

## **The Past Imperfect: Exploring Northern Ireland, South Africa and Guatemala**

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The collection of chapters in this book, and the questions that follow in *Appendix One*, are based on the discussions and proceedings of the *Dealing with the Past: Reconciliation Processes and Peace-Building* Conference hosted by Initiative on Conflict Resolution and Ethnicity (INCORE) on 8 and 9 June 1998 in Belfast. The book brings together the papers presented at the Conference and draws on the ideas of the participants to further the debate about dealing with, or perhaps not dealing with, the past in Northern Ireland.

The book is not a call for the establishment of a truth commission in Northern Ireland, nor even at a more basic level, a call for Northern Ireland and its people to remember the past. Rather, through the opinions expressed here, it is hoped that the debate about dealing with the past will be enriched and taken forward. John Darby has noted that Northern Ireland:

Is a society where dates are fixed like beacons in folklore and mythology...trip off the tongue during ordinary conversations like the latest football scores in other environments and are recorded for posterity on gable walls.<sup>1</sup>

Although this may be true, Northern Ireland is not the only society that has been faced with questions of how to deal with the past after a protracted conflict. There is a popular misconception that the people of Northern Ireland are more stuck in the past than elsewhere. This is incorrect. All societies coming out of division and conflict draw on history to arm themselves for the conflicts of the present - conflicts which for the most part are real, and are historically and materially based.

Nonetheless, there is no doubt that the past is contested in Northern Ireland and still impacts on efforts for reconciliation. Many stories of the hardships and violence of the past remain untold. It is only now, as the society normalises, that the intricate stories of the past are beginning to filter into the public space. Experiences from dozens of countries around the world teach that these stories will not simply stop once they begin. Northern Ireland is not yet free from the shackles of the past and it has no choice but to accept that the past has to be dealt with in one way or another.

This book does not prescribe a single method that should be used for dealing with the past. The interplay between remembering, forgetting and moving on after decades of violence is complex and country specific. Forgetting and drawing a line through the past, it could be argued, is as much a method for dealing with the past as remembering and truth recovery.

In South Africa for example, contrary to popular belief, remembering and forgetting have marched a line very close to one another. On one hand the African National Congress (ANC) government has stressed the importance of the Truth and Reconciliation Commission (TRC), but at the same time it has always hoped that it would be a focused and short-term remembering project. After the TRC completed its work it was intended that the society would move on. In the ANC submission to the TRC it is clearly, and perhaps over-optimistically, asserted that:

It is important that, within its [*the TRC's*] lifetime, the Commission should complete the amnesty process, to ensure that the democratic state is not left with the responsibility of instituting criminal investigations and the possible prosecution of people for actions that took place during the period covered by the mandate of the TRC. We believe that the TRC should conclude its work as quickly as possible so that we indeed let bygones be bygones and allow the nation to forgive a past it

nevertheless dare not forget.<sup>2</sup>

Nelson Mandela has advocated remembering through the TRC, but almost in a contradictory fashion has also urged people to forget. For example, in a rally in Durban in 1990, much to the dismay of the crowd, he implored, 'Forget the past, and throw your weapons into the sea'. In a similar vein whilst addressing a Black Management Forum in 1995 he commented, 'In putting aside quarrels of the past we have a country which has the opportunity to acquire education, skills and expertise in many fields. We want this. Let's forget the past. Let's put down our weapons; let's turn them into plough-shares. Let's build our country'.<sup>3</sup> In 1996 at the inauguration of the 'Enoch Makanyi Sontonga Memorial' in Johannesburg, Mandela also stated, 'Let's forget the past, and concentrate on the present'.<sup>4</sup> In South Africa, it could be argued that people are urged to remember to forget.

Thus, the idea of simply letting bygones be bygones and moving on, is not ruled out at this early stage in the tentative transition of Northern Ireland. By the same token, setting up a process of remembering so that the past can be properly understood and voice given to the silent victims of Northern Ireland's Troubles is equally not discarded. Archbishop Tutu has warned, 'We must deal effectively, penitently with our past or it will return to haunt our present and we won't have a future to speak of'.<sup>5</sup> Like Tutu, many would argue that the impact of large-scale political violence and its resultant silence needs to be seriously dealt with by societies in transition or the divisions of the past will continue to poison the present. If we forget in the name of political expediency, or because it is easier than remembering, the society will pay the price at a later stage.

