

The Uses of the Historical Method
in Conflicted Societies:
Understanding Historical Clarification Commissions

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I confirm that the word count of this thesis is less than 100,000

A l' àvia,

*qui em va ensenyar que, amb esforç, constància i dedicació, puc aconseguir tot el
que em proposi.*

To my Nanna,

who taught me that, with effort, perseverance and dedication, I could achieve anything.

Table of Contents

Table of Figures.....	9
Note on Access to Contents.....	11
Acknowledgments	13
Abstract.....	15
List of Acronyms	17
Chapter 1.- Introduction.....	19
1.4.- Overview of the Argument	24
1.5.- Thesis Outlined.....	25
Chapter 2: A Hermeneutical Approach to the Research	29
2.1.- Introduction.....	29
2.2.- General Overview of Hermeneutics.....	30
2.3.- Process of Interpretation.....	31
2.3.1.- Object of interpretation: the text	32
2.3.2.- Subject: the interpreter	33
2.3.3.- Achieving an Objective Understanding.....	35
2.4.- Applied Hermeneutics	36
2.5.- Research Design	42
2.5.1.- Database.....	42
2.5.2.- Illustrative Case Study: Historical Memory Group in Colombia	45
2.6.- Data Collection	47
2.6.1.- Document analysis	47
2.6.2.- Semi-Structured Interviews.....	51
2.6.2.1.-Considerations for Translation.....	53
2.7.- Data Analysis	54
2.7.1.- Content Analysis.....	54
2.7.2.- Interpretative Phenomenology Analysis.....	55
2.7.3.- Interview Analysis	56
2.8.- Concluding Remarks.....	58
Chapter 3: History and the Politics of the Past	61
3.1.- Introduction.....	61
3.2.- History: The Past and The Present	61
3.2.1.- The Functions of History within Society	63

3.2.2.- History in the Political Realm	65
3.2.3.- Historical Clarification	66
3.3.- The Politics of the Past	68
3.3.1.- The Production of Historical Knowledge.....	72
3.3.2.- The State’s Influence on Historical Research	74
3.3.2.1.- The Practice of the Historian	75
3.3.2.1.1- Oral History: Testimonies as a Research Resource	77
3.3.2.1.2- Historiographic Revisionism	77
3.3.3. State’s Mechanisms to Address the Legacy of the Past	84
3.3.3.1.- History in the Courtroom.....	86
3.3.3.2.- History within Quasi-judicial Mechanisms	88
3.3.3.3.- Commissioned History	88
3.3.3.4.- Other Bodies of Inquiry.....	93
3.5.- Concluding Remarks	95
Chapter 4:Historical Dialogue as Theoretical Framework.....	97
4.1.- Introduction	97
4.2.- Historical Dialogue.....	98
4.2.1.- The Uses of History through Historical Dialogue	101
4.2.2.- Reconciliation through Historical Dialogue.....	105
4.2.3.- Historical Narratives in Historical Dialogue.....	110
4.3.- The Institutionalisation of Historical Dialogue	113
4.3.1.- A Normative and Discursive Approach to HCC	114
4.3.2.- What Defines a Successful Institution?	120
4.4.- Concluding remarks.....	122
Chapter 5: Mapping Historical Clarification Commissions	127
5.1.- Introduction	127
5.2.- Understanding Historical Clarification Commissions.....	128
5.2.1.- Historical Clarification Commissions’ Methods of Practice.....	128
5.3.- Mapping Historical Clarification Commissions.....	131
5.3.1.- Diplomatic Commissions.....	135
5.3.2.- Historical Commissions Established after Post-Authoritarian Regimes ..	140
5.3.2.1- Post-Nazism Commissions	141
5.3.2.2- Post-Soviet Commissions	146

5.3.3.- Historical Clarification Commissions in Conflicted Societies	150
5.3.4.- Redressing Historical Injustices	150
5.4.- Critical Evaluation: Challenges	156
5.5.- Concluding Remarks.....	165
Chapter 6: Illustrative Case Study:The Historical Memory Group	167
6.1.- Introduction.....	167
6.2.- Conflict Background	167
6.3.- Political Context	170
6.4.- Colombian State-Sponsored Commissioned History	177
6.5.- The Historical Memory Group.....	178
6.5.1.- Understanding the Historical Memory Group.....	179
6.5.2.- The Establishment of the Historical Memory Group	181
6.5.3.- Investigating an Ongoing Conflict	183
6.5.4.- Functions	185
6.5.5.- Historical Memory Group’s Methodological Strategy	187
6.5.5.1.- Historical Memory Group’s Objectives.....	187
6.5.5.2.- Historical Memory	188
6.5.5.3.- Emblematic Cases	189
6.5.5.4.- Emerging Narratives: An Integrating Strategy.....	192
6.5.6.- Assessing the Outcomes.....	194
6.5.6.1.- Communication Strategy.....	194
6.5.6.2.- Empowering Society	197
6.6.- Critical Evaluation.....	198
6.7.- What did Historical Clarification bring to Colombia?.....	201
6.8.- Concluding Remarks.....	204
Chapter 7: Discussion and Conclusions.....	209
7.1.-Introduction.....	209
7.2.- State-Sponsored Commissioned History in Conflicted Societies.....	209
7.2.1.- The Transitional Justice Framework	211
7.3.- Historical Clarification Commissions in Conflicted Societies	215
7.3.1.- The Suitability of the Historical Method.....	215
7.3.2.- Historical Narratives and Consensus.....	220
7.3.3.- Conducting Historical Research in Conflicted Societies.....	223

7.3.3.1- Archival sources.....	223
7.3.3.2.- Historical Memory: Oral Testimonies.....	226
7.4.- The Role of Historical Clarification Commissions.....	229
7.4.1- Acknowledgement as Symbolic Reparations	230
7.4.2.- Historical Dialogue through Historical Clarification Commissions.....	232
7.5.- Concluding Remarks	235
Appendices	243
Appendix 1: List of Participants.....	243
Appendix 2: Diplomatic Commissions.....	245
Appendix 3: Post-Nazism Commissions	248
Appendix 4: Post-Soviet Commissions.....	253
Appendix 5: (Post)Conflict Societies Commissions	257
Appendix 6: Commissions for Redressing Historical Injustices	261
Reference List	265

Table of Figures

Table 1: Seven Principles of Hermeneutic Circle	37
Table 2: Process of creation of the Database	44
Table 3: Rationale for Case Selection	46
Table 4: Document Sampling	49
Table 5: Mandate's Enabling and Limiting Capacities	117
Table 6: Historical Clarification Commissions Database	134
Table 7: The Institutionalisation of Historical Dialogue.....	214
Table 8: GMH's Approach to Historical-Memory.....	227

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Abstract

The doctoral research explores the role of the historical method as a fact-finding and clarification mechanism through the work of Historical Clarification Commissions (HCC) as state bodies of inquiry, in conflicted and divided societies. It aims to understand “why” historical methods of analysis are chosen; and “how” HCC operate: the organisational strategies, methods, and challenges that the commissions might encounter. Conflicted societies are often left rooted in a complex ground of competing narratives about what happened and who is to be held responsible for the crimes committed, transforming the past in a much-contested space. It is argued that the work of historians and the application of historical methods to address the legacy of the past can contribute to the process of transformation from a context of conflict and division to a more tolerant and peaceful one, through constructing historical narratives that integrate different interpretations and perspectives of the past.

The research builds from three pillars. First, is the conceptualisation of historical dialogue as a theoretical and methodological frame for HCC. Historical dialogue seeks to provide a specific methodology to address the immediate and structural causes of conflict through a “conversation” that integrates different perspectives and interpretations of the past. Second, the creation of a database (specifically for this study) that includes thirty-eight worldwide examples in which the historical method has been used as a fact-finding and clarification mechanism. Its analysis does not reflect on the content of the reports, nor the truthfulness of their findings, but rather on their organisational and methodological strategies. Third, is an in-depth analysis of the Historical Memory Group (GMH) in Colombia as an illustrative case study, seen as representative of how historical analysis may develop within a (post)conflict setting.

The study mainly contributes to the understanding of the strengths and limitations of using the historical method of analysis in conflicted and divided contexts, and the work of historical dialogue through state-sponsored commissioned history. The research provides a robust analysis of the organisational strategies, methods, and challenges of the work of HCC as state-sponsored bodies of inquiry.

List of Acronyms

AUC - *Autodefensas Unidas de Colombia*. United Self-Defenders of Colombia.

CHCV – *Comisión Histórica del Conflicto y sus Víctimas*. Historical Commission of the conflict and its Victims.

CNMH – *Centro Nacional de Memoria Histórica*. National Centre for Historical Memory.

FARC-EP – *Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo*. Revolutionary Armed Forces of Colombia – People’s Army.

ELN – *Ejército de Liberación Nacional*. National Liberation Army.

EPL– *Ejército de Liberación Popular*. Popular Liberation Army.

GMH – *Grupo de Memoria Histórica*. Historical Memory Group.

HCC – Historical Clarification Commission.

IPA – Interpretative Phenomenological Analysis.

IPN – Institute of National Remembrance.

NIOD – *Nederlands instituut voor oorlogsdocumentatie*. Netherlands Institute for War Documentation.

M-19 – *Movimiento 19 de Abril*. Movement 19th of April.

ROK – Republic of Korea.

SED – *Sozialistische Einheitspartei Deutschlands*. Socialist Unity Party of Germany.

USSR – Union of Soviet Socialist Republics.

Chapter 1.- Introduction

Societies emerging from conflict are often left anchored in a complex ground of competing narratives about the past, transforming it into a contested space. In these cases, in which the historical component has a significant role in the understanding of what happened during the time of conflict, the link between the past and the present might perpetuate social division. The engagement with specific historical accounts that deny or justify the past wrongs becomes the centre of accusatory narratives that may perpetuate violent confrontation, and threaten and disrupt peace building processes and negotiations. This research suggests that Historical Clarification Commissions (HCC) have the potential to counter accusatory accounts by providing a new narrative frame that (re)contextualise the past through a rigorous factual reconstruction.

The study is contextualised in the increasing recognition of the potential of the historical method of analysis as a tool for clarification of the past in settings where contested memories continue to perpetuate social division (Karn 2006, 2017; Pettai 2015; Barkan 2006; Jones, Ostberg and Randerad 2013). The work of historians and the application of historical methods to address the legacy of the past can contribute to constructing historical narratives that integrate and bridge different interpretations and perspectives of the past.

Against such a backcloth, this thesis explores the strengths and limitations of the work of HCC as state-sponsored bodies of inquiry in conflicted societies. The research question seeks to investigate: how HCC operate in each particular context; and why historical methods of analysis are chosen as a fact-finding and clarification mechanism. The main objective is to advance on the understanding of HCC to unveil its strengths and limitations in their operation in conflicted contexts.

As state-sponsored commissions, HCC are tasked to clarify the past through the application of specific methodologies to challenge 'long-held assumptions and paradigms about the violent past' (Pettai 2015b:239), and to produce an integrating historical narrative based on a rigorous, and critical analysis of the evidence available. The emerging historical discourses that are used by the state to legitimate its policies, to delegitimise previous regimes, to (de)construct foundational narratives, to clarify past events that are

still the cause of unrest or controversy in the present, to acknowledge past wrongs, and to foster recognition for those who suffered the consequences of them.

HCC operate under the theoretical and methodological paradigm of historical dialogue, which advocates for ‘collaboratively producing (...) historical narratives that provide reliable facts and analysis for public debate and discussion on contentious violent histories’, and it engages in the ‘use of different methodologies to counter nationalist myths and popular misconceptions’ acknowledging ‘the nation’s responsibility for various historical injustices’ (Barkan 2015a: 191). Barkan highlights the attributed reconciliatory capacities of historical dialogue, which enable the transformation of antagonistic group relations through a responsible investigation of the past that aims to demythologise ‘(...) old hatred when it is built on false history’ (Barkan 2015b:185). From his work, one can identify the perceived potential of historical dialogue as a means of reconciliation among previously antagonised groups (Barkan 2001; 2009; 2015a; 2015b; 2016). As it is further explored in Chapter 4, I focus on the capacity of historical dialogue to enable an integrating investigation that focuses on a rigorous and authoritative analysis of the evidence to produce a contextualised historical narrative. This allows me to narrow down the examination of the strengths and limitations of the work of HCC in (post)conflict¹, transitional or divided contexts through more tangible elements of analysis. Thus, HCC are seen as mechanisms with the potential to counter contested narratives through critical engagement with the past and the promotion of public debates and critical reflection.

The originality of the thesis lies in the composition of a comprehensive database that compiles different HCC experiences allowing for a detailed examination of the methodological advances for HCC operating in conflicted societies. It also falls in the explicit link between HCC and historical dialogue, which creates a theoretical framework and methodological approach for the work of future commissions. Thus, the study directly contributes to further understanding of historical clarification commissions, the strengths

¹ By using the term (post)conflict I refer to both conflict and post-conflict contexts. It is simply a linguistic “strategy” to signal that some of the commissions are (or can be) established in contexts of conflict (e.g. the Historical Memory Group (2007) in Colombia), and others in contexts that are considered post-conflict settings because they operate after a peace agreement has been signed. I use the bracket connection “(post)conflict” to avoid repeating: “conflict, post-conflict” throughout the text.

and limitations of using the historical method of analysis in conflicted contexts, and the work of historical dialogue through state-sponsored commissioned history.

Previous studies on historical commissions have focused on their work in particular contexts – i.e. Holocaust commissions (Karn 2006; 2015; 2017; 2018), and the Baltic Presidential commissions (Pettia 2007; 2011; 2013; 2014; 2015(a)(b); 2018). These analyse the relational paths between state-sponsored commissioned history and its role in areas such as: the politics of the past in transitional justice; conflict mediation; reconciliation in post-conflict settings; and the relation between history and memory. The research advances substantially the understanding of how HCC work as state-sponsored bodies of inquiry in general, and in conflicted societies in particular. The detailed examination of the process of institutionalisation of historical commissions provides a representation of how the social and political context, and its particular set of values, determine the design of HCC (functions and objectives), as well as their operational strategy (methodological approach and emerging narratives). The identification of these elements, and how they interact with the principles and methods of historical dialogue, offers a clear overview of how these may be modified and adapted to the institutional requirements of HCC as state-sponsored bodies of inquiry.

First, the research is first taking a comprehensive approach to the study through the compilation of a database that contains thirty-eight examples of historical commissions that have been established in different contexts since 1990 up to the present. Second, it focuses on an in-depth analysis of the Historical Memory Group (*Grupo de Memoria Histórica* – GMH) as an illustrative case study of how HCC may operate in a conflicted context.

The compilation of the database is the core element of the research, around which I have developed the rest of the thesis. The database takes a broad approach to the study analysing different cases from around the world in which historical commissions have been established to clarify the previously unknown, misrepresented, or contested past. This broad perspective allows me to understand how different social and political contexts determine the work of the commissions and the implication of this in the process of clarification and emerging historical narratives.

The archival material for the compilation of the database has been mainly on the commissions' foundational decrees and mandates. Although I have analysed the final reports to identify the different methodological strategies and narrative style, the database analysis does not reflect on the content of the reports, nor the truthfulness of their findings. Instead, its purpose is to become a tool to understand the organisational nature of HCC as bodies of enquiry, their work strategies, objectives and functions, methods and challenges, as well as to offer a general overview of the contexts in which they are established, identifying the political or social demands to which they are responding.

There were important conceptual challenges around the definition of historical commissions, and its methodological, and the commission's, investigative limits. Traditionally, HCC are defined as bodies of inquiry that interrogate events that are distant in time due to a lack of available life testimony of witnesses and victims (Pettai 2018). However, when discussing the potential role of HCC in (post)conflict, transitional and divided contexts it is implied that in some cases these commissions are established relatively close to the events in question. In these cases, testimonies of witnesses and victims are available to the researchers thereby altering the methodological approach of the more classical historical commissions. These methodological alterations refer to the process of testimony collection through interviews, written or oral submissions, and public hearings, characteristic of other bodies of inquiry. The main consequence of this is that those historical commissions that have been identified to operate in (post)conflict societies sometimes do not identify themselves as historical commissions.

Through analysis of the different historical commissions, I identified common features among the cases, which allowed to develop a more comprehensive understanding of the reach and limits of the conceptual definition of historical commissions. This helped to frame a broader description that would give more flexibility to explore a more significant range of cases that enriched the results of the research. The new definition broadens the horizons of the classical understanding of HCC taking a less rigid approach to methods of data collection.

The recognition of the HCC standard organisational and operational common features led me to think that there was a possibility of elaboration of a normative framework that would establish a set of standards to regulate future historical commissions. That was a

misleading idea. Throughout an in-depth analysis of the database cases (and, and with greater conviction after returning from the fieldwork in Colombia), I understood that the influence that the social and political context imprinted in the foundation and work of the commissions, does not allow the establishment of normative standards. For this reason, I decided to focus on how the social and political context determine and influence the decision-making around the establishment of HCC and their work. Thus, I analyse the process of institutionalisation of HCC as state-sponsored bodies to understand its implications, not only in the organisational design (functions and objectives) but also in the operational strategy (methodology and emerging narrative). The database provides a robust analysis of the organisational strategies, methods, and challenges of the work of HCC as state-sponsored bodies of inquiry.

The common features extracted from the database were contrasted through the in-depth study of the Historical Memory Group (GMH for its initials in Spanish) established in Colombia in 2007 as an illustrative case. Although there are other cases identified in the database that may be seen to clearly reflect the classic characteristics of a historical commission (e.g. cases in the Post-Nazism or Post-Soviet Commissions categories²), I have chosen the GMH on the basis of its illustrative role in the design and operation of a state-sponsored historical investigation taking place in a conflicted society.

The study of the GMH was divided in two parts. First, I conducted extended research on the previous experiences of state-sponsored commissioned history which have taken place from 1958 until the peace agreement in 2016. Undertaking a genealogical approach to the study of commissioned history in Colombia was necessary to understand the relationship between the state and the commissioned academics throughout the decades, to contextualise the analysis of the GMH and its relationship with the state. The second stage of the study consisted of traveling to Colombia to conduct my fieldwork. This gave me the opportunity to learn about the investigative strategies, challenges, strengths and limitations of the work of GMH, as well as to gain a wider perspective of what is involved when conducting historical research at different times within the same country, and how the social and political context had determined, conditioned or influenced it.

² Post-Nazism Commissions see Annex, page: 223; Post-Soviet Commissions see Annex, page: 227

1.4.- Overview of the Argument

The research set out to explore the strengths and limitations of historical method in conflicted societies through the work of HCC as state-sponsored bodies of inquiry. The thesis first examines the role and functions of history within society and the realm of politics, with particular attention to the role of the state in the production of historical knowledge. It then moves on to an in-depth analysis of different HCC cases compiled in the database. This comprehensive archive allows me to develop a thorough understanding of the organisational and operational strategies used in different contexts, as well as the close relationship that HCC have with their political and social environment.

The research found that HCC are highly influenced and conditioned by the social and political context in which they are established. Each social and political context will determine the commission's functions and objectives, or even if a historical clarification commission is the most suitable mechanism to address the legacies of the past. There are key aspects to take into consideration when analysing the operation of HCC within conflicted societies. How the conflict has been resolved? Is there a clear winner? Did the conflict end by an agreement between the two or more implicated parties? Is the conflict still ongoing? Did history play any role in it? Was the state involved in the conflict? If so, does society recognise and trust its institutions? Are the archives preserved? Is it safe to conduct this kind of investigation, and openly communicate the results? Is society mature enough to engage with the "truths" emerging from the commission?

The research reveals that the capacities of HCC vary substantially in relation to the social and political context in which these have been established. Through the process of institutionalisation, the sponsoring state influences the design and operation of HCC sometimes generating tensions with the principles and methods of historical dialogue. The study also shows that HCC could contribute to a change in the public's perception of the past through new historical frames and critical reflection about the common past. HCCs' transformative capacity refers to their potential to influence how society relates to the past through the production of integrating explanatory historical accounts based on accurate and contextualised facts that deviate from accusatory or contested narratives.

Finally, the research demonstrates that, as a response to the needs and demands of the conflicted contexts, HCC may experience methodological adaptations from the classic HCC approach to the inquiry. These are mainly represented by the use of oral or written

testimonies as a research resource. The accessibility to testimonies is usually due to the (relative) proximity of HCC to the inquired events, which, in itself, also represents a significant difference from the classic HCC. As explored in later chapters in this thesis, this proximity to the events allows HCC to use other methodological strategies that would not usually be common in the more classic approach of historical commissions. The study explores the use of historical memory as research method, by which the commission engages both history and memory in the process of investigation. Employing historical memory as research methodology, historical commissions use both the testimonies of victims and witnesses (memory) and archival material, as research sources.

As we will see in Chapter 7, the use of testimonies as a research resource in the work of historical commissions can potentially generate ethical tensions. Using memories as a research resource risks reducing the experiences of the testimonies to another piece of evidence subjective to validation or dismissal. Nevertheless, having access to oral or written testimonies has significant implications for HCCs' work in conflicted societies. On the one hand it allows access to information that could be otherwise inaccessible. On the other, the use of oral and written testimonies directly contributes to the transformative functions of HCC fostering acknowledgement and recognition of the experiences of those who were implicated in, or affected by, the conflict.

The overall argument of the thesis is built on the understanding that, as state-sponsored bodies of inquiry, HCC are intimately linked to their social and political context, which not only determines the design of the mandate (functions and objectives) but also is imprinted in the emerging historical narrative. The data shows how the above-mentioned methodological approaches and narrative strategies enhance HCC's transformative capacities. The research significantly advances the understanding of the operation of HCC, highlighting the prospective uses of the historical method in conflicted societies.

1.5.- Thesis Outlined

Chapter 2 explores the different methodologies applied throughout the doctoral study. The overarching methodology is built on the application of the hermeneutical approach, which refers to the theory of '(...) understanding in (...) relation to the interpretation of the texts' (Ricoeur 1981: 43). Hermeneutics is applied through the Seven Principles of the Hermeneutic Circle (Klein and Myers 1999: 72), in which I explore how this particular approach has been applied to the research and its implications for the process of

investigation conducted throughout the different stages of the study. This chapter reflects on the process of data collection, including the creation of the database and the interview process, and elaborates on the necessary procedures for data analysis through the use of specialised software.

Chapter 3 presents an overview of the functions of history within society, and in the realm of politics, with particular attention to the state's influence in the production of historical knowledge. The examination of the different kinds of influence are brought in together to understand the state's politics of the past, and its mechanisms to come to terms with the legacy of the past through trials, bodies of inquiry, and commissioned history. This chapter reflects on the political function of historical clarification and the importance of the role of the state and its institutions in addressing the legacy of the past through commissioned history.

The following three chapters represent the analytical core elements of the study. Chapter 4 structures the theoretical framework around the growing field of historical dialogue (Barkan 2006; 2009; 2015(a)(b); 2016), complemented with other authors such as Schaap (2005) and Bevernage (2014; 2018), among others. The chapter builds from the work of Karn (2006, 2015, 2017, 2018) and Pettai (2015(a), 2015(b), 2018) in understanding historical commissions as state bodies of inquiry, which work under the paradigm of historical dialogue. Through the lens of institutional theory, the chapter set out to explore how the commissions adopt the principles and methods of historical dialogue through the process of institutionalisation.

Chapter 5 defines HCC and maps thirty-eight different cases from around the world reflecting on those historical commissions established to aid social and political disputes or antagonisms, social and political unrest, and (post)conflict context. Through the examination of the organisational features of the different cases, this chapter identifies the commission's work strategies, values, functions, objectives and methods, as well as the main challenges encountered during the process of investigation. Additionally, it provides a solid understanding of how the social and political context influences their design (mandate), work (research strategy), and the commission's narrative style.

Chapter 6 explores in detail the work of the GMH in Colombia as an illustrative case study. The analysis of the work and operation of the group has an instrumental and supportive

role within the thesis, facilitating an in-depth understanding of the potential uses of a historical method for fact-finding and clarification mechanisms in a transitional context.

Chapter 7 brings together the three previous chapters into the discussion to explore the potential of HCC in conflicted, transitional, or divided contexts. It focuses on the different elements that intervene and influence the design, establishment, and work of the commissions, namely, the demands and needs emerging from (post)conflict, divided settings, the identification of the values and practices of transitional justice, and implications that these have on the institutionalisation of HCC.

Chapter 8 concludes and summarises the key arguments that have been brought to the surface throughout the thesis. Additionally, it points the implications of the research and potential future routes of investigation.

Chapter 2: Methodology

A Hermeneutical Approach to the Research

2.1.- Introduction

The overall aim of the study is to understand the uses of the historical method in conflicted societies through the work of historical clarification commissions (HCC) as state-sponsored bodies of inquiry.

To explore the potential of historical clarification commissions as a fact-finding and clarification mechanism, the study seeks to understand the work of HCC through an analysis of the organisational strategy and methods used in already established historical commissions. In order to understand how such bodies worked, I have developed an in-depth organisational study of HCC methods in different social and political contexts.

This chapter is divided into two sections that focus on the different methodological approaches taken during the doctoral research. The first section introduces the hermeneutical approach as a key methodological pillar of the research process. Its relevance for the study relies on the fact that that gives the interpreting guidelines to conduct a rigorous and systematic analysis of written sources – or other sources that present similar characteristics and therefore can be analysed under the same paradigm (Sarantakos 2005: 312). I explain how the hermeneutical approach is used through the research, as well as its strengths and limitations as a research method.

The second section explores in detail the different aspects of the research and how these have been designed and undertaken throughout the programme. It reflects on the process of data collection, which includes the creation of the database and conducting interviews. It presents the rationale behind the selection of an illustrative case study as a unique source of data to understand the operation of historical clarification commissions in conflicted settings. Finally, it elaborates on the process of data analysis using specialised software.

The chapter concludes with a general overview of the advantages and disadvantages of the research approach referring to some of the identified challenges and how they have been tackled.

2.2.- General Overview of Hermeneutics

Hermeneutics was born as a discipline in the sixteenth century in the context of the Reformation in Europe. Hermeneutics was originally articulated 'to provide surer foundations for the interpretation of biblical texts' (Smith et al. 2009: 21). The advocates for reformation defended 'against the Catholic insistence on church authority and tradition in the matter of understanding and interpreting the Holy Scriptures' (Muller-Vollmer 2002: 2). Hermeneutics was seen as a discipline that would help, on the one hand, to understand the exact meaning of the words; on the other, to decode the internal coherence of the texts (Bleicher 1980: 11; Muller-Vollmer 2002: 2). In order to achieve a full understanding, one could not read each passage isolated from the entire context, but rather linking them to the whole. As a mechanism for an accurate understanding, the hermeneutical method was applied in three dimensions: 'to assist discussion about the language of the text (i.e. the vocabulary and grammar) (...); to facilitate the exegesis of biblical literature; [and] to guide jurisdiction' (Bleicher 1980: 11). Since then, hermeneutics has evolved in its condition of theory and method (see Muller-Vollmer 2002: 2). It has been used to understand and interpret written work in various disciplines such as religious texts, philology, jurisprudence, and philosophy, and other 'fields of knowledge that rely on interpretation' (Muller-Vollmer 2002: 4).

Contemporary hermeneutics is concerned with 'methods and purposes of interpretation itself' (Smith et al. 2009: 21-22) through the understanding of the meaning of the given source. In this context, meaning ought to be understood as an act, not the meaning itself. The action of giving meaning is a '(...) prerequisite for the understanding of the meaning-content of an object, and is, therefore, axiological since it guides the recognition of something as something' (Bleicher 1980: 37). Contemporary hermeneutics are relevant for the study because the purpose of the study is not to set out to gather evidence about historical commissions and list their operative strategies in each context, but rather is designed to understand *why* certain methodologies are prioritised over others, and *why* governments decide to sponsor historical research as clarification mechanisms. Thus, it offers the mechanisms to generate meaning through a process of interpretation.

The section below explores the different elements that interact in the process of interpretation, that is the object (text) and the subject (interpreter). It also presents the problem with hermeneutics, which is concerned with the possibility of achieving objective

interpretation taking into consideration the historicity of the interpreter and the influences of the context in the process.

2.3.- Process of Interpretation

In hermeneutics, the process of interpretation is the capacity to extract meaning from a written document (the object), through the understanding of the context in which the text is written, the theoretical influences of the author, the sources used, the methods used, and the intended audience 'to recapture the perspective within which he [or she] has formed his views' (Gadamer 1979: 259). In this act of understanding, however, the interpreter does not merely reproduce the meaning intended by the author but goes beyond it, adopting a 'productive attitude' (Gadamer 1979: 264). He or she actively engages with the object (text) and gives particular meaning to it discovering other insights of which the author may not have been aware of (Bleicher 1980: 122).

As Gadamer (1979) states, the act of interpretation is built in relation to the question that the subject (interpreter) asks the object (text). The subject understands 'the sense of the text only by acquiring the horizon of the question that, as such, necessarily includes other possible answers' (1979: 333). Therefore, the meaning extracted from a studied object (text) 'is relative to the question to which it is a reply, i.e. it necessarily goes beyond what is said in it' (1979: 333). This is the reason why the process of interpretation is closely linked to the hermeneutical situation of the interpreter (his or her historicity, the living-context).

The historicity of the interpreter is important because different historical times and their particular context produce different interpretations of the same text – that is, different interpreters understand differently what the author meant while writing the analysed text (Linge 1977: xxiv). This can be described as the historicity of understanding (Gadamer 1979: 269; Bleicher 1980: 111).

The historicity of understanding is seen by some as a challenge or an obstacle in the achievement of an objective interpretation (the problem of hermeneutics). From this perspective, it is understood that 'the knower's own present situation can have only a negative value. As the source of prejudices and distortions that block valid understanding, it is precisely what the interpreter must transcend' (Linge 1977: xiv). However, as it is

explained in detail later in this section, the historicity of understanding rather enriches the process of understanding and the body of knowledge with a variety of interpretations.

2.3.1.- Object of interpretation: the text

Hermeneutics is concerned with the interpretation of written sources through a process of understanding, defined here in terms of meaning (Silverman 1991). Although, other sources might be analysed under the hermeneutical approach, in the current study, the analysis of text represents the main object of study. Gadamer (1977) reflects on the importance of understanding a document based 'on the subject matter of the text itself (...)' (Linge 1977: xx), i.e. the meaning found in the document. Following Gadamer's approach, the process of interpretation refers to 'the capacity to see what is questionable in the subject matter and to formulate questions that question the subject matter further' (Linge 1977: xxii). The research approach to data collection relies mainly, though not solely, on archival research (hardcopy and online). Thus, documents are considered the primary source of data.

Taking into account that interpretation involves understanding, in the sense of generating meaning and making sense of a subject matter (Gadamer 1977: 57; Silverman 1991: 279), the process of interpretation of documents can be classified in four different levels (Silverman 1991: 271):

- 'Simple meaning': which refers to the literal understanding of a word, section or document.
- 'Second meaning': which is found to be implicit within the simple meaning. This reflects on the hidden significance that can be extracted from the reading of the actual words.
- 'Supplementary meaning': which is concerned with all the other 'multiple readings' of the text that might lead to other interpretations.
- Interpretative meaning: which is the result of a process of interpretation based on what has been understood by the reading of the text.

The process of interpretation of a document was applied throughout the study with the combination of the principles of the hermeneutic circle, especially in the process of extracting supplementary and interpretative meaning. For example, in the analysis of a commission's foundational document (the mandate), the process of document analysis

was combined with the principle of contextualisation, the principle of abstraction and generalisation and the principle of dialogical reasoning. This allowed to go beyond the simple and second meaning of a document – i.e. the words, and to understand the context in which the document was conceived as well as the audience to who it was directed. This set the parameters of the process of its interpretation allowing to extract meaningful data from the evidence.

2.3.2.- Subject: the interpreter

In hermeneutics, the interpreter is the core element of the process of understanding. A text does not speak unless the reader interrogates it, and it only ‘yields understanding when what is said in the text begins to find expression in the interpreter’s own language’ (Gadamer 1977: 57). Therefore, this process of interpretations takes place through a constant dialogue between the subject (interpreter) and the object (text) characterised by a movement of questions and answers between the two.

To explain the relevance of the subject in the process of interpretation, I borrow from Gadamer. He states:

‘(...) A person trying to understand a text is prepared for it to tell him something... But this kind of sensitivity involves neither neutrality with respect to content nor the extinction of one’s self but the foregrounding and appropriation of one’s own fore-meanings and prejudices. The important thing is to be aware of one’s own bias, so that the text can present itself in all its otherness and thus assert its own truth against one’s fore-meanings’ (Gadamer 1979 in Smith et al. 2009:26).

The interpreter departs from a fore-structure or fore-meaning that guides the process of understanding (Heidegger 1967: 191). The fore-meaning constitutes the subject ‘horizon of understanding’ (Bleicher 1980: 108). The Enlightenment and Natural Science (absolute reason) regarded the existence of fore-meanings as something negative that could hinder the understanding of the interpreter. These were seen as an obstacle for objective knowledge, which could only be ‘achieved through a system of rules and methodological principles’ (Bleicher 1980: 108-109). A process of objective understanding had to come from a neutral mind free from any form of preconceived ideas that could cloud the interpreter’s judgement.

However, for Gadamer, the process of interpretation and understanding relies on the relation between a given fore-meaning or preconception, and the new object. These fore-meanings, which Gadamer calls prejudices, are not permanent but rather a set of pre-conceived ideas that, will be challenged by the knowledge taken from the text. During the task of understanding a text, each 'revision of the fore-projection is capable of projecting before itself a new projection of meaning; rival projections can emerge side by side until it becomes clearer what the unity of meaning is; interpretation begins with fore-conceptions that are replaced by more suitable ones' (Gadamer 1979 in Smith et al. 2009: 26). Therefore, hermeneutical interpretation relies on the capacity of the interpreter to reflect on his or her existing prejudices throughout the analysis of the text gaining 'a new understanding of what [has been] seen through eyes conditioned by prejudice' (Gadamer 1977: 38).

These prejudices are not permanent, and the knower must be flexible in adapting or changing them to the light of new evidence/knowledge. The critical 'reflexion on a given preunderstanding brings before [the knower] something that otherwise' would have been kept unknown (Linge 1977: xviii). This process of hermeneutic reflexion and self-revision (here, the term: "self", refers to the interpreter), takes place through the fusion of horizons.

In the context of hermeneutics, "horizon" is understood as the limit of one's knowledge about a subject matter; or the limit of understanding about a particular object that is being studied (a text, a compilation of texts or an event). Thus, any 'historical situation contains its own horizon' (Bleicher 1980: 112), its own limits. Building on the idea that the process of interpretation and acquisition of understanding is in constant movement due to the hermeneutical situation (i.e. the existence of different interpretations due to the historicity of the interpreter), these horizons are never closed. In other words, the process of interpretation allows the horizons to expand.

The hermeneutic situation of the interpreter (historicity), as well as his or her pre-conceived ideas about a subject matter, constitute the subject's horizon. The process of interpretation does not consist 'in placing oneself within the latter, but in widening one's own horizon so that it can integrate the other' (Bleicher 1980: 112). As Gadamer states, this only occurs '(...) in the form of mediation of past and present, the fusion of the horizon of a text and of the interpreter' (Gadamer in Bleicher 1980: 122).

No one can step aside from his or her own historicity in which interpretation takes place. Hence, the process of understanding becomes a process of mediation between the subject (interpreter) and the object (text) (Linge 1977: xvi in Gadamer 1977). This mediation does not necessarily imply that the subject has to remove him- or herself from his or her own historicity, but instead to recognise it and identify how it affects his or her interpretation. The acknowledgement of these influences, as well as the influence that the context has exercised over the creation of the text, is what gives validity and rigour to the interpretation.

2.3.3.- Achieving an Objective Understanding

Human experience communicated, in this case, through written expressions, 'contain[s] a meaningful component, which has to be recognized as such by a subject and transposed into his own system of values and meanings' (Bleicher 1980: 1). How to make this process possible, and how to extract objective meaning from a process of understanding that is mediated by 'the interpreter's own subjectivity' (Bleicher 1980: 1), constitutes the problem of hermeneutics.

