitional justice mechanisms in a rapidly evolving field.

³⁰ See Gerhard Thallinger (2007) more generally for a discussion on the nexus between transitional justice and building.

³¹ In September 2011, the United Nations Human Rights Council established a mandate for a Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence. The decision was welcomed by most member states, with 75 states supporting the resolution.

Methodology

Empirical research can play a very helpful role in moving beyond the snapshots of transitional justice policy and seeking to understand more fully the impacts of different mechanisms on society. (Kritz 2009: 15)

In addition to Neil Kritz's motivation for ongoing empirical research, the assessment of transitional justice mechanisms is necessary to support or refute current transitional justice claims and policy, making for more effective and relevant transitional justice interventions. This study's contribution therefore is its focus on one specific transitional justice mechanism: memorialization. The study asks the question: under what conditions do the mechanisms associated with transitional justice contribute to peace and social rebuilding, and what are the most effective ways of assessing their success or failure?

The following section of this chapter describes the research methodology of the study and explains the participant selection and sampling method. The section then further describes the design of the research instruments and how data were collected and analyzed. It will conclude with discussions of some of the limitations of the study.

Research Method

This comparative research study employs a qualitative research methodology using a variety of field research methods. By using a case study approach through the examples of South Africa and Liberia, the author envisages that these cases will not only answer the central research question but will also point to broader lessons that can inform memorialization practices beyond these two countries. The research uses in-depth individual interviews and focus groups as its research foundation. In addition, a systematic analysis of both the South African and Liberian Truth and Reconciliation reports was undertaken to examine the

similarities and differences between each of these commissions, their central goals, how they defined concepts of justice, truth and reconciliation, their shortcomings and the recommendations that each made. On-site observation and field visits were taken to sites of memory to better understand the spaces themselves, the narratives that were integrated into the sites, and to observe how different stakeholders used and experienced the sites. Field visits were undertaken to St. Peter's Lutheran Church and Post-Stockade in Liberia and to Freedom Park, Constitution Hill and Robben Island in South Africa. Finally, newspaper articles, online blog posts and social media posts were analyzed on an ongoing basis to ensure that the research was current and took into consideration the social and political changes between the time of the in-country field research and the composition of this study.

The research also draws on 12 years of the author's own work in the areas of memorialization, symbolic reparations and victim empowerment within the field of transitional justice. Most of this work was done at the Center for the Study of Violence and Reconciliation (CSVR)³² in South Africa and at the International Coalition of Sites of Conscience (ICSC) in the United States.³³ This work over the past years has involved research, advocacy and practical interventions centered on broader conceptual discussions of symbolic reparations in relation to other forms of reparations as well as the development of strategies promoting a victim-centered approach to memorialization. The insight, experiences and knowledge gained in the field over the years was used to bolster some of the findings of this research study.

³² "CSVR is a multi-disciplinary institute involved in research, policy formation, community interventions, service delivery, education and training, as well as providing consultancy services. The primary goal of CSVR is to use its expertise in building reconciliation, democracy and a human rights culture and in preventing violence in South Africa and in other countries in Africa." See www.csvr.org.za for more information about this institution.

³³ The International Coalition of Sites of Conscience is a global network of "sites, individuals, and initiatives activating the power of places of memory to engage the public in connecting past and present in order to envision and shape a more just and humane future." See www.sitesofconscience.org for more information about this institution.

Sampling and Participant Selection

To meet the research goal of contributing to the current body of knowledge in the area of transitional justice and memorialization and filling the gaps in the literature, the study employs a purposive sampling plan. A combination of expert and homogenous sampling strategies were implemented, ensuring that while one group of research participants contributed to the underlying theory of the study, another group—through their experiences and engagement with memorialization initiatives—was able to inform the central question that this thesis poses.

Policymakers, practitioners and government officials working in the fields of transitional justice, memorialization, heritage and culture as well as former truth commissioners constituted the expert sample group. Survivors comprised the homogenous group, sharing their experiences and insights as key stakeholders and beneficiaries of transitional justice processes.

The selection of experts was based on criteria related to their knowledge of, and engagement with, issues of transitional justice and memorialization. Specific attention was also given to geographical expertise as well as to their knowledge of global trends in transitional justice, reparations and memorialization. Survivors were selected on the basis of their membership in survivor groups. Given the limited definitions of “victims” in each of the commissions, the sampling criteria did not emphasize participation in the truth commission processes. However, particular attention was given to the question of gender equity to ensure that men and women were equally represented in the research.

Expert participants were identified and contacted by the author. The outreach to survivors was facilitated by Khulumani Support Group (KSG) in South Africa. KSG is a

leading survivors' network that advocates for survivors rights.³⁴ Civic Initiative (CI) in Liberia, a local non-profit working on issues related to transitional justice and democracy-building, facilitated the outreach to survivors in Liberia. Survivors in South Africa were all members of KSG, while survivors in Liberia were members of the Lutheran Church Massacre Survivors and Victims' Association (LUMASA) and the Liberian Massacre Survivor Association (LIMASA).

All research participants were involved in the project on a voluntary basis. Further, it was during the selection phase that participants were made aware of the minimal but potential risks of the research. Survivors were also informed of the option to participate in the research while remaining anonymous. Survivors contacted during the recruitment phase were also notified of the US\$20 stipend that would be provided to cover their transport and food costs.

Research Instruments

A semi-structured research questionnaire guided each interview. The first half of the questionnaire focused on the participant's work and expertise in the field. It then moved on to larger questions related to transitional justice, such as the successes and challenges of transitional justice processes as well as participants' understanding of key concepts such as reconciliation and justice. The second half of the questionnaire addressed issues specific to memorialization. Questions looked at trends in truth commission recommendations around memorialization, stakeholder participation, issues of complementarity with other transitional justice mechanisms and themes of inclusion and exclusion in memorialization processes. The questionnaire was also designed to elicit anecdotal information from research participants.

³⁴ The Khulumani Support Group is one the largest survivor support groups in South Africa. It was formed in 1995 by survivors and families of victims of human rights violations and was set up in response to the pending TRC. See <http://www.khulumani.net/khulumani/about-us.html>.

The focus group questionnaire was based on loosely developed thematic areas, as the author hoped that this would invite participants to share their stories more freely. Survivors were asked to share why they were members of a specific survivor organization. They then engaged in discussions concerning reconciliation, memorialization and their experiences and participation in broader transitional justice processes.

Data Collection

The fieldwork informing this study was conducted between July 2011 to September 2012, with visits to South Africa in September 2011 and to Liberia in March 2012. While most of the interviews and all focus groups were done in South Africa and Liberia, additional expert interviews took place during a conference in Phnom Penh, Cambodia in September 2012 and another two in New York City, USA in July and September 2011 respectively. One expert interview was conducted via a Skype call in June 2012 and two interviews were conducted via email exchanges in June 2012, with a Skype follow up in October 2012. Finally, two expert participants and one survivor were contacted via email in April 2014, to verify new information that was obtained via media reports. The study utilizes 22 expert interviews. Four focus groups with survivors were undertaken in South Africa, two in Johannesburg and two in Cape Town, with 15 participants in each focus group. Two focus groups were completed in Liberia, in the capital city of Monrovia, with each focus group consisting of 15 participants.

Prior to the start of the in-person interviews and focus groups, all participants signed an informed consent, acknowledging their voluntary willingness to participate in the research study. Those research participants who were interviewed via Skype calls provided verbal consent. Some survivors requested that their names not be used in the research. These

participants' names have been changed, and to ensure uniformity none of the survivors' last names are used.

Participants were also asked to grant permission to document and record the research processes. All research participants except three experts – two government officials from the South African Department of Justice and one former Liberian TRC commissioner – agreed to be recorded. In the cases in which permission was not granted, detailed notes were taken. All expert interviews and focus groups, except the three expert interviews, were recorded. While all expert interviews were conducted in English, the focus groups were conducted in a mix of English and local languages. The Liberian focus groups were done mainly in English, with a translator interpreting only some of the local colloquialisms. The South African focus groups were also done bilingually. However, there was greater reliance on interpreters to translate from the local languages to English. Individual interviews ranged between 60 and 90 minutes, while focus groups averaged 150 minutes each.

Finally, all focus group discussions and interviews were transcribed. In addition, a research journal was used to document additional notes, observations and emerging themes.

Data Analysis

As noted earlier, transitional justice concepts are difficult to assess given their multiple meanings. According to scholars (see Hayner 2002; Gibson 2006; Chapman 2009; Hamber and Kelly 2009), there are a variety of factors that support the positive social transformation and the rebuilding of post-conflict societies. These factors include:

- Transformation of relationships between former opponents
- The development of a certain level of trust and tolerance among different communities

- A level of consensus about the past in which certain groups and institutions acknowledge and accept their role in the past and build lessons from the past to ensure non-repetition
- A respect for the rule of law

Drawing inspiration from leading scholars in the field of transitional justice, these indicators were used to develop a coding system that focused on research participants' perspectives, memorialization processes in each country, the transitional justice processes in each country, the historical context of each country case and the relationships among different stakeholders. In addition to using these indicators to analyze the data, a thematic extraction process using pattern matching was employed. The observational findings of the field research were linked to current literature on transitional justice to validate the overall findings of the research. Furthermore, thematic extraction was used in the conceptualization and development of each of the chapters. The findings of the research were corroborated through a process of triangulation, drawing on quantitative research studies undertaken by leading think tanks in the field of transitional justice, peacebuilding and conflict resolution as well ensuring that the perspectives of key stakeholders such as survivors, government officials, truth commissioners, and non-governmental workers were included in the research process.

Limitations

Given the limited resources, this study engaged with research participants mainly in urban areas. However, experts who participated in the research process were able to provide anecdotal information related to memorialization and its use and impact in rural areas. Furthermore, the research utilizes literature that focuses on memorialization and transitional

justice's role within rural communities. While the study attempts to compensate for this shortfall, additional research with rural communities is warranted.

Transitional justice and restorative justice more broadly claim to be victim-centered. This study's focus on survivors, therefore, seeks to inform transitional justice processes and policy so that it can contribute more effectively to reintegrating survivors—as primary beneficiaries—into their societies and ensure they realize that justice is due to them. As such, the research does not engage with perpetrators of gross human rights violations. The justification for this decision rests on the fact that current literature and this study's initial research plan found that there is still limited research that has been undertaken with survivor communities and survivors' perspectives continue to be dislocated from transitional justice policy and practice.

CHAPTER TWO: TRUTH SEEKING, JUSTICE AND REPARATIONS³⁵

Introduction

The sheer volume and pain of the testimonies of the victims was immense and really brought one face to face with the terrible price that people have paid in this country ... those victims who testify give the nation an enormous gift. It takes a lot of courage and a lot of pain to speak out and it goes back to that question [about] revisiting the pain [versus] shutting it up and going on living. So they gave that gift to the country, and I don't think they have been anywhere near sufficiently acknowledged. —Mary Burton³⁶

Victims generally across the board expressed their willingness to meet with perpetrators, suggesting possibilities for future reconciliation. Victims have also asked for justice, followed by a practice of forgive and forget [*sic*]. So people want to let go of the painful memories, but they do not want to return to events and situations that created those kinds of memories ... There are some people who are just asking for a simple acknowledgement. —John Stewart³⁷

In the aftermath of violent conflict, most societies are faced with questions of how best to address the past. As noted by former South African TRC commissioner Mary Burton, these societies are often presented with the dilemma of whether to remember and recall the violent past and uncover the silences, pain, fear and betrayal—seeking justice and answers for

³⁵ Excerpts of this chapter were previously published. Citation: Naidu, Ereshnee. 2012/13. “Symbolic Reparations and Reconciliation: Lessons from South Africa.” *Buffalo Human Rights Law Review* 18: 251–271.

³⁶ Author's personal interview conducted with Mary Burton, 13 September 2011, Cape Town.

³⁷ Author's personal interview conducted with John Stewart, 23 March 2012, Monrovia.

victims—or whether to forget and move on. According to Priscilla Hayner (2002), almost all countries emerging from violent conflict are faced with the question of how to deal with the past. While some countries engage with these issues during their peace negotiations, in other countries, the new democratic government is often forced to address the past and issues of accountability, especially when there are a large number of victims (Hayner 2002). Since the mid-1980s, as countries in Latin America attempted to come to terms with regimes of dictatorships and authoritarian rule, truth commissions became the non-judicial mechanism used to assist post-conflict states to address their violent past.

Truth commissions are the “official bodies set up to investigate and report on a pattern of past human rights abuses” (Hayner 2002). While goals of truth commissions may vary according to context, with some countries choosing to prioritize certain goals over others, truth commissions generally have five basic goals (see Hayner 2002; Teitel 2000). The first goal³⁸ aims to clarify the truth about the past. During periods of repression and violence, there are often silences and denial about atrocities. Truth commissions rely mostly on the statements and testimonies of victims to get a fuller picture of the violations that occurred in the past. The second goal fulfills a reparatory function and aims to respond to the needs of victims. According to Hayner (2002), unlike judicial trials, truth commissions focus primarily on victims, allowing them to bear testimony and raise public awareness about the atrocities that they experienced. Some truth commissions also design reparations programs and even provide different forms of reparations during their life span. The third goal of truth commissions is to hold perpetrators accountable. While some commissions may not have the judicial powers to indict perpetrators, according to Hayner (2002), they do have the potential to provide a “moral sanction” against perpetrators. The fourth goal of truth commissions is to identify state

³⁸ See Hayner (2002) generally for an overview of all the goals discussed in this section.

institutions such as the security sector or judicial sector that may require reform. Truth commissions make recommendations for institutional reform to ensure that the state can uphold the rule of law and prevent the recurrence of future human rights violations. The final goal of truth commissions is to promote reconciliation and healing. Truth commissions often place an emphasis on forgiveness and reconciliation, aiming through its truth-seeking process to create new narratives about the past as well as a vision for a unified future. While truth commissions share these common characteristics, scholars have emphasized that the success of truth commissions in achieving their goals is largely dependent on the context and the social, political and cultural factors within which they take place.

This chapter is an expository discussion that provides a brief background on the South African and Liberian conflicts, the truth commission processes in each of the countries, the recommendations that each of the truth commissions made and the extent to which these recommendations were implemented. As a framework for the chapters to follow, this chapter will highlight some of the challenges and successes of each of the truth commissions and how they have informed post-conflict rebuilding. Furthermore, by examining the Liberian and South African governments' responses to the provision of reparations in each of these contexts, it will be shown that truth commissions' success depends largely on the will of the state to implement these recommendations. Despite the central focus on symbolic reparations and memorialization more broadly, this chapter provides a detailed discussion of the different types of reparations recommendations that each of the commissions proposed. In so doing, it seeks to highlight that the issue of reparations, how it is delivered, the forms it may take, and the complementarity between different types of reparations, are determining factors in achieving goals of recognizing victims, reintegrating victims into society and contributing to broader

reconciliation processes.

The South African Case

Notorious for its Apartheid policies, South Africa was a pariah of the international community from the 1950s until its first democratic election in 1994. Based on a legislated scheme of racial discrimination that systematically dispossessed and disenfranchised non-white South Africans, Apartheid permeated all aspects of social, cultural, political and economic life in South Africa.³⁹ Following increased political pressure from the international world and internal liberation movements, coupled with the ongoing protracted violence that reached its peak in the 1980s, political negotiations began in the early 1990s between the National Party (NP)–led Apartheid state and liberation movements, a process that eventually led to the nation’s first democratic election in 1994. It was nonetheless the establishment of the South African TRC in 1995 that became the symbolic marker of South Africa’s transition from an Apartheid past to a peaceful democracy. The TRC was set up amid high expectations of uncovering the truth about South Africa’s hidden past and providing a basis for rebuilding a society devastated by racial divisions and conflict. It has since become celebrated as a successful model for coming to terms with the past, replicated in truth-seeking processes in countries around the world.

Borne of a negotiated political settlement, the South African TRC was established through the Promotion of National Unity and Reconciliation Act No. 34 of 1995.⁴⁰ The Act mandated that TRC investigate politically motivated gross human rights abuses that took place between 1960 and 1994, construct an impartial record of the past, grant amnesty to perpetrators

³⁹ See generally Nigel Worden (2007) for a South African historiography.

⁴⁰ See <http://www.justice.gov.za/legislation/acts/1995-034.pdf>.

of gross human rights violations in exchange for full disclosure and provide recommendations for a reparations policy aimed at rehabilitating and restoring the human and civil dignity of victims.⁴¹ Overall, the mandate of the TRC was developed with a view to achieving the broader goals of promoting reconciliation, nation building and the non-repetition of past abuses (SA TRC Report, Vol. 1, Chapter 4, 1998). It was made up of three committees: the Human Rights Violations Committee (HRV), which investigated “gross” human rights abuses taking place between 1960 and 1990; the Reparations and Rehabilitation Committee (RRC), which was tasked with developing recommendations for reparations; and the Amnesty Committee (AC), which reviewed amnesty applications and was granted the power to provide amnesty for those perpetrators whose crimes were politically motivated and who made full disclosures of the violations they had committed.

The South African TRC was in many ways an important step forward in the evolution of transitional justice models. Based initially on the Chilean truth-seeking process, the South African TRC adapted the model and included a range of institutional innovations. It was the first commission of its kind that had legal powers to grant amnesty to individual perpetrators and to subpoena, search, and take possession of evidence to be used in prosecutions. In addition to taking individual testimonies, the TRC also held special and institutional hearings. It also created a witness protection program and was substantially more resourced than previous commissions. Most important, however, it held more public hearings than previous commissions, allowing individual victim stories to become integrated into the broader national narrative.⁴² In these ways and others, the TRC made significant advances in truth seeking and providing a platform for victims to share their stories.

⁴¹ *Ibid.*

⁴² See S.A TRC Report 1998, vol. 1, chap. 4 for a detailed discussion of the uniqueness of the South African TRC.

Despite these innovations and successes, the TRC has often been criticized for its limited mandate. The enabling TRC legislation limited its mandate to investigating “gross violations of human rights” (SA TRC Report 1998, vol. 1, chap. 4). The TRC Act legally defined gross human rights violations as “the killing, abduction, torture or severe ill-treatment of any person ...” (SA TRC Report 1998, vol. 1, chap. 4). It has been widely noted that this limited definition focused the TRC’s gaze narrowly on physical violations associated with direct political conflict between the state agents and political activists, excluding the pervasive and negative social and economic effects that Apartheid had on a majority of South Africans (see Mamdani 2000; Ramphela 2008; Fullard 2004). In commenting on its mandate and the issues related to the eligibility of victims, the TRC report, for example, notes that in the early days of the TRC’s operations, concepts of “severe ill-treatment” presented challenges, as victims claimed violations of socioeconomic rights under this category. The TRC therefore resolved to restrict its mandate to specific political acts that resulted in mental or physical injury through political violence. The TRC’s limited mandate has not only affected the perceived success of the TRC but has also negatively influenced post-conflict transformation and reconciliation efforts as well as excluded a range of victims who were affected by Apartheid. These issues will be discussed in more detail in the following chapters.

In her examination of restorative justice processes and the role of victims and perpetrators in rebuilding relationships destroyed by gross human rights violations, Margaret Walker (2007) notes the difficult task of acknowledgement and acceptance that is required for reconciliation processes. However, she also notes that paramount to the restorative justice model is its placement at its core of the material, emotional and moral needs of victims, required to reinstall hope and trust among victims (Walker 2007). Apart from the truth-seeking

process itself, reparations are among the most important mechanisms that serve to acknowledge victims, working toward the restoration of their dignity and reintegration into society. According to Pablo de Greiff (2006), reparations give truth-seeking processes a forward-looking character, since they are linked to justice processes, serving to recognize the individual victim as a human being and as a citizen. He notes that reparations can serve the purpose of creating a renewed social contract that rebuilds relationships and enables victims to reengage as active members of the society (de Greiff 2006).

In South Africa, the issue of reparations was at the forefront of the truth commission process. Reparations were perceived as not only the balancing of the amnesty clause inherited from the negotiated political settlement but also as one of the most significant means of providing justice for victims and contributing to broader reconciliation and reintegration processes for victims (SA TRC Report 1998, vol. 6, chap. 2). In addition, very early into the TRC's work, many following it recognized that the achievements of the Reparation and Rehabilitation Committee (RRC) would be the indicator of the TRC's success as a whole (see Krog, 2002). According to former South African TRC commissioner Ms. Yasmin Sooka, the TRC, too, recognized the importance of reparations and the fact that it would serve as a litmus test for the TRC's success. As such, the TRC presented and tested its recommendations with a variety of nongovernmental organizations, victims' associations and governmental departments that would eventually be responsible for implementing the reparations policy.⁴³

While initial discussions around reparations focused only on recommendations for the government to pay monetary compensation to victims, the RRC eventually developed a comprehensive and complementary set of recommendations based on these national consultative workshops and meetings, as well as drew inspiration from international law and

⁴³ Author's personal interview conducted with Yasmin Sooka, 23 September 2011, Johannesburg.

other models of best practice. Recognizing that reparations were a key mechanism to facilitate healing, recognize victims and contribute to the processes of reconciliation, these recommendations incorporated five distinct forms of reparation: urgent interim reparations, individual reparation grants, symbolic reparation and legal administrative measures, community rehabilitation and institutional reforms (SA TRC Report 1998, vol. 6, chap. 1). In commenting on some of the challenges that the TRC faced concerning the reparations recommendations, Ms. Sooka observes that one of the TRC's biggest concerns was to ensure that the reparations issue did not "descend into a road accident fund, by placing a monetary value on the loss of a limb [for example] or on ... whose life would be important."⁴⁴ According to Ms. Sooka, the TRC has been critiqued for its lack of a more nuanced approach to financial reparations. However, she notes that the TRC tried to avoid a "means test" as well as tried to ensure that reparations were not reduced to the financial aspect alone but would take into account all elements of the reparations recommendations, including symbolic measures.⁴⁵

Under the RRC's suggestions, urgent interim reparations were to include a once-off limited financial payment to be made to victims with urgent needs, specifically those who required access to special services or facilities. Second, the RRC recommended that individual reparation grants not exceed ZAR 23,023 (approximately US\$2,300) and be paid annually to survivors over a period of six years. Subject to the recommended maximum, the precise amount of the grant would vary by individual according to a prescribed set of criteria (SA TRC Report 1998, vol. 6, chap. 1).

Third, the RRC recommended that a set of symbolic and legal administrative measures

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

be taken to facilitate communal processes of memory and to restore the dignity of victims and survivors. Recommendations for memorialization initiatives included performing exhumations, reburials and ceremonies; placing tombstones; building memorials and monuments; renaming streets and public facilities; and holding culturally appropriate ceremonies. Legal and administrative measures were to include the issuing of death certificates for missing persons, the expunging of criminal records for politically motivated crimes and the expediting of outstanding legal issues related to violations (SA TRC Report 1998, vol. 6, chap. 1).

At the same time, the RRC noted that various communities experienced systematic abuse during Apartheid. Community rehabilitation programs—such as national demilitarization, resettlement of displaced persons and communities, skills training and support for community psychosocial support initiatives—were thus recommended to promote healing, to reintegrate perpetrators into community life and to provide broader community rehabilitation. Finally, the RRC recommended legal, administrative and institutional reform in the judicial sector, security forces, correctional services, educational system and business and media sectors, aiming to prevent the recurrence of human rights violations (SA TRC Report 1998, vol. 6, chap. 1).

The RRC acknowledged that the government had the moral and legal obligation to pay reparations to victims—and suggested a concrete implementation structure for the government to put in place—it did however recognize that other sectors of society were also responsible for the implementation of its reparations recommendations. In particular, the RRC concluded that businesses had benefited materially and financially from Apartheid policies, and as such the business and corporate sectors bore responsibility for reparations. In recognizing that “the huge and widening gap between the rich and poor is a disturbing legacy of the past and given the

historic benefit enjoyed by business,” the RRC made specific recommendations for businesses and large corporations to contribute to restitution programs for those affected by Apartheid (SA TRC Report 1998, vol. 6, chap. 5: 141). At the same time, in acknowledging the need for all South Africans to contribute to healing and reconciliation processes as well as the successful civil society initiatives that were already under way, the RRC recognized the role of civil society to make positive contributions toward reparations initiatives. The report posits that creative arts projects and symbolic memory initiatives could be key areas for civil society’s contribution.

The RRC report concludes by noting that the acknowledgement and recognition of victims and survivors is one of the most important factors required for the country to move forward (SA TRC Report 1998, vol. 6, chap. 7). It underscores that one of the major challenges that the RRC faced in advancing the rehabilitation and reparation process was the difficulty in distinguishing victims from non-victims and making the distinction between politically motivated crimes of gross human rights violations from broader oppression that permeated everyday life in South Africa. The report cautions against the tendency that those declared as victims by the commission should be considered an elite group. The report notes that given “the systemic abuse committed during the Apartheid era, virtually every black South African can be said to be a victim of human rights abuses” (SA TRC Report 1998, vol. 6, chap. 7: 161). It also highlights that many of the RRC’s recommendations were essentially symbolic acts, since they could never meet the standard of proportionality or make up for the experiences and loss that victims have undergone. The South African government’s implementation of the recommendations was nonetheless necessary to “signal a commitment to establishing a just and humane society in which human rights are respected” (SA TRC Report 1998, vol. 6, chap. 7: 162).

In support of the TRC, scholars (see De Greiff 2006; Hamber 2006; Ramphela 2008) argue that the actual granting of reparations to victims and the processes around which the various forms of reparations are made exemplifies the state's will to reestablish equality, trust and respect among all citizens. In contrast, the failure to provide reparations ignores victims' contribution to the process of truth-seeking and broader reconciliation and democracy-building processes (de Greiff 2006; Hamber 2006). Despite a road map from the TRC providing guidelines for a holistic reparations strategy aimed at addressing the needs of individual victims as well as the broader society, the South African government has demonstrated a general unwillingness to implement a comprehensive reparations program. Following the TRC's recommendations, in 2005 the government established a Post-TRC Unit within the Department of Justice. The unit was established with a mandate to monitor and audit the implementation of the TRC recommendations, reporting regularly to Parliament the progress made by various government departments in implementing the TRC recommendations. While officials within the department claim that substantial progress has been made in terms of implementing individual reparations, symbolic reparations and the provision of medical and education services for survivors and families of victims,⁴⁶ implementation was still under way as at 2012.

The Struggle for Reparations

As noted above, the TRC recommended that Urgent Interim Reparations (UIR) be granted to survivors and families of victims who urgently required access to certain services or facilities. Such urgent reparations should have been disbursed in 1998, with the release of the

⁴⁶ Author's personal interview conducted with officials from the South African Department of Justice: Post TRC Unit, 7 September 2011, Pretoria.

TRC's interim report. The government nonetheless delayed a full five years, under the claim that reparations could not be disbursed until the TRC's final report was issued (Colvin 2006). It was thus not until the end of 2003 that the government made UIR available to individuals who demonstrated an urgent medical, financial, educational, symbolic or emotional need. At this time, ZAR 50 million (approximately US\$6.6 million) was distributed to 16,500 of the 18,800 total victims identified as requiring it. In 2003, following extensive lobbying and advocacy from various civil society organizations regarding individual economic reparations, then-president Thabo Mbeki similarly announced a once-off payment of ZAR 30,000 (approximately US\$4,000) to be paid to the 18,000 victims who had testified before the TRC. This amount was nonetheless significantly below the sum recommended by the RRC, which had indicated that grants should be paid in semiannual installments. As of September 2011, in line with the regulatory schedule set out by the president for the issuance of victim reparations, the government had completed payments to 15,000 of the 16,000 survivors deemed eligible for compensation.⁴⁷

President Mbeki also announced his support for "community reparations" but insisted that they would be implemented as part of a broader reparations strategy that would benefit all South Africans rather than individual victims. Victims groups have nonetheless contested this approach. According to Brandon Hamber (2006), no reparations program has been granted as part of a broader development program.⁴⁸ He argues that access to improved social services was a campaign pledge by the African National Congress (ANC) government and as such more

⁴⁷ *Ibid.*

⁴⁸ It may be noted, that Morocco, too, has attempted to implement a community reparations program that would benefit all members of the community and not just survivors of gross human rights violations. In Morocco, too, there has been a backlash from victims who argue that development and reparations should be separated (author's personal discussions with survivors in Morocco during a work trip for the International Coalition of Sites of Conscience in 2011).

a right than a form of reparations that recognizes individual harm and loss (Hamber 2006). In focus groups discussions with survivors, many survivors also argued that it was government's duty to provide services to all South African citizens, and since services were not aimed at survivors alone, community reparations framed as service delivery could not be classified as reparations.⁴⁹ Part of the government's manipulation of the TRC's recommendations may actually stem from the shortcomings of the TRC report itself. The TRC report does not adequately define community reparations. Furthermore, as Sooka acknowledges, the TRC's recommendations for community reparations were weak. She notes that the TRC made the recommendations for community reparations based on the assumption that communities are homogenous and that they "want to do things together, and that's not always true ... there are actually more problems to navigate."⁵⁰

The money they gave us was nothing. It is too little. We did say that our voice just disappeared and we do not know why. My house burnt right through, five times. You know how much they gave me? R15, 000 for five times repairing. I did not repair that house for R15, 000 [*sic*]. —KSG Survivor⁵¹

The money that we got from the TRC was not enough. The little bit that they gave us was an insult. It never even fulfilled all the things that we're supposed to do with it. [*sic*]—KSG Survivor⁵²

Apart from victims' disappointment at the sum of the compensation, the Mbeki-led government demonstrated a remarkable unwillingness to address or support victims' needs or

⁴⁹ Author's personal focus group discussions conducted with KSG survivors on 12 September 2011, Cape Town, and 6 September 2011, Johannesburg.

⁵⁰ Author's personal interview conducted with Yasmin Sooka, 23 September 2011, Johannesburg.

⁵¹ Author's personal focus group discussions conducted with KSG survivors on 6 September 2011, Johannesburg.

