

The Relationship Between Trust and Truth and Reconciliation Commissions in Post-Conflict Sub-Saharan Countries

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ABSTRACT

Sub-Saharan African countries have conducted Truth and Reconciliation Commissions (TRC) from the early 1970's to 2020 in twenty-one different countries. TRCs have been chosen by states after armed conflicts, attempted or completed coups or in several cases after contested elections and election violence, in attempt to agree at a common "truth" to the events and to bring reconciliation to individual victims and polarized groups within the state. Most TRCs have claimed the need to build trust in institutions, government and communities as one of the reasons for the conduct of a TRC. However, despite extensive scholarly study of TRCs in general, and some study of sub-Saharan African TRCs (particularly the South African TRC) there is a lack of study of the relationship between TRCs and the development of trust. This study utilizes Afrobarometer data regarding trust in various governmental and quasi-governmental entities in ten Sub-Saharan African states that conducted a TRC. This study concludes that the processes in strong TRCs are related to the improvement in trust in some of the entities, but others are unaffected or show decreases in trust because the processes generally used in the TRC were not effective in creating trust.

Key words: Truth and Reconciliation Commissions, Trust, Transitional Justice, Afrobarometer.

INTRODUCTION

The modern image of sub-Saharan Africa is countries with constant warfare, ethnic strife, civil wars, and human rights abuse. This is an image that belies the vast improvements in most sub-Saharan African countries and the work that has been undertaken, particularly since the 1970s, to improve conditions in those countries and to bring peace. Despite some progress, those conflicts continue to cause a variety of problems for countries but one of the worst problems is how to restore trust in their populations in the government and the various institutions of government after the conflict has ended. Without trust in the government, conflicts are more likely to reoccur as people choose violence rather than working through the system. This is particularly true for agencies such as the

police and the army that may have been complicit in either causing the conflict or in failing to protect the population against the worst parts of the conflict. A lack of trust can also cause populations to cling to the ruling party or head of state, regardless of corruption or whether they were constitutionally elected, because they are at least familiar and therefore safe. People develop a trust in the person, rather the institutions. TRCs can help to foster trust by using processes that develop trust in government and quasi-government institutions.

There are forty-six countries in sub-Saharan Africa according to the United Nations (UN). Since the final end of colonization in the 1970s most of those countries have experienced conflicts ranging from interstate wars, intrastate wars, election violence, coups, to genocide. Countries have attempted a variety of types of transitional justice to expose the truth of what occurred those conflicts and to attempt to restore trust in state institutions. Transitional justice efforts can consist of TRCs, war crimes trials, amnesties for offenders, lustration of offenders, and other less formal methods such as changing of national anthems and flags and installation of memorials to victims of violence. Despite these efforts countries often still suffer from a general lack of trust years after the conflict has ended, making it difficult to have countries move forward in their efforts to stop future conflicts. Continued conflicts also require the country to pay for the conflict, not for infrastructure, hospitals, and schools.

A tremendous amount of money is spent on transitional justice methods, particularly domestic war crimes trials and TRCs. TRCs are much less expensive than war crimes trials and may have significant impact on resolving conflicts, making them often the choice of countries recovering from a conflict. They are also considered less disruptive to a post-conflict country because they try to expose truth and reconcile the population rather than punish offenders who may still have public support. There are a variety of costs for a TRC, some economic, some non-economic; there is a real economic cost to the nation utilizing a TRC and the choice of a TRC means a tradeoff of limited resources away from other pressing needs and to the TRC. Data regarding actual costs for TRCs are extremely difficult to obtain, particularly from the earliest TRCs but some is available. Justice in Perspective notes that the Liberian TRC (2006-2009) originally had a budget of fourteen million dollars which was later reduced to eight million dollars. Sierra Leone (2002-2004) budgeted four million five hundred thousand dollars for its TRC and South Africa (1995-2002), one of the larger TRCs, budgeted eighteen million dollars each year for two and one half years, plus a smaller ongoing budget for follow up and reparations (justiceinperspective.org).

The question of whether or not they are effective at creating trust in a country, and if so, how that trust is created has not been answered. Because of the tradeoffs between paying for TRCs instead of other purposes, it is critical that TRCs be studied to determine whether they meet their goals of promoting peace and security in post-conflict countries. This paper discusses TRCs because they are the most chosen transitional justice method given their lower administrative cost and ability to address national issues as opposed to war crimes trials that focus on individual offenders.

LITERATURE REVIEW

Despite the recent emergence of TRCs on the international stage, there is still debate among scholars concerning their effects on trust and social capital. While some argue that the truth uncovered by the commissions is effective at promoting healing and can lead to an increase in social cohesion and

trust among the population. Meanwhile others contend that the TRCs can contribute to a decline in trust by challenging governmental institutions.

A.Allen and M. Allen (2000) argue that TRCs may be an effective method to end the “self-perpetuating circle of abuse and counter-abuse” that has become a staple of some countries by increasing social cohesion. In order to evaluate this hypothesis, the authors tested the success of the South African TRC as a therapeutic tool based upon six criteria by which they argue International Legal Institutions can contribute to healing: addressing peoples need for justice, allowing people to relate experiences, promoting reconciliation at individual and national levels encouraging reintegration of offenders, promoting certainty by establishing a human rights culture and promotion of healing. The authors found that by adopting a restorative approach to justice, the commission was successful in laying the groundwork for the reintegration of offenders, while also addressing the need for justice (459-460; 466-467; 471).

Furthermore, they found that the South African TRC was successful in letting people to relate, validate, and record their experiences by allowing nearly 30,000 victims and offenders to share their stories as part of the public hearings (468-470). However, the authors conclude that the commission was less successful at promoting reconciliations at either the individual or national level. While examples of individual reconciliation have been uncovered, the granting of amnesty to offenders has made it difficult for victims to forgive them. At the national level, it was found that the TRC may have widened the division between the two groups (470-471). Overall, the authors found the South African Truth & Reconciliation Commission to be a relatively successful therapeutic tool by focusing on truth, reconciliation, stability, and restorative justice. Through this promotion of restorative justice and reconciliation that the South African TRC could also have increased trust in the wake of apartheid.

The argument that TRCs have a positive effect on social cohesion and trust is furthered by Martin-Berstein, Paez, Rime, & Kanyangara (2010). In order to assess the effects of the commissions on individuals and society, the authors used survey data collected from sixteen Latin American countries in which TRCs had been conducted during the 1980s and 1990s (9). The authors found that where TRCs had taken place, there was a decrease in negative stereotypes and a corresponding increase in social cohesion (13). These results showed that the use of TRCs may lead to an increase in trust by contributing to a boost in social cohesion, leading to trust.

Similar results were found to be associated with the TRC that followed the civil war in Sierra Leone. Using survey data to measure trust among ex-combatants and victims of the civil war, Cilliers, Dube, & Siddiqi (2016) found that trust had increased for both groups during the period of the functioning TRC. In addition to this, the surveys also showed an increase in trust between former combatants, demonstrating that the reconciliation aims of the TRC were at least somewhat successful. Furthermore, the authors found that these increases in trust also increased or stayed the same among the victims of the conflicts, demonstrating that the effects of the commission had extended even to those most directly and negatively affected by the civil war (787-789; 791-794).

Other scholars contend that TRCs are not as effective at promoting social cohesion and trust. One major argument in favor of this point-of-view is that the commissions do not address the long-term issues that led to the conflict and lack of cohesion in the first place. While some scholars, such as

Snyder and Vinjamuri (2003) have found that TRCs can be more effective than international tribunals in addressing current tension and violence because they do not ignore the political realities of the situation (5-6), they do also contend that are not as effective in promoting long-term peaceful and trusting societies. This is because TRCs do not address the issue of rule of law (43-44). If the commissions do not foster a respect for the rule of law, it only leaves the door open for more chaos and violence in the future.

The method by which the TRCs do not promote a respect for the rule of law can be better understood in their relationships with the courts. Survey data collected in countries that have used TRCs have shown that the commissions do not increase trust in the court systems and can sometimes come into conflict with them. Since the commissions are often separate from the courts, their existence may challenge the legitimacy of the judicial systems themselves (Ishiyama & Laoye, 2014, pp. 14-15). This effect of a lack of trust in the courts and their legitimacy could also lead to a lack of respect for the rule of law, and again could lead to more chaos and violence in the future.

Finally, some scholars argue that TRCs may not be effective at promoting social cohesion as others think because there is currently not yet a non-biased empirical method for measuring their success. Furthermore, it often those who organized the TRC in the first place, who then fund the evaluations. This may lead to a disconnect between how the commissions are evaluated internationally versus how they are viewed in the local community (Hirsch, MacKenzie, and Sesay, 2012, 387-388).

METHODOLOGY

Afrobarometer data on trust was chosen because it satisfies some of the criticisms of authors such as Hirsch, MacKenzie, & Sesay (2012) as noted above. The survey participants were chosen by a random sampling method and were residents of the country rather than members of an IGO or governmental body. The number of participants was sufficient to make it a representative sample and the surveys were conducted in the participant's native language, by national partners who recruited and trained the interviewers. Although there may still be some bias in the selection of questions, the interview method rather than a multiple choice survey lessens this possibility (Afrobarometer, Surveys and Methods Manual).

All Sub-Saharan African countries were originally considered by this study; only thirty-two were reviewed because they participated in at least one of the seven rounds of Afrobarometer surveys. Although Ethiopia did participate in the surveys they are problematic because Afrobarometer warns that the data regarding Ethiopia is not comparable to the other SSA countries (Afrobarometer-Ethiopia, special note) and they participated in only one round so Ethiopia was excluded from the study even though they conducted a TRC.

Afrobarometer surveys ask participants from African countries a variety of questions ranging from demographic data to data regarding economy and social conditions. For the purpose of this study only countries considered to be in Sub-Saharan Africa are included because they have more common characteristics than Northern African countries which tend to be affiliated with the Middle East. Therefore, survey data from Algeria will not be used although Algeria had a TRC.

