

# Demanding Truth: The Global Transitional Justice Network and the Creation of Truth Commissions\*

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## Abstract

Since 1970, scores of states have established truth commissions to document political violence. Despite their prevalence and potential consequence, the question of why commissions are adopted in some contexts, but not in others, is not well understood. Relatedly, little is known about why some commissions possess strong investigative powers while others do not. I argue that the answer to both questions lies with domestic and international civil society actors, who are connected by a global transitional justice (TJ) network and who share the burden of guiding commission adoption and design. I propose that commissions are more likely to be adopted where network members can leverage information and moral authority over governments. I also suggest that commissions are more likely to possess strong powers where international experts, who steward TJ best practices, advise governments. I evaluate these expectations by analyzing two datasets in the novel *Varieties of Truth Commissions* Project, interviews with representatives from international non-governmental organizations, interviews with Guatemalan non-governmental organization leaders, a focus group with Argentinian human rights advocates, and a focus group at the International Center for Transitional Justice. My results indicate that network members share the burden—domestic members are essential to commission adoption, while international members are important for strong commission design.

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# 1 Introduction

Since 1970, scores of states have established truth commissions to construct comprehensive accounts of political violence. By mapping individual experiences of violence onto larger patterns of abuse, commissions seek to recognize individual and collective experiences of harm, while also confronting individual and institutional responsibility for harm ([Dancy, Kim and Wiebelhaus-Brahm 2010](#); [Subotić 2011](#)). And, through their policy recommendations, commissions create a framework for a variety of remedial interventions, such as institutional reforms and reparations ([Koc-Menard 2014](#); [Lira 2017](#)).

The stakes of these historical projects are high. For victims and their families, the commission process can be cathartic, as individuals' experiences of violence are heard and acknowledged—often for the first time—and preserved for the historical record ([Ntsebeza 2000](#)). For perpetrators, commissions offer a context for admitting guilt, seeking pardon, being reintegrated into one's community and, in rare cases, legal amnesty in exchange for testimony ([Neto, da Conceição Pinto and Mullet 2007](#)). For the broader society, commissions can help individuals and communities grapple with the truth of past violence—a process many consider crucial to social and political reconciliation, peace, and stability ([Gibson 2006](#); [Long and Brecke 2003](#)). Finally, in terms of national politics, truth seeking can have a positive effect on human rights respect, democratization, and democratic consolidation ([Kim and Sikkink 2010](#); [Olsen, Payne and Reiter 2010](#)).

Despite their prevalence and potential consequence, two fundamental questions about truth commissions are not well understood. First, why are commissions adopted in some countries with a history of political violence, but not in others? Second, what explains variation in commission quality? Specifically, why do some commissions possess strong powers that enable a robust investigation and an exhaustive historical narrative? Since commissions can be influential for victim healing, perpetrator accountability, and social reconciliation, it is vital that we better understand their adoption and design. Moreover, given that commissions can support human rights, democracy, and peace, it is all the more important that scholarship endeavors to distill what factors drive commission adoption and design. To be clear, I do not presume that commissions, once established, will produce these outcomes. However, if commissions *can* contribute to them, we must study why only some states establish commissions and set them up for success.

*Truth commission adoption* has been portrayed in the literature as a domestic politics story<sup>1</sup> or as an international politics story<sup>2</sup>, with government elites and international organizations (IOs) cast as the central protagonists. These explanations have typically been evaluated through single-country studies or small-*N* comparative studies. While rich in detail, steeped in nuance, and foundational to our understanding of commission adoption at particular times and particular places, these studies do not help us understand the phenomenon in a multiplicity of contexts over time.

*Truth commission design*, meanwhile, has not been systematically queried. Prior research acknowledges the importance of institutional design for commissions (Oduro and Nagy 2014; Stahn 2005). For example, scholars have evaluated design features to facilitate *victim* participation (Ntsebeza 2000) and to induce *perpetrator* participation (Zvobgo 2019). Surprisingly, scholars have not rigorously studied commission mandates—the founding texts from which all design features emerge and an early signal of commission quality—in particular, why only some governments endow commissions with strong investigative powers that enable an exhaustive inquiry. It is within this scholarly context that I make an intervention.

I theorize that civil society actors are the force behind both truth commission adoption and design. Specifically, I propose that domestic and international civil society groups—who are connected by a global transitional justice (TJ) network—work together to guide governments to adopt commissions and endow them with strong powers. The intuition for this argument comes from the scholarship on human rights, which has demonstrated that domestic groups seek international support for their claims when they face obstacles at home (Keck and Sikkink 1998; Risse-Kappen, Ropp and Sikkink 1999). I both extend and diverge from this work, proposing that domestic and international groups share the burden of guiding commission adoption and design. Domestic groups take the lead when they are better positioned to do so, with international groups in a supporting role. Inversely, international groups take the lead when they are better equipped to do so, with domestic groups in a supporting role.

First, at the *adoption* stage, domestic civil society groups apply pressure from below and leverage their moral authority as advocates for affected populations. They document and transmit local information on abuses and express their desire for accountability to their international partners. Human rights international non-governmental organizations (HR-INGOs) then apply pressure from above, adapting

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<sup>1</sup>See, for example, Benomar (1993); Elster (2004); Grodsky (2010).

<sup>2</sup>See, for example, Lutz and Sikkink (2001); Roht-Arriaza (2001); Sikkink (2011).

and disseminating more broadly the information they have received, with a view to mobilize foreign publics and governments to also demand truth.<sup>3</sup> At this stage, domestic groups are in the leading role; they take the crucial first steps.

Second, at the *design* stage, TJ-INGOs draw on their technical expertise to encourage governments to endow commissions with strong jurisdictional and operational powers, for example, the power to investigate a range of abuses and to compel testimony. With these powers, commissions are, in expectation, better positioned to conduct a rigorous investigation and produce a comprehensive account. At this stage, international groups are in the leading role; they have the experience and technical know-how. Thus, commission adoption and design is not either a domestic politics story or an international politics story, but a *transnational* politics story. With the burden sharing framework in place, I divide the article into two parts.

In Part One, I investigate whether commissions are more likely to be adopted where TJ network members can leverage information and moral authority over governments; that is, where (1) domestic civil society groups are stronger; (2) HR-INGOs more frequently 'name and shame'; and (3) network members have greater access to each other. I evaluate these expectations using (1) a comprehensive dataset covering the universe of transitions from internal armed conflict, government killings of civilians, and autocracy in the period, 1970 to 2018, (2) a dataset in the novel *Varieties of Truth Commissions* Project, (3) interviews with INGO representatives, (4) interviews with Guatemalan NGO leaders, and (5) a focus group with Argentinian human rights advocates. Consistent with my expectations, I find that commissions were more likely to be adopted where domestic civil society groups were stronger and where HR-INGOs concentrated their shaming activities. I also find that commissions were more likely to be adopted where network members had greater access to each other. The interviews and focus group confirm that HR-INGO advocacy strengthened domestic actors' efforts. However, consistent with my burden sharing framework, interviewees and focus group participants maintain that it was domestic advocacy that was critical for commission adoption.

In Part Two, I interrogate whether commissions are more likely to possess strong investigative powers when governments are advised by international experts, notably the International Center for Transitional Justice (ICTJ), who steward TJ best practices. These include the power to (1) investigate a range of abuses, (2) trace antecedents of abuses, (3) subpoena testimony, and (4) preserve evidence. To evaluate

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<sup>3</sup>Here, I build on [Hafner-Burton \(2008\)](#), [Murdie and Peksen \(2013a,b\)](#), and [Woo and Murdie \(2017\)](#).

these expectations, I draw on another dataset from the *Varieties of Truth Commissions*, which codes operational and jurisdictional powers enumerated in commissions' legal mandates, and documents the presence/absence of the ICTJ prior to and during a country's commission. I supplement the cross-national data with interviews with the organization's current and former leadership and staff, as well as a focus group with current leadership and staff. Consistent with my expectations, I find that ICTJ-assisted governments were more likely to empower commissions with the power to trace antecedents and to preserve evidence. However, I do not find that ICTJ-advised governments were more likely to empower commissions with the power to consider a range of abuses or to compel testimony.

This article contributes theoretically and empirically to the scholarship on truth commissions, TJ, and transnational advocacy. Theoretically, the article draws on and extends disparate, if not incomplete, accounts of commission adoption and design, proposing a transnational politics explanation built on the activism of the TJ network. In addition, the article contributes to a growing body of research that considers human rights advocacy and advocacy networks in the TJ realm. Indeed, little has been written on TJ advocacy, especially in terms of the discrete activities that network members undertake to transform their preferences into policy. Critically, the article proposes a way to assess variation in the TJ network's success.

Empirically, this article represents a rare attempt to study the effect of transnational advocacy on public policy using a mixed-methods approach that includes large-*N* quantitative analysis.<sup>4</sup> Via this approach, I identify the correlates of commission adoption and design—factors that human rights advocates and allies can intervene on in countries that have yet to reckon with historical political violence and its legacies. Based on the article's findings, advocates and allies, notably donor governments, should consider supporting domestic civil societies during periods of political violence a worthwhile investment. It is these constituencies' pre-transition ability to shine the light on abuses, transmit information to global partners, and mobilize an appetite for redress that appears to matter most for commission adoption. Advocates and allies should also consider supporting the ICTJ, which aims to ensure that commissions are not only adopted but that they are also designed to succeed.

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<sup>4</sup>Kim (2012b) has conducted similar research on the use of human rights trials in newly democratic contexts.