The process of understanding serves itself with methodological rules and canons in order to acquire objective knowledge. In the process of interpretation through hermeneutical approach, it is precisely the relationship between the object (text) and the subject (interpreter), which bridges time and space and allows the process of understanding to take place. Thus, subjectivity is unavoidable.

Different trends in hermeneutics, namely, hermeneutical theory, hermeneutic philosophy, and critical hermeneutic, developed different solutions to the problem of objective understanding (see Bleicher 1980). However, I refer to hermeneutic philosophy and the hermeneutical circle as the approach that has been applied throughout the research.

Hermeneutic philosophy asserts that the process of interpretation 'does not aim at objective knowledge through the use of methodological procedures but at the explication and phenomenological description of human Dasein [existence] in its temporality and historicity' (Bleicher 1980: 2). Therefore, the process of understanding of a text is no longer 'the objective re-cognition of the author's intended meaning, but the emergence of practically relevant knowledge in which the subject himself is changed by being made

aware of new possibilities of existence and his responsibility for his own future' (Bleicher 1980: 3). Building on this, '(...) any acquisition of knowledge can take place only by following the dictates of the 'hermeneutic circle' which commences with the projective anticipation of meaning and proceeds through the dialogical-dialectical meditation of subject and object' (Bleicher 1980: 3).

The hermeneutic circle departs from the understanding that the interpreter cannot escape his or her historicity (Gadamer 1977; 1979). It implies that 'the process of interpretation moves from a precursory understanding of the parts to the whole and from a global understanding of the whole context back to an improved understanding of each part' (Klein and Myers 1999: 71). It represents a constant movement between the interpreter and the object '(...) where subjectivity is continuously corrected by objectivity and vice versa, enables (...) [the researcher] to achieve a continuous refinement of his [or her] understanding of the past' (Ankersmit 2001: 263).

2.4.- Applied Hermeneutics

The hermeneutical approach is applied to the current research through the set of principles designed by Klein and Myers (1999) as guidance to conduct 'interpretative research of hermeneutic nature' (Klein and Myers 1999: 68).

Table 1: Seven Principles of Hermeneutic Circle (Klein and Myers 1999: 72)

The Hermeneutical Circle	
Principles	Description
The Fundamental Principle of the Hermeneutic Circle (1)	This principle suggests that all human understanding is achieved by iterating between considering the interdependent meaning of parts and the whole that they form. This principle of human understanding is fundamental to all the other principles.
The Principle of Contextualization (2)	Requires critical reflection of the social and historical background of the research setting, so that the intended audience can see how the current situation under investigation emerged.
The Principle of Interaction Between the Researchers and the Subjects (3)	Requires critical reflection on how the research materials (or “data”) were socially constructed through the interaction between the researchers and participants.
The Principle of Abstraction and Generalization (4)	Requires relating the idiographic details revealed by the data interpretation through the application of principles one and two to theoretical, general concepts that describe the nature of human understanding and social action.
The Principle of Dialogical Reasoning (5)	Requires sensitivity to possible contradictions between the theoretical preconceptions guiding the research design and actual findings (“the story which the data tell”) with subsequent cycles of revision.
The Principle of Multiple Interpretations (6)	Requires sensitivity to possible differences in interpretations among the participants as are typically expressed in multiple narratives or stories of the same sequence of events under study. Similar to multiple witness accounts even if all tell it as they saw it.
The Principle of Suspicion (7)	Requires sensitivity to possible “biases” and systematic “distortions” in the narratives collected from the participants.

In the process of interpretative hermeneutics, these principles are strongly interconnected to one another:

‘(...) a researcher’s deciding on what relevant context(s) should be explored (principle two) depends upon the following: how the researcher “creates data” in interaction with the subjects (principle three); the theory or concepts to which the researcher will be abstracting and generalizing (principle four); the researcher’s own intellectual history (principle five); the different versions of “the story” the research unearths (principle six); and the aspects of the “reality presented” that he or she questions critically (principle seven)’ (Klein and Myers 1999: 78).

The hermeneutical circle approach is applied throughout the process of data collection through document and content analysis (these methods and processes are explained later in the chapter), but also in the broader context of the research. That is, to understand the role of HCC as a fact-finding and clarification mechanism in conflicted contexts – seen here as the “whole”, the researcher must interrogate the parts, namely (1) historiography and politics of the past; (2) transitional justice and fact-finding and clarification mechanisms; and (3) the already existing examples of historical commissions. It is important to note that the hermeneutical circle is also applied in each unit of study. In the analysis of the already existing historical commissions, the “whole” might be represented by one particular commission, and the parts by the official state documents, the commission’s mandate, the commissioners’ reports, and the literature around its work and establishment (news reports, academic articles, conference papers, etc.). To understand the work of the commission it is necessary to understand each of these parts and vice-versa.

The principle of contextualisation ‘is based on Gadamer’s (1976) insight that there is an inevitable difference in understanding between the interpreter and the author of a text that is created by the historical distance between them’ (Klein and Myers 1999: 73). In this frame, the task of the interpreter consists of presenting a detailed contextualisation of the object, avoiding ‘covering up the tension between the text and the present, but (...) consciously bringing it out’ (Gadamer 1976 cited in Klein and Myers 1999: 73). In the context of the research, the principle of contextualisation has been applied particularly in the process of compilation of the database and the study of its cases. This was key to

understanding not only how the context conditions the commissions' mandate and their operation, but, also, to identify how shifts in the political, social, cultural and economic spheres may have facilitated (or limited) new processes of inquiry, the opening of archives, and new interpretations of the past.

There are a few cases in the database in which this becomes clear, however, the Austrian Historical Commission (1998) (appendix, page: 248), constants a clear example of the importance of the principle of contextualisation for the analysis of HCC. As Jabloner (2009) states, the commission was established in a context of a paradigm shift concerning the attitudes 'towards dealing with the Nazi period' that was taking place both at a domestic and international level. There were issues raised about the moral responsibility of Austria (despite the fact that it did not exist at the time as an independent state) for the crimes committed by sectors of its population during the Nazi occupation. This process of attitude change was taking place while the 'progress in contemporary historical research, including improved access to archives, (...) made it possible to shed new light on the complexity of expropriation during the Third Reich' (Jabloner 2009: 2). This clearly shows how the principle of contextualisation was key to understand why the commission was established in that particular time, and the influences of its context in the investigation process (for example, the access to new evidence).

The principle of interaction, or critical reflexion, is applied throughout the research in the process of data collection – explained later in this section. In the context of the research, this principle is applied both in the analysis of the documentation and the interview process. This principle acknowledges the unavoidable "influence" on the production of data throughout the study, as well as taking into consideration how other agents (interviewees, sources, stakeholders) also have influence throughout the research and in the final results. In the process of document sampling, the principle of interaction took place between the researcher and the sources. In other words, the selection of documents, journals, years of publication, and field of study were influenced by the scope of the research (see page: 43 for detail). The principle of interaction was especially relevant during the interviews, as asking a particular question about a subject matter triggers a unique thought process in the mind of the interviewee, which would not have otherwise taken place. This influence, whilst unavoidable, can be seen as a weakness if these were considered leading questions. Therefore, I presented with clear questions as

short and direct as possible, offering an extensive context may lead the participant to answer within a narrow frame. Additionally, I avoided asking double questions that imply that two concepts are linked together, and abstract questions that required a level of contextualisation that could lead the participant's response (Kvale and Brinkmann 2009; Ritchie et al. 2013).

Fourth, the one of abstraction and generalisation, refers to the researcher's capacity of extracting meaning from the process of interpretation. This takes place through the 'development of concepts, the generation of theory, the drawing of specific implications, and the contribution of rich insight' (Walsham 1995 in Klein and Myers 1999: 75). This principle is applied throughout the analysis of the data collected from different sources and implies content analysis and coding (explained later in this chapter).

The principle of dialogical reasoning links the interpretative theoretical framework of the research with the final findings, giving direction and guidance to the researcher. This principle has been applied, mainly, in the process of data analysis. The research departed from the knowledge I had acquired through my academic career, which gave me a solid understanding in research fields including: history, transitional justice and conflicted societies, and the state's politics of the past. These fore-conceived perceptions were necessary to formulate the research question and frame the study in specific parameters, i.e. the use of historical methods through the work of HCC as state-sponsored bodies of inquiry. The task throughout the research process was to maintain a critical eye in relation to these pre-conceptions and continuously to re-evaluate them with the data obtained through the process of interpretation. In other words, even though I started the doctoral research with an already existing knowledge of the area of study, it did not become a rigid structure or schema for interpretation, but rather it was subject constant examination and adaptation throughout the process investigation. The different stages of data analysis, namely, document examination and interview coding, my knowledge horizon and understanding of the issues under inquiry was continuously challenged and expanded.

Under the principle of multiple interpretation, I acknowledged the existence of various evaluations of each piece of data that is interrogated. This principle 'requires the researcher to examine the influences that the social context has upon the actions under study by seeking out and documenting multiple viewpoints along with the reasons for

them, [which] may include seeking to understand conflicts related to power, economics, or values' (Klein and Myers 1999: 76). Thus, the researcher not only is constantly revising his or her understanding of the context around the evidence, but also the sometimes 'conflicting interpretations of the participants in the field' (Klein and Myers 1999: 77).

Finally, under the principle of suspicion the researcher takes a critical approach to 'understanding [beyond] the meaning of data because it points [him or her] to "read" the social world behind the words of the actors (...)' (Klein and Myers 1999: 78). In other words, the principle of suspicion has a critical approach to the process of interpretation taking consideration how the social, cultural, political and economic context (being that of an organisation, community or institution) influences, conditions and determines the object studied. In the context of the doctoral research, the principle of suspicion is applied to the data emerging from the document analysis, and the narratives collected from the interviews. In order to employ a critical approach to the collected data, I have combined the principle of suspicion (7) with the principle of contextualisation (4). This has allowed me to identify and acknowledge the conditioning elements emerging from the context.

The application of the hermeneutical approach through the guidance of the seven principles has ensured high rigour of the research. The constant process of self-reflection with the challenge of the fore-meanings against the new horizons presented by the evidence allowed me to conduct an accurate process of data interpretation, which, in turn, allowed to keep framing my knowledge of the area of study against the data collected throughout the three years of doctoral research.

2.5.- Research Design

The doctoral research is built on the interrogation and analysis of mainly written sources (printed and digital), complemented with analysis of the interviews conducted to key participants.

Research Question and Unit of Analysis

The study is designed to explore:

1. Why are historical methods of analysis chosen as a fact-finding and clarification mechanism through HCC?
2. How does HCC operate in each particular context?

To answer these questions, the research pays special attention to the commission's methodological strategy and how it is conditioned or determined by the social and political contexts. The study has been developed in three stages: (1) desk-based research (literature review, compilation of the database, selection of a case study); (2) fieldwork and interview process; (3) data analysis and discussion.

The doctoral research was granted ethical approval by Ulster University, to conduct interviews to scholars and practitioners in the UK, Europe, and Colombia.

2.5.1.- Database

The database includes thirty-eight cases from different countries around the world that either have established commissions of historians or have set up other bodies of inquiry that have used historical methods in their investigation process. The creation of a database is key to understanding the nature of historical clarification commissions as bodies of inquiry, and helps identify their main characteristics and possible outcomes. All selected commissions are official bodies – i.e. they have been established by parliamentary or presidential decree or by an agreement between two countries – from 1990 up to the present. The rationale behind this particular time was because: (1) it takes in to consideration the new engagement of professional historians in the politics of the past after the fall of the Soviet Union (Karn 2006: 32), and (2) it was a question of feasibility within a three-year doctoral research.

The method used for the production of the database relies on the document and content analysis, explained later in this chapter. The selection of cases followed a two-step process. First, a broad thematic search was conducted under the concepts of historical

commissions, historical expert commissions, and historical inquiries. These were chosen for being recurrent concepts identified throughout the transitional justice and truth-seeking mechanisms literature review. The outcomes of this first stage were the diplomatic, Holocaust, Baltic and post-Soviet commissions. Second, a narrower search was conducted to identify cases in conflict and (post)conflict contexts in which this type of body of inquiry had been established.

Historical clarification commissions are relatively new and certainly unique in their design. In many cases, the bodies of inquiry that can be classified as historical clarification commissions are not labelled as such. Thus, the criteria of selection for the cases were based on two key aspects. First, there was the aim of the commission (identification of concepts such as: clarification, fact-finding, deconstruction of myths and stereotypes, responsibility for past crimes, etc.); second, was the methodological approach used throughout the research (division in thematic working groups, historical contextualisation, creation of record of compiled documentation, etc.) and the sources used (archival research and the use of national and international existing records, individual and institutional submissions). One of the important aspects to highlight at this point is that some of the cases analysed in the database are not considered historical clarification commissions in their classic form, but “hybrid” bodies that merge historical methods of research with those from other bodies of inquiry (public hearings, collection of testimonies).

Thus, the database has been divided into four sub-categories of commissions in relation to the nature of its creation and its main objectives:

- Diplomatic commissions (bilateral commissions).
- Post-authoritarian regime commissions.
- (Post)conflict commissions.
- Redressing historical injustices commissions.

For a comprehensive understanding of the reasons for the establishment, and operation, of the selected cases, the researcher interrogated the commission’s mandate and the official statements produced by the government. In most of the cases, these documents contain enough information to explore the organisation and work of the commissions without going into detail about their findings. The measurement of the impact that the selected cases had within their political, social and academic context, has been carried

out through the study of articles, reports and other academic resources, as well as news reports.

The outcomes of the creation of the database are the understanding of the organisational and operational characteristics of HCC in different contexts, as well as the challenges that appeared throughout their work and thereafter. It sought to identify which political contexts seek the establishment of these particular bodies of inquiry, and to what social demands or needs they are responding. The intention was also to identification of key informants interviewed throughout the study, who are considered experts in the study of these bodies of inquiry.

Table 2: Process of creation of the Database

HCC Database	Indicators	Outcomes	Research outcomes
Phase 1			
Thematic Search	Historical Commissions Historical Expert Commissions Historical Inquiry	Holocaust Commissions Baltic Presidential Commissions Post-Soviet Commissions	HCC methods, aims, and functions
Phase 2			
Refining Search	Aims of the commission The methodological approach throughout the research The sources used	- Clarification, fact-finding, deconstruction of myths and stereotypes, responsibility for past crimes - Division in thematic working groups, historical contextualisation, creation of a record of compiled documentations - Archival research and the use of national and international existing records, individual and institutional submissions	
	Narrow the search for (post)conflict, transitional, divided contexts	Commissions established in (post)conflict contexts	
Phase 3			
Creation of the conceptual map	Categorisation	- Diplomatic - Post-Authoritarian Regime - Post-conflict - Redressing Historical Injustices	Understanding the methodological differences between categories

Creation of the database	Report Analysis	Name of the commission Year of establishment Reasons for establishment Purpose Function Areas of interrogation and methods Research limitations Outcomes and impacts	Compilation of the findings in a table format
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(Palli-Aspero 2019, a)

2.5.2.- Illustrative Case Study: Historical Memory Group in Colombia

The Historical Memory Group (GMH for its initials in Spanish) has been chosen as a case study based on its illustrative characteristics of the establishment of HCC in a conflicted context, which provides unique data otherwise inaccessible. It is considered to have an instrumental and supportive role in the research facilitating the knowledge of the work of such bodies of inquiry, as well as allowing an in-depth understanding of the potential uses of historical analysis as a clarification and fact-finding mechanism within transitional justice. I have given the case study an illustrative role in understanding the implications of conducting historical research in a conflicted context. The design and completion of the case study and fieldwork took place after I had compiled the database; therefore, the data emerging from it was contrasted against the evidence emerging from the cases analysed.

For a nuanced understanding of the implementation of HCC as a clarification and fact-finding mechanism, I analyse the work of the GMH, established in Colombia in 2007. The GMH was set up in a political and social scenario characterised by the establishment of a peacebuilding strategy founded on the application of various transitional justice mechanisms. In this context, the GMH was established to develop an inclusive historical investigation that would offer a nuanced representation of the different perspectives of the conflict and the variety of its violence, through time and regions. This approach allowed the commission to focus on the historical interrogation of the conflict to produce a detailed analysis of the political and social structures that permitted the rise in and maintenance of violence in the country.

The analysis of the case study has two phases: (1) document analysis (the political and social context, the operation of the organisation, and the dynamics of historical

commissions in Colombia), and (2) throughout the interview process. The data obtained from the case is informative because it relates to the experiences and meanings of the interviewees (this process is explained in detail below).

The empirical results reported ought to be considered in the light of some challenges and limitations related to this particular research design. The main limitation comes with the selection of only one case study, which represents a challenge at the time of extracting generalisations. For this reason, the analysis of the GMH as illustrative case study aims to extract analytical generalisations (Yin 2009), by which the findings are not regarded as final or absolute (Denscombe 2017), but rather to theoretical propositions that will help to better understand the work of HCC.

Table 3: Rationale for Case Selection

Mandate Features Common in HCC (post-conflict commissions)	Mandate Features of the Historical Memory Group
State-sponsored:	Presidential Decree
Reasons of Establishment (investigation of violations of human rights and other crimes, addressing moral and collective responsibilities, the identification the immediate and historical causes of the conflict and its consequences, the recognition and acknowledgment of the victims)	To elaborate a report on the 'origins and evolution of the illegal armed groups' (Justice and Peace Law 975-2005)
Time of establishment (pre-agreement, during peace negotiations, post-agreement)	Pre-agreement
Objectives: (the investigation of violations of human rights and other crimes, addressing moral and collective responsibilities, the identification the immediate and historical causes of the conflict and its consequences, the recognition and acknowledgment of the victims)	Factual reconstruction to understand the armed groups Reconstruction of the memory of the conflict (centrality of the victims)

<p>Function: (clarification of the past, fact-finding, ascribing responsibilities, and transformative. recognition and acknowledgement, promotion of dialogue)</p>	<p>Factual reconstruction Clarification Symbolic reparation of the nation through historical memory Recognition to the victims Acknowledgement of past wrongs</p>
<p>Methods: (archival research, collection of oral and written testimonies)</p>	<p>Interpretation (not a descriptive analysis) Explore different perspectives Emblematic cases (factual reconstruction) Conceptual framework of historical memory (Oral and written testimonies)</p>

(Palli-Aspero 2019, b)

2.6.- Data Collection

The different research tools in the process of data collection were simultaneously applied throughout the research. They consist of document analysis, the creation of a database that compiles the existing commissions that used historical analysis as a method of inquiry, and interviews to key informants. This was a very horizontal process with the three blocs interlinked, feeding and complementing each other throughout the process.

However, in order to present a comprehensive description of the methodology used in each stage and a better understanding of the outcomes, the process of data collection has been divided here into three separate sections. Throughout these three stages, the researcher ‘combines elements of content analysis and thematic analysis’ (Bowen 2009: 32), which focus on the identification of recurrent themes to create a system of categories that integrates all the collected data and allows for interpretation of its content.

2.6.1.- Document analysis

The process of document analysis is described as secondary analysis which ‘deals with data gathered by researchers, public institutions or government authorities’ (Sarantakos 2005:296). It has been conceived following a holistic method which requires the study of a document ‘in its entirety to identify elements relevant to the research objective’ (Sarantakos 2005:295), which in the present study is the understanding of the work of HCC as fact-finding and clarification mechanisms.

The sources used are divided into three categories: (1) primary documentation, all the sources produced at the time of the event inquired, but that was used in private circulation (i.e. Government official documents, as well as from other state institutions, and analysis reports). This includes oral testimonies, even if these have been collected years after the event has taken place; (2) secondary documentation, which comprises all those materials published during the time and in the public domain (i.e. academic reports, academic literature, books, and journals); and (3) tertiary documentation, other relevant materials published in relation to the event and in the public domain (i.e. databases, bibliographies, and dictionaries, among others) (Burnham, Gilland, Grant and Layton-Henry 2004).

To inform the different elements of the study, the research focuses on the published literature, in cognisant areas, related to:

- Historiography (including hermeneutics and the historical method).
- Politics of the past (state-sponsored history).
- Transitional justice.
- Historical clarification commissions (from 1990s up until the present).
- Historical dialogue.
- Institutional theory (normative and discursive approach).

The analysis of these areas of study and academic fields were considered fundamental to answer the research question because it allowed the development of a comprehensive understanding of the different aspects of the doctoral research. Thus, they informed my knowledge about the discipline of history and its role within society. They allowed me to explore the relationship between the state and the production of historical knowledge and public memory, which, in turn, gave me the necessary background to frame historical commissions as state-sponsored bodies of inquiry. The examination of historical dialogue and the implications that the process of institutionalisation have in their operation through historical commissions, further advanced my understanding of the influence of the state on the organisation and operation of HCC. Finally, the analysis of these areas allowed me to develop a comprehensive study of how HCC operate in different contexts, with particular attention to their work in conflicted societies for which the understanding of the field of transitional justice was key.

Table 4: Document Sampling

	Date of Publication	Support	Location	Themes
Historiography	-	Online/ hardcopy	Published literature, online databanks	What is history The uses of history Historical method Objectivity in history Historical fact/event Historical evidence History's object of study Hermeneutics as a research method
Politics of the Past	-	Online/ hardcopy	Published literature, online archives	The practice of the historian State-sponsored initiatives State-sponsored history Legacy of the past Political Reconciliation Historical Memory
Transitional Justice	From 1970 to the present	Online/ hardcopy	Published literature, online archives	Genealogy of transitional justice Truth recovery Truth-seeking mechanisms Transitional justice challenges New horizons for the field
HCC	From 1990 to the present	Online/ hardcopy	Published literature Government official online archives	Historical method Historical clarification Fact-finding Deconstruction of myths and stereotypes Responsibility for past crimes
Historical dialogue	From the 1990 to present	Online/ hardcopy	Published literature	Historical dialogue Integrating narratives Historic analysis initiatives History in (post)conflict societies History as a mean for reconciliation

Institutional theory	-	Online/ hardcopy	Published literature	Formation of state-institutions Implications of the context Organisational strategies
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(Palli-Aspero 2019, c)

The analysis of documents is the main source of data within the ‘interpretative paradigm and hermeneutic inquiry’ (Bowen 2009: 29). Thus, the study of each source of data aimed to extract meaning to advance empirical knowledge. The process of analysis is developed in three dimensions (Bowen 2009: 32): first, an initial superficial examination; second, a more specific, conscious reading; and third, an interpretation of the content. Throughout these three stages, I combined different elements of content and thematic analysis. I focused on the identification of recurrent themes to create a system of categories that integrates all the collected data and allows for the interpretation of its content (Bowen 2009: 32). The interrogation of documents may vary its focus of analysis in relation to the expected outcomes of the research stage. Thus, it may examine the descriptive side of it or the ‘identification of trends’ or ‘frequencies and interrelationships’ (Sarantakos 2005: 294).

Throughout the present study, the analysis of documents has been applied for different outcomes:

- The literature review uses a descriptive analysis to ‘summarise data, identify main trends and present descriptions’ (Sarantakos 2005: 294).
- The database has been built on a categorical analysis with the main purpose of identifying conceptual blocs that will ‘identify and define diversity’ within the topic explored (Sarantakos 2005: 294).
- Throughout the research an explanatory analysis has been used to ‘search for peculiarities, characteristic attributes and trends in the text that mark the identity of the message conveyed through the document [and] (...) involves identifying data, comparing them, verifying their relevance, and recording them systematically’ (Sarantakos 2005: 294).

Using document analysis as a method of data collection allows access to a wide range of sources available in physical and online archives from different times and regions. The selection of this particular method for data collection enriches the research because it

allows for tracing the evolution and changes of historical clarification commissions as bodies of inquiry, and also how they relate to the wider framework of dealing with the legacy of the past.

The most prominent limitation of this research method is found around the process of data selection. There are two main reasons for which the researcher conducts data selection: (1) due to timeframe limitations there are only a number of documents that can be interrogated throughout the duration of the doctoral research; (2) and due to what is known as 'biased selectivity' (Bowen 2009: 32; Yin 1994: 80) which implies:

- The research topic defines which documents are included.
- The research purpose/objective guides the study in a specific direction.
- The interpretative lens is in consonance to the topic and purpose of the research.

In relation to the documents, this refers to a wider understanding. All documents are a product of human action and, therefore, are highly influenced by the time and context in which they are produced. The documents contain influences of the author's ideas and values, or of the organisation they have been produced for, or of a specific political and social scenario that was taking place at the time it was written. Thus, it is of key importance to apply the principle of contextualisation, to consider 'the original purpose of the document and the target audience' (Bowen 2009: 32) in the process of document assessment.

2.6.2.- Semi-Structured Interviews

In addition to describing the phenomena of historical clarification commissions (HCC), its methods and operation; the study also aims at strengthening the understanding around the process of institutionalisation of historical dialogue through the establishment of HCC as state-sponsored bodies of inquiry in conflicted and divided societies. Thus, in contribution to the process of document analysis mentioned above, a series of interviews with experts in the field were conducted in order to obtain a more detailed insight from those who have actively been involved, both in academia or as practitioners, in the work and analysis of HCC (see appendix, page: 243).

The data obtained from the interviews conducted during the fieldwork enriches the understanding of the nature of HCC as bodies of inquiry with in-depth detail of the process of establishment and work of the commissions. Moreover, the interviews offer an insight

into the real challenges faced throughout the organisation and operation of HCC in different contexts, with special focus on (post)conflict, transitional, divided settings.

I have conducted twenty-six semi-structured one-to-one interviews each lasting 60-90 minutes. This particular interview method was chosen to allow the dialogue between the interviewee and the interviewer to develop freely under a few general questions that set the parameters of the conversation. This approach to the interview gives uniformity to the process by using a previously created set of questions, but it also allows the participant to raise and discuss issues that have not been specifically addressed in the question.

The recruitment of the three groups of interviewees was achieved through purposive expert sampling, a method used in cases where a single case or a small number of cases can be decisive in answering the research question, and to glean knowledge from individuals on their particular expertise (Sarantakos 2005: 164). This approach allowed me to reach key informants in the field of research, institutions, and other organisations that were decisive in answering the research question. The selection of the interviewees took place through, first, an initial exploration of official websites with information on members of peace delegations, and working groups of scholars, and, second, through a process of theoretical sampling, for which '[t]he sample units are not simply "chosen" by the researcher prior to the commencement of the study but are determined by knowledge that emerges during the study' (Sarantakos 2005: 166).

In order not to narrow down the number of interviews to the initially proposed participants, the recruitment in both groups also included snowball sampling so that from the networking of the initial group of selected interviewees, other potential participants might be identified. The interviews were scheduled in advance via email or phone call. Since the questions are of an academic character, it was considered appropriate to provide each interviewee with the questions beforehand to give them the opportunity to prepare the answers and, therefore, keep the quality of their responses.

The interviews which took place in Argentina, Belgium, Colombia, Germany, and the United Kingdom, can be broadly categorised in three groups. First, there were scholars and practitioners involved in the field of transitional justice, history, political science, conflict resolution, and memory, among others. Second, scholars who were dedicated

explicitly to the work of historical clarification commissions, or comparable initiatives were included. The data collected from this set of interviews was used to explore the parameters of HCC further. Third, there were former members of two historical commissions in Colombia, namely, the GMH – which constitutes the illustrative case study of the research; and the Historical Commission of the Conflict and its Victims (CHCV for its initials in Spanish). The data collected from this set of interviews is used to understand the implications and challenges linked to the establishment of these bodies of inquiry.

The ethical implications are those commonly associated with employing interview methodology. The proposed participants are not part of any vulnerable group. Given that they are leading figures in their field of expertise, the research followed the standard ethical procedure relating to voluntarily informed consent, the recording of the interview and confidentiality. Due to the nature of the academic content interviews and the status of the participants, the interviews were not automatically labelled as confidential and/or anonymous. Instead, the participants were given the option to either give full consent to attribute their comments to their name for research purposes only, or to speak confidentially for the whole interview or parts of it as they wished. This choice was given to them in the consent form before the interview started. The interviews were recorded digitally, transcribed (and translated into English, where the interview took place in Spanish), and stored following the principles of the Data Protection Act (1998).

2.6.2.1.-Considerations for Translation

The interviews that took place in Colombia were conducted in Spanish. Thus, all the required documentation – that is, consent forms, information sheets, and interview questions – were translated into Spanish by the researcher (Spanish being the researcher's second language³). The documents were submitted to peer back-translation to ensure that both texts corresponded to each other.

Interviews were transcribed in the language in which they were conducted, namely English and Spanish. The process of translation took place at the time of incorporating the data within the text of the thesis in the form of direct quotes. The process took place following a word-by-word translation, using the most common meaning of each word.

³ I have listed Spanish as my second language, because I am originally from the Spanish region of Catalonia and, therefore, I consider Catalan to be my mother tongue.

However, sometimes literal translation can be problematic because it does not make sense into the translated language. In these cases, the translation was done conceptually – i.e. to the nearest translation language equivalents (see Shreve 2018). To ensure transparency in the translation, the original quote has been added to the author's translation in the form of a footnote.

2.7.- Data Analysis

As has already been established, the overall approach to data analysis falls under the theory of hermeneutical interpretivism, which is conceived as the creation of meaning through understanding. Data analysis has taken place simultaneously with the process of data collection in order to adapt the research to the new findings and refine the development of each stage. The approach to data analysis is a mix of deduction and induction processes in order to test the study hypothesis through the study of HCC as a single unit of analysis, and to generate new meanings from the data collected through the interrogation of a new phenomenon. This refers to the fourth principle of abstraction and generalisation explained earlier in this chapter.

2.7.1.- Content Analysis

The examination of the data collected is done through content analysis, which is understood as being an essential part of the interpretative approach to the investigation. It is applied throughout the three different sections mentioned earlier, namely document analysis, the construction of a database, and the interviews with key informants.

Content analysis consists of the exploration of the 'manifest content' of the document, which 'relates to the visible surface text, the actual parts of the text manifested in the document', but also to the 'latent content', which underlies 'meaning conveyed through the document' (Sarantakos 2005: 300). Once the process of validation of evidence⁴ had taken place, I applied four of the seven principles of the hermeneutical circle to conduct the content analysis. Each document was contextualised in its social and historical background to understand in which context the content had emerged (principle of contextualisation). The manifest content of the text was then analysed against the theoretical framework guiding the research and the previous findings (principle of

⁴ The process of validation of written evidence involved gathering references from the author, as well as consulting other publications. Therefore, check the content of the sources in which the document was published. Its relevance by year of publication, and finally on its relevance for the field of study.

dialogical reasoning). The evidence extracted from the documents is then checked against other existing interpretations (principle of multiple interpretations) to critically evaluate the content against the rest of the evidence. Finally, recognising the principle of contextualisation, I took into consideration possible biases and influences that the context of the author may have imprinted in the document.

Through the process of content analysis, I developed a set of categories that frame similar concepts and themes that allowed me to establish relations of meaning. There are different labels of content analysis interlinked with one another (Sarantakos 2005: 300):

- Descriptive analysis: which focus on the identification and description of what is found in the data (chronologically, thematically or otherwise). The resulting 'description can be either subject-focused or research-focused', and involves counting, listing, categorising, evaluating and interpreting.
- Contextual analysis: puts its attention in the research object, contextualising it a broader frame. It aims 'to understand the context through the meaningful statements of the authors found in the text'.
- Comparative analysis: is used to identify ideologies, trends, and any other pattern that is found throughout the data.
- Processual or particularistic analysis: which focus on the analysis of the process – i.e. who is the 'sender, the receiver, the medium, the message'.

2.7.2.- Interpretative Phenomenology Analysis (IPA)

In addition to content analysis, the data collected from the interviews are analysed following the Interpretative Phenomenology Analysis (IPA) approach, which is concerned with 'exploring and understanding the lived experience of a specified phenomenon' (Smith 2004). IPA has its philosophical foundations 'phenomenology, hermeneutics, and ideography' (Smith et al. 2009: 11), and it has been used by many disciplines including those of social sciences (Smith et al. 2009: 5). IPA studies are characterised as being composed of 'relatively small sample sizes' and 'reasonably homogeneous' in order to 'examine convergence and divergence in some detail' (Smith et al. 2009: 3). By combining IPA method of analysis with the principles of the hermeneutic circle explained earlier in this chapter in order to examine the content of the interviews in relation to, and

contrasted against, the rest of the data. The application of IPA to the research consisted of:

- Transcription of the recorded interviews.
- Coding with NVivo software to identify recurrent themes and concepts.
- Content analysis.
- Cross-reference between the data from the interviews and the data collected through document analysis and the content of the database.
- Transcription of the process of data analysis to a narrative account.

2.7.3.- Interview Analysis: Coding with NVivo

The interpretation of data collected through the interview process was made through coding using NVivo software. In the process of coding, I applied a descriptive code of analysis to reflect and synthesise the topic of a particular section of the text, which facilitates the identification of similar concepts, and their connection with the research question.

The process of coding is both deductive, emerging from theory, and inductive, emerging from the data (Frankfort-Nachminas & Nachminas 2008: 304). Before starting to analyse the interviews, I created an initial codebook according to the conceptual, methodological and theoretical elements that had emerged from the literature review, the compilation of the database and the analysis of its cases (deductive coding). These categories were linked to the theory and conceptual framework that sustain the research hypothesis. The initial codebook was continually revised and refined throughout the process of coding of the data (inductive coding).

The coding process followed different stages. First, I conducted an initial coding of sentences, a first grasp of the content of the text. Second, I identified counterexamples for emerging themes. Third, I categorised the themes in overarching summarising categories. Fourth, I analysed and interpreted the evidence to identify connections between themes and categories, and between them and the literature reviewed. Fifth, was mapping the themes to show the existing interconnection between them.

The process of coding also takes into consideration two other main blocs:

- Manifest coding: 'which deals with parts of a text' (Sarantakos 2005: 305)

- Latent coding: 'which deals with meanings' (Sarantakos 2005: 305) that are identified through the interrogation of data.

The use of this software not only provides the analytical tools for the study of the data collected thereby facilitating cross-reference throughout the study; but also serves as a data-log and a thought-process log that will 'allow the external observer to follow the derivation of any evidence from initial research question to ultimate case study conclusions' (Yin 2009: 122).

NVivo supports hermeneutical interpretation facilitating the process of understanding and formation of meaningful relations throughout data analysis:

- It produces a detailed analysis of the text through the identification of recurrent themes.
- It allows to maintain an understanding of each part in the broader context of the text.
- Coding helps to identify literal and intended meaning.
- The aggrupation of themes in categories helps the researcher to form correlations of meaning between the units of analysis and the research question.
- The creation of a conceptual map facilitates the illustration and interpretation of the relationship amongst themes.
- The creation of folders containing different coded documents allows for cross-reference and data triangulation.

Coding open-ended responses emerging from semi-structured interviews require higher judgement in classifying the responses or fragments of it into the adequate category and node (Frankfort-Nachminas & Nachminas 2008: 311). Thus, the process of coding becomes highly interpretative and could be seen as unreliable. To avoid this, I created descriptive codes that refer to conceptual themes that could host a more flexible variety of content. Taking into consideration that the coding process was not constrained to closed nodes, different segments of data can be classified in different nodes, representing the fluidity of the content and allowing me to grasp the complexity of the information that was being analysed.

2.8.- Concluding Remarks

The research is designed to understand why historical clarification commissions and the historical method are chosen, how they operate, and the implications of the political and social context in their organisational design and their methodological strategies. Therefore, the interpretative approach was key to understanding the data collected throughout different sources.

The application of the hermeneutical circle allowed me to obtain not only a detailed insight of the correlation between themes within a document, but also across the study through cross-reference and data triangulation. Moreover, it allowed me to avoid challenges emerging from the subjectivity of the process of interpretation. The application of the hermeneutical approach and the seven principles of interpretation has served as guidance to overcome this challenge and conduct a rigorous analysis of the collected data. Like Gadamer (1979), I conceive the process of understanding as one built on the mediation between the subject (interpreter) and the object of study (text). Therefore, in order to maintain the rigour in the process of interpretation, I had to be conscious of this and acknowledge the imprint of my own historicity. This directly links to the principle of interaction explained earlier in this section, for which the researcher recognises his or her unavoidable “influence” on the production of data throughout the research.