The difficulty is that breaking the silence of the past and listening to other people's accounts of history (particularly those of our adversaries) is a dangerous, difficult and often fraught task. Clearly, there is not only one truth, but many truths about the past. Any notion of revealing the truth about the past is an inherently troublesome undertaking. Furthermore, despite growing research on strategies for dealing with the past in countries in transition, it is not clear how forgetting the past, or alternatively, remembering the past, actually avoids or provokes political violence in the future.<sup>6</sup>

There is no easy answer to questions about dealing with the past. It remains debatable whether it is better to draw a line across the past and leave people with their own truths in the hope that these will never again translate into violence, or, whether societies like Northern Ireland should try to heal some of the rifts of the past through uncovering, remembering and understanding the conflicts of the past.

If we pursue the latter course, it certainly means engaging in the dirty business of remembering, acknowledging responsibility and even finger pointing. This is further complicated by the fact that if we honestly uncover all the layers to the past it will soon be revealed that we are all complicit (to varying degrees) in the violence of the past. This is never a comfortable thought. It will also reveal that the past is made up of multiple and contradictory truths. One unified narrative, or version of the past, can never be uncovered. The past will remain a contested debate.

Post the Good Friday Agreement in Northern Ireland it is clear that a broad level of consensus on the need to uncover the past is not forthcoming. It would probably also be a mistake to use the structure of the South African model of the Truth and Reconciliation Commission as a starting point for dealing with past. The South African model grew from a specific context. Therefore at the outset, it is postulated that the debate should not be whether Northern Ireland should have a South African style truth commission or not, but rather, what strategy (or strategies) Northern Ireland should be considering for dealing with the past. This book draws on experiences from South Africa and Guatemala because they provide for fruitful comparison. However, at the same time this book does not advocate that Northern Ireland should be dependent upon these cases for comparative study. There have been some twenty truth commissions across the globe.<sup>7</sup>

Moreover, strategies for uncovering the past can take on many shapes and forms. These can include formal truth commissions or commissions of inquiry such as the 'Bloody Sunday Inquiry'. Strategies for dealing with the past can also include the

documentation of victims' stories in the form of books, archives, poetry, writing, theatre and song, as well as more structured truth telling processes, ranging from counselling to commemoration through monuments and rituals.

Remembering the past in any of these ways is an arduous and painful task. Arguably, strategies for remembering, whether formal government strategies or work undertaken by communities, can provide an institutional frame in which the past can be dealt with. Thus any strategy (or frame) for dealing with the past will have to grow out of the context of Northern Ireland, be broadly acceptable, timely and accountable to its people. This book is about furthering the quest for an acceptable and appropriate frame for dealing with the past in Northern Ireland. To this end the authors of the chapters in this book were asked to consider two pertinent questions, namely, *should we remember?* And if so, *how should we remember?*

The South African section draws on a paper written by Mary Burton, one of the South African Truth Commissioners. She outlines the process that led up to the establishment of the TRC and how it functioned over the two years of its existence. She points to the strengths and weaknesses of the Commission. Specifically she highlights the TRC's value in breaking the silences of the past and creating a vivid and unforgettable record of the atrocities committed under apartheid. She argues that giving public testimony has been healing for survivors. She writes in her chapter, 'The right to be heard and acknowledged, with respect and empathy, did contribute to a process of healing in many cases'.

The TRC's quest for truth is emphasised. She concludes that the TRC has contributed to a greater exposure of the truth and that some answers have been provided to the survivors about who was responsible and why certain atrocities happened. These detailed accounts have built a historical record that will contribute to the prevention of similar atrocities in the future.

