



# THE TIES THAT BIND:

## Strengthening the links between memorialisation and transitional justice

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### Introduction

Memory is a significant aspect of both peace and conflict. Memory allows groups to share a sense of sameness over time and space thereby allowing groups to develop and sustain a common collective identity through both remembering and forgetting the past. Given that memory is significantly linked to the writing of history, lineage and group identity, memory is often contested and can be a source of conflict. Memory, as perpetuated through processes such as memorialisation seen in national monuments and commemorative celebrations can assist divided societies to re-write the narratives of the past; recognize and assist survivors of human rights violations through symbolic reparations to begin the process of healing; and assist the previously divided society in processes of reconciliation.

The increased recognition of memorialisation within the transitional justice field is exemplified by recommendations of various truth commission reports. The recommendations of the Chilean National Truth and Reconciliation Commission endorsed the idea of symbolic reparations in the form of memorials, sites of memory and other artistic/cultural endeavors. The Commission urged government officials "to invite the most representative social sectors to design projects that both have artistic value and are intended to help make social reparation." Similarly, the South African Truth and Reconciliation Commission (TRC) also suggested that the government support a series of symbolic reparations in order to "restore human and civil dignity" and allow survivors to come to terms with the past. The Guatemalan Commission recommended that the state and society commemorate the victims through commemorative days, the construction of public memorials at national, regional and municipal levels, and the renaming of public facilities in the names of victims.

In addition to state-level support for memorialisation, survivor groups have also initiated and participated in various memory projects such as the conceptualization and sustaining memorials and sites of memory, including former torture centers, recording names and details of those who died or were victimized during a conflict, and organizing events on key historical dates. The fact that survivors, states and truth commissions recognize the significance of memorialisation further highlights the positive potential of memorialisation within post-conflict societies. However, despite the growing popularity of memorials as a means to provide symbolic reparation, the efficacy of various types of memorialisation initiatives remains one of the least critically analyzed issues in the field of transitional justice.

The lack of empirical research around memorialisation as a process within transitional justice has resulted in ad-hoc, often uncoordinated and unmonitored memorialisation efforts that serve only the needs of specific groups, often rendering memorials political mechanisms of the state that are unable to achieve its full potential as a peacebuilding mechanism. Furthermore, symbolic reparation is perceived by many as a non-essential recommendation - a mechanism that diverts attention from what is perceived as more significant forms of reparation such as financial reparations or land restitution. It is within this context, that the following paper is presented.

### Methodology

The study is based on documentary and field research and discussions held at a working group hosted by CSVR. The working group brought together experts working in the fields of transitional justice; memory; and history. Participants included academics and practitioners from Rwanda, South Africa and United States and brought their experience from working in various international contexts.

The workshop aimed at discussing:

- the linkages between memorialisation and transitional justice
- assessing the utility of a memorialisation database developed by CSVR
- assessing evaluation methodologies for memorialisation sites.

The research focused on Argentina, Chile and South Africa as these were the case studies for the database development. A qualitative semi-structured interview schedule was used to discuss questions around memorialisation more generally, memorialisation initiatives that were undertaken in-country and evaluation needs. Detailed interviews were conducted with eight targeted government officials; survivors of gross human rights violations; and practitioners working within the field.

In addition to the above-mentioned research, the paper also aims to consolidate some of CSVR's research around memorialisation which included the feasibility study on the Constitution Hill project; the feasibility study on the Kliptown Heritage Precinct; research around symbolic reparations and intervention processes facilitated with survivors of gross human rights violations.



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### Findings

#### Memorialisation and Transitional Justice

Memorialisation processes and transitional justice processes can be implemented independently. While the linkages between these two processes have often been contested, the recommendations of truth commission reports are increasingly recognising the complementarities of both these processes and their positive contribution in post-conflict situations.

Participants in the workshop reflected that transitional justice has come to be dominated by legal and political discourses. It is seen as a process which seeks to put in place mechanisms during periods of transition to account for past injustices; foster peace and healing as well as prevent future injustices. The trend is to establish authoritative structures dealing with establishing facts through formal procedures. Memorialisation, on the other hand, can be viewed as a more nuanced process through which memory is perpetuated to facilitate processes of remembrance and recognition of victims and survivors of conflict.

