

Working Paper

Transitional Justice and Social Transformation

Reflections from Sierra Leone and South Africa

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Abstract

This paper explores the linkages between transitional justice and social transformation by drawing on the analysis of two case studies, Sierra Leone and South Africa. The paper is structured in two parts. The first part traces the links between historical injustice, the transitional justice process, and current challenges in the two countries. In the second part, I suggest two ways in which transitional justice can contribute to social transformation. On the one hand, I argue for a future-oriented practice of transitional justice in the sense that more attention should be paid to defining context-specific goals and being more flexible in the choice of methods to reach these goals. On the other hand, I examine the role of two aspects—sincerity and inspiration—in enhancing the transformative potential of transitional justice mechanisms. The research is based on field visits to Sierra Leone and South Africa in 2016 and 2017 and draws mainly on interviews with civil society actors.

Imprint

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1 Introduction

Transitional justice refers to a range of mechanisms that are implemented to deal with the past of mass human rights violations after conflict or repression, such as truth commissions or war crimes courts. Over the past decades, the interest in transitional justice has grown exponentially, and the implementation of such projects now receives regular support from international donors. Yet, evaluations of the impact of these mechanisms on fostering sustainable peace have been rather mixed (e.g., Thoms, Ron and Paris, 2010). One major criticism has been that most transitional justice mechanisms are not well-equipped to tackle underlying structural dynamics that lead to mass human rights violations in the first place (Gready et al., 2010; Gready and Robins, 2014).

In this light, there is a growing debate on whether transitional justice should become more transformative. Proponents for transformative justice point out that conventional transitional justice mechanisms like war crimes tribunals or truth commissions often focus on individual accountability rather than structural causes of conflict. They ask that in addition to civil-political rights, transitional justice mechanisms should also deal with social, economic, and cultural rights (Lambourne, 2014; see also Arbour, 2007; Laplante, 2008; Miller, 2008). Therefore, some have called for a “change of agenda” in transitional justice practice, proposing a transformative model of transitional justice that “seeks to radically reform its politics, locus, and priorities” (Gready and Robins, 2014: 340). Accordingly, a transformative justice process would shift from overly legalistic, top-down interventions to more bottom-up and inclusive processes.

In this paper I aim to contribute to the debate on transformative justice by exploring some of the links between transitional justice and social transformation, while understanding these two processes as separate. Three fundamental questions have informed this approach: first, given that real social transformation is a process that can take much longer than a typical timeframe of a transitional justice intervention, how much can transitional justice realistically contribute to transformation? Second, how can one establish which situations or contexts require a transformative approach to transitional justice? And third, concerning intervention scenarios, is there a limit of how much “transformation” can be accomplished or lobbied for by outsiders? With these questions in mind, I examined two well-known transitional justice contexts—South Africa and Sierra Leone—with the goal of understanding how transitional justice can contribute to long-term social transformation and sustainable peace.

Definitions

To begin with, it is necessary to delineate the boundaries between transitional justice and social transformation, acknowledging, of course, that both processes overlap.

Transitional justice refers to “the full range of processes and mechanisms associated with a society’s attempt to come to terms with a legacy of large-scale past abuses”, as stated by the UN (2010). The International Center

for Transitional Justice (2009) names criminal prosecutions, truth commissions, reparations programs, gender justice, security system reform and memorialisation efforts as examples of such mechanisms. As such, transitional justice refers primarily to official mechanisms that are established or facilitated by governments, other national entities, or international bodies.

The term social transformation refers to a more fundamental change in a society. Some have defined social transformation as a normative process, the “altering of structured inequalities and power relations in society that reduce the weight of morally irrelevant circumstances, such as socio-economic status/class, gender, race, religion, or social orientation” (Gloppen, 2006: 37). Here, the outcome of social transformation is characterised by less inequality and oppression. Such a definition resonates with normative viewpoints in the transitional justice field, which evaluate transitional justice against specific outcomes, such as building a more democratic, free, and fair society (see Arthur, 2009).

Authors writing about social transformation from a more spiritual viewpoint have described it as a shift of values (Joy, 2011). This definition is similarly normative in that it describes a process of a development of values towards certain progressive values. This process thus results “in new behaviors accompanied by a [...] higher level of values” (ibid.: 15). In this paper, however, I am less concerned with the particular end-state that social transformation should lead to. What I am interested in is to better understand how social transformation happens and, if the aim is to make transitional justice more transformative, what can be learned from that. What a values perspective like that of Joy brings to this debate is that it links the social and individual level. If we understand social transformation as a shift in values, then both individual and societal processes are intertwined: For social transformation to happen, some individuals must have changed their values and successfully advocated for change on a greater scale. At the same time, individual values are influenced, shaped, or reinforced by the wider socio-cultural, political contexts and are thus not formed independently from society.

Looking at transitional justice and social transformation as separate processes can be useful because it allows us to acknowledge their different loci and timeframes: In practice, transitional justice is often initiated by governments or international donors and therefore takes place as a formal, clearly delineated process. In contrast, social transformation concerns a much broader, ongoing process that is less visible, and that permeates political, socio-cultural and individual spheres. Moreover, as transitional justice is increasingly understood as a critical component of peacebuilding interventions, it is often influenced or even guided by outside actors and/or norms. Social transformation, however, if one understands it as a shift of values, cannot simply be ‘ordered to happen’. It is as much a process that happens within a person or a system as that it is shaped by external factors. As such it may be triggered, encouraged, or influenced by certain actors, but it cannot be imposed.

To illustrate the different links between transitional justice and social transformation I will discuss two cases in this paper: South Africa and Sierra Leone. Both countries have undergone major political transitions over the past twenty years and have enacted transitional justice mechanisms that became widely known in the transitional justice field. The role that these mechanisms play in the two societies today is quite different: The South African Truth and Reconciliation Commission is widely known among the population, and it is, to say the least, remembered as a critical moment in the country’s recent history. In Sierra Leone, the work of the Special Court and the Truth and Reconciliation Commission receives rather scant attention in public or private discussions today. What makes these cases interesting to study is that both countries currently face ongoing challenges that are linked in different ways to historical injustice.

Methodology

The findings discussed in this paper are based on an exploratory research that I conducted in various settings in 2016-17. To better understand the current political situation in South Africa and Sierra Leone, I visited both countries for a short period of time between November 2016 and January 2017. In South Africa, I spent two weeks in Cape Town. In Sierra Leone, where I have previously conducted research on dealing with the past, I spent one month in the capital Freetown, with short visits to rural settings. In addition, I observed interactions at three international conferences and workshops in Germany and the United States, which dealt with current practical challenges in the transitional justice field. Looking at the notes and reflections from these different settings together has been illuminating because it revealed how similar challenges and trends in the field of transitional justice were discussed from different perspectives.

Throughout the research I used interviews, informal conversations, and observations as methods of data collection. In Sierra Leone and South Africa, I conducted several interviews with civil society actors, members of grassroots organisations, and acquaintances that I had gotten to know during previous visits. The interviews were mostly unstructured and often took place as informal conversations or non-directive interviews, which is typical in ethnographic research (Gray, 2018: 382). In such interviews, research-related information emerges through dialogue and sometimes only in hindsight. Throughout, I took notes during or shortly after conversations or relevant interactions.

