



Interview with Priscilla Hayner, Co-founder of the International Center for Transitional Justice

The following is an edited transcript of a phone interview with Priscilla Hayner, conducted by Laura Taylor on Nov. 13, 2007.¹ Due to the fires affecting the San Diego region and the subsequent closure of the University of San Diego the week of Oct. 21, 2007, the Distinguished Lecture Series event planned for Oct. 23 was officially cancelled. The three distinguished panelists – Priscilla Hayner, Joyce Neu and Lt. Gen. Joseph Olorunbun Owonibi – instead gave their presentations during a private session of the Women PeaceMakers Summit held at the Hacienda Hotel in Old Town, San Diego. The summit report, part of the 5th anniversary publication of the Women PeaceMakers Program, will be published in the coming weeks on the IPJ Web site: <http://peace.sandiego.edu/reports/ConferenceReports/IsPeacePossibleSummit.html>.²

LT: As part of the Women PeaceMakers Summit, “Is Peace Possible? A Summit of Peacemakers on Today’s Frontlines,” you had the opportunity to hear some of the women’s specific stories from the frontlines, of how they continue to face violence, their efforts to cross conflict lines and re-humanize the other, and their continued work to reform institutions and rebuild their societies. Of the stories that you heard over those two days, was there anything that you might bring back with you to your work in Geneva or your current research on the intersection of peace and justice? Are there any experiences they shared that might support some of the findings in your research?

PH: I was struck first by how broad the work extends when one is looking at building a peace process, that it’s important not to focus too narrowly on the formalized peace process and the peace negotiations. The process begins long before and ends long after, but it also takes place on many different levels and with many different actors. It was very good and enriching to hear from the participants at the summit about the many different ways they’ve approached the task of peacemaking within their own contexts. These include the accounts around how they would reach out to provide information to local commanders of the security forces, who then became both appreciative and I think dependent on turning to these independent organizations for their own sources of information for what was happening on the ground; how they are thinking beyond traditional civil society modes of engagement, and, as one person described, they are willing to join an official commission in order to provide an independent voice in such a process; and how they

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² The following interview was transcribed and edited by Emiko Noma, editor at the IPJ.

then negotiate the political shoals of that process and find ways to have input in a way that could bring along people who come from very different perspectives.

I think the ingenuity and the tactics that have been used or strategies that have been considered by the various women who attended were very useful to me in recognizing the different levels at which this work takes place. Sometimes one won't see that from the outside, or one won't see the historical involvement that organizations have had; it's quite important to recognize the many efforts that have often been underway already.

LT: As part of the summit, you also had the opportunity to lend your expertise to the women gathered. What other advice might you offer to those like them on the frontlines, who are pursuing transitional justice with the goal of fostering a lasting peace?

PH: I think one thing that's become clear in looking at peace processes – including getting to the peace table, negotiating a peace agreement and implementing a peace agreement, if a formalized peace process – is that sometimes the parties or mediators don't always have the information at hand that they need. This could be information about the local context, because it's possible that these people are not still actively in touch with what's happening on the ground for whatever reason. Or it could be specific, more technical expertise pertaining to some of the issues being negotiated. I think that there is a very important role for independent actors, across the board, to bring this information to the table.

Sometimes these actors will play a formal role by being a participant in the talks, or serve as formal advisors to the parties or to the mediator. But more often the role in these kinds of formalized mediating situations is less formal, providing information through other routes – which isn't to say it can't still be very effective and important in shaping the outcome and the views of the participants. One thing I would certainly suggest is to seek out those opportunities – which I think many at the summit already naturally do – to provide input and expertise, not just in the form of lobbying on certain issues, but also providing information about policy options and why certain policy options are preferred in that particular context. Making it easier for the parties and the mediators to have access to such information can be very useful.

LT: In your 2001 book, *Unspeakable Truths*, you wrote that nongovernmental organizations (NGOs) specifically are an “essential ingredient” to a truth process.³ Also, in 2004, Javier Ciurlizza, the executive secretary of the Peru Truth and Reconciliation Commission, stated, “The relationship between Truth Commissions and Civil Society determines the success or failure of the process.”⁴ Building off what you were just saying in terms of civil society providing information, are there, in your experience, specific case studies or countries in which NGOs' or civil society's strategic leverage affected a truth commission process or peace process?

³ Hayner, P. (2001). *Unspeakable Truths: Confronting State Terror and Atrocity*. London: Routledge.