Currently memorialisation is often categorized by the transitional justice paradigm as forming a subcomponent (symbolic reparations) within the area of reparations. The danger with this approach is symbolic reparations are often used or can be used by the state as a substitute for financial reparations or community rehabilitation when these are not addressed. Participants at the workshop argued that truth commission reports need to highlight specifically that no one form of reparation can substitute for another. These recommendations should also be formulated in their own terms with memorialisation being a category separate from other forms of financial compensation. They serve overlapping but fundamentally different purposes.

#### The role of memorialisation

Given a broader, multi-disciplinary approach of memorialisation, it is important to note that memorialisation has a variety of purposes and is able to address some of the intangible aspects of conflict related to issues of culture; dignity; human relationships and collective identities. In addressing some of these issues, memorialisation contributes more broadly to human development and the regeneration of human capital which are often destroyed during periods of conflict and oppression.

Further highlighted in the research findings was the fact that any memorialisation initiative can serve more than one purpose as well as focus on different types of violations related to the conflict.



Ntarama Church in Rwanda is a site that exposes the extent of the atrocities of the wandan genocide and serves as a reminder for future generations

According to respondents, the purposes of their own memorialisation initiatives included truth-telling; seeking justice; building a culture of democracy; commemorating a previously marginalized histories and heritage; and recognising victims and survivors of human rights violations. It is also significant to note that memorialisation can take a variety of forms, both permanent and temporary and may include the re-naming of public facilities; plaques; exhibitions; museums and monuments. The form of the initiative, however, depends largely on the context of the initiative.



The Sharpeville Human Rights Precinct in South Africa commemorates the victims of the 1960 Sharpeville Massacre while also seeking to inculcate a culture of respect for human rights

#### Consultation and stakeholders

While it is acknowledged that consultation can be as broad or narrow as determined by the initiators and sponsors of the project, it is necessary that consultation processes focus on community empowerment strategies that seek to contribute to the empowerment of the key stakeholders to whom the project is aimed.

While participants at the workshop acknowledge that consultation processes are fraught with difficulties, many argued that many current consultation processes undermine local capacities by using a top-down approach to 'rubber-stamp' pre-determined agendas. Such approaches result in a lack of local ownership of the initiative as well as potentially undermining peace building and reconciliation efforts. It is also significant to note that since many initiatives are government funded that they often become tools to further political agendas and consolidate the power of a ruling party. The consultation process and stakeholder segmentation become a means to fulfill this agenda, at the risk of further marginalizing already vulnerable groups.

While the politicization of memorialisation, in most instances, may be inevitable given the contexts within which they are found, it is necessary that the politicization of public memory be mediated by other initiatives that seek to provide a multiple, critical perspective of the past. This provides opportunities for groups such as survivors of human rights violations to provide additional, if not alternative perspectives to national narratives. It is significant to note here that in ensuring that community and grassroots projects are independent of political ideologies, it is necessary that civil society and donor agencies provide funding and support for such initiatives. However, here again, participants at the workshop argued that such agencies may also use the process to fulfill their own agendas.



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Participants further argued that the consultation process itself does little to manage the expectations that arise from such consultation processes. Communities emerging from conflict are often vulnerable with significant development needs; the processes raise expectations that are generally not met, further disillusioning stakeholders. Expectations therefore need to be clarified and managed as an ongoing process to prevent disillusionment and potential divisions within the community.

### Timing and Sequencing

While there is no precise formula for appropriate timing and sequencing of memorials, it is important to note that when the initiative is undertaken is a key factor in determining outcomes and impact. While the timing of memorialisation initiatives are related to the purpose of the initiative (immediate exposure of abuses or longer term goals of instilling a culture of human rights), it is significant to note that much also depends on the socio-political climate during and after the transition.

Memorialisation initiatives during specific moments of the transition process could have a key impact on either bring parties in conflict together or further alienate the groups from each other depending on their process and content. Issues of timing and sequencing are complex and more empirical knowledge needs to be generated in this area to generate best practice recommendations that could be included in truth commission recommendations.