At the same time, Mary Burton acknowledges the real difficulties of attempting to come to terms with the past. In South Africa the revealing of the truth and the reopening of wounds is emotional and extremely painful. Some survivors still remain angry about amnesty for perpetrators, and some perpetrators (and benefactors of the system) still deny their responsibility. She concludes that a great deal remains to be done despite the fact that the TRC completed its 3,500 page report (the amnesty process continues well into 1999) in October 1998. Reconciliation is still in its infancy in South Africa. Nonetheless, based on Mary Burton's chapter, it could be inferred that any society coming out of violence *should remember*. This is both a rewarding and difficult task, but a necessary first step.

From a Guatemalan perspective, Roberto Cabrera also advocates that countries should undertake processes to remember when trying to come to terms with a violent history. He draws on his experience of working on the Recovery of the Historic Memory (REMHI) project. REMHI was established in light of what, he feels, are the weaknesses of the official truth commission in Guatemala.

The Guatemalan Final Peace Accord of December 1996 ended a 36-year civil war between the government and the *Unidad Revolucionaria Nacional Guatemalteca* (URNG or the Guatemalan National Revolutionary Unity). Under the accords an official truth commission agreement was signed in June 1994. In August 1997 the Commission for Historical Clarification of the Violations of Human Rights and Acts of Violence which have Caused Suffering to the Guatemalan Population or simply the Commission for Historical Clarification (CEH) began. Its mandate was to clarify 'human rights violations and acts of violence linked to the period of armed conflict'. The CEH has been criticised for its short period of operation (six months to a year to investigate a 36 year period), its lack of legal powers like search, seizure and subpoena, and its inability to 'individualise responsibility' or have its information used in prosecutions.

REMHI began its work in 1995 and is separate from the official CEH. REMHI was designed to reinforce the CEH through collecting statements at a grass-roots level. Richard Wilson has noted the importance of REMHI:

While augmenting the likely impact of the Commission (CEH), the REMHI project will also serve to highlight its many shortcomings, and to help fulfil some of its neglected functions. Uniquely, the REMHI report will name both perpetrators and victims on both sides of the political divide. In addition, the project is working for a longer period than the CEH, and more closely with local communities.<sup>8</sup>

The REMHI Report entitled *Guatemala: Nunca Mas* (Never Again) was made public in April 1998. It documents details of 55,021 individual cases, nearly half of which were murders. In his chapter in this book, Roberto Cabrera reflects on his experience of working on the project and the lessons of this grass-roots truth recovery process. He makes it clear that in the wake of extensive political violence, the answer to the question *should we remember* is an easy *yes*. From the perspective of victims it is pointless to even debate whether they would remember or not, because given their trauma they simply cannot forget.

The strength of Roberto Cabrera's chapter is that it stresses the importance of grass-roots and civil society initiatives in the truth recovery process. It shows how, despite the agreements at a national level, grass-roots initiatives can do a great deal in picking up the pieces of the past, uncovering hidden stories and dealing with the scars left by violence. REMHI, and Roberto Cabrera's chapter, teaches us that recovering the truth is not only the prerogative of the government. Truth recovery should be owned and undertaken by individuals and community groups.

Marie Smyth argues a similar point to Roberto Cabrera in her piece on Northern Ireland, namely, that those most traumatised by the Troubles have no choice about remembering - the memories come back to them constantly in the form of nightmares, on the anniversaries of the death of their loved ones, and sometimes by simply passing the street where an incident occurred. Like it or not, victims and society as a whole have to remember. She feels that the process of coming to terms with the past can only be eased if the remembering process is democratised, i.e. if the entire society shares in the process of remembering.

She also makes a powerful argument that it is misleading to suggest that everyone in Northern Ireland is a victim in the same way. She bases this argument on empirical data of where incidents took place, who perpetrated them and who was killed in Northern Ireland. She clearly shows that some areas and groups were affected more severely than others, and she advocates that this imbalance of suffering needs to be understood if resources are to be appropriately distributed.

The difficult issue of responsibility for the perpetration of political violence in Northern Ireland is raised in the chapter. She states clearly that in Northern Ireland all people have to take some responsibility for the Troubles. Responsibility needs to be taken not only for direct actions, but also for silence and covert support. She does, however, acknowledge that the people of Northern Ireland are not all perpetrators in the same way - the spectrum is broad.