⁴ International Center for Transitional Justice. (2004). *Truth Commissions and NGOs: The Essential Relationship*. Retrieved from <http://www.ictj.org/images/content/1/0/106.pdf>.

PH: There are certainly many examples both pertaining to truth commissions and pertaining to peace negotiations. I think the role of NGOs in relation to truth commissions is perhaps better known, so I'll focus instead on the role during peace negotiations. In the course of my research, I heard fascinating stories from civil society members who were present for both the Liberian and Sierra Leonean peace negotiations which took place over the last decade. In Sierra Leone, the NGO representatives were invited to the table essentially by the international community who offered funding for them to travel to Lome [Togo] for the talks. But there was an explicit agreement in advance that the NGO representatives were not delegates, but observers to the talks. As observers, within the formal meetings of the peace talks, they were not to participate in discussions. But they were able to attend most of those sub-committee and plenary meetings. It became clear within a short period of time, however, that the role of these NGO participants was going to be much more substantial and much more useful to the talks than people had envisioned in advance.

They provided three important contributions to the process. First, they provided specific information about options and policy proposals which other people didn't have at hand. Second, they were able to provide a balancing force to the government and the rebel negotiators. So, as a third party essentially – although not officially a party to the talks, but as a third force in the room – they were able to agree or sometimes disagree with the positions put forward by either side in a way that was quite useful. When the RUF [Revolutionary United Front] rebel group was pushing for free education in the schools, they voiced their support. On other things, they challenged the RUF, and even challenged them to change a position or to stop blocking tactics which put the talks at risk. Because the RUF accepted them as impartial participants and not there for their own political interests, they were able to have more influence. Thus, the NGOs played quite an important role in helping to keep the talks moving forward.

Third, it was important in the Sierra Leone context to have an independent voice as part of the process. They could cite the extensive consultations that had occurred in the capital around the terms of the accord; they were in touch with their own organizations at home; they were able to bring those voices to the table and push for the interests they were representing: the popular view or the human rights community or the women's community or the interfaith community or whatever it might be. That was very important to balance the perspectives that were purely from the government's side or the armed opposition's side.

LT: While I was a master's student in peace and justice here at the University of San Diego, one of the books we read was your *Unspeakable Truths*. In your conclusion in that book you distinguish between truth as a process, as a product and what the impact of that truth is. Looking at truth through those lenses in the wake of these extreme and egregious crimes, there are a number of actors who are both directly and indirectly affected by a truth commission's work: victims, survivors, perpetrators, the dual victim-perpetrators, bystanders, the public. In your research and on-the-ground work, what specific country examples really highlight effective management and consideration or inclusion of those multiple voices and perspectives? How do you include all of those actors when you're looking at a truth commission as a process or a product or the impact?

PH: It requires two things primarily. One is access, and two is planning. Obviously access is key: You can have a process that's behind closed doors and there's just no way to get in, literally or

figuratively. You can have peace negotiations that take place somewhere else and nobody else is invited and you can't get there unless you're officially at the table. Or you can have a truth commission that doesn't welcome or seek input from the outside. Thus, access – in a reasonable and appropriate way for the context, in a respectful way that brings people in from a variety of perspectives fairly – is key.

The second thing equally is planning. I'm surprised how often processes, including truth commissions, will be quite dependent on the follow-up. When the commission is no longer in existence, it is dependent on the involvement and initiative of independent actors, usually civil society. But those in the commission haven't taken the time to build up to that process to get the ownership by those independent actors separately, to give them a voice in helping to craft the recommendations and to prepare them to carry those forward afterward.

For example, sometimes a report will come out from a truth commission and the commission is exhausted, the commissioners go their own ways, staff go their own ways – and there are perhaps just not enough, if any, independent, civil society actors to take ownership of the report and carry it forward. That takes planning. It takes not only a political commitment – most commissions are not opposed to it and in fact welcome and assume it will happen – but they may not take enough time to invest and set that up. It may take working with donors to ensure their support for independent initiatives after the truth commission. I have seen all too often that that piece has been missing and, therefore, the impact of the commission is significantly limited. And the process and the product – in terms of hearings and the report – could also be limited by not seeking appropriate and proactive ways to include, as you say, all the different voices as part of the process.

LT: You mentioned the responsibility to implement the recommendations of a truth commission frequently falls to civil society. What are strategies civil society can employ to foster political commitment or advocate for donor support?