Over the course of the research I also noted down observations from various settings. In South Africa, I attended a civil society conference called “Restitution”, in which civil society practitioners discussed current challenges related to historical injustice. I was given the chance to discuss my thoughts with faculty of the Center for International Teacher Education at the Cape Peninsula University of Technology and I also observed a teacher training on addressing discrimination in schools, which was organised by a non-profit organisation. In Sierra Leone, I attended a national dialogue organised by a consortium of civil society organisations, in which current challenges for

1 The findings of this project, which was conducted by the International Nuremberg Principles Academy, are available online at: www.nurembergacademy.org/resources/acceptance-online-platform/publications/online-edited-volume/.

political activism were discussed. At the international conferences in Germany and the United States, I took note of the ways in which local civil society actors described their challenges and experiences as partners in international transitional justice interventions. Throughout, I had informal talks with civil society actors about their experiences of “what works” in their country contexts.

Finally, this paper also draws on findings from a collaborative research project on the acceptance of international criminal justice¹ and from my earlier research in Sierra Leone. Between 2010 and 2012, I conducted eight months of ethnographic research on everyday practices of dealing with the past and the impact of transitional justice mechanisms in the country. To understand current societal challenges in South Africa, I relied more on literature and online commentaries, for which there is ample material available.

The paper is structured in two parts. In the first part, I outline the current socio-political situation in South Africa and Sierra Leone, illustrating how each is related to the particular history of injustice and the subsequent transitional justice processes in the respective countries. In the second part, I explore certain aspects of the case studies in more depth to think about what makes transitional justice transformative. On the one hand, I argue that transitional justice should strive to become more future-oriented in the sense that more attention should be paid to its goals rather than methods. On the other hand, I look at how transitional justice mechanisms can become more transformative in themselves. Specifically, I describe how two aspects—sincerity and inspiration—are related to the transformative potential of transitional justice.

2 How are transitional justice and social transformation linked?

Both South Africa and Sierra Leone are well-known cases in the transitional justice literature, and a range of scholars have studied the potentials, pitfalls, and consequences of transitional justice mechanisms in these countries (e.g., Ainley, Friedman and Mahony, 2015; Gready, 2011). Therefore, my primary focus here lies on examining the links between the historical injustice, the work of the transitional justice mechanisms, and current challenges in each country.

2.1 Radical reconciliation? Searching for solutions in South Africa

“We have now begun our descent”. It was not the stewardess speaking. I stood in a bookstore in Johannesburg’s international airport, in the “South Africa” section, looking at the title of a book by J. Malala. It was a small section but rather gloomy: “What’s gone wrong?” was another title. “How long will South Africa survive?” had a colourfully painted industrial chimney as a cover picture; “Into the Laager: Afrikaners Living on the Edge” showed a boy setting a field on fire. Writing about South Africa seemed, for these authors, like writing about a looming disaster that everybody sees coming (Author’s field notes, November 2016).

A closer look at the current situation in South Africa reveals even to a layperson that the country is at a critical juncture and that there is a need for fundamental change in many sections of society. More than two decades after the end of apartheid, the enactment of one of the most progressive national constitutions, and a nationally held Truth and Reconciliation Commission, South Africa today is one of the most unequal societies worldwide (Barr, 2017). Moreover, inequality patterns mirror those during apartheid. While a black middle class has formed in the past two decades, the overwhelming majority of those groups who were previously oppressed continue to live in poverty (Marais, 2011; Wale, 2013). Today, South Africans are frustrated about the slow economic progress the country has made, about poor and discriminatory service delivery, and many have lost faith in the political elite (Hofmeyr, 2016). Observers have described the crisis in South Africa as one of leadership, characterised by a decline in governance accountability, increased corruption, and apparent abuse of power by politicians (see Von Holdt, 2013).²

This sentiment that there has been a deterioration of the overall situation can also be traced back to two recent violent events. In 2012, police shot dead protesters during a peaceful protest at a mine in Marikana, an event that some have called a turning point in recent history (Alexander, 2013). In 2015, a nation-wide student protest began, called “Fees Must Fall”, demanding the lowering of student fees to make education accessible for all members of society. They amounted to the largest protests since the time of anti-apartheid protests (Marcus, 2017).³ These events have brought to the surface the deep frustrations that many South Africans have felt over the lack of change since the end of apartheid. Indeed, the overarching sentiment can be described as as disillusion, disappointment, or a feeling that a promise was broken (Du Toit, 2017).

2 The Index Report of the Mo Ibrahim Foundation illustrates very well that it is not so much the overall level but the downward trend in good governance practices that might impact the popular perception in South Africa. While South Africa’s overall governance scores are very high compared to other African countries, the country was among the six countries with the most significant decline in accountability between 2005 and 2016, and among the group of countries with the highest increase in perceived corruption (Mo Ibrahim Foundation 2016: 32-33).

3 For more information on both events see South Africa History Online (2017).

4 S. Henkeman, personal communication, 14 November 2016.

5 See <http://restitution.org.za/> for more information on the foundation and generally on the discussion on restitution initiatives in South Africa. Information on the conference will be available on the website in the future.

In the light of these current experiences, many South Africans now voice more critical opinions about what happened during the political transition 20 years ago. “Mandela was manufactured by white people!”, a student activist told a young video journalist from Germany (Boros, 2017). The video suggests that such opinions were shared by other activists in the context of the student demonstrations in 2015 and 2016. The idea of the “rainbow nation” is now openly debated (Msimang, 2015). During my trip in 2016, for example, I observed a teacher training on addressing discrimination at schools, during which secondary school teachers were asked to hold a ‘silent conversation’ about given stories on large sheets of paper. One of the stories by a pupil contained the sentence “The rainbow nation is myth!” In silence, a teacher circled this several times and wrote next to it: “So true!”

At the same time, however, the past decades have also seen a growing awareness among many different groups of the need for fundamental change in South Africa. A very diverse range of actors has emerged to study, discuss, or offer solutions to transform South African society. Several universities have established departments with the goal of explicitly researching social justice and transformation. Examples are the University of Stellenbosch’s Research Chair in Social Change and Transformation, the University of Johannesburg’s Centre for Social Change, or the Free University’s Institute for Reconciliation and Social Justice. Non-governmental organisations (NGOs) and civil society initiatives have also realised the interdependence of dealing with the past and broader socio-economic aspects. Using the concept “radical reconciliation,” the Cape-Town-based Institute for Justice and Reconciliation suggests a practice of reconciliation that goes beyond interpersonal or intergroup reconciliation, and includes socio-economic aspects (see e.g. Wale, 2013). The NGO’s director said that while the word is not their invention, they chose it deliberately for their new strategy. They felt they no longer wanted to be only the “custodians of reconciliation”, but to actively contribute to a change of the status quo.⁴

On the political stage, a new party has emerged that has been able to capture many people’s experiences of frustration over the unfulfilled promises by post-apartheid governments. The Economic Freedom Fighters, a Marxist-Leninist-Fanonian party, was formed in 2013 and called for economic emancipation. They describe themselves as a “radical and militant economic emancipation movement that brings together revolutionary, fearless, radical, and militant activists, workers’ movements, nongovernmental organisations, community-based organisations and lobby groups under the umbrella of pursuing the struggle for economic emancipation” (Economic Freedom Fighters, 2017).