## 2 Truth Commissions: The Institution, Key Actors, Existing Debates, and New Directions

Truth commissions represent one modality of TJ—a set of measures that states can adopt to reckon with widespread human rights abuses and their legacies. Quasi-judicial in nature, commissions aim to advance accountability through comprehensive accounts of political violence. They examine documents, solicit witness testimony, and collect evidence. Their work generally culminates in a report with policy recommendations designed to repair past harms and safeguard against future harms.

Commissions have been adopted in diverse political contexts—new democracies, post-conflict states, consolidated democracies, and even autocracies—as the norm of accountability for political violence has been developed and institutionalized around the globe ([Loyle and Binningsbø 2018](#); [Teitel 2003](#)). However, like other TJ mechanisms, commissions are likely to be most consequential during political transitions ([Ben-Josef Hirsch, Mackenzie and Sesay 2012](#); [Minow 1998](#)). Hence, this article’s interest in transitional commissions.

In addition, this article focuses on commissions because they generally precede and often provide the foundation for subsequent memorialization projects, trials, reparations, and institutional reforms ([Balcells, Palanza and Voytas 2018](#); [Bates, Cinar and Nalepa 2020](#); [Powers and Proctor 2016](#)). In addition, among TJ mechanisms, commissions are uniquely positioned to (1) bring a broader historical perspective to human rights violations and other abuses; (2) fill an accountability gap in places where perpetrators are numerous and unlikely to be prosecuted; and (3) facilitate peace and reconciliation ([Hayner 2011](#)).

### A Domestic or International Politics Story?

The extant literature generally describes commission adoption as a domestic politics story or as an international politics story, with a greater emphasis on the former. To provide a few examples, [Kim \(2012a\)](#) describes commissions as the product of local advocacy and elite sympathy in consolidated democracies, while [Arenhövel \(2008\)](#) argues that this and other TJ mechanisms are both the cause and the consequence of democratization. By contrast, [Grodsky \(2010\)](#) characterizes TJ as the result of a domestic power struggle between elites and the masses.

Certainly, commissions have been the product of political compromise between elites and the masses, former and new regimes, and governments and armed rebel groups. For example, in South Africa, the

truth and reconciliation commission was a compromise between the African National Congress and the National Party in the pacted transition from apartheid to democracy. Yet, international actors—including civil society actors who had demanded (and won) commissions in Latin America—helped to shape these negotiations and their final outcome (Roht-Arriaza 2001; Hayner 2011).

Some scholarship proposes the importance of international politics. Scholars like Nagy (2008) consider commissions a foreign imposition in some cases. In contrast, Lutz and Sikkink (2001) and Sriram (2003), among others, are less wary of international political forces and, in particular, foreign state and non-state actors with an interest in spreading the norm and practice of accountability. For these scholars, institutions similar to commissions, such as human rights courts, are part of a trend characterized as the “justice cascade” or “revolution in accountability.”

Taken by themselves, domestic and international politics stories of commission adoption are limited in their explanatory power. The former neglect the role of international actors in influencing domestic actors’ preferences and capabilities. And, the latter do not consider the strength of different domestic political actors. Moreover, both sets of explanations rely on evidence from a few, non-randomly selected cases, making it difficult to generalize about their results. Strikingly, none of these studies seriously queries commission design, a provisional indicator of commission quality. I suggest, instead, that commission adoption and design is not either a domestic or an international politics story. It is both at once—a *transnational* politics story.

My transnational politics story is not the only one that scholars have applied to TJ mechanisms. For example, research on human rights prosecutions points to transnational *diffusion*, in particular within geographic regions. Here, the story is that governments in the same part of the world emulate each other, adopting similar practices and institutions, namely criminal trials for human rights abuses (Roht-Arriaza 2002; Sikkink 2011; Sikkink and Walling 2007). While there is spatial clustering of TJ mechanisms, the diffusion story is underspecified, if not passive. By contrast, the advocacy story that I propose is active: governments create commissions because they are pressured to do so. For clarity, my theory is not antagonistic to diffusion; transnational advocacy may be one method or driver of diffusion. Rather, my theory offers greater analytical leverage by identifying *specific actors* engaging in *specific behaviors* with a view to deliver *specific outcomes*.

## The Global Transitional Justice Network

The global TJ network, whose members are the central protagonists in this article, represents one branch of the human rights transnational advocacy network (HR-TAN). The HR-TAN also has a law and courts branch, an environmental branch, a development branch, and a branch working on improving respect for physical integrity rights, among others. Amnesty International (hereafter, Amnesty), the Aspen Institute, the Ford Foundation, Human Rights Watch (hereafter, HRW), and the ICTJ are the key international members of the TJ network, each with its own domestic partners. Together, they have standardized, certified, funded, and campaigned for certain TJ ideas and practices ([Ancelovici and Jenson 2013](#)).

Some members of the TJ network are involved in more than one branch of the HR-TAN. For example, Amnesty and HRW work mainly on physical integrity rights. Thus, the organizations are involved in both the TJ branch and the branch working to improve respect for basic rights via shaming, as well as litigation. By contrast, other network members, for example, the ICTJ, work exclusively on TJ issues.

The TJ network's central goal is redress for past abuses; hence, the broad interest in commissions, trials, and reparations. Some TJ network members mostly engage in advocacy, for example, shaming, while others principally offer technical expertise and assistance. Amnesty and HRW are examples of the former, while the ICTJ is an example of the latter. Other members still are mostly funders, for example, the Ford Foundation.

## From Local Implementers to Transnational Policy Exporters: Recasting the Role of Civil Society Actors

Civil society actors are often characterized as *local implementers* of truth commissions. They assist in adapting and localizing truth seeking within a variety of social, cultural, and political contexts. They are statement takers, trauma counselors, program evaluators, and local representatives ([Backer 2003](#)). For many scholars, this is the extent of their contributions; civil society actors are not viewed as *transnational exporters* of commissions and TJ more broadly ([Ancelovici and Jenson 2013](#)). As in other public policy domains, much of the existing TJ research attributes transnational policy transfer to nation-states and IOs. However, the spread of commissions around the world as a response to political violence cannot be solely attributed to them.

Civil society actors have played essential roles in the global development and implementation of



commissions. One of my interviewees, Priscilla Hayner, co-founder and former director at the ICTJ, underlines the importance of civil society's information, contacts, and expertise in generating pressure for a commission. But, how exactly does the TJ network operate and what are the keys to its success? Currently, "much of the role of [TJ] civil society NGOs is uncritically accepted and readily assumed" (Subotić 2012, 112).

I theorize that civil society actors work together to guide governments to adopt commissions and endow them with strong powers. In so doing, I both extend and diverge from previous scholarship on HR-TANs, which has demonstrated that domestic groups seek international support for their claims when they lack recourse at home. I propose that domestic and international groups share the burden of guiding commission adoption and design. Domestic groups take the lead when they are better positioned to do so, with international groups in a supporting role. Inversely, international groups take the lead when they are better equipped to do so, with domestic groups in a supporting role.

At the *adoption* stage, domestic civil society groups are in the leading role, taking the crucial first steps to apply pressure from below to motivate governments to adopt commissions. HR-INGOs then apply pressure from above, adapting and disseminating this information more broadly. Then, at the *design* stage, TJ-INGOs are in the leading role; they have the experience and technical know-how. The ICTJ in particular draws on its technical expertise to help governments design commissions with strong jurisdictional and operational powers. Thus, commission adoption and design is a transnational politics story.

### 3 Part One: The TJ Network and Truth Commission Adoption

Civil society actors bind together in fragile political contexts to further their policy goals (Keck and Sikkink 1998). Before and during transitions from periods of violence, domestic groups face obstacles within local institutions, and elites have strong incentives to obstruct accountability (Elster 2004; Grodsky 2010). Consequently, domestic and international civil society actors develop partnerships (i.e., advocacy networks). The essence of these networks is the exchange of knowledge and resources. Motivated by shared ideas and values, TJ network members mobilize information, as well as their moral authority in pleading the cause of individuals and communities who have suffered political violence. However, their advocacy does not always succeed. Both domestic and international groups are bound by constraints on

time, personnel, and other resources. Thus, success likely varies across contexts.

### Pressure from Below and Pressure from Above

I first propose that countries with stronger civil societies are more likely to adopt commissions. Relative to a weak civil society, a strong civil society can effectively engage in contentious politics, notably protests and demonstrations, to cultivate the local appetite for accountability. Crucially, a strong civil society can more easily transmit local information to international partners, elevate global attention to repression, and increase the salience of accountability, all while decreasing costs for international actors to monitor local conditions and get involved ([Bob 2002](#); [Meernik et al. 2012](#); [Risse-Kappen, Ropp and Sikkink 1999](#)).

Next, I suggest that countries where HR-INGOs more frequently name and shame will be more likely to adopt commissions. They call for justice for those who have been harmed and demand accountability for those who have harmed them. Leaders, especially those who come to govern transitional states, are concerned with HR-INGO interests and, very importantly, the interests of HR-INGO allies, chiefly donor governments. Prior research confirms that shaming often precedes improvements to current policy and practice ([Hafner-Burton 2008](#); [Woo and Murdie 2017](#)). However, HR-INGOs' efforts are not evenly distributed: some countries receive more attention for abuses than others ([Asal, Deloughery and Murdie 2016](#); [Hafner-Burton 2008](#)). We should, therefore, expect variation in attention to correlate with variation in outcomes like commission adoption.

Finally, I posit that greater access between network members enhances prospects for a commission. Essentially, groups that are formally connected—via conferences, research teams, etc.—have more opportunities to share the information I describe above, as well as to coordinate strategy.