The responsibility debate raised by Marie Smyth hinges on the degree to which we feel society or individuals are accountable for violence. Drawing lines along the continuum of responsibility is a perplexing task in societies in transition. Restorative justice theory teaches us that without the taking of responsibility for violence (no matter how small your personal role) restoration and reconciliation between the different parties is always under threat. Marie Smyth argues that the failure to acknowledge responsibility (and she advocates that the entire Northern Ireland society is responsible in varying degrees) threatens reconciliation in Northern Ireland. She writes in her chapter:

Until both responsibility and loss are claimed in a more equal measure, the peace process is lopsided, immature, unstable, and the process of reconciliation is impossible.

Thus, Marie Smyth's chapter begins to move the debate from the question *should we remember*, to the more complex question, *how should we remember?*

Sir Kenneth Bloomfield explores this issue briefly by focusing on the work of the Northern Ireland Commission for Victims, a Commission that he headed. On 19 November 1997 the Secretary of State, Dr Mo Mowlam, wrote to Sir Kenneth Bloomfield and asked him to head a Commission that, over the next six months, would:

Examine the feasibility of providing greater recognition for those who have become victims in the last thirty years as a consequence of events in Northern Ireland, recognising that those events have also had appalling repercussions for many people not living in Northern Ireland.<sup>9</sup>

To achieve this task Sir Kenneth Bloomfield was asked to consult various organisations concerned with the welfare of the bereaved and disabled, as well as with community groups, churches and political parties, and to make recommendations directly to the Secretary of State. He completed his report, *We Will Remember Them*, in April 1998. The Report includes a range of recommendations of how victims could be remembered and how services could be rendered to the most traumatised (*see Appendix Two*).

In his chapter Sir Kenneth Bloomfield re-emphasises the importance of action to redress the needs of victims, and to consider appropriate and acceptable memorial schemes, and for a review of the compensation scheme. He notes that his Commission, 'was not an investigatory body, a court of inquiry or a detective agency'. To this end, the Northern Ireland Victims Commission only made recommendations on how the needs of victims could be addressed and did not focus on uncovering new truths about the past. Importantly, in his report *We Will Remember Them*, he does not rule out the possibility of the establishment of a truth commission in Northern Ireland.

*We Will Remember Them*, however, has not been free from criticism. After the issuing of the report, and during its process, several victims groups were highly critical of the Commission. Sir Kenneth Bloomfield acknowledges this in his chapter and in the report. One criticism is that the report prioritises victims of paramilitary violence and does not pay sufficient attention to the victims of state violence.<sup>10</sup> This is said to be the result of the fact that the Commission was established through the state and that Sir Kenneth Bloomfield was himself compromised as he had headed the state Civil Service. The victims of state violence feel that the questions of truth and justice are missing from the report.

From this perspective, it is clear that for any truth recovery process in Northern Ireland to be acceptable it would have to include a focus on uncovering the full extent of the violations committed both by paramilitaries and the state. It would also have to grapple with the difficult question of the morality of violence. Whether such a difficult undertaking is possible at this point in Northern Ireland is questionable. After the completion of the *We Will Remember Them* report Sir Kenneth Bloomfield's Northern Ireland Victims Commission was replaced by the Victim Liaison Unit that was set up by the Northern Ireland Office to implement the recommendations in the Bloomfield report. The work of the Victim Liaison Unit is ongoing.<sup>11</sup>

The next chapter, *Remembering to Forget*, advocates that any strategy for dealing with the past (e.g. truth commission, commission of inquiry, etc.) has to deal with the complexities of violence and competing moralities of violence. It notes that there is a wide range of role players in political violence and that states are clearly not exempt from investigations into the truth. Individuals can have the dual role of being both a so-called victim and a perpetrator. The dimensions of victim-hood are also briefly explored in the final chapter. The point is made that those victimised during political turmoil can range from victims of gross violations (e.g. murder) to the so-called minor violations implicit in having to live in highly policed communities.