Another example of an initiative aimed at encouraging social transformation was the “Restitution” conference, which was organised by the Restitution Foundation in November 2016. It gathered more than 300 members of civil society, church groups, and members of the public to discuss options for redressing historical injustice.⁵ I found it notable that one of the aims was to first establish what “restitution” could mean in South Africa—for an outsider to the context it was revealing that such basic questions were still grappled

with, decades after the transition. Many of the discussions were rather broad, such as a presentation of the Cape Town-based Centre for the Study of Violence and Reconciliation, which introduced a research project on how to establish a “new social contract” in South Africa. What all of these above-named initiatives have in common is their articulation that fundamental changes are needed in society. Quite telling in this regard is the popularity of the word “radical”, indicative of a yearning for a thorough transformation.

The South African case illustrates very well how transitional justice and social transformation are interdependent: Almost 20 years after the political transition the lack of wider societal transformation almost endangers the legacy of the transitional justice project. In the light of the continuing challenges in South Africa, the Truth and Reconciliation Commission that was operative from 1995 to 2003 has received much criticism for focusing primarily on reconciliation, and not tackling economic issues. In a flyer of the Institute for Justice and Reconciliation, explaining the work of the Commission, the failure to investigate structural crimes is listed as a limit of the process. Scholars have argued that the Commission worked with a narrow conceptualisation of human rights and did not consider economic or structural violence in a comprehensive manner (Gready, 2011: 10).⁶

However, I wonder whether this criticism is really valid, considering that real social transformation is a long-term process, and considering the sheer dimension of historical injustice in South Africa that reaches back hundreds of years. Rather than the failure of the Commission, it could equally be argued that there was not enough debate in the political realm about how to redress the results of economic and structural violence during apartheid. Moreover, given the initially volatile situation after the political transition, would this kind of public dialogue that we see in South Africa today have been possible in the years immediately after the transition? From the conversations I had with individuals who were part of the anti-apartheid struggle, I understood that there was a feeling of great happiness but also extreme exhaustion after 1994.⁷ Would it really have been feasible to tackle the full breadth of injustices at that time? Does it not, as in Germany for example, need new generations to ask new questions, and to bring with them the necessary energy to confront established structures?

Moreover, the increasing levels of unemployment, poverty, and inequality after 1994 must also be attributed to the policies of post-apartheid governments. At the time, policy-makers in South Africa (but also worldwide) seemed to believe that installing a neo-capitalist economic system would lead to ‘trickle down’ effects and eventually increase living standards of the previously marginalised (Ferguson, 2015: 3-4, Hart, 2002; Marais, 2011: 97ff.). In fact, as Hart (2002: 7) describes, policymakers in South Africa at the time seemed to agree with the neoliberal slogan TINA— “there is no alternative”, meaning that there is only one way to react to growing globalisation. In other words, at the time of the Commission, many policymakers certainly intended to alleviate inequality, only that their plans were ill-advised or simply failed.

6 See several articles in the International Journal of Transitional Justice Volume 2, Issue 3, 2008 for suggestions of how to address economic and structural violence in a comprehensive manner.

7 T. Mayekiso, personal communication, 15 November 2016.

To summarise, the current situation in South Africa can be seen as much as a looming crisis as it is paradigmatic of a larger social transformation process that is underway. What unites the vastly different actors today, such as protesters, academics, civil society organisations, or political parties, is the awareness that the nation is at a crossroads, and many seem to be searching for solutions in their own way. This is a critical step in social change processes: “A shared sense of crisis—precipitated by loss or by awareness of a new reality—can evoke a shared call to change. Crisis or not, many people may sense that something is wrong at the same time, leading to public questioning about what is wrong and what needs to change” (Joy, 2011: 29). From this perspective, one could see the Truth and Reconciliation Commission, with all its shortcomings, as an important step at the beginning of a much longer process of social transformation. And the desired end-state of this transformation in South Africa is, as can be observed, still very much open to debate.

2.2 Throwback Thursday? Persisting root causes of conflict in Sierra Leone

More than ten years after the publication of the report of the Sierra Leonean Truth and Reconciliation Commission in 2005, Umaru Fofana, a well-known Sierra Leonean journalist started with what he called a “weekly Truth and Reconciliation Commission quote” on his Facebook page. Notably, many of the quotes he chose were not from the Commission’s analysis of the civil war, but from its analysis of the time period before the war. He used the quotes to demonstrate the dangerous parallels between pre-war abuse of power and current political developments in the country. An example:

My Weekly #SierraLeone TRC [Truth and Reconciliation Commission] quote: “Powers vested in the President, in relation to both Parliament and the judiciary, were substantially increased under the One-Party Constitution. Chapter IV, Section 34 gave the President the power to appoint an Electoral Commissioner who would be responsible solely to him. Also, the central committee of the party, controlled by the President, was entitled to reject candidates for Parliament even where such people were the choice of the people in their constituencies.” NOTE: I know it is hard to believe that the issues/happenings highlighted in the Truth and Reconciliation Commission report happened all those decades ago - they look so much like recent or now happening (sic.) - but they did, and are NOT written by me. I post them to share with the majority who have never seen let alone read any of the volumes. I also do so to remind our politicians that life is temporary and they MUST learn from the past and serve us in OUR interest, not theirs. (Fofana, 2017)

At the time of this research, it seemed that Sierra Leone was experiencing a governance crisis, characterised first and foremost by decreasing levels of trust that Sierra Leoneans had in their government. As Fofana points out, some of the actions of the ruling party in 2016 and 2017, such as manipulating democratic institutions, eerily resembled developments under the one-party rule of the 1970s and 80s. What happened? Or rather, what did not happen?

The main causes that led to the 1991-2002 civil war in Sierra Leone could be described as a diffuse mix of failed economic policies and abuse of power in the decades after the country’s independence in 1961, which led to, or exacerbated, the marginalisation of large parts of the population. At the beginning of the civil war, Sierra Leoneans had already experienced decades of an increasingly oppressive and corrupt one-party state, as well as the devastating impact of structural adjustment programmes. In the 1980s, the population suffered from an acute economic crisis. So, when a rebel group, the Revolutionary United Front, announced that only an armed struggle would rid the country of corrupt and inefficient politicians, some Sierra Leoneans secretly agreed with that (Kpundeh, 2004). As it turned out, however, the rebel group was not serious about delivering on their manifesto and instead attacked civilians, destroyed property, and looted goods. The inability of the government to suppress the rebellion and protect civilians, combined with a range of other factors, allowed this initially localised violence to turn into an all-out war (Gberie, 2005; Keen, 2005).

Sierra Leone has been peaceful ever since the war was declared over in early 2002. Two widely known transitional justice mechanisms, the Truth and Reconciliation Commission and the Special Court for Sierra Leone, were established in a context of a large international presence in the years after the war and have both concluded their work. At the same time, many communities in Sierra Leone had to find strategies to integrate former combatants and establish peaceful coexistence. Sierra Leone has become one of the safest countries in Africa.⁸ Since the end of the war, Sierra Leoneans have taken part in four largely peaceful elections.