As has been explained above, these influences and prejudices of the interpreter are not seen as an obstacle for the process of interpretation because they are not permanent. They are understood to be just a set of pre-conceived ideas that the knower possesses when entering the process of interpretation and that may be modified throughout the analysis of the source. This conception relates to the principle of dialogical reasoning for which this preconceived perception of the topic under inquiry is seen as a fundamental starting point. This process of constant revision of my own perception of the subject matter (preconceptions and horizons) has been characterised by critical self-reflection. In each stage of the research, the principle of dialogical reasoning has allowed me to refine my understanding of historical clarification commissions, its methodologies and potential within a (post)conflict, transitional, and/or divided context, and the broader theoretical framework in which they operate.

Using content analysis as a method of data analysis provides an in-depth understanding of complex theories, social processes and other human activities through accessible support (written documents, recordings). Being generally unobtrusive allows the researcher to achieve a comprehensive understanding of the relationship between themes, concepts and broader categories, which facilitates the process of interpretation. However, the process of interpretation represents one of the biggest challenges when doing content analysis. The process of coding concepts and themes itself only generates descriptive data. Thus, the researcher needs to identify the meaningful relations between them that allow interpretation of the data. High levels of interpretation might isolate parts of the text from their original context, conditioning the quality of the results. To avoid this, the process of content analysis was done, followed by a consistent process of context check within the interviews to make sure that the interpretation was sustained by the evidence without being misrepresented. The fundamental principle of the hermeneutic circle and the seven principles for interpretative hermeneutic research have been crucial to navigate the challenges associated with the acquisition of an objective understanding of the subject matter.

In this chapter I have explored the strengths and limitations of the hermeneutical approach as a reference for the process of interpretation and presented the research design as well as the process of data collection and data analysis. The following chapter reviews the literature on history and the politics of the past with special attention on the role of the state in the production of historical knowledge.

Chapter 3:

History and the Politics of the Past

3.1.- Introduction

The overall aim of the research is to understand *how* and *why* historical methods are used in conflicted or divided societies through the work of historical clarification commissions as bodies of inquiry officially established by the state.

This chapter is divided into three sections and aims to present an overview of the functions of history within society and in the realm of politics, and of the state's influence in the production of historical knowledge. Throughout the chapter, I explore the state's capacities concerning its influence and impact in historiography. This is mainly achieved through commemoration and memorialisation efforts, through legal statutes and regulations, through its judicial capacities or its influence in academia; in developing research and influence in education systems and school curricula. However, the chapter does not explore each of these areas as separate sections in detail. Instead, they are combined and interlinked through the examination of the functions of history, the politics of the past, and the state's mechanisms to come to terms with the legacy of the past through trials, bodies of inquiry, and commissioned history.

The chapter concludes with a brief summary of the main points. It reflects on the political function of historical clarification and the importance of the role of the state and its institutions in addressing the legacy of the past through commissioned history.

3.2.- History: The Past and The Present

History is the discipline that focus on the study of the past, which is presented before the historian in the form of remaining traces that have survived to the present day – i.e. relics, artefacts, documents, etc. and which constitute the historian's empirical source of analysis. Throughout the centuries, different philosophical approaches (e.g. positivism, idealism, romanticism, realism, or postmodernism) have influenced the way in which historians have approached the process of inquiry. Moreover, the introduction of different theoretical and methodological models has allowed the discipline of history to grow within the academic world (e.g. materialism, cultural history, social history, economic history, microhistory, among many others). In the scope of the research, I refer to history as an objective scientific method to the inquiry of the past.

There are two broad meanings of the concept of history. On the one hand, 'the national grand total of all that has ever happened in the lives of human beings', and on the other, the "*inquiry into*" the past to generate understanding (Oakeshott 1983: 1). Responding to the scope of the present doctoral research, I reflect on history as a form of inquiry. Through this approach, historical inquiry is understood as something created by the historian with a specific intention (Oakeshott 1983: 2).

The function of history is understood to be the promotion of a 'profounder understanding of both past and present through the interrelation between them' (Davis 1986: 62). The past becomes 'intelligible to us only in the light of the present; and we can fully understand the present only in the light of the past' (Carr 1986: 49). In other words, the present is what makes historical knowledge meaningful. History, thus, becomes 'the meaning we assign to the past (...)' (Friedman and Kenney 2005: 1), and this meaning is built and conditioned by the social values and beliefs of the historian and the public. Therefore, 'historical interpretation (...) should be considered true only in relation to the needs of the age in which was written' (Tosh 2000: 121).

If the meaning of history is given by the historian through the process of interpretation of the past from a point in the present; this interpretation must be understood in relation to the particular social and political setting in which it is developed. In other words, concerning the practices of the historian within a unique political and social context: what is the dominant national ideology? What political and social debates are taking place in the public sphere? What issues generate indignation or concern and in which social sectors? Its meaning is also conditioned by the particular social and political context in which it is developed. That is, 'the value of a historical product cannot be debated without taking into account both the context of its production and the context of its consumption' (Trouillot 2015: 146).

Despite the anachronistic nature of the presentism approach in history, it is vital to understand that the concern about specific past events is not entirely constructed in relation to the past, but in what that particular past means for the present (Trouillot 2015: 148). We ascribe different meanings to past in relation to the present needs and demands.

3.2.1.- The Functions of History within Society

The uses and functions of history may vary in relation to its purpose, to who addresses it, and in which specific context. In broad terms, history is recalled, written, and communicated by professional historians and other intellectuals that are immersed in academic research giving history a scholarly or scientific use. It may be instrumentalised by political elites to legitimise a political agenda, justify a change of power, or as a vehicle for nation-building. Among these and many other approaches and uses, history is present in our day to day in many forms, and it is remembered, recalled and reproduced in other for societies to give meaning to the past, and make sense of the present. Building on this, Lewis (1975) then classifies the actions of history in three overarching categories: 'remembered history', 'recovered history', and 'invented history' (1975: 12). These three categories are useful at the time of understanding which approach we are taking to the past.

Remembered history refers to a 'statement about the past' and 'ranges from the personal recollections claimed by the elders to the living traditions of civilisation, as embodied in the scriptures, its classics and its inherited historiography' (Lewis 1975: 11-12). This type of history forges a sense of identity (national or group) and locates the nation, community or group in a particular time and space (Lewis 1975). Remembered history has a social function, what Karlsson (2013) calls, 'the existential use of history' (2013: 36). Following this understanding, history takes works of memory as a central concept, arguing that there is a link between memory and history and that both complement each other. The construction of history is based on the conception that, 'all memories, even the most private ones, are social constructs, predisposed with the cognitive and emotional framework of the social group to which they relate' (Karlsson 2013: 36). It can be described as collective memory, 'what [a society] "chooses" to remember as significant, both as reality and symbol' (Lewis 1975: 12). This use of history 'is usually well developed in societies where the functions of memory have been strengthened as a result of conflicts and turbulence, external pressures and/or intra-cultural homogenisation' (Karlsson 2013: 37). In some cases, it may also include, as Karlsson (2013) states, the "moral" use of history, which 'is based on the indignation at (...) specific aspects of history in society, and on an endeavour to restore or rehabilitate them'. This specific use of history is often undertaken in contexts in which the state, or some of its intuitions, are 'suddenly exposed to criticism because essential aspects of the past have been concealed

from the population' (2013: 37). The moral use of history can be triggered by either political actions – i.e. political reform; or other elements such as publications, films, or exhibitions, that expose certain historical events that generate a social response.

Recovered history often emerges from academic scholarship and focuses on the 'reconstruction of a forgotten past' (Lewis 1975: 12). The process of recovering the past implies the (re)evaluation and (re)assessment of evidence and previous historical interpretations based on analysis of empirical sources, which gives it a scholarly-scientific function. Under this paradigm, history does not provide any definite results – i.e. there is no "ultimate" historical truth, but instead presents itself as an ongoing process of movement and change. The academic function of history focuses, mainly, 'on the discovery of new historical knowledge and its interpretative reconstruction (...)' (Karlsson 2013: 35). The critical approach can be triggered as a result of the application of different research methods related to a specific historiographic trend. It can also be linked to the discovery of new evidence or (re)visiting the same sources through a different perspective. Finally, a critical approach to history can be encouraged or promoted by institutional bodies, both academic and political. Recovered history is characterised by a constant process of revision of historical knowledge. Through the process of (re)interpretation, the historian seeks to 'amend, to restate, to replace, or even to recreate the past in a more satisfactory form' (Lewis 1975: 55).

Finally, we turn to invented history, which can be defined as 'history for purpose' (Lewis 1975: 12). In this context, the term invented should not be understood as fiction, but rather in its meaning of constructing or designing a specific historical narrative. In order to avoid misunderstandings, I will refer to it as 'crafted history', which I consider to be more accurate. Crafted history has a strong political function. It responds to external objectives such as to legitimise, convince, influence, rationalise or mobilise certain groups within a given society (Karlsson 2013). In this context, the past has an embellishing and/or legitimising function (Lewis 1975; de Certeau 1988). Thus, the inquiry into the past is made with the intention to correct or remove what is distasteful and to 'replace it with something more acceptable, more encouraging, and more conducive to the purpose in hand' (Lewis 1975: 56-57). On other occasions, the past may be addressed with the opposite intention and 'the purposes of the inventors of history is not to legitimise authority but to undermine it' (Lewis 1975: 64). The use of history for ideological purposes

is 'generally related [with an] attempt to arrange historical elements into the relevant context of meaning, made mainly by groups of intellectuals and politicians in control of public representations' (Karlsson 2013: 39).

Crafted histories also have a political-pedagogical function ascribed to them. History often becomes a source of analogies by 'deliberate comparative metaphorical or symbolic use in which the transfer effect between 'then' and 'now' is rendered simple and unproblematic (...)' (Karlsson 2013: 41). The idea that one can learn from the past is considered by some as a misconception because it 'assumes that the relevant conditions of life and thought are the same' (Tosh 2009: 7). The difference between historical times makes it impossible to take any past event as 'guidance for present practice' (Tosh 2009: 7). Moreover, to reflect on the past to assist present struggles does not work because the political, social, moral and ethical values and economical frame in a particular period in the past are not comparable with those we experience today (Mandler 2013: 23).

Ascribing a political function to history means that the inquiry into the past is always carried out according to the needs and demand of a point in the present. In this framework, the past becomes 'past' only when we reconstruct it from the present (Trouillot 2015). The questions that the historian poses to the past come from the historian's own time, which means that any historical inquiry is made from a conditioning present (Croce 1920; Lewis 1975; see also Carr 1986; Tosh 2000; Hassner 2009; MacMillan 2009; Wiersma 2009). Moreover, it is not only the inquiry into the past, which is conditioned by the present and, consequently, the historical accounts that emerge from it, but also the historical practice. As is explained later in this chapter, the institutional setting, and the social, political and cultural contexts have a direct impact on how history is made. The sources available, what is accepted as legitimate research, and the way the findings are communicated all unfold in the broader scenario in which different relationships and interests develop (de Certeau 1988: 69).

3.2.2.- History in the Political Realm

When understanding history in the realm of politics, the past and the present become 'inextricably linked' (Friedman and Kenney 2005: 4). There are different ways in which the reconstruction of the past through historical narratives can be created and applied to fulfil a particular agenda (political or otherwise): first, heuristically, 'as analytical exercises' to guide the present decision-making processes; second, didactically, 'as rhetorical devices

to explain their decisions and persuade others'; and thirdly, cosmetically, to legitimise their political actions and 'to dignify their decisions (...)' (Friedman and Kenney 2005: 12).

There is a related danger which draws from the ideological uses of history mentioned above under the paradigm of crafted history, that is, the construction of chauvinistic accounts of history. This has been referred to in other literature as "partisan narratives" (Friedman and Kenney 2005), 'partisan history' (Karn 2015: 8-9). Chauvinistic narratives are understood in this section as sectarian historical accounts that are created to influence the behaviours and beliefs of members of a community or nation. The construction of these accounts is not based on the methods and epistemological elements of the historical discipline but rather on the selection of particular events which are highlighted, decontextualised and misrepresented to support a moral, political or ideological endeavour. These are defined by its 'correspondence to external objectives, or rather the capacity to convince, influence, rationalise, mobilise and authorise with the aid of historical perspectives' (Karlsson 2013: 39).

The content of these narratives is often sectarian and is constructed to mobilise citizens or gain power. Its accounts do not recall and reconstruct historical fact *per se*, but the various emotional elements attached to them. This dogmatic use of historical accounts may include 'attempts to control its framing, storytelling, and interpretations and to shape (...) public or collective memories for factional, national, or ideological advantage' (O'Heisler 2008a: 17). History, thus, becomes 'an extremely efficient weapon for intellectuals and politicians to mobilise large populations for various moral, political, and ideological projects' (Karlsson 2013: 32; see also MacMillan 2009). The creation of chauvinistic narratives, which appeal to the personal identification with specific events, can create and fuel deep social divisions that might lead to violent conflict between different groups.

3.2.3.- Historical Clarification

The capacity to counter suspicious uses of historical narratives resides within the practice of history. The inquiry into the past through a rigorous application of the historical method offers the mechanisms to uncover unknown or misinterpreted past events (Karn 2006; Pettai 2015). The process of historical clarification provides a frame to explore the causality of the events, as well as a rationale behind specific decision-making, both necessary to understand why certain past events unfolded the way they did, and what

consequences were attached to them. It offers a nuanced and evidence-based context for the contested historical facts, opening a space for a shift from accusatory narratives towards more explanatory ones (Karn 2006; Karn 2017).

One of the goals of historical clarification is to 'demythologise the darkened taboo corners of national self-understanding' (Karn 2006: 35), to challenge those narratives that might not be historically accurate. Through the critical examination of the past, scholarly historiography can have a destructive influence revealing that particular understandings of the group or national past are 'false and misleading' (Lewis 1975: 54-55). Nevertheless, it does not aim to erase or eliminate previously existing narratives completely. Instead, it seeks to disclaim those elements that are historically incorrect, allowing redress of the historical record while not threatening the group identity of those who hold the narratives.

Through an active engagement with the past, the historian fosters revision and (re)evaluation of sources and the already existing interpretations 'to challenge socially motivated misrepresentations of the past' (Tosh 2000: 15), to construct historical narratives that acknowledge injustices and foster recognition (Pettai 2015; 2015; Barkan 2006). In the past two decades, the introduction of the historical method as a tool for clarification of the past through the establishment of historical clarification commissions (HCC), has been seen to have the potential to open new possibilities to address the legacy of the past, especially in contexts where contested memories continue to perpetuate social division (Karn 2006, 2017; Pettai 2015; Barkan 2006, 2015).

Historical clarification addresses the three overarching categories to classify history, namely, remembered, recalled, and crafted. It addresses remembered history in its capacities to (re)locate a group, community or nation in a particular historical context, bridging the past and the present through the analysis and exploration of different sources and materials that constitute the collective memory.

Historical clarification is linked to the concept of recovered history through the reconstruction of the past. In this process, professional historians critically engage with a 'multiplicity of sources, perspectives, narratives, and interpretations (...) to identify broader structural realities that drive events' (Ingaro 2009: 950). Historical clarification

offers a nuanced and comprehensive account of the past, based on rigorous empirical analysis of the evidence.

Interrogating the past for clarification is also a process of crafting history (historical narratives) for the specific purpose of uncovering unknown or misinterpreted past events. Through the process of historical clarification, the historian creates a link between the past and the present. As it will be explored throughout the upcoming chapters, the process of historical clarification is done as a response to present needs and demands of the social and political context, and, therefore, is given a specific political function.

Historical clarification can be promoted from different sectors. It can be both spontaneous, i.e. from the academic sphere at the light of new evidence that might challenge long-lasting conceptions of the past; or 'officially sponsored and even imposed' (Lewis 1975: 57). Thus, historical clarification processes may emerge from a political initiative to (re)investigate and commemorate specific events of the past that might have shifted their meaning (Lewis 1975). Furthermore, they may be a response to social demands based on indignation about certain aspects of the past, which related to the 'moral function of history' proposed by Karlsson (2013: 37). These may be demands for acknowledgement of past injustices, recognition of groups or historical episodes that have been neglected in historiography or to address issues of responsibility.

3.3.- The Politics of the Past

Addressing the past is a task that occupies all governments. It is a national endeavour that is carried on through different means and platforms (laws, museums and heritage, school curricula) destined to craft and promote the official history and public memory. However, addressing the past often goes beyond that to pay attention to how the actions of our predecessors have determined, or at least influenced, contemporary generations. Governments may confront 'the inheritance of past policies and of how to manoeuvre through the minefield of past decisions' (Carins 2003: 65), engaging in a moral process that involves both the political and the social sphere.

The state interest in the uses of history in the political realm grew with the emergence of nation-states as a new form of political organisation. The past came to play a central role not only in providing the legitimation that the new nation-states required, which was needed to justify their actions, but also, in creating a story, a narrative that would glorify

the existence of the nation pointing to its 'ancient essence whose historical path to power was inevitable' (Olick and Coughlin 2003: 54). The configuration of political power under the nation-state and the emerging political movements saw in the link between the present and past a way of building narratives that would sustain their new political and ideological enterprise. The uses of history offered the opportunity to create specific narratives that highlighted concrete political, social and cultural elements that would serve 'to legitimate the sovereignty [of the nation] and even [its] very existence, both towards their own populaces as well as towards other states' (Bevernage and Wouters 2018: 7). One of the clearest examples of this is the foundational myth of the nation, by which the embellishment of sometimes humble origins, 'seek[s] to improve or conceal their distinguished beginnings and attach themselves to something older and greater' (Lewis 1975: 59).

The power that the state saw in the uses of the past did not only come in the form of historical narratives through the promotion and establishment of textbooks and state discourses. It also emerged in other areas that contributed to nation-building in a less direct form. There was an increasing interest by governments on creating institutions and infrastructures that would become state instruments for the dissemination of historical knowledge in the public sphere. Thus, libraries, archives, museums, monuments and commemorations all acted as mechanisms for nation building (Bevernage and Wouters 2018: 8). The compilation of this historical knowledge contributed to the process of 'inventing traditions' (Hobsbawm 2000: 9), which served different purposes. It helped to establish and legitimise governmental or other institutions consolidating 'relations of authority', as well as creating a system of 'beliefs, value systems and conventions of behaviour' (Hobsbawm 2000: 9).

In the twentieth century, the two World Wars represented the creation and consolidation of a 'new world order that confirmed the near absolute sovereign powers of the nation-state' (Bevernage and Wouters 2018: 15). This changed substantially how the state addressed the legacies of the past, how it was to be represented in the present, and what were the implications for the future. The involvement of the state in the production of historical knowledge developed its full potential with the creation of institutions to publish reports and 'gather documents and publish sources and national histories, first to legitimate the war effort, afterwards to lay claims to post-war reparations, and finally to

organise history and public commemorations' (Bevernage and Wouters 2018: 14). The post-colonial era, the collapse of the Soviet Union and the replacement of the dictatorships in Latin America, Portugal and Spain generated significant social and political transformations in the global landscape. The 'national state-sponsored history was increasingly challenged by supra national and subnational groups and organisations which contested the absolute sovereignty of the nation-state in relation to history and memory' (Bevernage and Wouters 2018: 15).

From the late twentieth century, the struggle for recognition has increasingly confronted governments in different parts of the world to revisit their pasts to address historical injustices. This translated, in some cases, into 'a new level of ethical introspection: moral issues came to dominate public attention and political discussion and displayed the willingness of nations to embrace their own guilt' (Barkan 2003: 92). This change in the attitude of the state towards its own past is represented by the concept of the therapeutic state. Under this understanding, the state seeks to 're-establish [its] sovereignty' by acting as an advocate for those groups in society that it considers vulnerable – i.e. victim groups, minority groups, among others (Bevernage and Wouters 2018: 22).

Therapeutic governance, thus, is used as a 'tool to deal with the legacies of violent conflict and as a technique for state building in post-conflict societies (...)' (Bevernage and Wouters 2018: 23). In other words, it becomes the means to change the relationship between society and the state seeking to gain legitimacy. In contexts emerging from political violence or conflict, the (therapeutic) state directs its attention to 'victims and their inclusion as a resource in the recovery of state sovereignty and legitimacy (...)' (Humphrey 2005: 211). In this framework, the concept of therapeutic state or therapeutic governance is closely linked to (1) the process of national reconciliation (Humphrey 2005), and (2) to the politics of regret (Olick and Coughlin 2003; see also Olick 2007; Moon 2009).

In the former, 'reconciliation is being used as a therapeutic strategy to re-establish legitimacy by changing the relationship of victims of human rights abuse to the state' (Humphrey 2005: 207). Truth politics, mainly through the establishment of truth commissions, become a key element in the process of national reconciliation within therapeutic states. As 'victim-centred institutions', truth commissions have the 'purpose of recovering personal dignity and self-esteem of victims through public recognition of their suffering' (Humphrey 2005: 211).

Along similar lines, Olick and Coughlin (2003) define the politics of regret as a form of historical consciousness reflecting on the importance of 'storytelling and constructive narrative' in the formation of collective identity (Olick and Coughlin 2003: 52). In this context, the 'relationship between remembered pasts and constructed presents' is in constant 'renegotiation over time, rather than pure strategic invention in the present or fidelity to, or inability to escape from, a monolithic legacy' (Olick 2007: 54). This concept is directly linked to the human rights discourse because 'its advocates believe that only gestures of reparation, apology, and acknowledgment can restore the dignity of history's victims and can deter new outbreaks of inhumanity' (Olick and Coughlin 2003: 42).

This form of political legitimation '(...) depends just as much on collective memory as it ever has, but this collective memory is now often one disgusted with itself, a matter of "learning lessons" of history more than of fulfilling its promise of remaining faithful to its legacy' (Olick and Coughlin 2003: 42). The (inquiry into) past becomes a source of recognition and acknowledgement for historical wrongs. This context 'reveal[s] state-sponsored history as multiple, contested and changing', with power to challenge the historical narratives promoted by the state when they recognise and legitimate previously disregarded or subaltern histories' (Sumartojo 2018: 449).

While the production of alternative historical narratives can be an empowering vehicle to challenge the long portrayed national narratives, it can also be instrumentalised as a form of power by the state. Adopting policies of political regret and recognition that lead to assuming responsibility for past human rights violations can intensify the state's control 'by assuming moral authority and leadership and confirming its powers of arbitration and recognition' (Bevernage and Wouters 2018: 27). The use of historical discourse can also be used 'to get away from historical responsibilities' (Berber Bevernage 16.01.2019).

In this framework, the uses of history and memory for political ends become advantageous. First, 'by stressing a history of victimisation and arguing that untreated past trauma and resentment can lead to future violence, states are able to claim a "therapeutic mandate" and justify new forms of state intervention'. Second, the enabling of truth-seeking mechanism and clarification projects is used as a vehicle for political legitimation appealing to the reconciliatory and healing attributes of the historical narratives emerging from state-sponsored bodies of inquiry (Bevernage and Wouters 2018: 23). By highlighting the moment of rupture with the past that is being interrogated, there may be the intention to eliminate traces of possible responsibilities in the present.

While the delimitation of the areas of investigation is necessary to conduct the research (historical periodisation, selection of sources, narrative strategy), leaving certain aspects of the past inevitably kept in the shade, there may be political, social, cultural or economic motivations for keeping events unknown.

3.3.1.- The Production of Historical Knowledge

The intervention of the state in policies of the past is both a process as well as a product of the construction of historical knowledge and public memory. The first refers to the different levels in which the state or state actors ‘actively intervene in the construction of history and public memory’ (Bevernage and Wouters 2018: 4). The second focuses on the ‘concrete and direct results yielded by state initiatives’, i.e. textbooks, memorials, apologies, among others; but also, the creation of “meta-narratives” or “memory regimes” that ‘construct or reinforce certain representations of the state’ (Bevernage and Wouters 2018: 4).

Museums, memorials, monuments and other forms of commemoration are perceived to be a ‘powerful state resource to deploy official versions of history to contemporary political ends and to cohere communities with a shared understanding of the past and its relevance for the future’ (Sumartojo 2018: 449). Through these institutions, the state directly contributes to the ‘construction and consolidation of national heritage’, as well as to the propagation of the state’s ‘master narratives [that] often emphasise its founding myths’ (Porciani 2018: 373). It influences the creation of the ‘collective memory of a community or a nation or any other entity – what it, (...), “chose” to remember as significant, both as reality and symbol’ (Lewis 1975: 12). In addition to these, there are other elements of the state’s soft power that directly contribute to the formation of the historical narratives representative of a group, community or nation. The publication of historical novels or historical magazines, television series or documentaries, has had a significant impact on making certain historical discourses available and accessible to the general public. However, the boundaries defining the intervention of the state are not always clear, and sometimes other agents – for example, historical societies, or private research groups – might share or contribute to the process (Porciani 2018: 378).

Other state interventions are found in its legislative functions and its judicial power. The former gives the state the mechanisms to regulate how the past is addressed and communicated to the public; the latter uses courtrooms and trials as platforms for

restoring the morality of the historical context in which the crime was committed by portraying some sort of “lesson to be learned” from particular cases (Osiel 2008). The legislative body has an impact on the work of the historian in two main areas. On the one hand, (1) are information laws, which are articulated under specific state attitudes about the processes of compilation, preservation, access and security of the archives and their document collections (see Huskam-Peterson 2018: 139). On the other, (2) is freedom of expression laws, which regulate ‘what [one is] allowed to say about the past’ (Beats 2018:41). The establishment of memory laws and other mechanisms of ‘history policy’ (Stobiecki 2007: 183), illustrates the relationship between the state and the production of historical knowledge, marking the paths in which the state directly influences historical research. In this relationship, the state uses the law to determine the limits of what is acceptable to say about the past, and how to say it.

In an expression of its judicial power, the state charges trials with a “didactic” function, with a courtroom becoming a space in which history is “judged” as ‘right and wrong, guilty and innocent’ (Glosan 2018: 533). In these contexts, in which law turns to history it does so in its condition of retributive justice, in an effort ‘to restore the moral imbalance’ that the acts of an individual represent, rather than ‘rehabilitate or correct the wrongdoer’ (Douglas 2018: 535).

Finally, the state acts as a regulator of the academic sphere. Although an ‘academic monopoly on the representation of the past’ has never existed, academic institutions such as universities ‘created a hierarchy of knowledge production that could not be ignored by the political field and state authority’ (Raphael 2018: 210). The forms of state influence in the scholarly production of historical knowledge constitute less direct forms of intervention, which mainly take place through the allocation of public budget funds to research institutions (Raphael 2018: 212). There is a set of unspoken conditions that refers to hidden influences and motivations affecting the academic sphere. Historiographical research is always ‘(...) articulated over a socioeconomical, political, and cultural place of production’ (de Certeau 1988: 58). The social, cultural, and political surroundings of the historian (workplace, group or community, or nation) imprint specific ‘rules by constraints’ that are attached to a particular environment. It is in terms of this particular situation that research is carried out, ‘methods are established, its topography of interests can be specified, [and] its dossiers and its interrogation of documents are

organised' (de Certeau 1988: 58). For example, do the prospects of a future career influence the selection of specific topics? Are the researchers of a given institution self-restricting or self-censuring in order to align their work with the institution system of values in order to maintain their workplace? These elements are difficult to measure, but they play a role in the production of historical knowledge (de Certeau 1988; Trouillot 2015).

For the scope of the research, I mainly focus on two areas, namely, the state's influence in the academic sphere, and the influence as judicial power through the establishment of mechanisms to address the legacies of the past. Within this, the chapter explores how the legislative function of the state enables, influences, and regulates the production of historical knowledge in order to understand how it uses history and the work of professional historians through different mechanisms.

3.3.2.- The State's Influence on Historical Research

As pointed out by Raphael (2018), the regulation of intellectual and institutional autonomy is the 'result of liberal constitutionalism starting in Europe in the eighteenth century'. This was 'further strengthened by the spread of democratic rules for academic insertions', and 'culminated in an informal rule of noninterventionism for private or public sponsors of scholarship' (2018: 211)⁵. There exist various institutional settings, both public and private, for historical research – 'archives, libraries and research institutes – often highly specialised and serving the interests of a rather small clientele of experts or specialists' (Raphel 2018: 209).

There are different ways in which the state directly or indirectly influences historical research. Probably the most obvious form of state influence is through the direct funding of particular research projects or the financing of publications. The relationship between political authority and historiography is reflected in different aspects. First, is 'the critical production of "facts" and "documents"', and second, the rules governing the production of professional narratives of the past; the categorisation and selection of "sources". Third, is the making of an academic profession with particular skills (...)' (Raphel 2018: 210).

⁵ For further detail on the relationship between political authority and historiography since the nineteenth to the twenty-first century, see Raphael (2018).

3.3.2.1.- The Practice of the Historian

In this section, I depart from the understanding that the historian does not work in a vacuum, and that both the academic environment and the social, cultural, political and economic context influence his or her practice. Building from this, it is important to remember that the research methods and the 'truth model' that frame the process of inquiry do not come solely from 'master narratives or tropes of historiography' (Raphel 2018: 210), but also from the historian's contexts and the different system of beliefs imprinted in his or her private, public and working spheres.

The work of the historian is indirectly regulated by the public or private institutions that impose certain values and working ethics that have an impact on the development of the investigation processes. The state not only influences historical research through direct mechanisms such as financial support or encouraging the development of specific research projects through scholarships, but additionally, there are more indirect forms of intervention that have a strong impact on historiography and historical research. This is mainly achieved through the regulation of the access that historians have to sources (archival laws), and the way in which they can communicate their findings (memory laws – historical policy). In the latter case, the influence of the state through the legal body, aims at regulating certain processes of historical revisionism that escape the boundaries of academic or historiographic revisionism, and can cause social and political controversies.

The archives are the main source of resources necessary for the historians to inquire into the past and construct their accounts. Therefore, the control over the resources available has a direct impact on their work and the production of historical knowledge. Historical narratives and silences are not only a response to the historian's rationale and motivation behind the inquiry into the past, but also a reflection of the archival power 'to define what is and what is not a serious object of research and, therefore, of mention' (Trouillot 2015: 99). The silences in archives are the result of different state politics in relation to the preservation, maintenance, and access to the documents (Peterson 2018: 155, see also Turillot 2015).

The governance of archives is understood here not only as intervention in the regulation of national archives, but also the documents in all state institutions, public libraries, or 'depositories sponsored by states and foundations' (Trouillot 2015: 52). The state has at

its disposition a set of laws that regulate the preservation of documents and, therefore, determines what information is available, who can have access to its sources (policies of access), as well as 'the security the state provides to the archives (...)' (Peterson 2018: 139). The process of regulating and 'making of archives involves a number of selective operations: selection of evidence, the selection of themes, selection of procedures' which inevitably means 'the exclusion of some producers, some evidence, some themes[,] some procedures' (Trouillot 2015: 53). The main danger for the archives is the prospect of neglect in the preservation of the documents and other materials due to an 'inadequate storage [policy]', lack of both physical and technological equipment, '(...) lack of training for staff members, and lack of funds' (Peterson 2018: 148). This has a direct impact on the sources available to the public, in this case historians, and therefore conditions the process of investigation.

The state has direct control over government records in terms of accessibility to materials. There are mainly three kinds of restrictions embodied by the state over archival resources. First, the main limitations emerge from the application of the archive laws, information laws, and freedom of information and privacy or data protection acts (Peterson 2018). Second, there may be limited access to specific collections or single documents (Peterson 2018). Third, there is a set of special restrictions that the state can impose to the archives, for example, national security issues, which result in classified documents. Having classified documents, especially related to 'foreign affairs, to intelligence operations, and military and national defence' (Peterson 2018: 152), is something common to almost all states and governments. However, the limited access to this information may become problematic in those cases in which the state is covering sensitive information to protect itself from prosecution (Gonzalez-Quintana 1997; Weld 2014; Peterson 2018: 152).

It is essential to mention the unique relationship that the state may establish with research institutes and other bodies of inquiry destined to research historical periods where governments and related institutions have been involved in 'human rights abuses or involved in significant traumatic events' (Peterson 2018: 146). These bodies of inquiry *usually* have preferential treatment when it comes to access policies. The researchers may have exclusive access to state information that otherwise would not be accessible. In these cases, the terms and conditions of access are specified in the foundational

mandates having a direct impact on the process of investigation by regulating the available sources. The documentation compiled by these bodies of inquiry or research groups is also considered under different state's regulation, which prevents the state from censoring it or restricting its sources and materials to the public (Peterson 2018).

3.3.2.1.1- Oral History: Testimonies as a Research Resource

This section has presented archival materials as a main resource for historical inquiry. It allowed the exploration of the role of the state in influencing historical research and the production of historical knowledge through the direct or indirect regulation of the archives. However, it is crucial to highlight that documents are not the only source available to the historian, which combines his or her archival research with the use of oral testimonies – i.e. oral history.

Oral history is the interrogation of historical information emerging from the oral testimonies of individuals collected through interviews, and audio or video recordings (Thompson 2000; Smith 2008; Ritchie 2011). Oral history contains eyewitness accounts of a particular event or experience, stories, myths, or music among others. For the scope of this research project, I focus on the use of people's testimonies as a research resource.

Orality has been a main aspect in the transmission of culture, tradition, and historical knowledge, before the inception of written records (Thompson 2000; Abrams 2010; Ritchie 2011). However, the transformation of history as a professional discipline in the nineteenth century, situated documentary analysis at the centre of historical inquiry. The centrality of written sources gave the professional historians a specific methodology of analysis that would mirror, in some aspects, the positivist trends of enlightenment, and stressed the value of documents as empirical data to reconstruct the past as it really was (Ranke 1983). As a result, oral history was seen with suspicion for its subjective and changing nature, as against the static nature of documents and their attributed objectivity (Ritchie 2011: 12).

Although oral history was never completely disregarded as a research resource, in the mid-twentieth century it regained status within the discipline. In 1948, Allan Nevins was 'concerned that modern communications and transportation were lessening the impetus for letter writing and diary keeping' (Ritchie 2011: 4). He created the Oral History Research Office at Columbia University which set up the contemporary basis for

the use of the interview as a resource for historical research. There was significant 'scholarly scepticism and verification of evidence', rooted in the tradition of the nineteenth century with an emphasis on 'archival documentation for greater accuracy in history' (Ritchie 2011: 4). In this context, oral history was not considered able to '(...) produce data which could be verified and counted, (...) [or] that could be rigorously tested' (Abrams 2010: 5).

Throughout the 1970s there was an increasing use of oral history with the purpose of giving voice to those groups, communities or cultures that had been previously kept at the margins of the historical tradition (Thompson 2000; Smith 2008; Abrams 2010; Ritchie 2011). Therefore, oral history was seen as a means of challenging longstanding official narratives that did not reflect the reality of all social groups, class, race and cultures, as well as promoting a better understanding of the past. This turn to oral history was framed under 'a sense of social responsibility (...) which challenged the social and intellectual status quo by interviewing those who had been overlooked or oppressed' (Ritchie 2011: 4).

Oral history, as a research tool, is a subjective methodology. As Passerini (1979) states, the narratives collected from an interview are not the verbalisation of the experiences as they really happened but are recalled and (re)constructed in the present. Thus, the social, political, cultural and economic contexts influence the process of remembering and retelling a story. Recognising this, the oral historian needs to take into account '(...) how and why those memory stories are produced (...) ' (Abrams 2010: 7), and what are the reasons for telling them (Portelli 1981). However, this does not automatically disregard them as reliable sources. When oral testimonies are used as a research resource, oral historians conduct a process of verification of evidence of the interviews through a process of 'cross-[examination] with documentary sources in order to separate truth from fiction as well as setting the oral evidence in the wider context and checking for internal consistency in order that oral material [can] stand up to scrutiny' (Abrams 2010: 5).