**Hypothesis 1** *Countries with a stronger domestic civil society are more likely to adopt truth commissions.*

**Hypothesis 2** *Countries where HR-INGOs more frequently name and shame are more likely to adopt truth commissions.*

**Hypothesis 3** *TJ network members' access to each other is positively correlated with truth commission adoption.*

### Bringing the Theory to Life: The Case of Guatemala

To animate the foregoing ideas, I offer a brief illustration using the case of Guatemala. 200,000 people were killed or disappeared, and more than a million others were displaced, during the internal armed con-

flict between anti-communist government forces and the leftist Unidad Revolucionaria Nacional Guatemalteca (URNG), from 1960 to 1996. In the midst of violence, victims' relatives initiated the debate over accountability, going into the streets to protest abuses and impunity.<sup>5</sup> The government responded with more violence. Nevertheless, groups continued to mobilize. As an example, in 1984, Ladino women organized to form the Grupo de Apoyo Mutuo (Mutual Support Group, or GAM). Like the Argentinian Asociación Madres de Plaza de Mayo and the Salvadoran Comité de Madres de Reos y Desaparecidos Políticos before it, GAM organized non-violent protests for truth and accountability during and after the conflict. The group gained national and international attention, both for its activism and for the government's violent reprisals. In 1993, Amnesty reported:

Several leaders and members of GAM have been killed by death squads since it was established. There is a real need for international support for such groups and increased effort to support those for whom the dangers are too great to organize such self-help organizations.<sup>6</sup>

GAM subsequently received more international attention and support, including from the Inter-American Commission on Human Rights, various agencies and rapporteurs in the United Nations system, and the Group of Friends—Colombia, Mexico, Norway, Venezuela, Spain, and the United States. They collected evidence corroborating GAM reports of abuse and pressured the Guatemalan government and URNG to negotiate peace and devise a means to address human rights violations.<sup>7</sup>

GAM's most noteworthy contribution to peace and TJ in Guatemala was, perhaps, leading civil society groups to specifically demand a truth commission based on the Argentinian, Chilean, and Salvadoran experiences.<sup>8</sup> Taking a note from GAM, the government and URNG seriously debated the idea of a commission in 1994 but struggled to agree on its details, stalling peace talks.<sup>9</sup> However, international pressure, including from INGOs and foreign governments, moved the peace process along. For its part, Amnesty broadcast civil society's pleas for truth and accountability<sup>10</sup> and called for "a thorough and impartial investigation [to] be opened into the circumstances surrounding these deaths and that those responsible be brought to justice."<sup>11</sup> These pleas were finally answered in Oslo, Norway in 1996, when the Government and URNG finalized the Acuerdo de Paz Firme y Duradera (The Agreement on a Firm and

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<sup>5</sup>Oettler (2006).

<sup>6</sup>Amnesty International (1993).

<sup>7</sup>Author interviews with GAM director, Mario Polanco, and GAM legal advisor, Carlos Juárez.

<sup>8</sup>Ross (2004).

<sup>9</sup>Baldwin (2009); Impunity Watch (2008); Oettler (2006); Ross (2004). Author interviews with GAM representatives.

<sup>10</sup>Amnesty International (1990, 1994, 1995a,b).

<sup>11</sup>Amnesty International (1989).

Lasting Peace), entering into force a series of ten agreements. The third of these agreements established the Comisión para el Esclarecimiento Histórico (Historical Clarification Commission, or CEH), with a mandate to “clarify with all objectivity, equity and impartiality the human rights violations and acts of violence that have caused the Guatemalan population to suffer, connected with the armed conflict.”<sup>12</sup>

## Research Design

I evaluate my expectations using a cross-sectional dataset covering the universe of transitions from internal armed conflict, government killings of civilians, and autocracy, from 1970 to 2018. The full sample provides data for 269 post-conflict periods, 320 post-killings periods, and 87 post-autocracy periods, for a total of 676 periods. This mirrors the structure of many TJ and peace and conflict studies datasets.<sup>13</sup> I construct these data using the UCDP Conflict Termination Dataset ([Kreutz 2010](#)), the UCDP One-Sided Violence Dataset ([Eck and Hultman 2007](#); [Pettersson and Eck 2018](#)), and data on democracy and democratic transitions from [Boix, Miller and Rosato \(2013\)](#). To identify the countries that adopted commissions during their political transitions in this same time frame, I draw on data from the *Varieties of Truth Commissions* Project.

The Project records 84 commissions established in 63 countries in the period, 1970 to 2018. These include commissions adopted in transitional (48) and non-transitional (36) contexts. I draw on previous research in the conflict and democracy literatures for my conceptualization of ‘transitional.’ In these literatures, a transition is generally described as a five- to ten-year period following conflict or autocracy.<sup>14</sup> Non-transitional commissions include commissions installed in consolidated democracies or autocracies. An evergreen question in scholarship on TJ, democracy and democratization, and peace and conflict is the potential sensitivity of the findings to the construct and measurement of a transition. Consequently, I use a ten-year window to mark a transition period in the main analysis and a five-year window in the supplementary analysis. See the appendix. My results are robust to both specifications.

I distinguish transitional commissions from non-transitional commissions, as they differ qualitatively in terms of their goals, methodologies, and antecedents. [Bakiner \(2014\)](#), [Zvobgo \(2019\)](#), and others recommend different theories and analyses for transitional and non-transitional commissions. Of course,

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<sup>12</sup>Comisión para el Esclarecimiento Histórico 1998, Mandato y procedimiento de trabajo.

<sup>13</sup>See, for example, [DeTommaso, Schulz and Lem \(2017\)](#), [Loyle and Binningsbø \(2018\)](#), and [Olsen, Payne and Reiter \(2010\)](#).

<sup>14</sup>See, for example, [Edward Flores and Nooruddin \(2009\)](#) and [Walter \(2002\)](#) on post-conflict countries and [Hegre et al. \(2001\)](#), [Kostelka \(2017\)](#), [Svolik \(2008, 2015\)](#) on democratization and democratic consolidation.

future research should evaluate if the relationships proposed in this article are portable to non-transitional contexts.

To evaluate my hypotheses, I use data on the strength of domestic civil society, HR-INGO naming and shaming, and network access prior to a transition to predict commission adoption during the transition. I do this while controlling for a range of potentially confounding factors that I discuss further when presenting the key variables and my measurement strategy.

### *Dependent Variable*

The dependent variable, *Truth commission*, is a binary variable that takes a value of 1 if a commission was adopted during a transition from internal armed conflict, one-sided violence by the government against a civilian population, or autocracy.

### *Independent Variables*

To measure the strength of a country's civil society, I draw on the *Varieties of Democracy* Project's core civil society index (CCSI) – a continuous indicator that captures the extent to which civil society is autonomous from the state and citizens are able to “freely and actively pursue their political and civic goals” (Coppedge and coauthors 2018, Codebook, 45). The minimum value possible is 0 and the maximum value possible is 1.

To measure HR-INGO naming and shaming, I use data from Hendrix and Wong (2014), specifically a count variable for the number of Amnesty background reports published on a given country in a given year. Background reports are “lengthy, research-based documents that are written primarily for a specialized audience of government officials, INGO officials, and academics”—the actors germane to my argument (2014, 39).

To measure network access, I use a count of INGOs that list a domestic membership base within a country in a given year. This measure is drawn from the Union of International Associations (UIA) *Yearbook on International Organizations* (Smith and Wiest 2005).

I use the average of the explanatory variables in the five-year period preceding the relevant transition from conflict, civilian killings, or autocracy. I do the same for the control variables, which I discuss below. The sole exceptions are the diffusion and transition-specific control variables, which are summative. Using the years preceding a transition helps guard against reciprocal causality; it ensures that the data are not

contaminated, for example, by processes already underway to create a commission following a transition—processes that may, for instance, be picked up in Amnesty reports. Taking a five-year average, in turn, captures the overall level of pre-transition civil society strength, connectedness, and activism.<sup>15</sup>

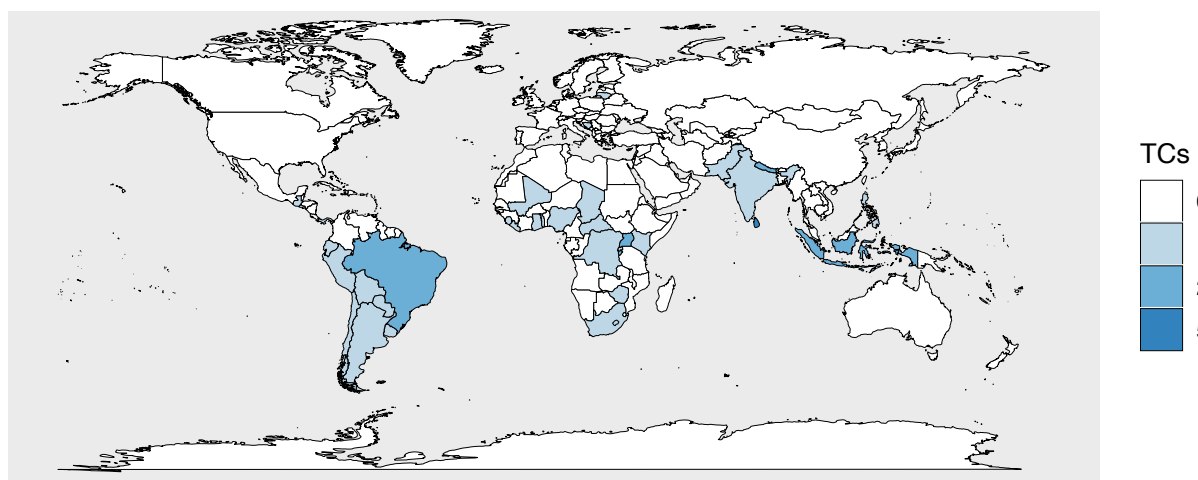
### *Control Variables*

I control for a range of potentially confounding factors that I briefly list here, with data sources in parentheses. Additional details and summary statistics are provided in the supplementary appendix. I account for (1) human rights respect (Fariss 2014), (2) judicial independence (Linzer and Staton 2015), (3) veto players (Henisz 2002), (4) regional and global diffusion (compiled by author), (5) IGO membership (UIA and the Correlates of War), (6) gross domestic product (GDP) per capita, (7) official development assistance (ODA) as a percentage of GDP, and (8) population (World Bank World Development Indicators).