What is noteworthy about the current situation in Sierra Leone, however, is how many continuities have become visible between the pre- and post-war times. While infrastructure and services have improved in many parts of the country, the successive post-war governments have not been able to tackle the root causes of the war in a sustainable way. These are popularly perceived as widespread poverty and underdevelopment, particularly in rural areas, as well as youth unemployment, and corruption. Most poignantly, I was made aware of these continuities during my previous research in 2012, when students grouped the findings of the Truth and Reconciliation Commission together with what the rebel group stated in the early 1990s: “Most of the findings of the Truth and Reconciliation Commission and the reasons stated by the former [rebel] leader [concern] the root causes of the past civil war [that] still exist in the country”, wrote a student in an exercise, for example.⁹

After an initial economic upswing and an increasingly hopeful atmosphere in the first ten years after the war, the situation Sierra Leone has deteriorated again during and after the Ebola crisis, and not only in economic terms. In addition to the indescribable suffering of the 2014-16 epidemic, it also revealed how overwhelmed the government was by the crisis, as well as the low trust that Sierra Leoneans had in their institutions. When in 2015 information about vast sums of missing Ebola funds emerged, it only confirmed what many in Sierra Leone already suspected (Shepler, 2017). Ebola was not the only severe crisis in recent years: At the same time of the epidemic, falling resource prices for iron ore weakened one of the strongest sectors of the economy.

8 See the online Ibrahim Index of the Mo Ibrahim Foundation on <http://iiag.online/>. Sierra Leone currently ranks 6th out of 54 African countries in the category personal safety.

9 During a guest lecture at Fourah Bay College in February 2012, I had asked students of peace and conflict studies to anonymously write down how they assess the danger of recurrence of civil war, and to specify the reasons for their answer.

10 Informal conversation with founders of a media business and a grassroots organisation, Freetown, 13 December 2016. We talked about public attitudes toward the state after the Ebola epidemic.

11 Informal conversation with a middle-aged man, Freetown, 7 December 2016.

12 It is true that, compared to other truth commissions, the Sierra Leonean Commission has made considerable efforts to make its findings available to different audiences in Sierra Leone, such as commissioning a child-friendly and a secondary school version of the report. However, this did not lead to widespread dissemination (Shepler and Williams, 2017).

By 2016/17, most of my previous research participants and acquaintances showed open frustration with the way the country was governed. There was a palpable resentment towards a governing party that seemed unwilling to curb corruption or condemn other malpractices. For example, the national audit authority published reports and leaflets that detailed how monies and materials had gone missing in different ministries, but neither the governing party nor parliament took any action after these publications (Center for Accountability and Rule of Law, 2017). At the same time, the government hailed small projects as major accomplishments, such as the erection of a single traffic light in Freetown. An acquaintance called this an insult to ordinary Sierra Leoneans.¹⁰ Even small everyday circumstances revealed a deep frustration with the behaviour of leaders. “Such lawlessness!” a friend exclaimed, for example, as we witnessed how a minister’s vehicle broke traffic laws, “I’m praying for a military government!”¹¹

In hindsight, the current challenges in Sierra Leone raise a number of questions regarding the work of transitional justice institutions, notably whether the particular mechanisms were well-chosen for this context. To begin with, it seemed that transitional justice mechanisms had comparatively little impact on people’s lives. Sierra Leoneans’ perception of the Special Court for Sierra Leone was that of a perhaps well-intended process but with little relevance to their immediate lives. As I have described elsewhere, while Sierra Leoneans did not oppose the idea of holding perpetrators accountable, many saw that such a court would neither bring any palpable benefit to victims, nor would it address the wider circumstances that brought about the violence in the first place (Mieth, 2013).

The Truth and Reconciliation Commission, which was modelled after the South African commission and operated from 2003-2005, recorded witness statements, held private and public hearings in all provinces in Sierra Leone, and published an extensive analysis of the civil war. Yet, publicly acknowledging victims’ suffering in the hearings and encouraging perpetrators to show remorse did not have the same strong symbolic meaning like in South Africa, and at times even ran counter to informal and community-oriented strategies of establishing peaceful coexistence after the conflict (Millar, 2011; Shaw, 2005). The report of the Truth and Reconciliation Commission, however, remains relevant in Sierra Leone today, in that it can be used as a tool to remind political leaders about their responsibilities, as demonstrated by journalist Fofana in his Facebook post and as has been told to me by several civil society activists over the years. This relevance stems from the report’s in-depth analysis of the root causes of the conflict and respective recommendations (Mahony and Sooka, 2015). Unfortunately, too little was done to make the Sierra Leonean population aware of this report, and in this sense, its potential impact was curtailed.¹² Today, only a small number of Sierra Leoneans are aware of the reports’ findings, and these are mostly individuals who are familiar with human rights work. Thus, only a few years after both mechanisms concluded their work, they were seldom mentioned in public life (Mieth, 2014).

My aim here is not to criticise the work of the two institutions as such. To be sure, the Special Court was not mandated to have an impact on people’s lives, but to prosecute those who bore the greatest responsibility for the atrocities perpetrated during the civil war. My critique concerns the narrow mandates and limited reach below the national level of these transitional justice mechanisms that ultimately limited their transformative potential. During an interview with a civil society activist in 2016, for example, she stated that it might have been better to establish just one transitional justice institution but make sure it will have a real impact.¹³

Moreover, when considering that corruption and ineffective governance were part of the root causes of the civil war and also remain the main source of frustration in Sierra Leone today, the question arises whether the term “accountability” in the transitional justice process was not used too narrowly. When violence is rooted in a lack of accountability of a government towards its citizens, which then created conditions for violence to spread through an entire country, this should be mirrored in attempts to “redress historical injustice”. In this regard, the focus on criminal accountability of single perpetrators appears too narrow, and yet one of the largest post-conflict mechanisms focused solely on that.

The developments Sierra Leone during and after the Ebola crisis have shown that the transformation of institutions such as the anti-corruption commission or the judiciary into independent forces in society continues at a rather slow pace. This is disappointing particularly for the judicial sector because the design of the Special Court as a hybrid court was justified precisely in the hope that it would strengthen the rule of law in the country (Human Rights Watch, 2005). With the strong international intervention in Sierra Leone after the war, perhaps more could have been done to encourage not only institutional reform, but to promote leadership skills and values of those who will work in and represent these institutions in the future.

To recapitulate, the historic injustice in Sierra Leone consists of a range of contributing factors that led to the civil war, in addition to the violence perpetrated during the conflict. In my opinion, the transitional justice process focused too much on the latter injustice and did not sufficiently address the root causes of the violence, making it less effective as it could have been. This case may be a good example of Greedy and Robins’ (2014: 340) and Laplante’s (2008: 333) observations that some transitional justice institutions treat the symptoms rather than the causes of conflict.