In the framework of this study, one of the most relevant implications of oral history is gaining access to otherwise inaccessible information. As is explained later in the thesis, this is especially relevant when historical research takes place in contexts in which the archival resources are limited or not accessible to the historians (Chapter 7, page: 223). Nevertheless, when oral history takes place after traumatic events or conflicted societies,

there are a number of considerations to take into account related to '(...) oral historical distance, objectivity, reflection, and emotional trauma' (Ritchie 2011: 15). These bring up ethical questions in terms of the relationship between the researcher and the person who is giving the testimony, and on the treatment of this testimony as a research resource.

3.3.2.1.2- Historiographic Revisionism

Professional historiography is based on the concept that 'historical knowledge is *cumulative* and increases as the process of historical investigation continues' (Davis 2003: 8) so that historical accounts become more robust through their constant revision (Davis 1986; Tosh 2000). Revisionism in history, that is, academic or historiographic revisionism, is a foundational part of history as a discipline (Cattini 2011). It refers to the re-interpretation of the historical record challenging the already established historical narrative in light of new evidence, new inquiries, or new developments in the discipline (methodologies, theories or approaches) (McPherson 2003; Elton 1991; Suny 2009). Historiographic revisionism represents the unending quest by historians for understanding the past and should not be confused with the negative connotations linked to denial and misrepresentation of the past (Cattini 2011). Historical clarification through the work of HCC, is in essence a process of historiographic revisionism.

Tucker (2007) identifies three types of historiographic revisionism. First, in 'evidence-driven revision' which takes place in the light of new evidence which might challenge long-held assumptions, and, therefore, encourage revision (2007: 1). In some cases, 'the search for new theories and methods can generate new evidence and new knowledge of the past is sometimes motivated by new interests in aspects (...) that once received little attention (...) ' (2007: 2). Second, Tucker refers to 'significance-driven revision'. In this case, historiographic revisionism comes from deviations in what is considered to be significant about a historical period. The 'perception of significance is revised as a result of historical changes' (2007: 2). When taking into account this kind of revisionism in history, it is important also to consider that the assignment of the significance of a historical event is determined in retrospect from a particular point in the present (2007: 2). Finally, revisionism can be 'value-value driven', which is the result of (re)visiting past events as a consequence of a 'revision in the system of values that historians employ to evaluate historical events, actions, and actors' (2007: 2).

To describe the difference between historiographic revisionism and other forms of negationist revisionism or denial revisionism, is central to understanding how these two forms of revision are motivated and built. Historiography (the discipline of history) is guided by a particular set of values that emerge from the social, political, and institutional context, as well as from the epistemology of the discipline itself (de Certeau 1988: 58). As has been stated earlier in this chapter, the context directly influences both the process of investigation into the past, but also the tools and methods applied to it, and the outcomes. Tucker (2007) identifies two sets of values. On the one hand, there are the 'cognitive values (precision in description of the evidence, simplicity of structure, scope of explanatory power, internal consistency and diligence in the search for evidence)' (2007: 4), which guide the rigorous interrogation of the past. On the other, what he calls 'therapeutic values', which include 'the denial of historical guilt, (...); the promotion of self-respect, for instance via national myths; and the elimination of a sense of alienation and absurdity, for instance through conspiracy theories[.]' (2007: 5). The core distinction between academic or historiographic revisionism and negationist or denial revisionism relies on which values are prioritised. Thus, historiographic revisionism is built on 'scientific cognitive values accepted by large, uniquely heterogeneous and uncoerced community'; whereas negationist or denial revisionism is often 'founded on therapeutic values (...) accepted by particular homogenous communities that are clearly identifiable according to their problems and grievances' (Tucker 2007: 6).

Most of the negationist or denial revisionism claims to be following historiographic methods to interrogate the past. Nevertheless, revisionism for denial is carried out usually for political purposes (Lipstadt 1993: 7), and often 'creates facts where none exist and dismisses as false any information inconsistent with (...) preconceived conclusions' (Lipstadt 1993: 9).

Revisionism as a form of denial, or negationist history can be traced back to 'intellectual currents that began to emerge in the late 1960s' under the constructivism and relativism paradigm (Lipstadt 1993: 17-18). This academic wave stated that 'experience was relative, and nothing was fixed', any two or more competing views over a 'significant issue were of equal worth' (Lipstadt 1993: 18, see also Bešlin and Škorić 2017). Along these same lines, the work of Foucault on history and the historical method also contributed to the consideration that all historical accounts were potentially questioned. Foucault (1978)

argued against the idea of progress in history as a result of a line of causation that creates certain continuity of events that link the past and the present. By advocating for a history of 'discontinuities' (Foucault 1978: 8), he suggested that historical events can only be fully understood when taking in consideration the context in which took place (historical relativism) (Foucault 2005: 253). For example, he argues that the social, political and economic context in which Marxism was developed are not comparable to the ones that rule the present; therefore, 'Marxism cannot be the basis for a critical theory because the modes of domination in the twentieth century cannot be revealed from the vantage point of the subject' (Poster 1982: 123; see Foucault 2005: 285). This had significant implications for revisionism in history.

First, the dilemma that comes with this particular framework is that, while acknowledging that there are multiple narratives in relation to the past, '[history] cannot give a full account of the production of any single narrative' (Trouillot 2015: 13). Second, if there are no fixed meanings for past events, how can we establish legitimate and authoritative accounts of the past? Negationist or denial revisionism in history developed in this framework.

Applying extreme relativism to the field of historical research means that every interpretation is as good as any other because it is true to the historian (or scholar) who elaborated it, and to its time. In other words, it is justifiable to accept any historical account of the past. However, not all interpretations of the past are of equal worth or may not be acceptable under the historian's working paradigm. There are different mechanisms, internal and external, to the discipline of history that can help to counter negationist or denial revisionism. The internal mechanisms rely mainly on the methodological approach to the research, i.e. the sources that have been analysed and their validation, the rigorous analysis of the evidence available (Berg and Lune 2014). The external mechanisms focus mainly on the capacities of the state as a legislator to regulate 'the rights and duties of responsible historians and their (...) audiences' (Beats 2018; see also Lipstadt 1993).

The state has some control over how the work of the historian is communicated through the establishment of various sets of laws. For example, the freedom of expression laws (in the Western world), which are established as a set of legal mechanisms to regulate how historical knowledge is communicated to the public. The different pieces of

legislation relate to ‘freedom of [historical] opinions’, understood as ‘interpretations of past events and moral judgements about the conduct of historical figures’ (Beats 2018: 42). Thus, the regulation does not refer to historical facts – which can be proven true or false by the analysis of the evidence; but rather on the interpretation made by the historians. There are other sets of statutes that regulate the work of the historian, namely, memory laws, blasphemy laws, hate speech laws, and genocide denial laws. These are assembled in order to ‘prescribe or prohibit certain views of historical figures, symbols, dates and events’ (Beats 2018: 47). Furthermore, there are also laws that are destined to ‘protect religion, its doctrines, symbols, and venerated personalities (...) from insult and defamation’ (Beats 2018: 55). Additionally, there exists legislation that is destined to avoid a public invitation to hate and violence, and to ‘condone denying or grossly trivializing genocide, crimes against humanity, and war crimes’ (Beats 2018:59). The state directly intervenes on how historians communicate their investigations about the past, regulating both the content and the form in which historical knowledge is produced and communicated.

There are some widely known examples of legal cases in which negationist history was brought to the courtroom, known as the Holocaust denial trials. One of the most famous examples is the David Irving v Penguin Books and Deborah Lipstadt in 1996 (see Lipstadt 2005). The case was ‘brought by Irving against Lipstadt (...) not only [for] her contention that he falsified history, but also her allegations that he was a Holocaust denier’⁶ (Evans 2002:105). The trial was to determine if Irving was indeed a Holocaust denier and if he had intentionally misrepresented the historical evidence about the Holocaust and its consequences, minimising the number of European Jews ‘deliberately murdered by the Nazis’ (see Evans 2002:117), and the existence of the gas chambers (Evans 2002:128). The court decision was given four years later. The verdict was in favour of Lipstadt, with the judge ruling that Irving had ‘significantly misrepresented what the evidence objectively examined, reveals’ (Lipstadt 2005: 271).

In her book about the trial, Lipstadt (2005) quotes the judge:

‘Irving’s falsification of the historical record was deliberate and (...) motivated by a desire to present events in a manner consistent with his own ideological beliefs

⁶ Lipstadt’s book that Irving referred to was: *Denying the Holocaust: The Growing Assault on Truth and Memory*, published by Penguin Books in 1993. This book was a very comprehensive and complete study of the deniers.

even if that involved distortion and manipulation of historical evidence' (The Hon. Mr. Charles Gray "Judgement"; Lipstadt 2005: 271)

The judgment had its basis on what an 'objective historian should do' (Evans 2002: 226). The judge pointed out that an objective historian has to 'make clear to the reader when he or she is speculating about the past'; 'is obligated to be even-handed in his [or her] approach to historical evidence: he [or she] cannot pick and choose without adequate reason' (Evans 2002: 226-227). Irving did not fulfil any of those. It was clear that his approach the historical evidence could not be accepted in relation to the academic standards of rigorous historical research. This was added to the proof of deliberate manipulation of the historical evidence in pursuit of his ideology and beliefs (Evans 2002). Irving was sentenced to three years in prison after he admitted being guilty of Holocaust denial⁷ (Evans 2002).

A key point to extract from the verdict is that the judge's decision was not made on the basis of the truthfulness of the conclusions of Irving's work, but rather on how he had achieved these conclusions. In other words, the court focused on the accuracy of Irving's methods through the process of historical analysis and interpretation taking in consideration epistemological elements of the discipline of history, and the necessary rigour of both in the process of validation of evidence and communication of findings.

There are some concerns related to the state's intervention over historical research through legal restrictions. Despite being necessary to regulate the emergence of negationist historical revisionism, state's legal intervention may also impact on other aspects of the production and communication of historical knowledge (Petrović 2007). It raises questions about how much power the state may exercise over the production of history; and if judges, aligned with the norms and values of the state, should be put in the position of imparting judgement on historiographical content (Petrović 2007: 26). By establishing a set of memory laws, the state is controlling, or at least influencing, how the past is allowed to be interrogated and expressed, raising questions about the perceived authority and capacities of the courts over historiography.

A recent example of this can be found in Poland where on the 1st of February 2018, the then ruling party Law and Justice (PiS for its name in Polish *Prawo i Sprawiedliwość*) proposed the approval of a "Holocaust Law". This was destined 'to prevent public use and

⁷ See The Guardian (2006, February 20th). "David Irving jailed for Holocaust denial" (access via <https://www.theguardian.com/world/2006/feb/20/austria.thefarright>)

dissemination of terms such as "Polish death camps", contrary to historical truth and defying the good name of Poland and the Polish nation' (Polish Senate 2018). This example is explained in detail in Chapter 5, page: 144), however, it is important to discuss it briefly here. The law criminalises any attempt to ascribe to the Polish nation or state, with any responsibility for the Nazi crimes committed by the Third Reich (see Polish Senate communicate 2018, Art. 55a. 1⁸). Through the "Holocaust Law", the Polish state exercises direct control over the academic historical research which resulted from a rigorous analysis of the evidence available. The "Holocaust Law" clearly represents the control of historical narratives to fulfil a political agenda (John 2018; Noak 2018; Tara 2018; Vonberg 2018).

3.3.3. State's Mechanisms to Address the Legacy of the Past

This section explores states' judicial powers and mechanisms to address the legacies of the past. It focuses on how history, historical knowledge, and historical narratives are addressed and created through these bodies, with a brief definition of how state-sponsored judicial mechanisms operate through legal proceedings, and their uses in quasi-legal mechanisms, namely, truth commissions, and other state bodies of inquiry.

Understanding the state as a judicial power, that is understanding its capacities to influence historical knowledge production and communication through legal and/or quasi-legal mechanisms, ought to be done under a twofold paradigm. On the one hand, is the context of the 'proliferation of national and international trials and tribunals (...)' after the end of the Second World War (Golsan 2018: 513). On the other, is the growing of the field of transitional justice⁹ from the 1970s. Requests have been, and continue to be, made for historians to participate in trials and judicial processes as witnesses, or in state-sponsored inquiries and truth-seeking commissions to shed light on specific events

⁸ See the Amendment to the Law on the Institute of National Remembrance (<https://www.gov.pl/web/sprawiedliwosc/nowelizacja-ustawy-o-ipn-wersja-w-jezyku-angielskim>)

⁹ Transitional justice is understood as a 'range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. These may include both judicial and non-judicial mechanisms, with differing levels of international involvement (and none at all) and individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals, or a combination thereof' (Secretary-General UN 2004: 4 para. 8). Thus, transitional justice strategy is 'aimed at confronting and dealing with the past violations of human rights and humanitarian law' (Roth-Arriaza 2007 in Nagy 2008: 277). To do so, it endows the state with different mechanisms, such as criminal prosecution, system reforms, reparation to the victims, and truth-seeking tools, to work towards political and social reconciliation (see also Teitel 2003, 2010, 2017).

that have occurred in the past and that are highly controversial in the present (Jones et al. 2013:6). In this context, where ‘public memory of catastrophe can be manifested (...) in different ways’, the role of historians is highlighted (Jones et al. 2013: 4).

The action of the state acting as judicial power can be understood as a form of (moral) legitimation which uses the legal condemnation of past wrongs as a way of differentiating from previous political regimes and proving its morality through the condemnation of past atrocities. However, it can also have the opposite effect and act as a vehicle for challenging officially established narratives. This is often seen in ‘internationally supervised courts and tribunals’ imposed on third nations – for example the International Criminal Courts (ICC). The verdicts emerging from these courtrooms ‘can yield nuanced historical accounts which challenge the patriotic myths and biased historiography often produced by nation-states and their judicial branches’ (Wilson 2005, 2011 in Bevernage and Wouters 2018: 16).

In the aftermath of repressive political systems or periods of extreme violence, societies are often rooted in a complex ground of competing narratives about what happened and who is to be held responsible for the crimes committed, transforming the past in a much-contested space. In cases in which the historical component plays a substantial role in the understanding and interpretation of what happened during the time of conflict, historical discourses are often used as a tool to construct or legitimise ideologies and become effective ‘weapon[s] to counter positions of others by way of presenting interpretations of events’ (Falola 2005: 161). The differentiation amongst groups ‘becomes the organizing principle of political discourse’ reducing it ‘to only two opposite perspectives’ (Schaap 2005: 79), perpetuating social division and, in some cases, even violence. Therefore, it is necessary to embark on processes of reconstruction of the past through a comprehensive historical analysis in order to challenge and delegitimise these particular narratives (Verdeja 2009: 40).

The link between the past and the present becomes evident when trying to find ways to move forward towards a future in peace. It is both: (1) ‘retrospective’ in the sense that it will come to terms with the past, and (2) ‘prospective’ that is, the one that will project certain views for the future (Schaap 2005). By encouraging the creation of different bodies that are designed to address the legacy of the conflicted past through clarification

of the events, political elites potentially have the power to influence society in the way that it engages with the traumatic past (Verdeja 2009).

3.3.3.1.- History in the Courtroom

The roles of historians in the judicial system are wide-ranging: from the compilation of evidence to construct the case archives, to active participation in trials as expert testimonies. Keeping in mind that the scope of this section is to explore the role of the state in influencing or actively shaping historical knowledge, this section explores the purpose of the so-called didactic or pedagogical trials, and the implications they may have for collective memory and historiography. Before addressing the content of this section, it is essential to note that historical accounts are not always present in courts and international trials. The 'majority of trials have proceeded without academic experts, and no accused has ever been convicted on the basis of historical evidence alone' (Wilson 2011: 69).

The end of the Second World War brought with it the establishment of several national and international tribunals to come to terms with the crimes committed in the most recent past. Some examples, among others, are the Nuremberg Trials carried out between 1945 and 1949 to prosecute Nazi war criminals or the Eichmann trial in Jerusalem in 1961, which prosecuted the Nazi SS-commander Adolf Eichmann for crimes against humanity. In both of these cases, there was an 'attempt to prosecute unprecedented (...) crimes' (state, organisational and individual crimes) (Glosan 2018: 514), as well as dealing with extremely symbolic and morally charged cases. Another example is the French trials from 1987 to 1998 to prosecute crimes against humanity during the Vichy regime in France under Nazi occupation (see Russou 2003; Todorov 2009; Jones et al. 2007; Wilson 2011; Glosan 2018).

Often, these legal proceedings not only had the objective of prosecuting the accused of the crimes committed but also aimed towards 'providing moral or political lessons for the public', and, in some cases to, 'establish or consolidate foundational narratives of national (...) identity, or facilitate transition from dictatorship to democracy' (Glosan 2018: 513). Criminal law is seen as having the potential 'to [teach] a particular interpretation of the country's history (...)' (Osiel 2008: 705). In these trials 'prosecutors and judges (...) aim to shape collective memory of horrible events in ways that can be both successful as public spectacle and consistent with liberal legality' (Osiel 2008: 704). Law turns to history in its

condition of retributive justice, that is, in an effort ‘to restore the moral imbalance’ that the acts of an individual represent, rather than ‘rehabilitate or correct the wrongdoer’ (Douglas 2018:535).

Didactic trials (or show trials) are seen by the state as powerful transmitters of specific state values, guided by political interest, and ‘prone to fortify dominant political narratives’ (Petrovic 2018: 551). Osiel (2018) advocates for the potential of the trials’ pedagogic function in the sense that they can ‘stimulate public discussion in ways that foster the liberal virtues of toleration, moderation, and civil respect’ (2008: 704). Attributing pedagogic capacities to criminal trials involves its legal procedure with ‘questions of historical interpretation and moral pedagogy generally regarded as beyond their professional competence’ (Osiel 2008: 705).

However, there are prominent risks in the state using the courtroom as a platform to deliver history lessons or to reconstruct a sense of morality in relation to the past. These mainly come from the fact that history and law use different methods and approaches to the past which has important implications for the way in which the past is being portrayed and the kind of historical narrative that these courts transmit.

The historical narratives that emerge from the didactic or pedagogical trials are highly determined by the social and political context in which they take place, as well as by the “message” that the state wants to deliver. Thus, the historical discourses emerging from these trials move away from the characteristics of historiographic scholarship (plurality of interpretations, integration of competing accounts or provisional truths), and are constructed under the legal paradigms (one version prevails above others, the existence of the verdict as a closed “truth”, forensic methods of validation of evidence¹⁰, ‘impeachable facts’) (Wilson 2011: 17). Despite the epistemological differences that come from the nature of each discipline (i.e. history and law), other core elements influence the production of historical accounts through courtrooms (see Ginzburg 1999; Evans 2002; Wilson 2011; Mandler 2013; Douglas 2018).

¹⁰ The verification of historical evidence is achieved ‘through academic discussion and, (...), through ongoing peer review’. On the other hand, ‘[l]aw’s epistemology is positivist and realist, demanding definite and verifiable evidence typically produced through scientific forensic methods’ (Wilson 2011: 7).

When the state is trying to shape public perceptions of past events that have taken place in a different time, it means that the events that were being brought up to court were ‘(...) completely inaccessible to judges and juries for whom historical context was crucial for understanding the crimes and judging the guilt or innocence of the accused’ (Glosan 2018: 525). In this context, the law is ‘(...) concerned with contexts only insofar as it impinges on questions of guilt or innocence’ (Wilson 2011: 17; see also Ginzburg 1999), and the limited scope of the courts may result in a partial thesis (Wilson 2011; Osiel 2008).

The simplification of the historical complexities to fit into the legal paradigms may result in the misrepresentation or oversimplification of past events in order to build the case, reducing ‘complex histories to a defective legal template, and thereby distort[ing] history’ (Wilson 2011: 9). As a result, some legal processes have experienced important internal ‘legal and historical complications and contradictions’, which questions ‘the validity and accuracy of the historical and political lessons the trials have sought to convey (...)’ (Glosan 2018: 513- 514).

Nevertheless, even if the historical accounts emerging from didactic or pedagogical trials may be considered ‘unsuccessful line[s] of inquiry in terms of scholarship (...)’ (Ginzburg 1999:118), their contribution to historical research needs to be recognised. Throughout their proceedings, these trials disclosed ‘enormous amounts of documentary evidence which historians and others have exploited to reconstruct the past and, in many instances, to offer richer and more nuanced accounts of what occurred’ (Glosan 2018: 533). The historical record and archival evidence that are ‘(...) left by international criminal trials are indispensable for historians and political scientists seeking to comprehend an armed conflict’ (Wilson 2011: 69).

3.3.3.2.- History within Quasi-judicial Mechanisms

Within the scope of the project, this section will focus on the truth and reconciliation commissions as quasi-legal mechanisms within the transitional justice strategy. Truth commissions are state-sponsored *ad hoc* victim-centred bodies, the origin of which is ‘(...) often associated with the [transitional] processes in Latin America’s transition to democracy’ in the 1970s and 1980s (Grandin and Kullboch 2007:1). However, since then, truth commissions have evolved in close relationship to the transformations and shifts

experienced within the field of transitional justice¹¹ (Freeman 2006; Teitel 2003; Bell 2009). Building on this, Grandin and Kullboch (2007) have explained these different phases. Initially, the mission of truth commissions was to unveil the truth about human rights violations committed by the military regimes contributing to the judicial system in the process of prosecution of perpetrators, and as a mechanism to inform the process of amnesties when these were in place. After the Cold War, truth commissions often embraced the creation of national narratives about the past that would seek symbolic reparation rather than actual prosecution. In this period, truth commissions began to be seen as vehicles to foster social unity through the ‘official recognition of past human right abuses’ and the ‘collective healing that comes from telling one’s story to an official body’ (2007: 2). Since then, their focus has expanded to explore other types of violations including, among others, those which affect economic, social and cultural rights.

Truth commissions are generally established relatively soon after the governmental transition in order to support the process. The commissions are set up to interrogate recent events related to ‘politically motivated or politically targeted repression’, to explore ‘targeted practices that might have affected specific ethnic, racial, or other groups’, and/or the investigation of ‘widespread abuses and violations of human rights’ (Hayner 2001: 17). Truth commissions have as their main objectives ‘(1) investigating and reporting on the principal causes and consequences of broad and relatively recent patterns of severe violence or repression that occurred on the state during determinate periods of abusive rule or conflict, and (2) making recommendations for their redress and future prevention’ (Freeman 2006: xiii).

The organisation and operation of truth commissions may vary depending on the demands of specific settings (Nolan 2007). However, as stated by Grandin and Kullboch (2007) they shared some common features. First, the collection of testimonies of ‘(...) victims and witnesses in order to document political violence committed by state and/or non-state agents’ (2007: 2). Second, ‘commissions often issue a final report that

¹¹ Teitel (2003) talks about three different phases to understand the evolution of transitional justice. In the first phase, transitional justice is ‘understood as both extraordinary and international in the post-war period after 1945’ (2003: 70). This process of internationalisation of transitional justice concludes with the end of the Cold War. The second phase, known as the “third wave”, begins with the new ‘wave of democratic transitions and modernisation that began in 1989’. It represents an ‘acceleration in conflict resolution and a persistent discourse of justice throughout law and society’ (2003: 70). Finally, the third phase, named by Teitel as “Steady State”, is ‘associated with contemporary conditions of persistent conflict which lay the foundation for a normalised law of violence’ (2003:70).

quantif[ies] violations, typically with the aid of a statistical database, and assigned global institutional responsibility' (2007: 2). Third, despite being instituted in the framework of national and international human rights law, in the majority of cases truth commissions do not have legal competences. However, their methodology and forms of interrogation and compilation of information are very similar to other legal procedures and can be used directly to 'strengthen trials through [their] vast collection of information pertaining to crimes' (Hayner 2001: 102), or to 'step toward prosecutions' (Hayner 2001: 24).

As quasi-judicial mechanisms, truth commissions are understood to have more extensive capacities than courts at the time to 'document the past political conflict because they could utilize a wider array of investigative techniques' (Wilson 2011: 10). Theoretically, these mechanisms 'can conduct more contextual and open-ended inquiry and garner deeper insights into the origins and causes of political violence' (Wilson 2011: 10-11), because they are not constrained by the legal epistemology of the court proceedings. Hayner (2001) has described truth commissions as bodies 'usually established at the point of political transition' (Hayner 2001: 17) with the objective to 'discover, clarify, and formally acknowledge past abuses' with the broader scope of 'promoting reconciliation and reduc[ing] conflict over the past' (Hayner 2001: 24).

Truth commissions are set up to offer a public platform available to all those who have been affected by the conflict to come forward and explain their experiences through an official process of hearings and statements (Hayner 2001: 17). The main objective is to recover the factual or forensic truth – "who did what to whom" – to quantify the human rights violations. Nevertheless, and despite the primary function of these bodies of inquiry being to document human rights abuses and other crimes, truth commissions need to articulate their findings in accounts about the past. Thus, they produce historical narratives that reflect on the causes and circumstances in which the violence had taken place, as well as the identification and demonstration of 'patterns in the criminal violence' (Scheuzger 2018: 624).

The narratives emerging from the reports of state-sponsored truth commissions have a strong political-pedagogical function. These are constructed to serve as an element of closure that will help society to move towards a "new beginning". Often, this account is created as a form of delegitimising the previous government or regime (Lewis 1975: 64), and to legitimise the newly established (democratic) state.

The political function of this kind of public history emerging from the work of truth commissions responds to '(...) a state-sponsored account of the most severe injustices committed under a previous repressive regime (...) [and is] intended to have a positive effect on society's memories and historical narratives (...)' (Scheuzger 2018: 624). The historical narratives contribute to the idea of closure from a past that should never be repeated, which is reinforced by the notion that 'truth telling can contribute to reconciliation and nation-building, and can even be considered a form of (restorative) justice in itself' (Bevernage 2014: 8; see also Grandin and Kullboch 2007; Nolan 2007; Posel and Simpson 2007; Smyth 2007; Hayner 2001).

Similar to the contribution of trials and courts to historiography, truth commissions have a significant impact on it, through the creation of archives and vast databases that contain very detailed information about the conflict and the immediate consequences of it.

3.3.3.3.- Commissioned History

Commissioned history may receive different names, such as historical expert commissions (Pettai 2018: 688), or historical commissions (Karn 2006; 2015; 2017), among other variations. These bodies of inquiry focus their work in understanding '(...) the structural conditions and underlying processes that led to and followed past injustice, based on thorough reading of mainly archival sources' (Pettai 2018: 688). Commissions of expert historians 'seek to objectivise truth, that stresses the relative values of historical facts, and the complexity and contingency of historical developments' (Pettai 2018: 689; see also Pettai 2015b).

In their more classical approach, the work of the commissions of historians are described as:

'(...) an ad hoc academically grounded body of inquiry set up by state institutions to revisit historical records and facts about wrongs committed many decades earlier; to engage in research and interpretive negotiations in a rather closed environment and to produce a joint report that offers a more diversified and critical narrative of past events' (Pettai 2015b: 243).

As state institutions, commissions of historians are composed primarily of professional historians engaged in 'a process of re-evaluating facts and evidence and writing a narrative informed by methodological and ethical standards of (historical) scholarship,

usually not including policy related recommendations’ (Pettai 2018: 689; see also Karn 2006). The state’s reason for the establishment of historical commissions is interpreted as a response to ‘re-emerging historical conflicts rooted in claims for recognition’ (Pettai 2015b: 239).

With the work of the commission the state seeks ‘to resolve or at least mediate interpretative disputes and antagonisms by revising the historical facts and clarifying existing misconceptions or biases’ (Pettai 2015b: 239). In this context, to “resolve” and “mediate” disputes refer to the capacity of these commissions to present an accurate and rigorous factual reconstruction of the past that allows enough space for ‘disagreement and compromise’ among all sides involved (Pettai 2015b: 243-4). In order to fulfil its mandate, the state endows the commissions with the resources to undertake a process of clarification of ‘previously unknown or distorted facts’ (Pettai 2015: 4-5; see also Karn 2006), to produce an ‘inclusive historical narrative that enables dialogue between historically estranged parties’ (Karn 2006; see also Pettai 2015: 4-5).

The legacy of the past exists in terms of the present – i.e. it is recalled from a particular point in the present. The past is only something to come to terms with, to be interrogated, in relation to its implications in the present. Therefore, through its official establishment, commissioned history ‘becomes an active agent in political mythmaking¹²’ (Pettai 2015b: 243). In this framework, the role of history in the politics of the past becomes a core element.

So far, it has been learned that the state addresses the past, or makes use of specific historical discourses, to legitimate its policies, to delegitimize previous regimes, to construct foundational narratives, or to clarify past events that are still the cause of unrest or controversy in the present. Historical commissions are vehicles with the potential to deliver all these. Through the commission of historical projects, the state directly influences and shapes the understanding of the past – not only by means of direct tools like archives or memory laws, but through a direct intervention enabling the investigation

¹² Pettai (2015b) understands mythmaking as a form of ‘collective memory that is constructed and institutionalised through top-down mechanisms of state policy, public commemoration, and elite discourses’ (2015b: 243). In the context of the chapter, ‘political mythmaking usually concerns more recent historical events that are politically and institutionally elevated to provide higher meaning to the political or national community’ (2015b: 244).

to take place, deciding what period or event will be interrogated, providing financial sources, and communicating its findings through publications and public events.

The use of historiography through state-sponsored mechanisms such as trials, truth commissions or historical commissions, generates some concerns about the 'challenges, limitations and possibilities' of commissioned history (Bevernage 2014: 11). There are key issues in relation to the pragmatisms in the institutionalisation of state-sponsored history: 'which sort of institution, and which corresponding regime of truth, would offer the best possibilities for, or create the least restrictions on, the construction of a contextualising and complex historical truth' (Bevernage 2014: 11). When considering the historian as a political agent working in a state institution, some of these concerns are related to the divergences on what would be considered free academic research and historical research done through commissioned history under a political mandate.

3.3.3.4.- Other Bodies of Inquiry

In addition to the mechanisms mentioned above, the state may use other bodies of inquiry to address aspects of the past that often apply the historical method of analysis. These are, namely, 'event-specific, thematic, institutional, multilateral, and sociohistorical commissions of inquiry' (Freeman 2006: 52). The establishment of these mechanisms do not respond strictly to disputes over antagonistic interpretations of events that occurred over a historical period, but instead focus on specific events or individual cases, governmental policies, or institutional developments among others. Nevertheless, the work and outcome of these bodies may have an impact on the broader field of historiography, or even have historians working as part of the investigative team. This section briefly introduces the general approach of these bodies to the inquiry and discusses the role (if applicable) of the historian, and role of the state in their operation and outcome.

Event-specific inquiries are usually established 'to report on a particular event' with the main objective 'to determine whether there is any need for legal proceedings of criminal, civil, or disciplinary nature; they may not, therefore, be as victim-centred as truth commissions' (Freeman 2006: 54). Some event-specific inquiries may be referred to as historical inquiries because they investigate specific events in the past. The outcome of the investigation is not intended to produce evidence to be used in a judicial process, or to contribute to building part of a judicial case, but rather an explanatory mechanism for

a better understanding of certain events. Event-specific inquiries 'usually involve the examination of underlying causes, surrounding facts, and social consequences of the specific event or events' (Freeman 2006: 54).

When the objective is to examine the work of a government administration and its actions, there are two central bodies of inquiry that can be used to interrogate different aspects of it. On the one hand, thematic commissions of inquiry are established to analyse specific social policy issues that are generating public debate and controversy. Such inquiries tend to 'focus more on analysis of public policy than on victims or on individual fact-finding' (Freeman 2006: 56). In these same lines, '(...) their work is not necessarily focused on the examination of violations committed during periods of abusive rule or armed conflict' (Freeman 2006:56), but instead on cases of systematic discrimination against a specific social group. On the other hand, if the aim is to interrogate the functionality, operation, and working strategies of a given institution, there are the so-called institutional commissions of inquiry established to interrogate events occurring within an institution (Freeman 2006: 59). These kinds of bodies are useful to evaluate malpractice or patterns of action that have led to ill function of the institution. In some contexts, the inquiry into specific government policies or institutional issues may reveal structural patterns that have contributed to fostering social, cultural, political or economic injustice, or even the outbreak and maintenance of violence.

At a national level, two mechanisms are often used by governments or imposed externally by third parties or other countries. First, the multilateral commissions of inquiry, which 'focus on a broad and recent pattern of abuse (...)' (Freeman 2006: 59). Given their multilateral character, they typically operate among two or more states. Second, the sociohistorical commissions of inquiry, which are 'involved in the investigation of an important period in a country's history and (...) its impact on a particular demographic group' (Freeman 2006: 57). Despite the work of these bodies being very similar to that done by truth commissions, sociohistorical commissions are usually 'created a generation or more after the "immediate period" of political or post-conflict transition (...)' (Freeman 2006: 57).

The narratives emerging from these bodies of inquiry, as well as the compilation of evidence throughout the process of investigation, have a direct impact on historiography. Through the in-depth analysis of specific institutions, events, and historical periods, these

bodies of inquiry expand accounts of the past through the examination of the already existing or new evidence.

3.5.- Concluding Remarks

This chapter has had three functions. It introduced the key epistemological aspects of history as a discipline. It explored the uses of history in the realm of politics and explained the state's capacity to influence the production of historical knowledge. Finally, it laid the foundations for later chapters on the understanding of the potential role of historical clarification in conflicted societies and the work of HCC as state-sponsored bodies of inquiry.

Attributing a political function to history requires writing it from a departing point in the present. Thus, the historical inquiry is framed, responding to the needs and demands of the social and political context, as well as in relation to specific epistemological rules. The discipline epistemology refers to the methodologies that are characteristic of different historiographic trends or schools; what is considered to constitute reliable evidence; which are the agreed mechanisms of validation of sources; and what is considered to be a rigorous analysis of the evidence to construct a historical interpretation. In the context of the study, the instruments and methods that historians apply in the process of interrogation of past events are understood to be objective in as much these are scientific methods of inquiry. Nevertheless, it is important to keep in mind that the work of the historians does not take place in a social, cultural and political vacuum. The historical accounts emerging from the process of interpretation are elaborated from a particular point in the present, and respond to the demands of a particular social and political setting.

Departing from the increasingly recognised potential of the uses of the historical method to address the legacies of the past, the chapter identifies the significance of enabling historical clarification processes in contexts in which contested narratives about the past continue to perpetuate social division. In the wake of political violence or conflict, societies are often entrenched in accusatory historical accounts about the past. In this scenario, political elites have the power to influence society in the way that it engages with the traumatic past, through the acknowledgement and recognition of immoral actions of the past. The chapter introduces the focus on HCC as state's mechanisms to address such legacies.

As will be seen in later chapters, the state's reasons of establishment of HCC may differ on their specificities; however, in the broad understanding, historical commissions are set up as a response to (re)emerging interpretative disputes about the past. In this framework, the process of clarification through the work of HCC seeks to counter contested historical narratives through a rigorous analysis of the facts. The use of history as a method to clarify the past allows a better understanding of the causes and consequences of past events promoting acknowledgment of historical injustices and redressing of past wrongs, while seeking 'to correct the record where necessary, and to advance changes in relationships and future behaviours' (Minow 1998: 21).

This chapter departs from the idea that history has the potential capacity to influence the social and political 'environment through a series of transformations which change the boundaries and the internal topography of culture' (de Certeau 1988: 72). Building on this, it is noted how the officially established historical clarification projects, '[can act] as a vehicle to destabilize those unreflective historical narratives that are constructed to serve a particular agenda (Verdeja 2009: 152). However, there is a need to be cautious, and to take into consideration the risks that state-sponsored commissioned history may carry. There are significant pressures that determine and condition the work of HCC and, thus, have an impact in the process of clarification. These are mainly related to the process of institutionalisation, the influence of the sponsoring government in the process of investigation, and the constraints emerging from the social and political context in which HCC are established. In the following chapter, the concept of historical dialogue is explored as a theoretical framework in which HCC operate, and the implications of the institutionalisation process as state-sponsored bodies of inquiry.