### *Descriptive Statistics*

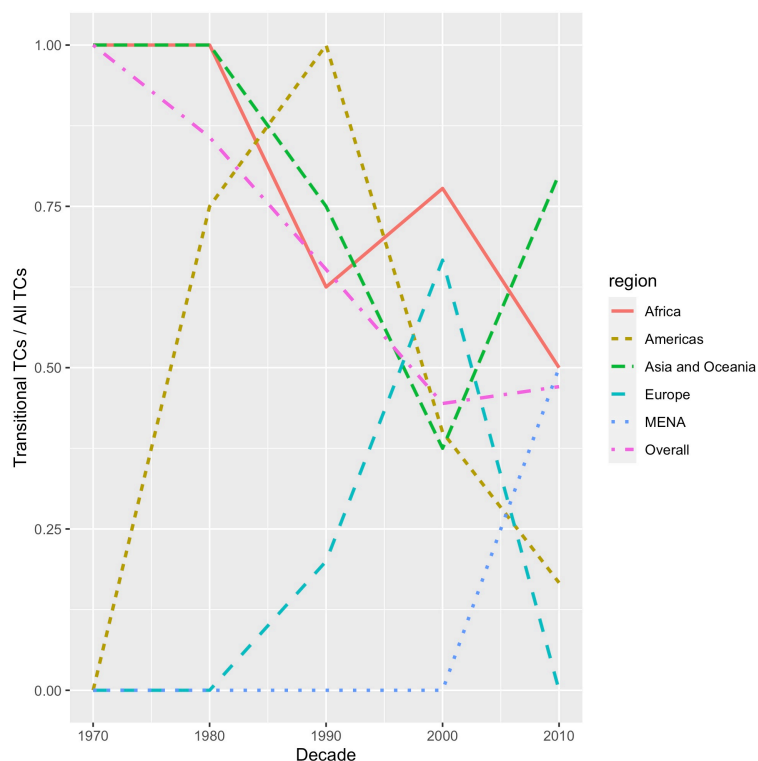
While transitional commissions have reached every continent, they have been concentrated in the Global South, as seen in Figure 1. Interestingly, transitional commissions, as a share of all commissions, have steadily decreased over time, as seen in Figure 2. Since 2000, transitional commissions represent less than half of all commissions.

Figure 1: Truth Commissions during Transitions (1970-2018)



<sup>15</sup>This research design choice is appropriate for cross-sectional data. If I had panel data, I would employ single-year lags.

Figure 2: Truth Commissions during Transitions as a Share of All Truth Commissions by Decade (1970-2018)



## Hypothesis Testing

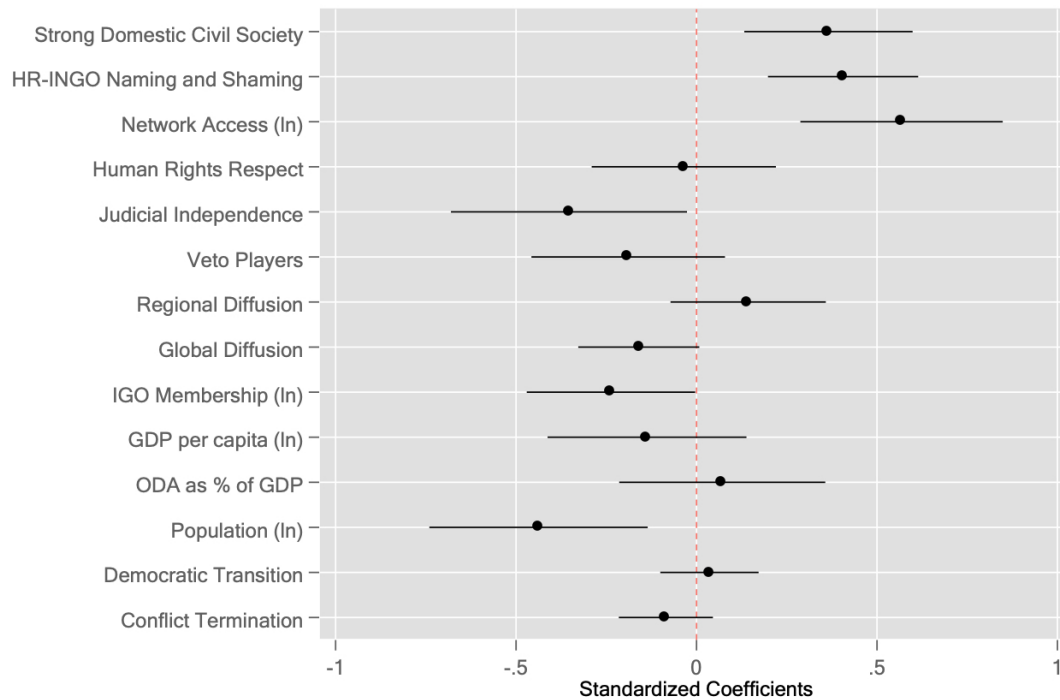
I first evaluate my hypotheses using logit regressions, with truth commission adoption during a transition as the dependent variable and standard errors clustered by country. These are displayed in Table 1.

Model 1 presents the results of the analysis for the population of transitions, with controls for human rights respect, judicial independence, and veto players. Model 2 adds controls for regional and global diffusion, and IGO membership. Model 3 adds economic and demographic controls. Models 1-3 also include dummy variables for post-conflict and post-autocracy states, with post-killings states as the omitted category. Models 4-6 present sub-sample analyses, with context-specific variables, namely the duration and intensity of conflict in the post-conflict model, the best estimate of fatalities in the post-killings model, and previous democracy breakdowns in the post-autocracy model. Relative to the other models, the post-autocracy model, Model 6, is statistically underpowered, with only 56 observations. Having fewer observations means that it should be *harder* to find statistically significant results. So, null results for the sample of new democracies should not decrease confidence in the overall results.

Figure 3 summarizes the results of the fully-specified, full population model, Model 3, re-estimated

with standardized variables for ease of comparison. At the 5% error level, *Strong domestic civil society*, *HR-INGO naming and shaming*, and *Network access* are comparable, positive and statistically significant predictors of truth commission adoption.

Figure 3: Predicted Effect of Variables on the Likelihood of Truth Commissions, with 95 percent CIs



Thus, I find support for a stronger civil society increasing the likelihood of commission adoption (H1). Across five of six models, *Strong domestic civil society* is a positive and statistically significant predictor of the outcome ( $p < 0.01$  in Models 1 and 2,  $p < 0.05$  in Model 3, and  $p < 0.10$  in Models 4 and 5). Substantively, the predicted probability of commission adoption, given an increasingly strong domestic civil society, is quite large, as seen in Figure 4. Holding all other variables constant, at the highest level of civil society strength, the predicted probability of the outcome is 61.6%, compared to 7.1% at the lowest level.<sup>16</sup> The nearly 55-percentage-point difference is significant at the 0.1% error level.

In addition, I find strong and consistent support for more concentrated HR-INGO shaming enhancing the likelihood of commission adoption (H2). Across five of six models, *HR-INGO naming and shaming* is a positive and statistically significant predictor of the outcome ( $p < 0.05$  in Model 1 and  $p < 0.01$  in Models 2-5). As seen in Figure 5, holding all other variables constant, for countries subject to lowest number

<sup>16</sup>Substantive effects are calculated using Model 3.



of Amnesty background reports, the predicted probability of commission adoption is 10.1%, compared to 97.9% for countries subject to the highest number. The nearly 88-percentage-point difference is significant at the 0.1% error level.

I also find some support for greater access between TJ network members increasing the likelihood of commission adoption (H3). *Network access* is a positive predictor of the outcome across all models and is statistically significant ( $p < 0.05$ ) in three. As seen in Figure 6, holding all other variables constant, the predicted probability of creating a commission at low levels of network connectedness is nearly zero; however, it reaches 89.7% at the highest level.