Participants in Afrobarometer were asked a variety of questions regarding trust, including a number that were specific to particular countries, such as questions about political parties or

governmental members. To allow a comparison across all countries ten questions were used that were asked in at least one round in all countries. The surveys typically allow six answers to questions: not a lot, just a little, somewhat, a lot, no answer, unknown but in reviewing trust below only the “a lot” answers are included.

Information regarding TRCs was gathered from the Transitional Justice Research Collaborative (Dancy, Lessa, Marchesi, Payne, Pereira, and Sikkink, 2014) Fombad (2008), Justiceinfo.net, Hayner (2010), USIP.org, and the International Center for Transitional Justice (ICTJ). The list of countries having occurrences of TRCs was compared to the definition of TRCs from Hayner and Freeman which is 1) temporary bodies, 2) officially sanctioned, authorized, or empowered, 3) non-judicial bodies, (Non-judicial means they do not determine guilt or innocence or punish perpetrators.) 4) usually created at a point of political transition, 5) focus on the past, severe acts of repression and violence that were committed and over a period of time, 6) not just a single specific event, 7) generally complete their work with the submission of a final report that contains conclusions and recommendations, 8) focus on the broad causes and consequences of events, not just the facts, 9) focus on violations in the sponsoring state and occur in the sponsoring state, and 10) are victim centered bodies (Freeman and Hayner, 2002, Freeman, 2006, 14-19).

There have been 35 commissions described by at least one source as a TRC. It is difficult to obtain information about some of the TRCs listed in various publications so whenever possible multiple sources were used to verify details about the TRCs. Commissions or inquiries that did not comply with the definition listed above or which were not completed before the start of Round 7 of Afrobarometer were omitted since the effect of the TRC might not be evident in trust levels. All countries holding TRCs but not having had surveys done by Afrobarometer were excluded from this study because no trust data was available. Zambia was excluded, although it is mentioned in some reports on TRCs as having two TRCs, because neither fits the definition of a TRC. Mali has talked about having a TRC but has not finalized it and therefore there is no impact on trust by a TRC. Burkina Faso held a Commission of Inquiry in 1999 over the death of a journalist, Norbert Zongo, and his companions, but although the proceedings were similar to a TRC, the commission involved only one event and therefore does not fit the definition of a TRC. Uganda and Zimbabwe were excluded even though they both conducted surveys and had a TRC, the first round of surveys asking questions about trust was conducted sixteen years after the TRC (Uganda) and nineteen years after the TRC (Zimbabwe). In both cases the time between the TRC and surveys is too long for a relationship to be seen. This leaves a total of ten countries that conducted at least two rounds of surveys and had at least one documented TRC.

This study does not assess the development of trust by TRCs in individuals, other than to note when the TRC recommended individual reconciliation methods such as Palava Huts (Liberia). Afrobarometer has no data regarding the development of trust between individuals and all other sources such as the World Values Survey only have data for a few of the countries conducting a TRC.

FINDINGS

In order to assess the effectiveness of processes for TRCs it is necessary to determine which are more likely to develop trust. A study of the strength and effectiveness of TRCs was conducted by Priscilla Hayner (2010) who sorted TRCs into two categories: strong TRCs and other illustrative TRCs. Hayner does not specifically identify factors that make a TRC more effective, but her

discussion explains processes that appear in the strong TRCs. Each process has then been evaluated here to determine how and why it may lead to the establishment of trust. A weak and ineffective TRC will not encourage change within a country, or if change does occur it is more likely a result of other factors such as an improvement in the economy, legislative efforts at controlling human rights abuses, reforms in the military and police and even the presence of an international organization such as the United Nations (UN) in the country.

The five strong TRCs evaluated by Hayner (2010) were the South Africa, Guatemala, Peru, Timor-Leste, and Morocco TRCs (28-44). Only one, South Africa, is in sub-Saharan Africa. She also reviewed Ghana, Sierra Leone, and Liberia as illustrative TRCs. South Africa was used as a model for future TRCs since the hearings were broadcast for the public to watch, the consequent report was publicly disseminated and discussed, and South Africa's amnesty policy encouraged offenders to testify at the TRC by only offering amnesty if they testified, fully disclosed their actions, and only committed political crimes.

Hayner (2010) identified processes of TRCs that make it stronger or weaker. Many of them are commonsense, such as the idea that a TRC will be more effective if people are aware of its findings and recommendations, but others are more subtle. Each TRC takes place in a different country or community which experienced different problems; sometimes the problems are civil wars, coups, or violence by the military, police or militia groups. Other times the problems are with elections or single-issue violence such as the killing of a few individuals at a single event. As result, the structures of TRCs will vary depending on the culture of the people holding the TRC and the conditions that gave rise to the call for a TRC.

Regardless of the variations in TRCs there are some aspects of a TRC that are necessary to make it effective in bringing out and memorializing the truth and in promoting reconciliation and trust. Aspects of Hayner's (2010) five strongest commissions are the following:

1. Public hearings
2. Substantial statement taking
3. Representative panel of commissioners
4. Names of offenders published
5. Publicly released report that is widely disseminated
6. Limited or no amnesty for alleged offenders
7. Follow up on recommendations
8. Criminal prosecution of major offenders

The question in this study is whether TRCs lead to an increase in trust in government and quasi-governmental entities such as traditional leaders. Trust was not addressed in Hayner's book and has seen limited interest otherwise, but it is critical to understand what there is in the structure of a TRC that can lead to an increase in trust. There is a rationale behind each aspect of these stronger TRCs that makes it integral to the creation of trust.

First

Public hearings are necessary. Without public hearings the citizens of the country are unable to see the transparent nature of the TRC process and will have questions about the truthfulness of the findings. Most TRCs take place in countries where the government's actions have been secretive

and opaque and the violence has been hidden by “disappearances”, torture, sexual violence, unmarked mass graves, and extra-judicial killings. To regain public trust, the public must be able to see the government exposing its failings and its prior condonation of violent and arbitrary actions by the police, military, government officials and militia groups. It is particularly critical in countries with high levels of illiteracy that the hearings be broadcast by either television or radio since many people are unable to read newspapers or access the internet.

Second

Taking a substantial number of statements from a variety of groups is critical. People who are targeted by violence are usually members of marginalized groups, not elites in government or groups that are favored by the government or militias. This is particularly true for women since they are often the targets of sexual abuse and violence, as well as members of the LGBTQA+ community and indigenous groups. Marginalization leads to a lack of trust and a feeling the government is not cognizant of the issues that confront those groups, making the emphasis on those groups a key to reducing the feeling of marginalization.

Third

The panel of commissioners should be representative of the groups within a country. Most panels are appointed by the president or prime minister of the country which leaves an impression that the commissioners may be aligned with the government. Appointing all male commissioners or commissioners from the government or military does not promote trust in a populace that already does not trust the government and military. Appointing commissioners from one ethnic group creates the same lack of trust.

Fourth

Alleged offenders should be named in the report if there is clear evidence of their involvement in the violence. Naming alleged offenders enables the country to focus on certain people for later prosecution and would allow the public to see the faces and the names of the people most responsible for the violence. However, naming alleged offenders would make it much less likely that people would willingly testify in the commission since their statements could be used against them in court. There is also the danger that people named as offenders will have their lives ruined if they are not given the opportunity to answer the allegations before their name is published. A balance has to be struck between being transparent and having due process.

Fifth

A report needs to be written and widely disseminated to the public. This seems obvious, since one of the principal points of a TRC is to write a report and make recommendations, but the public release of a final report has been controversial in many TRCs. On the one hand, the report shows the public who the offenders were, how many were killed or injured, the amount of damage to the economy; even if names are not released, most TRCs allocate responsibility among the various warring parties. This allows people who were aligned with one party or the other to be able to see the information about that group's abuses, independent of statements made by the group or anecdotal evidence. This is a powerful tool to lessen support for groups who were the aggressors in a conflict or were the main abusers of human rights and allows the public to trust the statements given by other groups such as the government or the military. On the other hand, the release of

such information can bring back the hatreds which caused the conflict and destabilize the country again.

Sixth

Amnesty for alleged offenders needs to be limited or banned. Amnesty encourages impunity for offenders and lessens trust because the public sees that offenders, particularly from the government, the military, and the police, escape any form of justice by being granted amnesty from prosecution. Limited amnesties may not effect trust if they are limited to the lower ranking offenders or to children, but blanket amnesties show the public they can't trust their government to do one of the basic functions of government—prosecute people who break the law. Amnesty can build trust if it is used for the limited purpose of getting offenders to testify at the TRC but is only allowed for specific offenses.

Seventh

The TRC must make recommendations for future actions by the government to carry out the reforms discussed in the TRC report and the government must carry out those recommendations. This is where most trust is eroded with the public; TRC reports usually recommend prosecutions, reparations, symbolic reconciliation lustration of former government officials, and war crimes trials. These recommendations are the symbol of the government's commitment to correcting the ills of the previous times and to encourage reconciliation because they are outward symptoms that can be seen by the public. Reparations are a popular recommendation for members of the public who lost loved ones during the conflict or suffered physical or psychological damage. There are several constraints that make following the recommendations difficult, ranging from economic constraints that make financial reparations difficult in countries struggling to recover from civil wars and violence, to concerns about destabilizing a country by the commencement of war crimes trials. Even memorials to victims can be controversial in a country where all sides may feel they are victims. If reparations are awarded the process of picking the worthiest recipients again opens concerns about favoritism of ethnic, religious, or social groups.

Eighth

Criminal prosecution of major offenders must be done to halt impunity. Prosecution can have a major effect on trust in countries after a civil war or episodes of violence. Prosecution of offenders, particularly government offenders, shows the public that impunity will not be allowed, and that the government can be trusted to enforce its own laws. It can also improve trust in the police and military if the public sees offenders are punished rather than protected by the government. There are a number of difficulties with prosecuting offenders—the country's judicial system is often decimated by the civil war or violence, trials are costly economically, and the choice of which offenders to prosecute is highly political and can bring less trust, rather than more, when popular figures are prosecuted or notorious offenders are left alone. Prosecutions can also cause more turmoil and loss of confidence when, inevitably some offenders are acquitted or convicted of lesser charges as happened in the Nuremberg War Crimes tribunals in 1946-1947.