Chapter 4:

Historical Dialogue as Theoretical Framework

4.1.- Introduction

The theoretical framework is structured around the concept of historical dialogue. It is a relatively new field that advocates the uses of historical narratives for coming to terms with the past in the context of conflicted societies. Historical dialogue focuses on the meaning that individuals, groups or communities, and societies ascribed to the past (historical narratives), and how and why these meanings change over time. Although historical dialogue was conceived both as a theoretical concept and a methodology to guide the uses of the historical work in conflicted or divided settings (Barkan 2015b:176), it is used here as a theoretical frame to understand the work of HCC, and their role within a given society.

By analysing the operation of historical commissions through the lens of institutional theory, the chapter explores how the commissions adopt the principles and methods of historical dialogue through the process of institutionalisation. It focuses on two branches of the new institutionalism, namely normative institutionalism (March and Olsen 1989), and discursive institutionalism (Schmidt 2008, 2010). The former places emphasis on the norms of the institutions to understand how they operate and the influence they have on determining the individual's behaviour. The latter focuses its attention on the role of ideas and values in determining the shape of the institutions and their working strategies. The sections show how the process of investigation of historical clarification commissions is conditioned both by the normative frame (the mandate), and the social and political epistemology of the context in which these are established (the ideas, the intentions, the functions).

These influencing elements emerge mainly from the specific set of values determined by both the context in which the commissions are established, and the functions established by the foundational mandate. The identification of these features, and how they interact with the principles and methods of historical dialogue, offers a clear overview of how these may be modified and adapted to the institutional requirements of historical clarification commissions as state-sponsored bodies of inquiry.

4.2.- Historical Dialogue

In the past two decades, the introduction of the historical method of analysis as a tool for clarification of the past has been seen to have the potential to open new possibilities of addressing the legacy of the past, especially in settings where contested memories continue to perpetuate social division (Karn 2006, 2017; Pettai 2015; Barkan 2006; Jones, Ostberg and Randeraad 2013). There are, broadly speaking, two approaches in relation to the legacy of the past: (1) 'silencing of history, that is, ignoring or denying contentious historical issues and suppressing historical discussion' (Barkan 2015b: 190); and (2) addressing the contentious issues to promote acknowledgement, recognition, and responsibility through the understanding about the past. Historical dialogue¹³ pertains in this second category. Engaging in historical dialogue means to revisit and (re)evaluate certain past events in order to produce an account that integrates and acknowledges different perspectives and narratives.

What is Historical Dialogue?

Historical dialogue is understood as a conceptual frame that promotes the uses of historical narratives as a mechanism to address the legacy of the past taking in account how historical narratives are constructed and how do they influence political, social and cultural structures. The main goal of historical dialogue is 'to provide (...) a methodology and practice of addressing the root causes of a conflict through a dialogue between different sides of the conflict' (Barkan 2015b: 176); to 'demythologise¹⁴ nationalistic narratives in order to provide a framework (...) based on nuanced history, for a better understanding of the nation and its ethnicities' (Barkan 2015b: 191).

¹³ The concept of historical dialogue should be clearly differentiated from historical accountability which, by contrast, 'tends to privilege judicial or semi-legal mechanisms to bring violators to justice or to acknowledge their responsibility' with the objective 'to resolve the concrete issue before it and to decide on the question of guilt, but it is not to find a larger macro truth' (Barkan 2016:195).

¹⁴ "Demythologise" should be understood as a process of deconstructing historical myths. Mythmaking, in the context of this research, but also more widely, is understood as the construction of narratives that will favour a specific agenda, political or otherwise, deliberately manipulating the facts. As Pettai states, mythmaking is understood as a form of 'collective memory that is construct and institutionalised through top-down mechanisms of state policy, public commemoration, and elite discourses' (Pettai 2015b:243). In the context of historical dialogue, and also of historical clarification commissions (HCC), one of the frequently ascribed function is to "break myths" about the past (Karn 2006, 2015, 2017; Pettai 2015, 2015b; Barkan 2009, 2015; Bevernage 2014). In the context of the research project, it is important to understand mythmaking in its political terms, which 'usually concerns more recent historical events that are politically and institutionally elevated to provide higher meaning to the political or national community' (Pettai 2015b: 244).

Barkan is considered the leading theorist in the growing scholarship of historical dialogue. For him, the engagement in historical dialogue is 'an ongoing effort among antagonistic groups in order to build and strengthen civil society and political commitments to counter conflict' (Barkan 2015b: 175). Barkan argues that, as a mechanism for conversation in contexts of social and political tension, historical dialogue becomes a vehicle to deconstruct narratives that are based on inaccurate historical records, challenge past myths, in order to help societies to find alternative ways to overcome historical antagonisms (Barkan 2015a: 194). Historical dialogue encases different methodologies to 'examine contentious histories from critical perspectives, undermining long-held nationalistic views' (Barkan 2015a: 194). The final goal is to achieve what is defined as historical truth that will sustain 'empirically grounded narratives' (Barkan 2015a: 194).

Recognising that the historian works with facts that took place in a different time, historical truth can only be accessed through a process of re-construction in retrospect. The historian's object of study (empirical evidence) consists of the physical traces and landmarks from the past human experience and action that have survived to the present (Davis 2003: 6). Historical truth refers to the final conclusion achieved by a historian through a rigorous process of interrogation and interpretation of evidence. Building on this, historical truth is closely linked to the concept of historical verification. In other words, to say that a historical account is true, it needs to be 'evidentially verified beyond reasonable doubt' (Haecker 1985: 263).

Following Barkan's (2015b) understanding, historical dialogue 'takes place directly and explicitly when two sides are engaged in joint historical writing, such as through bilateral commissions' (or at least through one that has representatives from both sides), joint civil society projects, or other ways of producing historical knowledge. However, it can also take place in more indirect forms, for example 'when historians and others are engaged in the re-evaluation of national beliefs' (Barkan 2015b: 183). Barkan (2015b) points out to the three main spheres in which historical dialogue directly contributes to the public discourse. First, 'collaboratively producing shared historical narratives that provide reliable facts and analysis for public debate and discussion on contentious violent histories.' The second is through the 'use of different methodologies to counter nationalist myths and popular misconceptions'. The third is acknowledging 'the nation's responsibility for various historical injustices' (2015b: 191). These contributions can take

place through different platforms such as commission's reports, publications, commemorations and memorials, and film or series productions, among others.

Barkan postulates that historical dialogue provides an alternative methodology for conflict resolution, and conflict prevention, through the creation of understanding between antagonistic groups (Barkan 2015b: 184). For the scope of this research, I explore on the work of historical dialogue in conflicted settings, rather than a mechanism for conflict prevention.

Historical dialogue is seen as a methodology that has the power to change antagonistic or broken social and political ties, fostering recognition among groups 'by engendering better relations between groups demythologising old hatred when it is built on false history' (Barkan 2015b: 185). In contexts in which 'history is the subject of national dispute', Barkan continues, the antagonisms have 'to be addressed through historical research and writing in a preventive manner, in order to facilitate goodwill and shared empathy among people' (Barkan 2015b: 176).

In Barkan's approach to historical dialogue, History is presented as the crucial element to change the course of the events and unfold peaceful relations. Although I agree with Barkan on the potential of historical dialogue and historical narratives for clarifying the past, we should be cautious of attributing too much to the perceived capacities of historical dialogue as a mean for reconciliation (Barkan 2001; 2009; 2015a; 2015b; 2016).

Barkan's approach appears too broad: it is not enough to present the potential of the uses of historical narratives for a political and social good in a general form, assuming that – despite the particularities of each context – it *always* has a positive impact. In those settings in which the historical facts are denied, or have not been investigated at all, it may seem relatively easy to apply the mechanisms of historical dialogue to set the record straight and address misconceptions about the past. However, in the majority of cases, 'conflicts revolve around more complex interpretations or evaluations of historical phenomena' and the historian's task becomes more complex (Bevernage 2014: 13). As Bevernage points out, 'contested legacies are not always caused by misconceptions, lies or myths, and thus, cannot always be solved by truth-telling' (2014: 13). In these settings, various nuances and specificities need to be taken into consideration at the time of deciding how, or if, historical dialogue should be established as a tool for mending broken

relations. As he states, the effectiveness of historical narratives for dialogue '(...) seems doubtful in situations where the conflict is not based on violence (...) but rather on mutually exclusive interests that are structurally reproduced and continue to exist into the present' (Bevernage 2014: 13).

Moreover, historical narratives are not always created and used for a political or social good. Governments, political parties, or other groups may, sometimes, use specific rhetorical discourses based on particular historical narratives to 'try to legitimate their position by manipulating the historical discourse by constructing self-serving narratives (Barkan 2015a: 198) - what have been described in the previous chapter as chauvinistic histories (Chapter 3, page: 66).

At this point I would like to make clear that I do not, of course, dismiss Barkan's conceptualisation of historical dialogue, nor will I argue against it. On the contrary, my work departs from his foundations of historical dialogue to advance on how its theoretical and methodological approach, and how history and historical narratives interact with one another and with the overarching historical dialogue paradigm. In the following sections, I further explore the core elements of historical dialogue to strengthen the argument that, indeed, historical clarification through historical dialogue can, if used appropriately, contribute to recognition, acknowledgment, and foster understanding among groups. The areas under study are the following: the understanding of history through the lens of historical dialogue, the process of narrative construction, and the institutionalisation of historical dialogue through historical clarification commissions.

4.2.1.- The Uses of History through Historical Dialogue

Broadly defined, the workings of history through historical dialogue aim at the clarification of the past to challenge long-lasting assumptions and misrepresentations of specific events. It advocates for an integrating method of understanding past events that include different perspectives and interpretations. Through the application of the historical method of analysis, historical dialogue has the mechanisms to reflect on existing narratives and updates or corrects them through a process of (historiographic) revisionism.

The uses of history through historical dialogue can, in some aspects, contribute to bridging nations, groups or communities together through works of common or shared

history¹⁵. Nevertheless, attributing to history the capacity to mediate and reconcile antagonisms that have led to conflict or deep social division, needs to be scrutinised.

It is essential to address some insight into the understanding of what is history in its broad sense. It is widely accepted within the historical discipline that history is made by different interpretations of the same past event that an ultimate truth about the past does not exist (Evans 1997; Marwick 1970; Tosh 2000), and that history cannot, and should not intend to, produce universal truths. These statements raise important questions. In the scope of historical dialogue, what constitutes an authoritative historical record? How can we establish that the work of the historian is reliable?

There are three elements in answering this question. First, there is the importance of establishing the facts, which are assumed to be the same for all historians. The second is the interpretation of these facts by the historian through the creation of a line of causation. The third is the application of the empirical method in the process of verifying and analysing the sources.

The activity of humankind is the object of study of history. Thus, all the elements from the past product of human activity are subject to becoming the object of analysis of the historian. However, not all the events of the past are considered historical facts (Carr 1986: 10). Carr illustrates this as follows:

Historical facts are 'like fish swimming in a vast and sometimes inaccessible ocean; and what the historian catches will depend, partly on chance, but mainly on what part of the ocean he [or she] chooses to fish in and what tackle he [or she] chooses to use – these two factors being of course, determined by the kind of fish he [or she] wants to catch' (Carr 1986: 23)

Past events come before the historian in different sources such as relics, written documents, and other artefacts, and constitute what can be described as raw materials (F.J. Levy 1983: 7). These sources are what constitute the basic facts that compose 'the bases for the historian (...)' (Carr 1986: 4/13). However, the factual representation of

¹⁵ Here, "common" should be understood as the events that occurred in a particular time and space that were experienced by different actors, and not as a particular "agreed meaning" attached to the past.

events extracted from meaning has no value – is not understood as history; ‘the facts speak only when the historian calls on them’ (Carr 1986: 5; see also Jenkins 1995).

Without a historian’s interpretation, ‘the past dissolves into a jumble of innumerable isolated and insignificant incidents’ (Davis 1986: xxiii). Through the observation of the facts in their raw form, the historian identifies their ‘inner connection of cause and effect’ (Levy 1983: 40-41), as well as the direct and indirect actors who were involved in them. Thus, the historian identifies (1) background causes, which represent ‘long term and place the event in question on the agenda of history’; and (2) direct causes, which ‘put the outcome into effect’ (Tosh 2000: 96). By establishing the causes for different unique events, and organising them in order of importance, the historian can identify sequences of causation that lead to the discovery of general patterns of action (Carr 1986; Tosh 2001).

The creation of the line of causation is entirely a product of the historian’s interpretation (Oakeshott 1983: 94). The historian creates a map of causes to an event through the selection of a specific set of facts to explain why a particular event happened. In this process, the historian seeks ‘to separate the necessary [significant facts] from the accidental’ (Levy 1983: 10; Carr 1986: 114). This does not mean that the elements highlighted by the historian are the only factors that might have contributed to that particular outcome, but rather what the historian considers to be the activating forces leading to the “ultimate cause” (Evans 1997: 134). Thus, the selection of the facts that will be assessed, and the approach in which they will be analysed, rely only on the historian (Barkan 2001; Collingwood 1946; Carr 1986; Evans 1997; Marwick 1970; Mandler 2013; Nietzsche 1874; Oakeshott 1983; Tosh 2000).

Through the understanding of the particular events and their relationship to each other, the historian can then situate them in a broader context (Carr 1986; Levy 1983), and discover ‘the effective forces behind events and the perception of their general connection’ (Levy 1983: 59). This brings to the historiographical debate the influence of subjectivity on the process of interpretation.

Although the interpretation process carried out through (1) ‘the impartial [and] critical investigation of events’, and (2) ‘the connection of the events explored [through] the intuitive understanding of them’ (Levy 1983: 7); what links the isolated events ‘remains

removed from direct observation' (Levy 1983: 5). Therefore, it is the task of the historian to make sense of them through the process of interpretation. For this reason, 'objectivity in history does not, and cannot rest on some fixed and immutable standard of judgement existing here and now (...)' (Carr 1986: 124). Instead historical objectivity rests on the capacity of the historian to free him- or herself, to the greatest possible extent, from the system of values of his or her own time (hermeneutic situation) to produce a rigorous and critical analysis of the past (Nietzsche 1814, Carr 1986; Evans 1997; Elton 1991; Tosh 2000).

As we have seen in Chapter 2, through the application of the hermeneutical circle, the interpreter continuously engages in a constant movement with the text in order to refine the understanding of the subject matter. In this process, the subjectivity of the interpreter is corrected against the objectivity of the empirical data found in the sources. Therefore, the authority of a historical interpretation is not found in the 'truth of [the historian's] conclusions, but in the conditions in terms of which they may be recognised to be conclusions' (Oakeshott 1983: 5). In other words, the authority of a historian's work comes from the methods of validation of the sources that are used for the interrogation and interpretation of the past, through the seven principles that conform the hermeneutical circle (see Chapter 2, page: 37).

Although 'the past (...) cannot be experienced directly, human existence and action in the past have left physical traces or marks which have survived to the present and which, therefore, we can experience' (Davis 2003: 6/28). History is a 'continuous process of interaction between the historian and his facts, and the unending dialogue between the present and the past' (Carr 1986: 24). Thus, historical research becomes a process of constant revision that is both 'constructive and destructive' (Tosh 2009: 8). As Tosh states, 'all social experience is historically constructed and therefore [subject to] change' (2009: 8), which leads to the constant revision and re-interpretation of the past through the light of the ever-changing present time.

Historical knowledge becomes '*cumulative* and increases as the process of historical investigation continues' (Davis 2003: 8 – emphasis in original) making historical accounts more robust through their constant revision (Carr 1986; Tosh 2000). Historiographic revisionism might 'lead to a greater and more surely founded knowledge of the past'; or might have the opposite effect and 'undermine and dissolve beliefs about the past based

upon other, less secure foundations' (Davis 2003: 8), but it is without a doubt necessary in historical scholarship.

Historiographic revisionism, thus, refers to the re-interpretation of the historical record challenging the already established historical narrative at the light of new evidence, new inquiries, or a shift on the national ideology or social attitudes (McPherson 2003; Elton 1991; Suny 2009). It should not be misunderstood with its negative connotation linked to denial and misrepresentation of the past that often involve 'falsification and the openly party-political use of the past (...)' (Cattini 2011: 30).

By critically analysing the empirical historical record, and consciously 'taking into account narratives constructed from alternative perspectives' (Barkan 2015: 189), professional historians address the 'epistemological limitations' of the discipline at the time of producing objective history (Barkan 2015a: 189). Although the historical analysis of the empirical evidence might result in different interpretations, those are founded on evidence, and therefore the 'descriptions of the disagreements are based on professional analysis and do not stem from the identity of the historians' (Barkan 2015a: 189).

In sum, using the historical method for historical dialogue provides the analytical mechanisms for a rigorous investigation into the past. Professional historians, as well as other scholars in the field of social sciences, are 'trained to recognise and critically analyse a multiplicity of sources, perspectives, narratives, and interpretations (...) to identify broader structural realities that drive events' (Ingaro 2009: 950). Thus, in their task of revision and (re)evaluation of sources and the already existing interpretations, historians have the capacity 'to challenge socially motivated misrepresentations of the past' (Tosh 2000: 15).

4.2.2.- Reconciliation through Historical Dialogue

In the context of conflicted or divided societies, reconciliation is described as a multidiscipline process that can apply different methodologies (Champan 2009: 145). Different levels of reconciliation (i.e. interpersonal, intragroup, and national, among others), require specific theoretical frameworks, and working paradigms.

In the framework of this study, in order to understand how HCC might contribute to political reconciliation, I focus mainly on Schapp's conceptualisation of political (collective) responsibility and its role in political reconciliation. In broad terms, he categorises political reconciliation around four elements 'confronting polities divided by

past wrongs: constitution of the political association; the possibility of forgiveness in politics; collective responsibility for wrongdoing; and remembrance of the painful past' (Schaap 2005: 6).

This section explores Barkan's understanding of reconciliation and how historical dialogue contributes to it. I advance on the understanding of the operation of historical dialogue connecting Barkan's work with Schaap's idea of political reconciliation, exploring the relationship with one another. Barkan attributes reconciliatory capacities to historical dialogue in relation to its potential to re-build antagonistic or broken group relations (2001; 2009; 2015a; 2015b; 2016). In Barkan's work, the concept of reconciliation through historical dialogue seems to refer to its "healing" attributes, suggesting that a sense of union can be achieved by building broken relationships among conflicted groups through the transformation of antagonistic narratives.

In different moments of his work this approach seems to have different implications. When he talks about redressing historical injustices, his understanding of reconciling through dialogue 'focus[es] on mutual recognition of the identities and perceived history of the protagonists, it transcends exclusionary identities and provides a prudent way to define both the principles of individual human rights and new group rights' (Barkan 2001: 318-319). Later, in his discussion about the uses of history at times of dealing with the memory of mass violence in the context of transitional justice, historical dialogue is presented as a mechanism 'to integrate non-sectarian historical perspectives to bring the sides together' (Barkan 2016: 5). It is perceived as a tool to build broken relations between previously contested groups (Barkan 2016). In the same context of transitional justice and conflict resolution but elsewhere, Barkan describes historical dialogue as providing 'a methodology that bridges scholarship and advocacy to contribute to conflict prevention' (Barkan 2015a: 185). It 'refers to a nonlinear discourse with contributions from opposing sides, which are not necessarily actively engaging each other directly' (Barkan 2015a: 194). This understanding does not necessarily mean to reach an agreement over a historical narrative that homogeneously represents all parties present in the conversation, but rather a dialogue that comes for the respect from each other's perspective. The role of historians in promoting reconciliation is to 'to produce shared history' (Barkan 2009: 900) through collective work. In this context, the concept of shared history is defined as 'a historical narrative that intertwines and brings closer the

perspectives of two or more national histories that are in direct conflict' (Barkan 2009: 908). However, his approach rises few questions. Under what mechanisms can historical narratives contribute to reconciliation? What kind of reconciliation are they contributing to? Does 'the search for historical truth actually always provide a good basis for nation-building and reconciliation (...)?' (Bevernage 2014: 13).

I shall argue that the contribution of historical dialogue to reconciliation should rather be understood under a similar conception to the one of political reconciliation proposed by Schaap¹⁶ (2005). Under his understanding, political reconciliation moves beyond the idea of intrapersonal reconciliation¹⁷, to be framed within the frame of political (collective) responsibility towards the past.

In theoretical terms, historical dialogue contributes to political reconciliation through the process of clarification in which the state engages in the process of reflection into the Nation's past, with the intention to revise and redress the past wrongs. In practical terms this is less clear. As it is explored in detail in the following chapters, there are complexities, challenges and limitations that need to be taken in consideration. For example, the motivations of the sponsoring state may be responding to other (hidden) political interests; the citizenship may not trust the autonomy and rigour of the commissioned history initiative; or the context does not allow for this kind of investigative process to take place. Moreover, recognising that all the state-citizen relationships do not take place in a social, cultural, political and economic vacuum, these alleged attributions to the work of historical dialogue and historical commissions are difficult to measure.

Building on this understanding, I argue that the aim of historical dialogue through the scope of political reconciliation is to foster recognition and acknowledgment through the creation of integrating narratives that are representative of the plurality existing in a given context. If historical narratives are to contribute to this idea of political reconciliation, these must come from its capacities to move from an accusatory character to an explanatory one that contextualises the events and its actors in the broader frame of

¹⁶ Schaap (2005) 'develops a preliminary understanding of political reconciliation in relation to four issues confronting polities divided by past wrongs: constitution of the political association; the possibility of forgiveness in politics; and political responsibility for wrongdoing; and remembrance of the painful past (2005:6). In the development of his thesis about political reconciliation, Schaap considers 'the legacy of grave state wrongs' (2005: 9).

¹⁷ Interpersonal reconciliation is often related to processes of healing through the cathartic experience of truth-telling (often attributed to Truth Commissions or Oral History projects).

action (Karn 2006: 33). Accusatory narratives are often characterised by assigning collective blame for past events. On the contrary, explanatory narratives are seen to address issues of collective responsibility rather than collective guilt.

Collective guilt 'stems from the distress that group members experience when they accept that their in-group is responsible for immoral actions that harmed another group' (Branscombe, Doosje and McGarty 2002). Self-categorisation within a group in which the individuals share values and beliefs (Tajfel and Turner 1986) becomes a pivoted point for collective guilt to appear as 'immoral actions and outcomes caused by other in-group members linking the self to the wrongdoing via shared group identity' (Branscombe and Doosje 2004: 4; see also Ferguson and Branscombe 2014).

Collective guilt is understood as an 'emotional response' to some aspects of one's group's history (i.e., pride or guilt), appearing as a result of harmful actions, or specific events that a group is held responsible for, or it 'can be based on reminders of an entire historical period and the whole system of inequality' (Branscombe and Doosje 2004: 6). It does not necessarily come from 'personal participation in the events but [is a result of] the self [being] categorised in terms of a group membership' (Branscombe and Doosje 2004: 3). Despite being a response to the self-categorisation with a group, collective guilt may also be a response to the 'harm illegitimacy' or 'harm responsibility' (Ferguson and Branscombe 2014: 252-253). The former refers to those cases in which an '(...) an in-group's behaviour toward outgroups is seen as illegitimate, this fosters collective guilt' (Ferguson and Branscombe 2014: 253). The latter is a response to 'historically victimizing outgroup members – events such as slavery, war or genocide' (Ferguson and Branscombe 2014: 252). Experiencing collective guilt as a result of harm responsibility may be related to events in the past or 'in-group's responsibility for the present-day victimisation of outgroup members – events such as benefitting from intergroup inequalities or engaging in discrimination' (Ferguson and Branscombe 2014: 253). Research on collective guilt which 'suggests that participants can and do feel collective guilt for harming future in-group members' (Ferguson and Branscombe 2014: 256; see also Ferguson and Branscombe 2010; Caouette, Wohl, and Peetz 2012), which is relevant because it reflects on the will to take actions in the present to avoid harm for future victimisation.

Nevertheless, the conceptualisation of 'guilt in terms of its collective applicability' becomes problematic (Karn 2015: 243), because it implies the attribution of blame at

group level without taking in consideration the individual actions of each member. The 'identification of all as guilty obscures the fact that the state wrongs are possible only as a result of the particular actions (and inactions) of individuals' (Schaap 2005: 121). Thus, it is crucial to shift the conceptualisation from collective guilt, which implies self-blame or appointed blame (accusatory narrative), to collective responsibility 'not for the past victimisation', as Karn states, 'but for contributing to a society that regards these as wrong' (Karn 2015: 243) (explanatory narrative). Turning the acceptance of guilt into a political tool encourages the recognition of responsibility for the past wrongs (Barkan 2001: 318). However, how can clarification of the past contribute to this turn?

The key to answering this question is to pay attention to which kind of collective responsibility we are referring. Building upon this, I draw upon the work of Schaap (2005) and his idea of 'political responsibility.' According to his understanding, political responsibility comes as a result of differentiation between moral and political guilt, in which the former 'relates strictly to the individual as an autonomous agent', and the latter may be attributed as a 'result of membership in a group' (Schaap 2005: 117). Political responsibility, thus, allows the establishment of 'shared expectations for the future, (...) allow[ing] political conflict to be cast as potentially resolvable' (Schaap 2005: 117).

For Schaap, '(...) political responsibility is predicated on an acknowledgment of the extent to which we depend on our historical relation to others, the way we are enmeshed in the stories enacted in the world irrespective of our particular motives and intentions' (Schaap 2005: 123). Therefore, political responsibility has implicit within it the acknowledgment of injustice as a result of political interactions, thus addressing the above stated political guilt.

Schaap (2005) states that the 'acceptance of collective responsibility for past wrongs is a necessary condition for political reconciliation' (2005: 118). However, who is to feel responsible for events that took place in another time? Building on this, Thompson states that the recognition of historical obligations does not depend on our identification with the people of the past', but rather it requires us 'to see ourselves as participants in a transgenerational relationship in which each generation inherits obligations from its predecessors and passes these on to its successors' (2002: 18). Along the same lines, political reconciliation also needs to be historical in terms of bridging the gap between the past and the future. Assuming political responsibility 'means acknowledging one's

implication in wrongdoing as a consequence of one's entanglement in history' (Schaap 2005: 131). If we accept that to achieve political reconciliation is necessary to address the legacy of the past, some common agreement on fundamental historical facts concerning what wrongs were perpetrated' is necessary (Schaap 2005: 12). It is this historical aspect that sustains the argument that state-sponsored project of historical clarification could potentially contribute to political reconciliation.

In contexts in which societies have remained deeply divided, the differentiation amongst groups 'becomes the organizing principle of political discourse' reducing it 'to only two opposite perspectives' (Schaap 2005: 79). The engagement with certain historical narratives that deny or justify the past wrongs can perpetuate the division of the confronted groups. There is a reciprocal linkage between contemporary intergroup relations and narratives about those relations in the past: 'not only are historical narratives shaped by contemporary events, but contemporary events can be shaped by historical narratives' (Engel 2009: 914). In this sense, and coming back to the core of Schaap's conceptualisation, political reconciliation must be, he states, '(1) retrospective (in coming to terms with the past), and (2) prospective (in bringing about social harmony)' (2005: 91). Therefore, the interrogation of these narratives through a process of reconstruction of the past through a comprehensive analysis of history can play a crucial role in understanding social relations in the present.

4.2.3.- Historical Narratives in Historical Dialogue

When addressing the past, understanding through narrative becomes crucial. The past 'is recalled, (re)described and (re)organised in terms of the narratives and categories of understanding that our present culture makes available to us' (Schaap 2005: 137). The past becomes the past always in relation to a point in the present (understood here as any particular point in time with its particular social, cultural, political and economic context). Thus, the specific past that the historian recalls is chosen for its 'relevance to the present circumstances'¹⁸ (Oakeshott 1983: 16). It is on this account that the

¹⁸ The present of the historian influences not only his or her interpretation of the past events - i.e. the links between specific causes and its consequences, and its internal hierarchy; but also, what past he or she is interrogating, i.e. the historical past. Therefore, the relation between present and past is crucial to understand the product of history.

‘dependence of the past on the present that history is always political’ (Schaap 2005: 137), understanding the present as the departing point for the inquiry into the past.

In order to understand the operation of historical narratives within historical dialogue, it is of key importance to identify to what extent the political and social context influence the process of creation of such narratives. Throughout the doctoral research, Bevernage’s (2018) categorisation of different historical narrative strategies offers me a guideline to identify which contextual elements condition the research methodology and narrative style of HCC.

Bevernage (2018) points out an important conceptual distinction between “historiography”, which is understood as a research-based inquiry into the past, and “historical narrative” which ‘makes sense of the past in light of the needs of the present for the sake of aspirations for the future’ (2018: 77). Understanding historical narratives as a vehicle for historical dialogue, have been traditionally associated with a certain level of shared understanding of the past that would contribute to bridging previously broken social and/or political ties. Although it is true that historical narratives are created to mend social and political antagonisms in a present context projecting this idea of a common future; there is an increasing tendency to highlight the importance of the acknowledgment of the existence of multi-perspectives of the same past to establish new narrational frames (Bevernage 2018).

In settings in which mistrust and hatred are fostered and perpetuated due to accusatory interpretations of the past that tend to mystify and misrepresent events, the historical narrative is built to contribute to ‘bridge a cognitive gap between groups’ (Bevernage 2018: 86). In other words, the narrative will take a positivist approach to present the facts as clearly as possible in a historical timeline based on key documentary evidence under a one-dimension narrative. This approach is based on factual reconstruction to set the records straight; to construct a factographic representation of the past that is mainly descriptive with little room for interpretation (Pettai 2018: 704). The positivist approach seeks to emphasise the process of validation of evidence in pursuit of ‘objective judgments about the admissibility and validity of the evidence that can be established as a single, incontrovertible factual matrix’ (Bevernage 2018: 76). Setting the record straight in an effort to resolve narrative contradictions to bridge cultural divisions, can be done ‘negatively through levelling attempts to expose myths of conflicting parties’; or through

the 'construction of so-called positive histories that stress common traditions, shared values and cultural exchanges in the past' (Bevernage 2018: 78).

There are other contexts in which historical narratives are expected to serve as an integration tool, then the research method and narration of the findings will take a multi-perspective narrative approach by which all integrated narratives are legitimate and presented equally. A multi-narrative approach is not seen as a tool to 'resolve narrative contradictions', but rather to contribute 'to reconciliation by illustrating the different existing narratives and making them known to each of the conflicting parties in a reflexive way' (Bevernage 2018: 76). Nevertheless, the use of a multi-narrative approach can present some challenges in settings in which the context requires the construction of a coherent narrative line that achieves a minimal consensus on basic historical facts. The potential shortcomings of using a multi-narrative strategy are explored in detail in Chapter 7.

Within the multi-perspective narrative approach, there are two strategies. On the one hand, there are 'dual or parallel narratives' which present two or more interpretations of the past event without merging them. In the dual or parallel strategy, each narrative has 'equal space and stress their equal legitimacy' (Bevernage 2018: 76) and, thus, it does not attempt to bridge them. Within this approach, parallel narratives are 'reflecting on irreconcilable divergences among experts' (Pettai 2018: 704). It 'allows [one] to move beyond the one-dimensional identification with their narrative and become equipped to acknowledge, understand, and respect (without having to accept) the narrative of the other' (Bevernage 2018: 76). On the other hand, (2) 'mixed narratives' which present one line of narrative with a constant shift of perspectives. Despite presenting a text that can be internally contradictory because different narratives may have different interpretations of the events (Bevernage 2018: 77), it allows the reader critically to position him- or herself in their understanding of what happened. Pettai (2018) adds to these another classification: 'joint historical narratives, [which] engage both divergent interpretations as well as drawing moral and political lessons from the past' (2018: 704).

The implications of taking a multi-narrative approach might be critically important in a context in which contested narratives about the past perpetuate social division. HCC, that engage in this narrative strategy seek to produce a historical account that 'demonstrates factual accuracy' but at the same time gives enough space for 'disagreement and

compromise' (Pettai 2015b: 243-4). This is important because it allows a shift from accusatory accounts to explanatory ones through a process of recognition of legitimacy of different interpretations about the past.

Nevertheless, it is key to remember that the selection of a narrative strategy over another is determined by the functions ascribed to the commission. Therefore, even when HCC are established in conflicted contexts, the function ascribed may not necessarily be to counter contested narratives. For example, if the commission is established as a fact-finding mechanism, a one-directional narrative strategy based on positivist analysis would be the most pertinent approach.

Moreover, the existence of multiple truths, whether these are antagonised or not, does not mean that they need to be reconciled under an overarching "truth" that everyone can agree upon. As Bevernage (2014) puts it in the form of question, it is possible that 'some truths (...) simply cannot be reconciled' (2014: 13). Understanding historical narratives in their contribution to historical dialogue is to navigate how different perspectives about the past can coexist and interact with each other.

In this next section I explore the capacity of historical clarification commissions as a platform to give different narratives a space for "conversation", and thus its capacity to act as a vehicle for historical dialogue.

4.3.- The Institutionalisation of Historical Dialogue: Historical Clarification Commissions

In contexts in which the past is a highly contested space, often different groups hold different narratives about what happened in the past. In these settings, historiography 'is often closely knit to the society's narratives of conflict (...)' (Strömbom 2017: 5), serving as means of justification for accusatory and violent political agendas. Up to this point, we have seen how history and the formation of historical narratives can contribute to the historical dialogue in the context in which societies remain conflicted and/or divided. However, how do history and its narratives play a role in these settings? How can 'recounting of past events also work to smooth relations between rival groups who find themselves entangled in each other's memories and identities?' (Karn 2006: 31).

In this section, I explore the work of HCC, which as state institutions act as a vehicle for historical dialogue. I advance on the work of Karn (2006, 2015, 2017) and Pettai (2015, 2015b, 2018) in understanding historical commissions as state bodies of inquiry. Despite

neither of them specifically referring to the concept of historical dialogue, they both establish how HCC use the same framework, objectives, and functions as the proposed methodological and theoretical approach of historical dialogue. Throughout his work, Karn talks about: dialogue, conversation, mediating antagonistic interpretations, acknowledging injustices, reconciliation, and multi-voice narrative. To which Pettai adds, acknowledge injustices, reconciliation, and the uses of historical narrative that represent divergent voices. By linking their work on the analysis of the operation of historical commissions with institutional theory, I explore how the principles and methods of historical dialogue are adopted through the process of institutionalisation.

Within the scope of this project, “institution” is understood as a political body that is created by the state to fulfil a specific mandate and carry out specific functions within a given society. Noting that the state usually establishes HCC through a parliamentary or presidential decree, the logical step to understanding its institutionalisation would seem to address empirical institutionalism which focuses on presidential and parliamentary government (see Peters 2012). However, this approach ‘often takes those institutions as a fact of political life, rather than an entity in need of conceptual elaboration’ (Peters 2012: 105). Therefore, it does not offer me the tools to understand the process of becoming an institution, nor the conditioning implications of that process.

Instead, I focus on two branches of the new institutionalism, namely normative institutionalism (March and Olsen 1989; Peters 2000, 2012), and discursive institutionalism (Schmidt 2008, 2010; Peters 2000; 2012). The former proposes a ‘strong emphasis on the norms of institutions as a means of understanding how they function and how they determine, or at least shape, individual behaviour’ (Peters 2012: 20). The latter suggests a ‘focus on the role of ideas in shaping institutions and the behaviour of individuals within those institutions’ (Peters 2012: 112). The rationale behind the selection of these theories rests on the intention to explore how the commissions are conditioned both by the normative frame (the mandate), and the social and political epistemology of the context in which these are established (the ideas, the intentions, the functions).

4.3.1.- A Normative and Discursive Approach to HCC

The institutionalisation of historical dialogue through HCC reflects on the organisation and composition of a formal structure that is given not only with norms, functions, and

goals, but also with value for its members and society (Selznik 1957 in Peters 2000: 7). Institutions are both 'collections of standard operating procedures and structures that define and defend, values, norms, interests, identities and beliefs' (March and Olsen 1989: 17), and 'mechanisms through which individuals and institutions achieve goals' (Peters 2012: 122).

Following the normative approach, an institution does not only represent a formal structure but rather 'a collection of norms, rules, understandings, and (...) routines' (Peters 2012: 30). Building on this, the process of institutionalisation has two stages. First, 'there must be some conscious decision to create an institution for a specified purpose'; and second, there needs to be a process of 'fashioning' the institution over time and to imbue it with certain values' (Peters 2012: 35).