Table 1: Transnational Advocacy and Truth Commission Adoption

|                                 | <i>Truth Commission</i> |                   |                   |                      |                     |                    |
|---------------------------------|-------------------------|-------------------|-------------------|----------------------|---------------------|--------------------|
|                                 | <i>Full Population</i>  |                   |                   | <i>Post-Conflict</i> | <i>Post-Killing</i> | <i>Post-Autoc.</i> |
|                                 | (1)                     | (2)               | (3)               | (4)                  | (5)                 | (6)                |
| Strong Domestic Civil Society   | 3.72**<br>(1.36)        | 4.04**<br>(1.44)  | 4.34*<br>(1.72)   | 3.27+<br>(1.78)      | 4.00+<br>(2.04)     | -0.95<br>(3.68)    |
| HR-INGO Naming and Shaming      | 0.14*<br>(0.06)         | 0.15**<br>(0.05)  | 0.24**<br>(0.07)  | 0.20**<br>(0.05)     | 0.26**<br>(0.09)    | 0.11<br>(0.14)     |
| Network Access ( <i>ln</i> )    | 0.00<br>(0.29)          | 0.35<br>(0.53)    | 2.47**<br>(0.93)  | 0.64<br>(0.61)       | 5.18*<br>(2.29)     | 7.15*<br>(3.20)    |
| Human Rights Respect            | -0.24<br>(0.45)         | -0.16<br>(0.46)   | -0.08<br>(0.53)   | -0.25<br>(0.85)      | 0.63<br>(0.56)      | -1.01<br>(0.77)    |
| Judicial Independence           | -1.06<br>(2.28)         | -2.09<br>(2.60)   | -6.21*<br>(3.05)  | -3.97<br>(3.59)      | -9.16*<br>(4.19)    | -4.33<br>(4.84)    |
| Veto Players                    | -3.86<br>(2.41)         | -4.25+<br>(2.44)  | -3.09<br>(2.66)   | 0.17<br>(3.33)       | -4.01<br>(3.89)     | -3.52<br>(4.27)    |
| Regional Diffusion              |                         | 0.14<br>(0.14)    | 0.23<br>(0.15)    | 0.44<br>(0.32)       | 0.28<br>(0.23)      | 0.22<br>(0.32)     |
| Global Diffusion                |                         | -0.04<br>(0.04)   | -0.08+<br>(0.04)  | -0.01<br>(0.06)      | -0.20**<br>(0.08)   | -0.06<br>(0.10)    |
| IGO Membership ( <i>ln</i> )    |                         | -0.69<br>(0.84)   | -1.87+<br>(1.10)  | -0.30<br>(0.85)      | -2.61<br>(1.89)     | -1.46<br>(3.14)    |
| GDP per capita ( <i>ln</i> )    |                         |                   | -0.49<br>(0.44)   | -0.01<br>(0.51)      | -1.28+<br>(0.71)    | -1.48<br>(1.04)    |
| ODA as % of GDP                 |                         |                   | 2.70<br>(7.70)    | 9.31<br>(9.30)       | -1.39<br>(10.75)    | -5.74<br>(12.81)   |
| Population ( <i>ln</i> )        |                         |                   | -1.02**<br>(0.35) | -0.87+<br>(0.52)     | -1.40*<br>(0.59)    | -2.44**<br>(0.84)  |
| Conflict Duration               |                         |                   |                   | 0.04<br>(0.03)       |                     |                    |
| Conflict Intensity              |                         |                   |                   | 1.01*<br>(0.50)      |                     |                    |
| Civilian Killings ( <i>ln</i> ) |                         |                   |                   |                      | 0.16<br>(0.21)      |                    |
| Democracy Breakdowns            |                         |                   |                   |                      |                     | -0.21<br>(0.62)    |
| Democratic Transition           | 0.50<br>(0.49)          | 0.36<br>(0.53)    | 0.17<br>(0.56)    |                      |                     |                    |
| Conflict Termination            | -0.92**<br>(0.34)       | -1.01**<br>(0.37) | -0.70+<br>(0.42)  |                      |                     |                    |
| Constant                        | -3.10+<br>(1.79)        | -1.63<br>(2.20)   | 11.51+<br>(6.81)  | 6.11<br>(10.69)      | 14.06<br>(8.59)     | 14.72<br>(12.12)   |
| Observations                    | 523                     | 523               | 469               | 191                  | 221                 | 56                 |

Note: Reported coefficients are log odds. Standard errors in parentheses.

All models report clustered standard errors by country.

+  $p < 0.10$ , \*  $p < 0.05$ , \*\*  $p < 0.01$

Figure 4: Effect of Strong Domestic Civil Society, with 95% CIs

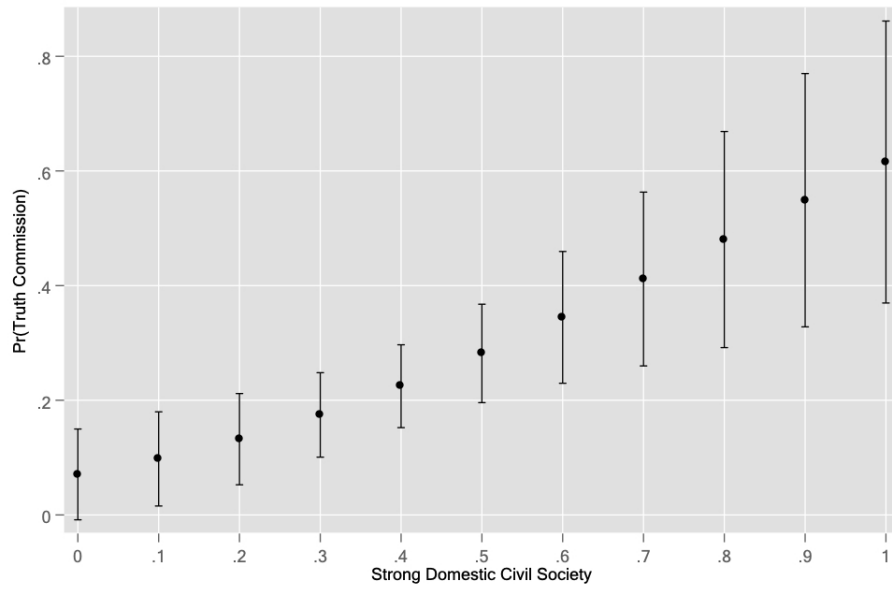


Figure 5: Effect of HR-INGO Naming and Shaming, with 95% CIs

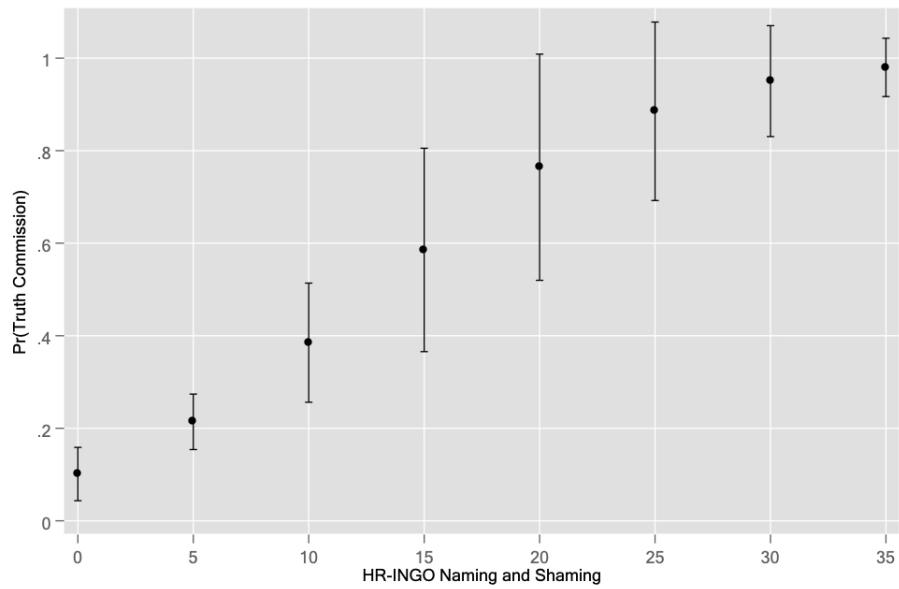
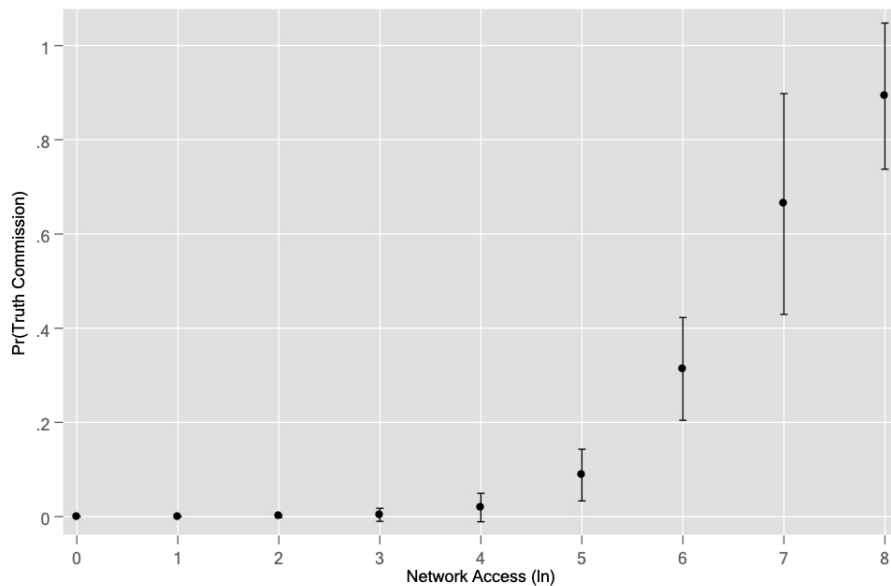


Figure 6: Effect of Network Access, with 95% CIs



### Evaluating Alternative Explanations

The effect of TJ network activism may be moderated by countervailing political institutional factors. However, I do not find consistent statistically significant results for *Judicial independence*, *Veto players*, *Global diffusion*, *IGO membership*, or *GDP per capita*. What's more, I do not find any statistically significant results for *Human rights respect*, *Regional diffusion*, or *ODA as a percentage of GDP*. The advocacy of domestic and international civil society groups—which has, until now, been posited but not investigated systematically—appears to drive the outcome.

### Robustness Checks

In the supplementary appendix, I assess possible heterogeneous effects and produce several robustness checks. In particular, I expound upon the post-conflict and post-autocracy models, controlling for different transition paths, such as conflict termination via rebel victory and democratic transition via distributive conflict. I also evaluate the stability of the results from the main analysis by considering, via a Cox proportional hazards model, not only whether a commission was adopted but also how long it took for it to be adopted. For this analysis, I consider the adoption of any commission—transitional or non-transitional. Differences across different types of models—with different assumptions and, in the case

of the Cox model, different underlying data and data structures—are to be expected. However, the few differences I observe do not reduce my confidence in the article's overall findings.