13 V. Edwin, personal communication, 19 December 2016.

3 How can transitional justice become more transformative?

14 For recent discussions on guarantees of non-recurrence see Mayer-Rieckh (2017), Payne et al. (2017), and Roht-Arriaza (2016).

The two cases illustrate that transitional justice and social transformation are often inextricably linked processes. The slow progress of social transformation over the long term in South Africa has given rise to increasingly critical questions about the legacy of the transitional justice process. In Sierra Leone, in contrast, the transitional justice mechanisms did not resonate with ordinary people to begin with because they did not adequately redress the underlying causes for the past conflict. The lack of social transformation concerning the relationship between the government and its citizens has furthermore raised the question why the issue of bad governance and political accountability was not more central to the transitional justice process, and whether this was a missed opportunity.

Yet this does not mean that, in practice, transitional justice and social transformation should automatically be conflated. Instead, addressing the links between these processes revolves around a fundamental question: how can transitional justice processes be conceptualised or designed that they will contribute as much as possible to social transformation in a given country context? To address this, as I argue in the remainder of the paper, it is not only important to reflect on what is done in terms of transitional justice, but also how it is practiced.

3.1 Future-oriented transitional justice mechanisms

One way to make transitional justice more transformative can be, paradoxically, to give the future a larger role in such processes. In his analysis of the legacy of transitional justice in South Africa, Gready (2011) emphasises that it is important to understand both past and present aspects of injustice, as they are linked in often non-linear ways. Yet, the future is just as important in this equation, because “change is always about the future” (Spies, 2006: 6), even if the past will continue to play a role in that future. In other words, transitional justice practitioners should not only focus on the question of how to redress historical injustice but reflect from the beginning how a particular transitional justice process will contribute to a better future for the involved stakeholders. By this I do not mean abstract terms like “peace, justice, democracy”, but specific visions or outcomes relevant to the given location. Accordingly, one of the goals of transitional justice could be to identify and formulate what kind of society the different stakeholders envision.

The transitional justice field already has a name for this process of “mainstreaming the future” into its mechanisms: guarantees of non-recurrence. Sometimes also called guarantees of non-repetition, this category refers to a set of actions that are implemented with the goal to prevent the recurrence of the human rights violations of the past (UN, 2015).¹⁴ It is distinct from the other pillars of transitional justice—justice, truth, or reparations—in that it is not a single mechanism or a clearly defined set of tools, but rather describes a function or outcome of the entire transitional justice process, therefore crosscutting all other aspects of it (ibid.). I propose giving this pillar a more central role in the design and implementation of transitional justice mechanisms, as this will ensure that the question of the future is adequately

addressed in the transitional justice process. Importantly, a transitional justice process guided by the goal of non-recurrence would not curtail other goals such as confronting impunity or providing acknowledgements for the victims. Quite to the contrary, it would ensure that the wider social, political, economic, or cultural processes receive adequate attention throughout the transitional justice process. This could ultimately increase the effectiveness and legitimacy of single transitional justice mechanisms.

A focus on non-recurrence would have a range of practical implications. To begin with, it would encourage stakeholders to answer the question why a certain transitional justice measure should be implemented before asking how to implement it. With the growing popularity of transitional justice mechanisms, it is too often assumed that truth, justice, accountability, reconciliation, etc., are necessary for a population to deal with a past of human rights violations. These assumptions also influenced the idea that transitional justice mechanisms will be beneficial in one place because they have worked in another context. In Sierra Leone, for example, the Truth and Reconciliation Commission recommended in its report the setting up of memorials by describing examples of how memorials worked in South Africa, Germany, and Rwanda, but the report does not refer to existing (and non-existing) memorial practices in Sierra Leone. The report even cast aside a number of concerns from Sierra Leoneans who prioritised other activities over memorials, on the grounds that memorialisation was deemed necessary after mass violence (Truth and Reconciliation Commission 2004a, see also Basu, 2007: 245; Shaw, 2005). Yet, such assumptions already narrow the focus on what transitional justice entails and leaves less room for possible local alternatives that may look rather different from already known transitional justice formats.

Asking transitional justice practitioners to be mindful of the future would then stimulate a careful reflection on intended and possible unintended consequences of particular mechanisms, as well as increase the awareness of contextual factors. For example, instead of assuming that a truth commission is generally beneficial for victims of human rights violations, planners of a transitional justice process would have to argue how victims in a specific context will be helped by revealing the truth. In this way, focusing on the future and on measures to ensure non-recurrence will lead to a rethinking of the “toolbox” of transitional justice mechanisms that is available.

Moreover, focusing on non-recurrence could enlarge the range of mechanisms that are currently considered as transitional justice. Guarantees of non-recurrence has typically been defined as a set of instruments in the institutional realm, such as disarmament and demobilisation, institutional reform, security sector reform, or lustration (Jones, Baumgartner and Gabriel, 2015: 3). However, if we understand “non-recurrence” more broadly and in the true sense of the word, then a much broader set of mechanisms could be grouped in this category. This is discussed in the 2015 report of the UN Special Rapporteur for truth, justice, reparations and guarantees of non-recurrence (UN, 2015), where it is stated that guarantees of non-recurrence should not only be ensured by institutional or legal reforms, but also by interventions in the societal, cultural, and personal realms.

15 I thank Dina Bailey for pointing this out (personal communication, 26 June 2017).

16 The literature on monitoring and evaluation in peacebuilding practice discusses this issue in more depth (see, e.g., Lederach, Neufeldt and Culbertson, 2007).

For example, a growing body of literature elaborates on the roles of education and the cultural sector in transitional justice. Education, formal or non-formal, can form values and shape how future generations deal with historical injustice (see, e.g., Bellino, Paulson, and Anderson-Worden, 2017; Ramírez-Barat and Duthie, 2016). Cultural productions like theatre, literature, art, dance performances, film, etc., can open spaces for reflection of the past, present, and future (see, e.g., Gready, 2009; Jackson and Shapiro-Phim, 2008). In fact, cultural productions could play a more “prophetic” role in society (Mike van Graan cited in Patslidis, 2016). In addition, depending on the context and the particular historical injustice, other mechanisms may be worth considering as contributing to guarantees of non-recurrence. In contexts that face the challenge of transforming institutional cultures, for example, mechanisms that include citizen participation could be understood as transitional justice projects. A case in point is a participatory budgeting model in Colombia (Dajer Barguil, 2017).

In addition, a focus on non-recurrence could influence the very design of transitional justice mechanisms. There is much debate about “sequencing” transitional justice mechanisms, that is, whether some mechanisms should be implemented first before others. However, sequencing can also happen within a given mechanism, and different goals of transitional justice can be addressed by way of design.¹⁵ An example is the German Foundation Remembrance, Responsibility and Future that was set up to administer a reparations program for victims of the Nazi regime. Within this program, the funders also established a “Remembrance and Future” sub-fund that was designed to outlast the original reparations program. After concluding the reparation payments, the foundation shape-shifted and now continues its work as a permanent donor (Possekel, 2017). Moreover, this future mandate has allowed the foundation to amend its focus to tackle current societal challenges that were unforeseen at the time of planning, such as how to address history in the context of a growing migrant population in Germany.