In a similar fashion to the argument made by Marie Smyth, it is noted in the chapter, *Remembering to Forget*, that in societies coming out of conflict the notion that everyone is equally victimised is absurd. Degrees of victimisation generally differ. Other

issues to consider when establishing any commission to investigate the past are also mentioned in the chapter, including the need for transparent and representative appointment processes to commissions, and the need to undertake extensive consultative and preparatory workshops before any truth recovery process is established.

In sum, the chapters of this book draw on the experience of a range of international contexts, and thus provide a detailed and rich starting point for exploring whether Northern Ireland should investigate its past. The authors make reference to several issues, perhaps presumptuous in the current context in Northern Ireland, about what needs to be considered if Northern Ireland and its people are to walk the difficult road of truth recovery.

The final chapter then considers the question, *should Northern Ireland have a truth commission?* Outstanding issues and questions that will still need to be explored in Northern Ireland with regard to dealing with the past are outlined in *Appendix One*.

## Notes

<sup>1</sup> John Darby, 'The Historical Background', in J. Darby (ed.), *Northern Ireland: The Background to the Conflict* (Belfast: Appletree Press & New York: Syracuse University Press, 1983), p. 13.

<sup>2</sup> *African National Congress: Statement to the Truth and Reconciliation Commission* (Marshalltown: ANC Department of Information and Publicity, August 1997), p.20.

<sup>3</sup> *Saturday Star*, 25 November 1995, p.2 cited in Brian Frost, *Struggling to Forgive: Nelson Mandela and South Africa's search for reconciliation* (Great Britain: Harper Collins Publishers), p.10.

<sup>4</sup> Cited in Grahame Hayes, 'We Suffer Our Memories: Thinking about the past, healing and reconciliation', *American Imago*, Volume 55, Number 1, Spring (1998), p. 48.

<sup>5</sup> Cited in Brian Frost, *Struggling to Forgive: Nelson Mandela and South Africa's search for reconciliation* (Great Britain: Harper Collins Publishers), p.23.

<sup>6</sup> Grahame Hayes, 'We Suffer Our Memories', p. 46.

<sup>7</sup> Priscilla Hayner, 'Fifteen Truth Commissions - 1974 to 1994: A Comparative Study', *Human Rights Quarterly*, 16 (1994), pp. 597-655.

<sup>8</sup> Richard Wilson, 'Violent Truths: The Politics of Memory on Guatemala', *Accord: An International Review of Peace Initiatives*, [http://www.c-r.org/cr/acc\\_guat/wilson.htm](http://www.c-r.org/cr/acc_guat/wilson.htm), p.4.

<sup>9</sup> Sir Kenneth Bloomfield, *We Will Remember Them: Report of the Northern Ireland Victims Commissioner* (Belfast: HMSO. The Stationery Office, April 1998), p. 8.

<sup>10</sup> The Pat Finucane Centre for Human Rights and Social Change, 'Submission to the Independent Commission into Policing', <http://www.serve.com/pfc/submiss1.html>. Also see the Press Statement from Relatives for Justice, 1 April 1998.

<sup>11</sup> On the 9<sup>th</sup> of November 1998, Billy Stevenson of the Victim Liaison Unit (VLU) stated that the VLU was still embarking on a consultation process on how best to implement the recommendations of the Bloomfield Report. He reported that by November 1998 the Victim Liaison Unit had set up a Memorial Fund, established a reference group to the minister of victims and an educational bursary scheme was in the pipeline. He said that a £5 million 'downpayment' had been allocated to the implementation of the Bloomfield report. By November 1998, £2.2 million had been allocated to six pilot schemes dealing with victims of violence. However, there still seems to be much distrust of the Unit. Concerns remain over its representativeness, transparency and over which constituency it is serving, i.e. whether it is still under-emphasising the plight of state victims. This information was gleaned from the report of Billy Stevenson of the Victim Liaison Unit and from the feedback from participants at the 'Victims Commission Seminar' hosted by the North-West Community Network, at St Columbs Park House, Derry/Londonderry, 9 November 1998.