INCREASING TRUST

Simply knowing the truth of incidents without having a pathway toward trust leaves people without a method to move on. It is very difficult to develop trust in groups such as the government, military, and police after graphic information about abuses by those groups has been exposed publicly. This

is particularly true in deeply divided societies. Deeply divided societies, according to Chapman (2009) are those with “significant internal divisions resulting from severe human rights abuses, collective violence, civil war, or persistent repression by state institutions” (144). Not all countries holding a TRC have a deeply divided society, but the vast majority of them do, particularly if the TRC occurs at the point of transition or peace agreements. Some TRCs are retrospective and look historically to try to right previous wrongs. The TRCs in Canada regarding residential schools for Native Americans and the Mauritius TRC regarding 19th century slavery are examples of these retrospective TRCs where society is not deeply divided. Other than Mauritius, all countries involved in this study would be considered as having deeply divided societies.

There are certain things that can help a country with increasing trust on the national or regional scale. Some things, such as admission of responsibility on the part of the government or rebel groups is relatively easy to achieve, particularly if the government has undergone a transition in power. Unfortunately, many of the other things needed to increase trust are not done by TRCs alone and require either government action or at least government acquiescence. Many, such as reparations may require international assistance to raise the funds for a meaningful reparations program. There are some things that are essential to increasing trust.

For even a strong TRC to develop trust, four things are required. First, an end to the violence or threat of violence is essential. Hutchinson and Johnson (2011) argue that political trust shows the belief by individuals that the government is legitimate in their minds. This legitimacy assists in avoiding future conflicts because it makes parties more likely to enter into and keep peaceful settlements; there is trust that the government treat fairly (738). TRCs usually occur after a transition because countries are usually too volatile during a conflict to consider a TRC. However, a transition in government does not guarantee an end to hostilities. It is impossible to reconcile people with each other and develop trust if they continue to fight or be subject to human rights abuses. A TRC has no control over the ending of violence although that is one of the ultimate aims of a TRC; since a TRC is a non-governmental function it has no control over military or security decisions by the government.

Second, official acknowledgment of the bad behavior of the government helps with trust and occurs at least formally in most TRCs. However, because of the usual change in government leaders, the actual leader during the conflict is often not involved in the acknowledgement. This may not lead to trust because the new government is still an unknown and apologizing for the previous administration’s actions does not guarantee they will not take similar actions.

Third, payment of substantial reparations is needed to help people be put back, at least financially, where they were before the conflict. Reparations are extremely difficult due to a lack of financial resources even if the amount is token. What often happens in countries after a conflict is the use of funds to demobilize and rehabilitate rebel groups rather than make reparations to victims. Perceived favoritism toward any group, whether former rebel or militia groups or ethnic groups, can destroy trust by reestablishing those groups as favored.

Lastly, addressing and lessening the ethnic, economic, and power inequalities between and among groups that participated in the conflict is needed. If one group has superior power over another group or groups, trust will be difficult. This is particularly true in cases of ethnic conflicts such as

the one in Burundi between majority Hutu and minority Tutsi groups or in Liberia between the Americo-Liberians and the indigenous population. Reconciling those long term and deeply felt power conflicts, particularly where the imbalance has an economic component to it as well, is essential to improve trust between those groups.

One brief note before the individual TRCs are described and assessed. TRCs in this study are not assessed against each other. Strong, adequate and weak TRCs are assessed based on their own performance. Each country and conflict are different and will yield different results. The point of dividing the countries into categories is to show processes that have generally worked worldwide in achieving truth and creating trust. It is expected that trust will change with time, particularly with TRCs that were conducted coincident to the survey or for countries who conducted a TRC shortly after the end of the conflict. But, while it is true that trust may improve over time, it is equally true that trust can deteriorate, particularly in countries where the TRC process was not designed and implemented to achieve trust in the country.

Below is a list of the ten TRCs used in this study. The TRCs have been divided into three categories: strong TRCs, adequate TRCs and weak TRCs. All TRCs have accomplished some change whether they are strong, adequate or weak, but the stronger the processes the more likely positive change occurs in a country. A brief statement of the conflicts that led to the TRC are included; it is critical to see the challenges countries face which lead to TRCs because the challenges can affect the choice in processes.

Strong TRCs

Four of the countries in this study conducted relatively strong TRCs. This study agrees with the Hayner study's conclusion that South Africa conducted a strong, although not perfect TRC. Other strong TRCs included Sierra Leone, Liberia and Kenya. South Africa's TRC set up one of the key processes for a strong TRC, the use of amnesties to encourage offenders to testify as to their actions without needing to subpoena them, while limiting those amnesties to political crimes and to offenders who made full, open disclosures. The TRC also widely broadcast the hearings so the public would be aware of the procedures and the facts about apartheid in South Africa revealed by the TRC. The remaining strong TRCs all occurred after the South African TRC and incorporated at least some of the South African TRC procedures.

Below is a brief description of the TRC processes; Figures 1 through 4 showing the trust levels in countries holding a strong TRC. Some countries did very well in some respects, like South Africa's conduct of hearings and amnesties, but lagged in other such as the public dissemination of the final report and in following up on recommendations. Other offered amnesties but still prosecuted some offenders, lessening the impact of the amnesty. Overall, these four TRCs were well designed and achieved at least some of the aims.

Table 1: TRCs and Causes of Conflicts

Country	Cause	Deeply Divided Society?	Strong, Adequate or Weak
Burundi	Ethnic conflict between Tutsi and Hutu which led to a genocide	Yes. Also, ongoing problems with human rights abuses and election violence.	Weak
Cote d'Ivoire	Different ethnic groups supported both candidates for the presidency	Yes. Violence and election violence.	Weak
Ghana	Conflict over authoritarian rule and abuses by security forces	Somewhat. The abuses were primarily in the past, but some are ongoing.	Adequate
Kenya	Election violence and ethnic issues over land	Yes. Election violence and ethnic issues.	Strong
Liberia	Ethnic and class conflict Americo-Liberians and indigenous people	Yes. Massive human rights abuses and the TRC was shortly after the end of the long civil war.	Strong
Mauritius	Historical ethnic and class conflicts between people brought to Mauritius as slaves or indentured servants and the colonists and indigenous groups	No, not at the time of the TRC	Adequate
Nigeria	Conflict over resources, corruption, inequality, and ethnic divisions	Yes, resource and inequality-based issues still exist along with ethnic issues occur in Nigeria	Weak
Sierra Leone	Conflict over poor economy and failing government, redistribution of wealth, corruption and class	Yes, the civil war ended shortly before the TRC began and there were massive human rights abuses.	Strong
South Africa	Apartheid treatment of Blacks by white colonists	Yes, apartheid ended shortly before the TRC, but the county continues to experience racial and economic issues. Apartheid involved massive human rights abuses.	Strong
Togo	Election violence and impunity by military and security forces.	Yes, election violence toward hereditary office with president installed by the military. Human rights abuses by all sides.	Adequate

South Africa

South Africa did well in most of the nine aspects of a strong TRC. They held public hearings that were televised and took thousands of written statements. They had an unbiased panel of commissioners, named names of offenders and used amnesty to get offenders to testify in large numbers. They widely disseminated the final report, although only in English, a language not spoken by a large portion of the population.

It was in the implementation of the recommendations of the TRC and the prosecution of offenders that South Africa damaged the value of the TRC. They lost a great opportunity to create trust in the government by not immediately following recommendations and extending reparations to victims regardless of whether they testified. Wiebelhaus-Brahm (2010) notes "Perhaps because of the

TRC's widely lauded victim-centered public hearings, its final report has not been seen as central to the South African transition. In fact, most of the TRC's recommendations have not been seriously considered by South Africa's government" (42). They failed to hold trials for the thousands of offenders who committed abuses and did not seek amnesty. They also needed more publicity of the contents of the report in languages other than English to ensure the population were aware of the report.

The TRC, and the country of South Africa, were able to accomplish some of Chapman's four requirements for reconciliation and trust. First, the violence or threat of violence was reduced although not eliminated. Although the transformation of South Africa from apartheid to its current state is remarkable, the country continues to experience corrupt government, severe income inequality, and abuse by security forces, albeit the forces of the ANC (usip.org). The second requirement of acknowledgement of wrongs by offenders was met, somewhat, by the testimony of offenders seeking amnesty, but the lack of prosecutions of other offenders has encouraged impunity. The third requirement of the payment of reparations has been only partially met and the continued income inequality in the country shows the effect of such limited reparations. Lastly, the power imbalance between the groups in South Africa has been lessened somewhat with the rising power of Black Africans and the growth of the ANC as a political power. The continued income inequality in South Africa, however, makes economic power extremely unbalanced. In 2014 the GINI coefficient for South Africa was 63, making it the country in the world with the highest income equality (<https://www.indexmundi.com>). Black Africans continue to own very little land and lag behind Whites in educational opportunities, keeping economic power in the hands of the minority White population.

Figure 1, below, shows the change in trust from 2002 to 2018. The first survey that asked questions about trust in government for South Africa occurred in the same year the TRC ended. Overall trust in all ten institutions increased, particularly in the army and in the courts of law, which is positive for the country. Trust levels overall in the year the TRC ended were quite low compared to other countries like Sierra Leone and Liberia, making the improvement in trust even more obvious. The lowest trust score was in the opposing political party both in 2002 and 2018, but even that low amount of trust increased dramatically.