Finally, a focus on non-recurrence would significantly alter the current framework for monitoring and evaluation for transitional justice, away from merely evaluating the outcome of single mechanisms to evaluating more overarching goals.¹⁶ This also requires a shift of practice for donors of transitional justice mechanisms, as pointed out by Nesiya (2016: 49): “A focus on transformative social change that connects the dots between human rights abuses, their root causes and structures of impunity would require that donors use a longer time frame in assessing the work of different strategies.”

Such an approach would ideally lead to a reflection of what actually constitutes “success” of transitional justice. Ainley, Friedman and Mahony (2015: 6) point out that impact and success of a transitional justice mechanism can be very different things, and that what constitutes success depends very much on one’s standpoint. For example, while the transitional justice process was successful in improving domestic law regarding sexual and gender-based violence in Sierra Leone, this does not automatically contribute to reducing this kind of violence (Oosterveld, 2015). This suggests that tackling this form of violence requires more than a change of legislation. If

non-recurrence becomes one indicator of success, monitoring and evaluation processes would then also include an assessment of the impact of a particular transitional justice measure on actual changes in society. Finally, a crucial question is also who is asked to evaluate the impact and success of transitional justice. Campbell (2018) argues that to be more effective, peacebuilding interventions must become accountable to local actors beyond the national level, yet this downward accountability is not incentivised in current peacebuilding practice.

To recap, what I suggest here is that the future should play a larger role in transitional justice processes. Rather than being bound by certain methods or mechanisms, transitional justice processes could be more goal-oriented and open to creative ways to reach those goals. Importantly, this does not mean putting the responsibility for solving fundamental problems such as structural violence or root causes of conflict on the transitional justice process. Instead, transitional justice should be understood as a beginning of a long-term process of transformation. Ideally, transitional justice measures provide an “arena” for a wider societal dialogue which allows different stakeholders to discuss the causes of the human rights violations and their visions for the future.

Consequently, the emphasis of transitional justice could be on identifying or anticipating issues that will need to be tackled in the long run rather than trying to bring the past to a closure. Once identified, there are several actions possible for the involved stakeholders. For example: lobby for more binding recommendations; raising awareness of government, civil society, and the public, as well as the international community and donors in intervention scenarios; identify monitoring options that will continue to work even after the transitional justice phase; and re-evaluate which forms transitional justice should take to contribute to the goal of non-recurrence.

3.2 Transforming the practice of transitional justice

Not only the choice of mechanisms and overall approach of transitional justice can impact its contribution to social transformation. The transformative potential of such a highly symbolic process also hinges on the manner in which it is carried out. In other words, when thinking about how transitional justice can become more transformative, it is not only necessary to look at what should be done, but also how transitional justice should be practiced.

This comes into view when looking at the relationship between individual and social transformation. As mentioned in the introduction, individual and social transformation are intertwined: if social transformation refers to the development of values, this must in some way also occur at the individual level. A “shift in lived values [...] in individuals (at least one person and then many) is a prerequisite to the institutional changes in governance and business”, writes Joy (2011: 18). This does not mean that, for social values to change, each and every individual must first agree with a new set of values. “But who and how many need to shift are important questions” (ibid.: 22).

One way to think about how transitional justice could contribute to social transformation is thus to be aware of its potential role in inspiring or supporting individual transformation. Psychologists Miller and C’de Baca (2001), who have studied transformative experiences in individuals, point out that at the basis of all individual change lies in the experience of discrepancy, a feeling that there is a gap between what-is and what-should-be. The experience of such a discrepancy then compels a person to act: to reflect on their values and change their behaviour and/or attitudes accordingly, or to make others aware of the discrepancy. Importantly, the authors note that this discrepancy is most powerful when it arises from within, and not when it is “taught” by external actors. “The helping task, then, is to facilitate the discovery process, the experiencing of discrepancies already present in the person” (ibid.: 178, emphasis in original). In other words, the work of an outsider, facilitator, or change-maker who wants to support transformation processes could be described by words like accompanying, supporting, encouraging, or demonstrating positive alternatives.

Such insights show that in addition to tangible factors such as the choice of a specific mechanism or the particular design or mandates in question, there are many more intangible factors that can increase the transformative potential of a transitional justice mechanism. In the following, I discuss two such aspects that have emerged in my exploratory research: sincerity and inspiration. My argument here is that if transitional justice practitioners want to create more transformative processes, they need to be aware of their own role in the process as well as the manner in which they design, implement, or talk about their work, as this shapes the outcome and effectiveness of the entire process.

Sincerity

The word “sincerity” has repeatedly emerged in my notes throughout this exploratory research. On the one hand, it was highlighted as something that was necessary in transitional justice processes; on the other hand, the lack of sincerity of the political elites was mentioned as a main cause of frustration in both Sierra Leone and South Africa.

Etymologically, sincerity refers to an “honesty of mind” and the “freedom from hypocrisy” (Merriam-Webster 2017). More specifically, as Devji (2017) argues, sincerity is not merely the absence of hypocrisy, as hypocrisy describes a situation where there is a conflict between words and deeds. Sincerity refers to the unity of words and belief: a person is sincere if they truly believe in what they say.

Thinking about sincerity in transitional justice is relevant as it may ultimately impact on the effectiveness, legitimacy, and acceptance of a transitional justice mechanism (see Mieth 2016). One area in which sincerity was repeatedly mentioned in my research was in the context of partnerships. For example, in a meeting on Germany’s role as a donor of transitional justice, organised by the Foreign Ministry and the Ministry for Development Cooperation, a participant from a civil society organisation emphasised that

transitional justice actors “must really mean it”. Another participant said that in many intervention scenarios there is a lack of a “sincere relationship” between international and local actors.¹⁷

Sincerity did not only concern the relationship between international and national actors, but equally the relationship between and within national organisations. In both South Africa and Sierra Leone, I observed that smaller NGOs or grassroots initiatives resented larger NGOs that “had made it”. Once these started to receive international funding, it was alleged, they would become more concerned with surviving as an organisation than putting ordinary people’s needs first.¹⁸ In another instance, there were suspicions between activists and academics within one organisation, where the activists wondered if the academics were really serious about changing the status quo, or if they cared more about advancing specific research goals. In other words, my interlocutors questioned the sincerity of those who were supposedly fighting for and with them.

One way to foster more sincerity in transitional justice is, then, to build good partnerships, in which practitioners act as partners, not patrons (see Gready and Robins, 2014; Nesiah, 2016). How important equal partnership is, particularly when there is a power imbalance between international and local actors, is shown in the experiences of a grassroots organisation in Haiti. Although this did not concern transitional justice programs, the “advice for allies” that the organisation posted on their website, is equally relevant for transitional justice projects:

To NGOs and the UN: “Be aware that you can do more harm than good. The money you bring into our communities often creates divisions and jealousies and leaves us fighting as soon as the project is over (and sometimes even before). Our problems are too complex and ingrained and strange to be solved by a project, a conference, or a training. You need to learn to listen to us, since we are the ones who have to live with the long-term consequences of your intervention. You need to learn to take your time – you cannot care about you achieving your project objectives more than you care about us. We are not your beneficiaries – we are people, and we have a say in what happens in our communities” (Konbit Soley Leve, n.d.).