PH: I'm not sure it would be different from what you find in other areas of advocacy that civil society organizations take on. This may well take place in a context where the political will or commitment is minimal, or there's a strong claim by the government or even by donors that the resources aren't there and other things are more urgent – and then the recommendations of the truth commission's report can languish. I think the strategies that these organizations are accustomed to in other contexts certainly will come to the fore: organizing its public outreach, informing people, reaching out to governments and parliaments. There are cases where NGOs have helped to draft legislation because the government said they just didn't have someone available to draft legislation. So, NGOs have actually drafted omnibus bills to incorporate a commission's recommendations. Working with the United Nations, where there's a U.N. presence in the country, those kinds of things can all come into play. You shouldn't assume the political commitment will be there if there isn't a push and a sense of prioritization from outside the government.

LT: In your distinguished lecture, you mentioned that transitional justice is a developing field, but that it is a field, and that's been demonstrated by the development of academic courses or programs and the emergence of positions and institutions that are dedicated specifically to helping societies rebuild following mass atrocity. In your time in this developing yet established field, what are some of the central debates that practitioners and

scholars are tackling? What are some of the key changes or shifts that you've seen, both in the practice and the study of transitional justice, over the last decade?

PH: Well, I don't think a decade ago people would have thought there was a field of transitional justice. It's only been five or six years that people have started to think of this as a field. I remember a few years ago someone told me they were doing a master's with a focus on transitional justice, and I was a bit taken aback because it was the first time I had heard that. Shortly after that I met staff in field offices of the United Nations who had on their business cards "Transitional Justice Advisor." And suddenly I realized this was a field and people were using this globally to mean basically the same thing – obviously with differences in different contexts, but there was an understanding that this was a new area of work that we hadn't seen before.

It could be viewed as a cousin or subset of the broader field of human rights, although focused more on, in most contexts, working closely with local actors to think through lessons learned from other contexts, and how policies need to be changed or put in place to build better institutions and confront past abuses. This is a different approach than the traditional human rights field, with its classic forms of human rights monitoring and advocacy, which typically involve research, reporting and then advocating to end current human rights abuses and violations. It is a different mode of involvement.

There is still an expansion and a deepening of the field of transitional justice. People are now raising questions around economic issues pertaining to transitional justice and development. The topic of peace and transitional justice is now getting, and deserves, more attention: trying to confront the difficult issues that emerge when one is trying to balance the imperatives of peace and accountability. There's more work going on in the field of memory and memorials and how one grapples with that, which is a field separate from the law and from political science, although it could pertain there. There continues to be good work in the field of healing and trauma, obviously learning from related fields and applying that to how one considers these issues when there are large numbers of people who are affected by violence. I think we see now a continued effort to deepen our expertise or sophistication in approaching these issues, while recognizing that the field is still broadening a bit – we hope in a quite healthy way – as more disciplines are brought to it and new kinds of issues are confronted.

LT: As one of the three founders of the International Center for Transitional Justice (ICTJ), during your time there you've held a number of positions and led numerous initiatives. You've been the director of the Research Unit, the Policymakers Program, head of the Liberia Program and now the director of the Geneva office and the Peace and Justice Program. How did your recent focus on peace and justice emerge? Did it have roots in the other work, and what will be the goal of what seems to be a new unit?

PH: Yes, it is very much a new unit. The focus emerges out of an increasing interest I, and we institutionally, have had in these issues. They've come to the fore so clearly in places where we're working, be it Sudan, northern Uganda, West Africa, Aceh, Colombia. I had a chance last year to take a research sabbatical for four months to do on-the-ground research, looking especially at Liberia and Sierra Leone. I found a fascinating array of lessons emerging from those experiences that could be useful in other contexts, but particularly the fact that the experiences of what

happened during the formal peace processes hadn't been well documented in any sense. I was keen to learn from those and other contexts as well. I returned to the ICTJ and proposed that we take this on much more seriously, because I was also getting a clear sense from those within the mediation community that they didn't really have this information at hand. There were few opportunities or clear routes to obtain that information, so there was a need to provide technical assistance to persons interested in understanding justice options.

Having said that, the current goals of the peace and justice program do include undertaking more research as a program and documenting cases to date, as well as providing technical assistance to the mediation community and to those involved in peace talks where that kind of input is useful, and generally responding to requests from those working in those areas. We also continue to work with the Peacebuilding Commission at the United Nations and provide input on transitional justice initiatives there.