⁵² Author's personal focus group discussions conducted with KSG survivors on 12 September 2011, Cape Town.

to consult with them about the implementation process. The government has failed to engage victims, NGOs and other groups in an ongoing dialogue about reparations, with justice ministers and other officials emphasizing that they are under no obligation to consult with victims at any point in the process (Colvin 2006). Feeling abandoned and revictimized, victim support groups have in fact been forced to file Access to Information Act requests to access the government's draft policy on reparations (Colvin 2006). The government's lack of will regarding reparations has likewise been evident in its refusal to move forward on the TRC recommendation of a wealth tax for corporations and big businesses— a tax that was recommended to supplement the reparations fund. Following the government's unwillingness to address the role of the corporate sector as a beneficiary of Apartheid, in 2002, a group of South Africans represented by the Khulumani Support Group sued 20 international banks and corporations in U.S. federal court under the Alien Tort Claims Act for undertaking business in South Africa during Apartheid.⁵³ In February 2012, the bankrupt General Motors Corporation, in a show of good faith, settled in a New York State court. It agreed to settle for US\$1.5 million in shares in the new General Motors, once the company emerged from bankruptcy.⁵⁴ In August 2013, after almost ten years of litigations, the U.S. Supreme Court finally dismissed the case. In highlighting its' overall lack of support for survivors, the Mbeki government filed documentation during the early years of the lawsuit with the district court and appeals court, outlining its opposition to the case on the grounds that it would discourage foreign investment in the country. In September 2009, newly elected South African president Jacob Zuma

⁵³ See Christopher Colvin (2006) for a detailed description of the lawsuit. See also <http://www.business-humanrights.org/Categories/Lawlawsuits/Lawsuitsregulatoryaction/LawsuitsSelectedcases/ApartheidreparationslawsuitsreSoAfrica>.

⁵⁴ See <http://www.globalpolicy.org/international-justice/alien-tort-claims-act-6-30/51363-general-motors-concedes-to-khulumani-in-apartheid-reparations-case.html?itemid=id> and <http://www.khulumani.net/khulumani/in-the-news/item/828-us-corporations-can%E2%80%99t-be-sued-for-apartheid-court-rules.html> for a detailed discussion.

announced his support for the Khulumani Support Group lawsuit by rescinding the government's previous opposition to the case.

Despite a seemingly more sympathetic view toward survivors' needs from the Zuma government, survivors are still faced with significant official resistance in their struggle for reparations and justice. Since 2010, the government has been drafting guidelines for the utilization of funds available in the South African President's Fund for the Implementation of Reparations.⁵⁵ It has nonetheless been unreceptive to the lobbying efforts of the recently formed South African Coalition for Transitional Justice (Coalition),⁵⁶ which is seeking to revise the government's proposed reparations regulations so that they are inclusive of a broader group of victims who suffered human rights violations under Apartheid, not only the minority who testified before the TRC. The Coalition seeks to replicate international best practices undertaken in Argentina, Chile and Guatemala, where closed lists of victims were reopened and ongoing victim registration continued beyond the immediate life of truth commission processes.⁵⁷ According to the South African government's current policy, only those people who registered with the TRC before 15 December 1997 are eligible for any further reparations. However, the Coalition is arguing that the TRC Act does not refer to the closed policy. As it stands, with the closed list, government officially recognizes only 18,000 victims of Apartheid.⁵⁸ According to Sooka, the decision to implement a closed-list policy may in part

⁵⁵ Interview conducted with officials from the South African Department of Justice: Post-TRC Unit, 7 September 2011, Pretoria.

⁵⁶ The South African Coalition for Transitional Justice was formed in 2010 and is made up of civil society organizations working on questions of transitional justice, lobbying for the completion of some of the "unfinished business" of the TRC.

⁵⁷ See <http://www.khulumani.net/reparations/government/item/499-no-cohesion-without-reparations---the-struggle-for-inclusive-and-comprehensive-reparations-a-view-from-the-south-african-coalition-for-transitional-justice.html>.

⁵⁸ See

http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCYQFjAA&url=http%3A%2F%2Fwww.khulumani.net%2Freparations%2Fitem%2Fdownload%2F83_ceb73f12ea4afd06dcd24227e413ed76.ht

relate to former president Thabo Mbeki's emphasis that the TRC should be the end of the process of delving into the past. She notes that TRC Chairperson Archbishop Tutu was told, "When the commission finishes its process, it will end everything, so that society is not burdened in the future with having to constantly go back. You need to make sure that you close the process down." [sic]⁵⁹ Furthermore, in commenting on the large number of victims that were not a part of the TRC process, Sooka notes that following the closing of the Human Rights Committee's statement-taking process, at least an additional 8,000 people submitted statements of gross human rights violations. These people, along with many others, are excluded by the close-list policy. Additionally, Sooka highlights the inequity between the amnesty and reparations processes, remarking that the amnesty process continued for an additional three years after the human rights committee had closed its operations and stopped taking statements from victims. While she highlights that the negotiated settlement and the Constitution legally ensured that the amnesty process would be rigorously completed, she observes that it was these disparities that created the perception that the TRC was bias toward the amnesty process and perpetrators.⁶⁰ Furthermore, in an act that further marginalizes victims and undermines the work of the TRC, in 2012, current president Zuma announced the consideration of political pardons for approximately 149 political prisoners, many of whom committed acts of gross human rights violations during the Apartheid years.

Given the ongoing challenges that survivors have faced regarding their right to reparation, survivors have become increasingly disillusioned with the TRC process, arguing that the TRC was a political project, implemented to appease the international political

ml&ei=-IM4U77xHLHQsQSY3oGQBw&usg=AFQjCNHghmAVyObD5qdH0-q7hPRAJbnkSg&bvm=bv.63808443,d.cWc for an in-depth discussion.

⁵⁹ Author's personal interview conducted with Yasmin Sooka, 23 September 2011, Johannesburg.

⁶⁰ *Ibid.*

community.⁶¹ They also argue that justice has still not been attained and that the government's negative attitude toward survivors not only contributes to their existing trauma but also possibly "pass[es] the pain from one generation to another."⁶² While survivors continue in their struggle for financial reparations and overall recognition, the South African government continues to claim that it is satisfactorily implementing other TRC recommendations.

In 2003, President Mbeki agreed to the implementation of various symbolic reparations activities, such as the building of memorials and the renaming of public facilities (Colvin). In recommending symbolic reparations, the RRC underscored symbolic reparations' role in restoring the dignity of victims and assisting "communities and individuals in commemorating the pains and victories of the past" (SA TRC Report 1998, vol. 6, chap. 4: 138). While central to recognizing survivors and victims, the RRC noted, such reparations nevertheless should be "linked with endeavors that improve the everyday lives of victims and their communities" (SA TRC Report 1998, vol. 6, chap. 7: 163). To ensure this end, the RRC recommended that survivors play a central role in all aspects of symbolic reparations projects, including their design, building and administration (SA TRC Report 1998, vol. 6, chap. 7: 163). However, as the following chapter will show, given the politicization of memorialization projects and the marginalization of survivors in national memorialization processes, memorialization activities too continue to be sites of struggle for victims' recognition.

The Liberian Case

Between 1989 and 2003, Liberia suffered a violent conflict. The 14-year war resulted in almost 250,000 deaths and a third of the population being forcibly displaced. Some scholars

⁶¹ Author's personal focus group discussions conducted with KSG survivors on 12 September 2011, Cape Town.

⁶² *Ibid.*

note that the root causes of the conflict go as far back as the founding of the Liberian state in 1822. Liberia was an outpost of freed American slaves and became independent in 1847. From this period on, the descendants of the freed slaves, known as Americo-Liberians, were the social and political elite, who also established a hierarchical caste system based on skin color (Dennis 2006). Following ongoing conflicts between the Americo-Liberians and the indigenous population, which culminated in the infamous Rice Riots,⁶³ Liberia experienced its first coup d'état in 1980 when indigenous leader Samuel Doe overthrew the Tolbert presidency, killing the president and 13 ministers (Dennis 2006). Doe's authoritarian and ethnically divisive presidency saw an increase in conflict, an extreme abuse of power and gross human rights violations. In 1990, rebel leader Prince Johnson captured, tortured and murdered Doe, leading to a violent civil war, which saw numerous armed groups fighting for control over the country.⁶⁴ Amid gross human rights violations, mass killings and forced displacement, Liberia became a battlefield for rebel leaders such as Charles Taylor, Prince Johnson and Sekou Conneh, all of whom were ethnically aligned, struggling for control and power over this resource-rich country.⁶⁵ Following a protracted war, in August 2003, an Economic Community of West African States (ECOWAS)-facilitated peace agreement, the 2003 Comprehensive Peace Agreement, forced then president Charles Taylor to seek asylum in Nigeria. In October 2003, the United Nations Mission in Liberia (UNMIL) took over the ECOWAS peacekeeping operations, and in 2005, Liberia held its first democratic elections.

The Liberian TRC was born from the 2003 Comprehensive Peace Agreement, which three warring factions and 18 political parties signed in Ghana. The TRC and the creation of

⁶³ See for example Aaron Sleh, Samuel Toe and Aaron Weah (2008), for a description of the Rice Riots.

⁶⁴ See Peter Dennis (2006) for a detailed account of the war.

⁶⁵ While Liberia's war has often been perceived as a war characterized by greed, power and corruption, the war also had various ethnic dimensions, in which specific groups of innocent civilians were targeted because of their tribal and ethnic affiliation (see Sleh, et al., 2008).

the Independent National Human Rights Commission (INHRC) were identified as mechanisms that would promote human rights, healing and reconciliation in Liberia. According to Hayner (2007), the TRC was actually a compromise between civil society's call for a war crimes tribunal and the warring parties who were trying to avoid prosecutions. The 2005 TRC Act finally established the Truth and Reconciliation Commission of Liberia. The Act mandated that TRC investigate gross human rights violations that took place from January 1979 to October 14, 2003, provide a forum to address impunity, create a platform for victims and perpetrators to share their experiences of the past with a view to facilitate healing and reconciliation, conduct a review of Liberia's past to address any distortions and misconceptions, address the experiences of specific groups of victims and provide recommendations for the rehabilitation of victims.⁶⁶ Additionally, the TRC was also given power to make recommendations for prosecutions as well as recommendations for amnesty for low-level perpetrators who made full disclosure about the crimes they committed. Overall, the central goal of the TRC was to promote peace, justice, security and reconciliation.⁶⁷

The Liberian TRC was based in part on the South African and the Sierra Leonean truth and reconciliation commission models. However, it was unique because it was the first truth commission that engaged the diaspora population in the United States, United Kingdom, Nigeria, Ghana and Sierra Leone. The Minnesota Advocates for Human Rights supported the Liberian TRC, acting as an implementing partner of the Diaspora Project and replicating the TRC's national activities within diaspora communities.⁶⁸ While the TRC outlined ambitious plans to fulfill its mandate, from very early on in its operations, the TRC faced various

⁶⁶ See <http://trcofliberia.org/about/trc-mandate>.

⁶⁷ *Ibid.*

⁶⁸ See Liberian TRC report 2009, vol. 2, chap. 4 for an in-depth discussion of the Diaspora Project.

logistical, financial and human resource constraints.⁶⁹ However, following a slow start, the TRC collected after 18 months of work over 800 testimonies and 20,000 statements from nationals and diaspora populations (Weah 2012). In June 2009, following three years of public hearings, overcoming a range of challenges and obstacles, the TRC submitted its final report.⁷⁰

The recommendations made in the TRC report were a result of the 2009 National Reconciliation Conference, which was organized by the Liberian TRC and held in Virginia, Liberia. The conference brought together victims and perpetrators from 15 counties to discuss a range of TRC-related recommendations around reparations, prosecutions, amnesty, memorialization, traditional reconciliation and accountability, national identity, governance and a national vision for Liberia.⁷¹ From observations at the conference, it was clear that prosecutions would be central to the TRC's agenda. Unlike the South African TRC, in which reparations were the indicator of success, for the Liberian TRC, its handling of prosecutions would be the determining factor in its success. Not only did various warlords preach forgiveness and reconciliation in lieu of prosecutions but they also seemed to dominate the conference proceedings. The memorialization working group, facilitated by this author, exemplified the differences in opinion between victims and perpetrators, issues that echoed throughout all the conference proceedings. While perpetrators approached the issue of memorialization in terms of "forgive, forget and don't open old wounds," victims saw memorialization as a means to recognize their loved ones and a vehicle to "set history straight."⁷² Despite various arguments for and against accountability as well as insinuated

⁶⁹ See Paul James-Allen, Aaron Weah and Lizzy Goodfriend (2010), for a detailed discussion.

⁷⁰ It may be noted that various civil society organizations and scholars have highlighted the poor quality of the Liberian TRC report. See, for example, James-Allen et al. (2010), for a more detailed discussion of the shortcomings of the report.

⁷¹ See <http://trcofliberia.org/resources/reports/final/the-virginia-declaration.pdf>.

⁷² Author's personal discussion with the memorialization working group when she represented the International Coalition of Sites of Conscience at the National Reconciliation Conference from 15 to 20 June, 2009. The

threats regarding the possible implementation of prosecutions, the TRC eventually compiled and made public its final report.

The TRC made 207 recommendations in the areas of accountability, prosecutions and reparations. Issues of accountability took precedence in the report and included recommendations for the establishment of a domestic tribunal and an “extraordinary criminal court” to prosecute all those who held the greatest responsibility for gross human rights violations and violations of international humanitarian law (Liberian TRC Report 2009, vol. 2, chap. 12 and 13). Additionally, the TRC made recommendations for lustrations and public sanctions, banning prominent political leaders, including the current president, Ellen Johnson Sirleaf, from public office for a period of 30 years, for their role in contributing to gross human rights violations (Liberian TRC Report 2009, vol. 2, chap. 14). Finally, concerning accountability, the TRC made recommendations for the implementation of a Palava Hut program, a local conflict resolution mechanism that would serve as an ongoing process to hold local level perpetrators accountable. According to human rights commissioner Thomas Bureh, the Palava Hut recommendations were significant because they allowed spaces for those people who were unable to access the TRC to seek justice at a local level. Additionally, given the TRC’s limited timeframe and scope, the Palava Hut program would allow people who may not have been prepared to testify during the TRC’s operations to participate in local justice initiatives when they were ready.⁷³ Related to issues of accountability, the TRC also made recommendations for prosecutions of those who had committed gross human rights violations. Unlike previous commissions, it also made these recommendations available to the public

conference brought together various stakeholders to finalize the TRC recommendations. See <http://trcofliberia.org/resources/reports/final/the-virginia-declaration.pdf> for the Virginia Declaration, which was the main conference outcome.

⁷³ Author’s personal interview conducted with Thomas Bureh, 23 March 2012, Monrovia.

(Weah 2012). According to Aaron Weah (2012), the public welcomed these recommendations, since there was a general perception that the TRC was a space to placate perpetrators, especially since perpetrators' testimonies seemed to dominate the commission. While some civil society organizations criticized the TRC for not following due process and using inconsistent criteria⁷⁴ to make recommendations for prosecutions, lustrations and sanctions, other local civil society coalitions strongly supported the report (James-Allen et. al. 2010). However, former warlords who by then were civil servants with government positions held a press conference to denounce the report, arguing that the implementation of prosecutions and lustration would lead to instability and threaten the fragile peace. Former enemies, who had once wreaked havoc in their struggle for power in Liberia, became united in their opposition to prosecutions and even began lobbying for the ongoing support of President Ellen Johnson Sirleaf (Weah 2012).

Given the TRC's controversial recommendations for justice and accountability, very little public attention was given to the reparations recommendations. As has been noted, restorative justice places at its center the victims' needs. Yet, in the case of the Liberian TRC, and as noted above, not only did perpetrators take center-stage, but, as Weah (2012) argues, the TRC itself did not hold perpetrators accountable for half-truths, lies and justifications for the violations they perpetrated. According to Weah (2012), while victims took the moral high ground, providing evidence with courage, depth and honesty, perpetrators acted with arrogance, using the space to boast about their power and to intimidate. Not only did perpetrators threaten instability if prosecutions were considered but their insinuations also left

⁷⁴ The commission, for example, granted amnesty to a notorious warlord, Joshua Milton Blahyi, who claimed responsibility for 20,000 deaths and other crimes against humanity, yet it recommended lustrations for President Ellen Johnson Sirleaf, who confessed that she had supported Charles Taylor's rebellion in 1990 and apologized for her bad judgment (Weah 2012).

victims with a sense of re-traumatization and fear (Weah 2012). How then did the TRC respond to victims' needs?

The TRC recommended “a reparation program of approximately US\$50m spanning a 30-year implementation period. Specifically, the TRC recommend[ed] that within the first [five] years, that is from July 1, 2009, [to] July 30, 2014, all direct support programs must be implemented, including memorials, victim support and the process of prosecution” (Liberian TRC report 2009, vol. 2, chap. 17: 378). Overall, the TRC made recommendations related to health services, financial services, infrastructure development, education, memorialization⁷⁵ and symbolic reparations. First, the TRC made recommendations to address the individual victims' needs. These included urgent health-related services for victims of the war as well as material assistance that would be administered on a case-by-case basis for those victims who lost their shelter during the conflict. The TRC also recommended the formation of a reparations trust fund that could initially be funded through the sale of certain private buildings that were built using tax money.

Second, the TRC made recommendations for specific groups such as women and children, specifically community reparations such as housing, health care and infrastructure development for those communities most affected by the war. It also made recommendations for free education to all Liberians from primary to secondary school as well as for those involved in certain service-oriented disciplines at a tertiary level. Additionally, the TRC recommended economic, educational and financial services for women affected by the war.

Under the broad category of memorials, the TRC recommended that a national commemorative day be established to recognize all survivors and that memorials be built in all

⁷⁵ Memorialization is the first recommendation in the Virginia Declaration. The declaration notes that “those who died as a result of the conflict be memorialized by monuments and multi-purpose halls erected in the name of victims at all sites of massacres.” See <http://trcofliberia.org/resources/reports/final/the-virginia-declaration.pdf>.

capital cities and at mass gravesites. It also recommended that the government assist communities to conduct proper cleansing rituals and rehabilitate traditional and cultural institutions. It proposed that the remains of former presidents Tolbert and Doe be identified and reburied in national ceremonies. It also recommended the issuance of death certificates for all those who died or went unaccounted for during the war. Finally, the TRC recommended that the government of Liberia issue a public apology to the Liberian people, other West African nations and countries that contributed peacekeeping troops. The apology would acknowledge the loss of human life and destruction wreaked by the war. Regarding these recommendations, unlike previous commissions, including the South African TRC, which framed symbolic initiatives under the banner of symbolic reparations, the Liberian TRC was the first commission to make memory and symbolic reparations recommendations under the broad category of memorials. Not only does such a categorization broaden the scope of memorialization to include memory initiatives that go beyond built monuments and memorials but it also—as a category on its own—highlights the importance of memorialization as a reparative measure in its own right. The TRC’s emphasis and attention to issues of memorialization may in part be related to the fact that memorialization was the one area of consensus among all participants at the 2009 National Reconciliation Conference. While there were differences in opinion related to the form that memorialization should take and the function it would serve, all county reports included memorialization as a key recommendation. It was also a recommendation that was broadly agreed on by both victims and perpetrators. Furthermore, as former Liberian TRC commissioner John Stewart notes, these recommendations also evolved from the different commissioners’ experiences of the war and their understanding of what ordinary Liberians needed to come to terms with the past.⁷⁶

⁷⁶ Author’s personal interview conducted with John Stewart, 23 March 2012, Monrovia.

Overall, the TRC’s recommendations, especially its justice-related recommendations, were ambitious. However, while the TRC made specific recommendations to the government of Liberia, to the Liberian diaspora and to the international community, it did not provide any in-depth analysis of the types of benefits that should be allocated to different groups of victims, the timing of these benefits or the forms that these benefits should take (James-Allen et. al. 2010). As James-Allen et al. (2010), argue, not only do the recommendations tend to raise expectations about the provision of reparations, but the lack of clarity and detail in the reparations recommendations further complicate any potential reparations program—especially in a country like Liberia, where almost everybody was affected by the conflict. The high public expectations around reparations is further exemplified by the TRC’s surveys, in which the majority of statement-givers rate reparations above education and job opportunities as the most important factor to “restore them to full social and economic life” (Liberian TRC report 2009, vol. 2, chap. 11: 343). Despite these high expectations for reparations, Liberian survivors continue to struggle for reparations amid divided views on the TRC report and a government that is unwilling to fulfill its obligations to provide reparations.

Follow-up from the TRC

People are saying that the TRC recommendations are not fair. A foul play. So they don’t want to give credence to the TRC recommendations. [*sic*] — LUMASA survivor⁷⁷

For reconciliation to be a part of the system of Liberia, we need to talk about reparations. Then only will we have forgiveness...How do I forgive if I carry the wounds of the war...The process of reparations should be

⁷⁷ Author’s personal focus group discussions conducted with LUMASA survivors on 22 March 2012, Monrovia.

addressed by the Liberian government. That is paramount. —LIMASA survivor⁷⁸

The shortcomings inherent in the Liberian TRC report, the poor quality of the report—coupled with the public squabbling and dissent among the commissioners⁷⁹—and the TRC’s final recommendations that split public opinion have resulted in an overall fraught process. While President Johnson Sirleaf herself recommended for sanctions and initially responded positively to the report—noting her intention to implement those recommendations that were within the TRC’s mandate and in keeping with the constitution⁸⁰—little has been done thus far. In September 2010, in a special report to Parliament, Johnson Sirleaf argued that all Liberians were in some way victims of the war and that any reparations process would be cumbersome.⁸¹ She therefore emphasized that individual reparations would not be paid to victims. Johnson Sirleaf has since noted that community reparations programs would instead be implemented. According to former Liberian TRC commissioner Dede Dolopei, the general line of the government is that “Liberia is coming out of the war and has no resources.” She argues, “One cannot put a price tag on people [who] were killed ... the victims [who] suffered...the women [who] were raped.”⁸² Dolopei emphasizes that in the absence of affordable health services and basic infrastructure, victims and their communities need both individual and collective reparations. In commenting on the president’s unwillingness to implement reparations, Liberian Human Rights Commissioner Thomas Bureh also recalls his own lobbying efforts with the president, arguing for community and individual reparations, a strategy to identify

⁷⁸ Author’s personal focus group discussions conducted with LIMASA survivors on 22 March 2012, Monrovia

⁷⁹ See generally James-Allen et al. (2010) and Weah (2012).

⁸⁰ See generally James-Allen et al. (2010).

⁸¹ See <http://www.africareview.com/News/-/979180/1012588/-/ib7uh8z/-/index.html>.

⁸² Author’s personal interview conducted with Dede Dolopei, 24 March 2012, Monrovia.

victims who qualified for reparations and the need to set up a reparations trust fund. Despite these efforts, Bureh notes, the president has emphasized that there should be a certain silence around the issue of reparations to prevent heightened public expectations.⁸³

Regarding reparations and mass atrocity, most transitional justice processes do indeed seek to address individual and broader community needs, as such different types of reparations are recommended for different categories of victims. As in the South African case, too, the TRC recognized that all black South Africans might be considered victims of Apartheid. Despite shortcomings in the South African reparations process, the South African government did eventually compensate the majority of survivors who testified in the TRC. Much of the reparations struggle in Liberia is in part a result of the TRC's shortcomings. It was clear that many survivors had urgent medical needs, yet the Liberian TRC failed to make recommendations for urgent interim reparations.⁸⁴ While Liberian commissioners such as John Stewart claim that the TRC provided a roadmap for the way forward on reconciliation in Liberia, the reality is that TRC faced challenges in developing a comprehensive reparations strategy that could guide the government in an implementation process. The lack of a clear strategy is now being used by an unwilling government as an excuse not to provide reparations. Additionally, given the controversy regarding the TRC recommendations, the president has made little effort to implement any of the TRC's recommendations.

Instead of building on the TRC's recommendations, Johnson Sirleaf has since initiated a new reconciliation and peace-building project. As will be discussed in more detail in the

⁸³ Author's personal interview conducted with Thomas Bureh, 23 March 2012, Monrovia.

⁸⁴ As of March 2012, survivors who participated in the research process had urgent medical needs. While some were in need of urgent surgery to remove bullets and shrapnel from their body, there were women, for example, who required surgery for injuries from sexual violations that they were subjected to during the war. Thus far, neither the TRC nor the government has provided any assistance for these survivors.

following chapter, in 2010 Johnson Sirleaf requested technical and financial support from the United Nations Peacebuilding Commission (PBC) to help consolidate peace and promote reconciliation in Liberia. The Liberian government and the PBC signed a Statement of Mutual Agreement, which prioritized the post-conflict needs to strengthen the rule of law, support security sector reform and promote national reconciliation. In a 2010 report to the United Nations General Assembly, the PBC noted that while the TRC report was highly controversial, there was no support for the implementation of the TRC's recommendations such as the Palava Hut program or for the mandate of the Independent National Human Rights Commission (UNPBC/4/LBR/2 2010). Since then, the government has advanced its work in the areas of rule of law and security sector reform but still faces challenges with reconciliation. According to reports, despite both civil society's and the government's reconciliation and peace-building initiatives, efforts were uncoordinated and there was a lack of an overarching strategy for these projects.

President Johnson Sirleaf therefore commissioned a new process that would identify all these efforts and provide a strategy to guide peace-building and reconciliation processes in Liberia.⁸⁵ Following a series of national consultations, in 2013 the Liberian government launched the Strategic Roadmap for National Healing, Peacebuilding and Reconciliation (the Roadmap). The roadmap—which provides an 18-year plan to mend political, social and religious divisions and address historical wrongs and the root causes of conflict—outlines 12 thematic components that focus on “accounting for the past, managing the present and planning for the future.” The roadmap identifies reparations and memorialization as one of the key strategic outcomes under the category of “accounting for the past.” Similar to the president's concerns, the roadmap, too, acknowledges that it may be economically difficult for

⁸⁵ See <http://www.lern.usahidi.com/media/uploads/page/3/Reconciliation%20Roadmap%20Draft%203-W.pdf>.

the government to provide individual reparations. However, it does highlight the need for the state to “address the continued physical wounds and provide for those disabled and made completely destitute by the war” (Ministry of Internal Affairs et al. 2013: 21). Additionally, it makes recommendations for the implementation of a community reparations strategy.

Regarding memorialization, the roadmap states, “The aim of the memorialization component is to create an enabling space to humanize and honor victims of war and document national regrets and apology for the violation suffered. The community-based memorialization process will help communities develop and own a shared and reconciling narrative as basis for community healing and reconciliation” (Ministry of Internal Affairs et al. 2013: 21). Like the TRC’s recommendations, the roadmap makes ambitious recommendations; however, it reiterates many of the recommendations made by the Liberian TRC. Despite two extensive processes related to coming to terms with the past, the Liberian government has made little progress in implementing many of the recommendations. In 2011, the Liberian government through the INHRC implemented one of the TRC’s recommendations related to memorialization. The government held reburial ceremonies for former presidents Doe and Tolbert. In October 2013, President Johnson Sirleaf finally launched the National Palava Hut program, which was one of the TRC’s recommendations related to accountability and local-level reconciliation. Apart from these two initiatives, the Liberian government has to date made no progress toward implementing any broader reparations recommendations.

Given the government’s inaction on the issue of reparations, since 2011, survivors have begun to mobilize to lobby for reparations. Survivors have formed several groups, including the Lutheran Massacre Survivors Association (LUMASA), the Liberian Massacre Survivors Association (LIMASA) and the Association of Disabled Females International (ADFI). Apart

from individual compensation, all survivor groups are currently lobbying for medical and educational assistance. As at April 2014, the government has still not addressed the question of reparations. Civil society organizations are currently working with survivors to raise funds for those survivors who have urgent medical needs. According to NGO worker and activist Aaron Sleh the group has managed to raise a mere US\$750 for a survivor to undergo urgent surgery for injuries sustained during the war. The hope is that victims' groups will use this case and the minimal associated costs to further advocate for reparations assistance from the government and the business sector.⁸⁶ As survivors and civil society continue their struggle for reparations, most civil society activists are uncertain that the government will do much to further reconciliation and peace-building efforts, let alone provide reparations for survivors of the war. According to transitional justice scholar Aaron Weah, "We're having midterm elections in October [2014]. In 2015, preparation for general and presidential elections will start. The window to do anything substantive in terms of reconciliation is closing."⁸⁷ Compared with their South African counterparts, Liberian survivors face an uncertain future.

Conclusion

Thus far, we have seen that truth commissions are set up amid high expectations of addressing the past, providing justice and recognition for victims and moving toward a reconciled, peaceful future. According to Martha Minow (1998), these approaches to addressing the past can "at best ... only seek a pathway between too much memory and too much forgetting. Yet they also try for a way between vengeance and forgiveness" (p.118). In both the South African and Liberian cases, truth commissions were set up as part of the

⁸⁶ Author's personal e-mail correspondence with Aaron Sleh, April 2014.

⁸⁷ Author's personal e-mail correspondence with Aaron Weah, April 2014.

negotiated peace settlements. As such, each of the commissions was a secondary option to actual criminal prosecutions and was in itself a compromise. Given the circumstances from which they emerged, both the Liberian and South African commissions have inevitably been more favorable towards perpetrators. In both cases, perpetrators were granted amnesty without having to show any remorse for their actions. As such, the burden of forgiveness and the task of setting the historical record straight have therefore been left to victims. Yet, in both cases, victims continue to struggle for recognition and their right to reparations.

Within a restorative justice paradigm, reparations serve as a means to acknowledge the wrong that was done and to rebuild the relationships between victims and their communities by reestablishing trust and renewing their social contract. They also seek to empower victims and serve as an assurance from the state that the wrongs will not be repeated. While the state is legally obliged to provide reparations in both South Africa and Liberia, each of the governments has been unwilling and has shown a general resistance to granting survivors these rights. Not only has this left survivors with an overwhelming sense of marginalization and disempowerment, but it has also undermined the goals that each of the commissions initially set out to achieve. The case of Liberia especially highlights the very political nature of transitional justice processes and the fact that despite the good intentions of truth commissions to provide truth and justice and facilitate reconciliation processes, much of the success of these commissions lies in the state's willingness to implement their recommendations. In both the South African and the Liberian cases, the states have perceived the end of the truth commission as a way to close the door on the past. Yet while being backward-looking mechanisms, truth commissions, through their recommendations around reparations and prosecutions, for

example, are also forward looking.⁸⁸ It is only through the concrete implementation of truth commission recommendations that these commissions can truly contribute to positive social transformation and rebuild a future that is based on peace and respect for human rights. The shortcomings of the Liberian and South African truth commissions and the challenges related to the implementation of their recommendations—and how this has affected post-truth-commission social-rebuilding processes—will be discussed in more detail in the following chapter.

⁸⁸ See de Greiff (2006) for a discussion on the forward-looking nature of transitional justice mechanisms.