On the other hand, the discursive approach to institutionalism sees institutions as representations of a process rather than a static structure (Peters 2012: 116). They are defined both by their "foundational ideas", 'as well as by the manner in which these ideas are communicated within the structure' (Peters 2012: 112). The process of institutionalisation comes less from a hierarchical, top-down, process of formal structures, and more from a common understanding among its members. Thus, it pays special attention to the 'goals and ideas that are pursued by the institutions' (Peters 2012: 113).

As stated by Schmidt (2008), both approaches address the importance of the "ideas"¹⁹; however, they understand their role within the institutions differently. From the normative perspective, these ideas 'attach values to political action and serve to legitimize the policies in a program through reference to their appropriateness'²⁰ (see March and Olsen 1989). These normative ideas reflect on the 'aspirations and ideals of the general public' and how programmes and policies 'resonate with a deeper core of principles and norms of public life' (Schmidt 2008:14). On the other hand, discursive

¹⁹ In the realm of political science, "ideas" are broadly categorised in three levels. The first level 'encompasses the specific policies or "policy solutions" proposed by policymakers for debate and adoption. The second level 'encompasses the more general programs that underpin the "policy ideas"'. The third level 'compiles "public philosophies"' (Schmidt 2008: 3).

²⁰ March and Olsen (1984) argue, that 'the best way to understand political behaviour (both individual and collective) is through a "logic of appropriateness" that individuals acquire through their membership in institutions' (Peters 2000:2). Under this paradigm, 'political institutions are collections of interrelated rules and routines that define the appropriate actions in terms of relations between roles and situations' (March and Olsen 1989: 159).

institutionalism focuses on cognitive ideas, to understand how ideas help the members of an institution to define the problems and identify the most suitable methodology to address them (Schmidt 2008:14). That is understanding ideas as ‘constitutive of interests’ (Schmidt 2008: 21).

The normative approach to institutionalism states that the normative standards condition the work of people in the institutions²¹, transforming the latter into regulators of individual behaviour and a ‘major repertoire of values’ (Peters 2000: 2). Individuals ‘are assumed to be always influenced by their full range of organisational attachments and hence cannot be autonomous (...)’ (Peters 2012: 26). For March and Olsen (1989), ‘political actors [are supposedly] driven by institutional duties and roles as well as, or instead of, by calculated self-interest; politics is organised around the construction and interpretation of meaning as well as, or instead of, the making of choices’ (1989: 159).

The state regulates the work of the commission through the establishment of normative standards set up in the foundational mandate, thus, HCC are bound to carry out the functions established in the mandate to achieve the expected goals. These terms of reference are usually established through the presidential decree, and establish the parameters in which events will be interrogated. The mandate sets the frame of the commission (values) and the normative guidelines (functions, objectives, methods) of HCC as a state institution.

HCC respond to the political mandate of addressing ‘disputes that drive from antagonistic interpretations of these historical conflicts, and to clarify previously unknown or ideologically distorted historical facts (...)’ (Pettai 2015: 4-5; also see Karn 2006; Pettai 2015b). Therefore, HCC are created with the function ‘to shape public discourses and perceptions of the past’ (Pettai 2015b: 241; see also Karn 2006). The division in these two levels – i.e. the commission’s mandate and its functions, makes it easy to identify the link with the institutional approaches mentioned above. On the one hand, the normative approach refers to the creation of the commission with the norms and rules that will govern its work (foundational decree and mandate). On the other, the discursive approach addresses the importance the set of values and functions have in influencing

²¹ This opposes the “rational-choice” approach to institutionalism, which states that ‘individuals bring their preferences with them when they join an organisation’ (Peters 2012:26), and ‘act to maximise their personal self-interest’ (Peters 2012: 17).

not only who will be part of the commission, but also conditioning the process of investigation.

The commission's work is representative of the 'interaction between historical expert and the state in the form of institutions and actors which constrain, intervene or otherwise influence the outcome of the inquiry in different ways and to varying degrees' (Pettai 2018: 703). All the decisions involved in the formation of such bodies, namely: the commission's format, composition – to make sure that all perspectives are represented, the commissions operation in relation to the 'already established institutions' (Pettai 2018: 701), have a direct impact in determining the degree of legitimisation, independence and reliability of the work of HCC. Thus, its work is re-shaped, broadened or narrowed, during the years of operation responding to changes in the political and social context or in the light of new events or evidence.

The table below illustrates how the commissions' mandate can both enable and/or limit the work of HCC, and therefore directly conditioning their outcome:

Table 5: Mandate's Enabling and Limiting Capacities

<i>Enable</i>	<i>Limit</i>
Opportunity to clarify the past with the establishment of an investigative mandate.	Limitation of the areas of interrogation (narrow mandate). What is understood as "necessary" to be included/excluded to achieve the goals of the commission?
Space and resources to conduct the investigation. Possibility of having access to previously inaccessible information	Limited access to sources of information
Shed light on past events (give voice – visibility)	Keep certain events away from the public knowledge (institutionalised silence)
Moral/ethical epistemology might guide the work of the historians as commissioners (what is accepted/safe to say; what is considered to be good research; truth; contentious)	Moral/ethical epistemology might limit the work of the historians as commissioners (what is accepted/safe to say; what is considered to be good research; truth; contentious)

<p>'Bridge the scholarly and political discourse' (Karn 2015:17)</p>	<p>Censorship due to lack of autonomy from the political sponsorship</p> <p>Context-Censorship (security issues related to certain information)</p> <p>Time constraints (temporal bodies of inquiry)</p>
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(Palli-Aspero 2019, d)

The state's enabling capacities are established from the outset. By setting up a historical commission, the sponsoring government is facilitating a physical space, financial resources, and time for the investigation to take place, 'bridge the scholarly and political discourse' (Karn 2015:17). However, as it is illustrated in the table, the state's enabling capacities come closely tied with limiting capacities that in most cases take place simultaneously.

For instance, one of the most relevant enabling capacities is the access to previously denied information which gives the opportunity to shed light to previously unknown events, or clarify long held assumptions about the past build on misrepresented or distorted historical facts. However, at the same time, the state may be limiting access to confidential documents or other materials alluding, for example, to national security reasons. Thus, as much as the state has enabling capacities to shade light over the past, it may keep certain aspects away from the public knowledge. Another aspect to take in consideration is the enabling and limiting capacities of the moral and ethical epistemology that the state brings to the commission – i.e. what is accepted/safe to say; what is considered to be good research; truth; contentious. These will take place in a higher or lesser degree depending on the context in which HCC are established, however these epistemic features are key when assessing the capacities of the state because directly regulate and condition the work of the commission in relation to the investigation. This is related to the idea of censorship, which may be the result of a lack of autonomy of the commission in relation to the sponsoring state; or may emerge from the context in which the commission operates. The latter usually takes place in (post)conflict societies where

there is a risk that revealing the findings of the commission may put in danger individuals or groups within a given society.

It has just been explained how the process of institutionalisation of HCC reflects on the enabling and limiting capacities of the sponsoring state determines and conditions the work of the commission. However, how are HCC's values and working paradigms established? Are they established as normative institutionalism suggests during the design of the body of rules, norms, and values, at the creation of the institution? Or else, they are part of the set of "cognitive ideas", as discursive institutionalism states, that serve both as guidance and methodological tool throughout the investigation process? I would argue that it implies both. From the start, these values and moral positions (normative ideas) are established in the foundational decree, and thus condition the design of the mandate (objectives and methods), as well as the functions of the commissions. In its turn, as cognitive ideas allow the members of the commission to design a methodological and research strategy that will become a guiding set that leads the work of the commission towards its goals.

Moreover, this set of values attached to the commissions determines, as March and Olsen (1989) state, the participation of individuals in certain institutions. This is undertaken through an 'integrative political process' by which the individuals participate 'on the basis of commitment to the goals of the organisation, or at least acceptance of the legitimate claims of the organisation (or institution) for individual commitment' (Peters 2012: 27).

The historians employed by a commission to investigate certain past events can be seen as "epistemic committees", which are adapted by discursive institutionalism as 'advocacy coalition' (Peters 2012: 117). These are 'networks or associations defined by a body of knowledge' (history) and, to some extent, are 'defined by the interactions of the participants although they may begin with a greater common background and understanding of the policy area than would be true in most discursive institutions' (Peters 2012: 117) – in our case, in a historical research field.

In the framework of HCC, there is a narrow 'relationship between ideological or power-political instrumentalisation, and the necessary impartiality of credible historical research' (Pettai 2015: 5). Tensions may arise about the values and working paradigms politically established by the state; and the work of the commissioners which is expected

to be ruled by ‘ethical and methodological standards of historical scholarships, rather than by narrative criteria or legal concerns’ (Pettai 2015b: 242). The mandate explicitly establishes the working paradigms of the commissioners: which events are going to be interrogated, the research methodology, and the expected outcome – the publication of the findings in a report, the proposal of recommendations and/or the organisation of informative seminars and workshops. However, there are also other implicit elements in the formulation of the guiding lines of the commissions. The sponsoring-party ideology may try to, directly or indirectly, influence the commission’s approach to the investigation; there might also be social or political constraints about what is (morally and ethically) acceptable to reveal, or even limitations on the sources that are available. All these may represent a challenge for the commissioned historian who, despite being “contracted” by his or her professional expertise, is compelled to fulfil the political mandate.

In HCC, professional historians that are ‘serving on a state commission need to embrace the idea of negotiation, of advocacy, and compromise in dealing with historical facts’ (Pettai 2015b: 243-4). Therefore, the work of the commissioners appointed in an HCC is not the work of the classic historian. In their work as part of state institutions, the commissioners ‘navigate between upholding the standards and ethics of scholarly research accommodating strong identity-informing social memories of trauma and suffering and interrogating long-standing national histories (or myths) of victimhood and/or heroism that form part of the state/regime legitimacy’ (Pettai 2018: 690; see also 2015b).

4.3.2.- What Defines a Successful Institution?

In general, defining what constitutes a good institution is a challenging task. There are many ways in which one can assess the success of an institution: the capacity to fulfil its mandate; the capacity to articulate its work with other bodies; the decision-making and adaptability capacity; the impact that its outcomes (policy, reports, recommendations) have in relation to the decision-making of a determinate political administration; or in a broader range to society, to mention some.

In institutional theory, different trends have different understandings of what constitutes a successful institution. The normative approach focusses on ‘the use of internal norms to define the institution in its terms, rather than the use of external norms to evaluate its

performance or to evaluate those internal standards' (Peters 2012: 44). That is, 'the capacity of an institution to inculcate its values into its members' (Peters 2012: 140). Discursive institutionalism, on the other hand, 'focus[es] on the capacity of institutions, to process information and to reach the appropriate conclusions from that information' (Peters 2012: 141). In assessing if an HCC has been successful, one can identify the influence of both approaches in the establishment of the scale of measurement. On the one hand, the commission's foundational decree and mandate serve as internal guidance to establish the successful and unsuccessful elements (normative approach). On the other, the success of a commission can be established through its working process throughout the mandate and its culmination in some sort of concluding report or informative session (discursive approach).

I advance from Pettai's (2018) dimensions to measure the success of historical commissions based on a two-level criterion of measurement that scrutinises its work. First, is the 'operative process', which reflects on the capacities of HCC to fulfil the given mandate. Second, are 'the outcome of the commission's work', that is, the dissemination of its work both in the political and social debate (Pettai 2018: 707). It is important to note that these dimensions do not reflect on the perceived legitimacy of the commissions in a given social and political context, but rather on its methodological strategies and practical decisions.

In addition to these two levels, there are three dimensions of measurement. Firstly, the identification of its status which gives the key points of reference. These refer to the 'institutional and legal standing, mandate, membership, competences and operative resources' (Pettai 2018: 705-706) and are usually explicitly established in the text of the decree or mandate of the commissions. As has been already stated, the mandate ought to give the methodological guidelines for the commissioners to undertake the investigation. In order to measure the success of the commission's work, the main questions to be answered is whether the commissioners have followed the methodological standards and, if not, what the reasons for having taken a different strategy are. This scrutiny gives us an idea of how well the commission worked, what the challenges were, and how there were overcome. The second dimension of measurement points to the quality of work. It not only refers to the development of the historical narrative in the final report (well contextualised, inclusive, based on documented

evidence), but also to the accuracy with which the commissioners fulfilled the methodological standards set in the mandate (research, sources, style) (Pettai 2018: 706). Finally, the third dimension reflects on the commission's contribution to the historiographical debate and academic research, a 'critical evaluation of the reports' can give an insight on how the commissioners manage 'to accommodate contrasting perspectives, while clearly presenting facts and revealing the methodological challenges and basic agreements that guided the analysis' (Karn 2015 in Pettai 2018: 706).

When thinking about evaluating a historical commission, we often reflect the impact that it has in society. While it is of key importance to determine if the work of a historical commission has helped to foster historical dialogue, acknowledgment and recognition, it is very difficult to measure.

There are mechanisms to survey the general reception of the final report(s) that can give a broad understanding of how the content is transmitted, and if the process of clarification has represented a lesson learning for the reader. Other strategies may focus on surveying the participants in the commission or the representatives of particular groups or communities. The effects of the work of historical clarification are considered to have a long-term impact. The commission may achieve official apologies; it may pressure the government to apply a set of recommendations resulting in policy reform; its findings may end up in the school curricula, textbooks, literature, documentaries, or movies; and generate public and political debate around the past. However, none of this happens in a vacuum. Any behaviour or attitudinal change experienced through the years cannot be attributed solely to one mechanism.

It is recognised that the task of the commissions is to create a new narrative frame (product of the process of historical clarification) in which dialogue, acknowledgment, and recognition can take place. The evaluative criteria should point to the commission's capacity to create potentially transformative frame, rather than actually try to track attitudinal transformations within society.

4.4.- Concluding remarks

In this chapter, I have explored the nuances of historical dialogue, paying attention to the complexities of its elements. Building on Schaap's (2005) link between the past and the future, I argue that the work of HCC is both: (1) retrospective: historical analysis of the

past through clarification of misrepresented past events and interrogation of existing and new evidence; and (2) prospective: by projecting the community to a “common” future.

Historical dialogue acts as both a conceptual framework and a methodological tool that promotes the use of historical narratives as a mechanism to address the legacy of the past through historical clarification in an effort to address acknowledgment, recognition, and responsibility. Engaging in historical dialogue through the work of HCC means to revisiting and (re)evaluating certain past events in order to produce a historical narrative that integrates and acknowledges multiple perspectives about the reconstructed events.

As state institutions, HCC may contribute to historical dialogue through the clarification of ‘the facts in a responsible and authoritative manner (...)’ (Karn 2015: 231); through the possibility of achieving a broad ‘understanding of the past by engaging different and sometimes mutually opposing perspectives in a dialogue’ (Karn 2015: 11); and through the ‘mediation of interpretative disputes (...) clarifying existing misconceptions or biases’ (Pettai 2015b: 239). In other words, this is done through its rigorous and critical account of the past through the historical investigation (historical method); through its shift in addressing responsibility for the past wrongs, from collective guilt/blame to collective responsibility; through its transformative function from accusatory to explanatory historical narratives, and contribution to changing public perceptions about the past.

Responding to its attributed transformative function HCC have the capacity ‘to move the historical discourse away from the accusatory framework (...) and instead move toward an explanatory framework that offers a new context for historical facts that have been miss-constructed or marshalled differently by rival groups’ (Karn 2006: 33). Through the creation of new historical frames that (re)contextualise the past, HCC will potentially contribute to changing the public’s perception of the past. This selection establishes what will be “in frame” and what will stay “out frame”, which mean that a ‘set of meanings rather than another is conveyed, or, in the language of narrativity, one story rather than another is told’ (Snow 2004: 384). Throughout the process of elaborating frames, ‘some issues or topics are accented and highlighted in contrast to others’ (Snow 2013: 232). Thus, the process of framing the past through historical narratives is ‘not simply a re-write of history, but rather a form of history-making’ (McGrattan 2016: 108).

Another perceived contribution of HCC to historical dialogue is the link of their investigations to collective responsibility rather than the appointment of collective

blame/guilt. The work of HCC is not restricted to addressing individual responsibilities for crimes committed in the past. Therefore, its approach to accountability for the past wrongs is done through addressing responsibility at a collective level. The commissioned historians' intent is to 'contemplate the causality and responsibility in a rich elaborated historical context geared toward comprehension rather than accentuating guilt' (Karn 2006: 33). However, this shift represents one of the key challenges for historical commissions, that is, 'how to balance their judgements of large ethnonational collectives with their revelations about particular members of these groups' (Karn 2015: 245).

The process of institutionalisation of historical dialogue through HCC, means that the commissioners become political actors in the process of making history. This has obvious implications for historical dialogue. The political mandate to "resolve" disputes driven by antagonistic interpretations – counter contested narratives, through a process of acknowledgement and recognition of different interpretations about the past. However, these may be undermined or limited by the influencing power of the state using HCC as a mechanism to reinforce accusatory narratives, or to avoid responsibilities, thereby limiting historical dialogue's capacities. As state-sponsored bodies of inquiry, HCC seem to constrain the parameters for "dialogue" that are deeply conditioned by the design of the commissions. Who is participating in the "conversation"? What areas of the past are being investigated? What sources are available? Therefore, it is crucial to keep in mind what are the investigative limits of these commissions at the time of assessing their contribution to historical dialogue.

The investigation process of HCC acts as a bridge between the past and the present in order to address the idea of political responsibility for past wrongs. In conflicted societies, despite the political responsibility to address the legacy of the past which is inevitably backward-looking, the function of historical dialogue through HCC is fundamentally forward-looking toward a "common future" that represents a new beginning. By encouraging the creation of different bodies that are designed to address the legacy of the conflicted past, political elites potentially have the power to influence society in the way that it engages with the traumatic past (Verdeja 2009).

The goal of this chapter was to present a comprehensive analysis of historical dialogue as a theoretical framework and identify the way that the discipline of history interacts with it. Furthermore, it aimed to understand the implications of the process institutionalisation

of HCC has on historical dialogue. In the following chapter I map and analyse different HCC cases to advance on the understanding of the organisational and operational strategies employed by HCC in different contexts.

Chapter 5:

Mapping Historical Clarification Commissions

5.1.- Introduction

This chapter defines Historical Clarification Commissions (HCC) through the examination of contemporary examples. The purpose of the chapter is to assess critically how HCC have operated in different settings, and how the social and political contexts have conditioned their work strategies and methodological approaches.

The analysis is provided through a database created specifically for this study. The database compiles thirty-eight cases from different countries around the world that have established commissions of historians as fact-finding or clarification mechanisms. The criteria for selection of the cases is based on three elements, first, bodies that have been officially established – i.e. by parliamentary or presidential decree or by a bilateral agreement between two countries; second, those bodies of inquiry that were established to aid social and political disputes or antagonisms, socio/political unrest, and conflict/post-conflict context; and third, those commissions that have been established from 1990 up to the present, taking the fall of the Soviet Union as a departing point. Therefore, the database excludes all those official bodies that were established before 1990s, bodies of inquiry not established by the government – i.e. those set up or promoted by NGOs, INGOs, or other organisations at national or international level, and those which were established for educational purposes – i.e. textbook historical commissions.

The analysis of these cases gives a solid understanding of the organisational strategies, methods, and challenges that historical clarification commissions might experience. The database analysis does not reflect on the content of the reports, nor the accuracy of their findings. Instead, its purpose is to become a tool for understanding the nature of HCC as bodies of enquiry, providing an overview of the contexts in which they are established, and identifying the political or social demands to which they are responding.

Additionally, I analyse each case under four specific variables, namely, (1) the reason for establishment; (2) the “time” in which the commissions were set up; (3) the objectives of the commissions; and (4) their functions. These four variables allow me to understand which elements of the context (1 and 2) condition the design and operation of the

commissions (3 and 4). These variables are essential to understand how the commissions' design and operation directly determine the historical narrative style chosen to communicate their findings (Bevernage 2018).

5.2.- Understanding Historical Clarification Commissions

Conflicted societies are often left rooted in a complex ground of competing narratives, transforming the past in a much-contested space. In these contexts, the link between the past and the present becomes evident when trying to find ways to move forward towards a future in peace. It is argued that the work of historians and the application of historical methods to deal with the legacy of the past can contribute to constructing historical narratives that bridge those divisions – not in the sense of shared narratives, but in the sense of offering a “space” or a platform for conversation in terms of interpretations and perspectives of the past (Karn 2006, 2017; Pettai 2015; Barkan 2006; Jones, Ostberg and Randeraad 2013).

5.2.1 - Historical Clarification Commissions' Methods of Practice

In this section I explore the nature and working strategies of the historical clarification commissions. As we will see throughout the chapter, the adaptability of these bodies to each particular political, social and cultural context makes it difficult to come up with a normative definition that is common to all commissions. Thus, an attempt to define HCC, can only be done in general terms.

As state-sponsored bodies of inquiry, HCC have the main objectives: (1) to clarify the past through the re-evaluation of already existing knowledge and the analysis of new evidence; (2) to promote 'new research that will revise long-held assumptions and paradigms about the violent past' (Pettai 2015b: 239); (3) to produce an integrating historical narrative based on a rigorous, and critical analysis of the evidence available.

The purpose of HCC can be seen as promoting a 'change [in] public perceptions' (Pettai 2015a: 1) over an unknown, or a distorted understanding of the past. However, these bodies of inquiry do not seek to construct a homogenising narrative that eliminates or undermines the already existing ones. Instead, they foster an integrating, authoritative, historical narrative that represents divergent voices and interpretations of past events (Karn 2006; Pettai 2015b). The work of these commissions is developed under three important dimensions: (1) factual reconstruction throughout the investigation process;

(2) the integration of different narratives and perspectives; and (3) the interpretation of the events avoiding production of merely a descriptive reconstruction (Pettai 2015b: 243; Karn 2006).

HCC use the historical method in their process of investigation. The historical method comprises different techniques to interrogate, understand and interpret past events, taking into account its origins and developments. In the framework of HCC, applying the historical method requires going beyond a mere compilation of factual evidence. It is set to formulate an interpretation that narrates why certain events unfolded the way they did, under which circumstances they operated, and which actors intervened, within a comprehensive meta-narrative²² about the past. Applying the historical method to research implies the following (Berg & Lune 2014: 320):

- Collection of evidence.
- Validation of evidence (to establish the historical facts).
- Analysis of sources.
- Triangulation of data.
- Critical analysis of different perspectives.
- Attention to the complexities, interveners, and conditions in the development of events.
- Meaning given through interpretation (narrating the accounts of the past).

Historical research 'attempts to systematically recapture the complex nuances, the people, meanings, events, and even ideas of the past that have influenced and shaped the present' (Berg and Lune 2014: 315). It relies not only on various documentary sources (private, institutional, or public documents; archival research; pictures; published literature; letters), but also in some cases it accesses oral sources (witnesses or testimonies).

Historical research is conducted for various reasons, first, 'to reveal or uncover the unknown'; second, 'to answer questions which have yet not been answered'; third, 'to search and [identify] the relationship of past happenings and their links to the present'; fourth, 'to record and assess past activities and achievement of individuals, agencies, and

²² The term meta-narrative is understood in the context of the research project as an overarching historical account that gives a contextualised frame to give meaning to past experiences.

institutions'; and finally, 'to assist in the understanding of human culture' (Berg & Lune 2014: 317).

The application of the historical method for the interrogation of the past enables the work of the commissions, and the systematisation to construct a rigorous historical account of the past. Taking into account that HCC are established to clarify the misrepresented past, or shed light on unknown events, through factual reconstruction and contextualisation to produce an integrating historical narrative, the use of the historical methods should be systematised as follows. HCC should: (1) clearly limit the area of interrogation and what sources will be analysed; (2) present a clear structure on how historians establish and validate their facts; (3) offer a detailed contextualisation of the facts for a nuanced interpretation; (4) establish the 'criteria according to which historians' weigh competing interpretations of the same events'; and, finally, (5) determine a narrative strategy which will be used throughout the investigation process (Karn 2015: 17).

Acting as a clarification mechanism, HCC has the task of shedding light on events that might not have been interrogated adequately, that need (re)contextualisation at the time when new evidence has been found, or that have been the object of biased interpretations. However, the methodological strategy of each HCC varies depending on the purposes of the establishment, and the objectives and the function that have been formulated by the mandate. These variations are directly conditioned by the social and political context in which the commissions have been designed and set up. I link this analysis with Bevernage's (2018) reflection on the strategies and methods of the uses of historical narratives in divided societies.

There are different narrative strategies that can be employed by HCC, which are determined by the social and political context in which the commission operates. There is a large variety of elements that condition the communicative strategy (narrative). For example, how has the conflict has been resolved? Is there a clear winner? Did the conflict come to an end by an agreement between the two or more implicated parties? Alternatively, is the conflict still ongoing?

As has been explained in detail in Chapter 4, there are two main overarching strategies: one-directional narratives and multi-narratives. The former is usually used in these cases in which HCC have the aim of uncovering previously unknown facts or clarifying past

events in order to challenge those interpretations of the past that are historically distorted. The latter is used in those contexts in which there two or more interpretations of the past, and in which HCC are seen as an integrating mechanism of all different perspectives. The multi-narrative approach can be based on a parallel- or dual-narratives, or mixed-narratives strategy. The former present two or more interpretations of the past event without merging them; the latter 'present one line of narrative with a constant shift of perspectives' (Chapter 4, page: 112).

HCC can use any of these different narrative strategies depending on the functions that have been attributed by the sponsoring state. For example, if a commission is charged with the main function of acting as a fact-finding mechanism, it would most likely take a one-directional narrative approach to present the historical facts in the clearest way possible. On the other hand, if the main function is to counter contested narratives, HCC would, usually, adopt a multi-narrative approach which allows different interpretations of the past to coexist. As we will see in Chapter 7, the decision over a dual/parallel or a mix narrative approach relies on the degree of consensus over the past that exists between the parts.

In the section below, I present the results of the database analysis with a focus on four variables which are considered key to understanding how the context influences the operation of HCC²³.

5.3.- Mapping Historical Clarification Commissions

The rise and popularity of HCC took place throughout the nineties and the early two-thousands. In the context of the end of the Cold War and the decomposition of the USSR, 'professional historians' took a new interest in 'engaging the politics of the past and working to improve inter-group relations where historical injustices generate enduring hostility and tension' (Karn 2006: 32). In the former Soviet countries, there was a renewed attention to 'the mechanisms of convening bilateral expert commissions' to investigate distant events (Pettai 2018: 692). The vast majority of these historical commissions emerged in the light of new evidence, and 'challenged some of the existing truths and national narratives' (Pettai 2018: 693) in relation to both periods of occupation and war

²³ The "time" in which the commissions were set up, how far from, or close in time to, the commission was established to the period under interrogation; the reason of establishment; the objectives of the commissions; and their functions.

(Nazi and Soviet), and which had prevailed for decades. This motivated new historical projects that were aimed at the (re)evaluation and/or (re)interpretation of past events in order to clarify and uncover different historical facts. In Western Europe, 'the removal of the ideological straight jacket of the Cold War resulted in the re-emergence of memories and grievances that related to WWII, occupation, and the Holocaust' (Pettai 2018: 694), which, until then, had not been taken in consideration in the realm of politics. There were growing demands from society for governmental initiatives to engage with the past in a more 'self-critical retrospection' (Pettai 2018: 694).

Since then, the most recognised historical commissions operating in response to social and political disputes or antagonisms are the Holocaust Commissions²⁴ (in this project referred to as Post-Nazism commissions) and the Post-Soviet Commissions, especially the Baltic Presidential Commissions, which can be seen as pioneers in promoting the use of historical analysis as a method of inquiry. Their objectives were to clarify the past, to produce a nuanced explanation of what had happened, and to adjudge responsibilities for violations of human rights and other crimes. The commissions had the task of producing an authoritative historical narrative that acknowledged the victims and appointed responsibilities for the violations of human rights and other crimes committed during the war and the Nazi and Soviet occupation. These historical commissions appeared 'where time and distance make criminal prosecution of perpetrators unlikely or impossible (...)' (Karn 2015: 256). Thus, when we state that historical commissions appoint responsibilities we are not referring to individual responsibilities, but rather collective, moral, social, institutional responsibilities.

The database departs from the Holocaust and the Baltic Presidential Commissions, and builds a compilation of different cases included in four different categories related to the nature of the HCC's establishment and its main objectives: diplomatic commissions; post-authoritarian regime commissions; (post)conflict commissions; redressing historical injustices commissions (see table 6 below).

Some of the cases are identified under the name of historical commission, but many cases are not labelled as such. As it has been stated in the methodology chapter, the criteria for selection of the latter involves identifying two key aspects: '(1) the aim of the commission

²⁴ This name was given to these commissions by Alexander Karn (2006, 2015, 2017), in the database these are referred as post-Nazism commissions.

(identification of concepts such as: clarification, fact-finding, deconstruction of myths and stereotypes, responsibility for past crimes, etc.), and (2) the methodological approach throughout the research (division in thematic working groups, historical contextualisation, and creation of records of compiled documentation) and the sources used (archival research and the use of national and international existing records, individual and institutional submissions)' (Chapter 2, page: 42)

Although a number of historical commissions use oral or written testimonies, these have a secondary role in the research process which is mainly conducted through archival means. However, the analysis of the database cases shows that there are other commissions which do use oral or written testimonies as another research resource. This "hybrid" methodology mixes the historical method of analysis with other methodologies of collection of oral testimonies.

The commissions that have been identified as using hybrid methodologies are the following:

- The Study Commission for Working through the History and the Consequences of the SED Dictatorship in Germany (1992) in Germany;
- Study Commission for the Overcoming of the Consequences of the SED Dictatorship in the Process of German Unity (1995) in Germany;
- The Presidential Commissions established in 1998 in the Baltic Countries (International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes in Lithuania, The Commission of the Historians of Latvia, International Commission for Crimes against Humanity in Estonia);
- French Fact-Finding Mission (2001);
- Historical Memory Group (GMH) (2007) in Colombia;
- Lessons Learnt and Reconciliation Commission (2010) in Sri Lanka;
- The Royal Commission on Aboriginal Peoples (1991) in Canada;
- Indian Residential Schools Commission (2007) in Canada.

Table 6: Historical Clarification Commissions Database

Commission's Category		Commission's Name
Diplomatic Commissions (6)		Slovenian-Italian Historical and Cultural Commission (1993) Russian-German Historians' Commission (1997) Polish-Russian Group for Difficult Issues (2002) Japan-ROK Joint History Research Committee (2002) Japan-China Collaborative Research (2005) Liechtenstein-Czech historian's Commission (2010)
Post-Authoritarian (23)	Post-Nazism (12)	Switzerland's Independent Commission of Experts (ICE) (1996) Study Commission on Jewish Assets (Belgium) (1997) Mattéoli Commission (1997) Anselmi Commission (1998) Commission of Enquiry into the Activities of Nazism in Argentina (CEANA) (1998) Austria Historical Commission (1998) Presidential Advisory Commission on Holocaust Assets USA (1998) Poland's National Institute of Remembrance (IPN) (1998) International Catholic-Jewish Historical Commission (ICJHC) (1999) International Commission on the Holocaust in Romania (ICHR) (2003) Persecution and Deportation of the Jews in Belgium (2004) Polish and Ukrainian Forum of Historians (2015)
	Post-Soviet (4)	Study Commission for Working through the History and the Consequences of the SED Dictatorship in Germany (1992) Study Commission for the Overcoming of the Consequences of the SED Dictatorship in the Process of German Unity (1995) Presidential Commission for the Study of the Communist Dictatorship in Romania – CPADCR (2006) Counteraction against the falsification of history (2009) (Russia)
	Baltic Countries (4)	State Commission for the Examination of Repressive Policies Carried Out During the Occupations (1992) (Estonia) International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes (1998) (Lithuania)

		The Commission of the Historians of Latvia (1998) International Commission for Crimes Against Humanity (1998) (Estonia)
Post-Conflict (7)		Dutch Cabinet Srebrenica Inquiry – NIOD (1996) (The Netherlands) Historical Clarification Commission (CEH) (1999) Independent International Commission on Kosovo (Sweden) (1999) French Fact-Finding Mission (2001) (France) Historical Memory Group (GMH) (2007) (Colombia) Lessons Learnt and Reconciliation Commission (2010) (Sri Lanka) The Historical Commission on the Conflict and Its Victims (CHCV) (2014) (Colombia)
Redressing Historical Injustices (5)		Royal Commission on Aboriginal Peoples (1991) (Canada) Human Rights and Equal Opportunity Commission (HREOC) (1995) (Australia) Historical Truth Commission and New Treaty (CVHNT) (Chile) (2001) Indian Residential Schools Commission (2007) (Canada)

(Palli-Aspero 2019, e)

Reflecting on the cases analysed in the database, HCC are established mainly, (1) to clarify the past through factual reconstruction and contextualisation; (2) to seek for responsibility of crimes and investigation of other human rights violations; (3) to bring light to the causes of the conflict, and (4) to foster recognition to the victims and acknowledgment of past injustices. Each category is explored individually, keeping in mind the four variables of analysis, in order to establish the elements that condition the commission's methodological practice and narrative strategy.

5.3.1.- Diplomatic Commissions²⁵

The establishment of historical clarification commissions (HCC) with a diplomatic function, follows an intention from the political leadership to resolve tensions from past events. Thus, these are established bilaterally in a joint effort to ameliorate the relations between two nations. The reasons of establishment mainly respond to the perceived

²⁵ See appendix, page: 245.

necessity to explore a shared past to identify the common elements that bring both nations together, in order to have better relations in the future. They also interrogate contentious events of the past that perpetuate the existence of stereotypes and “historical myths”, and aim to overcome feelings of mistrust or hatred. However, in order to understand the specific reasons on why they were established on that particular moment, one would have to look in detail at the political, social, and economic context; not only of the year of establishment but also previous years to identify the tendencies that fostered it. Nevertheless, there are identifiable common timings or trends in which diplomatic HCC are established.

The commissions of historians for diplomatic ends usually have two main goals: (1) to improve political and economic relations between two countries, and (2) to foster better social relations by promoting an understanding of the shared historical past. These two elements are easily identified in the impact of the commissions and are generally represented in the political and economic sphere, and in education (with the introduction of the findings in the school curricula). The objectives identified as being characteristic of the diplomatic commissions fall into two areas. On the one hand, is clarification over unknown facts or misrepresented pasts to break myths and stereotypes about past events that challenge present relations between the two countries (Slovenian-Italian Historical and Cultural Commission; Polish-Russian Group for Difficult Issues). On the other, is exploring the most relevant aspects of the common past (Liechtenstein-Czech historian’s commission; Slovenian-Italian Historical and Cultural Commission; Japan-China Collaborative Research; Japan-ROK Joint History Research Committee).

Most of the European commissions compiled in this database came about after the fall of the Soviet Union. In this context, some nations that had been satellite-countries of the USSR, saw the need to re-define their political relations with neighbouring countries, which often required finding common or shared elements in history to (re)imagine future social, political and economic relations between nations. The fall of the Soviet Union also represented the opening of the archives, bringing to light new evidence. In a context of (re)organisation of the social and political imaginary²⁶, the establishment of historical

²⁶ Social and political imaginary are understood as the system of ‘feelings, beliefs, values that act as filters through which political reality is mirrored and which trigger a certain understanding of the political life of a community as a whole and of its components: actors, main ideologies, objects (...)’ (Chirimbu and Barbu-Chirimbu 2012: 296).

commissions was seen as crucial to build new political relations with neighbouring countries (Slovene-Italian Historical and Cultural Commission; Russian-German Historians' Commission; Polish-Russian Group for Difficult Issues).