In this way, sincerity is linked to communication, attitudes, and underlying beliefs that exist within an organisation. It is reflected in the manner in which transitional justice practitioners understand themselves and their work and the attitudes they express towards their counterparts. It may be visible in the organisational culture of a transitional justice mechanism and in the tone of inter-agency communication. Murati (2017), for example, reports about a sour feeling on the ‘receiving side’ of international criminal justice in Kosovo, where local civil society actors questioned the motives of those who implemented international criminal justice. Her respondents claimed that international actors behaved like humanitarian aid workers who turned “dealing with a legacy of human rights abuse into charity”, which was then performed out of pity. These statements convey an experience of not being treated as equal and being looked down upon.¹⁹

17 Comments raised in open discussions at the Workshop “Pathways to just and sustainable peace: How can international actors support Transitional Justice processes?”, 27 September 2016. Some documentation of the Workshop can be found on <https://www.frient.de/2016/how-can-intl-actors-support-tj-processes/>

18 Robins (2012) describes similar tensions between victims’ and NGOs in Nepal.

19 See also Madlingozi (2010) on the danger of overly simplistic narratives that can emerge in encounters between international transitional justice entrepreneurs and survivors.

20 I have encountered such comments during my earlier research in 2010-2012 in both rural and urban areas. This comment was given in March 2012 by a middle-aged woman, a Freetown resident, during an informal talk about the Special Court.

21 Both countries have had a change in political leadership since I conducted this research.

22 I. Tommy, personal communication, 20 December 2016. This has been mentioned by virtually all civil society actors and ordinary citizens that I spoke with in Sierra Leone.

23 Former South African interim president Kgalema Motlanthe mentioned this during a public talk at the United States Institute of Peace in Washington, D.C., 9 May 2017. Full talk available at: www.youtube.com/watch?v=qvah4wVXh3w (last checked on 31 May 2018).

It is important to note that sincerity has a lot to do with perception. It is not only relevant whether an actor is sincere, but also whether this appears so. During my previous research in Sierra Leone, for example, I observed how many research participants remained suspicious about the real motive behind the transitional justice mechanisms. Comments such as “Ah, they were just eating free money”, were common even years after the end of the Special Court and the Truth and Reconciliation Commission.²⁰ Such remarks have to be seen in a context of Sierra Leoneans’ comparatively low trust in institutions in general, and that they often lumped international actors together with their government (see Shepler, 2017). Yet, what this shows is that it is worth reflecting why such perceptions were so widespread and what this means for an intervention.

Sincerity is also in many ways connected to leadership, which was a further key theme in several discussions during my research. It was striking to see that one of the similarities between South Africa and Sierra Leone was that people were extremely frustrated with the behaviour of political leaders.²¹ In both countries, repeated allegations of corruption and a feeling that leaders did not really care about the plight of ordinary people were at the core of this frustration. In Sierra Leone, a civil society activist explained that people needed to see, for once, leaders who were “truly committed” to building a nation state, who would put Sierra Leone first, rather than their political affiliation.²² Similarly, in South Africa, even prominent members of the governing party openly admitted that there exists a crisis of leadership, and that there are many with “vested interests” at the top levels of government.²³ In both countries, there was thus a palpable longing for mature, humble, and honest leaders—for more sincerity at the top level. What makes all of this relevant for transitional justice is that in both countries there is a danger that the frustration of youth is exploited by political actors to promote extremist views or incite violence in the future (see, e.g., Christensen and Utas, 2008; Enria, 2015; Essa, 2017).

The link between leadership and transitional justice deserves a more comprehensive discussion, which is out of the scope of this paper. However, the issue of leadership highlights perhaps the greatest potential of transitional justice to contribute to social transformation. Because of their symbolic and exceptional nature, these mechanisms are often in a unique position to demonstrate sincerity and good leadership. By showcasing a positive model of leadership, for example in the form of officials who demonstrate sincerity and who hold themselves accountable to the people they work for, a discrepancy between what-is and what-should-be becomes palpable. Particularly in contexts where bad governance, such as abuse of power for one’s personal gain, touches on the root causes of conflict, as in Sierra Leone, the issue of leadership should receive particular attention in the respective transitional justice process.

Practically, the importance of inspiration and leadership in transitional justice processes highlight the role of transitional justice practitioners and what requirements would be needed for such positions: Are academic qualifications and professional experience the main criteria for hiring employees, or

are other qualifications helpful in such highly symbolic scenarios? Here, the field of conflict transformation provides some insights on how the quality of leadership affects the success of an intervention. For example, Lederach’s description of the “servant-leader” gives some ideas:

They don’t confuse their job or activities with who they are as people. They don’t confuse getting credit with success, or recognition with self-worth. They don’t confuse criticism for an enemy. They don’t confuse truth with social or political power. They don’t confuse their work with saving the world. They don’t confuse guilt with motivation...It is not so much what they do as who they are that makes a difference. They listen in a way that their own agenda does not seem to be in the way. They respond more from love than fear. They laugh at themselves. They cry with others’ pain, but never take over their journey. They know when to say no and have the courage to do it. They work hard but are rarely too busy. Their life speaks. (Lederach cited in Spies, 2006: 55)

Referring to what Murati (2017) writes about the situation in Kosovo, one could add to this list that sincerity also means not to confuse pity with motivation, which is relevant in scenarios where interveners come from affluent backgrounds or have never suffered from political or structural injustice themselves.

Finally, to be sure, the impact of sincerity remains somewhat elusive and it would be difficult to say if more sincerity would guarantee a more effective transitional justice process, or if the lack of it would automatically lead to failure. Yet, what I gathered from my conversations during this research was that the perceived sincerity of transitional justice actors played a role in the experience of individuals who were involved in such activities, ultimately affecting the legitimacy and acceptance of the overall process.

Inspiration

A related, similarly elusive aspect that emerged in my data was inspiration. As mentioned earlier, transitional justice ideally opens up an arena for societal dialogue about historical injustice and how this might impact the future. But what makes ordinary people want to participate in such a larger project, so that, ultimately, this dialogue is carried on long after a transitional justice process concludes? What I suggest here is that transitional justice mechanisms can become more transformative if they are sources of inspiration.

Inspiration—stemming from the Latin word *inspirare*, literally “breathing air into something”—happens when people feel drawn into a process, when they feel motivated to act. Inspiration is essentially stimulation. People feel inspired when they become aware that there are more possibilities than they previously assumed (Kaufman 2011). This relates to social transformation in that the latter has a lot to do with people’s understanding of their own role in the larger picture: people become engaged in a process when they no longer see the world as a problem that they must cope with, but understand it as a creative project in which they want to participate in (Joy 2011: 20-21). If

24 In November 2010, I spoke with a woman in her 40s, who lived with her teenage son in a former refugee camp in Waterloo near Freetown. In the interview, we discussed her views of the Truth and Reconciliation Commission; she had listened to many of the Commission's radio broadcasts.

transitional justice can be meaningful in this sense, by creating situations that make people want to participate, such processes can become more transformative in themselves.