CHAPTER THREE: RECONCILIATION AND MEMORIALIZATION⁸⁹

My name is Selloane. I am from Sharpeville. I was a member of the African National Congress (ANC) and a part of the Sharpeville ANC leadership. I was abused and tortured by the [Apartheid] police very early on ... I cannot even remember when it began. Then my house was burnt. My child was killed—my son—because he was a part of the leadership of the ANC Youth League. Everybody was afraid to talk to me. I was alone with my family. Even my husband blamed me for all those things. [I was blamed for] the burning of the house and the killing of my child.⁹⁰

The first time I met Selloane was in 2004 while working on a community memorialization project⁹¹ in the Vaal region of Gauteng Province in South Africa. At the time, Selloane, like other survivors from KSG, was frustrated with the South African government's poor attitude toward survivors and felt an overall sense of frustration and marginalization within her broader community. For Selloane, despite having been an active member of the anti-Apartheid resistance movement as well as going forward to share her story at the South African TRC, Selloane felt a sense of betrayal by the new ANC-led government and the TRC as a whole. Seven years on, Selloane still feels that betrayal and marginalization, as many of her expectations for life in a “new” South Africa have not been met. Some of these feelings are related to the fact that her social and economic circumstances have not changed much. Despite having fought against an unjust system, bearing numerous losses during that struggle and nurturing hopes for positive change following the downfall of Apartheid, Selloane and many of

⁸⁹ Excerpts of this chapter were previously published. Citation: Naidu, Ereshnee. 2012/13. “Symbolic Reparations and Reconciliation: Lessons from South Africa.” *Buffalo Human Rights Law Review* 18: 251–271.

⁹⁰ Author's personal focus group discussion conducted with KSG survivors on 6 September 2011, Johannesburg.

⁹¹ See <http://www.csvr.org.za/docs/livingmemory/empowerment.pdf> for a detailed report of the project.

her colleagues at KSG still find life in post-Apartheid South Africa to be a struggle for justice, recognition and inclusion. Similarly, for survivors in Liberia, ongoing economic and social marginalization—compounded by the government’s unwillingness to address issues of reparations—have left survivors with feelings of betrayal and disempowerment. Like their South African counterparts, many Liberian survivors have alluded to the fact that they are social pariahs, ostracized by their communities for the losses that they underwent during the civil war and their continued struggle for recognition and justice. Liberian survivor Linda captures the social marginalization and economic hardships, noting, “No one comes to help you or your children. Others are eating, but for days, your children do not eat. You feel like an outcast [*sic*].”⁹²

The irony in both the South Africa and Liberia cases is that one of the central goals of the South African and Liberian truth and reconciliation commissions was to promote reconciliation, recognize survivors of gross human rights violations and enable their respective societies to come to terms with the past. Was each of the truth commissions successful in contributing to reconciliation? How did the truth commissions frame concepts of reconciliation, and with whom were survivors, like Selloane and Linda supposed to reconcile? How have transitional mechanisms such as memorialization contributed to rebuilding community and recognizing survivors and other marginalized groups in each of these contexts?

It is in focusing on these questions that the following chapter will undertake a comparative study of the Liberian and South African TRC reports, analyzing how each dealt with issues of reconciliation, the challenges that each commission has faced in defining and promoting concepts of reconciliation and how this has affected the post-conflict context. The chapter will then examine the current levels of reconciliation in each country, introduce the

⁹² Author's personal focus group discussion conducted with LIMASA survivors on 22 March 2012, Monrovia.

new processes that are under way in each of these countries, and reflect on responses to issues of reconciliation from interview participants with whom I spoke in the course of my research. Finally, through an examination of memorialization processes in each country, the chapter will examine the extent to which memorialization processes have facilitated social rebuilding at different levels of society as well as study the level to which memorialization perpetuates identity-based stereotypes along racial, ethnic or gender lines.

The South African TRC and the Politics of Reconciliation

We the people of South Africa recognize the injustices of our past, honour those who suffered for justice and freedom in our land ... and believe that South Africa belongs to all who live in it, united in our diversity ... We therefore ... adopt this Constitution as the supreme law of the Republic so as to... heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights —
Preamble, The Constitution of the Republic of South Africa, 1996

Drawing inspiration from the South African Constitution of 1996, the South African TRC sought to provide truth and justice and promote reconciliation. As noted in the previous chapter, the TRC was to achieve these goals by undertaking investigations of human rights violations that took place under Apartheid, providing a platform for victims of gross human rights violations to testify, making recommendations for reparations for victims of gross human rights violations and granting amnesty to perpetrators who fully disclosed their crimes. From very early on, the TRC's mandate⁹³ and goals to provide truth, justice and reconciliation often seemed contradictory and at odds with each other, with truth and reconciliation seeming to take

⁹³ See Promotion of National Unity and Reconciliation Act 34 of 1995, at <http://www.justice.gov.za/legislation/acts/1995-034.pdf>.

priority over issues related to justice (SA TRC Report 1998, vol. 1, chap. 5). While some civil society observers argued that the work of the TRC would in fact cause further divisions in the nation, the lack of consensus on the actual meaning of the term *reconciliation* further complicated perceptions of what a “reconciled” society would look like (SA TRC Report 1998, vol. 1, chap. 5).

Given the lack of clarity of the term *reconciliation*, the TRC, through its work, defined *reconciliation* as both a goal and a process that would take place at four different levels. The first type of reconciliation was at the individual level, in which survivors would come to terms with the truth that was revealed to them and for perpetrators to come to terms with the guilt and shame of confessing their crimes. The second kind of reconciliation was at an interpersonal level, a reconciliation that would take place between victims and perpetrators. The third category focused on community reconciliation and rebuilding relationships within and between communities that were divided and destroyed by Apartheid. The final category, which was targeted at a national level, aimed at rebuilding a divided country (SA TRC Report 1998, vol. 1, chap. 5). While the TRC made great efforts to address the challenges⁹⁴ it faced in defining and facilitating reconciliation processes through its work, its emphasis on reconciliation and the creation of a particular reconciliation narrative has been heavily criticized. Scholars and advocates have noted the significant limitations in the TRC’s mandate and the reconciliation discourse intrinsic to it. These limitations have resulted in some of the challenges that South Africa today faces regarding issues of transformation, reconciliation and the realization of an

⁹⁴ The TRC report notes the challenges of defining the concept of reconciliation at a national level. Many confused religious concepts of reconciliation with political definitions of reconciliation. Further, many argued that national reconciliation was being imposed on a still-fragile society, noting that a peaceful coexistence may be the most that could be expected from any post-TRC undertaking. Others, on the other hand, cautioned against a limited notion of reconciliation, arguing that more emphasis should be given to apologies and issues of forgiveness, as these were important factors that could assist South Africans to come to terms with the past (SA TRC Report 1998, vol. 1, chap. 5).

equitable democracy.

As discussed in the previous chapter, given the limitations of the TRC's mandate, the TRC failed to address issues of race and racism directly as it embarked on the journey of clarifying the truth about the past. Under the banner of "non-racialism" and in an effort to promote racial inclusivity, the TRC's enabling legislation makes no specific reference to either "Apartheid" or "racism" (Fullard 2004). This failure of the TRC to deal with the connection between human rights violations and the racialized power relations in which they took place not only diminished its relevance in the daily lives of ordinary black South Africans but also affected post-TRC race relations. Both Madeleine Fullard (2004) and Mamphela Ramphele (2008) argue that the failure of the TRC to grapple head-on with the structural inequalities between blacks and whites and address Apartheid's differential social and economic impact has made it difficult for the majority of South Africans to move on. Social, economic and structural issues of racial inequality continue to remain barriers to post-conflict transformation.

As previously noted, the South African TRC was groundbreaking, in that it was the first of its kind to hold public hearings. While the decision to hold public hearings aimed in part to create broad awareness around Apartheid atrocities, preventing further denial and silences, it was also a mechanism to allow all South Africans to begin to buy in to the collective narrative that was emerging from a scripted process⁹⁵ of confession and testimony. While avoiding issues related to race and racism in favor of racial representation⁹⁶ and inclusivity, the South African TRC's reconciliation and forgiveness narrative inevitably came down to issues of race.

⁹⁵ Claire Moon (2008) notes that the TRC shifted from an initial unstructured statement-taking process to one that included a checklist process. The TRC focused on capturing a "uniform" story, which aimed to streamline the data-capturing process and ensure that testimonies were structured to fit the TRC's three main categories of witness, victim and perpetrator (Moon 2008). As such, all testimonies were tailored to fit the TRC's predefined script.

⁹⁶ Some scholars argue that the TRC's emphasis on racial inclusivity resulted in an overrepresentation of white victims at the hearings, thereby distorting the overwhelming impact of Apartheid on the majority of black communities. See http://truth.wvl.wits.ac.za/cat_descr.php?cat=4

Despite the good intentions of the committee to create a public platform in which all South Africans could reflect on the past and move forward as a “reconciled” nation, scholars and human rights advocates argue that the TRC’s narrative reinforced a particular kind of reconciliation—one that provided concessions to white South Africans and placed a burden of forgiveness on black South Africans.

Several scholars (see Moon 2009; Verdeja 2009; Mamdani 2000) note that the TRC’s reconciliation narrative served to reinforce the political compromise of the negotiated settlement, masking some of the political decisions such as amnesty and other moral compromises that were made while simultaneously creating a unified picture of a very divided past. As such, civil society observers and scholars, for example, observe that while the majority of white perpetrators received amnesty for full disclosure without having to show any remorse or personal responsibility for the crimes they committed, victims bore the ultimate burden of forgiveness as there was an expectation that they should forgive after they heard the confessions.⁹⁷ Furthermore, the TRC based its idea of reconciliation and forgiveness on the African concept of *ubuntu*.⁹⁸ Archbishop Tutu appealed to the Africanness of victims, pleading with them to take the moral high ground and begin the process of forgiveness. He also pleaded with white South Africans to extend a hand of reconciliation, which was not forthcoming from many perpetrators (see Krog 2002). The idea of reconciliation as *ubuntu* located reconciliation within an African identity—again placing the burden of forgiveness upon victims. In addition to the TRC’s problematic reconciliation discourse and framing, scholars such as Claire Moon

⁹⁷ In his analysis of post-conflict reconciliation, Ernesto Verdeja (2009) argues that the TRC institutionalized forgiveness. As such, a burden of forgiveness was placed on victims who then had little space to oppose apologies or demand justice and accountability.

⁹⁸ The concept of *ubuntu* was popularized by Archbishop Desmond Tutu during the TRC. The term refers to a mutual recognition of humanity in each other. It is in recognizing the humanity of another that one’s own humanity is enriched and enhanced (see Ramphela 2008).

(2009) have criticized the TRC's linear narrative. Moon (2009) argues that the TRC perpetuated a narrative about a past of political violence, a present of confessional testimony and a future of unity and reconciliation in which closure and healing through confession and testimony were portrayed as the ultimate goal. Some research participants too, noted that this emphasis on confession and testimony as closure placed an additional burden on those who testified at the TRC to "move on."

In addition to issues related to the TRC's narrow mandate and its narrative, which sidelined questions of race and racism, the matter of race, which pervaded all aspects of South African life, continued to be at the forefront of the TRC process. Race became a concern in relation to how certain race groups received the TRC's messages, which sectors of the South African public brought into the TRC's reconciliation narrative and the broader politicization of the TRC according to racial lines. While African leaders such as Archbishop Tutu and Nelson Mandela made pleas for reconciliation and unity, no white leaders came forth to support these efforts (Krog 2002). White leaders such as former NP leader and former South African president F. W. de Klerk not only made "clinical" apologies before the TRC but also went so far as to deny his knowledge of Apartheid human rights violations (du Preez 2013). Political journalist Max du Preez (2013) argues that de Klerk not only undermined the TRC process but also wasted the opportunity to acknowledge the injustices of the past and the impact that it had on the majority of South Africans. Similarly, Mike Pothier (1998) notes, F. W. de Klerk's response and interdict on the TRC reflected the "ungracious and arrogant stance of all those—mainly but not exclusively white—in our society who seem to believe that Apartheid was a morally neutral phenomenon and that, by extension, those who administered it and served its ends bear no moral responsibility for what was done in its name" (p.3).

In mapping the spectrum of various political parties' mainly negative reactions to the TRC report, Pothier (1998) also argues that the NP's reaction to the TRC report as "divisive," "flawed" and politically biased—plus its unwillingness to take any responsibility for its history of oppression as the key implementer of Apartheid—reflects the attitudes of the majority of white South Africans who supported the NP for numerous years.⁹⁹ Some of the reactions to the TRC may have been related to the fact that many political figures as well as sectors of the South African public saw the TRC as a process initiated by the ANC and, as such, as a political instrument used by the ANC to justify its new political regime. However, white South Africans' apathy to the TRC can also be attributed to the fact that while the TRC did uncover some of the truths about South Africa's past, the actual transition had little impact on white South Africans and therefore made the TRC irrelevant in their day-to-day lives. As du Preez (2013) notes, "Most [white South Africans] had little understanding of what Apartheid had meant to its victims and, because of the seamlessness of the transition, thought it was business as usual, just with black faces instead of white ones in power" (p.17).

White South Africans' lack of understanding of the realities of Apartheid—coupled with denial and in some cases blatant racism—was highlighted in a study undertaken by the Centre for the Study of Violence and Reconciliation (CSVr). Survey results from a study conducted by the CSVr in 1996 shortly after the TRC's first public hearings found that 58.8% of white South Africans were unhappy with the new political system, 57% believed that anti-

⁹⁹ According to Gunnar Theissen and Brandon Hamber (1998), the evidence for white South Africans' support for Apartheid is undeniable. Statistics show that during the 1980s, when South Africa was in a state of emergency, only 20% of white votes went to political parties that had a moderate position, while a majority of white South Africans showed their support for racially segregated social services and the exclusion of black South Africans from the electoral process. See also http://www.google.com/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=3&ved=0CDUQFjAC&url=http%3A%2F%2Fnoelimits.co.za%2Fstaging%2FCPLO%2Findex.php%3Foption%3Dcom_rockdownloads%26view%3Dfile%26task%3Ddownload%26id%3D302%253Abriefing-paper-13-november1998%26Itemid%3D19&ei=1G-TUp2nLfPlsASDt4CYBw&usg=AFQjCNGKTI53JLwi19tzipKqT6YA4p6ueKA.

Apartheid activists were responsible for the most human rights violations, 81% argued that there was no moral difference between acts committed in defense of Apartheid and acts committed as part of the liberation struggle, 36% believed that victims' allegations of atrocities were true and 56% believed that victims of Apartheid should not be compensated (see Theissen and Hamber 1998, for more statistical data). Overall, the CSVR study found that there was a strong relationship between racism, denial of injustices and the glorification of the Apartheid past among mainly older white South Africans (Theissen and Hamber 1998). Theissen and Hamber (1998) therefore posit that one of the key challenges for the TRC was to provide recommendations that would seek to build a culture of human rights among all South Africans and that white South Africans especially needed to recognize that Apartheid and associated human rights violations were indeed unjust and immoral.

Similar studies conducted by James Gibson in the early 2000s, which aimed to assess South African public opinion on the TRC's performance, found that opinions differed greatly according to race, with the outliers being black and white at opposing ends. Gibson (2005) notes that white South Africans as a group were most dissatisfied with the truth-and-reconciliation process as a whole. However, he argues that an important finding of the study was that overall all South Africans were satisfied with almost all aspects of the process. Finally, a significant finding from Gibson's study is that in principle, there was no consensus that Apartheid was "inherently evil." However, all respondents agreed that Apartheid was a crime against humanity (Gibson, 2005). According to Gibson, this finding highlights that not all South Africans accepted the collective memory constructed by the TRC. Nevertheless, he argues that the success of the TRC was in its ability to expose the human rights violations that took place on all sides during Apartheid (Gibson, 2005). Gibson alludes to the potential

benefits of South Africa's negotiated settlement and the concessions granted to white South Africans, noting that these compromises had little impact on how black South Africans perceived the positive work of the TRC. However, it is important to bear in mind that these very allowances have profoundly affected post-TRC reconciliation and reconstruction processes.

Apart from many white South Africans' moral justification of Apartheid and their inability to claim responsibility for it, it is significant to note that the TRC, in promoting ideas of reconciliation, also prevented at all costs the proliferation of any kind of victor's justice narrative. White South African's attitudes toward the TRC, their justification of Apartheid and the TRC's reconciliation narrative have not only affected reconciliation processes but have also created contestations around post-conflict reconstruction initiatives such as memorialization. The debates and conflict arising around whom and what should be remembered and recognized and the moral debates around a just war versus an unjust war will be discussed later in the chapter. More recently, government officials, who work on monitoring the implementation of the TRC recommendations, have also commented on the issue of concessions and how this has affected reconciliation efforts. According to government officials at the South African Department of Justice, some of the challenges of realizing reconciliation lie in acknowledging that the TRC made too many allowances, relying on the goodwill of South Africans at large to further the reconciliation process. The result is that racial reconciliation has still not been realized, since the inequalities of the past remain unaddressed and the status quo remains largely unchanged.¹⁰⁰

While the TRC portrayed issues of race, racism and Apartheid's structural impact on

¹⁰⁰ Author's personal interview conducted with officials from the South African Department of Justice: Post TRC Unit, 7 September 2011, Pretoria.

the lives of the majority of South Africans as tangential to its process, the irony is that the TRC eventually did come down to issues of race. As Krog (2002) remarks, during the parliamentary debate on the TRC report, then-president Thabo Mbeki¹⁰¹, too, identified race as the defining boundary for reconciliation and unity. Almost 20 years after the advent of democracy, survivors, too, reiterate the significant impact of Apartheid's racial legacy on their lives and the need for racial reconciliation. According to survivor Brian,¹⁰² the evidence seems to be clear: "Black people were victimized by white people." For him and many of his fellow survivors, there is a very clear racial dichotomy between the victim and the victimizer. As such, reconciliation for most survivors is about bridging the ongoing racial divide. While some members of the survivors' group acknowledged the "handful" of white South Africans who fought against Apartheid, there was a consensus among survivors that it was "not easy to reconcile with the white nation." In addition to viewing white South Africans as perpetrators of an "unjust system," many survivors also noted that white South Africans were the beneficiaries of Apartheid and continue to benefit, since "close to 90% of the economy is still in white hands."¹⁰³ There was a general sense among survivors that one of the key barriers to reconciliation was the lack of socioeconomic transformation. Many argued that the economic circumstances for the majority of black South Africans had not changed much, while white South Africans continued to benefit from the gains made during Apartheid. KSG member,

¹⁰¹ According to du Preez (2013), former South African president Thabo Mbeki has often been blamed for re-racializing South African society. While the previous Mandela presidency focused on reconciliation, framed by the politics of the rainbow nation, the Mbeki era shifted to "justice and assertiveness." Du Preez (2013) argues that this political shift during the Mbeki presidency, while inevitable, could have included a focus on both justice and reconciliation (du Preez, 2013). Of note, too, is that Mbeki's presidency was characterized by the politics of *African Renaissance*, which focused on fostering a pan-African identity that was driven by the vision of African empowerment, independent of the West. Mbeki's presidency saw an important shift from Nelson Mandela's domestic focus to a regional, African focus.

¹⁰² Author's personal focus group discussion conducted with KSG survivors on 12 September 2011, Cape Town.

¹⁰³ *Ibid.* It should also be noted that the 90% statistic quoted does not reflect the real economic situation in South Africa.

Victor argues that true reconciliation would be realized only if white South Africans worked to economically “empower” black South Africans and find ways to integrate socially. His fellow survivor, Thembi supported this sentiment, noting, “The other half is still suffering. There won’t be any peace and reconciliation until both sides are integrated and empowered.”¹⁰⁴

The Liberian TRC: Justice Versus Reconciliation

Whereas the South African TRC favored reconciliation over justice and accountability, the Liberian TRC’s emphasis on justice and truth has affected the way the government has received the truth commission and its recommendations. As outlined in the previous chapter, the mandate of the TRC included documentation and investigations of human rights violations and the establishment of the root causes of conflict, addressing issues of impunity, identifying victims and perpetrators of the conflict and establishing “a forum to facilitate constructive interchange between victims and perpetrators to recount their experiences in order to foster healing and reconciliation” (Liberia TRC report 2009, vol. 2, chap. 1). Given the protracted nature of the violent civil war, the Liberian TRC, unlike the South African TRC, framed reconciliation at an interpersonal level between survivors and perpetrators. However, similar to the South African TRC, the Liberian TRC defined reconciliation through the prism of forgiveness. At the 2009 National Reconciliation Conference, the chairman of the TRC, Mr. Jerome Verdier noted that while there was no clear definition of reconciliation, reconciliation implied forgiveness and a respect for human rights.¹⁰⁵ In emphasizing the involvement of all Liberians in the reconciliation process and the importance of forgiveness to the reconciliation process, the TRC determined that national reconciliation and healing was necessary for the

¹⁰⁴ *Ibid.*

¹⁰⁵ Jerome Verdier’s address at the 2009 National Reconciliation Conference, Virginia, Liberia.

“rebirth of a new nation founded on the principle of universal human rights, the rule of law and justice for all” (Liberia TRC report 2009, vol. 2, chap. 11). However, unlike the South African TRC, the Liberian TRC did not place reconciliation at the center of its operations. Instead, it focused on issues related to justice and impunity, noting that reconciliation would be possible only through the realization of justice. As noted in the previous chapter, the TRC made strong justice-related recommendations including recommendations for lustrations and public sanctions on government officials, including current president Ellen Johnson Sirleaf. In addition to these legal recommendations, the TRC made recommendations for the establishment of a national Palava Hut program, which was aimed at community-level reconciliation. The Palava Hut program, a traditional conflict resolution mechanism, was recommended as a means to bring local-level perpetrators to justice, “redress outstanding transitional grievances and create both the basis and opportunity to repair and restore broken relationships at the community and national levels” (Liberia TRC report 2009, vol. 2, chap. 15).

While the South African TRC has been criticized for its emphasis on a very specifically constructed reconciliation narrative that served political elites, the Liberian TRC’s emphasis on issues related to justice and the indictment of especially high-ranking perpetrators, coupled with its limited focus on reconciliation, may have prevented the Liberian TRC from achieving many of its goals. The recommendations for justice and accountability, especially those related to the ban of certain politicians from office, polarized the Liberian public. Additionally, the Liberian Supreme Court intervened on the recommendations related to lustration and the banning of individuals from office, deeming the recommendations illegal and unconstitutional, since the Liberia TRC was not granted the power to make such recommendations (Ministry of

Internal Affairs et al. 2013). As such, the TRC lost credibility with the broader public as well as alienated government officials - notably, the president, Ellen Johnson Sirleaf. The president and other government officials have since dismissed the TRC and its recommendations, and as discussed in the previous chapter, have shown little will to implement the TRC's recommendations.

According to former vice-chair of the Liberian truth commission Dede Dolopei,¹⁰⁶ the TRC was not very successful in bringing together victims and perpetrators, because the TRC did not have a witness-protection program that could guarantee the safety of victims. Further, she observes that ongoing issues of impunity¹⁰⁷ have prevented justice for victims and the realization of any level of reconciliation. Finally, in commenting on current levels of reconciliation, Dolopei notes, "Reconciliation is about victims and perpetrators coming together—people are still out there with their hurts."¹⁰⁸ Some survivors reiterate Dolopei's opinion. Overall all survivors agreed that the TRC did not meet the expectations that it raised. Not only did it fail in promoting truth telling by not providing adequate answers for victims, but it also did little to further interpersonal reconciliation efforts. For survivor Francis, the TRC did not keep its promise of bringing victims face-to-face with perpetrators. Liberian survivors, unlike their South African counterparts, were not only deprived of the truth, but in not having the opportunity to face the perpetrators, many also feel robbed of the option for any real kind of closure and the opportunity to forgive or to call for accountability. In commenting on reconciliation and the TRC as a whole, Francis echoes the sentiments of some of his peers: "I'm really hurt...How am I going to reconcile? I am not going to reconcile alone. I need

¹⁰⁶ Author's personal interview conducted with Dede Dolopei, 24 March 2012, Monrovia.

¹⁰⁷ Ms. Dolopei made specific reference to the fact that perpetrators of gross human rights violations are still working in the public service, since there were no lustrations or vetting processes.

¹⁰⁸ Author's personal interview conducted with Dede Dolopei, 24 March 2012, Monrovia.

somebody to join with and reconcile. Somebody must be the cause of what happened to me...the TRC came, and they didn't do anything for us.”¹⁰⁹ In contrast, other mainly older survivors have resigned to pardon their perpetrators, arguing that it was their Christian duty to forgive.

Apart from the challenges of interpersonal reconciliation, at the individual level, most Liberian survivors note that the lack of provision of any form of reparations has prevented them from moving on and coming to terms with the past. Peter, who was just a child when he was victimized states, “We listened to the TRC’s [recommendations]. There are many recommendations. Some of us believe that we want to reconcile, but then we need to go to school. We have needs. At least a portion of the TRC recommendations that talks about reparations needs to be implemented [to] enable us to get back on track.”¹¹⁰ For most survivors, like Peter, in the absence of any real truth or justice, reparations are identified as the one mechanism that could contribute to healing and rebuilding a life in the aftermath of the civil war.

Survivors’ mixed responses to questions of national unity, truth and forgiveness and their emphasis on reparations as a mechanism to come to terms with the past, broadly reflects the attitudes of most Liberians. A 2011 survey conducted by the Human Rights Center at the University of California, found that 78% of Liberians consider themselves victims of the war. In identifying mechanisms to assist them to transition from war to peace, 65% of the respondents prioritized financial compensation, while 45% each emphasized the need for better services such as housing and education respectively. 64% of the respondents were also willing to accept symbolic measures of compensation only. In contrast to public opinion surveys in

¹⁰⁹ Author's personal focus group discussion conducted with LUMASA survivors on 22 March 2012, Monrovia.

¹¹⁰ *Ibid.*

South Africa, almost 62% of the respondents felt that the TRC recommendations should be implemented and 54% felt that those responsible for the violence during the war should be forgiven. Finally, only 44% believed that the truth about what happened in the war was now known and only 38% agreed that the TRC helped build unity (Vinck, Pham and Kreutzer, 2011). These findings are not surprising - the fact that the war affected almost every Liberian is highlighted in the responses related to forgiveness, the types of reparations that respondents prioritized and their agreement that the TRC's recommendations be implemented. Furthermore, survivors' divided opinions about the TRC's role in facilitating unity and uncovering the truth about the past are also mirrored in the survey's findings.

While the success of each of the truth commissions continues to be critiqued and survivors in both South Africa and Liberia continue their struggle for reintegration into society, recognition, and the rebuilding of their lives, both the South Africa and Liberia states continue their nation-building and reconciliation efforts. The following section will focus on the current government initiatives in Liberia and South Africa and explore the extent to which each of the truth commissions have shaped these projects.

The Changing Terms of Post-Conflict Reconciliation

From Reconciliation to Social Cohesion

A nation is a soul, a spiritual principle. Two things constitute this soul or spiritual principle. One lies in the past, one in the present. One is the possession in common of a rich legacy of memories; the other is present-day consent, the desire to live together, the will to perpetuate the value of heritage that one has received in an undivided form" (Renan 2011:82).

In his study of the role of memory in building national identities and reproducing national narratives, Ernest Renan (2011) posits that one of the key characteristics of a nation is that citizens are bound together through a shared narrative of a common past that includes the nation's sacrifices, suffering and triumphs; a present-day understanding and willingness to live together; and a common vision for a shared future. In South Africa and Liberia, each of which emerged from legacies of division and civil strife, one of the goals of each of the truth commissions was to build a common narrative about the past with a view to create a vision for a united future. According to Deborah Posel and Graeme Simpson (2002), the South African TRC promoted the idea of reconciliation by highlighting the diversity of experiences of the past and emphasizing the importance of the recognition and affirmation of different voices. Through the framework of *unity in diversity*, the TRC justified the merging of disparate and very different narratives about the past into one national narrative that represented the "rainbow nation."¹¹¹ The national narrative went on to celebrate a diverse nation that confronted its ugly past through a process of truth telling in which confession eventually led to forgiveness for victims and repentance for perpetrators (Posel and Simpson 2002; Moon 2009). However, as other scholars, including Posel and Simpson (2002), argue, the TRC created a simplified narrative, focusing on politically motivated crimes of gross human rights violations, through broad victim and perpetrator categories. The simplified narrative left little space for individual stories¹¹² or the complexities of everyday life under Apartheid to be captured within this new national narrative. While the narrative served immediate political¹¹³ purposes for the

¹¹¹ The term "rainbow nation" was first introduced by Archbishop Desmond Tutu to describe post-Apartheid South Africa. It referred to the diversity of the people of South Africa, celebrating their unity and peace despite their differences. The phrase also became synonymous with the period of Nelson Mandela's presidency.

¹¹² According to Posel and Simpson (2002), individual stories were important insofar as they came together to produce the moral fact that gross human rights violations took place under Apartheid.

¹¹³ See Moon (2009) for an in-depth discussion of the construction of the South African reconciliation narrative as a political project. See also Posel and Simpson (2002) for the scripting of the South African national narrative.

new ANC-led government by legitimizing the birth of the new democratic state and celebrating the creation of the rainbow nation, the truths that this national reconciliation narrative failed to address has affected how reconciliation has played out on the ground.

According to du Preez (2013), the current state of race relations and levels of racism among most South Africans, irrespective of color, is the price being paid for the peaceful political transition. He argues that the TRC, along with its reconciliation myth of the rainbow nation, provided little psychological healing for the many generations who were oppressed. What's more, it offered no space for South Africans to really engage with issues of race, address the impact that Apartheid had on all South Africans or facilitate a process where all South Africans were able envision how they could together, overcome these racial inequalities.

The TRC's ignorance of the day-to-day impact of Apartheid on black South Africans, as well as the privileges and benefits that white South Africans accrued during Apartheid, continues to affect South Africans today. For the majority of South Africans, and as echoed by survivors above, the silences around these issues and the fact that there has been little change in the status quo have resulted in extreme frustration. These frustrations are seen in the growing levels of racial intolerance, increasingly violent protests around the lack of service delivery, unemployment and the lack of economic opportunity for mainly black South Africans (see Lefko-Everett, Nkoya and Tiscornia 2011).

In a 2011 diagnostic report, the National Planning Commission (NPC), a division of the Office of the South African Presidency, highlights that the socioeconomic impact of Apartheid continues to have negative effects on mainly black South Africans, hindering national unity and reconciliation. The report explains that some of the major challenges in South Africa are the high levels of poverty compounded by social and economic inequality and inequity (NPC

2011). In citing Apartheid's legacies as a contributory factor, the NPC report (2011) remarks, "These high levels of poverty and inequality have a historical basis in Apartheid and are driven principally by the fact that too few people work and that the quality of education for many black people remains poor" (p. 7). Additionally, while acknowledging the progress made toward national unity, the NPC report (2011) notes that South Africans remain divided by race, with distrust being a significant barrier to the achievement of inclusion and equality. As such, "to resolve these divisions will take time and a careful balance between healing the divisions of our past and broadening economic opportunities to more people, particularly black people" (p.26). The Institute for Justice and Reconciliation's (IJR) 2011 Reconciliation Barometer report further substantiates the findings that South Africans are still deeply divided along racial lines and that economic inequality is one of the main divisions among South Africans. According to IJR's report, the fact that South Africans remain divided has been a consistent annual finding since 2003 (Lefko-Everett, Nkoya and Tiscornia 2011). IJR's recent surveys show that approximately 50% to 60% of South Africans socialize strongly by ethnicity, language and race, while only 39% of South Africans report that they sometimes interact with other race groups. Additionally, coming from Apartheid's legacy of racial segregation, people with low living standards do not socialize with other race groups, whereas people from more affluent households have more relationships that are interracial. Despite results showing that South Africans remain divided along racial lines, 59% of respondents agreed that South Africans have made progress in reconciliation since the end of Apartheid (Lefko-Everett, Nkoya and Tiscornia 2011).