The Slovenian-Italian Historical and Cultural Commission is interesting in terms of the reason for its establishment. In the aftermath of the Soviet Union, the politicians of the time were left to (re)imagine the new political relations between both nations. In this context, the legacies of old pasts re-surfaced, namely, the national conflicts begun in the border areas during the Austro-Hungarian rule; the border disputes aggravated by the consequences of both World Wars, and 'the persecution of national minorities, first by the Italian fascists and then by the Yugoslav communists, culminating in the expulsion of almost all the Italians' from the area (Pupo 2013: 144). The debilitation and fall of the USSR, '(...) which made it possible to re-examine the history of the Eastern bloc countries and denounce the crimes that had been committed' (Pupo 2013: 147), brought Italian politicians and public opinion to open the debate about the turbulent past. The controversy around 'the history of the area around the upper Adriatic (...), [became] the subject of heated disputes between the Italian historiographers and those from [the former] (...) Yugoslavia' (Pupo 2013: 144). As stated by Pupo (2013), the Italian government was faced with two options. On the one hand, to put forward a Parliamentary Inquiry to establish responsibilities of the crimes committed during the Soviet Occupation, and on the other, to create a historical commission that would 'depoliticise the problem', arguing that if the contentious elements were part of the past, the issue should be dealt with by historians and not politicians. To come to terms with the past was seen as 'an essential step before being able to establish a new relationship' between both countries (2013: 147).

Other commissions were established in East Asia, namely Japan and China, and Japan and South Korea. Both commissions were set up to overcome the historical grievances, with particular attention to the Second World War. It is worth paying attention to the time in which these commissions were set up, because at the end of the war these grievances were not addressed. It was only from the 1980s and 1990s that the legacies of the past gain significance both in China and South Korea.

In 1950s China, the pursuit of economic growth brought the Chinese Communist Party (CCP) to establish economic relations with Japan. In this context, the leaders of the CCP 'emphasized that the wartime atrocities perpetrated by Japan should be blamed on a small group of militarists, not ordinary Japanese people, who had been the victims of militarism' (Mimaki 2018: 743). The state maintained strict control over the production of knowledge and investigations of that period to maintain the economic relations. However, this changed drastically in the decade of the 1980s when the CCP 'began bitterly criticizing Japan's historical amnesia or distortions of history' (Mimaki 2018: 743) in a context of political and socioeconomic transformations. As Mimaki (2018) points out, in the light of the disastrous results of the Cultural Revolution (1966-1976) and a decline of the communist ideology, 'the CCP desperately needed a new ideological framework to re-establish the regime's legitimacy and consolidate the nation' (2018: 743). The CCP saw the (re)vision and (re)evaluation of the past a useful mechanism to highlight 'the role of the CCP in China's long struggle for national independence' and '(...) restore people's trust in the party in order to further implement his economic reforms and open door policy to the West' (Mimaki 2018: 743).

In this political context, the Japan-China Collaborative Research was established '(...) to promote mutual understanding by deepening objective perception of history' (MOFA 2011), after the two decades of political tensions over the recent past. The commission would look back on two thousand years of common history between both nations, with special attention to the historical events of contemporary history – i.e. since the Second World War. The commission's work experienced major difficulties not only at an interpretative level, but also at a methodological one. The Japanese delegation to the commission 'insisted on the importance of exploring counterfactual possibilities other than the Sino-Japanese war, and the Chinese side stressed an inevitable flow of events, and depicted modern Sino-Japanese history as Japan's constant "invasion" and China's persistent "resistance" (Shoji 2008 in Mimaki 2018: 748). The commission experienced additional problems due to the '(...) difficulty of involving a democratic country where freedom of the press is guaranteed and a nondemocratic country where the media are heavily influenced by the state' (Mimaki 2018: 748).

In the case of South Korea, the Japan-ROK Joint History Research Committee was also established in a moment of (re)signification of the past. The commission was tasked to

interrogate the case of comfort women who were victims of sexual violence at the hands of the Japanese army during the Second World War. Despite the fact that the existence of the comfort women was broadly known, '(...) it was only in the 1990s that the problem was recognized as a serious war crime requiring Japanese governmental acknowledgment of Japan's responsibility' (Mimaki 2018: 744). As Mimaki (2018) explains, this change in the attitude towards the sexual violence committed towards South Korean women ought to be framed in a wider context. First, there was a transformation on '(...) the international trends of the post-Cold War period, [and the] democratization in South Korea (...), which in its turn empowered civil society and provoked renewed attention to Japan's wartime atrocities' (2018: 745). Second, was a '(...) global shift in attitudes towards sexual violence', which had '[o]nly relatively recently has rape been recognized as a grave violation of human rights and as a crime against humanity' (Mimaki 2018: 745). Despite the commission between ROK and Japan being established to 'stop the further deterioration of regional relations' through historical dialogue (Mimaki 2018: 746), the major disagreements on the different interpretations of the past represented an obstacle for both governments to find a common middle ground.

In both commissions, the Japan-China Collaborative Research and Japan-ROK Joint History Research Committee, the commissioners worked jointly to produce a one-directional narrative that would enhance the common elements of the past to bridge the two nations. However, due to major disagreements about the research methodologies, and different interpretations of the past, all governments failed in agreeing upon the findings of the commissions and, as a result, the findings were not introduced in history textbooks.

Diplomatic commissions are designed to contribute to constructing a shared future that brings two countries closer together in their social, political and economic relations. They have a political-pedagogical function aimed at transforming the public's perception about the relationship between two nations. Diplomatic historical commissions may take a different approach to the inquiry of past events. First, the intention to explore a shared past differs in approach. In some cases, the focus relies on the highlighting of a positive "shared history" (e.g. Slovene-Italian Historical and Cultural Commission (1993) or the Liechtenstein-Czech historian's commission (2010), or in the interrogation of controversial issues (e.g. Polish-Russian Group for Difficult Issues (2002). Second, there is an intention to overcome historical misjudgement created by stereotypes and myths over specific past events (e.g. Slovene-Italian Historical and Cultural Commission (1993),

Liechtenstein-Czech historian's commission (2010). Finally, there was a need to gain access to previously inaccessible information, as for example, with the opening of some archives with the fall of the Soviet Union. Access to new evidence motivated the establishment of historical clarification projects of past events (e.g. the Slovene-Italian Historical and Cultural Commission (1993) or the Russian-German Historians' Commission (1997). The access to previously denied evidence does not only allow the historical commissions to (re)evaluate and (re)contextualise the past, but also, to promote new research that may challenge 'long-held assumptions and paradigms about the violent past' (Pettai 2015b: 239).

Diplomatic commissions usually tend to develop a one-directional narrative because they reflect on the joint work to produce a historical discourse based on the common past (Liechtenstein-Czech historian's commission (2010); Japan-China Collaborative Research (2005); Japan-ROK Joint History Research Committee (2002). However, the Slovene-Italian Historical and Cultural Commission and the Polish-Russian Group for Difficult Issues did not follow that strategy. In the first case, despite the commissioners getting together to discuss which historical elements would be analysed, each country produced its own report. The result was two separate reports that followed a one-directional narrative strategy (Rupel 2000 in Koper-Capodistria 2000: 4). The Polish and Russian Group, the commissioners from the Polish and the Russian side did not work together. The result was a report that followed a parallel, multi-narrative strategy because the two narratives portrayed in each report did not interact with one another. In this case, there was little or no controversy about the historical facts that were to be studied, but rather on the different interpretations around them (Lazari 2011; Stokrosa 2016).

5.3.2.- Historical Commissions Established after Post-Authoritarian Regimes

Throughout the 1990s there were two key elements that converged and influenced the establishment of historical clarification commissions (HCC). On the one hand, there was an increasing international pressure to (re)investigate certain elements focusing on economic restitution related to the Second World War period, and issues related to involvement or cooperation with the Nazi regime. On the other, coinciding with the diplomatic commissions, the fall of the Soviet Union opened a new space for investigating the crimes committed by the Soviet regime. These two moments serve to divide this category in two smaller subcategories: post-Nazism commissions and post-Soviet

commissions. This subdivision is not based on the content of the commission's investigation (i.e. inquiry about the Nazi crimes, or inquiry about the Soviet crimes), but rather on the political location of the sponsoring country. This is important because most of the post-Soviet commissions investigate crimes committed by both the Nazi and the Soviet regime. The commissions included in the post-Soviet category are included in their condition of former Soviet satellite-states. The commissions included in this category often use historical clarification as a fact-finding mechanism to reconstruct the past, to shed light on previously unknown events, and to break stereotypes.

5.3.2.1- Post-Nazism Commissions²⁷

These commissions were set up throughout the nineties and the first decade of the new millennium as bodies of inquiry, offering the opportunity to 'explore [a distant] past in a more nuanced manner than what normally emerges from a judicial proceedings' by resisting 'oversimplifications and stereotypes that reinforce group conflict' (Karn 2015: 26).

The post-Nazism regime commissions were established in response to international and domestic pressure about the investigation of the crimes committed during the Nazi occupation and the war. There is a clear distinction in the purpose of the commissions in relation to where they had been established. Although the work was designed under the overarching purpose to break myths of neutrality during the Nazi occupation and the Second World War, the Holocaust commissions set up in Western European countries, namely Switzerland, France, Belgium²⁸, Austria and Italy, focused almost exclusively on economic issues. The areas of interrogation were centred on the investigation of dormant accounts (Switzerland's Independent Commission of Experts (1996), and issues of stolen goods from the Jewish community (Mattéoli Commission (1997), Anselmi Commission (1998), and Austria Historical Commission (1998). Outside of Europe, there are two examples explored in the database. The Presidential Advisory Commission on Holocaust Assets (1998), which was tasked of cataloguing 'the collection and disposition of the assets of Holocaust victims' (PCHA Final Report 2000). The other case is the Commission

²⁷ See appendix, page: 248.

²⁸ Both, the 'Study Commission on Jewish Assets (SCJA)' (1997) and the commission for the 'Persecution and deportation of the Jews in Belgium' (2004), focused on the impact of the spoliation of the Jewish community during the period of Nazi occupation and Second World War (SCJA 2001a: 7; Doorslaer et al. 2007: 11).

of Enquiry into the Activities of Nazism in Argentina, established to identify the Nazi collaborators in the country and to catalogue the movement of war criminals during the last period of the second world war and post-war (Rathkolb 2004: 187).

Although the reasons for establishment differed among them, the research strategy required largely a positivist approach in each case. Their objective was not to offer a platform for different interpretation of the past, but rather to break myths about it, which clarified the involvement of its bankers with the Nazi regime; and factual reconstruction of the events to establish responsibilities and identify collaborators. Those commissions that had prioritised the assessment of stolen goods, focused on a positivistic approach to the research quantifying the loss of the victims and the Jewish community in general (Study Commission on Jewish Assets; Commission of Enquiry into the Activities of Nazism in Argentina; Presidential Advisory Commission on Holocaust Assets).

The Austria Historical Commission represents an interesting example of how historical clarification contributed to constructing a new narrative around the concept of moral responsibility. During the immediate years of the post-war and up until the 1980's, there was a predominant political and academic trend around the so-called 'theory of victim' or 'theory of occupation' (Jablonek 2007: 105), which stated that after the Nazi invasion in 1938 the Republic of Austria did not exist, and, therefore, 'could not be held responsible for any of the crimes perpetrated during the Nazi regime' (Jablonek 2007: 105). The work of the commission aimed to challenge and deconstruct this national myth, and to build a sense of responsibility for the actions and events in which Austria had been involved or taken part, and to foster a new understanding around concepts of restitution and/or compensation to the victims and survivors (Jablonek 2002; 2006).

The historical commissions established in Central European countries, namely, Poland's National Institute of Remembrance (1998), and the Polish and Ukrainian Forum of Historians (2015), focused on addressing responsibility for the crimes committed against the Jewish community. In both countries, the local authorities avoided taking responsibility for massacres that had taken place during the Second World War, namely, the killings of Jedwabne in Poland, and the massacre of Volyn in Ukraine.

In the case of the inquiry of the massacre of Jedwabne²⁹, the National Polish Institute for Remembrance (IPN for its initials in Polish) was tasked to interrogate, amongst others, this particular pogrom to shed light on the controversial understanding of the event after the publication of the book *'Neighbours: The Destruction of the Jewish Community in Jedwabne'*, by Jan T. Gross (2001). In his book, Gross presents the Polish citizens of Jedwabne as actors in the killings of their Jewish neighbours in the village of Jedwabne, challenging the national narrative established that they had happened at the hands of the Nazi soldiers. The publication of the book brought to the surface the debate about the responsibilities over crimes committed during the Nazi occupation. On the one hand, 'the Jewish insistence on casting Poles as "congenital" anti-Semites who used Nazi aggression as an excuse to enact their own genocidal fantasies, and on the other, the persistent claims by Polish nationalists that they, too, were victims of the Holocaust (...)' (Karn 2006: 33). The (re)examination of the case by the IPN offered a more nuanced contextualisation of the events and showed important differences from Gross's thesis (see Karn 2015). This helped to clarify the past through a better understanding of the historical circumstances that led to the crimes. The results of the investigation also 'led to an official apology for the massacre, issued on the sixtieth anniversary of the events' (Wolentarska-Ochman 2006: 152) made by the Polish President Aleksander Kwasniewski, however, it might have come only half way because he insisted that the 'Germans were behind the pogrom' (BBC News 2nd November 2002³⁰).

The Polish and Ukraine Forum of Historians (UPFH)³¹ was established to uncover knowledge about the causes, course and consequences of the tragedy of residents Volyn and Eastern Malopolska (UPFH 2015). In these regions in 1943, 'a section of Ukraine's nationalist underground massacred the region's Polish population' which provoked later revenge from the Poles who orchestrated the killing of Ukrainian Civilians (see Portnov

²⁹ The massacre of Jedwabne took place on the 10th of July 1941, when 'Jewish inhabitants of the little town of Jedwabne were burnt alive in a barn by their Polish neighbours. This was probably the worst act of violence inflicted on Jews by the Poles during World War II' (Persak 2011: 410). Investigations on the Jedwabne case, show how there was an effort from Polish authorities to 'erase the truth about Polish involvement in the crime, and as its result German gendarmes were officially pointed out as the sole culprits'. (See Persak 2011: 411-414 for further detail).

³⁰ See "Poles to Blame for Wartime Massacres", BBC
<http://news.bbc.co.uk/1/hi/world/europe/2392591.stm>

³¹ The commission was formed with members of the IPN – Polish Institute for National Remembrance, and members of the UINP – *Ukrainian Institute of National Remembrance*, operating under the Cabinet of Ministers (Established in 2006).

2016). The work of the commission had an impact in terms of acknowledgment and recognition of the past, which was reflected in the 'Memory and Solidarity' resolution that both the Polish and Ukrainian parliaments signed in October 2016³². Nevertheless, despite the investigative work of the commission, textbooks in both countries still offer a historical narrative particular to each national context (Portnov 2016).

Despite the effort of the UPHF commission to clarify a contested past over the interrogation of specific events, both Poland and Ukraine had later established a series of memory laws that undermined, and to some extent questioned, the work of the commissions, starting a sort of "memory war" between both nations. In April 2015, Ukraine approved the "Law on Fighters, 'aimed at recognizing the participants in the struggle for Ukraine's independence in the 20th century'³³ (Bulletin of the Verkhovna Rada (VVR) 2015), which, from a historical point of view, simplifies the actions of past actors by generalising their categorisation under the level of "fighters for the independence" (Cherviatsova 2018). In July 2016, the Polish parliament adopted a resolution 'On the Perpetuation of the Memory of Victims of Genocide Committed by the Ukrainian Nationalists against the Citizens of the Second Rzeczpospolita in 1943-1945', and established a 'National Remembrance Day for victims of "genocide" at the hands of Ukrainian Insurgent Army' during the Second World War³⁴ (Klikushin 2016). In response, the Ukrainian Parliament issued a Statement on Resolution on the Volyn Tragedy approved by the Polish Senate and Sejm³⁵ 'blaming Poland for the politicisation of tragic chapters of the Ukrainian-Polish history' (Cherviatsova 2018).

Let us recover the example of the IPN and the "Holocaust Law" (Chapter 3, page: 83). The new law was destined 'to prevent public use and dissemination of terms such as "Polish death camps", contrary to historical truth and defying the good name of Poland and the Polish nation' (Polish Senate 2018). The amendment act states that,

³² See Draft Resolution on the Declaration of the Memory and Solidarity: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=60285

³³ See the law "On the legal status and honouring the memory of the fighters for the independence of Ukraine in the XXth century" (Bulletin of the Verkhovna Rada (VVR), 2015, No. 25, p.190) - <https://zakon3.rada.gov.ua/laws/show/314-19>

³⁴ See Klikushin, Mikhail (2016), "From Friends to Bitter Rivals: Poland and Ukraine Accuse Each Other of 'Genocide'". The Observer. <https://observer.com/2016/09/from-friends-to-bitter-rivals-poland-and-ukraine-accuse-each-other-of-genocide/>

³⁵ See Parliament's Statement on Resolutions on Volyn Tragedy approved by Polish Senate and Sejm on July 7 and 22, 2016. <https://rada.gov.ua/en/news/News/134308.html>

‘Whoever publicly and contrary to the facts attributes to the Polish Nation or to the Polish State responsibility or co-responsibility for the Nazi crimes committed by the German Third Reich, (...), or for any other offences constituting crimes against peace, humanity or war crimes, or otherwise grossly diminishes the responsibility of the actual perpetrators of these crimes, shall be liable to a fine or deprivation of liberty for up to 3 years’ (Art. 55a. 1)³⁶.

Although the Polish Senate was forced to modify the law and eliminate criminal penalties (Santora 2018; BBC News 2018; Davies 2018), the “holocaust law” clearly represents the control of historical narratives to fulfil a political agenda (John 2018; Vonberg 2018).

This is significant for at least two reasons. First, referring to the influence of the state as legislator (Chapter 3, page: 72), it represents the direct power that the state can exercise over historical research. The law is seen as an attack on academic research, and a denial of what are considered to be reliable historical facts resulting from a rigorous analysis of the evidence available (Noak 2018; Tara 2018). It exemplifies how Polish politics, especially those of the conservative nationalist right-wing, had ‘the ability to control definitions of the past has become one of the most important sources of legitimacy’ (Wielgosz 2018). Second, it illustrates how the changes in the social and political context have a direct impact on the work of HCC and on the reception of their outcomes. The establishment of the IPN historical research on Jedwabne in 1998, responded to a window of opportunity for opening an investigation process. The social and political contexts were in favour of initiating a process of self-reflection into these events in order to acknowledge and recognise the past wrongs. This window seems to have closed with the “Holocaust Law”.

In general terms, all commissions included in the post-Nazism category were established with the overarching objective of producing a detailed historical understanding about the past. Their main aim was to identify the elements that were based on incorrect or misrepresented historical record, to produce an authoritative, comprehensive historical narrative about the contested past that is put under scrutiny. They aimed to ascribe responsibilities at a societal and/or institutional level, and to foster acknowledgement and recognition of those who suffered the consequences of the conflict or authoritarian rule.

³⁶ See the Amendment to the Law on the Institute of National Remembrance (<https://www.gov.pl/web/sprawiedliwosc/nowelizacja-ustawy-o-ipn-wersja-w-jezyku-angielskim>)

However, different commissions prioritise different aims responding to the specific social and political demands of particular contexts. The division between the post-Nazism and post-Soviet commissions – and, within them, Central European, Eastern European and Baltic countries - is useful to understand the differences between commissions. In the first, there are two common objectives: (1) breaking myths and stereotypes about that past (mainly related to challenging the “myth” of neutrality and exploring the collaboration of governments and banks with the Nazi regime), and (2) assessing material losses and compensation of the Jewish community. Thus, despite the clear function of contributing to research through the rigorous analysis of the past, those bodies had specific functions to fulfil the mandate. They were primarily restorative – material goods; reparative; compensative; and symbolic in terms of addressing elements of morality and collective responsibility.

Taking into the account that the primary objective and function was to break myths around certain past events, the research focused on factual reconstruction and clarification of the events under inquiry. The process of interrogation was centred in the (re)evaluation and (re)interpretation of already existing or new evidence (Switzerland’s Independent Commission of Experts; Mattéoli Commission; Anselmi Commission; Austria Historical Commission; Prosecution and Deportation of the Jews in Belgium; Polish and Ukrainian Forum of Historians). In terms of the narrative strategy, the commissions take a one-directional narrative approach. This is a response to their area of investigation, which, in their majority, focuses on challenging the conception of neutrality of those specific countries in terms of social control, economic, and administrative cooperation with the Nazi regime prior to, and during, the Second World War.

5.3.2.2- Post-Soviet Commissions³⁷

The fall of the Soviet Union late 1980s and early 1990s initiated a new wave or rationale for the establishment of historical clarification commissions. In the light of new evidence, the immediate objective of these commissions was to investigate the crimes committed during the Soviet totalitarian regime, to establish – as far as possible, moral and/or collective responsibilities for the crimes committed. There was an effort to challenge misrepresentations about the communist past, and to break myths and narratives about

³⁷ See appendix, page: 253.

what the Soviet regime had represented. Additionally, the collapse of the USSR also opened the academic space for investigation in the countries that were members of the former Soviet Union, allowing an inquiry into the crimes committed by the Nazi regime. The opening of the archives and new lines of investigation also represented the contact and cooperation between different historiographical trends, namely western and soviet. The different commissions explored in this section are grouped in relation to their geographic location, namely, the Baltic countries, Germany, and Romania.

The functions ascribed to the commissions can be summarised in fact-finding and historical clarification, the revision of historiographic trends³⁸, challenging pre-established narratives and breaking of myths, addressing moral and collective responsibilities, and democratisation. The function of democratisation was explicitly mentioned in the German commissions which were set up so that the findings would help to strengthen the democratic '(...) political culture in Germany' (Kritz and Mandela 1995: 216).

Baltic Countries:

There are four commissions identified in Baltic countries. The State Commission for the Examination of Repressive Policies Carried Out During the Occupations, set up in Estonia in 1992, which focused its inquiry on policy and decision making during the totalitarian occupation (Pettai 2013: 410), and the three Baltic Presidential Commissions: the International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes (Lithuania) (1998), the Commission of the Historians of Latvia (1998), and the International Commission for Crimes Against Humanity (Estonia) (1998), were established to explore the violation of human rights committed during both periods. The establishment of the presidential commissions was a response to 'the continuous international pressure on the newly democratic and European Union (EU) candidate states to construct the recent past (...)' (Pettai 2013: 117; 2015a: 7).

The three Presidential Commissions, set up in Estonia, Latvia and Lithuania, took a different approach to the Holocaust commissions by positioning the Nation as a victim, not only of the Nazi occupation but also the Soviet one. Although the three commissions

³⁸ An example of this can be found in the Lithuanian Presidential commission in 1998, which had the explicit objective to break the academic isolation and to fill the knowledge gaps in the history of the second half of the 20th century (Racinskas 2002:58).

focus on the identification of the victims and perpetrators of both authoritarian regimes (i.e. Nazi and Soviet), their task was to develop a historical analysis of the consequences and impact of the occupations rather than to identify the individual victims (Pettai and Pettai 2014: 265).

After the Estonian Presidential Commission published its last report in 2008, which referred to the Soviet occupation in Estonia from 1944 onward and pointed out 'responsibilities for the crimes of the communist regime' (Corner and Lim 2016: 176), Russia reacted with the creation of a counter-commission. The "Counteraction against the Falsification of History" was set up in 2009 to re-evaluate and analyse 'information on the falsification of historical facts and events' (Kremlin 2009), which damaged Russia's interest and international image. Russia's commission was never intended to be an independent body of research to investigate contested past events. Instead, it 'was placed among the state's strategic issues' (Corner and Lim 2016:177) as a tool for political interests. After three years of work, it was dissolved for 'inadequate outcome of its activities and work' (Corner and Lim 2016:177).

Germany:

In Germany, there are two other examples of historical commissions that were set up to investigate the organisation and the impact of the Soviet occupation in the east region of the country under the Socialist Unity Party of Germany, established in 1946, known as the East German Communist Party or SED regime for its original name in German (*Sozialistische Einheitspartei Deutschlands*). The commissions were established during the process of reunification of Germany after the fall of the Soviet Union. These two commissions are: (1) the Study Commission for Working through the History and the Consequences of the SED Dictatorship in Germany, set up in 1992; and (2) the Study Commission for the Overcoming of the Consequences of the SED Dictatorship in the Process of German Unity, set up in 1995 as a continuation to the mandate of the first commission.

In the context of democratisation of East Germany, the commissions not only had the task to investigate the crimes during the SED regime (1949 to 1989), but also had to contribute to dialogue and 'solidification of democratic consciousness and further development of common political culture in Germany' (Kritz and Mandela 1995:216). To fulfil this function, the commissions' investigations were to produce a 'political-historical analysis

and a political-moral assessment' (Kritz and Mandela 1995:216) to explore the paths forward for a unified nation in which the social, cultural, political and economic sphere could be reconciled. The work of both commissions resulted in an in-depth exploration of new evidence after the opening of archives, and the establishment of a 'permanent foundation' that would contribute to the 'political-historical analysis' and 'political-moral assessment' (Kritz and Mandela 1995: 216).

The establishment of both these commission should be interpreted not only as a state effort to come to terms with the past through a process of clarification, fact-finding and addressing responsibilities for the crime committed during the SED regime. It should also be seen as a vehicle to strengthen the democratic values, and democratic culture necessary for the process of unification.

Romania:

The historical commission in Romania was established as a response to the liberation of the historical discourse after the end of the Ceaușescu regime and the fall of the Soviet Union. This context created new conditions for historical research 'especially of the history of the communist period, in an interdisciplinary effort involving anthropology, sociology, political science and history, as well as memorial works' (CPADCR Final Report 2006: 20). Through the elaboration of an authoritative historical report, the commission had the explicit aim of investigating the crimes committed under the Romanian communism, as well as to providing the basis for its condemnation.

One of the most relevant characteristics of the post-Soviet commissions is their accessibility to previously inaccessible archives, which encouraged different investigation processes related to previously silenced events and promoted new research that revised long-held assumptions and paradigms about the violent past (Pettai 2015b: 239). In this framework, the commissions become 'an active agent in political mythmaking' (Pettai 2015b: 243). This requires a positivistic approach to the research based on documentary evidence that would produce a factual reconstruction of the past. The narrative strategy is one-directional because the historical discourse aims to understand the impacts and consequences that those had in society, rather than presenting different historical interpretations of past events.

5.3.3.- Historical Clarification Commissions in (Post)Conflict, Divided Societies³⁹

During the second half of the nineties, another set of historical clarification commissions (HCC) were conceived to be established in (post)conflict scenarios. In these contexts, HCCs were designed under three main pillars: (1) clarification, i.e. to bring light to the causes of the conflict and its consequences; (2) recognition of the victims, and investigation of crimes to appoint moral and social (collective) responsibilities; and (3) recognition and acknowledgement of past injustices.

In (post)conflict commissions, the time of establishment becomes more specific to each context instead of responding to national or international trends or pressures. Most of the cases analysed have taken place “post-peace agreement”. In these cases, the commissions are often seen as fact-finding or truth-seeking mechanisms to address social, political and/or institutional responsibilities. They are established to provide recognition of the victims, and contribute to social and political reconciliation through specific recommendations and public acknowledgement of the wrongs committed in the past. There are other cases in which the commissions may be conducting the investigation in contexts of ongoing conflict (e.g. the Historical Memory Group (GMH) (2007) in Colombia), or they may operate as a mechanisms during the peace negotiations (e.g. the Historical Commission of the Conflict and its Victims (CHCV (2014) in Colombia).

In (post)conflict settings, the establishment of historical clarification commissions follow three key overarching goals: (1) the investigation of violations of human rights and other crimes, as well as addressing moral and collective responsibilities; (2) the identification of the immediate and historical causes of the conflict and its consequences; (3) the recognition and acknowledgment of the victims. Responding to the intrinsic function of clarification of the past, HCC generate comprehensive factual reconstruction and contextualisation of the origins and causes of the conflict taking into account the social and political situation as well as the actors that are directly or indirectly involved in the violence. In addition to this, there are variously related aims that are addressed differently depending on the commission. Some may be set up to verify information to set the record straight – the Independent International Commission on Kosovo (1999), or to preserve

³⁹ See appendix, page: 257.

the memory of those who lived through the conflict – the Historical Clarification Commission in Guatemala (1999), and the Historical Memory Group (2007) in Colombia).

The commissions' functions, although with slight variations with one another, fall in similar categories attending to clarification of the past, fact-finding, ascribing responsibilities, and transformative (through changes in the public's perceptions, and policy reform). In addition, they are attributed the function of recognition and acknowledgement (through preservation of memory), and democratisation (recognition to the national plurality). In the majority of cases, the commissions also sought to present recommendations to the government, thus, acting as a vehicle for change contributing to build a "shared" or "common" future that leaves the violent past behind. In this section, I explore the work of different commissions established in (post)conflict contexts to analyse how the particularities of each setting conditioned the design and work of HCC.

In Guatemala, the Historical Clarification Commission (CEH) (*Comisión de Esclarecimiento Histórico*) was established during the peace process in 1999, as a part of the Oslo Accords. The peace agreement brought the Guatemalan civil war to an end. The conflict had confronted the national Government and various leftist rebel groups supported by ethnic indigenous people and *campesinos* between 1960 and 1996. The main purpose of the commission was to investigate the human rights violations, to explore the consequences of the conflict to the people of Guatemala, and 'to preserve the memory of the victims to promote mutual cultural respect (...)' (Stappers 2008). The commission was initially conceived to be a truth commission, although, due to its limitation in the mandate 'to attribute individual responsibilities' (Simon 2002: 12), its methods of operation fell closer to the definition of HCC established in this research. The aim of the commission shifted from the task of delivering individual responsibilities (i.e. forensic truth), to producing an analysis of the causes and consequences of the conflict (CEH 1999; Stappers 2008). This allowed the commissioners to identify macro-level elements that would contribute to a better understanding of the conflict, such as racist attitudes towards part of the population, social injustice as a structural element of the outbreak of the violence, and the role of international actors (Stappers 2008). Moreover, the CEH not only interrogated the conflict in a national context, but also placed it within an international perspective, contextualising it in the frame of the Cold War, to explain the intervention of international actors (Oglesby 2006; Simon 2002). The narrative strategy embraced by the CEH in the

final report took a one-directional narrative approach. Despite having employed a research methodology that mainly used witnesses and testimonies as research sources, the commissioners produced a historical account based on the representation of the contextualised facts and the narratives of the witnesses and testimonies in a coherent narrative in which events are linked together.

In Colombia, the contemporary conflict began in the mid-1960s and confronted the national government's police forces and army, paramilitary groups, crime syndicates and communist guerrillas. As further explored in Chapter 6, the origins and causes of the conflict are much contested among the active actors. Along the same lines, the reasons for participation in the conflict also vary from group to group. The Colombian government claims its involvement is to bring back order and stability to the country and to protect its citizens. The guerrillas justify their involvement in the war to fight for the rights of the poor and protect them against the government's violence. The right-wing paramilitaries justify their involvement as counteraction to the guerrillas. Throughout more than five decades of conflict, all sides have taken part in numerous crimes and human rights violations.

In the Colombian context, since 1958 there have been a range of different cases in which the government has set up projects of commissioned history to analyse the origins and consequences of the conflict. However, for the scope of the research, the database includes only the two most recent experiences. Both cases analysed were established pre-agreement when the conflict was still on-going, the Historical Memory Group (GMH) (2007) and, on the negotiation tables, the Historical Commission of the Conflict and its Victims (CHCV) (2014). The first was set up before the signature of the agreement and thus can be seen as a mechanism that contributed to peacebuilding at the time of working towards a peace agreement or on the table of negotiations. The latter is considered a mechanism within the negotiation tables.

The reports produced by the commission were destined to identify the historical and immediate causes that provoked the outbreak of the conflict, and the persistence of violence, in order to address them in the negotiation and drafting of the peace agreement. Although each commission used a different approach to the study of the past, they were designed to interrogate the conflict at a macro level in order to understand the historical and structural causes that led to the rise and perpetuation of five decades of

violence in the country. In the case of GMH, the commissioners reported on specific cases that were seen as crucial to understanding the diverse nature of the violence. In addition, it reported on its actors, the effects of the conflict in relation to different regions in the country, and to the different times and modifications of the violence throughout the decades. The CHCV was established as part of the negotiations between the Colombian Government and the FARC-EP. It was tasked to explore the root causes of the conflict and its consequences to ‘contributing to a broader understanding of the historical context of the conflict in order to generate conclusions that can help establish remedies to end the conflict and produce an accord that will contribute to a durable peace’ (Colombia Calls 2014). The Colombian context is explored in detail in the following chapter.

The last set of commissions analysed in the database were established in the Balkan region to interrogate different aspects of the conflicts that broke out after the disintegration of the Former Republic of Yugoslavia in 1991. There are three commissions identified in the database, namely, the investigation conducted by the Netherlands Institute for War Documentation (NIOD) – Srebrenica Report (1996), the Independent International Commission on Kosovo (1999), and the French Fact-Finding Mission (2001). The aim of the inquiries was to verify the information in those cases in which the facts and figures were contradictory (Kosovo Report 2000: 21), to produce an authoritative historical report that would explore in detail the origins and causes of specific events that took place during the conflict, and to bring to light possible unknown or misrepresented facts about military and governmental actions (Binet 2015).

In the case of NIOD, the investigating group was tasked to list and classify ‘from a historical perspective, [from] the national and international context, the causes and events which led to the fall of Srebrenica⁴⁰’ (NIOD official website), with the main objective of increasing the understanding of the event through a historical perspective (Research Assignment NIOD official website). However, the ultimate goal was to determine if the Dutch soldiers deployed to the area could be accused of misconduct in the town of Srebrenica. The French Fact-Finding Mission (2001) is difficult to categorise. The commission was set up with an academic and political function. It was tasked ‘to throw light on the management

⁴⁰ On the 11th of July 1995, ‘the Bosnian-Serb army seized the Safe Area of Srebrenica’. In the following days ‘several thousand Muslims’ were killed in the enclave surrounding areas (NIOD Report – Prologue 2002: 1).

of the Srebrenica enclave by politico-governmental bodies' (Binet 2015: 153). Although part of the data collection was done through document analysis, it was complemented by hearings and interviews with all those involved and all relevant witnesses to shed light on France's political and military responsibilities.

The case of the Independent International Commission on Kosovo (1999) was promoted by Sweden, as an international body the purpose of which was to 'verify the information accessible in [the] public domain' (Kosovo Report 2000: 21) in which facts and figures were often contradictory. It aimed to produce a historical analysis to explore the causes of the Kosovo crisis⁴¹ and its development to 'present a detailed objective analysis of the options that were available to the international community to cope with the crisis' (Kosovo Report 2000: 24). The final report combined a one-directional narrative in the form of a 'factual chronology of the Kosovo crisis', with an analysis and interpretation of the 'aspects of the intervention most fiercely contested' (failure of diplomacy; possible alternatives to intervention, legitimization of humanitarian intervention) (Kosovo Report 2000: 25-26).

The commissions of the Balkan region were established in response to pressure from the UN to investigate the developments of the conflicting product of the break of the Former Republic of Yugoslavia, but also acknowledging the ongoing situation of social and political tension derived from its violent disintegration. The bodies of inquiry that were established as part of a transitional justice strategy (Historical Clarification Commission in Guatemala 1999) responded to a will to enable clarification of the past and contribute to social reconciliation. The commissions set up in Colombia responded to the different rationale of the establishment because their political contexts are different. The GMH was set up in 2007 in a context of demobilisation of illegal armed groups, and thus the reason for establishment was to produce a report on their origins and evolution throughout the decades. However, the GMH interpreted the mandate beyond that and designed its work

⁴¹ As stated in the Kosovo Report, the origins of the crisis can be established with 'the revocation of Kosovo's autonomy in 1989, followed by a Belgrade policy aimed at changing the ethnic composition of Kosovo and creating an apartheid like society'. In 1997 after being excluded from the Dayton Accords (thus from international attention) Kosovar armed groups appeared. 'Until late 1997 they were small resistance groups who pursued hit and run, low level guerrilla warfare, hoping for international intervention. The Serbian response was 'brutal and (...) directed against civilians', leading to the escalation of an internal war. The confrontation 'lasted from February 1998 to June 1999 although it escalated after March 1999 when the NATO air campaign supervened' (Kosovo Report 2000: 1).

around the victims and the preservation of historical memory. The CHCV was established in 2014 in the context of the Havana table of negotiations, and thus, the reasons for the establishment were seen to be directed towards the achievement of a peace accord between the FARC and the Colombian government.