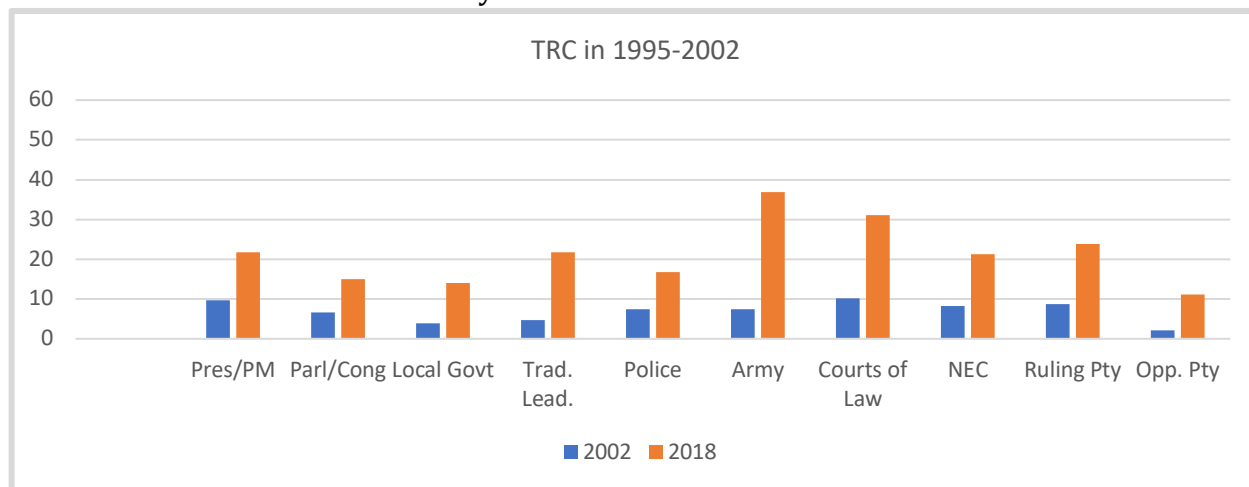


Figure 1: Trust in South Africa

Source: Afrobarometer.org

Sierra Leone

Sierra Leone also conducted a strong TRC. They held extensive numbers of hearings and received thousands of written statements. They are the only country among the ten countries that had formal war crimes trials through the Sierra Leone-Special Court (SL-SC) that indicted twenty-three people, and convicted and sentenced ten with one person being acquitted (several died during the process). Because Sierra Leone combined a TRC with a war crimes trial, some improvements in trust should also be allocated to the war crimes trial. The final report did not name names of offenders and a blanket amnesty was given, but the fact that twenty-two people were still indicted shows the amnesty had little effect on at least major offenders. Lesser offenders have largely escaped prosecution and the people who were charged by the court were major people in the government and two rebel groups. Charles Taylor who was involved in much of the conflict, although Taylor is actually Liberian, was tried and convicted by the SL-SC. They have struggled to provide reparations or follow other recommendations of the TRC other than setting up commissions and that has been problematic for such an impoverished country where most of the population is either unemployed or working in the informal economy.

The TRC and the country of Sierra Leone were able to accomplish the first three of the requirements for reconciliation and the building of trust. Sierra Leone's civil war ended, and the country has been reasonably peaceful since then. The country acknowledged their wrongs by publishing the report widely and working to establish a war crimes tribunal to punish offenders, including members of the government. They have lacked in the area of reparations, but some reparations were paid although this is a continuing problem between the public and the government. Sierra Leone has also worked to reduce economic inequality and has the fourth best GINI coefficient in sub-Saharan Africa with a coefficient of 34 (<https://www.indexmundi.com>). The conflict was not about ethnic or religious issues and some strides have been taken to reduce the power imbalance.

Figure 2, below, shows the change in trust from 2012 to 2018. Sierra Leone did not participate in the first four rounds of surveys, so the earliest survey date is eight years after the end of the TRC and only six years before the last survey. However, the war crimes tribunal was not dissolved until 2013 (SC-SL) and the conviction of Charles Taylor occurred in 2012. So, it is hard to decide to attribute improvements in trust to the TRC or to the SC-SL.

Sierra Leone's improvements in trust were not as dramatic as those of the South Africa, but the shorter time between the first set of surveys and the last may in some way account for that. Improvements occurred in all institutions except that of the opposing political party and the police. The opposing political party is not concerning since Sierra Leone has an authoritarian leader, making trust difficult in his opponents. The drop in trust in the police is more concerning since it would be expected that trust would improve in the police after the TRC revealed their abuses. However, more violence in Sierra Leone involved the military and rebel forces, so the reduction in trust could be attributed to events involving police corruption or abuses that occurred after the TRC.

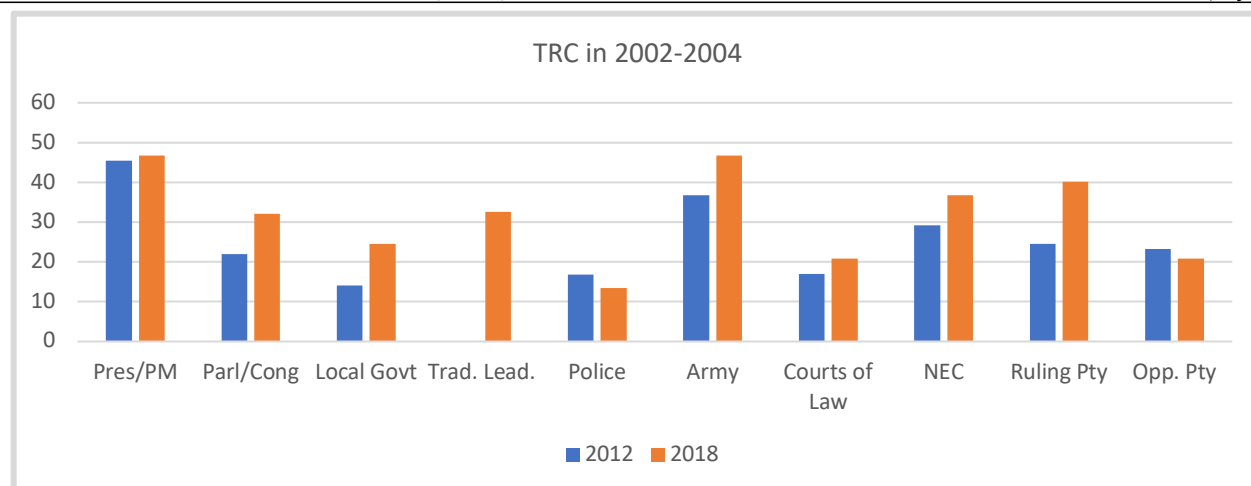


Figure 2: Trust in Sierra Leone

Source: Afrobarometer.org

Liberia

Liberia's TRC was similar to that of Sierra Leone's TRC although the only Liberian charged with a war crime was Charles Taylor. It took a tremendous number of statements and held hearings around most of the country and with the diaspora overseas. Liberia is a country with serious limitations to travel due to its dense bush areas and rudimentary, at best, roads. Much of travel in Liberia requires a motorcycle, bike or even a canoe so the travel to most parts of the country show a commitment to inclusivity by the TRC. They also held closed hearings and used screens to shield witnesses for security reasons. The final report named names of offenders and recommended lustration of those people, including famously the name of the sitting President Ellen Johnson-Sirleaf, and several members of the Liberian Congress (Reliefweb.int/report/liberia/liberias-trc-presents-final-report). The naming of names was somewhat problematic since the people who were named were not given an opportunity to testify and explain their side of the situation before the report was published; this caused controversy in Liberia before the Liberian Supreme Court struck down the lustration provision. Like Sierra Leone, Liberia also has been unable to provide reparations due to the impoverished nature of the country and programs to create reconciliation, like the Palava Hut program have been started but have not made much progress.

Less effective processes for the TRC included the lack of publicity about the report and its recommendations. Although it was published very few Liberians had access to it and many were not aware there was even a report long after the conclusion of the TRC. The failure to prosecute offenders, other than Charles Taylor, has been a large issue in Liberia; this is particularly true since the report named names of people to be prosecuted. There have been sporadic attempts to organize war crimes trials in Liberia but so far neither the government nor civil society have been able to muster sufficient support. The government argues that war crimes trials would simply reopen wounds that are not yet healed (frontpageafricaonline.com).

Liberia has been successful with three of the four factors for reconciliation and trust. The violence of two vicious and long civil wars has definitely ended and was ended before the TRC was conducted. Acknowledgment of wrongs is definitely lacking in Liberia. The TRC named the president of Liberia and several members of the legislature as offenders during the civil wars and

suggested war crimes trials for some of them. No reparations have been paid to date. Liberia has done better in lessening the inequalities; they elected George Weah, a member of the Kru clan and not an Americo-Liberian. He is only the second president to be a non-Americo-Liberian. But poverty is still extremely high in Liberia and although its GINI coefficient is 35.50 (<https://www.indexmundi.com>) there is still an imbalance in landownership, employment and power in government for the Americo-Liberians.

Liberia first participated in the fourth round of Afrobarometer which occurred while the TRC was still in session. Unfortunately, the fourth round did not ask questions about trust in the army, so it is impossible to know if that improved or not. Trust in everything else stayed the same or increased by 2018 with the exception of the presidency. President Johnson-Sirleaf retired in 2017 and a new president, George Weah, was elected starting in 2018. President Weah is also from a different political party than the former president which may have affected the trust in a new president the first year he was in office. Trust increases are not as robust as those seen in South Africa and Sierra Leone but were still present and were higher percentages than trust in most institutions in South Africa.