While the statistics show that many South Africans feel positive about reconciliation, the reality is that questions of race, power and privilege incite passionate, often negative,

reactions from South Africans across the racial spectrum. In 2011, Archbishop Desmond Tutu made a passionate plea for the implementation of a TRC recommendation, which called for a wealth tax to be imposed on white South Africans. While Tutu framed the wealth tax as a gesture of white South Africans' commitment to reconciliation, white interest groups such as the FW de Klerk Foundation claimed the idea was unconstitutional, and still others argued that it was racist. While there was support for and against Tutu's call, most telling of the underlying racial cleavages were the racist comments that came from ordinary South Africans of all races via the media.¹¹⁴ In commenting on the controversy raised by the wealth tax and the racial divisions that are today still prevalent in South Africa, former TRC commissioner Ms. Mary Burton notes, "You just scratch the surface and all the racism comes pouring out."¹¹⁵ She also observes that following the initial angry comments regarding the wealth tax, some white South Africans responded to the call, acknowledging their previous privilege and highlighting their willingness to contribute.¹¹⁶ However, many emphasized that they did not want to contribute any funds to government.¹¹⁷ Similarly, online opinion pieces noted that the inequalities resulting from Apartheid needed to be righted; however, there was little faith in the government's competence or the corrupt system within which it operated to address these issues. Online journalist and political blogger William Saunderson-Meyer (2011) for example suggests that given South Africans' lack of faith in the government, a private fund should be set up for such purposes. Given the threats of racial divisions, socioeconomic inequalities and a

¹¹⁴ See for example online comments at <http://www.thoughtleader.co.za/williamsaundersonmeyer/2011/09/03/lots-of-angry-tut-tutting-at-tutu/>; <http://www.sowetanlive.co.za/columnists/2011/08/18/wealth-tax-call-draws-mixed-reactions>; <http://www.timeslive.co.za/politics/2011/08/24/archbishop-tutu-punts-reparations-tax>, which includes reader's commentary.

¹¹⁵ Author's personal interview conducted with Mary Burton, 13 September 2011, Cape Town.

¹¹⁶ Similarly, du Preez (2013) cites studies in which many white South Africans' have responded positively to restitution and fairer distribution when these issues are framed as social justice issues rather than being based on shaming or guilt.

¹¹⁷ Author's personal interview conducted with Mary Burton, 13 September 2011, Cape Town.

general lack of faith in an increasingly corrupt South African government, how then is South Africa attempting to come to terms with the past and continue to hold on to its “miracle”¹¹⁸ of a peaceful transition?

In 2012, the South African government finally admitted publically that social divisions of race, ethnicity, class and language are posing a major threat to South Africa’s economic, social and political stability. Consequently, in July 2012, President Zuma hosted a Social Cohesion Summit at the historic Freedom Square in Kliptown in Johannesburg. The summit, themed “Working together to create a proud and caring society,” brought together various public sector and civil society stakeholders in a dialogue about building unity and promoting social justice. The meeting aimed to create a shared vision for South Africa’s future, one that recognized the differences and diversity among South Africans but moved beyond differences to create a single South African identity. The main outcome of the summit was a declaration¹¹⁹ that included 12 guiding principles for nation building and social cohesion that would guide all the government’s strategic priorities. The South African Department of Arts and Culture defines *social cohesion* as “the degree of social integration and inclusion in communities and society at large, and the extent to which mutual solidarity finds expression among individuals and communities” (Department of Arts and Culture 2012). Drawing on Durkheimian principles of organic solidarity and social cohesion,¹²⁰ the idea of social cohesion seeks to

¹¹⁸ In her critique of South Africa’s transformation process, Ramphele (2008) warns against the mythologizing of South Africa’s transition as a peaceful “miracle.” She notes that it was this very mythologizing that led Afrikaners to believe that they were the chosen people, which eventually led to the implementation of Apartheid. Furthermore, she argues that the miracle myth absolves Western powers of their inaction during Apartheid, most specifically the United Kingdom and its role of colonizer. Finally, she posits that the perpetuation of the miracle myth eliminates the opportunity for any potential lessons that could be learned from South Africans’ struggle for liberation and freedom (Ramphele 2008).

¹¹⁹ See <https://www.dac.gov.za/sites/default/files/Declaration-Social-Cohesion-Summit.pdf>.

¹²⁰ For Durkheim social solidarity would be based on the coming together of different individuals and groups in a mutually dependent and beneficial relationship.

reduce or eliminate the social divisions of race, class and gender, for example, that create conflict and distrust by promoting an active citizenship that works together toward a shared goal that would “improve the living conditions of all.” Similarly, the idea of nation building is broadly defined as a group of diverse people coming together “as equals to work toward eradicating the divisions and injustices of the past; to foster unity; and promote a countrywide conscious sense of being proudly South African, committed to the country and open to the continent” (Department of Arts and Culture 2012).

While most of the language of unity in diversity is reminiscent of Archbishop Desmond Tutu and Nelson Mandela’s rainbow-nation era—and indeed one of the guiding principles for this project is the *ubuntu* of the TRC discourse—much of the new language around nation building and social cohesion takes into account issues of social justice, equality and equity, and the very real threats of poverty and discrimination. Even at this summit, issues of race and privilege were keys points of contention and debate. While President Zuma emphasized the need for South Africans to find ways to live together in unity, peace and harmony, others such as Minister Nkosazana Dlamini-Zuma argued, “It is very divisive when a minority wants to be treated as a majority.” This was in direct response to South African Member of Parliament Corne Mulder’s calling for a separate government ministry that would address separately white South Africans’ needs.¹²¹ The fact that almost 20 years after democracy, South Africans continue to grapple with issues of race, social justice and equality can in part be attributed to some of the shortcomings of the TRC process. The TRC set the moral framework that established Apartheid as an unjust system that facilitated numerous gross human rights violations. However, its reconciliation discourse, the silences around racial privilege and the socioeconomic impact of Apartheid have prevented real dialogue and discussion about these

¹²¹ See <http://www.iol.co.za/news/politics/minority-demands-hinder-social-unity-1.1334424>.

issues. The shortcomings of the TRC's reconciliation narrative and its impact on memorialization processes will be discussed later in this chapter.

As South Africa's national narrative shifts from reconciliation to social cohesion, social justice and equality, Liberia continues its struggle to launch a national reconciliation process that will gain buy-in from all. As noted above, following the Liberian TRC's controversial recommendations around prosecutions, vetting and lustrations, the Liberian government has done little to implement the TRC's recommendations. In November 2011, following her second electoral win and in response to the 2011 election violence, President Ellen Johnson Sirleaf again pledged her commitment to national reconciliation. She announced the launch of a year-long National Peace and Reconciliation Initiative, which her supporter and co-Nobel laureate, Leymah Gbowee, would lead. Yet, as civil society observers¹²² have noted, while the initiative was to be housed within the INHRC—the body set up to follow through on the TRC's recommendations—Johnson Sirleaf did not clarify whether this initiative would link to the TRC and its recommendations. In January 2012, Johnson Sirleaf, in alluding to the TRC's original findings that she was responsible for supporting gross human rights violations, noted that she would be the first to testify before the new reconciliation initiative. Similar to her South African counterpart, Jacob Zuma's new vision for reconciliation and nation building, President Johnson Sirleaf framed reconciliation as the realization of social justice and economic development, emphasizing that "... reconciliation depends on...empowering our youth, creating jobs and opportunity, and spreading development to all our people, so that progress belongs to all of us" (Garblah 2012). She also highlighted the Liberian government's intention to begin the implementation of the TRC's practical recommendations, noting that the

¹²² See [http://www.crisisgroup.org/~media/Files/africa/west-africa/liberia/b088-liberia-time-for-much-delayed-reconciliation-and-reform.pdf](http://www.crisisgroup.org/~/media/Files/africa/west-africa/liberia/b088-liberia-time-for-much-delayed-reconciliation-and-reform.pdf).

INHRC's work and the National Visioning exercise would be integrated into the National Peace and Reconciliation Initiative's processes (Garblah 2012). Despite the president voicing her commitment to national reconciliation processes, in October 2012, Leymah Gbowee resigned from her position as head of the National Peace and Reconciliation Initiative, citing the lack of government support and corruption. While the Liberian government did not comment on her allegations, the Ministry of Information reiterated in a press release the government's ongoing commitment to reconciliation, referring to the \$US 5 million that the government allocated for reconciliation in fiscal year 2012 and the ongoing reconciliation dialogues that were being implemented countrywide.¹²³

As noted in the previous chapter on 20 June 2012, the Liberian government launched the Strategic Roadmap for National Healing, Peacebuilding and Reconciliation (the Roadmap).¹²⁴ The roadmap, supported by the United Nations in Liberia, draws on a series of national-consultation processes, including those conducted for the Vision 2030, the Liberia Reconciliation Initiative, and the Palava Hut process. The roadmap provides an 18-year plan of action for a multi-stakeholder process to address social, economic and religious divisions; promote national unity; clarify and reconcile Liberia's divisive history to ensure that all communities are represented; and to build a cultural accountability, dialogue and good governance (Ministry of Internal Affairs 2012). Similar to South Africa's new nation-building project, the roadmap places citizens at the core of the process, calling for an active citizenship to "uphold their national values and the common good" (Ministry of Internal Affairs 2012). Additionally, the roadmap also recommends that all policies and government strategies should

¹²³ See <http://allafrica.com/stories/201210090493.html>.

¹²⁴ It is important to note that those involved in the TRC posited that the TRC report would be a roadmap to peace and reconciliation. At the 2009 National Reconciliation Conference, TRC Secretary Mr. Nathaniel Kwabo noted that the TRC report was the "roadmap to a vibrant democracy" of a new nation that was at "peace with itself."

aim to foster social cohesion and nation building. Whereas the social-cohesion project in South Africa focuses on economic development and opportunity, the Liberian roadmap argues that redress for past wrongs and gross human rights violations needs to be addressed as a first step toward reconciliation and that, if bypassed in favor of economic growth and development, may produce fault lines for future violence. Again, given the government's unwillingness to implement the TRC's recommendations, the roadmap calls specifically for a public acknowledgement and apology for wrongs committed as well as the implementation of a reparations policy that would economically empower victims and their communities. Finally, and most relevant to this chapter, the roadmap identifies memorialization and the rewriting of an "inclusive people's history" as one of the 12 components aimed at achieving the roadmap's goals (Ministry of Internal Affairs 2012).

As both Liberia and South Africa continue to address the legacies of their violent pasts, issues of inclusion and exclusion, belonging and identity continue to be reflected in the public arena. The following section will consider how memory and memorialization processes are shaping these debates as well as how these debates are influencing memory and memorialization initiatives.

The Politics of Belonging: Memorialization and Identity

Studies focusing on the links between history, memory and identity note that collective memory is objectified through symbolic acts of commemorations, memorialization and rituals, which allow the individual to become broadly defined by his or her national identity (Weissberg 1999). As has been noted, scholars such as Halbwachs (1980) have posited that all memory, and by extension memory acts—whether personal, societal or cultural—are in fact a social construct that can be shaped and modified according to the needs of an individual or

collective. However, he argues that all memory is inherently social since it is only through membership of a group that individuals are able to acquire, localize and recall memories through the groups' social frameworks (Halbwachs 1980).

In the post-WWII era of restitution politics, memory has become a vehicle to break with the past—in which, through a selective process of forgetting, remembering and re-creating—memory comes to serve newly evolving political and ideological interests and positions (Connerton 1998; Gillis 1996; Devine-Wright 2003). Within the nation state,¹²⁵ memorials are just one of the many products of collective memory, serving as a concrete marker of group identity—mediating public and private spaces, the insider and outsider dichotomy and the boundaries of the state and its citizens. In his study of “invented traditions,”¹²⁶ Eric Hobsbawm (2009) notes that memory and history are significant aspects of the nation-building project. He identifies invented symbolic objects such as flags, coat of arms (and one may add memorials and monuments) and ritualistic practices as symbols that give meaning to citizenship. In democratic South Africa, for example, memorialization has been used as a mechanism for reclaiming heritage and culture, celebration and mourning while simultaneously contributing to the broader nation-building project. Very early into South Africa's transition to democracy, the state began using ritual ceremony such as the celebration of national commemorative days and the creation of new symbols, such as the flag, the coat of arms and the national anthem, to mark the beginning of a new era. These symbolic processes

¹²⁵ The significance of memory was highlighted during the late 18th century, when the invention of nation states emphasized the need for citizens to share a common past and common future. For example, in his essay “The Nation,” Max Weber (1946) notes that a defining feature of the nation may be one where members share common memories of a political destiny.

¹²⁶ Since the Industrial Revolution, European states aimed to gain legitimacy by generating a sense of endurance for their practices and institutions. Tradition became the legitimizing factor for many nation states. However, Hobsbawm and Ranger (2009) argue that these traditions were often selected or “invented” to meet the needs of those in power. Tradition, they argue, was invented, especially in situations in which the traditions were no longer used or adapted.

were also used as a means to create a more inclusive citizenship that represented all South Africans. However, as will be shown later, memory processes of the Nelson Mandela era, which focused on promoting and celebrating unity among the diverse peoples of South Africa, have shifted as South Africa's democracy has begun to evolve. Memorialization has become a marker of belonging and an ongoing point of contention – raising questions around who is represented and how they are represented. The subjective nature of memorialization and its use by the state to legitimize certain social and political structures and identities will be further exemplified through a discussion of the gendered nature of memorialization.

Memorialization, Inclusion and Exclusion in South Africa

As part of its domination over all spheres of South African life, the Apartheid government used culture and heritage as another means to undermine and suppress the majority of black South Africans. The Apartheid state focused much of its attention on preserving and celebrating Afrikaner history while destroying and denying the cultural heritage of the majority of black South Africans (see Coombes 2004). During the transition into democracy, the subjects of arts, culture, heritage and memory were therefore foremost on the ANC's agenda for transformation. In 1991, the ANC established a Commission on Museums, Monuments and Heraldry, which later became the Commission for Reconstruction and Transformation of the Arts and Culture (CREATE). CREATE was to be the ANC's think tank, advising on museum legislation and policy reform and presenting new strategies for the transformation of the heritage sector (Coombes 2004). However, as it embarked on a process to develop a more representative South African public culture, the ANC faced various challenges and roadblocks from the outgoing NP-led government. The outgoing Apartheid government introduced a new heritage policy a year before the 1994 democratic elections, undertook heritage projects

without consultation with liberation movements that were part of the peace agreements and began employing NP representatives into the government structures before the new government came into being (see Coombes 2004 for a detailed discussion). According to Annie Coombes (2004), the NP's tactics and resistance to heritage transformation are indicative of the importance that even waning political powers place on museums and memory issues, partly "because of the desire to hang on to jobs once the new government was in power but also because of the ideological leverage that such institutions potentially provide" (p.17). Given the NP's resistance to the transformation of the heritage landscape and the cultural hegemony that pervaded Apartheid South Africa, one of the key tasks for the democratically elected ANC government was to transform the heritage sector while simultaneously using heritage and memory as part of its nation-building project. Memorialization initiatives became a political tool for the new state to rewrite the national narratives of citizenship and unity into the national landscape as well as to mark the new era of democracy.

Memorialization initiatives, it may be noted, were already under way early in South Africa's transition—and even before the TRC adopted the language of, and made recommendations for, symbolic reparations. While the South African TRC was in progress, beginning its operations in 1995, memorialization projects—mimicking the TRC's narrative of new beginnings, unity and reconciliation—had already begun. The new South African government initiated memorialization projects such as the internationally acclaimed Robben Island Museum in Western Cape, declaring it a national heritage site in 1996, even before the publication of the TRC's final report. In her study of the national memory-making processes in post-Apartheid South Africa, Coombes (2004) highlights how Robben Island was, very early in South Africa's transition, marked as a space of national and cultural significance and as a place

of reconciliation.

In mapping the trajectory of the development of Robben Island, Coombes (2004) highlights some of the challenges, contradictions, contestations and politicization that took place around the creation of this project, which would become one of democratic South Africa's most celebrated national memorials. Formerly the prison of South Africa's icon of reconciliation and peace, Nelson Mandela, Robben Island as a museum was a point of contestation from its early beginnings, with different interest groups making claims on the space. While some critics argued that the Robben Island Museum told a one-sided history of the struggle for liberation through the ANC's lens, others noted that it was created to meet the needs of an international audience while serving as a symbol for national unity and reconciliation (see Coombes 2004, for a detailed discussion). Similarly, studies conducted by CSVR in 2004 found that Robben Island not only told the story of South Africa's great men but also was largely inaccessible to the majority of South Africans (see Naidu 2004). Despite the contestations around Robben Island and its invisibility in the imaginings of ordinary South Africans, Robben Island continues to be perceived in the international arena as a beacon of South Africa's democracy and its leading tourist attraction. Despite Robben Island perpetuating the myth of a reconciled, democratic South Africa, the country's memorialization landscape has since begun to reflect the competing and evolving national discourses of the political elite. Initially, Nelson Mandela's Robben Island celebrated the mythologized rainbow nation; however, recent memorialization initiatives such as Freedom Park have traversed the terrains of race and identity politics of Mbeki's presidency and have now reverted to the moderate discourse of social cohesion under Zuma. In particular, projects such as Freedom Park have begun to highlight some of the moral questions around race, racism and belonging

that the TRC left unaddressed.

Freedom Park has been an ongoing source of contestation and controversy since its inception.¹²⁷ A national heritage site located in Salvokop Tshwane, Freedom Park aims to celebrate all those South Africans who struggled for freedom and humanity. It is also the first major memorialization project that has utilized the language of symbolic reparations in its mission.¹²⁸ The site includes a memorial, an interactive museum and a garden of remembrance, all of which aim to provide new perspectives on South Africa's heritage. It also seeks to challenge traditional narratives by reinterpreting some of the existing heritage sites, such as those celebrating Afrikaner nationalism. Important to note in this regard is that the new democratic government did not destroy any of the existing Afrikaner heritage sites such as the Voortrekker Monument, which is built on a hill directly opposite Freedom Park,¹²⁹ an icon of Afrikaner nationalism. The juxtaposition of the Voortrekker Monument and Freedom Park clearly brings to the fore a dialogue about the past and present but also works toward mediating the Apartheid iconography of the past.

The Garden of Remembrance, a landscaped garden that includes statues and sculptures, commemorates and celebrates all those who contributed to South Africa's democracy. It includes a Wall of Names of all those who died during South Africa's eight major conflicts. Names of soldiers from the pre-colonial wars, slavery, genocide, wars of resistance, the South African War, WWI and WWII, as well as the liberation-aligned soldiers who lost their lives during the struggle against Apartheid are included on the Wall of Names. As a product of

¹²⁷ Numerous government and civil-society-led memorialization initiatives have been undertaken in South Africa. Freedom Park is exceptional in that it is a national memorial project that highlights reconciliation and national unity as central to its core function.

¹²⁸ See http://www.freedompark.co.za/cms/index.php?option=com_content&view=article&id=1&Itemid=2.

¹²⁹ See Coombes (2004) for a description of the Voortrekker Monument and South Africans' responses to the monument post-Apartheid. Coombes (2004), for example, shows how prominent ANC figures visited the site, subverting the oppressive Afrikaner symbolism and Africanizing the site's meaning. One may argue that such endeavors were again undertaken in support of the rainbow-nation myth.

collective memory and a form of symbolic reparation, the Wall of Names is a political project seeking in some way to define the boundaries of citizenship by remembering all those sons and daughters who have been sacrificed in honor of the country and who have contributed to the democracy that South Africa is today. However, as with any political project, and with memorialization more broadly, the politics of exclusion and inclusion have resulted in the marginalization (or perceived marginalization) of certain groups.

In 2007, Afriforum,¹³⁰ a local nonprofit Afrikaner-led organization, protested the exclusion of names of former Apartheid South African Defense Force (SADF) soldiers from the wall of names in the Garden of Remembrance. The group argued that the roles and contributions of SADF soldiers to South Africa needed to be reevaluated. There were divergent arguments for the reintroduction of SADF soldiers into democratic South Africa's new collective memory. Some soldiers argued that they wished to "shrug off the shame of the vanquished soldier who lost the war and so ended on the wrong side of history" (Baines 2008: 226). Others took the position that SADF soldiers were victims themselves, claiming that such soldiers should not be blamed for the system of Apartheid. Yet more soldiers claimed that they were protecting white South Africans from a Communist insurgency and as such should be celebrated.¹³¹ Despite the contestation, Freedom Park management has argued that Apartheid was a crime against humanity, declared by the United Nations.¹³² It has therefore stood by its position to exclude the names of SADF soldiers from the Wall of Names but has agreed to include the names in its database and archives.¹³³ The Voortrekker Monument has since

¹³⁰The aim of Afriforum is to motivate minorities to engage in public dialogue and action "to ensure a future for us [white minority] in Africa" (Afriforum, 2009). See <http://www.afriforum.co.za/english/about/>.

¹³¹ See Gary Baines (2008) for a full discussion of former SADF soldiers' views.

¹³² Author's personal interview conducted with Ramzie Abrams, 9 September 2011, Pretoria.

¹³³ *Ibid.*

provided a space for a monument of names of all SADF soldiers.¹³⁴ Further, management at Freedom Park distinguished between reconciliation and recognition, noting that the Wall of Names is a symbolic reparations project, which is about recognition and honoring and *not* necessarily about reconciliation.¹³⁵ However, on December 16, 2012, at the annual Reconciliation Day commemoration ceremony, President Jacob Zuma announced that Freedom Park was a monument to “human dignity, democracy and national reconciliation.” He also declared the official opening of an access road between Freedom Park and the Voortrekker Monument as well as a signed Memorandum of Understanding as symbols of goodwill between the two institutions.¹³⁶ In reiterating that reconciliation was a “two-way process,” President Zuma observed that South Africans were making progress toward reconciliation. However, there was more to be done in realizing this vision. He remarked that the partnership between the two institutions reflected the “commitment to reconciliation, social cohesion and nation building principles as well as a willingness to exchange ideas and learn from each other.”¹³⁷

The dispute around the Wall of Names and consequent call for the inclusion of SADF soldiers’ names highlights a sense of marginalization and a real need for recognition on the part of SADF soldiers. Indeed, given South Africa’s internationally lauded reconciliation narrative, one would assume that there might be a place for all South African soldiers on the Wall of Names. Fanie du Toit,¹³⁸ Executive Director of IJR agrees that in the spirit of reconciliation, these soldiers’ names should be included in the memorial. Du Toit notes that while the TRC declared the South African struggle against Apartheid a just war, it also charged both the

¹³⁴ *Ibid.*

¹³⁵ *Ibid.*

¹³⁶ See <http://www.info.gov.za/speech/DynamicAction?pageid=461&sid=24103&tid=52394>.

¹³⁷ See <http://www.info.gov.za/speech/DynamicAction?pageid=461&sid=24103&tid=52394>.

¹³⁸ Author’s personal interview conducted with Fanie du Toit, 13 September 2011, Cape Town.

liberation movements and the Apartheid state for gross human rights violations. Given the violations on both sides, he argues for a need to humanize the Apartheid struggle noting, “... If you could highlight the human stories on the Apartheid side ... of a young man who was ripped out of his family when he was 18...brainwashed and sent off with a rifle...and made to fear these terrorists ... then you would capture something that’s deeper than the historical narrative ... it captures the human side.”¹³⁹ While du Toit calls for a human approach to reconciliation, focusing on questions of empathy, Yasmin Sooka, the former South African TRC commissioner, analyzes the controversy in terms of justice and equality. Sooka cautions South Africans against viewing human rights and questions of inclusion as value neutral.¹⁴⁰ She warns against these risks, noting that a value-neutral human rights agenda fails to address the ongoing power dynamics and struggles that are inherent in South Africa today. Finally, she identifies the biggest challenges for real reconciliation in South Africa as “poverty and inequality and the inability [of South Africans] to put issues of race and class ... on the table.”¹⁴¹

The debates about the inclusion and exclusion of names in this regard is by and large a moral question that rests on the premise of those ideologies that supported the cause of freedom and those that did not. Yet the TRC sought to avoid these moral questions. As the referential framework for the narratives of post-Apartheid South Africa, the TRC failed to identify a victor or the fallen, drawing instead on international legal standards related to just war principles.¹⁴² Despite contestation that has played out in racial divisions, it is significant to note that South Africa’s history as a whole is a contested one that has been modeled by the

¹³⁹ *Ibid.*

¹⁴⁰ Author's personal interview conducted with Yasmin Sooka, 23 September 2011, Johannesburg.

¹⁴¹ *Ibid.*

¹⁴² See Krog (2002) and Ramphela (2008). See also South African TRC Report 1998, vol. 1, chap. 4.

political elite, celebrating great heroes at the risk of downplaying the contributions of ordinary South Africans in the struggle for freedom (Naidu 2004).

There are people that were active in the struggle, but those people have been ignored. What about those people? —KSG survivor¹⁴³

Ordinary people were fighting in the struggle. We have now forgotten about those people. The Mandelas were in prison, we were throwing stones, calling for their release. But after they had been released, we were forgotten, and they were put forward [*sic*]. —KSG survivor¹⁴⁴

There are townships where there should be monuments of the comrades that passed away in the struggle, rather than all those big men that are having statues [*sic*]. —KSG survivor¹⁴⁵

In Sebokeng, there is no monument. [If there was one], it would be a place where our stories [could] be retained...and we can participate. It is part of reconciliation ... We need a symbol of what happened. —KSG survivor¹⁴⁶

In discussions with survivors, many have argued that memorialization projects largely represent the great men¹⁴⁷ of the liberation struggle, failing to recognize the role of the ordinary men and women in South Africa's struggle for freedom. Liberation fighter and activist Sibongile Mkhabela reiterates the role of ordinary men and women in South Africa's liberation

¹⁴³ Author's personal focus group discussion conducted with KSG survivors on 12 September 2011, Cape Town.

¹⁴⁴ *Ibid.*

¹⁴⁵ Author's personal focus group discussion conducted with KSG survivors on 12 September 2011, Cape Town.

¹⁴⁶ Author's personal focus group discussion conducted with KSG survivors on 6 September 2011, Johannesburg.

¹⁴⁷ While the Liberian government has shown no will to implement any reparations recommendations, it may indeed seem that Liberia too is moving in the direction of recognizing its great men of history. As noted in the previous chapter, the only recommendation that the government has thus far implemented is the reburial of two former presidents - one of whom was accused of corruption and whose presidency instigated the 1979 Rice Riots and the other who was responsible for a series of gross human rights violations, including the Lutheran Church Massacre.

struggle, saying, “People freed themselves, not the big boys.”¹⁴⁸ South Africa’s liberation struggle was a popular struggle that engaged millions of South Africans. However, Apartheid’s effects on everyday life in South Africa, also inadvertently engaged many ordinary black South Africans in the struggle as they fought against the system in mundane little ways. While some sites such as Constitution Hill¹⁴⁹ in Johannesburg depict ordinary men’s and women’s daily resistance and struggles under Apartheid—showing how ordinary South Africans were criminalized because of the color of their skin—other national projects such as Freedom Park and Robben Island do little to recognize the millions of South Africans’ struggle against Apartheid. Furthermore, many survivors remark that most national memorial projects are undertaken in city centers with little recognition of the struggles that took place in the townships and outlying areas. Related to the issue of urban-centric memorialization, participants also commented on the overall lack of accessibility in terms of location and the fees required to visit some of these national sites. Finally, survivors have noted that the processes¹⁵⁰ under which sites like Freedom Park were developed failed to include them in all stages of planning and implementation.¹⁵¹ Survivors challenged the fact that they were approached to contribute names to the Wall of Names and database, for example, but were never actually invited to visit the site or engage with any additional processes.¹⁵² For survivors specifically, in addition to questions of contestation, inclusion and exclusion, a major concern

¹⁴⁸ Conversations with female prisoners at Constitution Hill, International Coalition of Sites of Conscience Africa regional meeting, 28 January 2014, Johannesburg.

¹⁴⁹ For more information see <http://www.constitutionhill.org.za/exhibitions/permanent-exhibitions/>.

¹⁵⁰ The marginalization of survivors and the selective consultations undertaken with survivors for memorialization projects has been an ongoing source of survivors’ dissatisfaction (see Naidu 2004). In addition to these concerns, some survivors have also noted that the ceremonies undertaken around memorialization initiatives, during commemorative celebrations, highlight the value placed on different stakeholders. The differential treatment given to survivors compared with VIP’s, for example, is perceived as an additional form of marginalization of survivors. Survivors claim that these ceremonies both disempower them as well as reassert a victim identity.

¹⁵¹ Author’s personal focus group discussion conducted with KSG survivors on 6 September 2011, Johannesburg.

¹⁵² In October 2013, however, survivors, with the support of the Vaal local government, visited the site. See <http://www.khulumani.net/truth-a-memory/item/852-survivors-of-the-boipatong-massacre-visit-freedom-park-4-october-2013.html>.

with current memorialization processes is that they are not necessarily linked to other forms of reparations such as compensation or community reparations.¹⁵³ As outlined in Chapter Two, given some of the challenges that survivors have thus far experienced with reparations and justice, many argue that memorialization is meaningful only if it is part of a comprehensive package that would include compensation for all survivors, rehabilitation and increased access to health services and community reparations.¹⁵⁴ Given these views, it may be argued that some national memorialization projects inadvertently further disempower survivors while also limiting their agency.

Despite challenges related to inclusion, consultation and representation, the South African government has nevertheless continued to frame memorialization initiatives as mechanisms for reconciliation and, more recently, in terms of the government's new language of social cohesion. In his 2012 State of the Nation Address,¹⁵⁵ President Jacob Zuma acknowledged the government's ongoing commitment to fostering social cohesion by presenting a range of government-initiated memorialization projects that he claimed would foster reconciliation and unity. He presented approximately 20 national memorialization projects, which included the unveiling of new museums and memory centers, the opening of monuments, the renaming of various public facilities and the preservation of homes and gravesites of nation heroes. Most projects, however, focused on mainly African leaders, and approximately four of the projects were dedicated to women. As noted, while the initial memorialization projects of the transition may have called for memorialization politics that

¹⁵³ Pablo De Greiff (2006) notes that for any reparations program to satisfy the needs of survivors, the program needs to be *externally coherent* in that it complements other transitional justice mechanisms as well internally coherent in that it offers a range of benefits.