LT: Switching to another thematic focus, oftentimes the consideration of violence against women during times of conflict can be reduced to sexual violence. On the ICTJ Web site there are seven approaches to transitional justice, including reparations, reconciliation, truth-seeking – gender is listed as a distinct approach. Could you speak a little bit about how the ICTJ Gender Program works in conjunction with these other approaches or programs or, for example, within a country? Are there any examples of how that gender perspective has perhaps been integrated into the technical assistance or creation of a mandate, or are there any best practices that you've seen in terms of a positive incorporation of gender across the other approaches to transitional justice?

PH: One place that leaps to mind is in Liberia. As sometimes takes place, the human rights community and the women's rights community sit in slightly different places, or sit slightly apart. The classic work around the truth commission and other aspects, such as security sector reform, that we're strongly involved in in Liberia, has been led more by the human rights community, or, in the case of security sector reform, by some NGOs who are oriented specifically around those issues. There's been a separate and very important initiative, headed up in part by one of my colleagues, to reach out equally to the women's rights community to make sure that they are actively engaged in the various transitional justice processes, which has been very, very useful. There's recently been funding committed from one of the donors to provide specific training to women in advance of them providing statements or testimony to the truth commission, for example, and support to them after the fact. It also provides training for some of the women's organizations, to get them fully engaged in the processes.

That is exemplary in how we cut across our truth-seeking thematic, our security sector reform thematic, our regional programs. But, as in other areas, it's also quite useful to have someone who is proactively thinking about whether we are including this perspective and this community in the work: Are we missing voices because we're not reaching out to certain groups or certain individuals? Are they not having the opportunity to take part, for example, if they're not directly connected with the human rights community in a strong enough way? Liberia is one specific example where it's been useful to have a self-conscious reflection on the role that women's organizations play in the programming that we're taking on.

In my research on the Liberian peace process context, I found that the role women's organizations played was absolutely critical. They organized themselves to reach out to a local Liberian refugee camp outside of Accra, Ghana. They brought in by bus over 100 women every day to sit in the hotel or in the entrance ways of the hotel to lobby and advocate to delegates as they engaged in the peace process. They made a very strong impact in pushing for the end of the violence in Liberia as quickly as possible; they kept the urgency on the table and central in the talks, and prevented anyone from feeling like the war was far away. This was organized by a coalition of women's organizations. In some cases, they brought in relatives of some of the delegates or rebel leaders who had a particular influence on the activities. For example, the mother of one rebel leader was brought in to lobby her son to come to his senses.

LT: Thank you. To conclude on a few personal questions: When did you first become aware of these concepts of transitional justice or concerns of peace and justice? Were there any influential role models or mentors who inspired you to pursue and continue down this career path?

PH: That's a good question. I first did work on truth commissions in the spring of 1992. It seems like just yesterday when I was doing a master's degree and I wrote a paper for a class that was taught by Michael Posner, who is the head of the Lawyers Committee for Human Rights – now it's called Human Rights First. My paper was on six or seven truth commission examples, although they weren't really called truth commissions then. I was interested especially in the truth commission that was about to start in El Salvador, and so I looked at others and pulled out examples. I remember his careful reading of that paper and his responses to it – you know how some of those key moments can really prompt you to think much more about something? It got me more interested in thinking about the other angles that I hadn't looked at. Then that summer I did an internship at the El Salvador truth commission. I came back to finish my master's at Columbia and spent part of my time doing an independent study, where I wrote a paper on 13 truth commissions. After I graduated, I updated it to 15 truth commissions and that's what I published in the *Human Rights Quarterly* in 1994, which eventually led to a book.

Along the way, sometimes encouragement happens in unplanned or unexpected conversation, where it's not necessarily that you are recognizing that you need to reach out and ask for advice, but people somehow recognize that that advice is what you need. I think it's important to listen to those voices when they come your way. I remember a woman named Margaret Crahan, who's a professor at Hunter College now. She read my original paper that I wrote as an independent study, and she said, "You have to publish this." It would not have occurred to me to publish it – it was over and I was graduating. And she said, "No, you have to update this and publish it." When she saw me a couple of months later, she said, "Have you worked on that paper?" I had only given it to a couple of people to read, so I could have easily put it away and moved on.

I've recognized how important that kind of input can be, even if it's just encouragement and recognizing opportunities. When I have the chance now, I try to provide that and say, "Hey, you really should do this." I think we all need to hear that from others, and some of those opportunities will be able to be taken up.