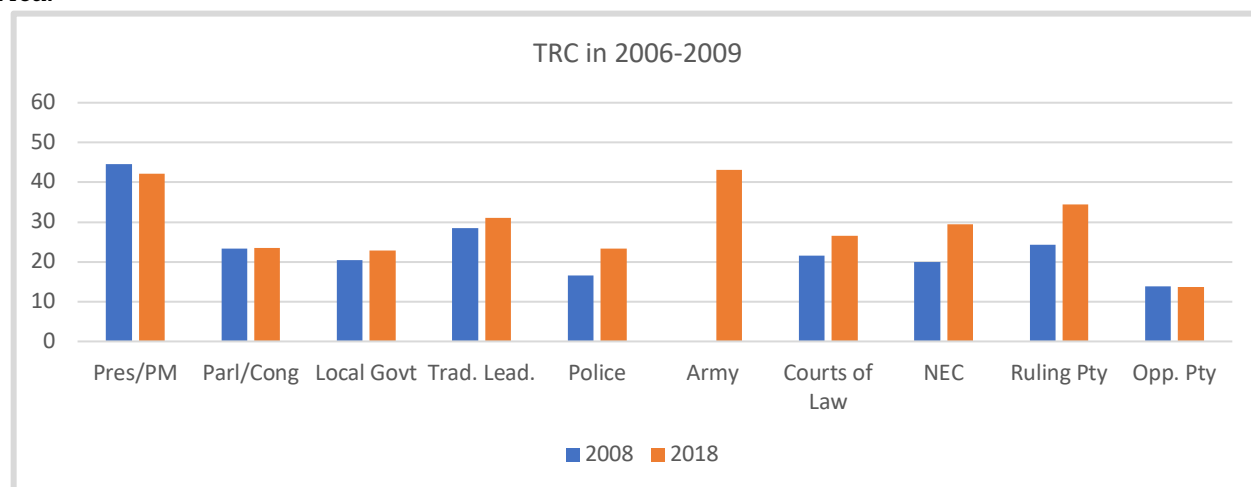


Figure 3: Trust in Liberia

Source: Afrobarometer.org

Kenya

Kenya's TRC is the last of the strong sub-Saharan African TRCs. The TRC occurred after the first round of surveys and before the last set of surveys, allowing a before and after picture. Like all of the other strong TRCs, the Kenyan TRC conducted numerous hearings, including hearings on special topics such as children and women and uses security methods to make the hearings private and anonymous. The report was published but was not widely disseminated, making it difficult for most Kenyans to be aware of its findings and recommendations. Public hearings were not broadcast, unlike Sierra Leone and South Africa. Kenya used South Africa's example for amnesty and allowed it only if the offender provided full disclosure of the events and committed a human rights abuse or an economic crime. The major failing with the Kenyan TRC is that although they named names of offenders, they only named those people who had had an opportunity to respond to the allegations. Offenders could avoid having their names listed in the report by ignoring the commission and not defending themselves, leaving most of the 54,000 offenders mentioned to the TRC not listed as offenders. No domestic prosecutions have occurred although the ICC has been involved.

Kenya has, for the most part, ended the election violence issues that first gave rise to the TRC. Although the results of the 2017 presidential election was hotly contested and effected by low voter turnout, it was relatively peaceful, despite the fact that the loser in the first election, Raila Odinga, contested the results, necessitating a second election in October of 2017 (bbc.com). Acknowledgment of wrongs has been also somewhat problematic, with the government restricting the dissemination of the final report. Some reparations were paid, but not to victims of sexual abuse, leaving hard feeling regarding reparations. The fact there was a successful election in 2017 despite allegations fraud shows there is a lessening of the conflicts, although most Kenyans remain poor. Kenya has the sixteenth best GINI coefficient scores out of sub-Saharan African countries, at 40.80, which is high compared to Liberia and Sierra Leone.

Despite issues with the TRC processes, trust has improved in almost all institutions in Kenya since the 2003 first round of surveys on trust. Particularly important are increases in trust in the police, military and court of law, all of which show considerable improvements. Trust in the president has remained static but was already fairly high and trust in both the ruling political party and more importantly the opposition political party have improved. One of the issues that caused the TRC to be formed in Kenya involved election violence but Afrobarometer shows a small increase in trust in the National Election Commission (NEC) after the TRC. Large improvements were made in all three security and justice institutions: the police, army and courts, which is important since those institutions were implicated in the violence that led to the TRC. Trust, overall, remains moderate and the trust in the head of state is the highest score.

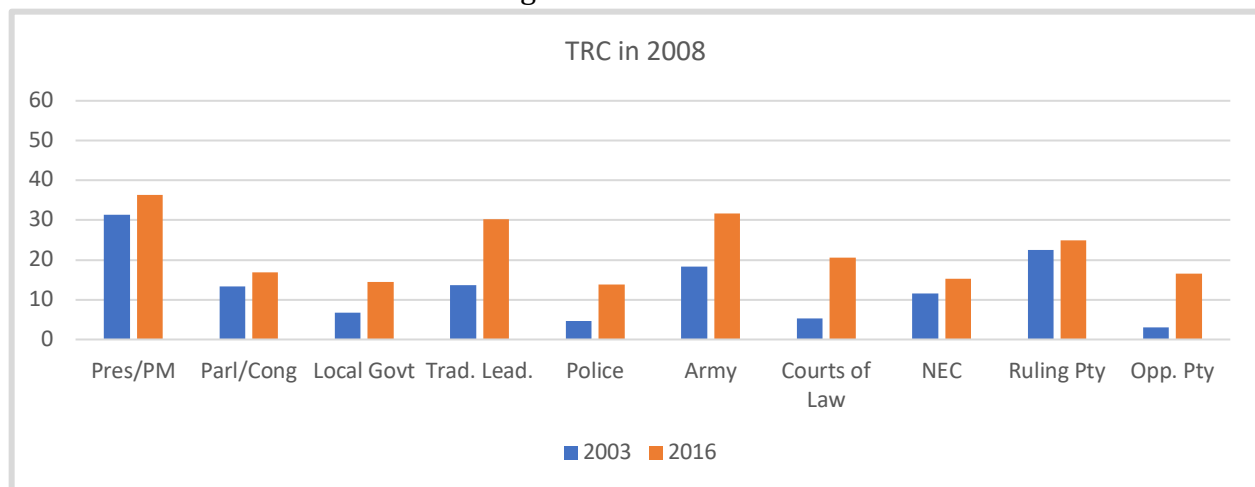


Figure 4: Trust in Kenya

Source: Afrobarometer.org

Adequate TRCs

Adequate TRCs are ones the use typical TRC processes of hearings and statements well but have substantial failings in other processes. For example, many TRCs have unbiased commissioners and hold hearings and take statements but fail to issue the final report or fail to follow its recommendations. They may also not stress the justice portions of a TRC by failing to name names, prosecute offenders and often will grant amnesties regardless of responsibility. Mauritius, Ghana, Togo, and Nigeria conducted adequate TRCs that had one or more major failing that made them less effective. They still be somewhat effective but not as strong as the TRCs discussed above.

Figures 5 through 7 show the trust levels in the countries holding adequate TRCs.

Mauritius

Mauritius is an unusual TRC since it did not take place over a recent conflict; it was rather an historical look at slavery and indentured servitude in Mauritius in its early colonial times. Because it was primarily historical there was no opportunity for prosecution of individuals or naming names and amnesty is not really relevant. However, the TRC did have some other failings that may be related to the reduction of trust in Mauritius. Mauritius is the only country with an overall decrease in trust in all institutions. Public hearings were very limited, and some groups did not have the chance to provide even statements. The commission only had one woman and was not representative. They did release and disseminate a report.

The biggest failing of the TRC was that after holding hearings mostly in the capital and not collecting statements from much of the population, they issued a report that revealed the problems with slavery and indentured servitude but made no efforts to follow the recommendations of the commission. No reparations were paid and people, who had been exposed to the problems of the past, were given nothing to reconcile them. In such an unusual TRC there was a general lack of care about the TRC's effect on the population.

Most of the four factors for reconciliation and trust do not really apply to this TRC since the conflict ended long before the TRC. Mauritius not suffering from a violent conflict around the time of the TRC and the country has acknowledged its mistakes and wrongs. No reparations have been paid although they were discussed in the TRC. Mauritius is a fairly wealthy country and the GINI coefficient of 38.50 shows that inequality is less of a problem in Mauritius than in Kenya and South Africa, but inequality in land and wealth persists in the country.

Shortly after the conclusion of the TRC the first set of surveys were conducted in Mauritius and they showed that despite the fact that Mauritius is thought of as one of the sub-Saharan African showplaces of democracy and human development (radobank.com), there was a substantial lack of trust in governmental institutions, particularly in the executive and legislative branches. Whether this was caused by the TRC is another question, but there is no doubt that Mauritius experienced low amounts of trust in 2012, three years after the TRC. Trust declined from the fairly low scores in 2012 in every category, with the biggest losses in the courts of law (Afrobarometer.org-Mauritius).

Of all of the countries in this study Mauritius is the only one to show across the board reductions in trust. Kasenally (nd) notes that "Trust in democracy hinges to a great extent on the responsiveness of government to the expectations, interests, needs and demands of its citizens" (36). While Mauritius may have had a generally declining ability for its government to respond to the expectations, interests, needs, and demands of its citizens, its exposure of the failings of the government followed by no action to improve the situation would have affected trust in the government.

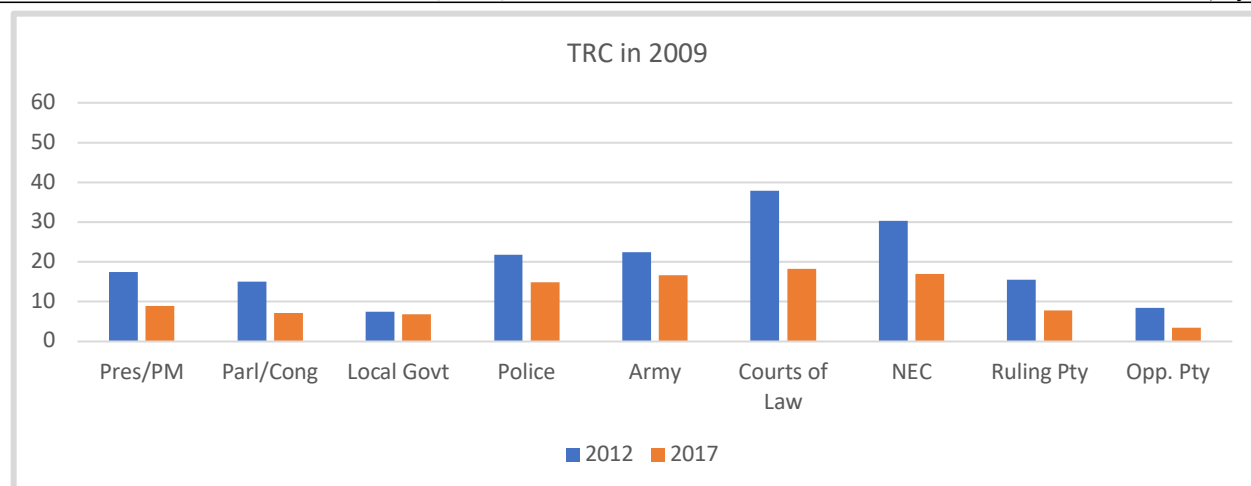


Figure 5: Trust in Mauritius

Source: Afrobarometer.org

Ghana

Like Mauritius, Ghana is typically thought of as a success in sub-Saharan Africa, with a democratic government and a developed economy. Ghana's TRC occurred after the first round of Afrobarometer surveys that discussed trust, giving a chance to look at before and after trust issues. Ghana's conflict was primarily over conflicts with an authoritarian government and security forces. The TRC did a good job with public hearings and statements, making a clear record of the issues and naming names of offenders in the final report. There were some issues of bias by the commissioners who were appointed by the state and appeared to be biased during the TRC.