¹⁵⁴ Author's personal focus group discussion conducted with KSG survivors on 9 September 2011, Johannesburg and 12 September 2011, Cape Town.

¹⁵⁵ See <http://www.thepresidency.gov.za/pebble.asp?relid=6381>.

aimed to write back into history the previously marginalized and erased narratives of black South Africans and heroes of the liberation struggle, almost 20 years after the advent of democracy, one would expect that the South African state would be undertaking a more nuanced version of memorialization. Also, in contrast to the memorialization of the transition, which preserved Apartheid's memorials and monuments, the South African government has recently begun to relocate Apartheid monuments.

In December 2013, at the unveiling of a 29.5-foot bronze statue of Nelson Mandela at the Union Buildings, President Zuma announced¹⁵⁶ that the statue of former Apartheid prime minister James Barry Hertzog was relocated to be replaced by Mandela's statue. He highlighted that in the spirit of reconciliation, the government had undertaken exhaustive consultations about the relocation of the statue. According to Sanford Levinson (1998), in his study of monuments in societies that have undergone political change, the removal or relocation of monuments that no longer reflect the values of the state risks evoking negative feelings among citizens who may have a stake in a specific monument. He notes that the state needs to play a role in forming a coherent narrative that represents all citizens in a process of transition (Levinson 1998). When viewed within a moral framework, however, the relocation of the Hertzog monument may be a justifiable act, especially when replaced by the father of peace and reconciliation, Nelson Mandela. However, this relocation points to significant questions around the politicization of memorialization and whether memorials can indeed serve functions of reconciliation if the memorialization landscape continually shifts to meet the changing visions of political elites. Additionally, it was also at this unveiling that President Zuma pointed out that true reconciliation was possible only if the socioeconomic legacies of the past were addressed. He noted that reconciliation initiatives would run parallel to

¹⁵⁶ See <http://www.thepresidency.gov.za/pebble.asp?reid=16691>.

transformation processes. Most concerning about these statements is that for the South African government, reconciliation is being framed mainly within the paradigm of memorialization. For the South African government, therefore, reconciliation equals memorialization. How, then, can stone statues and monuments, empty of any real life, often contested, silencing any real dialogue, alone contribute to rebuilding society?

It has been shown thus far that national memorials, while reflecting the TRC's narrative of reconciliation and national unity, are palimpsests for political narratives. While political elites use memorialization as ideological tools for reconciliation, memorialization as a nationalist project defines the boundaries of citizenship and highlights the value placed on different members of society. As such, memorialization is almost always open to contestation. The questions related to citizenship, inclusion and exclusion are especially important when focusing on how women are portrayed within the nation. The following section will explore these issues in more detail.

The Gender of Memorialization

The project of post-conflict nation building has specific implications for women. Drawing on Benedict Anderson's work on the origins of the nation, Anne McClintock (1993) argues that nations are constructions of gender difference that use "historical and institutional practices" to invent and perform social difference (p. 61). She notes that nationalisms use "gender difference between women and men... to symbolically define the limits of national difference and power between *men*" (McClintock 1993: 62). Furthermore, McClintock (1993) argues that nationalism uses the metaphor of the family to emphasize the notion of organic unity, support a gendered hierarchy, and justify violence in the name of progress through the metaphor of historic time in the home. Given the hierarchical nature of nationalism women

have often been excluded from nation-making processes but have been assigned domestic functions similar to their roles in the home. Scholars (see for example McClintock 1993; Yuval-Davis 2011) have noted that despite women's exclusion from the realpolitik as national citizens, they are marked as symbolic bearers of the nation, closely associated with the nation's collective identity and collective territory. History has shown that for women in conflict situations, the nationalist framing of women as symbolic markers of the nation has often rendered them more vulnerable in conflict situations in which the violations of their bodies through rape and torture have been used as symbolic shaming of the men in their society. Despite the fact that the sex of women has rendered them primary targets in conflict situations, women continue to be treated as secondary citizens, often constructed in terms of a dominant male identity.

Sara Ruddick (1998) argues, there are three identities that are basically available to women in war situations: *mater dolorosa*, who is the mother of sorrow that mourns the suffering but still manages to hold life together amidst the devastation of war; the *outsider*, who is a woman that is a stranger to a man's war; and the *peacemaker*, who is depicted as inherently peaceful by nature and takes responsibility for the violence countering violence with nonviolent actions. According to Patricia Hill Collins (2000), the stereotypes such as those created around women point to not only how the elite manipulate images of women but also how they exploit existing symbols, or, in Anderson's words, "invent" new symbols. She suggests that these images of control exerted by the powerful in our society come into play to mediate social injustices in our society, making them normal and part of the everyday (Collins 2000).

In commenting on the stereotypes of women in war through the lens of the military,

Cynthia Enloe (2000) argues that the military is actually dependent on the feminized stereotypes of women. She notes that while the military may favor masculinity, it does so by manipulating ideas of masculinity and femininity, engaging with reductionist representations of women's work and emotions (Enloe 2000). The active role of women as resisters to oppression and mobilizing against the enemy, as well as their role in perpetrating violence, is largely absent from conflict and post-conflict discourses. It may be noted that in most recent conflicts, such as the wars in Liberia, Sierra Leone,¹⁵⁷ Uganda and South Africa, for example, women have been more than just peaceful resisters or victims. Many have been active combatants perpetrating acts of violence while also being victims of violence themselves. Others, such as the bush wives¹⁵⁸, for example, who were forcefully recruited into combatant camps, were made to perform daily wifely duties for combatants, inevitably serving the cause of perpetrators.

The ambiguities of women's experiences in war and the multiple identities that women assume during periods of conflict therefore disrupt the stereotypes set up by a traditional, patriarchal paradigm of war and conflict. Despite women's very real experiences of war and conflict, post-conflict reconstruction efforts revert to traditional gender stereotypes if not further marginalize women by overlooking their varied experiences. According to Donna Pankhurst (2008), transitional justice mechanisms, for example, focus on questions of truth and reconciliation where reconciliation is often associated with restoring relationships and includes some measure of forgiveness. However, she argues that none of these mechanisms or discourses includes an exploration of "gender reconciliation" (Pankhurst 2008). What then would a gendered reconciliation look like, and how could memorialization contribute to this?

¹⁵⁷ See for example Chris Coulter, 2008.

¹⁵⁸ See for example http://www.asja.net/awards/arlene_jm.pdf. for a discussion of bush wives in the Sierra Leone war.

Women are viewed as caretakers and nannies of the struggle. [However], they were participants. It is important for our children to know this. —
Sibongile Mkhabela¹⁵⁹

Enloe notes that nationalisms have “typically sprung from masculinized memory, masculinized humiliation and masculinized hope” (Enloe 1989: 44 in McClintock 1993: 62). In rewriting the history of the new South Africa, the TRC, too, prioritized a masculine past, paying very little attention to the very specific impact and consequences of Apartheid or the liberation struggle of women. Various studies have shown (see Manjoo 2008; Ross 2003; Meintjes, Pillay and Turshen 2001) that the South African TRC’s lack of gender sensitivity rendered the TRC inaccessible to most women. During the early stages of the TRC, no provisions were made for separate women’s hearings. Despite equal portions of men and women who made statements, women generally tended to describe their suffering in relation to the atrocities that the men in their lives experienced. In her extensive study of women’s testimony in the TRC, Fiona Ross (2003) notes that of the 54% of women who testified, 79% testified about violations committed against men. However, only 8% of men testified about the violations that were committed against women. Furthermore, women were most likely to testify about the atrocities committed against other women, and very few actually testified about their own role in the struggle against Apartheid. As such, both the media and the commission referred to women as secondary witnesses (Ross 2003).

Following extensive lobbying efforts from a variety of women’s organizations, the TRC held three special women’s hearings that aimed to enable women to testify about their

¹⁵⁹ Conversations with female prisoners at Constitution Hill, International Coalition of Sites of Conscience Africa regional meeting, 28 January 2014, Johannesburg.

own experiences of Apartheid and its impact on them. However, given that most women who met the criteria to testify about their experiences of gross human rights violations were bearing witness to sexual violations, many were not comfortable talking about this in public forums due to social and cultural stigmas attached to sexual and gender based violations. Still others, who had experienced violations at the hands of men in their own liberation movements, chose not to testify about these violations, as this was perceived as a betrayal of their “comrades” (Sideris 2001). Despite some of these reservations, however, women did testify about a variety of experiences that wove layers of social and political experiences together. Many focused on their losses, drawing on their domestic roles as mothers, daughters and sisters.¹⁶⁰ Later into the TRC, however, women began to position themselves centrally in their narratives, highlighting the effects of Apartheid on their lives as women. Many described the absences of men, the diffusion of family due to forced removals, Apartheid segregation policies and the silences that were wrought by activism. The testimony of widows provides an interesting example of how social memory was created through the juxtaposition of the private sphere and public sphere (Ross 2003). In traditional African society, widowhood translates to a liminal, potentially transgressive sense of being. While many widows showed their discomfort about testifying from the specific subject position of widowhood, the testimony of loss by “political widows” who were the widows of well-known liberation fighters became one of political capital in the public space. As Ross (2003) observes, few of these widows spoke about their own victimhood. However, by relating the loss of their male partners, they exemplified their role as keepers of social memory by embodying the struggle of men against Apartheid and the

¹⁶⁰ Ross (2003) points to the fact that the traditional “women’s space” of the home over which many women had most control took centrality in women’s narratives of violations. She observes that testimony about violations in the home highlights the insidious nature of the Apartheid state in all aspects of life as well as the failure of the home to protect (Ross 2003).

brutality of the Apartheid state.

Again, given the TRC's narrow focus on political violence and its limited definition of gross human rights violations, few women were able to testify about their own activist efforts in spaces such as the home. As such these narratives became marginal to the broader South African story. Yet for many women in South Africa, activism actually took place in the domestic sphere, in their different roles as mothers, daughters and sisters. Some women did however resist the passivity that the TRC created around women's role in the struggle by highlighting the political nature of their roles as mothers and caretakers of the family. They argued that their resistance to Apartheid came from the devastation that the system wreaked on family life. White (cited in Ross 2003) notes that South African women often mobilized around "organic domesticity," which used the claim of motherhood to make moral, social and political demands. Yet the traditional roles of women seen in the ordinariness of daily-life activities such as providing food and shelter for undercover liberation fighters or contributing to the communication network were considered secondary to the liberation movement and therefore undervalued in the larger post-Apartheid narrative.

Although the narratives of domesticity do provide valuable examples of agency that move women from passive subjects to agents of social change, there needs to be a broader political and social recognition for these spaces of resistance to be fully realized. However, as Rita Manchanda (2001) argues, apart from society's unwillingness to recognize women's activism in the domestic sphere, the challenge is that women themselves judge their activities in relation to the patriarchal norm and therefore do not recognize their activities within the domestic sphere as political. Instead, they perceive it as "stretched roles," or an extension of

their domestic roles (Manchanda 2001).¹⁶¹

Thousands of ordinary South African women supported the liberation struggle from their homes in a variety of ways, others participated as active combatants in South Africa's liberation struggle. Within a patriarchal paradigm that places a higher value on active combat, one may assume that being active combatants would warrant greater recognition of these female combatants. However, here again these stories remain absent from South Africa's new national narrative. According to Brandon Hamber and Ingrid Palmary (2009), women who transgress the traditional gender roles assigned to them during wartime often risk social marginalization and stigmatization, provoking repression and violence. Furthermore, when women's roles in combat are acknowledged, their roles are often feminized and represented as passive. This is exemplified in the case of *Umkhonto we Sizwe* (aka MK – “Spear of the Nation”),¹⁶² female combatants who were referred to as the “flowers of the revolution” (Hamber and Palmary 2009). According to former combatant and human rights activist Shirley Gunn,¹⁶³ the ongoing perception that women merely supported the struggle in South Africa is in part a result of the silences and secrecy that pervaded the Apartheid years. Recalling her own experiences as an MK soldier, Gunn notes, “People did not know who did what.” While the details of the liberation struggle and questions around combat cells, commanders and combatants continue to be unraveled today, one may argue that a big part of the TRC's task was indeed to break these very silences through its truth-telling process. Yet for many women, like Shirley Gunn, who straddle the multiple identities of combatant, mother and victim, the

¹⁶¹The issue of undervaluing women's activism in the domestic sphere is neither new nor specific to South Africa. In her study of women's activism in Palestine, Monica Neugebauer (1998) argues that the depoliticization of women's activism within the home strips them of their authority to legitimate their actions in public spaces.

¹⁶² *Umkhonto we Sizwe* was the armed wing of the ANC.

¹⁶³ Author's personal interview conducted with Shirley Gunn, 30 September 2012, Phnom Penh.

TRC failed to provide an adequate space for their stories to become part of a national consciousness. As such many of these stories failed to be integrated into the national narrative because they did not fit the parameters of femininity in a male-dominated narrative. As exemplified through the 1956 Women's March discussed below, it is those stories that reinforce the stereotype of women as peacemakers, collaborators and peaceful resisters that continue to be valued in South Africa today.

The police stopped the trains and took the women out of the trains but the women still found a way to Pretoria. —Bertha Gxowa (Human, et.al, 2006)

The women's march was therefore a struggle for both African men and women. —Sophie Williams De Bruyn (Human, et.al, 2006)

One of the most marked acts of political protest was the 1956 Women's March, to denounce the Pass Laws.¹⁶⁴ On 9 August 1956, the nonracial and nonaligned women's movement Federation of South African Women (FEDSAW) organized an anti-pass demonstration to the Union Buildings¹⁶⁵ in Pretoria. The march was the culmination of local protests and demonstrations around the country, as women disputed the extension of the pass laws to them, African women. Many women saw the Pass Laws as an additional imposition of the Apartheid system on their family lives, their right to earn a living¹⁶⁶ and an overall assault on their gender. One of the goals of the demonstration was to hand over a signed petition to

¹⁶⁴ Pass Laws were used to segregate the various race groups under Apartheid South Africa. The Pass Laws Act of 1952 made it compulsory for all black South Africans over the age of 16 to carry a "pass book" at all times. The law stipulated where, when and for how long a person could remain. The pass was also known as a *dompas*.

¹⁶⁵ The Union Buildings house the South African president's office, which during Apartheid was the symbolic site of repression and Afrikanerdom.

¹⁶⁶ Many women saw the new Pass Laws as further economic marginalization, as many would have to leave the urban areas where work was available and return to their rural homes if they did not possess a pass.

then prime minister JG Strijdom, protesting the new laws. However, government declared the march an illegal group gathering. In countering this injunction, women decided to travel as individuals rather than groups. Approximately 20,000 women from diverse racial backgrounds eventually gathered at the Union Buildings and handed over a petition of 100,000 signatures to government officials in protest of the Pass Laws. The march was momentous, as it was this mass action that integrated women into the broader liberation struggle. According to Sabine Marschall (2004), the march was successful, too, because it met men's criteria for activism¹⁶⁷, as it was both an independent and a courageous initiative. Furthermore, unlike female combatants, these women used peaceful protest to demand their rights, reinforcing the stereotype of women as peaceful and nurturing. This is reflected not only in the national narratives—or the annual 9 August commemorative celebrations, which mark national Women's Day—but also in the discussion below, in the post-conflict memorialization processes.

As part of the National Legacy Projects,¹⁶⁸ government undertook the building of a Women's Monument at the Union Buildings in Pretoria. The main goal of the monument is to commemorate the contribution of South African women in the struggle for freedom. The monument is located in the vestibule in the center of the Union Buildings, where the 1956 marchers handed in their petition. The monument is made up of a small centerpiece, which finds at its core an *imbokodo*—a grinding stone that is traditionally used in the African home to grind maize. Two sets of stairs lead to the vestibule with engravings on the riser of each step. The monument also has a sound component that repeatedly whispers the phrase “Strike the woman and strike rock” in all the 11 official languages. Finally, a light projects the phrases

¹⁶⁷ According to Marschall (2004), men determine their own terms of reference for what constitutes activism, often drawing on male-dominated spheres of warfare and public political activism to define its boundaries.

¹⁶⁸ See <https://www.dac.gov.za/content/10-what-are-legacy-projects>.

onto the columns of the vestibule. The modernist yet traditional rendering of the monument was conceived to promote accessibility while ensuring the monument remained organic and relevant to ordinary South Africans (Gardiner 2006; Marschall 2004).

In commenting on the symbolism of the monument, Marschall (2004) argues that the African symbolism in itself is exclusive, since it is a representation of African culture and does not reflect the multicultural nature of the women's march. Furthermore, the fact that the monument is dedicated to all the women who fought in the struggle for freedom means that it implicitly excludes all those women who were not part of the struggle (Marschall 2004). While Marschall's questions of inclusion and exclusion are valid, especially when framed within the broader narratives of reconciliation, her questions—similar to those posed with reference to the Freedom Park Memorial—are inherently moral questions about who actively supported Apartheid and those who inevitably benefited from an unjust system that privileged white South Africans.¹⁶⁹ Furthermore, the fact that the monument represents a broad African tradition and is perceived as excluding other women through its symbolism highlights some of the challenges regarding the intersections of race, class and feminist politics. While it is clear that the coalition of women who mobilized across the color line were successful in their protest action, this single action alone cannot serve as a marker of a shared sisterhood that defined the broader struggle for freedom in South Africa. As Chandra Talpade Mohanty (1997) and Nira Yuval-Davis (1993) argue, one of the key challenges to feminism is the assumption that race and class have to be invisible for gender to be visible. The concept of a shared sisterhood

¹⁶⁹ In her discussion of the portrayal of Afrikaner and African women's role in each of the national struggles in South Africa, McClintock (1993) warns against viewing Afrikaner women as vulnerable and passive victims who were bystanders of Apartheid. She observes that while Afrikaner memorials in South Africa, for example, portray Afrikaner women as vulnerable, Afrikaner women were the markers and upholders of Afrikaner nationalism. They actively constructed an Afrikaner identity in the domestic sphere and used the power of motherhood to legitimize white supremacy in South Africa (McClintock, 1993). Despite their very significant role in contributing to and maintaining Afrikaner national identity, McClintock (1993) also shows that Afrikaner women were still secondary citizens in relation to Afrikaner men, and excluded from broader nation-building projects.

homogenizes women as a group. However, experiences of oppression are not universally shared by women, and entitlements offered to women and how they experience their rights differs vastly across race, class and ethnicity. In Apartheid South Africa, especially, where all aspects of political and social life were experienced through the color of one's skin, it is difficult to claim that all women shared similar oppressions. While women in the 1956 march came together across the color line, each of them with her own motivation, it was largely African women who bore the major burden of the Apartheid struggle. Their representation, symbolized through the *imbokodo*, is symbolic of this fact. However, the domestic symbolism of the *imbokodo* and its specific reference to women in a domestic space highlight some of the ambiguities of gains and losses that are made during periods of conflict.¹⁷⁰ Despite mass public mobilization during periods of high repression, women are once again relegated to the space of the domestic through the monument's symbolism.

More salient of Marschall's arguments, however, is the fact that the Women's Monument is a "patronizing token gesture which is intended to cover women's contributions" (Marschall 2004: 1024). She argues that amid all the male-centric monuments and memorials in post-Apartheid South Africa, the Women's Monument mutes women because there is a perception that women have now been recognized and that this is the end of the narrative (Marschall 2004). The monument therefore gives closure to South African women's stories. Furthermore, by marking one specific event, the Women's Monument masks the contributions of women in other areas of the political struggle for freedom. Similar to the TRC's token

¹⁷⁰ According to McClintock (1993) during the early years of the ANC's formation, African women played supporting roles to the ANC -roles that replicated their duties in the domestic space. Despite the evolution of their roles from supporters to active participants in the struggle for freedom, the ANC continued to couch women's resistance within a framework of motherhood and the maternal. However, women within the ANC strategically recast this identity to include their public militancy by identifying themselves as the mothers of revolution (McClintock 1993). While women eventually became included in the broader struggle for revolution, they were still viewed as marginal to the struggle (McClintock 1993).

gesture of the three women's hearings, the Women's Monument in Tshwane ends the narrative with "your voices have been heard."

We need to have our stories told, because ... women fought for freedom. There are some who have been tortured, who were gunned down while pregnant. Some had guns pointed at them while they were in labor ... but none of those stories are told. Most of the [stories] are about men but not about the [women]. Now we want our stories to be told. Our children have to know the struggle of women in South Africa. —KSG survivor¹⁷¹

Most of the stories are not told, especially women's stories, the painful ones where women suffered the most and who even protected those men. Some children were raped in front of us and some of us were raped ... and we couldn't tell the story because nobody cared [*sic*]. —KSG survivor¹⁷²

The protective stories, which [were] the hard work, the painful work, which was done by women, are not told ... When the whites came for my son, I protected him [*sic*]. —KSG survivor¹⁷³

Post-Apartheid memorials and monuments in South Africa do indeed recognize women's role in the struggle for freedom in its own particular way, however, there are other women such as survivors, for example, who do not feel adequately recognized. Many survivors noted that women's ordinary roles in the struggle and the atrocities that they experienced because of their sex go unrecognized. For female survivors, women's narratives of resistance and struggle were viewed as necessary mechanisms to teach and empower current generations

¹⁷¹ Author's personal focus group discussion conducted with KSG survivors on 6 September 2011, Johannesburg.

¹⁷² *Ibid.*

¹⁷³ *Ibid.*

of women, especially given the various social and economic struggles that women in South Africa continue to face. Despite a vibrant civil society, one of the most progressive constitutions in the world and a variety of social and political gains made by women, women continue to bear the major burdens of the scourge of HIV/AIDS, sexual- and gender-based violence and economic hardships. For women in South Africa, a gendered reconciliation would therefore be one in which women are able to use the gains made thus far to continue to address social and economic discrimination as well as create a platform in which they can participate as equal and active citizens. Memorialization initiatives can contribute to this gender reconciliation by recognizing women's contributions to building a democratic South Africa, be it in the kitchen or in the combat field, as equal to that of men.

Now watch the [video] reports again, but look more carefully, at the background, for that is where you will find the women. You'll see us fleeing, weeping, kneeling before our children's graves. In the traditional telling of war stories, women are always in the background...During the war in Liberia, almost no one reported the other reality of women's lives. How we hid our husbands and sons from the soldiers looking to recruit or kill them. How, in the midst of chaos, we walked miles to find food and water for our families – how we kept life going so that there would be something left to build on when peace returned. And how we created strength in sisterhood, and spoke out for peace on behalf of all Liberians (Gbowee 2011: ix-x).

While South African women and survivors contest issues around representation and recognition in memorialization, their counterparts in Liberia perceive women's representation in memorialization as marginal to their broader struggle for reparations and social justice. As

noted by the Liberian TRC, women have been among the most marginalized members of Liberian society. According to the Liberian TRC findings, 33% of women reported victimization during the war, with almost 70% of reported sexual violations committed against women (Liberia TRC report 2009, vol. 2, chap. 4). The Liberian TRC did not have the resources available to hold separate women's hearings. However, it accommodated women by creating a separate TRC Gender Unit that could focus specifically on women's needs. Additionally, it created specific activities focused on women, which included formal and informal meetings with women's groups, town hall meetings, the provision of psychosocial support specifically for women and the creation of a referral system for women most in need. Overall, the TRC collected 10,000 statements from women, which accounted for almost 47% of the statements it received (Liberia TRC report 2009, vol. 2, chap. 4). The TRC also made specific recommendations for women, which related to economic empowerment and the provision of specific medical and social services that would benefit the female survivors of the war (Liberia TRC report 2009, vol. 2, chap. 18). Up until 2012, many women had not received the urgent medical treatment that they needed, nor had they participated in any government-sponsored economic empowerment programs.

In discussions with female survivors regarding the impact of the war and their role in the war, most women, similar to their female counterparts in South Africa, framed their victimization in terms of their identities as mothers, sisters, daughters and wives. While some women in the focus groups bore physical scars from the war and told tales of how they struggled to keep their immediate and extended families alive, it was difficult for them to frame their narratives in terms of their personal experiences. Furthermore, despite narrating different war experiences compared to the male survivors in the group, all female participants

felt that there should be no distinction between how men and women are represented in memorialization processes. Overall, they felt that “all Liberians” had suffered during the war.¹⁷⁴ For LUMASA survivors, part of these reactions and their disinterest in the differentiation between male and female experiences of the war may stem from their shared experiences as a group of refugees who were attacked by Samuel Doe’s soldiers at the St. Peter’s Lutheran Church. Indeed the group has separated itself, and insisted on a different identity, from other survivors’ groups in the country. Furthermore, given that all survivors in Liberia are in a similar situation - socially marginalized and advocating for reparations, their unity may originate from a shared experience in a collective struggle. Parallels for example, may be drawn to arguments made during struggles against colonialism, when some groups of activists argued that a struggle for women’s liberation might indeed be secondary to a broader fight for liberation and freedom from colonial powers.¹⁷⁵

Despite female research participants’ unwillingness to differentiate between male and female experiences of war or to recognize the role that they as well as many other Liberian women played during the war, women in Liberia, were active participants in a male-dominated war. Similar to women’s struggles in Argentina, Sri Lanka, Palestine and even South Africa, women mobilized in mass action campaigns protesting the war and demanding peace and justice. In her memoir, Leymah Gbowee (2011) describes how she led women across religious lines in peace campaigns. She also illustrates how her coalition of women used sex and their sexuality to raise public awareness about their calls for peace. For example, the women’s coalition placed a ban on all sexual relations in an attempt to mobilize their male partners to

¹⁷⁴ Author's personal focus group discussion conducted with LUMASA survivors on 22 March 2012, Monrovia.

¹⁷⁵ McClintock (1993) observes that male nationalists have often silenced feminist struggles during revolutions, arguing that it is a deterrent from the central struggle. However, McClintock (1993) argues that “feminism is a political response to gender conflict, not its cause” (p.77). Silencing gender conflict that already exists therefore further disempowers women (McClintock, 1993).

take peaceful action against the war (Gbowee 2011). Gbowee (2011) also recalls how women used their bodies as sites of protest during the stalemate at the peace talks in Ghana. She and her colleagues threatened to strip naked in the hall where the negotiations were taking place. She explains the significance of these actions saying “ In Africa, it’s a terrible curse to see a married or elderly woman deliberately bare herself...For this group of me to see a woman naked would be almost like a death sentence. Men are born through women’s vaginas, and it’s as if by exposing ourselves, we say “We now take back the life we gave you” (p. 162).

In addition, to Liberian women’s roles as peace activists, many young women also participated in the war as active combatants within the rebel forces. While their reasons are varied,¹⁷⁶ most young women joined rebel groups to protect themselves against sexual violence, avenge sexual violations, or were abducted and forced to join the groups (Gbowee, 2011). However, similar to their South African counterparts, these young women face social stigmatization in post-war Liberia. Gbowee (2011) describes how male combatants participated in United Nations disarmament, demobilization and reintegration (DDR) programs, exchanging weapons for cash payoffs, whereas female combatants were largely absent from this process, fearing the shame and stigma that will come from a public declaration of their role in the war.

While documentaries such as *Pray the Devil Back to Hell* captures Liberian women’s complex experiences of the war, celebrating their stories of resistance, it remains to be seen if memorialization initiatives will tell these stories of struggle and celebration. There is still uncertainty as to whether government will follow up on the TRC’s recommendations, which include, among other things, recommendations for memorialization. A 2009 study conducted by the United Nations Development Fund for Women (UNIFEM) found that there was

¹⁷⁶See http://www.ilo.org/wcmsp5/groups/public/@ed_emp/@emp_ent/@ifp_crisis/documents/publication/wcms_116435.pdf for a detail report of female combatants’ experiences in the Liberian civil war.

unanimous support for memorialization as a form of reparations and a mechanism for reconciliation (Pillay 2009). The study notes that throughout the work of the TRC's Gender Unit, women requested commemorative mechanisms such as rituals, commemorative days and monuments listing the names of victims at massacre sites. Finally, the report recommends that the Liberian government facilitate these symbolic measures, paying particular attention to women's participation and decision making, especially around questions of who and what will be remembered and the form that such initiatives should take (Pillay 2009). While an understanding of the role of memorialization in facilitating a gendered reconciliation or reconciliation more broadly in Liberia may be premature, since there are almost no national initiatives that have been implemented thus far, it remains clear that local communities continue to seek out memorialization as one of the mechanisms for recognition of their suffering.

Conclusion

I think our concept of reconciliation is rapidly moving towards a more concrete, pragmatic and materialistic understanding. We initially said, when we started the institute, that learning to live together is our definition, but now we focus on a more modest process, a kind of process ...where you budget for moral disappointment. So you are assuming that you're going to be disappointed by your adversary. You are assuming that you might not forgive the person and that the person might not forgive you. —Fanie du Toit¹⁷⁷

There is no working definition yet for *reconciliation*, but being a Liberian and someone who has worked with the TRC process, I think it is a word

¹⁷⁷ Author's personal interview conducted with Fanie du Toit, 13 September 2011, Cape Town.

that has so many expectations in Liberia ... but it tends to carry connotations that are less punitive. —Aaron Weah¹⁷⁸

Acknowledgement is key [for reconciliation]. So [that] people traditionally believe that if something happens, we should be bold enough to speak the truth and acknowledge the wrong. That opens the door to forgiveness. —John Stewart¹⁷⁹

As noted previously, the concept of reconciliation has various meanings, differing according to context, level at which it is to take place, and individual experience. Furthermore, as highlighted by Fanie du Toit of IJR, the meaning of reconciliation may change over time to meet evolving social and economic needs. Despite its different connotations, it has been shown thus far that reconciliation in both Liberia and South Africa has evolved from its initial focus on justice, forgiveness and rebuilding relationships to questions of accountability, social justice and equality. While the state uses the language of reconciliation to further its own political agenda, ordinary citizens grapple on a daily basis with real issues related to inclusion, exclusion and the rebuilding of their lives in the aftermath of conflict. Given the changing nature and meaning of reconciliation in post-conflict societies, it is difficult to assess how memorialization initiatives could meet these evolving frameworks. However, the minimum requirement for memorialization to contribute to reconciliation would be the extent to which it positively rebuilds community, restores relationships and seeks to break down identity-based stereotypes. Yet it has also been shown through the example of Freedom Park and the Women's Monument in South Africa that memorialization is a political space of contestation and conflict that may actually engender stereotypes and difference. Questions of how the past

¹⁷⁸ Author's personal interview conducted with Aaron Weah, 21 March 2012, Monrovia.