It was interesting, for example, to observe which different roles the transitional justice institutions play in South Africa and Sierra Leone today. One of the keynote speakers on the first day of the Restitution Conference in Cape Town was Nomonde Calata, the first witness to testify before the Truth and Reconciliation Commission in the 1990s. Listening to her talk about her experiences, her son sitting beside her, was a truly gripping moment. It was clear that everybody in the room knew who she was. I am not in the position to evaluate the impact of the Commission in wider South African society, but the mere fact that civil society initiatives today still reference the transitional justice project, grappling with its positive or negative legacies, shows that the work of this institution remains relevant to social transformation processes.

In Sierra Leone, while it was very interesting to see the report of the Truth and Reconciliation Commission 'resurface' in Facebook posts, the majority of the people I spoke with over the years described the work of the transitional justice mechanisms as a rather upsetting experience. "It was nothing but sadness", said a middle-aged woman, describing the hearings of the Truth and Reconciliation Commission.²⁴ This is not to say that people necessarily disagreed with the intervention as such, but that it was something that evoked primarily negative feelings. Others perceived themselves only as spectators to the work of the Commission or the Special Court. "The white people really tried their best" was how one middle-aged man described the post-war intervention efforts. Again, this is not to criticise the mechanisms as such—the Special Court, for example, was not designed to relate to people's everyday lives, its mandate was to prosecute high-level perpetrators—but I want to demonstrate that these mechanisms did not have an encouraging effect on their audience.

Practically, among other factors, this issue highlights the crucial role of language in a transitional justice process, as it can be used to activate, encourage, and engage people. Both the choice of words and the tone can make a difference, as people's perceptions are influenced by the way certain issues are talked about. Does a particular transitional justice mechanism overly focus on describing a certain problem and the current challenges or does it also convey plans of actions and visions for the future? Do the transitional justice practitioners view local people as victims, unable to help themselves and in need to be rescued or treated (see Madlingozi, 2010)? The recent history of Sierra Leone, for example, not only consists of experiences of brutal violence to which people were subjected, but also of experiences of the incredible power that ordinary citizens can muster when faced with chaos and violence. Throughout the civil war, the population repeatedly defied the actions of armed groups, and a large civil society movement was able to garner public support to bring about the first parliamentary elections in 1996. These took place in the midst of war, and citizens went to the polls in spite of an army unwilling to ensure their safety (Kandeh, 2004). In order to be sources of inspiration, transitional justice mechanisms could create awareness of and work with such context-specific strengths.

In this sense, outreach may be an activity that could benefit from reflecting on the connection of language and inspiration, as well as sincerity. In many transitional justice contexts, outreach programs for the general public entail explaining the purpose and function of a particular transitional justice mechanism and teaching about human rights. But how often does this reduce the audience to passive spectators and learners? "Outreach" could be redesigned, and indeed renamed, and turned into a communication platform that works both ways (Lambourne, 2012). For example, instead of teaching abstract laws, outreach activities could be designed to elicit local knowledge and wisdom on the matters in question, in order to find out together which activities would be useful for the target group. This could be done by creating tools to solve locally relevant problems, such as new political participation models, new forms of intra- or inter-community collaboration, or other methods that would be relevant with a view to the historical injustices in question. In some situations, even the mere shift of focus to finding solutions rather than problems and an openness towards local ideas can be a source of inspiration and perhaps lead to unexpected positive effects.

4 Conclusion

How are transitional justice and social transformation linked? The short and simple answer is that if transitional justice processes do not translate into social transformation processes, even a well-implemented transitional justice measure can lose its initial symbolic meaning. This paper discussed some of the links between these two processes that often only become visible with time. Yet it is important to consider these links when devising and implementing transitional justice mechanisms.

South Africa and Sierra Leone are very different contexts in terms of their history, economy, geography, socio-cultural makeup, as well as the human rights violations perpetrated, and they illustrate how transitional justice and social transformation can be linked in different ways. In South Africa, there seems to be an increasing awareness that the real work of redressing historical injustice has only just begun. As more time goes by since the political transition in the early 1990s, the sheer breadth of the challenge of tackling complex problems related to both race and socio-economic inequality becomes ever more visible. What this case shows most prominently in my opinion is how long it takes a society to fully understand the effects and after-effects of a long history of structural violence. In this way, it is questionable if a transitional justice mechanism set up during the political transition would have been able to address these structural problems with the acuteness that can be observed today.

The case of Sierra Leone highlights another aspect regarding the link between transitional justice and social transformation. It shows that in some cases, attempts to redress historical injustice should not only focus on the violations perpetrated during a period of mass violence, but also on the broader conditions that led to this violence in the first place. In other words, one needs to “zoom out” much further to understand that the Sierra Leonean civil war was also a symptom of already prevailing injustices, such as widespread economic marginalisation and bad governance. Focusing more on these root causes of conflict could have been advantageous for inspiring long-term social transformation processes, which remains a challenge in Sierra Leone. Both cases illustrate that while transitional justice and social transformation are often inextricably linked, the degree with which social transformation can be addressed in transitional justice differs depending on the context.

Against this background, my aim in the second part of the paper was to reflect more abstractly on how transitional justice can contribute to social transformation and become more transformative itself. My argument is not that transitional justice should “do” social transformation. Rather, I argue that a future-oriented practice of transitional justice could help identify more specific goals of a transitional justice process by shifting the focus to the particular needs in a given context, away from abstract assumptions that have often guided decision-making in transitional justice practice in the past. Rather than providing closure, the role of transitional justice mechanisms could instead be to open up a space in which the need for a broader social transformation process can be discussed and initiated.

Conclusion

The ways in which transitional justice processes can become more transformative all point towards a deeper engagement in a given context. It is not only important to think about what mechanisms should be established and how they should be designed, but also how these processes are enacted and talked about. To this end, I discussed two aspects in more detail: sincerity and inspiration. Reflecting on the role of sincerity and inspiration in transitional justice first and foremost points at the highly symbolic nature of these processes. How transitional justice mechanisms appear, feel like, the manner in which actors communicate, as well as the quality of partnerships and leadership are all directly linked with the perception of these processes as sincere and inspirational. Indeed, a large potential of transitional justice mechanisms lies in their ability to speak to the affected population on an emotional level, and demonstrate how effective institutions can work for the people they are concerned with. In other words, transitional justice mechanisms can model positive possibilities.

Finally, this discussion was not intended to be exhaustive and I would like to end this paper by pointing out a couple of aspects that I believe are worth further investigating in the debate on transformative justice. One is the issue of leadership, that I only touched briefly in this paper. However, given the discussions I had while conducting this exploratory research, I began to wonder just how much the success of transitional justice depends on good leadership. This issue extends far beyond “political will”, it includes the decisions and behaviours of all involved stakeholders in the transitional justice process. A second issue, which crosscuts several dimensions of transitional justice, is the challenge of designing processes that are truly collaborative or co-creative, particularly in intervention scenarios. If one of the goals of transitional justice is indeed promoting an active citizenry that will hold institutions and other actors accountable (e.g. Madlingozi, 2010; Robins, 2012), then it would be worthwhile to continue thinking about how this can already be realised within the framework of transitional justice mechanisms.

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