The biggest failings of the TRC occurred after it was completed. Although the final report was published it was not made widely available and was not explained over the television or radio. More importantly, the TRC provided wide amnesty to members of the government and could not refer cases for prosecution. A few people received reparations, but no symbolic reforms were made. As a result, there was a limited follow up on recommendations and continued impunity for members of the government. Since one of the problems leading to the TRC was the existence of an authoritarian government, the granting of amnesty to that government failed to address the problem. The fact, however, that the security forces were not given amnesty made have addressed at least that problem although there is no clear evidence that members of the security forces have been prosecuted either.

Looking at the four factors, the conflict in Ghana that led to the TRC was authoritarian rule and abuses by security forces. In 2000 Ghana had a democracy rating of 3 according to Polity IV, with a 6 being a democracy. In 1980 Ghana had been considered a democracy with a Polity IV score of 6. That plunged to a negative 7 and slowly improved to an 8 by 2004 (<https://www.systemicpeace.org/polity/gha2.htm>). The factor of end of conflict seems to have been met in Ghana and its government is no longer authoritarian. As noted above, government officials were given amnesty from prosecution and only minimal reparations were paid in token amounts and Ghana's TRC was forbidden from passing its information to prosecutors. The inequality was somewhat addressed but Ghana has the highest GINI coefficient score among the ten TRCs, other than South Africa, at 43.50 (<https://www.indexmundi.com>).

Despite the relative failings of the TRC, trust in Ghana has improved dramatically. The biggest gain was in trust in the military, which might be related to the lack of amnesty for the military. More than fifty percent of Ghanaians had a lot of trust in the army in 2017. It may also be related to improvements in the government that have led to fewer abuses by the military. Trust in the executive and legislative branches also improved along with the NEC. According to Africa Center the NEC worked hard in 2016 to increase its transparency regarding the upcoming presidential election (africacenter.org). Although there were some complaints of voting irregularities the election was smooth and successful, in contrast to earlier elections where only favored parties had access to the room where ballots were reviewed and counted. This increased transparency led not only to trust in the NEC, but also in the executive and legislative branches. So, while the TRC may have failed to push for the prosecution of offenders, it was part of a general movement in Kenya for higher transparency and accountability (africacenter.org).

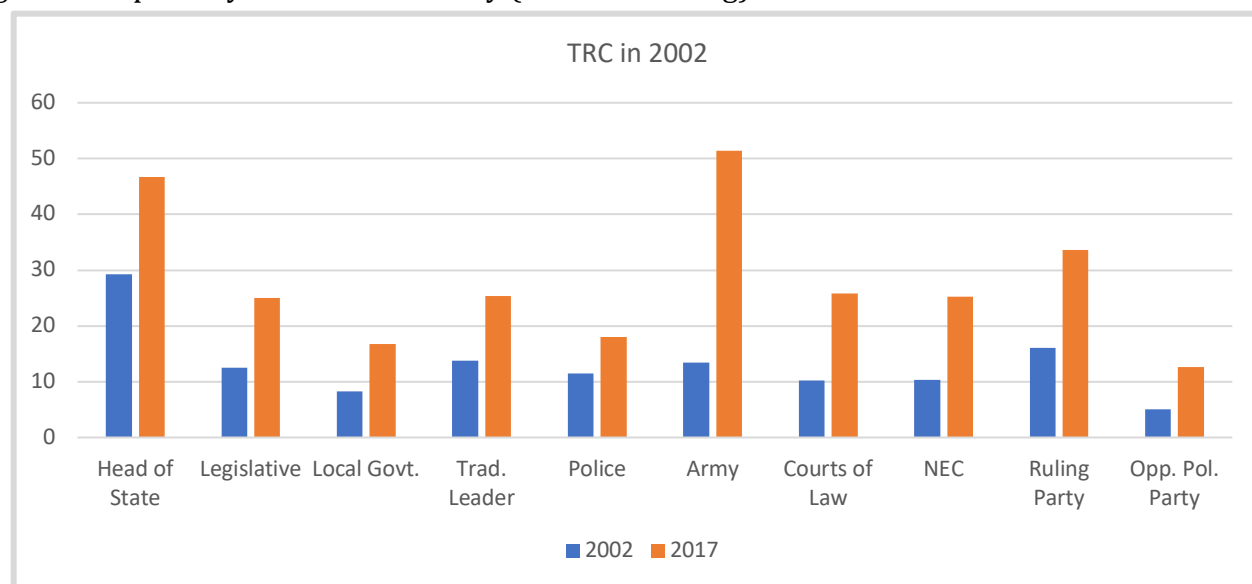


Figure 6: Trust in Ghana

Source: Afrobarometer.org

Togo

Like other countries that had adequate TRCs, Togo had public hearings, substantial numbers of statements and a diverse and politically unbiased set of commissioners. The rest of the TRC processes were not as successful, with no offenders named, a wide use of amnesties and no prosecutions of offenders. Some of the recommendations in the report were followed but not reparations and to date only parts of the final report have been released.

This failure to provide for any accountability to offenders and the failure to list names even though the names of offenders were discussed in the hearings continues a culture of impunity and lack of rule of law. Togo's main conflict was election violence and impunity by the military and security forces along with human rights abuses by all sides. Like other adequate TRCs, the Togolese TRC brought out considerable information about the problems within the country and broadcast it, then limited the release of the final report and failed to provide for any accountability by prosecuting offenders. Togo also used amnesties widely. Siliadin (2014) notes that violence and intimidation

continue to be done by the army and police in Togo and the judiciary is still corrupt so reports to the judiciary about these abuses are useless.

Looking at the four factors, the conflict that caused Togo's TRC was election violence and impunity. The latest election in Togo in 2020 was relatively peaceful but there were widespread allegations of election fraud as the winner of the election, Faure Gnassingbé, is a member of the family that has run Togo for 53 years (africacenter.org). As noted above, most of the recommendations of the TRC were not followed and amnesty was widely granted which encourages continued impunity in the military and security forces. Togo's GIGI coefficient is slightly better than South Africa's and Ghana, at 43.10 but poverty and unemployment are widespread in Togo (<https://www.indexmundi.com>). Togo's TRC was coincident with its first round of Afrobarometer surveys in 2012 and shows overall low trust scores in all branches of government, with the trust in the prime minister the highest score but only slightly over thirty percent. By the final round of surveys trust dropped in every institution other than the army. The largest drop in trust was trust in the prime minister and in 2017 no institution was trusted "a lot" by more than twenty-three percent of people in Togo.

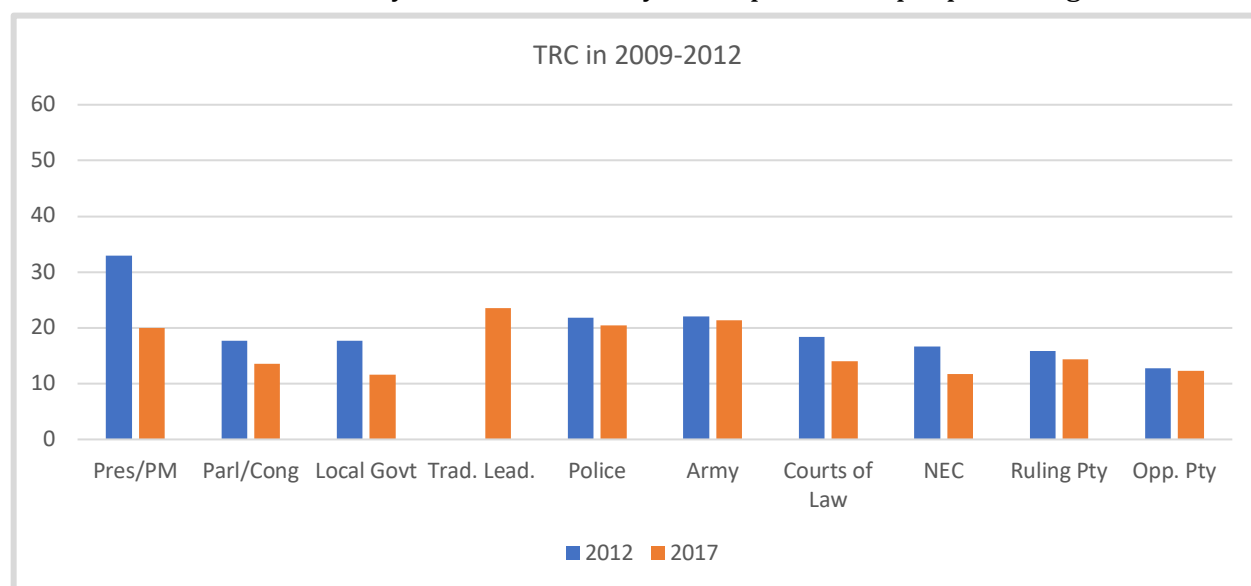


Figure 7: Trust in Togo

Source: Afrobarometer.org

Weak TRCs

Weak TRCs are TRCs whose process is so lacking that little improvement in trust would be expected from the TRC. Weak TRCs for this study are Nigeria, Cote d'Ivoire, and Burundi although the TRCs in Uganda and Zimbabwe would also be considered weak TRCs due to their faulty processes. Uganda and Zimbabwe were excluded from this study because their TRCs were held long before the first set of Afrobarometer surveys. In all of the weak TRCs the final report was not published and widely disseminated, although in some cases the report was released to a limited audience by other groups such as NGOs. In all of the weak TRCs no offenders were named, and even if they had been the names would not be known because the report was not published. They also failed to prosecute major offenders and all but Nigeria granted amnesty to offenders. See Figures 8-11.