¹⁷⁹ Author's personal interview conducted with John Stewart, 21 March 2012, Monrovia.

should be remembered, who should be remembered and what to do with memorials that may not necessarily reflect the values of the new democracy are key issues that may determine the success or failure of post-conflict memorialization processes and its role in rebuilding community.

The success of memorialization in rebuilding community and renewing relationships is largely dependent on the processes that are undertaken and the stakeholders who are involved in the project. Some research participants working in the field of transitional justice and memorialization have highlighted the potentially positive benefits of including local-level perpetrators or their families into memorialization processes, noting that the “interaction between victims and perpetrators may... [be] a healing process, [as it] allows them to work on a project together.”¹⁸⁰ While grand national memorialization projects such as Freedom Park exemplify the politics of inclusion and exclusion, community-based memorialization ones, even those supported by the state, seem to have greater potential for rebuilding relationships. Again, much of memorialization’s success depends on the process. Shirley Gunn, for example shares an encouraging anecdote about her work on the Trojan Horse Memorial and how she strived to ensure that it was an inclusive and consultative process. She tells the story of how a former Apartheid Security Force police officer— accused of ambushing and killing five youths in Athlone and Crossroads in South Africa in 1985¹⁸¹ — contributed funds for the building of the Trojan Horse Memorial dedicated to the youths who were killed.¹⁸² Furthermore, the project also brought Gunn and the former officer together— two people who were opponents, one fighting an unjust system and another fighting on behalf of that system. According to

¹⁸⁰ Author's personal interview conducted with Pindarus Allison, 21 March 2012, Monrovia.

¹⁸¹ See http://www.hrmc.org.za/index.php?option=com_content&view=article&id=63&Itemid=65 for a description of what came to be known as the Trojan Horse Massacre and the memorial project. See also <http://www2.cortland.edu/dotAsset/124012.pdf> for a detailed essay of the Trojan Horse Massacre.

¹⁸² Author's personal interview conducted with Shirley Gunn, 30 September 2012, Phnom Penh.

Gunn, listening to the officer retell the story made her empathize with him. Gunn notes, “I felt deep empathy for those soldiers ... because they were used by the system.”¹⁸³ This understanding on an interpersonal level and the acknowledgement by a perpetrator of a wrong done are some of the potential positive benefits of memorialization, if done with the goal of inclusivity and a view toward rebuilding relations.

Additionally, the inclusion of ordinary people’s stories of victimization, triumph in the face of destruction and celebration of collective struggles can build empathy and ensure that the plurality of experiences are represented nationally. It has also been shown that both the Liberian and South African truth commissions had their own challenges and shortcomings. However, in their gaps and their narratives, each commission provided a wealth of knowledge on ordinary citizens’ roles as agents of social and political change. In using these narratives and moving the discussions from the private to the public spaces, memorialization initiatives can counter the narratives of nationalist projects to disrupt the dominant sociopolitical ideology. Furthermore, memorialization initiatives need to actively engage and involve ordinary citizens around questions related to representation and goals of memorialization. It is through the countering of a nationalist memory that seeks to exclude and tokenize ordinary citizens that a future can be reimagined—one in which survivors like Selloane can actively claim their role as actors rather than victims to the social and political events that shape their realities.

¹⁸³ *Ibid.*

CHAPTER FOUR: MEMORIALIZATION—BUILDING A CULTURE OF HUMAN RIGHTS

I was about six or seven months old when the Lutheran Church Massacre took place, so I do not have my own account of the story. My mother, who is often angry and afraid when she recalls the story, told me that during the night of 29 July 1990, at around 10 p.m., masked men belonging to the Armed Forces of Liberia entered the Lutheran Church compound and began to kill people who were seeking refuge in the buildings. They began the shootings in the school building where the women and children were sleeping. My mum was shot in her right leg. She told me that after she was shot, she hid me under a dead body. After intensive shooting in the school building, the soldiers moved into the church building that housed the men and boys. My mum escaped with me while they were in the church building. My brother was also shot. The killings continued until 6 a.m. on 30 July. —Elizabeth¹⁸⁴

For many, Elizabeth's story is impossible to imagine. Yet like Marcus, she too was one of the 2000 refugees seeking asylum that night which notoriously became known as the Lutheran Church Massacre.¹⁸⁵ In March 2012, I visited the St. Peter's Lutheran Church. The school and the church are both operational. Apart from the few bullets lodged in the church building's windowpanes and some black smudges on the stained glass windows that mark the bullet holes, there are hardly any other recognizable signs of the horror that took place there. Two white painted stars on the cemented ground, one incongruously placed amid the school's basketball court and another in front of the church entrance, mark two mass graves sites.

¹⁸⁴ Author's personal focus group discussion conducted with LUMASA survivors on 22 March 2012, Monrovia.

¹⁸⁵ See generally <http://www.nytimes.com/1990/07/31/world/liberia-troops-accused-of-massacre-in-church.html>. for a description of the events of 30 July 1990.

Toward the front of the courtyard on the church side lies a marble tombstone, erected in 1999 and dedicated to Charles Taylor's father, Nelson Phillip Taylor, who was one of the refugees whom Doe's army killed. The St. Peter's courtyard tells the tale of horror and vengeance, while the juxtaposition of the marble tombstone and the painted stars highlight the different values placed on individual lives. Despite the visible reminders of the massacre, when I asked a few teenagers, who were playing basketball in the courts that also marked the mass graves, if they knew what happened there, all they said was "some people were killed here." They knew nothing else because nobody had told them anything more.

Today, as Liberians continue to rebuild their lives, with victims struggling for reparations and justice, while perpetrators operate with impunity, is it necessary for these youths to learn about the past? Indeed some Liberians, such as those in a village in Lofa County believe that it is better to forget and move on. For this secluded group of villagers who witnessed the brutal killing of their fellow villagers, memorialization is not an option. They refuse to mark the two mass grave sites – one containing the remains of the men and the other of the women – or talk about the past for the fear of breeding hatred and vengeance in their children and in future generations.¹⁸⁶ For now, these villagers remain protected in their seclusion; however, for many other communities around Liberia, forgetting is not an option as they are confronted with the reality of dealing with the past every day.

If youth are confronted with the residues of the past on a daily basis, how can new cycles of violence and vengeance be prevented? How can ordinary citizens assure survivors like Elizabeth that the past will not be repeated? As noted by some scholars (see, for example, De Greiff 2006; Hayner 2002), in addition to helping societies come to terms with the past, the forward-looking aspects of transitional justice mechanisms such as reparations and institutional

¹⁸⁶ Author's personal interview conducted with Pindarus Allison, 21 March 2012, Monrovia.

transformation seek to build a culture of human rights and respect for the rule of law, and foster trust amongst citizens. All these factors together contribute to the moral imperative of “never again.” Truth commissions, in investigating gross human rights violations and making distinctions between victims and perpetrators, often provide a framework for human rights by setting the moral parameters of what defines human rights as well as identifying what constitutes breaches of human rights. While some truth commissions, such as the South African TRC, may provide a new national discourse based on concepts related to human rights, truth commissions in themselves cannot guarantee that societies will respect human rights or that the gross human rights violations of the past will not recur. However, as noted in the previous chapter regarding the South African TRC, the key challenge for many truth commissions is to ensure that their recommendations promote a culture that respects human rights. It is therefore the state’s implementation of a truth commission’s recommendations and the cultivation of certain social and political conditions that may indeed foster a culture that respects human rights and reduces the threat of future violence.

Furthermore, it is in actively engaging current and future generations through a human rights-based education that a culture of human rights can be built and a future of peace can be envisioned. The following chapter will explore the extent to which memorialization as a transitional justice mechanism contributes to the promotion of human rights and ensures the non-recurrence of future violations. First, this chapter will focus on the links between education and conflict and the role of education in transitional justice processes. It will not, however, undertake an in-depth discussion of history or curriculum reform in post-conflict environments because there is a wealth of knowledge in this area (See for example Cole 2007). The chapter will then explore the potentials and challenges of post-conflict memorialization in

contributing to a culture of human rights. Finally, through cases from South Africa and Liberia, the chapter will investigate the extent to which memorialization can contribute to building a culture of human rights.

The Role of Education in Post-Conflict Environments

Education is the influence exercised by adult generations on those [who] are not yet ready for social life. Its object is to arouse and to develop in the child a certain number of physical, intellectual and moral states [that] are demanded of him by both the political society as a whole and the special milieu for which he is specifically destined (Durkheim 1956: 70–71).

Emile Durkheim (1956) observed that education was necessary for socialization. According to Durkheim (1956), education played a role in developing children into active citizens by preparing them to participate politically in society as well as training them for different vocational roles required to ensure the stability and function of society. Given its social and political role, education may be used for different purposes, both negative and positive (Bush and Saltarelli 2000). However, much of the negative and positive effects of education are dependent on how it is used by the state and toward what end. The state can, for example, use the denial of education or uneven distribution of education as a means to preserve positions of privilege or as a weapon of war (Bush and Saltarelli 2000). In South Africa, for example, the Apartheid government used segregated education to provide inferior education to black South Africans, ensuring that black South Africans received only the necessary education required to fulfill roles of labors and servants.¹⁸⁷ Additionally, education may also be used to manipulate history for political purposes (Bush and Saltarelli 2000). One needs only to look at

¹⁸⁷ See generally <http://www.sahistory.org.za/topic/bantu-education-policy> for a detailed discussion of the Bantu education system.

the examples from Nazi Germany or Rwanda to understand how history through the education system can be manipulated to highlight difference and “normalize internal oppression and unthinkable systematic violence” (Bush and Saltarelli 2000:12).

Despite these negative aspects, education may also be used positively in post-conflict settings or ethnically stratified environments to raise awareness of and support transitional justice efforts, promote tolerance, support a critical understanding of history and the past, cultivate an inclusive citizenship and contribute to building a culture of peace and democracy (Cole 2007; Bush and Saltarelli 2000; Smith 2010). According to Laura Hein and Mark Selden (2000) education, particularly history and civic/citizenship education, provides learners with an official state narrative of an idealized past and an imagined future, thereby shaping patriotism and citizenship. As such, education provides a framework for citizenship, defining the relationship between the state and the citizen (Hein and Selden 2000). In post-conflict contexts such as Liberia, where the education system was destroyed by years of war¹⁸⁸, and South Africa, where education was used to grant differential benefits across race groups, formal and informal education could play a crucial role in both rebuilding a new citizenry as well as contributing to post-conflict peace-building goals. In their examination of the links between civic education and peace-building, Daniel Levine and Linda Bishai (2010) note that civic education “seeks to give citizens the understanding and habit of engaging in such a nonviolent contest to participate constructively in politics and more broadly, civic life and service to the community” (p.2). While there are proponents for and against citizenship education in post-conflict societies, as Laura Quaynor (2012) notes, citizenship education and the very concept of citizenship are still contested issues in post-conflict societies. Studies have shown that in

¹⁸⁸ See http://www.africa-confidential.com/special-report/id/17/Liberia's_big_challenge and the International Rescue Committee 2002 report for details of Liberia’s civil war impact on the education system.

many post-conflict societies, the residues of the past—such as distrust, fear, avoidance of interethnic contact and a culture that is still transitioning from authoritarianism to democracy—may hinder successful citizenship education programs (Quaynor 2012). Quaynor (2012) also observes that citizenship education that focuses on global or regional citizenship identities, using participatory education methods, may contribute to overcoming these challenges and assist in building tolerance and an active citizenship.

Scholars such as John Dewey have emphasized the importance of participatory and experiential education. According to Dewey (1997), the static methods of teaching based on textbooks of the past will present learners with a type of education that restricts engagement and critical thinking. He argues that education systems tend to use books and methods from the past with little understanding of the social context in which these were created or how the current social and political context has evolved. In such cases, there is a general assumption that the future will remain similar to the past (Dewey 1997). Furthermore, Dewey (1997) argues that children build and learn from their prior experiences and their socialization from a variety of social settings. As such, the role of the educator is to acknowledge that learners are not blank slates and to use learners' experiences to create knowledge that is relevant to the learners (Dewey 1997). Since Dewey's critique of education systems and methods, the pedagogical approach in the USA and abroad has evolved. With the increase in identity-based conflicts, peace education, citizenship/civic education,¹⁸⁹ human rights education and peace-building have gained increased attention, as policymakers and practitioners agree on the need to provide learners with the tools to identify and solve conflict in nonviolent ways (Quaynor 2010). All these various types of subjects, while using different participatory methodologies,

¹⁸⁹ See Quaynor (2012) for an in-depth literature review of citizenship education programs in different post-conflict societies.

have the common goal of building tolerance, encouraging critical thinking and changing negative attitudes. In emphasizing the need for experiential learning in post-conflict societies, Martha Minow (1998) also notes that successful post-conflict human rights education programs need to connect examples of mass atrocity with learners' individual experiences, building empathy while developing new skills and capacities. However, in recognizing the other social factors that influence learners' lives, Minow also warns that such programs may contradict messages that learners get from school, home and the community regarding the past (Minow 1998). It is in such instances that global comparisons with other mass atrocities may provide a catalyst to engage learners in discussions related to their own context and experiences of gross human rights violations—without overtly contradicting lessons from other sources. Many education programs have successfully employed history, particularly examples from the Holocaust, as a way to augment moral lessons related to stereotyping, tolerance and citizen education.

In his critique of integration of the Holocaust experience into American society, Peter Novick (2000) notes that the Holocaust entered mainstream American culture as a moral story and warning against the horrors of intolerance. Similarly, Jeffrey Alexander (2002) argues that the Holocaust has over the years become reified and generalized, evolving from a historic and socially specific story to an archetypal event that symbolizes the trauma of all humankind. Drawing on Friedrich Nietzsche's concept of the drama of the eternal return,¹⁹⁰ Alexander posits that the narration and making of the Holocaust as a mythical archetypal trauma was necessary for society to identify with the victims of the Holocaust and know that there was

¹⁹⁰ Nietzsche's concept of eternal return refers to the idea that the universe will physically recur infinitely over time and space. According to this theory, human beings force events to recur. In relation to conflict, this would mean that there would always be the possibility of events such as the Holocaust being repeated. As such, human beings desire for the repetition of events requires the acceptance of responsibility for everything that happens. See <http://cw.routledge.com/textbooks/alevelphilosophy/data/A2/Nietzsche/NietzscheEternalReturn.pdf>.

always a possibility of recurrence. The “trauma drama” was therefore an essential deterrent against repetition of the event that was the Holocaust (Alexander 2002). Indeed, the Holocaust has become the pinnacle for many types of peace and human rights education and has been included into the education curriculum in many states in America and other countries, including South Africa. Organizations such as Facing History and Ourselves claim to successfully use history and the events that led to the Holocaust to teach learners that “history is the collective result of every individual’s thoughts and actions.”¹⁹¹ In addition to teaching history, the organization seeks to teach learners the critical thinking skills necessary to build a citizenry that “practices civility and preserves human rights.”¹⁹² Similarly, the United States Holocaust Memorial Museum and Holocaust centers in countries like South Africa¹⁹³ use the Holocaust as a point of reference to address other genocides and mass atrocities globally. These centers seek to use the history of the Holocaust to enable learners to understand the dangers related to racism, prejudice and stereotypes, explore the questions related to apathy toward the oppression of others and identify the individual and collective roles and responsibilities in addressing human rights violations. While such participatory peace and citizenship education programs may be necessary and ideal forms of education in post-conflict environments, the reality in most post-conflict contexts is that there are often other competing education needs. The rebuilding of education infrastructure and the retraining of educators, for example, may take precedence over the inclusion of new subject matter into the school curriculum. Furthermore, any curriculum reform that does occur may seek to fulfill the state’s need to build a new national identity and may not necessarily seek to promote critical

¹⁹¹ See <https://www.facinghistory.org/get-to-know-us/history>.

¹⁹² *Ibid.*

¹⁹³ See <http://www.ushmm.org/educators/teaching-about-the-holocaust/why-teach-about-the-holocaust> and <http://www.ctholocaust.co.za/pages/about-the-foundation.htm>.

engagement. In Rwanda, for example, following the genocide, history education focused primarily on promoting a new national identity rather than facilitating a critical understanding about the past and the events that led to the genocide (Quaynor 2012). In this regard Elizabeth Cole (2007) notes, in the short term, formal education, most specifically history education, may indeed need to restrain critical engagement and debate in favor of a forced reconciliation narrative for the purposes of peace-building.

While formal education does have the potential to contribute positively to post-conflict transformation, formal education has both its limitations and challenges. First, the formal education system functions as an extension of the state, perpetuating state-sponsored narratives as it attempts to build citizenship. The emphasis on national identity, while necessary for building national unity and patriotism, serves as a boundary marker for insiders and outsiders and, as such, may have negative ramifications for building a culture of tolerance and human rights. In South Africa, for example, the post-Apartheid rainbow nation narrative and nation-building project actually served to promote discriminatory practices such as xenophobia (Harris 2002). Similarly, in Liberian formal history, education remains biased toward the founding fathers who were of Americo-Liberian descent—the group who is still the political and social elite—marginalizing the narratives and contributions of the indigenous Liberians. The Liberian TRC identified Liberia’s one-sided history and national narrative as a contributory cause to the ethnic divisions, which were in part responsible for the Liberian civil war.¹⁹⁴

¹⁹⁴ The Reconciliation Roadmap discussed in the previous chapter identifies the revision of Liberia’s history as one of the 12 thematic areas. In May 2013, the Liberia History Organizing Conference brought together various stakeholders to discuss the history project that “seeks to contribute to reconciliation in Liberia’s postwar era by assisting in developing a historical consciousness” (Liberia History Organizing Conference draft report 2013: 3). The conference participants emphasized the need to rewrite a Liberian history that promotes unity, reconciliation and social cohesion and minimizes differences. Since the conference, there has been no progress in taking the history project forward.

In addition to the possible negative aspects of nation-building projects within the formal education system, many post-conflict education systems have not adequately developed the participatory education methods of Western liberal democracies. The didactic education cultures in many post-conflict societies may therefore not support the participatory methods necessary to build a critical and enquiring citizenry or contribute to building a culture of peace and human rights. Furthermore, dialogic models may actually exacerbate latent tensions, creating new patterns of conflict. A Yale University study assessing participatory civic education and human rights education programs in local communities in Liberia found that participatory, dialogic education methodologies had varying impacts on the different program outcome areas that were examined. The study found little impact on community participation and cohesion, a moderate increase in respect for human rights and an increase in nonviolent conflict, with a decrease in violent conflict (Blattman, Hartman and Blair 2010). The authors posit that the increase in nonviolent disputes may be a result of the increased education about conflict and alternate conflict resolution mechanisms that the community received. Based on the findings of the research, the authors observe that education alone may not be adequate and that any dialogue or reconciliation program needs to ensure sustained engagement with the community to guarantee growth of knowledge (Blattman, Hartman and Blair 2010). It is here in promoting sustainability and long-term community engagement that memorialization can play a significant role.

Memorialization: Its Potentials and Challenges in Post-Conflict Societies

The kinds of memorials and memorial processes that we are talking about as responses to violent conflict, oppression, dictatorship and war are inherently political in nature ... People are trying to make a point. They are

trying to rehabilitate the reputation of victims, they are trying to point fingers at perpetrators and they are trying to restate the historical record. These, as far as I am concerned, are all inherently political processes. This represents challenges for those who are trying to manage conflicts. —Judy Barsalou¹⁹⁵

As previously noted, given memorialization's inherently political and social nature, its initiatives in post-conflict environments have the potential to support human rights and broader peace-building processes as well as exacerbate existing divisions and latent tensions. In repressive regimes or during periods of protracted conflict, histories are often distorted or silenced. Post-conflict memorialization serves a political function by rewriting into the national landscape a new or revised interpretation of the past. Furthermore, as spaces for celebration and mourning, memorialization projects contribute to the broader project of nation building by portraying and promoting a sense of group cohesion and renewed national identity that may be especially necessary in post-conflict contexts (see Bar-Tal 2003; Edkins 2003; Booth 2006). In many cases, national memorials seek to portray the triumphs and victories of a nation, provide martyrs for citizens and highlight the sacrifices that have been made on their behalf. On an individual and broader societal level, memorials may serve as catalysts for healing, since they have the potential to recognize the atrocities experienced by survivors, reintegrate survivors into social life and set the historical record straight (Blustein 2008; Volkan 2002).

Given the often permanent nature of memorialization, if designed with the goal of sustainability, memorialization could contribute to long-term community participation and education. Furthermore, another benefit of memorialization—compared with other transitional justice mechanisms such as truth commissions and prosecutions—is that memorialization can

¹⁹⁵ Author's personal interview conducted with Judy Barsalou, 29 September 2012, Phnom Penh.

involve a larger group of people and a more diverse range of stakeholders and promote engagement over an extended period (Hamber et al. 2010). In Sierra Leone, for example, the Sierra Leone Peace Museum located at the Special Court for Sierra Leone (Special Court) has been able to engage communities through the museum's community consultation and artifact collection process, in a way that the Sierra Leone Truth and Reconciliation Commission (SLTRC) and the Special Court have been unable to do. The project was able to collect stories from survivors who were afraid to testify in the TRC, which ended eight years prior. It also engaged the community on issues related to truth, justice and reconciliation beyond the life span of both the Special Court and the SLTRC.¹⁹⁶ While memorialization has this potential to foster ongoing citizen engagement, as Hamber et al. (2010) argue, memorialization's educative potential is not inherent; it is only through innovative and careful program design that memorialization can support other transitional justice and peace-building mechanisms.

Within post-conflict contexts, truth commissions provide little guidance on the ways in which to harness the educative potential of memorialization to contribute to a culture of human rights. Regarding the educative role of memorialization, neither the South African TRC report nor the Liberian TRC report frames memorialization as a tool for human rights education. The South African TRC report does, however, acknowledge the importance of civil society's artistic memory projects that use participatory methods to foster discussions about the past and serve as a platform for healing (see generally, SA TRC report 2003, vol. 6, chap. 6). Both the reports frame memorialization in the broad symbolic reparations terms—as a mechanism to recognize victims. If memorialization were to fulfill additional goals of building a culture of human rights and pledging to victims the non-repetition of future violence, then

¹⁹⁶ Author's personal discussions with Joseph Dumbuya, manager of the Peace Museum project, as part of her work at the International Coalition of Sites of Conscience. For more information about the Sierra Leone Peace Museum, see <http://www.slpeacemuseum.org>.

memorialization would have to be more than static monuments, memory projects or museums. It requires a commitment to promoting particular social and political values based on human rights and justice.

Despite these potentially positive benefits, and as discussed in the previous chapter, given memorialization's inherent link with identity, memorialization also has the potential to fuel conflict. This is exemplified by Daniel Bar-Tal (2003) in his study on the role of collective memory in contributing to cultures of violence. He posits that during protracted periods of conflict, groups develop four types of societal beliefs that enter the group's collective memory. These beliefs then become integrated into cultural products such as memorialization and remain a part of the group's collective identity. The first societal belief is related to ideas about the conflict in which the group focuses on the causes of the conflict, the violent acts perpetrated by the opposing group and the sacrifices made by the heroes and the collective in-group. The second belief relates to the delegitimization of opponents, in which the in-group develops ideas related to the dehumanization of the opposing group. This set of beliefs also serves to justify the in-group's acts of violence and revenge. The third belief related to the group's own victimization focuses on the loss of lives and tends to portray the victims as martyrs.¹⁹⁷ The fourth social belief relates to patriotism, in which the group's collective loss is used to inspire commitment, pride and loyalty within the group and mobilizes the group members to make sacrifices on behalf of the group (Bar-Tal 2003). In making the connections between memorials and these societal beliefs, Bar-Tal argues that not only do memorials

¹⁹⁷ According to Bar-Tal (2003), the identity of victimhood actually comes from a place of strength, since outsiders to the conflict tend to support the victimized group. Similarly, in a personal interview conducted with transitional justice scholar and peacebuilding expert Brandon Hamber on 25 October 2012, Hamber notes that some victims' relationship with society barely changes over time. He observes that the static nature of these victim identities may come from the fact that an identity of victimhood may be one of the limited areas of power that victims have, and it is also the one area within their control.

support and institutionalize the four societal beliefs but that the societal beliefs provide the conceptual framework for the memorial. Memorials, therefore, serve as a reminder of the loss and the violence of the opposition and may even provide a justification for the continuation of future violence and vengeance (Bar-Tal 2003). Similarly, Vamik Volkan (2006), using the examples of Holocaust memorials, notes that memorials can serve as “linking objects” following traumatic events. He notes that memorials may act as physical markers that symbolically store the group’s loss, thereby linking group members to each other and across generations while keeping the group’s mourning alive (Volkan 2006). Although this function of memorialization in itself may not be detrimental to peace-building and post-conflict reconstruction, when this shared trauma and identity of victimhood is used for revenge or to reignite current conflicts, memorialization may become a divisive mechanism (Volkan 2006). In acknowledging the possible negative and positive aspects of memorialization for building a culture of human rights, research participants have identified a range of indicators that may make the most of the positive aspects of memorialization. By drawing on examples of memorialization in Liberia and South Africa, the following section will seek to highlight best practices in each country respectively.

Liberia: Addressing the Threat of Ethnic Divisions

One thing to watch out for would be when ethnic communities try to construct monuments in honor of their ethnic heroes, especially ... when ethnic heroes committed ... atrocities. —Aaron Weah¹⁹⁸

When memorials give prominence to the stories or the memories of only one ethnic group, this can spur the cycle of violence and contribute [to one

¹⁹⁸ Author’s personal interview conducted with Aaron Weah, 21 March 2012, Monrovia.

group] seeking revenge. It can cause outrage among the opposing ethnic groups who will then feel the need to set the record straight in their own terms. —Judy Barsalou¹⁹⁹

A memorial site will help us tell the story ... We were attacked at the Lutheran Church because of tribalism ... A memorial site will serve as a deterrent [against] tribalism. —LUMASA survivor²⁰⁰

The 2011 elections in Liberia brought with them many surprises that highlighted not only the possible threats to peace in Liberia but also the challenges of building a society that respects human rights and democracy. Prince Johnson, a notorious warlord turned preacher, who claimed responsibility for brutally torturing and killing former dictator and perpetrator of gross human rights violations Samuel Doe, was a front-runner in the elections.²⁰¹ The Liberian TRC indicted Johnson for gross human rights violations and named him among those who were banned from public office for a period of 30 years. However, Johnson gained majority support from his home region, Nimba county, making him the third runner in the Liberian elections. Johnson eventually dropped out of the second round of voting, pledging his support for Ellen Johnson Sirleaf. According to civil society observers, Prince Johnson's success in the Liberia elections highlights the fact that Liberians continue to be divided along ethnic lines. Transitional justice scholar Aaron Weah observes, "People see themselves first according to their ethnic nationalities before they see themselves as Liberians. So as much as every Liberian is seeking reconciliation, some people cannot help prioritizing ethnic issues over the general good of the public."²⁰² In addition to ethnic divisions, some civil society commentators note

¹⁹⁹ Author's personal interview conducted with Judy Barsalou, 29 September 2012, Phnom Penh.

²⁰⁰ Author's personal focus group discussion conducted with LUMASA survivors on 22 March 2012, Monrovia.

²⁰¹ See http://www.huffingtonpost.com/2011/10/13/prince-johnson-liberia_n_1009446.html for full story details.

²⁰² Author's personal interview conducted with Aaron Weah, 21 March 2012, Monrovia.

that there is still a fear among Liberians that war may break out again. Given Prince Johnson's notoriety as a warlord, many ethically aligned Liberians therefore voted for him in the hope that he would protect them in the event of another war.²⁰³ Since many perpetrators continue to operate with impunity, this, coupled with the limited will of the government to address justice and human rights issues, the Liberian public's fear of future outbreaks of violence may be justified.²⁰⁴ Furthermore, the 2011 elections also exemplified the inherent culture of violence—which may very well be the remnants of years of war—when opposition party supporters clashed with United Nations peace-keepers and police as they protested perceived fraudulent elections.²⁰⁵ Given these visible threats to human rights and peace, how can memorialization address these issues?

Regarding the issue of ethnic divisions, research participants including the Liberian Minister of Arts and Culture, former truth commissioners, survivors and transitional justice experts, have emphasized the need for a national memorial. There was consensus among research participants that a memorial dedicated to all Liberians, mourning the losses of the past and celebrating a vision for a single national Liberian identity was necessary. Some research participants argued that this may not only address the issue of ethnic divisions but may also be the first step toward addressing Liberia's founding history, which is still biased toward Americo-Liberians. However, as the previous chapter has shown, national memorialization initiatives also bring forth a range of challenges and contentions. While nationalist discourses should be viewed cautiously, Liberia may indeed need its own Robben Island Museum to kick-

²⁰³ Author's personal discussions with NGO workers during the March 2012 field study in Monrovia.

²⁰⁴ A 2011 U.S. State Department World report assessing the human rights situations around the world observed the many threats to human rights in Liberia. In addition to issues related to the poor prison conditions and weak judiciary and security sector, the report also noted that the Liberian government has made slow progress in implementing the TRC's recommendations. The Johnson Sirleaf government rejected the report, claiming it was imbalanced. See <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154354.htm> for the full report.

²⁰⁵ See http://www.nytimes.com/2011/11/08/world/africa/liberia-protests-turn-violent-on-eve-of-election.html?_r=0 for the full story.

start its nation building project.

Should the Voices of Perpetrators Be Heard?

If memorialization is to aid in society's full accounting for the past and create democratic societies that respect human rights ... and peace then there may be a need to work carefully in those communities to develop initiatives that [also] enable perpetrators to participate and reenter normal society. [Perpetrators should] acknowledge members of that society ... and also be able to account for their past behavior. —Judy Barsalou²⁰⁶

You want to avoid naming, you want to make sure that people empathize with the dead and their families ... you want to make sure that the death is used as a basis [for] learning better lessons. But you also don't want to look at who did this [or provide a] detailed description of how it was done ... You need to disconnect the action from the doer to [prevent] vengeance. —Pindarus Allison²⁰⁷

In addition to challenges related to ethnic divisions, participants also point out that if memorialization were to serve the purposes of building peace and contributing to human rights, then memorialization processes should include perpetrators. The question of perpetrator inclusion, however, depends largely on the context and on questions of whether survivors and their communities feel safe enough to work in a joint process with perpetrators. Especially in Liberia—where there has been little accountability of perpetrators and many continue to influence social and political life—it may indeed be worthy to consider the inclusion of perpetrators into the memorialization process. Anecdotal stories, for example, mention that

²⁰⁶ Author's personal interview conducted with Judy Barsalou, 29 September 2012, Phnom Penh.