The person I did the independent study with was Alejandro Garro at Columbia Law School, who was always very good. George Lopez, who teaches at the Joan B. Kroc Institute for International Peace Studies at the University of Notre Dame, was my college advisor and I stayed in touch with him. He's often been very supportive, and on a fairly continual basis has encouraged me to apply for a grant to write a book and has given me good advice at critical turning points. Those voices often stand out in retrospect. It's important to hear them and be open to them, and then think about how you can do something that someone is suggesting.

LT: That leads perfectly into the next question, which is, as an institution here at the University of San Diego, we are collectively dedicated to fostering peace, and, as you know, we have a new School of Peace Studies. In addition to having professors or mentors who seed those types of initiatives and provide a voice of encouragement to the students, do you have any pieces of advice or guidance? Reflecting on your work or looking ahead to what you envision for this field of transitional justice and peace with justice, are there other things that an academic institution might pursue? Do you have advice you might impart to students here at the university who are interested in making some kind of contribution to your field?

PH: The main thing I would say is don't assume the questions have been asked, and don't be afraid to ask the questions if they haven't been asked. There are lots of them out there that haven't been looked at closely enough. I think we all assume – at least I have certainly, when I've gotten into areas of research – this has been done. But then you get into it and realize, why hasn't this been done? There are lots of questions like that. If it's a question of research and documenting experiences, or thinking politically or on a policy level, it's important to approach those in a way that is sincerely neutral – but at the same time with a strategic interest. We're not doing this work because we don't care about anything. But we have to do the work in a way that's completely honest and isn't entering it in a bias way. Obviously that's only fair.

I think the second thing is for students to have the opportunity to spend significant time overseas, even if it's a number of months. Especially to do inquiry and research in that context is extremely valuable and something that will raise up information that you won't get from afar. And that's to be strongly pursued and encouraged whenever possible. In terms of the institution as a whole, maybe it's identifying those numbers – a handful or whatever it might be – of students each year who are in a position to spend three months undertaking inquiry somewhere, and have them set off with questions in mind and talk to people. I feel like that part of the work isn't done enough.

When I was doing it as this sort of lone ranger, independent, unaffiliated researcher – though I had a MacArthur grant and then a U.S. Institute of Peace grant later – I wasn't running into many people who were doing the same thing. Much of the research is done in an academic context or within constraints, especially if it's done through a doctoral program which has fairly high demands, which at the end of the day also provides limitations to what kind of research can be done – it requires obviously intense preparatory work and in-depth knowledge. I think sometimes comparative work and inquiry, based on speaking with people who are undertaking processes with a fundamental curiosity at heart, can bring up a lot of very interesting lessons.

It's dangerous I suppose because there are a lot of advantages to having academic oversight and formality that's provided with that, but I think we should also find ways to provide spaces for people to go out, with the quest of curiosity and the quest of knowledge, to talk to people and ask questions, and try to make sense of that and then write it down. I think you'd find fascinating, fascinating things. That's just one idea.

LT: Thank you. Our final question: A previous distinguished lecturer, Hanan Ashrawi, in her interview said, it is essential “to be daring in the pursuit of truth.”⁵ In your situation, when facing the harsh reality of the gravest human rights violations, really confronting the brutality that humankind is capable of, how do you personally dare to continue to pursue the truth? What are your sources of personal motivation? What keeps you rooted or focused or inspired?

PH: The people. The people who are really doing this. When I travel to any of these countries where they've come out of brutal conflict and human rights abuses and all kinds of things, I come away thinking, I'm not the one doing the work really. It's these people who are on the frontline, who keep up the energy and the activism and the insight and the local investment in a way that none of us can who come in occasionally and work in comfortable environments elsewhere. In most cases, the people who you think must have gone through the worst and are in not very easy working conditions, keep up the sense of humor and keep a perspective which makes you realize we have a lot to learn from them. We need to keep our priorities straight, and I think having a chance to meet those people, understand how much they have gone through and yet continue to fight for what they want to see done, is the main thing that is constantly reinvigorating – and I think keeps us all humble in the best sense of that word.

⁵ Ashrawi, H. (2004). *Concept, Context and Process in Peacemaking: The Palestinian-Israeli Experience*. Joan B. Kroc Distinguished Lecture Series. Joan B. Kroc Institute for Peace & Justice. University of San Diego. Retrieved from <http://peace.sandiego.edu/programs/lectures.html>.