The District 6 Museum in South Africa began as a community initiated project and has grown to become a significant marker representing some of the structural violence of Apartheid viewed through the lens of forced removals

### Living Memory

Even the best memorials can lose their significance. Given that most initiatives are built with an aim of ensuring permanence and spanning generations, memorialisation often run the risk of becoming irrelevant. To ensure that memorialisation becomes a tool that allows different generations to understand their own experiences in relation to the past as well as ensure a non-repetition of mistakes of the past, it is necessary that initiatives continually evolve to accommodate changes in its social, cultural and political milieu.

To ensure that memorials continue to evolve with different generations, whether it means transforming the meaning of divisive memorials, or ensuring that post-conflict memorials accommodate for identity shifts within the society, it is necessary that ongoing reflection and evaluation is undertaken. While this may imply physical changes to the memorial itself, it could also be undertaken through programming and outreach programmes that are more flexible in adapting to evolving societal needs.

### Evaluation

Evaluation is one key to ensuring relevance. The workshop highlighted that evaluation is significant as it allows practitioners to understand the complex changing needs of stakeholders as well as assess whether the initiative fulfills its purpose.

Given the significance of evaluation, many participants at the workshop argued that evaluation was necessary at various stages of the initiative, including the planning, development and operational phases. However, it was acknowledge that given the lack of resources in the field, this was often a major challenge.

Respondents in the research further highlighted both financial and human resource constraints as barriers to effective evaluation. While many facilities kept records of visitor's feedback and comments, many felt that the lack of analysis of this information and/or conducting more in-depth evaluations was not possible, given the time and financial constraints and lack of capacity. All respondents, however, agreed that evaluation was necessary and that such information could be used for a range of things including advocacy; recommendations for best practices; and to adapt or re-direct programme activities.

A key recommendation from the workshop was that funding agencies who fund memorialisation initiatives should allow time and financial resources for long-term evaluation and reflection to ensure that projects continue to remain relevant.



Villa Grimaldi in Chile aims to encourage reflection and dialogue about the past of human rights violations thereby seeking to prevent the non-repetition of such atrocities



## Highlights of Best Practices

It is clear that memorialisation is a complex process that has the potential to make a significant contribution to transitional justice processes. While the success or failure of initiatives is primarily contextual and can be affected by a variety of factors, the discussions outlined above, point to some best practice guidelines that can contribute to the success of memorialisation initiatives:

- Memorialisation should be highlighted as a separate category in its own right in truth commission reports so as to minimize the misinterpretation that memorialisation can substitute for other forms of financial compensation.
- The form of a memorialisation should be determined by the context and needs of the major stakeholders.
- Consultation processes should focus on community empowerment strategies that seek to assist in developing the community. Any new initiative should aim to enhance and support local capacities and initiatives by facilitating a process that results in a shared vision.
- To mediate often-politicized national narratives, independent funding agencies and civil society should support local initiatives that aim to provide multiple, critical narratives of the past.
- Expectations need to be clarified and managed during all phases of development of an initiative. This can be done through a communications strategy that covers the entire scope of the project.
- Timing and sequencing of memorialisation initiatives are significant in determining the success or the failure of an initiative.
- Memorialisation projects need to be flexible and adaptable in meeting the continually evolving social-political needs of its environment. Ongoing reflection and evaluation will ensure that memorials engage different generations thereby contributing to learning from the past and non-repetition of mistakes.
- Funding agencies should provide resources for long-term programme and project evaluation, which can be used to re-direct programmes; advocacy; and policy and practice recommendations.

The need for further research not just regarding specific memorials, but in relation to the role of memorialisation in transitional justice, is clearly highlighted by this study. More research with a focus on memorialisation and transitional justice needs to be conducted to develop strategies that aim at better integrating both these processes. More knowledge needs to be generated around issues of timing and sequencing to develop best practices in this area as issues of timing and sequencing of memorial projects are intrinsically related to reconciliation processes.



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