²⁰⁷ Author's personal interview conducted with Pindarus Allison, 21 March 2012, Monrovia.

former warlord Prince Johnson has on occasion declared that a memorial be built in his honor, since he was responsible for overthrowing dictator president Samuel Doe. Given that memorialization processes are always open to distortion and revisionism, any inclusion of perpetrators into these processes warrants caution. Apart from survivors' comfort level with the process, these initiatives should also ensure that they do not become platforms for former perpetrators to claim heroism, threaten victims or marginalize their experiences. Caution is especially warranted in Liberia, given the marginalization of survivors and the power that perpetrators still wield. Memorialization should therefore not be used to justify perpetrators' actions; instead, as transitional justice and human rights expert Judy Barsalou²⁰⁸ emphasizes, it should provide spaces for perpetrators to acknowledge the wrong that they have done and use the process to make amends. Local reconciliation initiatives through the Palava Hut program have successfully facilitated processes for perpetrators to make amends with their communities. Liberian Human Rights Commissioner Thomas Bureh²⁰⁹ describes a variety of successful local-level reconciliation initiatives facilitated between communities and minor perpetrators. In some of these cases, perpetrators confessed their crimes, apologized to the community and undertook community services such as farming, fetching water for local war widows and working for the local chief. Such a model, if carefully planned and implemented, can also successfully be adapted for memorialization processes.

Finally, some research participants noted the importance of recognizing the victims but also of not naming perpetrators. Here again, in a context like Liberia, the anonymity of perpetrators may be complex, since the TRC has already publicized the names of high-ranking perpetrators. Furthermore, as many survivors have noted, perpetrators, even low-level ones,

²⁰⁸ Author's personal interview conducted with Judy Barsalou, 29 September 2012, Phnom Penh.

²⁰⁹ Author's personal interview conducted with Thomas Bureh, 23 March 2012, Monrovia.

continue to operate with impunity and arrogance, threatening instability and violence. In cases where there has been no justice for survivors and no remorse from perpetrators, anonymity may be a challenge. However, in other contexts, especially in which perpetrators have made amends, using memorialization as a mechanism to teach broad lessons related to human rights values and surpassing questions of blame and shame may actually contribute to building a culture of human rights for current and future generations.

Raising Public Awareness

I think that it will also serve as a caution for young people...that war is not good ...they should not go back to the past and do it again – LUMASA Survivor²¹⁰

Given the Liberian government's unwillingness to address survivors' rights to reparation or implement any of the other TRC recommendations, survivors have successfully begun to use memory projects to advocate for reparations and raise public awareness around human rights related issues. With the support of local and international non-profits such as the International Coalition of Sites of Conscience, Liberian survivors have participated in art and memory projects²¹¹ that have not only contributed to individual healing at varying levels but which has also increased the group's advocacy efforts. While each memory work tells an individual story of an ordinary person with his/own hopes and dreams, how these dreams were destroyed through the violations he/she was subjected to, and his/her journey towards healing and recovery, the works together are "a cry for help and a cry for hope."²¹² Through the art and

²¹⁰ Author's personal focus group discussion conducted with LUMASA survivors on 22 March 2012, Monrovia.

²¹¹ See for example a short video at <http://www.youtube.com/watch?v=IVZ3Iiak9VM>

²¹² Participant's comment at the Bodymapping evaluation workshop held on 26 July 2013, facilitated by local NGO Civic Initiative. Unpublished report submitted to the International Coalition of Sites of Conscience.

memory workshops, the survivor group developed a strategic plan of action including participation in a radio talk show where they shared their experiences and raised awareness on their urgent need for medical and other forms of assistance. Not only did the radio show increase public awareness and support for survivors but also through their first person testimony survivors also gained the public's empathy. As noted it is through empathy with survivors and drawing on individual experiences that past lessons can contribute to human rights education.

The art and memory project is significant in that the process not only facilitated strategic action and advocacy but also created public discussions around issues related to justice, reparations, reconciliation and human rights. In her discussion regarding reparations and struggles for reparations, Minow (1998) points that it is the actual *process* of seeking reparations which raises awareness of human rights violations and mobilizes support for survivors that may be as valuable as obtaining some form of reparations and acknowledgement. She highlights that the process may empower survivors and allows them to find their voice (Minow 1998). Similarly, it is the process of memorialization and the discussions and debates around it that can contribute to civic engagement and a culture of human rights.

South Africa: Addressing a Culture of Violence

On 16 August 2012, South Africans watched in horror at what seemed to be a documentary clip of the dark days of Apartheid. The South African police opened fire on a group of protesting mineworkers who were demanding a wage increase from the Lonmin platinum mining company. Thirty-four mineworkers were killed, 78 were wounded and 250 arrested in what came to be known as the "Marikana Massacre." While the massacre was the

culmination of days of violent protests, as well as intimidation and threats between opposing groups of mineworkers, the ANC-led government was severely criticized for its security force's use of brute force. Many commentators likened the massacre to the notorious 1969 Sharpeville Massacre,²¹³ arguing that this too was a social and political turning point in South African history.²¹⁴ The massacre was momentous in that it exemplified ordinary South Africans' growing frustrations with the economic disparities and the inability of the ANC-led government to transform the economic situation. The event also highlighted the entrenched culture of violence still prevalent in South African society.²¹⁵ In a society where violence pervades, can memorialization address this and contribute to promoting non-violence and human rights?

Constitution Hill, a memorial site in Johannesburg South Africa decided to address this question. A former detention center notorious during the Apartheid years for its human rights violations today stands besides the democratic South Africa's Constitution Court. The site was developed as a symbolic bridge between South Africa's dark Apartheid past and an imagined future based on freedom, human rights and justice. The central mission of the site is to use the lessons of the past to engage the public in dialogue and debate around issues related to citizenship rights and responsibility, democracy and freedom - all those issues that the site's history raises and the country's Constitution Court addresses.²¹⁶ In February 2013, the site hosted an exhibition entitled "Marikana Hill to Constitution Hill."²¹⁷ The exhibition, which

²¹³ See <http://www.sahistory.org.za/topic/sharpeville-massacre-21-march-1960> for details of the Sharpeville Massacre.

²¹⁴ See <http://www.sahistory.org.za/article/marikana-massacre-16-august-2012> for an in-depth discussion of the Marikana Massacre.

²¹⁵ Studies conducted by local non-profit organizations for example note the high levels of violence in South Africa and recommend the revision of police policies to limit the use of unnecessary force. See for example <http://www.csvr.org.za/docs/Anewapproachtotheuseofforcebrochure.pdf>.

²¹⁶ See <http://www.csvr.org.za/docs/livingmemory/casestudy.pdf> for a detailed discussion.

²¹⁷ See http://www.constitutionhill.org.za/site/?page_id=43.

included visual art, poetry and music, highlighted the humanity of the miners, aiming to raise empathy in the visitor, while also addressing the main theme of bystander witnessing. The exhibition addresses questions related to silences in the face of mass atrocity, the responsibility of citizens to protect their own and their fellow citizens' rights and freedom, and the consequences of inaction in the face of human rights violations. In addition to this exhibition, Constitution Hill has also hosted exhibitions related to sexual and gender violence and gender rights. According to transitional justice scholar and peacebuilding expert, Brandon Hamber, it is some of these initiatives that seek to move memorialization beyond the goals of survivor recognition to actually addressing structural and other social justice issues that may be the most meaningful to society.²¹⁸ Similarly, other research participants have also commented on the benefits of memorials that evolve to meet the changing social and political needs. While some memory sites, such as Constitution Hill are indeed living spaces of memory, working to promote human rights and build an active and responsible citizenry, other memorials in South Africa have used political affiliations to create social and ethnic divides.

The Politicization of Memorialization

While there are some interesting forms of memorialization...they are disconnected from the TRC project. They also cannot intersect with the discourse of human rights...The language of memorialization in South Africa does not use the... vocabulary of human rights. – Madeleine Fullard²¹⁹

Both experts and survivors have noted their concern that memorialization initiatives are dislocated from the actual narratives of the South African TRC. As has been noted, the South

²¹⁸ Author's personal interview conducted with Brandon Hamber, 25 October 2012, via skype.

²¹⁹ Author's personal email exchange with Madeleine Fullard, 1 June 2012.

African TRC provided the moral framework for human rights and the narrative discourse for reconciliation. However, given the politicization of memorialization, and the changing political ideology related to concepts of reconciliation, memorialization has increasingly become a means to fulfill political parties' agendas. Human rights activist and government official, Madeleine Fullard notes that as a result of this politicization, even those survivors that testified in the TRC, but were victims of the liberation forces rather than the Apartheid state have been marginalized from memorialization processes. She points that the disconnection of post-Apartheid memorialization from the TRC's human rights framework has reduced the potential of many national memorial projects to fulfill a human rights education role.

A 2004 CSVr study of memorialization processes in Sharpeville Gauteng supports the claim that the politicization of memorialization is actually divisive and a challenge to building a culture of human rights. The Sharpeville Township was established in the 1940's as a result of forced removals. The township gained its notoriety in 1960 when Apartheid police opened fire on a group of unarmed Pan African Congress (PAC) protestors who were disputing the pass system.²²⁰ Sixty nine people were killed, and approximately 300 people were injured in what became known as the Sharpeville Massacre. The South African TRC report highlights that this event was a watershed in South Africa's history as it was this incident that turned the world's gaze on the brutality of the Apartheid state and resulted in protracted cycles of violence and counter-violence (Naidu 2004).

Since 1994, March 21 has been declared National Human Rights Day. The South African government also developed the Sharpeville Memorial precinct to mark the events of the Sharpeville Massacre. However, instead of paying tribute to victims and their families, the

²²⁰ The pass system required that all black South Africans carried a range of identity documents at all times. Failure to carry a pass resulted in arrest. The system aimed to restrict the movements of black South Africans. See <http://www.sahistory.org.za/south-africa-1806-1899/pass-laws-south-africa-1800-1994> for a detailed discussion.

memorial precinct is a political battlefield between the ANC the PAC. While the 1969 march was organized by the PAC, the ANC-led government has since co-opted the march into its own struggle memory, marginalizing the leadership role that the PAC played in 1969 (Naidu 2004). This author's experience of participating in a National Human Rights Day event in 1999 highlights a tense atmosphere where opposing ANC and PAC supporters verbally abused each other and each political party and their supporters commemorated the same event, in the same township but in different spaces. Similarly, former MK combatant and human rights activist, Shirley Gunn recalls her own experience in 2010 in the township of Langa in the Cape. She tells the story of the disagreement and threats of violence between the Democratic Alliance's local government officials and the PAC during the development of the Langa Memorial. She recalls, "It was a community event but the police were there... We went ahead with the unveiling...but it looked like the 1960's [Apartheid era]." ²²¹ The fact that memorialization processes have become potential faultlines for violence highlights the deep divisions and latent conflicts that still exist in South Africa today. Ethnic identity continues to inform political affiliation, which are legacies of its Apartheid history. The challenge for memorialization practitioners in South Africa therefore, is to work towards building a memorialization landscape that addresses ethnic and racial divisions while promoting a culture of human rights.

Conclusion

The history must be known. And also for the future generation it must also educate and they must know what was happening. If it was wrong and it must not be repeated [*sic*] – KSG Survivor²²²

²²¹ Author's personal interview conducted with Shirley Gunn, 30 September 2012, Phnom Penh.

²²² Author's personal focus group discussion conducted with KSG survivors on 6 September 2011, Johannesburg

Our children, our future leaders... will know that something went wrong. Maybe somebody will narrate the story to them, but seeing those monuments they will know that something went wrong. It will also help them understand the past and the need for peace – LIMASA²²³

According to Bar-Tal (2003) memorials “are necessary outcomes of violent conflict” (p. 90). As a product of conflict memorials have the potential to contribute to human rights education but may also fuel divisions and exacerbate tensions. As most survivors note, memorialization’s importance comes from its potential to teach current and future generations the lessons of the past with a view to ensure the non-repetition of those mistakes. However, this is not inherent in memorialization. Furthermore, given the political nature of memorialization, it will always be susceptible to contestation, revisionism and distortion. Much of the success of memorialization to contribute to human rights is dependent on the education programming around the memorial, the will of the initiators to promote constructive dialogue about the past, and its ability to facilitate tolerance across political and social divides. At best, memorialization may serve as just one deterrent against violence, but this is dependent on a range of social and political factors. At worst, the contestations and divisions around memorialization may serve as an indicator for levels of social cohesion and an early warning mechanism for potential violence. In such instances, other social and political interventions may be necessary to address these threats.

²²³ Author's personal focus group discussion conducted with LIMASA survivors on 22 March 2012, Monrovia.

CHAPTER FIVE: DEVELOPMENT, SOCIAL EQUALITY AND MEMORIALIZATION

It was a Sunday afternoon in late March 2012 when I decided to drive by the Post Stockade prison compound. Having visited the site in 2008, I was sure that I was not going to gain access to it, since the approval for my previous visit required a long bureaucratic process. The prison, in the heart of Liberia's capital city, Monrovia, operational during the Samuel Doe presidency, was a notorious detention center for political opponents of the Doe regime. Prisoners were subjected to various forms of gross human rights violations, including torture. In 2007, President Ellen Johnson Sirleaf expressed her intention to convert the site into a national museum, noting that it represented a part of Liberia's dark history and therefore need to be preserved as a reminder of the past.²²⁴

On arrival at the site, I was surprised to find that the complex had fallen into further disrepair, becoming an informal settlement and a home to petty criminals. Previously dark, gloomy prison cells that told tales of a past through the detainees' graffiti and etchings on the walls and unidentifiable smells of days gone by had become a vibrant makeshift home for several families. The cells were now decorated with colorful fabric partitions that marked different family living quarters, filled with smells of cooking that mingled with the odors of daily living in an environment lacking clean water and sanitation. The "chief" of the compound, a 30-something man with a friendly disposition, offered to give me a tour of the prison complex, narrating his own version of the events that took place there. I asked for his views about the proposed museum, and he told me he did not think that those plans were going

²²⁴See <http://allafrica.com/stories/200708130229.html>.

ahead. I asked him what he thought should be done at the site: Would a museum serve as reminder of a violent past? Would it help prevent future violence? Without a second thought, he responded that a part of it, perhaps a cell or two, should be preserved as a reminder of the past but that the rest of the compound and buildings should be converted into a school because education was what was going to “help” Liberia.

While I was surprised at his ideas for a multipurpose facility, it also made perfect sense. My tour guide did not complain about his living conditions; however, he did reflect on his aspirations for his own children to improve the quality of their lives and chances for a better future through education. In a low-income country like Liberia—with an adult literacy rate of 60.8% (2010), approximately 59% of primary-school children out of school (2011)²²⁵, and about 72% of the population living below the poverty line of US\$1 per day (2012),²²⁶ it is difficult to imagine that memorialization would be a priority in peoples’ lives. Does memorialization have meaning for communities whose basic needs have not been addressed? Can memorialization contribute to development needs?

It is in attempting to provide insights into some of these questions that this chapter will highlight some of the literature in development, drawing the links between transitional justice and development. The first part of the chapter provides a recap of both the Liberian TRC report and South African TRC report, specifically noting some of the economic issues highlighted as causes of the conflict and associated recommendations that the respective truth commissions made. This will be followed by a discussion of how survivors and practitioners perceive

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http://stats.uis.unesco.org/unesco/TableViewer/document.aspx?ReportId=121&IF_Language=eng&BR_Country=4300&BR_Region=40540.

http://stats.uis.unesco.org/unesco/TableViewer/document.aspx?ReportId=121&IF_Language=eng&BR_Country=7100&BR_Region=40540.

²²⁶ http://ec.europa.eu/europeaid/where/acp/country-cooperation/liberia/liberia_en.htm .

memorialization in relation to development and some of the arguments for and against reparations being a part of development initiatives. Finally, it will be argued that memorialization and development initiatives need to be supportive of each other as memorialization can only serve its purpose in contributing to the rebuilding of post-conflict societies, if it is initiated within a context where basic needs are being met and social equality is addressed.

Symbiotic Relationships: Development and Transitional Justice

As noted, transitional justice as a field emerged in the late 1990s, as societies recovering from mass atrocities and gross human rights violations attempted to come to terms with their violent pasts. Transitional justice mechanisms such as truth-telling processes, redress for victims through reparations processes, institutional reform, and prosecutions form the core pillars of transitional justice. The field of development, on the other hand, came into being in the mid-20th century, following decolonization processes. Initially referring to processes of economic growth, the concept of development expanded to include the relationship of economic growth to modernity, freedom, and social justice (Ames and Reategui 2009). Since the early 1990's, the UN, in an attempt to expand the focus of development beyond gross domestic product and economics, tried to promote the idea of human development—a people-centered approach to economic growth. Such an approach focuses on both the economic and social well-being of individuals and societies. While the concept of human development did not always translate into policy and practice,²²⁷ it was only in the late 1990s, with Mahbub ul Haq's and Amartya Sen's work, that the concept of human development and its role in

²²⁷ See Richard Jolly, Louis Emmerij and Thomas Weiss (2009) for a discussion of the evolution of the idea of human development.

contributing to freedom and choice began to take root in the field (Jolly, Emmerij and Weiss 2009). According to Sen (1999), in his study of the relationship between development and freedom, true human development needs to enhance human freedoms and vice-versa. He argues that freedom needs to be expanded beyond the limited concepts of civil and political rights (CPR) to include economic, social, and cultural rights (ESCR), where issues such as health care, education, employment, and access to clean and sanitary conditions are given as much emphasis as CPR. By drawing on the links between political freedoms, justice, and socioeconomic opportunity, Sen (1999) calls for a comprehensive development framework that is dependent and supportive of democracy-building processes (Sen 1999). Sen's conceptualization of human development as a holistic approach to improving quality of life and contributing more broadly to democracy, freedom, justice, and human rights has become widely accepted in the development arena, and it is this conceptualization that has more recently enabled scholars in the field of development and transitional justice to begin to identify areas of intersection.

While various scholars (See de Greiff 2009; Duthie 2008; Roht-Arriaza and Orlovsky 2009; Lenzen 2009) have noted that development and transitional justice are two separate fields, scholars have more recently begun to recognize that transitional justice and development share similar goals, often operating in similar contexts. According to Rolando Ames Cobian and Felix Reategui (2009), both transitional justice and development often share similar contexts of social and economic stratification, where the poor are among the most marginalized and often in the majority, living in a society that requires institutional and social structural reform. They argue that transitional justice and development both aim to foster, or create, the conditions for systematic change to be implemented (Cobian and Reategui 2009). Similarly,

Marcus Lenzen (2009) notes that transitional justice and development both share the similar goal of reforming state institutions, thereby contributing to the renewal of a social contract between the state and its citizens. Drawing on parallels in the field between transitional justice and development, United Nations Development Program (UNDP) Administrator Helen Clark notes, “Transitional justice and human development are about building societies [that] can be at peace, just and inclusive.”²²⁸

More recently, the special rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff, reiterated the need for more complementarity between the transitional justice, security, and development sectors. In his 2012 report to the Human Rights Council, de Greiff outlines that a part of his strategic goals is to bridge the gaps between the development, transitional justice, and security sectors (UNOHCHR 2012). He notes that while actors in each of these areas work independently, there are numerous reasons for them to support one another’s work. In making the argument for complementarity, he argues that development deficits are often a cause and consequence of gross human rights violations, yet one of the key challenges is that development, justice, and security sectors continue to work independently of one another. He posits that actors in each of these fields should work together to consolidate the links and overlaps in their work, as it is only in complementing one another that guarantees of non-repetition of human rights violations can be truly realized. More significantly, however, he argues that human rights violations in conflict contexts often extend beyond violations of CPR to ESCR (UNOHCHR 2012). However, as discussed below, most transitional justice processes, such as truth commissions and trials, focus primarily on CPR violations, while ESCR violations take second seat in the main

²²⁸ <http://www.undp.org/content/undp/en/home/presscenter/speeches/2011/11/14/helen-clark-a-role-for-development-in-transitional-justice-the-arab-spring-and-beyond/>

discourse. Given the limitations of transitional justice mechanisms in addressing social, economic, and cultural violations, de Greiff notes that there is an increasing demand for transitional justice supporters to prove the effectiveness of different transitional justice mechanisms in addressing these issues and showing their contribution to improving the economic and social conditions of those affected by gross human rights violations. How then do mechanisms such as truth commissions shape the discourse on economic, social, and cultural rights? Can truth commission recommendations such as memorialization actually contribute to enhancing the quality of lives of survivors of conflict, and can they address some of the structural inequalities of societies in the aftermath of war?

The Truth According to the Truth Commissions

Since their early beginnings in Latin America,²²⁹ most truth-seeking processes have aimed to deal with justice for victims of human rights violations by addressing some of the root causes of conflict as well as laying the foundation for processes of reconciliation, peace, and democracy. Groundbreaking truth commissions in Argentina, Uganda, Chile, South Africa, and El Salvador, for example, have focused primarily on investigations of human rights violations that constituted breaches of civil and political rights. Such violations included disappearances and abductions, torture, acts of violence that fulfilled political ends, and arbitrary detention. However, few²³⁰ have focused directly on related aspects of economic, social, and cultural rights violations (see Hayner 2002, for a select list of truth commissions and investigations that

²²⁹ One of the first transitional justice processes was implemented in Uganda in 1974; however, transitional justice as a field only gained momentum following transitional justice processes in Latin America (See Hayner 2002).

²³⁰ More recent truth commissions such as the *Commission for Reception, Truth and Reconciliation* in Timor-Leste for example have focused on economic crimes as part of its broader mandate. Truth commissions in Sierra Leone, South Africa, Liberia and Guatemala, have also, to varying extents made references to the socioeconomic impact of the conflicts in each of the different contexts. However, investigations into economic crimes were not a core part of their mandates.

they undertook). Several scholars (see Mani 2008; Arbour 2006; Laplante 2008) have noted that this shortcoming is related to the narrow definition of transitional justice. According to Louise Arbour (2006), this definition which is also broadly accepted by the UN²³¹ neglects ESCR and related social justice issues. In mapping the trajectory of the origins of international human rights law, Arbour (2006) argues that for transitional justice to fulfill its goals of conflict prevention and positive social transformation, it is necessary for transitional justice to include a focus on ESCR violations, since CPR violations are inherently linked to ESCR violations. He contends that the mandates of truth commissions to investigate gross human rights violations places the commissions in an ideal position to investigate ESCR violations as well as include these rights as mainstream rights during post-conflict rebuilding (Arbour 2006). Similarly, both Lisa Laplante (2008) and Rama Mani (2008) note that if truth commissions begin including investigations into ESCR violations into their mandates, they could assist in expanding definitions of justice as well as prioritizing social justice and social development within post-conflict contexts.

While cases in countries such as South Africa, Liberia, Morocco, and Timor-Leste have shown that CPR violations are intrinsically linked to violations of ESCR, as will be shown below, ESCR are sometimes marginalized in favor of fulfilling other transitional justice goals. Truth commissions' distinctions between ESCR and CPR not only influence how reparations (in this case, memorialization) are perceived in relation to other development issues but also bring to the fore questions of whether memorialization can achieve some of its stated goals in contexts where social justice remains a challenge.

²³¹ See http://www.unrol.org/files/TJ_Guidance_Note_March_2010FINAL.pdf for the UN approach to transitional justice.

The Social and Economic Costs of Human Rights Violations in Liberia and South Africa

As has been noted the South African TRC's mandate was developed with a view to achieving the broader goals of reconciliation, nation building, and the assurance of the non-repetition of past abuses. In focusing its investigations on gross human rights violations, the TRC focused on politically motivated crimes that related directly to bodily harm. In recognizing the limitations imposed by the Promotion of National Unity and Reconciliation Act no. 34 of 1995 and its bias toward CPR investigations, the TRC report highlights that the system of Apartheid itself deprived millions of South Africans of basic rights such as rights to education, housing, sanitation, and basic infrastructure development (SA TRC Report 1998, vol. 1, chap. 4). A key issue raised by the TRC report is that one of the cornerstones of Apartheid was legislation that promoted "separate development," which allotted different privileges according to a hierarchy of race, with whites being the primary benefactors (SA TRC Report 1998, vol. 1, chap. 4: 61). The report notes that "the consequences of these violations [caused by separate development] cannot be measured only in human lives lost through deaths, detention, dirty tricks and disappearances, but in the human lives withered away through enforced poverty and other kinds of deprivation" (SA TRC Report 1998, vol. 1, chap. 4: 64-65). Finally, in emphasizing the structural violence imposed by the Apartheid system, the TRC report almost apologetically concludes the section on "who were the victims of Apartheid" by stating:

The Commission fully recognized that large-scaled human rights violations were committed through legislation designed to enforce apartheid ... Its task, however, was limited to examining those "gross violations of human rights" as defined by the Act. This should not be

taken to mean, however, that those “gross violations of human rights” (killing, torture, abductions and severe ill treatment) were the only very serious human rights violations that occurred (SA TRC Report 1998, vol. 1, chap. 4: 65)

As highlighted in earlier chapters, scholars have been critical of the TRC’s sidelining of the racial dimensions of Apartheid and its impact on the daily experiences of black South Africans in favor of a reconciliation discourse. However, it is significant to note that the TRC report refers to this shortcoming, notably so, in the RRC's final recommendations. In considering the challenges of designing a road map for reparations and explaining its aim to balance individual reparations with broader societal reparations, the RRC notes:

It is often difficult to distinguish victims from non-victims and even to isolate key events that caused subsequent problems in people’s lives. It is not always possible to draw a clear line between a gross violation of human rights and more general features of oppression (SA TRC Report 2003, vol. 6, chap. 7: 161).

In recognizing that the majority of black South Africans were victims of the Apartheid system while still attempting to distinguish those survivors that came forward to testify at the TRC from broader communities that were also affected by Apartheid, the RRC recommended a variety of reparative measures that aimed to complement each other. The RRC made specific development- and economic-related recommendations, including land restitution, a once-off wealth tax, and financial contributions from the business sector toward reparations for survivors as well as toward broader community development (SA TRC Report 2003, vol. 6, chap. 5). The RRC also noted that the ideal scenario regarding social services would be that

government provides preferential services for survivors, as this would be a show of government's recognition of survivors (SA TRC Report 2003, vol. 6, chap. 7). However, it also noted the impact of the AIDS epidemic on national finances and the overall lack of resources in various public social services departments as challenges that may hinder preferential treatment for survivors.

Most relevant to this chapter is the RRC's recommendation that symbolic reparations projects such as the development of museums and monuments be implemented with a view to improve both survivors' lives and communities more broadly. The RRC recommended that memorialization initiatives could benefit survivors and their communities by including them in the design, manufacturing and management of such projects. Finally, the RRC recommended individual reparations to recognize individual survivors who testified in the TRC and collective reparations for those who did not engage with the TRC but were nevertheless subjected to human rights violations. The TRC did not adequately define "collective" reparations. As such, survivors have begun to define the term according to their current needs. This will be discussed later in the chapter.

Overall, the South African TRC sidelined issues related to ESCR and the structural impact of Apartheid on the daily lives of black South Africans in favor of a reconciliation narrative. In Liberia, however, while the TRC's mandate included the promotion of peace and reconciliation, the Liberia TRC chose to investigate and prioritize economic crimes. Born of the 2003 Accra Comprehensive Peace Agreement, the Liberia TRC's mandate included the investigation of gross human rights violations, including economic crimes and violations of international humanitarian law that took place between 1979 and 2003. Its mandate was guided by the goal to promote national peace, security, unity, and reconciliation. Given that the

Liberia TRC's investigations went as far back as 1979 to the year of the Rice Riots,²³² an event that gave rise to more than 20 years of instability and cycles of violence, the core of the TRC's investigations and findings revolved around questions of power, privilege, and its role in the economic, social, and political lives of Liberians. The TRC identified poverty as a primary cause and contributing factor to the conflict. In considering issues of power and privilege, the TRC report cites bad governance and the oppression of indigenous Liberians as a key contributing fact to the conflict. Additionally, the report notes that the "entrenched political and social system founded on privilege, patronage, politicization of the military and endemic corruption which created limited access to education and justice, economic and social opportunities and amenities" is another contributing factor in the conflict (Liberia TRC Report 2009, vol. 2, chap. 1).

In noting the issues related to the economic and social causes of the conflict, the Liberia TRC made various recommendations to the Liberian people, the government of Liberia, and the international community. The public interest recommendations included the implementation of a reparations program that could contribute to healing, justice, and reconciliation. Recommendations related to issues of social justice included:

²³² In 1979, President William Tolbert proposed a raise in rice prices. The government claimed that the increased prices would serve as incentive for local farmers to continue to farm rice thereby reducing the dependence on imported rice. However, political opponents noted that the Tolbert family owned large rice farms and therefore had much to gain from the proposed policy change. The Progressive Alliance of Liberia called for a peaceful march on the Executive Mansion in Monrovia. On 14 April 1979, almost 2000 peaceful protestors were joined by about 10 000 "backstreet boys" who caused the march to degenerate into violent riots. Police killed approximately 40 protestors and an additional 500 were injured. Hundreds of protestors were arrested. Some commentators (See for example Dennis 2006) argue that this event marked the change in Liberian politics. (See also http://www.publicagendanews.com/index.php?option=com_content&view=article&id=1980:april-14-rice-riot-recalled-&catid=1:latest-news&Itemid=2 for a detailed account).

Reform of public institutions and certain policies [that] will promote peace, security, national reconciliation, good governance and human rights; reduce poverty and alleviate illiteracy, create opportunities for all, as well as to guarantee that the experiences and horror of the conflict will not be repeated (Liberia TRC Report 2009, vol. 2. chap.1: 20).

Regarding community reparations, the TRC recommended community development projects such as infrastructure development and the development of schools and health facilities for those communities most affected by the conflict (Liberia TRC Report 2009, vol. 2, chap. 17). While the TRC made specific recommendations for memorialization, unlike the South African TRC, it did not draw the links between memorialization and economic empowerment for survivors.

While working within the limitations of their respective mandates, both the Liberian and South African truth commissions attempted to acknowledge, if not fully investigate, the economic and social causes of the conflicts in each of the countries. However, for survivors, the lack of emphasis on ESCR violations and in both cases the governments' lack of will to address outstanding issues related to reparations have translated into ongoing economic and social marginalization for survivors. Furthermore, given that there has been very little change in the survivors' social and economic circumstances and affected communities more broadly, the key question that arises is whether memorialization can be meaningful in a context where survivors continue to be marginalized and where there are other more pressing development needs.