### Probing Causal Mechanisms

I conducted semi-structured interviews in spring and winter 2019 with current and former directors, lawyers, and staff from major INGOs to probe the mechanisms suggested by the theory, specifically Amnesty and HRW, and the ICTJ, which respectively represent advocacy and operational INGOs in the TJ space. The interviews were conducted over Skype or in person, with informal email exchanges for additional information.

I also ran a focus group in autumn 2019 with career human rights advocates currently serving in La Comisión por la Memoria in Argentina: Sandra Raggio, the Comisión director, Yamila Zavala Rodríguez, an attorney and a daughter of the disappeared, Ernesto Alonso, a soldier during the Falklands conflict, Roberto Cipriano García, a psychologist, and three of their staff, Diego Diaz, Rodrigo Pomares, and Samanta Salvatori. And, in spring 2020, I interviewed human rights NGO leaders in Guatemala, including GAM director, Mario Polanco, and GAM legal advisor, Carlos Juárez.

The theory presents three mechanisms linking the TJ network to commission adoption, which I probed with interviewees and focus group participants. First, I proposed that a strong domestic civil society is well positioned to create politically-salient information that serves as the basis for TJ claims and contributes to governments' decision to implement TJ mechanisms, in particular commissions. Relatedly, I suggested that a strong civil society is able to draw attention to local concerns and mobilize external actors to also exert pressure for accountability. The Argentinian advocates traced this dynamic, from the junta to the transition to the present day. They cited numerous groups, perhaps most memorably the Asociación Madres de Plaza de Mayo, that put the government's abuses in full view. The Madres have held vigil since 1977 both to remember their children who were disappeared and to protest impunity. The Madres represent just one case of Argentinian human rights activists' mobilization, persistence, and savvy use of slogans and symbols—for example, wearing white scarves resembling cloth diapers to symbolize the lost children. Accordingly, their messages were, and continue to be, amplified by INGOs such as Amnesty and IOs such as the Inter-American Commission on Human Rights. "The government responses have had everything to do with human rights movements and civil society activism," Comisión director, Raggio insisted. From hers and her colleagues' perspectives, TJ mechanisms implemented in Argentina—the

famous Comisión Nacional sobre la Desaparición de Personas (CONADEP), criminal trials for leaders and agents of the junta, economic reparations, and memorialization projects, among others—however flawed they may have been (are), never would have materialized without strong, concerted, and, very importantly, persistent local advocacy before, during, and after the transition.

My interviews with Param-Preet Singh, Associate Director of HRW's International Justice Program, and Philip Luther, Amnesty's Research and Advocacy Director for the Middle East and North Africa region, echo many of the sentiments of the Comisión representatives. In particular, Singh conveyed that a strong civil society is tremendously helpful for setting up any TJ mechanism, be it a commission, a special court, or a reparations program. A robust civil society is a "constituency that can harness the local appetite for justice"—an appetite that HR-INGOs like HRW can magnify. Hayner added that many well-known and respected commissions, for example in South Africa, Peru, and Timor-Leste, would have been very different without the contributions of local civil society actors, if they would have been created at all. For his part, Polanco stressed that long-term accountability depends on strong local advocacy. And, this is precisely what we see in countries like Argentina and Guatemala, where different presidential administrations have since attempted to reverse human rights and TJ gains. They have, however, faced strong resistance from civil society.

Second, I suggested that more intense shaming enhances the likelihood of commission adoption because leaders, especially those governing transitional states, are concerned with the interests of HR-INGOs and their foreign government allies. Anna Myriam Roccatello, Deputy Executive Director and Director of Programs at the ICTJ, relayed the importance of HR-INGOs' creation and transmission of reliable, consistent information. Singh elaborated on this point, stating that documentation and dissemination of violations "underlines the imperative for reform" both at home and abroad. Likewise, representatives from the Comisión highlighted the value of international solidarity with Argentinian causes, though they were unable to state the extent to which HR-INGO shaming in particular helped push the new democratically-elected government to implement TJ and specifically the CONADEP.

Third, I posited that greater access between domestic and international civil society groups enhances prospects for a commission. Essentially, formally-connected groups have more opportunities to share information and coordinate strategy, for example, in research teams and at conferences. Singh agreed that official ties are helpful. However, in her professional experience, it is not necessary for domestic and international groups to be in the same place and meet in person to plan and execute their objectives. She

further emphasized the importance of *personal* connections between domestic and international actors, throughout the course of a career. These connections, she said, enable communication and partnership beyond borders.

The qualitative data from the interviews and focus group provide strong support to the theory and add depth and nuance to the results of the statistical analysis. Critically, the interviews and focus group show both sides of the relationship between actors at the domestic and international levels. Consistent with my burden sharing framework, domestic groups take the lead at the commission adoption stage, with international groups in a supporting role. This dynamic changes, however, at the commission design stage, which I explore in Part Two.

## 4 Part Two: The TJ Network and Truth Commission Design

The institutional design of truth commissions matters for important outcomes, for example, victim and perpetrator participation ([González and Varney 2013](#); [Oduro and Nagy 2014](#); [Rana and Zvobgo 2019](#); [Stahn 2005](#); [Zvobgo 2019](#)). Surprisingly, scholars have not systematically inquired into commission mandates—the texts from which all design features emerge. What factors influence the design of commission mandates, in particular strong mandates?

I propose that civil society actors, international experts in particular, help governments design legal mandates that enumerate strong investigative powers. To be sure, governments have the potential to drift, intentionally or unintentionally, from their stated commitments to uncover the truth. However, international experts, among them TJ-INGOs are committed to commissions conducting a thorough investigation and producing a comprehensive report. They are, thus, interested in commissions design, notably clearly-defined mandates that set up a commission for success. Besides, they are experts in this policy domain, whereas governments are not. Thus, there exists for these groups not only the interest but also the professional experience to help set the parameters for effective truth seeking.

Scholarship recognizes the ICTJ's role in standardizing a general model of commissions ([Ancelovici and Jenson 2013](#)). However, the extent to which the organization influences the design of particular commissions has not been systematically theorized or evaluated. I propose that, as the primary steward of truth commission best practices, the ICTJ attempts to and succeeds in influencing mandate design. Specifically, the organization helps countries draft strong mandates that should enable a robust inquiry

and comprehensive account of the past. Put differently, the ICTJ helps governments design high-quality commissions.

### Encouraging a Wide Material Scope of Inquiry

I first propose that governments advised by the ICTJ are more likely to set a wide material scope of inquiry for their commissions. A wide scope is critical to an exhaustive narrative on the past. And commissions that consider a broad range of abuses and trace antecedents to abuses are better positioned to render such an account. To elaborate, rarely, if ever, is it the case that only one type of abuse has been perpetrated by state and/or non-state actors during authoritarian governments, civil conflicts, or other periods of political violence. Serious truth seeking requires consideration of a range of abuses. An ICTJ-commissioned “Practical Tool” for drafting a commission mandate confirms,

“A mandate that is incomplete, obscure, or contradictory to fundamental human rights can cripple a commission in many ways, forcing it to waste valuable time and resources in defining the parameters of its task, causing critical contradictions within the commission, and diminishing the capacity of key stakeholders to cooperate with the commission” (2013, 1).

Commissions that investigate *some*, but not all, abuses are, by definition, incomplete and are, by design, at odds with victims’ right to truth. Given the ICTJ’s commitment to constructing a (more) complete account, I expect that the governments that it advises are more likely to task commissions with investigating multiple types of abuse rather than a single type of abuse. In a similar vein, commissions that document violence, but do not identify root causes, like social fragmentation and resource inequality, can only render a partial account. So, I also anticipate that the governments that the ICTJ advises are more likely to task commissions with identifying root causes.

**Hypothesis 4a** *ICTJ-advised governments are more likely to task commissions with uncovering a range of abuses.*

**Hypothesis 4b** *ICTJ-advised governments are more likely to task commissions with tracing antecedents to abuses.*

### Spurring Effective Evidence Gathering

I next suggest that governments advised by the ICTJ are more likely to empower their commissions with effective evidence-gathering powers. Commissions’ ability to uncover abuses and their antecedents



relies, in part, on their ability to compel testimony and preserve evidence. To elaborate, the power of compulsion is a crucial tool for an effective commission. Subpoenas have proven especially useful in contexts like South Africa, where higher-level perpetrators were unwilling to testify (Zvobgo 2019). A commission that is able to garner testimony even from reluctant sources is better positioned to produce a comprehensive and accurate account of past abuses. Relatedly, preserving evidence enables a commission to conduct a serious, independent inquiry (González and Varney 2013). The ability to preserve evidence—for example maps, organizational command charts, correspondence between perpetrators including orders from superiors, notes on victims, etc.—is essential for ascertaining facts about the past and sharing them directly with the public. Thus, I expect that governments advised by the ICTJ are more likely endow their commissions with the power to subpoena testimony and the power to preserve evidence.

**Hypothesis 5a** *ICTJ-advised governments are more likely to endow commissions with the power to subpoena testimony.*

**Hypothesis 5b** *ICTJ-advised governments are more likely to endow commissions with the power to preserve evidence.*

## Research Design

To evaluate these expectations, I draw on another dataset from the *Varieties of Truth Commissions*, which codes operational and jurisdictional powers enumerated in commissions' legal mandates. 74 of the universe of 84 commissions are included in the data.<sup>17</sup> It is important to recognize that the small number of observations means that it should be harder for me to find statistically significant results. To assess my hypotheses, I use information on the involvement of the ICTJ in a country prior to and during a commission to predict the aforesaid powers. I do this while accounting for several potentially confounding variables.