Nigeria

Although some aspects of strong TRCs were followed by Nigeria, including limited or no amnesty, the fact the TRC was annulled by the government six months after it concluded renders any processes that were done correctly null and void (Zwanbin, 1999). The government did not follow through on any of the recommendations of the TRC other than returning a few bodies of victims to their families and referring cases for prosecution. No reparations were paid, the referrals did not lead to prosecution and there have been no further returns of bodies or exhumations. Nigeria chose to conduct a TRC because of widespread concerns over income inequality, corruption, and ethnic tensions in the ethnically diverse country. Nigeria is one of the most corrupt countries in the world, standing 146 out of 198 states in corruption (a high number is bad) according to the Corruption Perception Index (transparency.org). The annulment of a report from the TRC designed to address concerns with corruption and impunity is itself a sign of corruption and impunity.

Looking at the four factors, it is clear that the reasons that caused Nigeria to conduct a TRC continue. Corruption continues to be a major problem, so although there was little violence in Nigeria, conditions have not changed. As noted above there was no acknowledgment of wrong and no reparations, coupled with a virtual amnesty in that the TRC's results were annulled, making any prosecution on the basis of the TRC impossible. Nigeria's GINI coefficient is very close to Togo's at 43.00 and despite the massive wealth in Nigeria, poverty is still rife and the poor do not benefit from the resources of the country (<https://www.indexmundi.com>).

In spite of the concerns with the TRC, trust has improved in Nigeria in all institutions. That said, trust was so low to begin with, with trust the highest in traditional leaders, not governmental institutions, that an increase in trust is not surprising. However, this is a good sign for Nigeria, particularly the dramatic increase in trust in the prime minister from less than five percent to almost thirty percent. It is possible the TRC had an impact regardless of the government's choice to annul it. However, Nigeria's trust scores remain low, with the highest score for trust being trust in the army. Additionally, Nigeria's trust scores for the head of state have fluctuated dramatically depending on who the president is, showing that Nigerians do not trust the office of the presidency, they trust particular individuals (Afrobarometer.org/Nigeria).

When the next election comes trust may slip again due to the public's perception of the president. Although this occurs to some degree in all countries, for a country like Nigeria, with very little trust in institutions, that reduction in trust could be difficult for the government.

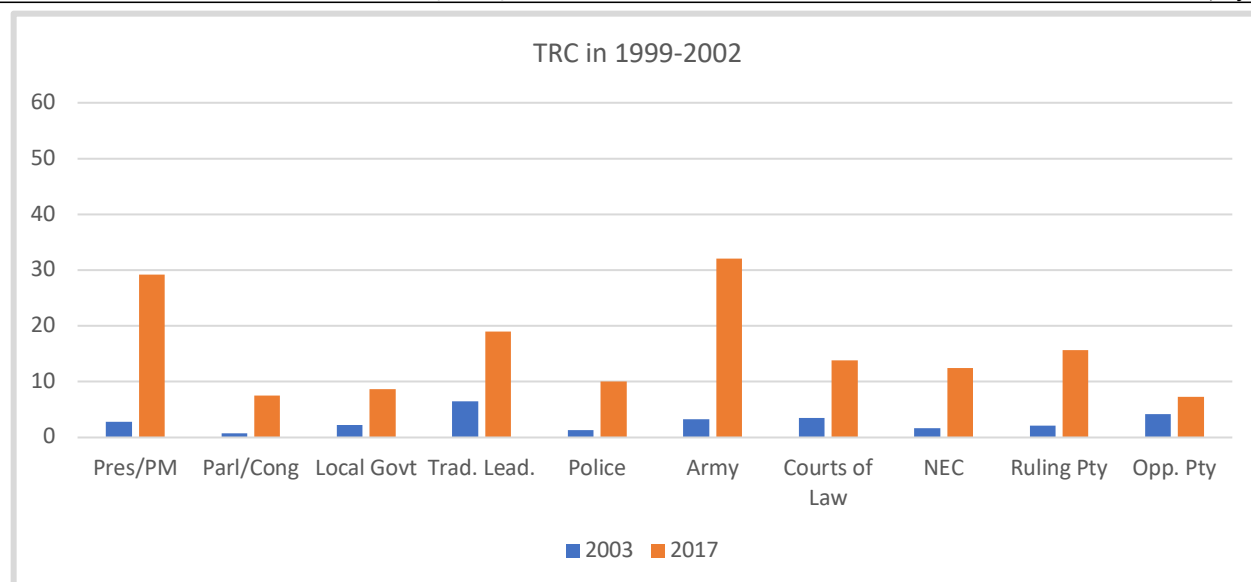


Figure 8: Trust in Nigeria

Source: Afrobarometer.org

Cote d'Ivoire

Like the other weak TRCs, Cote d'Ivoire did hold some public hearings and take statements. Public hearings were limited because they were not televised and only 80 public testimonies were done at hearings. Although over 72,000 witness statements were received, the value of those statements was limited when the final report was not released. If the public is not aware of the truth that was revealed during by TRC, the truth has little to no impact on the public other than those who provided the statements or testimony. Cote d'Ivoire's conflicts were caused by ethnic support for two different candidates for the presidency. It was also destabilized by the violent conflicts in neighboring Sierra Leone and Liberia which were resolved by the time of the TRC.

Looking at the four factors, election violence was the primary reason for the TRC. It is hard to know if election violence will continue since the controversial president, Alassane Ouattara, has chosen not to run in the 2020 election, easing concerns of violence. The death of the prime minister in 2020 also causes turmoil in the country. If the country is able to effect a democratic transfer of power it will show that it is becoming more stable (allafrica.com). As noted above, there was no clear acknowledgement of wrong by the government and no reparations were made to victims. Income inequality in Cote d'Ivoire has a GINI coefficient of 41.50, a better score than Nigeria and Togo (<https://www.indexmundi.com>). It is still not a democracy, although it has been stable, according to Polity IV, at a positive four since 2001, but has made no progress past that.

It is hard to know whether recommendations of the report have been followed, but no domestic prosecutions have occurred even though the TRC did not provide amnesties. The ICC is prosecuting former president Gbagbo, a former cabinet minister and Gbagbo's wife, but the prosecutions were not requested by or organized by the government. No names of offenders were published and the only possible recommendation that has been followed is the organization of a commission to make reparations.

The first round of surveys in Cote d'Ivoire were conducted while the TRC in session, giving a level of trust that existed at the time of the TRC to work with. Overall, Cote d'Ivoire has seen some improvement in trust by the final round of surveys with significant improvements in all institutions. It is possible that the first-round scores were lower because of the impact on the public of the information being discussed by the TRC or that the TRC, however weak, had a positive impact on trust. However, the highest trust level in Cote d'Ivoire is in a non-governmental institution, traditional leaders.

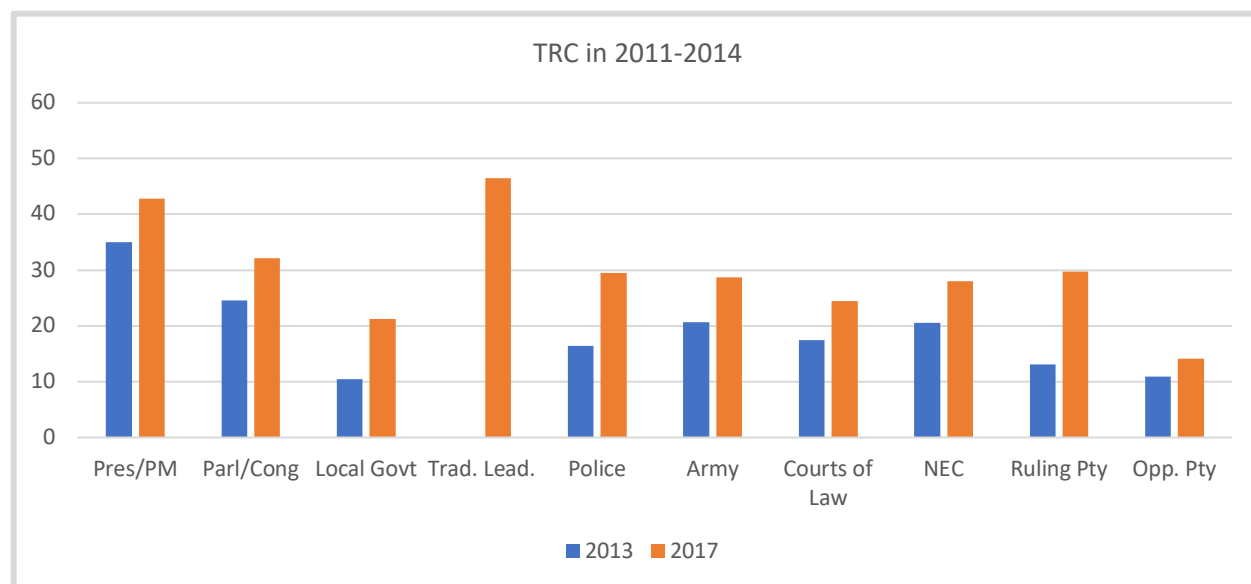


Figure 9: Trust in Cote d'Ivoire

Source: Afrobarometer.org

Burundi

Burundi's TRC was one of the earliest TRCs in this study. It concluded six years before the South African TRC and did not have all of the processes seen in later TRCs. No statements were taken and although hearings were held in a number of places only 667 witnesses, total, were heard from due to the lack of statement taking. The commissioners were appointed by the UN, lessening the possibility of bias, but no women were on the panel despite the widespread incidence of sexual violence. The information given to the commission was limited because there was no power of subpoena and the police and military either did not release records or only released records in languages the commissioners could not read. Unlike subsequent TRCs names of offenders were not given in the report because of security reasons, no reparations or efforts to reconcile were made and no war crimes trials were held, unlike its neighbor Rwanda where both domestic and international war crimes trials were held.