Memorialization Versus Development

For societies emerging from armed conflict or repression, there are numerous social and economic needs with various actors competing for often-limited resources. Conflict and repression not only transform social orders²³³ but also destroy whole economies and infrastructure. In Liberia, the 14 years of civil war compounded by economic sanctions resulted in a postwar situation with over 80 percent unemployment, the majority of the population having no access to basic services such as water and electricity, and almost all medical services being provided by international non-governmental organizations and the UN.²³⁴ In South Africa, on the other hand, following the collapse of Apartheid, almost 20 years later, the country continues its struggle to address the legacies of Apartheid segregation policies and its negative impact on the African population. According to Vusi Gumede (2013), despite improved social development and a reduced 2012 unemployment rate of 23.9 percent, the ANC-led government has had mixed success regarding service delivery and the provision of quality social services that improve the living conditions of all South Africans. Despite advances in the provision of clean water and sanitation, for example, the government continues to deal with significant backlogs in addressing the legacies of the Apartheid government's policy of unequal development for blacks and whites. Statistics for 2010 show that 53 percent of South Africans continue to live below the poverty line, compared with 2 percent of whites living below the poverty line, with 6.72 percent of South Africans lacking access to water, compared with 0.55 percent of white South Africans (Gumede 2013). Given the statistics in Liberia and South Africa, it is no surprise that survivors in both countries argue for a more

²³³ According to Michael Mann (1986), war plays a significant role in shaping processes of inclusion and exclusion and contributing to new forms of social stratification. Social categories such as class and citizenship are not only shaped by conflict but also shape social orders following conflict (Mann 1986).

²³⁴ See <http://www.un.org/events/tenstories/06/story.asp?storyID=2100>.

coordinated approach between the provision of social services such as education, housing and health services, and memorialization initiatives.

Not a Case of “Either/Or”

We need monuments, pallava huts, clinics, and schools. – LIMASA Survivor²³⁵

We would like to have a memory center where all victims can tell their story again...and also get counseling and medication. – KSG Survivor²³⁶

While survivors in both South Africa and Liberia recognized their need²³⁷ for services, survivors in both countries acknowledged that memorialization initiatives were a necessary endeavor and that service delivery should not be undertaken at the expense of memorialization. Survivors and experts alike agreed that memorialization was necessary to fulfill broader social goals such as the recognition of survivors, building a new national post-conflict narrative that includes all members of society, and preserving the stories of the past to serve as an education tool for current and future generations. Former South African TRC commissioner Yasmin Sooka argues that memorialization should not be dismissed in favor of development needs. She says that the success of memorialization initiatives in contexts where there are competing development needs is largely dependent on the goals of these initiatives. She notes that if memorialization initiatives are accompanied by the recognition of all the challenges that the society faces as well as serves as a catalyst for discussions about issues related to social justice,

²³⁵ Author’s personal focus group discussion conducted with LIMASA survivors, 22 March 2012, Monrovia.

²³⁶ Author’s personal focus group discussion conducted with KSG survivors on 6 September 2011, Johannesburg.

²³⁷ Survivors in Liberia are in urgent need of social and economic services - services which are currently not being subsidized by the government. One survivor who participated in the research still had a bullet lodged in his leg while various others were need of urgent medical attention and psycho-social support following the violations they sustained during the war.

then memorialization can be as meaningful as development projects to survivors. Finally, in reiterating survivors' views, she notes, "I think clinics are important, but ... people need [their] souls to be dealt with too."²³⁸ Similarly, Anke Strauss,²³⁹ liaison officer at the International Organization for Migration to the UN, in drawing on her reparations work with survivors from the German forced labor camps, notes that survivors place as much value on being recognized through symbolic processes as they do on other forms of reparations such as compensation. She argues that if memorialization initiatives seek to facilitate social goals of rebuilding divided societies and recognizing victims, and if they are financially modest, then they may be as important as fulfilling survivors' development needs.

Memorialization as a Form of Community Reparations

Everybody is a victim. We would like to build something that we could look at, to remember, to tell stories. A medical memorial, a building, or church with pictures in it. – LUMASA survivor²⁴⁰

We need individual, symbolic, and community reparations because it was not done to only us who are victims, but the community as a whole was victimized during Apartheid. – KSG Survivor²⁴¹

For survivors in both Liberia and South Africa, development-related needs such as health care and education were couched within broader memorialization projects. As such, survivors conceived memorialization initiatives as part of multipurpose precincts that could serve the community at large while still recognizing survivors and fulfilling other

²³⁸ Author's personal interview conducted with Yasmin Sooka, 23 September 2011, Johannesburg.

²³⁹ Author's personal interview conducted with Anke Strauss, 9 July 2011, New York City.

²⁴⁰ Author's personal focus group discussion conducted with LUMASA survivors, 22 March 2012, Monrovia.

²⁴¹ Author's personal focus group discussion conducted with KSG survivors on 6 September 2011, Johannesburg.

memorialization goals. In making the argument to link the recognition aspects of memorialization to community reparations, former South African TRC commissioner Ms. Mary Burton²⁴² notes that the South African government's initial negative attitude toward the TRC's recommendations has resulted in a missed opportunity for government to use service delivery as a means to recognize those communities that were adversely affected by Apartheid. She observes that some of the anger and frustrations that survivors and broader communities currently display could have been litigated if government, very early into the democratic dispensation, had said, "This is specifically because this community did not receive just treatment in the past, and so this clinic is in honor of all of this community and not just those that came to the TRC, but all of the people at large that were affected." Almost 15 years later, some survivors in South Africa,²⁴³ showing the frustration that Ms. Burton alluded to, were quick to note that basic service delivery was a responsibility of government and as such should be separated from memorialization initiatives. The majority of survivors in South Africa, however, and almost all survivors in Liberia argued that memorialization should be a part of community reparations or initiatives that served the community more broadly.

Survivors in South Africa argued that memorialization should be a part of community reparations initiatives. Given the TRC's lack of clarity on what exactly collective/community reparations projects would entail, survivors perceived projects such as community gardens and other income-generating projects, alongside memorialization, as preferred community reparations projects. Further, they envisioned community reparations initiatives as projects where they as survivors who testified at the TRC would be primary beneficiaries, with the broader community being secondary beneficiaries. However, in discussions with members of

²⁴² Author's personal interview conducted with Mary Burton, 13 September 2011, Cape Town.

²⁴³ Author's personal focus group discussion conducted with KSG survivors on 6 September 2011, Johannesburg.

the Post-TRC Unit at the South African National Department of Justice,²⁴⁴ there is approximately U.S. \$1 million available for collective reparations, which they had earmarked for broad service-delivery projects. It is also interesting to note that in previous discussions, survivors had focused many of their arguments around the need for financial reparations; in the current research, there seemed to be a new interest in community reparations. This interest may be related to the fact that there is still the government funding available for community reparations, and survivors perceive this as the final avenue to access funding for some of their other needs that the South African government has still not addressed.

In Liberia, survivors' ideas for memorialization to be incorporated into community reparations projects may relate mainly to the fact that President Ellen Johnson Sirleaf has declared that the government will consider only community reparations and not individual compensation. In 2010, President Johnson Sirleaf noted that the scale of the war and its impact on all Liberians coupled with the lack of financial resources rendered it unfeasible for government to pay individual compensation. As such, she noted her intention to provide community reparations such as infrastructure development and investments in religious institutions, schools, and health-care facilities.²⁴⁵

Survivors have been vocal about incorporating memorialization projects into community reparations initiatives, noting that their communities at large were victims of gross human rights violations. However, practitioners and experts working within the field of transitional justice have argued that ideally community reparations should be separated from broader development projects. According to Lisa Magarrell (2007), community reparations or

²⁴⁴ Author's personal interview conducted with officials from the South African Department of Justice: Post TRC Unit, 7 September 2011, Pretoria.

²⁴⁵ See <http://newdemocratnews.com/index.php/home/273-president-rules-out-victims-war-reparation> and <http://globaltj.wordpress.com/2010/09/14/social-religious-leaders-and-sirleaf-spar-on-reparation-for-war-victims/>

collective reparations are aimed at a specific *group* of victims who may share a similar identity, all of whom have been subjected to human rights violations as a group. As such, community reparations may take on different forms, such as community-income-generation projects and infrastructure development projects, that serve to recognize the violations experienced by the community at large, rebuilding the community and restoring the community identity and trust among its members (Magarrell 2007). Further, community reparations can recognize a broader group of people without drawing clear distinctions between victims and non-victims. They may also be especially useful in countries like Liberia and South Africa, where a vast majority of the population was victimized. Despite the potential positive benefits of community reparations, scholars (see Magarrell 2007; de Greiff 2006) have also noted the possible negative effect of community reparations, especially when conceived in relation to development. In some instances, government may use the concept of community reparations as a means to address development needs, which, scholars argue, is already a right of all citizens. In such instances, the line between reparations and development becomes blurred, not necessarily recognizing victims of gross human rights violations and possibly even benefiting perpetrators.²⁴⁶ While still making the case for complementarity between reparations and development programs, in his 2013 report, the special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence emphasizes that each program should be separated, since they each “entail different types of acknowledgment of responsibility, normally serve different constituencies and ought to distribute slightly different types of goods” (UNOHCHR 2013: 17).

²⁴⁶ In some countries such as Cambodia, however, local community driven reparations initiatives have aimed to benefit all members of the community. Project initiators argue that local-level perpetrators are as much victims of the genocide as other members of the community. Such a conceptualization of community reparations aims to further goals of community building.

Practitioners and scholars are divided on the subject of reparations programs and its link to development. Liberian transitional justice practitioner Mr. Pindarus Allison,²⁴⁷ for example, argues that memorialization and other types of reparations should ideally be separated from development initiatives. However, the separation between projects is largely dependent on survivors' needs and the reality of conditions on the ground. He notes that initiators of projects should therefore aim to strike a balance between memorialization and development projects so that they can achieve their different goals while still fulfilling community needs.²⁴⁸ Furthermore, as Yasmin Sooka²⁴⁹ notes, the separation of development projects from reparations projects in developing post-conflict contexts may be a luxury, since there are a variety of urgent and competing development and transitional justice needs. For survivors in Liberia, their dire need for development and basic services may indeed be as important to them as their need for recognition of their suffering. The danger, too, in such economically depressed contexts, where almost everyone can be considered a victim of the conflict or of a repressive system, is that reparations when separated from development projects may actually become a source of conflict and create new patterns of inequality. Take, for example, the South African case of the Kliptown Memorial and Walter Sisulu Freedom Square below, in which basic socioeconomic needs are not fulfilled: Memorialization may not only lose its potential as a mechanism for community rebuilding or a mechanism for recognizing survivors of conflict but may also become a faultline for violence.

Memorials with Development vs. Memorials in Development

²⁴⁷ Author's personal interview conducted with Pindarus Allison, 21 March 2012, Monrovia.

²⁴⁸ In Morocco for example, the government in implementing the TRC's recommendations began converting former detention centers into memorial sites. Additionally, it began to develop the infrastructure for surrounding communities who suffered extreme marginalization and socio-economic abuses under King Hassan's 11 reign. However, many survivors of torture and unlawful detention have since advocated for the separation of reparations programs from the broader development programs.

²⁴⁹ Author's personal interview conducted with Yasmin Sooka, 23 September 2011, Johannesburg

The Kliptown Memorial and Walter Sisulu Freedom Square in Kliptown is a memorialization project designed to commemorate the historic drafting of the Freedom Charter by the Congress of the People in 1955 and the early struggle against Apartheid.²⁵⁰ In a 2004 needs assessment study facilitated by a provincial government development agency, it was found that given the town's extreme poverty and lack of basic services, the proposed new development became a source of tension within the community, exacerbating existing divisions.²⁵¹

Following ongoing consultations, the site was later developed into an entertainment precinct with a memorial component celebrating the history of Kliptown. The Walter Sisulu Dedication Square consists of ten pillars that represent aspects of the Freedom Charter, nine crosses that represent the nine provinces of South Africa, snaking pathways that resemble the lines of voters in South Africa's first democratic election in 1994, a hotel, a museum, and a multipurpose hall. The precinct is marketed as a space that allows "the beacon of light to shine through, to burn the bridge of diversity and prejudice, refining and strengthening what others gave up their lives for, commemorating that which has been attained for everyone to experience...the knowledge that I AM FREE."²⁵² According to Lynn Meskell and Colette Scheermeyer (2008), the site is "dripping in rhetoric of sustainability, tourism, cultural heritage, and improving the socioeconomic conditions" (p. 165). They argue that the site is

²⁵⁰ Kliptown, a town in the province of Gauteng in South Africa was the first town of the broader Soweto township area and has historically been a place that housed diverse groups. It was one of the first places where residents defied the various segregation policies imposed by the Apartheid state. Additionally, Kliptown was the site of the historic Congress of the People that took place on June 26, 1955, bringing together over 3000 people from diverse racial backgrounds to protest Apartheid policies of segregation and oppression. The Congress of the People met to draw up the Freedom Charter which mapped an alternate vision to the repressive Apartheid policies.

²⁵¹ In 2003, the development agency Blue IQ commissioned a feasibility which was undertaken by a consortium of South African non-profit and corporate consultants. The aim of the research was to understand the needs of the people of Kliptown as well as use the research process itself as a mechanism to create ownership and awareness around the development. Author's research conducted for the Centre for the Study of Violence and Reconciliation, 2003.

²⁵² See http://www.waltersisulusquare.co.za/about_mall.htm

characteristic of South Africa's post-Apartheid heritage practices that seek to combine national spectacle with job creation and economic development rather than focusing on the actual recognition of the people of Kliptown (Meskell and Scheermeyer 2008).

The fact that the site represents an investment of thousands of dollars without necessarily meeting the community's needs was exemplified in 2007, when residents took to the Square in violent protests. Residents of Kliptown protested against the lack of basic service delivery, which ended in a confrontation between the police and protestors, with police firing rubber bullets at the protesting crowds (Meskell and Scheermeyer, 2008). Again, in 2012, residents of an informal settlement in Kliptown burned toilets while staging a protest against the lack of housing.²⁵³ The irony of the protests, and the space and place within which these protests occurred, is that the Freedom Charter, for which the community is commemorated, emphasized the need for social justice and equality, which has not materialized for the Kliptown residents. Furthermore, the site as a space of protest highlights the ongoing marginalization that the majority of black South Africans experience, despite the fall of Apartheid.

According to Jenny Edkins (2003), memorialization re-inscribes trauma into linear narratives thereby depoliticizing victims and their narratives and appropriating their experiences of violence. In line with Edkins's argument, it may be argued that in post-Apartheid South Africa, memorialization projects such as the Kliptown square serve as mechanisms to silence and depoliticize often-angry citizens by providing a physical marker that their struggle has been recognized as well as implying that somehow with the passage of time that their circumstances have automatically changed. However, through the acts of

²⁵³ See <http://www.sabc.co.za/news/a/b8ade9004b37ff0491209f08bbfc9952/Kliptown-residents-destroy-toilets-protesting-20120512>

protest, the community has over and over again reclaimed the memory of struggle and resistance and re-inscribed the space as a form of resistance (Edkins 2003).

The case of Kliptown further highlights the need for a complementary reparations and development strategy that addresses both the socioeconomic and memorialization needs of a community. When the basic needs of a community are not met and the social and economic inequalities of the past persist, memorialization not only proves futile but also serves as a reminder of unfulfilled expectations. In the case of Kliptown, however, despite being nostalgically remembered as a place of diversity and resistance, the reality is that the community suffered serious social and economic injustices at the hands of the Apartheid state—injustices that have not been adequately recognized or addressed by the new democratic government. While the Walter Sisulu Freedom Square symbolizes freedom and economic advancement through a multipurpose mall masking as a memorial, all it really does is gloss over the reality that the Kliptown residents have not yet attained true freedom (as defined by Sen).

If the case of Kliptown highlights the challenges of memorialization in the absence of adequate development, there are also examples of memorialization initiatives where poor communities have undertaken their own memorialization initiatives even in the face of significant development needs. Samay,²⁵⁴ a small town in Bong County in Liberia, was among the many communities that suffered during Liberia's civil war. In October 1994, the Liberia Peace Council launched a direct attack on the town, killing at least 27 people.²⁵⁵ In 2001, during Charles Taylor's presidency, the community of Samay decided²⁵⁶ to build a memorial to

²⁵⁴ The Samay case study was described in the author's personal interviews conducted with Pindarus Allison on 21 March 2012, Monrovia and with Aaron Weah on 21 March 2012, Monrovia.

²⁵⁵ See Weah (2011) for a full description of events leading to the attack of Samay.

²⁵⁶ The community decided to build the memorial because community members became plagued by dreams of

commemorate the events of 1994. The memorial, a ten-by-ten-foot cross, cost a total of U.S. \$1,040 and was built with cash and in-kind contributions from community members. To raise funds for the project, the community began a rice-farming initiative, the proceeds of which subsidized a large part of the project. Community members donated additional funds, while women volunteered their services, crushing the rocks that would eventually serve as building materials for the memorial. In December 2001, the project was successfully completed. The monumental cross—inscribed with the words “In loving memory of our late fathers, mothers, brothers and sisters who died as a result of the Liberian crisis. May God receive them in heaven”—also includes the names of the 37 community members, some of whom died during the October 1994 attack, as well as an additional ten community members who died in other parts of the country during the civil war. According to Aaron Weah (2011), the community engages with the site through various commemorative and educational activities. In 2010, following the end of the Liberia TRC and in consultation with the Samay community, the Transitional Justice Working Group,²⁵⁷ in partnership with Open Society Initiative of West Africa, funded the community to build three Palava huts. The site, which officially opened in November 2012, includes a hut that houses the original memorial cross, a second hut that will serve as a traditional space for dialogue and conflict resolution, and a third hut that will be used as a memory center to store historic artifacts and other memory-related paraphernalia. The Samay memorial center highlights the positive role that transitional justice mechanisms such as memorialization can play in communities while still addressing the development needs of those communities.

victims that had died during the conflict. Community members believed that the victims' spirits were restless and needed to be put to rest through a traditional ritual and a memorial that would remember them (Interview with Pindarus Allison 2011).

²⁵⁷ The Liberia Transitional Justice Working Group is a group of individuals and institutional representatives that are working together to follow up on the Liberia TRC recommendations.

Conclusion

As has been shown thus far, the success of memorialization and its links to development-related issues is dependent on a variety of factors. What remains clear, however, is that there is not a one-size-fits-all approach to memorialization in post-conflict contexts where there are competing developing needs. Community needs and local contexts are key factors that determine the success of memorialization initiatives.

When setting the agenda for post-conflict reconstruction and development processes, there is often the argument that there are more important development needs in war-torn societies. There is little doubt that this argument holds true: As Charlie Hughes, Sierra Leonean heritage practitioner, notes, “There is a general outside perception that if you’re poor there is no time for history.”²⁵⁸ Exemplified through the case of the Samay memorial in Liberia, memorialization initiatives as part of a broader reconstruction project can serve goals that may not necessarily be addressed by mainstream development programs. On the other hand, memorialization as described in the Kliptown memorial may be less meaningful in a community where basic development needs have not been met. It may also become a source of conflict, as different stakeholders compete for access to the perceived economic benefits from the project.

When memorialization processes are shaped by an inclusive and adequate consultation process with communities, seeking to meet community needs, they provide successful examples of community reparations. Not only do such initiatives meet memorialization goals such as engaging communities in dialogues and facilitating healing and community rebuilding, but they may also be a way for communities to claim other economic-, social- and, cultural-

²⁵⁸ Author’s personal notes from discussion with Charlie Hughes, 2010, Freetown, Sierra Leone.

related rights that formal truth seeking mechanisms such as a truth commission may not have addressed.

While not fully addressed in the cases above, memorialization may also contribute to local development and economy through infrastructure development, tourism, and job creation. Survivors in both Liberia and South Africa have noted the potential positive benefits that memorialization may have in serving dual purposes such as income generation and education about the past. However, here, again, to prevent patterns of unequal development and conflict within a community, it is necessary that such projects seek to benefit survivors first while also ensuring that the broader community also gains from such endeavors. Memorialization in the absence of development and basic services is meaningless. However, development without access to a heritage, history, and the basic recognition for which many survivors yearn may be equally problematic. As experts in the fields of transitional justice and development continue to make arguments for and against the separation of both these fields, the stories from the people who are actually affected and the local conditions on the ground suggest that an integrated approach to post-conflict redress and socioeconomic reconstruction is necessary to address patterns of inequality and support social rebuilding. However, transitional justice mechanisms such as memorialization should not be substituted for any government's responsibility to provide compensation to survivors or to make available basic services to its people. However, one needs also to recognize that states emerging from conflict are almost always struggling to meet a range of post-conflict needs with limited resources. In these contexts, questions related to the support of memorialization activities should focus on the the prioritization of initiatives and the sequencing of different development and transitional justice activities which take into account survivors' needs and their context. In some contexts, a former detention center, such

as Post Stockade, converted into an education facility that remembers all victims with a plaque of names on its wall may go further in contributing to social reconstruction and a peaceful future. In other cases, the erection of a simple cross remembering the victims of a conflict may be an opportunity for the community to come together with a common goal of settling the restless spirits of their dead while still meeting the practical needs of a community as it attempts to rebuild itself in the aftermath of violent conflict.

CONCLUSION

At the first gathering of the Truth and Reconciliation Commission...in 1995, I spoke at some length of the importance of the political impartiality of the process if it was to succeed...Ours was not to judge the morality of people's actions but to act as an incubation chamber for national healing, reconciliation and forgiveness. We were a wounded people, all of us, because of the conflict of the past ... Today, as we reflect on the commission's contribution to reweaving the fabric of our society, we do so against a backdrop of appalling violence ... a dearth of magnanimity and accountability and ethical incorruptibility. Many have lamented the fact that President Mandela served only a single five-year term. From the perspective of the truth commission, his departure from office was a mortal blow. I do not believe that Mandela would have left the commission's business so scandalously unfinished, as his successors have.²⁵⁹ –Archbishop Desmond Tutu, former South African TRC chairperson

On 5 December 2013, the world mourned the passing of former South African president Nelson Mandela. In reflecting on Mandela's legacy, Archbishop Desmond Tutu, too, acknowledged the greatness of Mandela while decrying the fact that Mandela's legacy in South Africa has been blunted by the scourge of current sociopolitical ills. Further, he laments the ongoing lack of will on the part of the South African government to finalize the implementation of the TRC's recommendations—most notably the recommendations made for reparations. Tutu's nostalgia for the Mandela-led era and his faith that Mandela would have indeed seen the TRC process to its completion once again highlights that the success of any transitional justice process is dependent on the political will of the elite. As has been shown,

²⁵⁹ See <http://mg.co.za/article/2014-04-24-unfinished-business-of-the-trc-healing>.

transitional justice processes, such as truth commissions, bring with them high expectations that justice will be served, survivors' needs will be met, the rule of law will be followed, institutions will be reformed to sustain a new culture of human rights and the truth will eventually lead to healing and reconciliation. Yet, as in the case of the celebrated South African model and the Liberian TRC, these expectations remain largely unmet.

First, truth commission processes have a restricted time frame and a very specific mandate. Given these limitations, they are most often unable to reach the broader population. Second, truth commission recommendations are frequently not legally enforceable, and their implementation is largely dependent on the will of the state. Third, truth commissions are regularly implemented as a result of peace agreements. Given that these are political negotiations and are almost always a mechanism to end violent conflict, truth commission mandates, while placing at their center survivors' needs, more often than not are perceived as favoring perpetrators. Finally, truth commissions are only one step in a larger transitional process that seeks to build a culture of human rights and prevent the repetition of abuses. The realization of these goals, therefore, is dependent on both the state's and civil society's initiative to take this process forward. However, as in the case of Liberia, given the politics associated with transitional justice processes as a whole, this is very often a challenge. While these are the limitations of truth commissions, as just one mechanism, in a range of transitional justice tools that are available, memorialization may be able to compensate for these as well as some of the shortcomings of other transitional justice mechanisms. Based on the findings of this study, the following section highlights some of the conditions necessary for memorialization to achieve some of its positive potentials.

Mediating the Politics of Memorialization Processes

Thus far, this study has shown that despite the rise and increased use of memorialization in post-conflict societies, memorialization practices have varied impacts, both negative and positive. Memorialization is inherently political and as such has the potential to be divisive, irrespective of whether it is victim-, state- or civil-society–initiated. As transitional justice and human rights expert Judy Barsalou notes, “People are trying to make a point, they are trying to rehabilitate the reputation of victims, they are trying to point fingers at perpetrators and they are trying to reinstate the historical record... These are all political processes.”²⁶⁰ The question, therefore, is not about avoiding the politics around memorialization processes. Instead it is about ensuring that the politics are mediated in a way that opens spaces for constructive dialogue and discussion about inclusion, exclusion and representation. However, much of this discussion, as has been shown in the case of South Africa, is dependent on the narratives that are circulated by other transitional justice mechanisms such as a truth commission. If the truth commission’s narrative addresses the root causes of conflict, brings to the fore issues of perpetrator and by-stander accountability, adequately addresses justice for survivors and has been broadly accepted by the major stakeholders of the conflict, then discussions and dialogues around memorialization processes may actually serve to be constructive contributions to a post-conflict rebuilding process.

Representing Survivor’s Voices

Given that memorialization in post-conflict environments seeks to rewrite new narratives about the past and that it is framed within a restorative justice paradigm that focuses

²⁶⁰ Author’s personal interview conducted with Judy Barsalou, 29 September 2012, Phnom Penh.

on survivors' needs, it is important that memorialization processes do not engage in moral relativity, in which all narratives are considered equal. Memorialization should seek to be survivor-centered first. In both the South African and Liberian cases, it has been shown that there are limited definitions and understandings of what constitutes a perpetrator and what comprises a victim—the lines of which are often blurred. Despite these shortcomings, truth commission processes do provide a moral frame of reference, identifying who should be recognized and whose narratives should be given priority. For memorialization to begin to facilitate the recognition and reintegration of survivors into their societies, it should first and foremost take into account survivors' narratives, experiences and needs.

Contributing to a Culture of Human Rights through Education and Engagement

While truth commissions recognize the potential of memorialization to contribute towards building a culture of human rights, few truth commission reports actually provide concrete guidelines for how this can be done. To make the most of memorialization's potential to build a culture of human rights and teach current and future generations about the past—with a view to preventing non-repetition—it is necessary that memorialization initiatives be activated through education programs. Numerous non-governmental organizations provide guidelines and support for the development and design of education programs at memorial sites and can serve as a reference for emerging initiatives. It is through education programs that promote critical thinking, debunk myths and question stereotypes that memorialization initiatives can evolve to address society's changing needs. As narratives change, with some narratives gaining prominence as others wane, memorialization could also play a role in tracking these changes and reflecting the social shifts.

Coordinating Strategies and Post-Conflict Approaches

The success of memorialization in reintegrating survivors into society and its effect on the general public is also dependent on how memorialization relates to other transitional justice mechanisms and broader post-conflict reconstruction processes. Memorialization—in the absence of financial reparations, rehabilitation, health services and wider development—is meaningless. While truth commissions and scholars advocate for a comprehensive and integrated reparations strategy, the reality is that even when the state does address survivors’ reparative needs, these are often through an adhoc and disjointed effort. This study has shown that for survivors, there is no question of whether compensation, development and memorialization should replace one another, respectively. The issue is related more to the timing and sequencing of memorialization in relation to other post-conflict reconstruction activities and—as seen in Liberia—an innovative approach to memorialization. As with the example of Samay in Liberia, the reality is that answers to these questions are indeed emerging creatively on the ground. It is therefore up to nongovernmental organizations, intergovernmental organizations and the state to support these grassroots initiatives technically and financially, thereby ensuring that the memorialization landscape reflects the plural views and diverse needs of all stakeholders involved in post-conflict rebuilding.

Consider the Context

Memorialization’s success in post-conflict rebuilding is largely dependent on the context as well as the survivors’ and the broader society’s needs. While some survivors in Liberia and South Africa advocate for memorialization, there are other groups in these very same communities that refuse to engage in memorialization activities. The reality is that in

some contexts, survivors may have other demands that will not include memorialization. Furthermore, memorialization's success as a transitional justice mechanism depends on the type of conflict and the way in which the conflict ended. In Liberia and South Africa, for example, there was large-scale violence that ended with negotiated peace agreements. Neither of the truth commissions was able to reach the majority of survivors in their respective countries nor were they able to hold perpetrators fully accountable. While prosecution efforts in South Africa face numerous roadblocks, in Liberia there has been no attempt to deal with questions of accountability. In these instances, therefore, memorialization can engage and recognize the broader population that was affected by the conflict and did not testify in the truth commission process. Furthermore, memorialization can contribute to ongoing truth-telling in the face of continuing impunity. Equally important to note is that in other contexts memorialization may serve different goals and may not be a prerequisite for social rebuilding.

Final Remarks

It has been noted that memorialization is a product of conflict. It builds boundaries and serves as a reminder of a past that some may want to forget. Yet it is also a mechanism that survivors, states and civil organizations turn toward to remember their loved ones, to reclaim their dignity, to reinvent an identity or to rebuild community. Overall, if memorialization initiatives are to contribute to rebuilding society, there are a range of political, social and economic factors that need to support the process. Furthermore, if memorialization is to contribute to a peaceful future, it needs to be a forward-looking mechanism, balancing remembering and forgetting while serving as a beacon for future generations. Indeed, Jorge Luis Borges's character Funes reminds us of the perils of too much memory.

Given that memorialization is dependent on a wide range of factors for its success, at

worst, memorialization—and the contestations around its processes—could serve as an indicator of the underlying social conflicts, poor levels of social cohesion and the value that is placed on different sectors of a society. Incidents such as the vandalism of the memorial to gay victims of the Holocaust in Berlin²⁶¹ and the vandalism and desecration of the statue of ANC-struggle icon Nokuthula Simelane²⁶² in South Africa highlight the importance of memorialization in reflecting social issues of inclusion, exclusion, consensus and representation. Memorialization is more than just a creative mechanism to address issues of the past. If done with the goal and commitment to social rebuilding, it could serve not only as a tool to reintegrate survivors like Marcus, Selloane, Peter and Elizabeth into their societies but also as a deterrent against future violence.

The history books have shown us that victims, too, have the potential to become victimizers. But memorialization, if undertaken with a goal of peacebuilding, can break cycles of victimhood and prevent the emergence of new forms and generations of hatred, anger and violence. As Chilean playwright Ariel Dorfman warns in his play *Death and the Maiden*, “Beware of turning into the enemy you most fear. All it takes is to lash out violently at someone who has done you some grievous harm, proclaiming that only your pain matters in this world. More than against that person’s body, you will then, at that moment, be committing a crime against your own imagination.”

²⁶¹ See <http://www.dw.de/german-memorial-for-gay-nazi-victims-vandalized/a-3569232> for details.

²⁶² <http://www.sowetanlive.co.za/news/2012/03/02/struggle-icon-s-statue-desecrated-again> for details.

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