United Nations Security Council Open Debate on
“The Role of Civil Society in Post-Conflict Peace-Building”
Statement of the International Center for Transitional Justice
Ian Martin, Vice President
June 22, 2004

I would like to express appreciation to the Philippines Presidency for deciding to highlight the role of civil society in post-conflict peace-building, and to the Council as a whole for taking another significant step in its openness to hearing directly from nongovernmental organizations.

It is a particular privilege for the International Center for Transitional Justice to address you. Our Center, which has offices in New York and Cape Town, assists countries confronting legacies of mass atrocity or human rights abuse. We are currently engaged with more than 20 countries, and work closely with United Nations departments and agencies, especially in countries where the United Nations is engaged in post-conflict peace-building.

Above all, we work closely with local civil society partners. Notwithstanding the significant efforts of civil society organizations working internationally, the more important sector of civil society comprises the myriad national and local organizations that must often confront acute challenges of resources and security—particularly in post-conflict societies. Hearing their voices is more important, but more difficult, than hearing ours. Without purporting to speak for them, we can reflect something of the experience of our local partners, and see it as the responsibility of international NGOs to create more opportunities for local voices to be heard.

It is no surprise that this initiative in considering the role of civil society should have come from the Philippines—a country renowned for having a vibrant, energetic, and diverse civil society. In my former role as Secretary General of Amnesty International, I had the privilege of engaging with courageous civil society organizations in the Philippines as they sought to build peace and respect for human rights after the Marcos years. In this context, we can certainly look to the Philippines for guidance and inspiration.

One of the most fundamental challenges of post-conflict peace-building is to confront the past while building a just foundation for the future. There is no one-size-fits-all approach, and in our work, the ICTJ has learned a crucial lesson: whatever the answers are, they must emerge from—or resonate within—civil society.

Strategies to address past abuses generally include criminal prosecutions of perpetrators of serious crimes; truth commissions; reparations packages, including, but not limited to, financial compensation, and efforts to honor the memory of victims; rigorous analysis of institutional culpability and efforts to reform institutions, including vetting of personnel; and reintegration and reconciliation initiatives.
These measures should be seen as complementary, not as alternatives, and a strategy should be debated and developed in a comprehensive manner. Alongside this strategy must be a parallel and related strategy for building the rule of law for the future, which the Council has recognized as crucial to peace-building.

Ideally, a democratic government would set these strategies after a national debate and the fullest consultation with civil society, informed by international standards and best practices. In post-conflict reality, political leadership may be divided, fragile, and of untested legitimacy, with the United Nations and the international community heavily involved in the decision-making, or, in extreme cases, bearing formal transitional authority. This reality may make it difficult, but also more vital to engage civil society, as premature government or international decisions will prejudice success.

During the UN Transitional Administration in East Timor, the establishment of the Commission on Reception, Truth, and Reconciliation was preceded by intense civil society debate, informed by international experience. As a result, the Commission not only reflects best practices from around the world, but incorporates a particularly successful innovation drawing on East Timorese tradition: community reconciliation processes involving the most local civil society, including traditional leaders.

In Sierra Leone, the establishment of the Truth and Reconciliation Commission was preceded by public workshops and conferences with strong civil society engagement, which helped to incorporate policies relating to children, women, and the involvement of traditional leaders in community reconciliation. In both East Timor and Sierra Leone, the selection of Commissioners was a transparent process with a central role for civil society.

In the Democratic Republic of the Congo, however, the prospects for a successful truth commission have been prejudiced by inappropriate political appointments, preceding reflection on the commission’s role, and insufficient consultation with local civil society. In Liberia, too, the appointment of truth commission members has preceded any meaningful civil society engagement or legislative mandate, hindering the commission’s progress.

Civil society engagement is equally essential for the success of other transitional justice measures. The ability of reparations to afford some satisfaction to victims is facilitated by victim and civil society participation in the design and implementation of programs, while the mobilization of significant resources is likely to require the support of a broad coalition.

Prosecution of major perpetrators is, of course, a state responsibility, but it is sometimes only through the efforts of civil society and victim groups that the state is persuaded to act against impunity. Each successful prosecution concerning military responsibility for atrocities against civilians in Guatemala succeeded only because civil society carried out most of the relevant investigations and appeared in court on behalf of the victims. In Timor-Leste, civil society organizations are instrumental in ensuring that the emerging judicial system conforms to international standards of due process and in encouraging judicial independence. The Council should listen to civil society voices in Timor-Leste and Indonesia, and not only to government views, regarding the unacceptable, ongoing impunity of the major perpetrators of crimes against humanity in East Timor in 1999 and earlier.
Where prosecutions are proceeding, their intended contribution to restoring or establishing trust in the rule of law requires effective outreach into victim communities. The Special Court for Sierra Leone has been hugely assisted by local civil society organizations in its outreach. In Rwanda, the local showings and discussions of video recordings of perpetrator trials by a civil society organization have increased understanding in communities where victims and perpetrators now live together.

Efforts to build the rule of law have too often proceeded as if they are technical exercises to develop judicial, police, and corrections systems according to external models. A rule of law strategy must be rooted in local conditions, and developed with local civil society. In a country where the courts and police have repressed the population, people have little faith or experience in cooperating with them. Public information campaigns are essential, as are regular meetings between the police and judicial officials and the community. Despite some positive examples, this is as yet a poorly developed aspect of rule of law peace-building.

The involvement of local and national civil society is not only helpful in designing more satisfactory approaches: it is irreplaceable if peace and justice are the goals. Yet there are challenges in securing broad, representative civil society participation. The most obvious partners may be those organizations with pre-existing capacity, while victim organizations may be nonexistent or disempowered. Emphasis should be placed on capacity building, on reaching out beyond the capital, and particularly on the importance of involving women’s organizations in all elements of peace-building. The direct participation of women in official institutions—for example, as members and staff of truth commissions—must be an explicit priority, but it is through civil society participation that women’s contribution to peace-building can be more fully realized.

The direct access of civil society organizations to the Council can be valuable to both, and we welcome the recommendations of the Panel of Eminent Persons on United Nations-Civil Society Relations for enhancing such access. We strongly support the Panel’s insistence that this should occur not only in New York, but whenever the Security Council goes on mission to post-conflict countries, where its members can be more accessible to local civil society organizations, as well as to the local representatives of international NGOs. The voices of civil society must be heard when peace settlements are being negotiated, and when missions to implement them are being planned and post-conflict needs assessed. But the regular openness to civil society will depend on the peace-building missions and agencies in the field. There is a clear need to ensure that best practice is spread to missions which local civil societies do not currently perceive as open to their advice and involvement. The expectations that the Council conveys to the leaders of the missions it mandates, and the extent to which it remains alert to the involvement of civil society, are crucial to promote the effectiveness of the alliance between the United Nations and civil society, and thus the effectiveness of peace-building itself.