Burundi's conflict that gave rise to a TRC was an ethnic genocide between the majority Hutu population and the minority Tutsi population that ended near the end of 1993. There have been ongoing problems with election and ethnic violence and human rights abuses since the end of the genocide. The TRC started shortly after the genocide ended, not leaving time for the population and the government to stabilize as a result the TRC attempted to bring the country together before it was ready to reconcile. As noted by Chapman (2009), reconciliation is difficult to achieve when

traumas and memories are very recent (156). It was also long before its first round of Afrobarometer surveys.

Looking at the four factors, the ethnic conflict which was the reason for the TRC has not ended in Burundi although it has improved. As noted above there was no real acknowledgement of wrongdoing by the government and the report was not released to the public. It is also unknown what effect the death of the longtime president, Pierre Nkurunziza in June of 2020 in the middle of his term will have on the country. One of the key issues in Burundi was the fact that the higher-ranking members of the military were primarily members of the minority Tutsi historically, leading to actions by the military to support Tutsi presidents. Since the genocide members of both groups have alternated as the head of state, which is a positive, but the military has been slow to change and to eliminate members of the military who committed abuses.

Crisis Group notes after the attempted coup in 2015 the ethnic conflicts came back in full force. They note that “A series of attacks have targeted numerous officers, both those favourable to the president’s political ambitions and those suspected of sympathy with the coup plotters. Assassination attempts have also taken place abroad” (<https://www.crisisgroup.org>). While economic inequality is fairly low in Burundi, with only Sierra Leone and Liberia having lower GINI coefficient scores than Burundi’s 38.60, the inequalities in jobs and rank in the military continue to fester in Burundi (<https://www.indexmundi.com>).

The surveys do show, however, an overwhelming amount of trust in government institutions in Burundi. The army is most trusted and has the highest trust percentage of all of the countries in this study with nearly seventy percent of people agreeing they had a lot of trust in the army. Possible explanations for these high trust scores may reflect either that people in Burundi have recovered the trust lost in the 1993 genocide or that they are high because the over eighty of the population is Hutu, the ethnicity of most offenders of the genocide and most members of the government. As a result of that, while they may have limited trust in their neighbors, particularly if they are Tutsi, they have trust in their predominantly Hutu government.

It should be noted, however, that only two rounds of surveys were done, with the last round in 2014, before the 2015 crisis with the military. It is unknown why Burundi was not involved in the seventh round, but it is probably related to the uneasy political situation in Burundi.

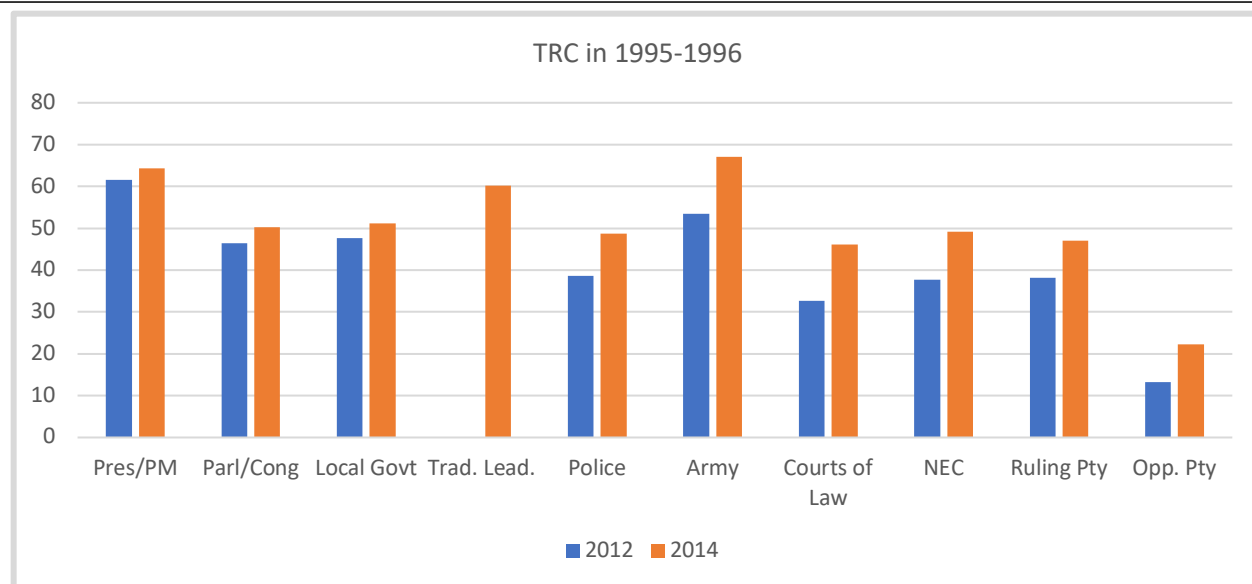


Figure 10: Trust in Burundi

Source: Afrobarometer.org

DISCUSSION

None of the TRCs in this study were perfect, although the South Africa, Sierra Leone, Liberia and Kenya TRCs were strong and fairly good in their processes. All suffered from one problem that could have improved their impacts on their countries—they failed to follow up aggressively on recommendations from the TRC, particularly those recommending reparations and prosecution of offenders. Most had some small reparation programs and prosecuted a few offenders, but only Sierra Leone had prosecutions on a major scale. Even there, only twenty-two people were prosecuted out of the thousands involved in the abuses during the civil war.

The failure to follow through on recommendations shows a failure to prioritize the issues revealed by the TRC. Once the truth is publicly revealed of the massive abuses by the military, police, other institutions of government, and by militia groups, there is a need to address those abuses in a two pronged manner—prosecute offenders to show a commitment to the rule of law and accountability, and provide reparations of some substantial kind to help people to get back to where they would have been but for the abuses. Without that, true reconciliation and trust may be possible on an individual or local level by the use of traditional leaders, religious leaders, and traditional mediation methods such as gacaca courts or Palava Huts, but those will not lead to trust in the national governmental institutions.

One of the problems with TRCs leading to trust is that the TRC can only make recommendations; putting those recommendations into action is the role of the government, not the TRC. The strongest TRC still needs the government to allocate money for reparations, start prosecution of offenders or even accomplish the softer recommendations such as changing the national anthem, erecting memorials, or creating days of remembrance. Even the strongest TRCs often fail to improve trust because the government fails to put these and other recommendations into action. A clear example of this conundrum occurred in Liberia where the TRC recommendations called for the lustration of a sitting president and the prosecution of almost 100 individuals, some of whom were

in the legislature at the time of the recommendation (reliefweb.org) The lustration recommendation was struck down by the Liberian Supreme Court because the individuals being recommended for lustration had not had the opportunity to present their own side of the case at the TRC and were therefore denied due process Raddatz, 2013: 78). Other failures included the complete lack of prosecution of offenders' names in the TRC, including Prince Johnson who was named as an individual recommended for prosecution because of his killing of the then president of Liberia, among other things (trc-final-report-liberia.pdf, 268).

Despite that recommendation Prince Johnson became a Senator in Liberia in 2005 and ran for president in 2011, clearly showing the inability of Liberia to prosecute even the worst offenders. Only a government dedicated to rule of law and trust will be willing to take the steps necessary to put these recommendations into effect.

Despite the problems with most TRCs, eight of the countries included in this study saw improvements in trust from the first set of surveys to the last set of surveys. This includes Nigeria which saw dramatic increases in trust from 2003 and other countries such as Cote d'Ivoire, Ghana, Kenya, Burundi, and South Africa which improved in trust in all institutions but not as dramatically at Nigeria. Two countries improved in trust in most institutions but lost trust in one or two institutions—Sierra Leone in the opposing political party and Liberia in two institutions—the president and the opposing political party.

The only two countries to experience decline in trust in more than two categories were Mauritius and Togo. Both experienced declines in trust in every category, although both had adequate TRC processes. Mauritius is somewhat of an outlier since it was a historical TRC which held hearings and published a report then did not follow any of the recommendations or actually take any action. Togo had similar constraints and while many of the issues discussed by the TRC involved the hereditary presidency of the Gnassingbé family, Faure Gnassingbé remains as the president of Togo after the TRC concluded. The biggest loss in trust was in the presidency, probably related to the broadcast of TRC hearings talking about the problems with the presidency, followed by no change in the president.

CONCLUSION

It is obvious from this study that the relationship between TRCs and trust is complicated, and it is hard to find a clear pattern. There are so many intervening factors such as ethnic fractionalization, religious fractionalization, economic inequality, and historical grievances that are not easily fixed by any commission. However, with the exception of the anomalous of Nigeria where a dramatic increase in trust was created despite a very weak TRC, the countries with strong TRCs tended to have more stable trust in their countries. This is true despite the fact that none of the sub-Saharan Africa TRCs in this study have fulfilled their obligations to implement the recommendations of the expensive and destabilizing TRCs created by governments.

Truth hurts and it is difficult for countries to acknowledge their role in creating the conditions that make a TRC necessary. But it is the role of governments to make the difficult choices to implement the recommendations. As noted by Sarkin and Davi (2017) "Whilst Truth Commissions are generally blamed for being ineffective at combating impunity, the reality is that state authorities determine who and for what reason people are prosecuted" (nsuworks.nova.edu).

Recommendations are future study in this area are clear—these and other countries that conducted a TRC and allow their public to be surveyed need to be assessed on a regular basis to see if recommendations are being followed and if trust is increasing in these countries. Countries are not static; conditions change politically, economically, and socially on a regular basis. Some of those changes improve trust, others destroy it. But, as is apparent with a TRC like the one in South Africa, time can help to make people more trusting of each other and their government.

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