## Dependent Variable

Each of the dependent variables—*Range of abuses*, *Trace antecedents*, *Subpoena*, and *Preserve evidence*—is a dichotomous indicator that takes a value of 1 if a commission possessed the relevant power.

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<sup>17</sup>I was unable to locate mandate documents for ten commissions.

### *Independent Variable*

The central independent variable, *ICTJ involvement* is a dichotomous indicator that captures whether or not the ICTJ assisted a national government prior to and during implementation of a commission.<sup>18</sup>

### *Control Variables*

I control for a range of potentially confounding factors that I briefly list here. Additional details and summary statistics are provided in the supplementary appendix. Using a range of binary variables, I account for (1) the subject of inquiry (autocratic government or civil conflict, with other periods of violence as the omitted category), (2) regional and global diffusion, (3) whether a commission was established during a transition, and (4) regime type.

I also account for the strength of domestic civil society. I consider this more of a control variable than an explanatory variable because interview data confirm that, when international experts are not part of the design process, a commission is unlikely to have a strong architecture and a clear direction (i.e., regardless of the strength of domestic civil society groups). Hayner emphasized that it is international experts who have “learned from watching other commissions trip up.” She added, “Even the best and brightest of a country haven’t grappled with a truth commission before.” To put it another way, it does not follow that a strong domestic civil society is associated with the drafting of a legal mandate that includes powers international experts consider useful to a commission’s work. Nonetheless, to properly evaluate the burden sharing framework, it is important for me to include domestic civil society in the analysis.

### *Descriptive Statistics*

Figure 7 displays all commissions in the sample.<sup>19</sup> The ICTJ’s work has reached every continent, though its work on commissions has been concentrated in the Global South. The organization has advised nearly one-third of all commissions historically.<sup>20</sup>

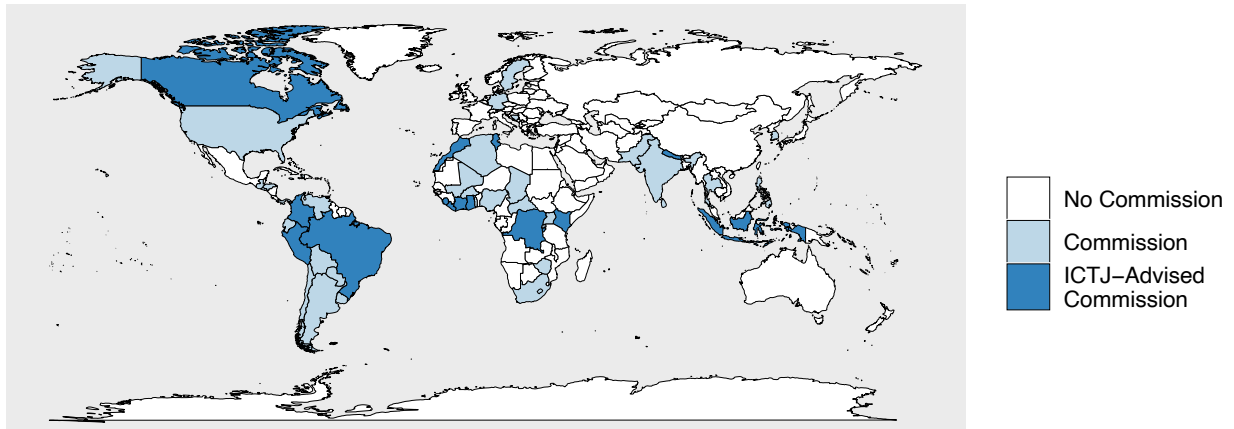
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<sup>18</sup>For this measure, I consulted the ICTJ’s website, specifically the “Our Work” section.

<sup>19</sup>For clarity, there are 75 observations in the data because one of the commissions was a “friendship commission” created by the Indonesian and East Timorese governments. So, I count it for both sides.

<sup>20</sup>The ICTJ has been involved in nearly one-half of all commissions implemented since its founding in 2001.

Figure 7: The ICTJ and Truth Commissions Around the World



As displayed in Table 2, a minority of commissions in the sample possessed the power to subpoena testimony and the power to preserve evidence. A small majority were empowered to trace antecedents. Meanwhile, a large majority was tasked with investigating a range of abuses.

Table 2: Summary Statistics of Dependent Variables Used in Part Two

|                   | <i>Mean</i> | <i>Min</i> | <i>Max</i> | <i>N</i> |
|-------------------|-------------|------------|------------|----------|
| Range of Abuses   | 0.77        | 0          | 1          | 75       |
| Trace Antecedents | 0.56        | 0          | 1          | 75       |
| Subpoena          | 0.36        | 0          | 1          | 73       |
| Preserve Evidence | 0.34        | 0          | 1          | 71       |

## Hypothesis Testing

For the analysis, I run logit regressions for each commission design feature (dependent variables), with standard errors clustered by country. These are presented in Figure 8 and Table 3. I begin the analysis by considering the ICTJ's influence on governments setting a wide material scope of inquiry; that is, whether ICTJ-advised governments are more likely to charge commissions with uncovering a range of abuses (H4a) and tracing antecedents (H4b). While I do not find support for Hypothesis 4a, I do find support for Hypothesis 4b. ICTJ involvement is a positive and statistically significant predictor ( $p < 0.05$ ) of a commission being charged with tracing historical antecedents. Substantively, the estimated probability of a mandate that provides for investigation of causes of abuse, given ICTJ advisement, is quite large. Holding all other variables at their means, the estimated probability of the outcome when the ICTJ is involved is 82.6%, compared to 39.7% when the ICTJ is not involved. The roughly 43-percentage-point

difference is significant at the 0.1% error level.

Next, I consider the ICTJ's influence on governments endowing commissions with effective evidence-gathering powers; that is, whether ICTJ-advised governments are more likely to supply commissions with subpoena powers (H5a) and the power to preserve evidence (H5b). While I do not find support for Hypothesis 5a, I do find support for Hypothesis 5b. ICTJ involvement is a positive and statistically significant predictor ( $p < 0.05$ ) of a commission enjoying the power to preserve evidence. Substantively, the estimated probability of a mandate that provides for evidence preservation, given ICTJ advisement, is quite large. Holding all other variables at their means, the estimated probability of the outcome when the ICTJ is involved is 52.4%, compared to 20.7% when the ICTJ is not involved. The nearly 32-percentage-point difference is significant at the 1% error level. A strong domestic civil society helps predict just one commission power: the power to compel testimony.

Figure 8: Predicted Effect of Variables on the Likelihood of Investigative Powers, with 95 percent CIs

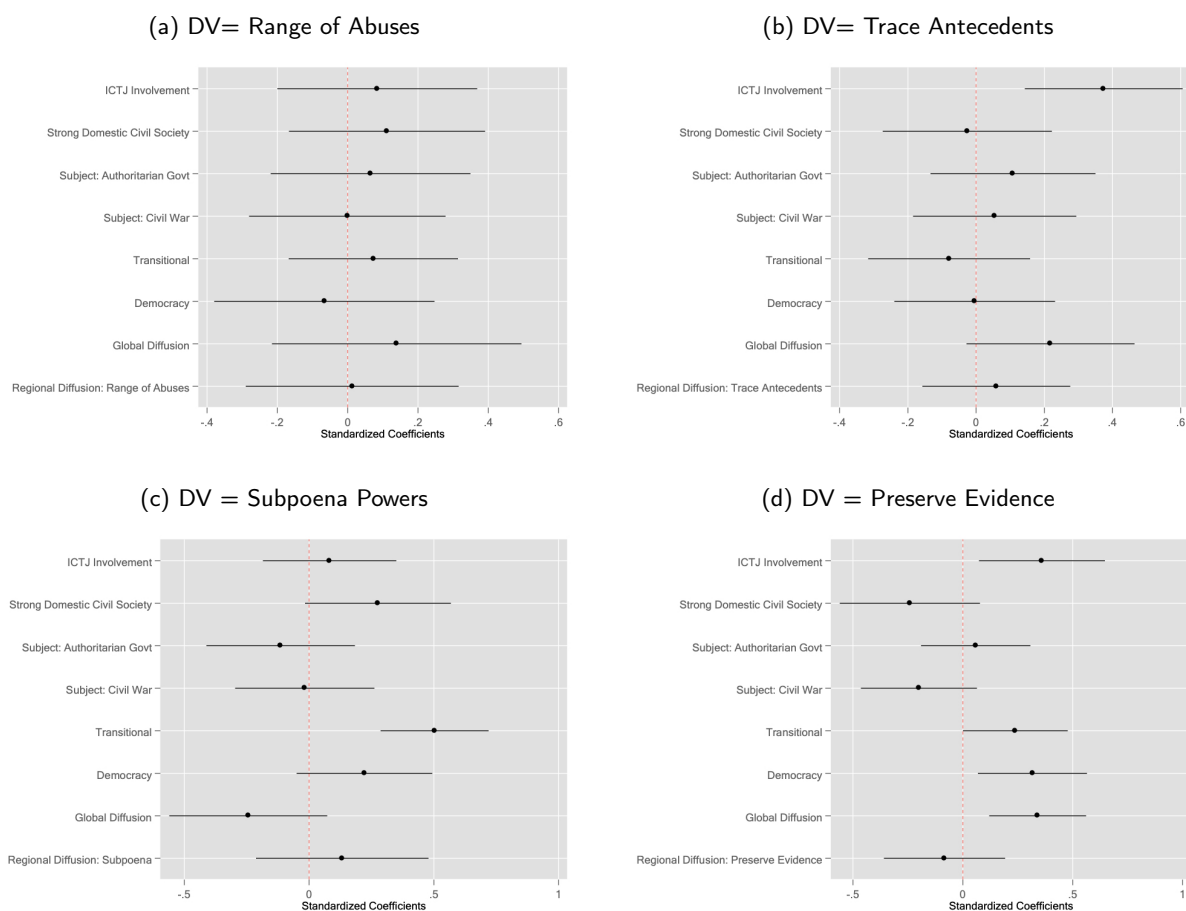


Table 3: ICTJ Involvement and Truth Commission Powers

|                                       | <i>Range of Abuses</i><br>(1) | <i>Trace Antecedents</i><br>(2) | <i>Subpoena</i><br>(3) | <i>Preserve Evidence</i><br>(4) |
|---------------------------------------|-------------------------------|---------------------------------|------------------------|---------------------------------|
| ICTJ Involvement                      | 0.54<br>(0.92)                | 2.21*<br>(0.95)                 | 0.77<br>(0.88)         | 1.89*<br>(0.94)                 |
| Strong Domestic Civil Society         | 1.21<br>(1.35)                | -0.39<br>(1.60)                 | 3.87*<br>(1.79)        | -3.62<br>(2.42)                 |
| Subject: Authoritarian Govt           | 0.42<br>(0.80)                | 0.65<br>(0.80)                  | -0.68<br>(0.98)        | 0.49<br>(0.82)                  |
| Subject: Civil War                    | 0.04<br>(0.71)                | 0.31<br>(0.69)                  | -0.26<br>(0.92)        | -1.17<br>(0.94)                 |
| Transitional                          | 0.44<br>(0.64)                | -0.42<br>(0.66)                 | 3.30**<br>(0.93)       | 1.76+<br>(0.92)                 |
| Democracy                             | -0.36<br>(0.79)               | 0.03<br>(0.72)                  | 1.37+<br>(0.79)        | 2.24*<br>(0.98)                 |
| Global Diffusion                      | 0.03<br>(0.04)                | 0.06<br>(0.04)                  | -0.08+<br>(0.04)       | 0.13**<br>(0.05)                |
| Regional Diffusion: Range of Abuses   | 0.04<br>(0.26)                |                                 |                        |                                 |
| Regional Diffusion: Trace Antecedents |                               | 0.13<br>(0.26)                  |                        |                                 |
| Regional Diffusion: Subpoena          |                               |                                 | 0.24<br>(0.29)         |                                 |
| Regional Diffusion: Preserve Evidence |                               |                                 |                        | -0.23<br>(0.40)                 |
| Constant                              | -1.03<br>(1.59)               | -2.50<br>(1.80)                 | -3.93+<br>(2.04)       | -5.68*<br>(2.25)                |
| Observations                          | 67                            | 67                              | 65                     | 64                              |

Note: Reported coefficients are log odds. Standard errors in parentheses.

All models report clustered standard errors by country.

+  $p < 0.10$ , \*  $p < 0.05$ , \*\*  $p < 0.01$

### *Alternative Explanations*

To be sure, domestic and international political factors may moderate the ICTJ's influence on commission mandate design. These factors include a commission's subject of inquiry, political transitions and regime type, and regional and global precedents. First, while a commission's subject of inquiry accounts for some variation in some commission design features, I do not estimate statistically significant relationships. Second, political transitions and regime type have noteworthy positive effects on two commission powers, subpoena powers and the power to preserve evidence. These results generally comport with the scholarship that argues that political transitions represent 'an opening' and, thus, can provide interested groups the opportunity to prevail upon governments to design a strong commission. Similarly, scholarship demonstrates that democracies are more likely to credibly commit to human rights instruments and institutions. Third, and finally, while regional precedents can explain some variation in design features, it appears that global precedents, in particular previous commissions' power to preserve evidence, are more important.

### *Practitioner Insights*

To build on the statistical analysis, I conducted interviews in spring and summer 2019 with current and former ICTJ leadership and staff. I additionally ran a focus group at the ICTJ's international headquarters in New York in summer 2019. These were supplemented by email correspondence. The interviews provide critical insights into the challenges that TJ advocates and experts encounter when attempting to set the parameters for truth seeking, as well as where they succeed in shaping outcomes.

I was surprised when one of my interviewees said that they had no expectation of ICTJ-supported commissions possessing stronger mandates. Coming from someone with a long professional relationship with the organization and a deep personal commitment to its success, this was a jarring declaration. However, as our conversation progressed, it became clear that this statement was shaped less by doubts about the organization's abilities and more by evergreen challenges in the contexts in which it operates. Rather than suggesting ICTJ advisement is the determining or definitive factor, my interviewee pointed instead to "deep political factors" that influence the strength of mandates as well as commissions' subsequent success. Indeed, there are significant domestic political and institutional factors that circumscribe the organization's influence.

Interviewees and focus group participants—including Senior Expert for Programs, Ruben Carranza, and Eduardo González, former Director of the Truth and Memory Program—emphasized that mandates represent the earliest steps towards truth seeking, not the end. They are important but not necessarily decisive. This is an important point and deserves elaboration here. It does not follow that commissions that start with limited powers and expectations will not be able to conduct a robust investigation. For her part, Roccattello conveyed, “More power does not mean better results” and commissions with less power “can make a huge difference.” The Guatemalan commission is an excellent case in point. While the commission *did* have a mandate to investigate a range of abuses and trace antecedents, it lacked explicit powers to compel testimony and preserve evidence. Based on the mandate alone, this commission was not “set up for success.” Yet, despite these limitations, the Guatemalan commission is one of the strongest commissions in history and its report one of the most influential. Meanwhile, there are commissions that “have it all” on the design front but, ultimately, do not engage in serious truth seeking. The commission in Côte d’Ivoire is one example. Roccattello described the commission as a “humongous, obscene waste of money” that yielded virtually “no victim testimony.” For Roccattello, “The key is not to judge inputs with outputs; they don’t always go hand in hand.” Likewise, Programs Expert, Sibley Hawkins, urged remaining circumspect, particularly for victims’ sake. How a commission starts is not necessarily how it finishes. Thus, the institution must be monitored. Further, for a commission to reach its full potential or effect, its final recommendations must be implemented.

## 5 Implications

Both the quantitative and qualitative analyses in Part One provide support for the argument that TJ network activism matters for truth commission adoption. While commissions are locally-rooted processes, they are adopted within and because of the wider, global context. Truth commission adoption, therefore, represents not either a domestic or an international politics story, but a transnational politics story. By inquiring into the correlates of commission adoption, Part One illuminates factors that human rights advocates and allies, including donor governments, can intervene on in countries that have yet to implement such mechanisms. Pressure from above is clearly important, but it is pressure from below that is crucial. Those with an interest in human rights and TJ may consider reinforcing domestic civil societies, especially during civil conflict, repression, and autocratic government.

In turn, both the quantitative and qualitative analyses in Part Two demonstrate how, from a design perspective, commissions are not created equally; they are not similarly positioned to uncover, repair, and help safeguard against harm. In other words, the quality of commissions varies, at least at the outset. I document considerable variation in commission mandates, notably differences between states that are advised by the ICTJ and states that are not, between democracies and non-democracies, and between transitional and non-transitional countries. These results bear special relevance for scholars, practitioners, and donors. For scholars, variation in commission design may help explain perennially mixed results in studies of “truth commission impact.” For international donors, Part Two identifies specific areas to place benchmarks. Previously, donors have invested resources into commissions without estimating a return on investment based, at least in part, on implementing established best practices ([Solomon and Zvobgo 2019](#)). Thus, donors, in cooperation with civil society, may consider ways to guide differently-situated governments towards the same goal, for example, making funding support conditional on implementing particular design features.

## 6 Conclusion

Over the past five decades, truth commissions have proliferated around the globe. Despite their prevalence, the question of why commissions have been adopted in some contexts, but not in others, has been poorly understood. Likewise, the question of why commissions have possessed strong powers in some contexts, but not in others, has not been seriously studied. My research shows that domestic and international civil society actors are the force behind both commission adoption and design. Connected by a global TJ network, these groups work together to guide governments to establish commissions and endow them with strong powers. To achieve these outcomes, groups burden share: domestic members are essential to commission adoption while international members are important for strong commission design.

This study motivates continued inquiry into the role of civil society actors in shaping TJ. For example, does the network’s success in inducing governments to deliver commissions enhance the likelihood of governments adopting additional TJ measures? Consistent with the spiral model, governments may be habituated to and socialized into TJ norms. In addition, and perhaps a mechanism of the spiral model in this context, commissions make policy recommendations—for example, about memorialization projects,



reparations, and personnel reforms. Civil society groups, who are energized by their success to date, may mobilize around these recommendations and lobby governments to implement them. In this way, commissions might signal just the beginning of TJ for countries.

More generally, scholars should inquire into the role of civil society actors in other public policy fields. For instance, we have seen in recent years the development, adoption, and refinement of independent accountability mechanisms within international development banks, for example, the World Bank's Inspection Panel.<sup>21</sup> These quasi-judicial bodies receive and adjudicate on complaints from individuals experiencing the social and environmental harms often associated with development projects. As with truth commissions, these bodies provide unique opportunities for governments and IOs to provide relief and redress to marginalized and victimized communities. And, as with commissions, civil society actors have been visible actors in this domain. However, research has been slow to make clear how they have contributed to the adoption, design, and use of development finance accountability mechanisms. In order for us to better understand the effects of these accountability tools, we must inquire into their development.

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<sup>21</sup>See, for example, [Zvobgo and Graham \(2020\)](#).

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