In (post)conflict contexts some of these commissions are established as part of an overarching strategy under the frame of conflict resolution, conflict transformation, or transitional justice, which means that their work ought to contribute to bringing the conflict to an end, (re)establish political and social relations, and ultimately ensure non-repetition. Taking this into account, the research approach and the historical narratives coming from the work of the commissions also contribute to that ultimate goal of non-repetition by designing an adequate communication strategy. All the commissions have a component of fact-finding, truth-seeking and/or clarification of the past. This implies that part of the research method focuses on a positivistic approach to the evidence in order to determine which crimes are committed and/or how specific events have unfolded. A positivistic approach in the research methods translates, in the majority of cases, into a one-narrative strategy that constructs a historical analysis and fact contextualisation under a meta-narrative (the Netherlands Institute for War Documentation – Srebrenica Report; Historical Clarification Commission in Guatemala; Independent International Commission on Kosovo; French Fact-Finding Mission). Some commissions end their investigation here.

Others opt for a multi-narrative strategy that represents the different voices/actors in an attempt to acknowledge and recognise the existence of different perspectives and interpretations about the inquired past. The GMH has a clear example of a report structured around a multi-narrative approach, in this case, a mixed narrative strategy ‘which present[s] one line of narrative with a constant shift of perspectives’ (Bevernage 2018:77). Throughout the final report, the voices of the different actors and victims are represented, crossed, and confronted to complement the historical analysis of each particular event. This allows the reader to have a comprehensive representation of how each actor has experienced the event, but also links it to the rigorous historical analysis provided from the factual reconstruction and contextualisation.

5.3.4.- Redressing Historical Injustices⁴²

The commissions outlined in this section are bodies of inquiry that have been established to redress historical injustices emerging from centuries of colonialism. They include commissions in Canada, Australia, and Chile. The work of the Canadian and Australian commissions investigated issues related to social policy and, in this specific context, to end systematic discrimination as a result of the structural organisation of the state. The Chilean commission was established to inform '(...) of the history of the relationship that has existed between Indigenous Peoples and the State', 'to consult different visions on the indigenous theme', and 'to generate the bases for a reunion of the diverse cultures that coexist in the country' (CVHNT Final Report 2008: 16).

The reasons for the establishment of historical clarification commissions as bodies of inquiry respond to the demands of addressing historical injustices related to colonisation or its consequences. In the majority of the cases analysed the demand to establish a historical commission came from affected communities in an effort to foster governmental policy reform that would ensure more egalitarian treatment, acknowledgment, recognition, and preservation of their identity and culture (Royal Commission on Aboriginal Peoples; Truth and Reconciliation Commission of Canada – Indigenous Residential Schools; National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families). In the Chilean case (Historical Truth Commission and New Treaty), the initiative came from the government of the Republic to ameliorate the relations between the Indigenous People and the state and to foster a stronger social cohesion.

There are two commissions identified in Canada, the Royal Commission on Aboriginal Peoples in 1991, and the Residential Schools for Aboriginal People set up in 2007. The Royal Commission on Aboriginal Peoples in 1991 was established in a context of growing social and political tensions between the Canadian government and the Aboriginal. The most relevant example of these tensions is the Oka crisis in July 1990, also known as Mohawk Resistance, which culminated in a long history of Aboriginal demands of land recognition in the area (see Tabitha 2013). In 1990, due to a 'proposed expansion of a golf course and development of condominiums on disputed land that included a Mohawk burial ground' (Tabitha 2013), Mohawk protesters upraise against state police and army.

⁴² See appendix, page: 261.

The confrontation ended in September with negotiations between the Aboriginal and the Canadian state, which, among other measures, foresaw the establishment of the Royal Commission on Aboriginal Peoples 'to investigate and propose solutions to the challenges affecting the relationship between Aboriginal peoples (First Nations, Inuit, Métis), the Canadian government and Canadian society as a whole'⁴³ (RCAP Final Report 1996). There were significant demands related to the 'government policy concerning the original historical nations of this country' (RCAP Final Report 1996: 6). Aboriginal groups were demanding political reform at a time when the country's leaders were discussing the place of Aboriginal people in the constitution. The Aboriginals '(...) are important to Canada, and how Canada relates to them defines in large measure its sense of justice and its image in its own eyes and before the world. We urge governments at all levels to open the door to Aboriginal participation in the life and governance of Canada' (RCAP Final Report 1996:6).

The commission was set up to 'investigate the evolution of the relationship among Aboriginal peoples (Indian, Inuit and Métis), the Canadian government, and Canadian society as a whole' (RCAP Final Report 1996: 12), and present recommendations to the government in those issues relevant to the Aboriginal communities. In its final report in 1996, the Royal Commission on Aboriginal Peoples brought forward the recommendations that would start a bridging process between both nations. Although the 'majority of its recommendations were never implemented (...)' (TRC Final Report 2015: 7), the report and its findings had brought the debate about the Aboriginal peoples into the political and public sphere.

In 2006 the Canadian government and the Assembly of the First Nations signed the Indian Residential Schools Settlement Agreement (IRSSA) with the main objective 'of bringing a fair and lasting resolution to the legacy of the Indian Residential Schools' (Indigenous and Northern Affairs, Government of Canada 2019). In the framework of the agreement and the will of the government to address the legacy of the past, the Aboriginal communities were pressured to obtain both material and symbolic reparations for the harm done through the Residential Schools.

⁴³ For Further reference see <http://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/royal-commission-aboriginal-peoples/Pages/introduction.aspx>

In this context, a second commission was established in 2007 as part of the IRSSA, this time to look into the Residential Schools for Aboriginal People (Truth and Reconciliation Commission of Canada – Indigenous Residential Schools). In 2008, a year after the IRS commission was established, the Canadian government issued an apology to ‘Aboriginal peoples in Canada for the abuse, suffering, and generational and cultural dislocation that resulted from assimilative, government-sanctioned residential schools’ (Parrot 2016: 1). Although the apology was accepted by the Assembly of First Nations, the Congress of Aboriginal Peoples, the Métis National Council, and the Native Women’s Association of Canada, it was criticised by many Aboriginal peoples due to a ‘(...) lack of consultation in developing the apology, feeling that it did not go far enough to acknowledge the persistent effects of the system’ (Parrot 2016: 1).

The Indigenous Residential Schools Commission had as a main objective to foster acknowledgment, recognition, and healing, as well as the compilation of recommendations to the Canadian government in relation to the residential schools and their legacy. In spite of being called the truth and reconciliation commission, the IRS commission was not a quasi-legal mechanism and thus it could not hold public hearings (IRS Mandate Art.2 (b), which is characteristic of truth commissions. The commission used archival research as its main source of evidence, which was complemented with written testimonies and oral submissions of those who had been through the schools’ system. The commission was set up to interrogate the case of the Residential schools for Aboriginal people operating from the 1870s, which were funded by the government and run by the church with the objective of eliminating ‘(...) parental involvement in the intellectual, cultural, and spiritual development of Aboriginal children’⁴⁴ (TRC–IRS Official Website). The commission was to create a historically authoritative report on the policies and operation of the schools to foster acknowledgement of the historical injustices and to propose recommendations to redress those injustices to restore the “nation-to-nation” relations. Its final report compiled ninety-four calls for action of which very few have been implemented, but the Canadian Government is committed to keep working to rebuild Canada's relationship with Indigenous peoples⁴⁵.

⁴⁴ For further information see TRC - IRS Official Website
<http://www.trc.ca/websites/trcinstitution/index.php?p=905>

⁴⁵ For further information see “Truth and Reconciliation Commission of Canada” on the Government of Canada’s website at <https://www.rcaanc-cirnac.gc.ca/eng/1450124405592/1529106060525>.

In Australia, there was the Human Rights and Equal Opportunity Commission (HREOC), known as “The National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families” (1995), in which the commission was tasked to investigate laws, practices and policies to foster policy reform. Although ‘the land rights and indigenous self-determination were stressed in Australia during the 1970s and 1980s’, the process grew stronger when Robert Tickner was appointed Minister of Aboriginal Affairs from 1990–1996. His comprehensive approach to reconciliation between the two nations ‘(...) intended to address some of the complexities of indigenous restitution and self-determination’ (Corntassel and Holder 2008:475).

In 1994, representatives from every state and territory met to share experiences at the Going Home Conference in Darwin, where the participants brought ‘to light the history and its effects in each jurisdiction and to devise strategies to meet the needs of those children and their families who survive’ (Bring them Home 1997:15). For the Secretariat of National Aboriginal and Islander Child Care and Link-Up (NSW), the conference was a turning point and it started its campaign for a national inquiry into the matter. In this context, the commission was established as a ‘response to increasing concern among key Indigenous agencies and communities that the general public’s ignorance of the history of forcible removal was hindering the recognition of the needs of its victims and their families and the provision of services’ (Bring them Home 1997: 15). The forced removal had taken place since the beginning of the European occupation in the country, the reason for the removals was to educate the Aboriginal and Islander children into the European values to later be incorporated in workplaces in the colonial settlements. The commission was to ‘(...) examine the adequacy of and the need for any changes in current laws, practices and policies relating to services and procedures currently available to those [affected by forcible removal]’ (Bring them Home 1997:14).

The recommendations made by the commissioners had the aim of establishing ‘the principles relevant to determining the justification for compensation for persons or communities affected by such separations’ (Bring them Home 1997:14), which concluded that monetary compensation, among other forms of reparations, was necessary for those who had been affected by force removal. Additionally, the commission ‘suggested the implementing an annual day of national apology as a form of restitution’ (Corntassel and

Holder 2008: 475), and to issue a state's apology, which was seen as a contribution to a process of reconciliation that was to reflect on past historical injustices.

As explored in detail by Corntassel and Holder (2008), responses were divided among the Australian public, which was used by the Prime Minister John Howard to initially refuse to accept the commission's recommendations – i.e. to issue an apology and to guarantee material compensations. A year later, in 1998, Howard apologised for the crimes committed to the Aboriginal and Islander Torres but regarded the wrongdoing as something from the past for which the present government was not responsible. Despite the Australian government's employment of 'language of regret and the institutionalization of a National Sorry Day, the actions of Prime Minister Howard were a clear example of a non-apology' (Corntassel and Holder 2008: 478). In 2007 Kevin Rudd was elected as Prime Minister, and in his first official speech he issued an apology to Australia's Indigenous Peoples⁴⁶. Although the apology was '(...) widely praised for its sincerity, it was criticized by some indigenous leaders for separating the act of apologizing from any concrete discussions of restitution or reparation for indigenous communities' (Corntassel and Holder 2008: 478).

The other case included in the database is the Historical Truth Commission and New Treaty (CVHNT) in Chile in 2001. This commission was set to inform '(...) the history of the relationship that has existed between Indigenous Peoples and the State', and to make recommendations 'for a new state policy that allows progress towards a New Treatment between the state, the Indigenous Peoples, and Chilean society' (CVHNT Final Report 2008: 21). The demands of the Indigenous population in Chile, the Mapuches, are framed in the context of post-colonisation, and within the problem of land usurpation throughout the centuries (see Foerster 2012). Especially in the nineteenth century the Mapuche territory was systematically reduced and indigenous people were displaced from their land, and forced to live in artificial groups in regions designated by the state. The land usurpation and the cultural marginalisation continued throughout the decades. With the return of democracy after the end of the Pinochet dictatorship, there was a state's effort to regulate the indigenous law around land issues. However, it was not until 1992, when the Mapuche Movement got consensus on 'one of the fundamental issues: the defence

⁴⁶ See the transcription of the speech at <https://www.australia.gov.au/about-australia/our-country/our-people/apology-to-australias-indigenous-peoples/audio-description>

of Aboriginal lands through an article that provided that they could not be sold to non-indigenous people' (Biblioteca Nacional de Chile 2019). The conflict was triggered again years later due to the exploitation of Mapuche territories by forest companies, which had devastating consequences for the indigenous population due to economic, social and ecological deterioration of the territory. The Mapuches' demands for sovereignty and possibility of self-determination have taken place alongside the fight for land recovery (see Foerster 2012).

In this context, the commission was to propose a new treatment 'based (...) on a special legal status, which is synthesized in the constitutional recognition of indigenous people as peoples' (Larraín 2003: 8 – author's translation). The Chilean commission was deliberately designed '(...) to generate the bases for a reunion of the diverse cultures that coexist in the country' (CVHNT Final Report 2008: 16) through the exploration of different historical interpretations about the past. The commission was seen to represent the values of the democratic ideals of respect, coexistence, and plurality. The work of the Historical Truth Commission and New Treaty can be read as a mechanism set in place to address '(...) the historical invisibility of these peoples, recognizing their identity, repairing the damage inflicted on them and contributing to the preservation of their culture' (CVHNT Final Report 2008: 27). Nevertheless, it is important to highlight that the commission was not established by the Mapuche Movement, but by the Chilean state to learn about perspectives of the indigenous people on the history of Chile to contribute to the reunion of Chilean society as a whole.

The four commissions included in this category had the overall objective of redressing the historical injustices to improve the social, cultural, political and economic status of indigenous people within society. In the case of Canada and Australia, recognising that the main goal of the commissions was to clarify the past to redress the historical injustices perpetuated over the centuries, the four commissions opted for a one-dimension narrative approach. The accounts emerging from the process of investigation gave priority to the voice of the indigenous peoples in an effort to obtain acknowledgment and recognition for past wrongs. Following the rationale of this narrative approach (see Chapter 4, page: 111) the final reports were built on a factual reconstruction of the past based on key documentary evidence. The Chilean commission (CVHNT) operated differently. In this case, the commissioners decided to take a multi-perspective approach

based on dual or parallel narratives (Bevernage 2018:76), which allow the presentation of the two interpretations of the past (namely the Indigenous People and the state).

The commissions established to redress historical injustices emerging from colonialism, have a clear transformative function. They are designed to look into the past and address historical injustices and are seen as a path for a shared future, contributing to building a plural and egalitarian society for all its citizens. Along these lines, the commissions' functions are understood in terms of acknowledgement, recognition, healing, and restoration of identity. It is important to take into consideration that, despite the fact that the establishment of HCC enables a critical reflection into the national past, HCC are state sponsored bodies and, thus, they may be subject to governmental limitations and constraints to avoid responsibilities.

5.4.- Critical Evaluation: Challenges

In terms of the operation of HCC, there are some challenges to take into consideration. These challenges manifest themselves in a higher or lower intensity, or not at all, depending on the context in which the commissions are established. These are reflecting on the most recurrent ones.

Reliance on Documentary Sources

For some commissions, the reliance on the documentary sources (archival research) may represent an obstacle. The limited access to national archives or other documentation needed for the investigation of the commissions can jeopardise their work and might result in questions about its academic and professional authority.

In the case of the Historical Clarification Commission in Guatemala, state institutions such as the army, juridical body, and police, intentionally limited the accessing to specific documentation which impoverished the results and quality of the investigation (CEH 1999: 50). The Anselmi Commission (1998) in Italy experienced similar issues after encountering difficulties to access to sources due to the unknown location of some archives, the partial destruction of documents, and the incomplete cataloguing (Anselmi 2001b: 2; Anselmi 2001a: 12). The Belgian commission Study Commission on Jewish Assets (SCJA) (1997), also saw its work challenged due to the bad conservation of the archives, and the misplacement or destruction of relevant documentation (SCJA 2001b:461). The Presidential Advisory Commission on Holocaust Assets, set up in the United States (1998), saw its research limited because the national archives were

incomplete and needed to be complemented with foreign documentation which was not always accessible (Final Report 2000-Context of the *Commission's Recommendations*). The lack of information available to the commissioners as a result of limited access to documents and other sources might even result in the dissolution of the commission. This was the case with the International Catholic-Jewish Historical Commission (1999) (ICJHC), which due to the limited access to relevant information led to the suspension of the commission mandate (Cavalli 2002).

Mandate

As in any other historical research, the objectives and functions of HCC determine the selection of sources available which may result in a limitation of the commission's findings (Pettai 2015a:5). These limitations are established in the commission's mandate. A narrow mandate might jeopardise the work of the commission by imposing limitations in the areas of investigation, and, thus, leaving out relevant information or even necessary contextualisation (Anselmi Commission⁴⁷). However, too-wide a scope might leave the commission without a clear direction (Comisión de Esclarecimiento Histórico (1999), in Guatemala). In the context of HCC, enough space for investigation refers to a mandate that, despite having clear (and feasible) guidance on what are the areas of interrogation, gives the commissioners the autonomy to address the inquiry in more suitable way for the research, and through various angles. A more refined balance can be seen in the Baltic commissions, especially in Estonia, where the mandate established clear areas of interrogation but left the commissioners enough space for investigation. Another example of mandates that offered enough space for investigation is the case of the German commissions set up to analyse the organisation and impact of the SED regime (Study Commission for Working through the History and the Consequences of the SED Dictatorship in Germany in 1992; and Study Commission for the Overcoming of the Consequences of the SED Dictatorship in the Process of German Unity in 1995). In both German commissions the space for investigation was granted thanks to the subdivision of the areas of investigation. These resulted in eight subareas that addressed issues of criminality and responsibility for crimes committed during the SED regime and other violations of human rights, assess the significance of ideology, the possibilities of

⁴⁷ The emphasis on the crimes against property prevented the commission on pursuing 'other important questions, such as examples of physical violence unrelated to property seizures or spoliation' (Karn 2015:114).

resistance, the role that churches played in East Germany, the international influences to the SED regime and German Democratic Republic (GDR), and the relations between the Federal Republic of Germany and the GDR, and finally continuities and analogies with other German history periods, specially national socialism (Kritz and Mandela 1995). The subdivision of areas of investigation allowed to have broad areas of study but with clear delimitation of the subject matter.

Limiting Capacities of the Sponsoring State

As state-sponsored bodies of inquiry, HCC are established by a particular government in a concrete political and social context, for which the commissions might be seen as agents working to fulfil specific political agendas (Pettaï 2015a: 5), rather than independent bodies. It is critical for the credibility of the work of HCC to ensure and maintain independence and transparency in their work. The promotion of ‘critical historical inquiries from officially established institutions, [can act] as a vehicle to destabilize those unreflective historical narratives that are constructed to serve a particular agenda’ (Verdeja 2009: 152). However, HCC may be used with the opposite intention, and serve the sponsoring government as a mechanism to justify past wrongs, avoid responsibilities, or highlight particular events, for a strategic political end.

Although issues of transparency and autonomy had been raised in various commissions (e.g. the International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes in Lithuania (1998), or the Dutch Cabinet Srebrenica Inquiry – NIOD (1996), there are two cases in which the commissions worked with no independence at all. First, the Counteraction against the Falsification of History in Russia, which had been established as a political tool to foster specific historical accounts to avoid responsibility for the crimes of the Soviet regime. Second, the commission established in Sri Lanka in 2010 known as the Lessons Learnt and Reconciliation Commission (LLRC). LLRC was considered to be used by the governments to highlight its role in defeating terrorism, failing to ‘conclude a genuine truth-seeking about what happened in the final stages of the armed conflict’ or to eliminate existing exclusionary policies based on ethnicity (UN 2011: vi).

Dissemination of the Findings

The commissions’ findings are understood as the key element for changing the public’s perspectives of the past. In the production of an authoritative (rigorous), historical

narrative built on empirical data, HCC have the capacity to shift narratives away from denials and distortions. Therefore, HCCs' transformative capacities are strongly related to the dissemination of their findings. The communication of the findings does not end on the publication of a report. The commissions need to design a communicative strategy that ensures the majority of society can have access to them. In this framework, the communicative strategy needs to take into account the narrative style, vocabulary, and intelligibility of the text. It needs to consider other platforms that broaden its reach as much as possible – i.e. TV series, audio descriptions that summarise the main findings, documentaries, exhibitions, debates, school curricula, textbooks, or seminars. In practical terms, HCC may not employ all of them due to financial resources, time constraints, or change of administration, to name some. The GMH (2007) in Colombia applied a very comprehensive communicative strategy that, besides the introduction of the findings in the school curricula, addressed all the above mentioned.

Failing to deliver and communicate the findings to society makes the work of the commission ineffective in relation to their transformative function. This was the case of the Japan-ROK Joint History Research Committee 2002 and the Japan-China Collaborative Research (2005) in Asia. Or the State Commission for the Examination of Repressive Policies Carried Out During the Occupations in Estonia (1992) and the International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes in Lithuania (1998), in the Baltic countries.

5.5.- Concluding Remarks

The goal of the chapter was to gain a comprehensive understanding on how historical clarification commissions (HCC) operate in different settings and under different methodological strategies. The analysis of the cases included in the database reveals the extent to which the social and political context determines and conditions the design and the methodological strategy of HCC. The outcome of the chapter is a reformulation of HCC definition to a more flexible one that allows for the inclusion of cases of hybrid methodologies that traditionally had not been considered by HCC.

HCC have traditionally been understood as bodies of inquiry established to interrogate distant events, which, due to lack of access to witnesses and testimonies had to be analysed mainly through archives and other written sources (at least in the most classical approach). In some cases, the commissions have had access to oral testimonies, but these have taken a secondary role in the process of investigation. They are identified in the Post-

Authoritarian category, both in the post-Nazi regime commissions⁴⁸, and two in the post-Soviet commissions⁴⁹, and in the Baltic commissions⁵⁰.

The database results demonstrate that, in (post)conflict societies, HCC may adopt hybrid methodologies. On the one hand are the historical methods based on archival research which aim to construct a nuanced account of the past through factual reconstruction (historical truth). On the other, is the collection of testimonies from witnesses and victims (forensic truth). In these cases, however, the collection of the so-called forensic truth is not only recovered to quantify the consequences of the conflict, but plays a role in the construction of a nuanced contextualisation of the events that shed light on the broad historical, political and social structural factors that allowed the outbreak of violence or source of historical injustices.

The analysis of the four variables (time, reason for establishment, objective, and functions) suggests that the social and political epistemology (understood here as the context in which the commissions are established), has a substantial impact on the research methodology and narrative strategy that these bodies of inquiry embrace in their investigations. It determines, what will be inquired, what resources are made available to the commissioners, by what research methods these will be analysed, what is sensitive to say, and how the findings are going to be communicated.

In the following chapter I explore how a historical clarification commission operates in a (post)conflict context through the examination of the Historical Memory Group (GMH) as an illustrative case study.

⁴⁸ Study Commission on Jewish Assets (Belgium) (1997); Presidential Advisory Commission on Holocaust Assets USA (1998); Poland's National Institute of Remembrance (IPN) (1998); Polish and Ukrainian Forum of Historians (2015).

⁴⁹ Study Commission for Working through the History and the Consequences of the SED Dictatorship in Germany (1992); Study Commission for the Overcoming of the Consequences of the SED Dictatorship in the Process of German Unity (1995).

⁵⁰ The State Commission for the Examination of Repressive Policies Carried Out During the Occupations, established in 1992 in Estonia. And the three Presidential Commissions established in 1998 in the Baltic Countries, International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes in Lithuania, The Commission of the Historians of Latvia, and International Commission for Crimes Against Humanity in Estonia.

Chapter 6: Illustrative Case Study

The Historical Memory Group

6.1.- Introduction

The research explores the work of historical clarification commissions (HCC) with the overall aim of understanding the potential of HCC in conflicted societies. In the previous chapter I have explained how historical clarification commissions have worked in different contexts. In this chapter I explore the work of the Historical Memory Group (GMH for its initials in Spanish) as an illustrative case study.

The chapter is divided into two main sections. The first section starts with a political contextualisation. Presenting a broad context of the conflict in Colombia is an extensive and complex task. This chapter does not intend to develop an in-depth political analysis of government strategies and policy reform throughout the decades, nor to produce an autopsy of the evolution and transformation of the modalities of violence and victimisation. Instead, it begins from the early 2000s with the approval of the Justice and Peace Law (2005) under Uribe's administration, and ends with the Peace Accords signed in 2016 between the Colombian Government under President Juan Manuel Santos' administration and the FARC-EP.

The second half of the chapter explores in detail the work of the GMH as an illustrative case study. I have chosen the GMH for its representative force on how historical analysis developed within a transitional justice strategy. Therefore, the analysis does not focus on the content of the reports produced by the group, but rather on its organisational and methodological strategies. The analysis of the GMH is presented in the research as an illustrative case study, and it has an instrumental and supportive role within the thesis of facilitating a detailed understanding of the potential uses of a historical method for fact finding and clarification mechanisms in a transitional context.

6.2.- Conflict Background

The Colombian conflict can be analysed at different levels: time (long, mid or contemporary historical time); geographical (international, national, regional, local); and in relation to the actors who directly participated in the conflict (the Colombian state, Guerrillas, Paramilitaries, and Narco-traffickers) (GMH *¡Basta Ya!* 2016; Uprimny and Sanchez 2017: 260).

The origins of the conflict in Colombia are debated, and depend on the historical times that one addresses. There are three prominent theses: the long historical time that brings the origins of the contemporary conflict in the agrarian struggle of the 1920s and 1930s (see Sánchez 2006, Hobsbawm 2007). In the first half of the twentieth century, Colombia was experiencing structural changes that transformed established political, social and economic relations. For decades, the nation had been involved in various social and political conflicts due to inequalities in wealth distribution and living conditions for most of the people living both in rural and urban areas. During the last years of the first half of the twentieth century, the political polarisation characterised by bipartisanship grew stronger⁵¹, and Conservatives and Liberals dominated the political game in an atmosphere of tensions to gain control of the government. This leads us to the second periodisation, the outbreak of the ten-year civil war that confronted Liberals and Conservatives (1948-58), known as *La Violencia* (Uprimny and Sanchez 2017: 259). This periodisation is in itself problematic because the scholars also present different theses about the genesis of the outbreak of violence (see Pécaut 2007; Jaramillo 2014: 36). Finally, the third periodisation, is represented by those who claim that the origins of the contemporary conflict are found in the 1960s with the rise and strengthening of the guerrilla groups (Sánchez and Peñaranda 2007).

The intensity of the violence, the reasons behind the confrontation, and the different actors that engage in it, varied depending on the geographical location. Nevertheless, there are three main overarching structural causes that can be seen as the precursors of the conflict: (1) political closure by the ruling elites, (2) land distribution and ownership, (3) social and economic injustice/inequality, (Final Accord 2016:3 – author’s translation). To these, one can also add other elements that contributed to the perpetuation of the violence such as political exclusion and economic inequalities (de Zubria; Fajardo; Molano CHCV Final Report 2015); the illegal traffic of drugs as a financial resource for both the guerrilla and the paramilitary groups (de Zubria; Gutierrez; Pecault CHCV Final Report 2015); and the state’s incapacity to provide security to periphery regions which resulted in an increase of ‘private violence’ (Gutierrez CHCV Final Report 2015).

⁵¹ The origins of the confrontations between the two factions, namely Conservatives and Liberals, started in the first half of the nineteenth century as a result of the need to build the nation after winning the independence war against Spain. The end of the nineteenth century and the first half of the twentieth were characterised by economic crisis and political confrontation (Sánchez 2006).

The actors who directly participated in the conflict also evolved and transformed throughout the decades. During the first half of the twentieth century and the years of *La Violencia*, the conflict in Colombia is represented by its political character. The polarisation of society characterises those years through the bipartisan conflict and the empowering of the people through the birth of social and workers' movements (Sánchez 2006). The establishment of political coalition known as the National Front (1958-1974) represented the end of the political confrontation, and the armed groups that had been created during the bipartisan conflict organised their struggle against the newly formed state.

During the initial years of the contemporary conflict, the confrontation involved various guerrilla groups⁵² and state forces. Throughout the 1960s, 1970s and 1980s, as a response to the strengthening of the guerrillas, other right-wing paramilitary self-defence groups were created to supply the vacuum of security in those areas where the state forces were not present (see GMH *¡Basta Ya!* 2016). The decade of the 1980s also saw the rise of the drug cartels as active agents in the conflict. In the last decades leading to the new millennia, the conflict became 'more complex through the intensification of drug trafficking, paramilitaries and the expansion of insurgent actions in central zones of the national territory' (Herrera et al. 2018: 728; see also GMH *¡Basta Ya!* 2016). Through the direct and indirect finance of the guerrillas, the paramilitaries and other criminal groups (known as BACRIM for its Spanish name *Bandas Criminales*), the drug cartels contributed to the perpetuation of the violence in Colombia.

The existence of various actors involved in the conflict had a direct impact on the transformation of violence and its modalities: attacks on the civilian population, selective assassination, massacres, abuse and torture, forced disappearances, abductions, plundering and extortion, sexual violence, unlawful recruitment, anti-personnel mines, and terrorist attacks (see CNMH *¡Basta ya!* 2013). Following the figures of the Observatory of Memory and Conflict, of the National Centre of Historical Memory (CNMH), the conflict in Colombia (periodised by the CNMH from 1958 to 2018), left '262,197 dead⁵³, 80,514 disappeared (of which 70,587 are still missing), 37,094 victims of

⁵² Mainly, Fuerzas Armadas Revolucionarias de Colombia—Ejército del Pueblo (FARC-EP); Ejército de Liberación Nacional (ELN); Ejército Popular de Liberación (EPL), and Movimiento 19 de abril (M-19).

⁵³ From the total of 'fatal victims of these ten modalities, 94,754 are attributed to the paramilitaries, 35,683 to the guerrilla and 9,804 to agents of the State' (CNMH 2018).

kidnapping, 15,687 victims of sexual violence and 17,804 children under 18 years of age recruited'⁵⁴ (CNMH 2018⁵⁵).

Throughout the years, there have been significant political events that have represented milestones towards dialogue, negotiation, and peace with some of the illegally armed groups. Some of these are, for example, Belisario Betancur's and Virgilio Barco's governments, which achieved temporary truce and ceasefire with some guerrilla groups; César Augusto Gaviria's government, which signed peace accords with the *Ejército Popular de Liberación* (EPL) (People's Liberation Army) and some factions of other guerrilla groups; Andrés Pastrana's administration which started dialogues with *Fuerzas Armadas Revolucionarias de Colombia—Ejército del Pueblo* (FARC-EP) (Revolutionary Armed Forces of Colombia) and *Ejército de Liberación Nacional* (ELN) (National Liberation Army); Álvaro Uribe's government which achieved accords for the demobilisation of the right-wing paramilitaries, mainly the *Autodefensas Unidas de Colombia* (AUC) (Self-Defence Force of Colombia), and established dialogues with the ELN; and Juan Manuel Santos' administration, which signed peace accords with the FARC-EP, and kept the dialogues with the ELN (see Villarraga-Sarmiento 2015).

6.3.- Political Context

This chapter's contextualisation takes as its departing point the establishment of the first transitional justice strategy in 2005 under President Uribe's administration. This gives a clear overview of the political and social context in which the GMH was established.

Álvaro Uribe was President of Colombia from 2002 to 2010. His administration was characterised by an intensification of the war against the guerrilla groups, at the same time fostering a process of demobilisation of the right-wing paramilitaries. Uribe's refusal to acknowledge the existence of an internal conflict automatically diminished and discarded any possibility to find a negotiated political solution with the guerrilla groups (GMH *¡Basta Ya!* 2016).

⁵⁴ These figures correspond to what the Observatory of Memory and Conflict identifies as main modalities of violence: 'actions of war, attacks on villages, selective assassinations, massacres, terrorist attacks, kidnappings, forced disappearances, sexual violence, damage to civilian goods; recruitment and use of children and adolescents; anti-personnel mines and unexploded ordnance' (CNMH 2018).

⁵⁵ See the full report at <http://www.centrodememoriahistorica.gov.co/noticias/noticias-cmh/262-197-muertos-dejo-el-conflicto-armado>

The political context of Uribe's administration was paradoxical. On the one hand, the government did not recognise the existence of an internal armed conflict – which consequently involved denying the existence of the victims it had produced and was producing; and put in place a national political and military strategy known as Democratic Security, which increased the force which the state attached to the concept of using military strategies to defeat terrorism (the Patriot Plan – *El Plan Patriota*). On the other, the government initiated a process of national reconciliation with the deposition of the Justice and Peace Law (Ley de Justicia y Paz – n°975. 2005), designed to demobilise active armed groups. Initially, 'the state was merely interested in providing a legal framework for the demobilization of the paramilitaries, but due to tensions with civil society organizations and the Supreme Court it was gradually forced to deal with the issues of truth and reparations for the victims' (Herrera et al. 2018:730).

The Justice and Peace Law had the main objective of 'facilitating the peace processes and reincorporation the individual members or collectives of armed groups to the civil life, guaranteeing the victim's rights to truth, justice and reparations' (Law 975 of 2005, Art.1-page: 1 – author's translation). It was an effort to harmonise the respect for the victim's rights with the political negotiations that were taking place between Uribe's government and right-wing paramilitary groups (GMH *¡Basta Ya!* 2016). However, taking into account that the conflict was still ongoing with the guerrilla groups, namely, the FARC-EP and ELN, Uribe's transitional justice strategy was designed for the demobilisation and reintegration of the right-wing paramilitary groups, mainly the AUC (Law 975 of 2005, Art.29-page: 17).

In order to monitor the implementation and good practice of the mechanisms of the Justice and Peace Law, the government created the *Comisión Nacional de Reparación y Reconciliación* (CNRR) (National Commissions for Reparation and Reconciliation) (Law 975 of 2005, Art.50-51-page: 27), to regulate the regional demobilisation of the armed groups, and to evaluate the process of reparation to the victims and guarantee their participation. The GMH was created in 2007 in the framework of the CNRR to elaborate a report 'on the reasons for the emergence and evolution of illegal armed groups' (Law 975 of 2005, Art.52.1-page: 27).

Although the organisational and operational characteristics of the GMH are explored in detail later in this chapter, it is important to briefly reflect, here, on how the political context in which the GMH operated affected the political credibility and legitimacy of its

work. The GMH was designed and established by Uribe's right-wing administration in a context in which the state had not yet recognised its responsibility for the crimes it had committed up to that date, nor had it defined the Colombian violence in the parameters of internal armed conflict. For these reasons, the capacities of the GMH to conduct an independent research that would be able of delivering authoritative and rigorous results were being questioned.

In order to gain legitimacy, the GMH had to achieve autonomy from the government. The GMH's team was committed to find a way in which it could meet the state's mandate, but at the same broaden its reach to establish itself as an independent research body. As Gonzalo Sánchez (30.08.2018) stated in his interview, this was done through two mechanisms. On the one hand, there was the search for financial support from international organisations and non-governmental institutions. On the other, the GMH developed a research strategy that, while producing a historical analysis of the conflict, it would recover and preserve the memory of the victims. Through the location of the victims' testimonies and experiences in the central axis of its work, the GMH was able to build a comprehensive narrative about the impact that the conflict had, and has, in Colombian society, as well as to hold the state accountable for its crimes and violations of human rights (CNMH 2013; Jaramillo 2014; Riaño y Uribe 2017).

The GMH's investigative autonomy, although criticised by some for not having been enough (Riaño y Uribe 2017), was evidenced with the publication of its general report *¡Basta ya!* (2013), during Santo's administration. The content and narrative of the report '(...) represented a turning point in public policy on the conflict' (Herrera et al. 2018:732). For the first time, the victims were at the centre of the debate, the war was recognised as an internal armed conflict, and the Colombian government accepted its responsibility for the crimes it committed during the previous years (CNMH 2013).

In the 2010 elections, Juan Manuel Santos was voted President of Colombia. Santos, who had been Uribe's Minister of Defence, radically changed the approach to the national reconciliation policies towards a potential political negotiation with the guerrilla groups to end the conflict. Santos' political project focused on a policy that would '(...) include peace agreements and demobilization of all non-state armed groups, and that would promote a restorative process of justice, which would have the historical memory of the victims as a fundamental starting point (...)'

 (CNMH 2018: 24 – author's translation). The

narrative based on war against terror that Uribe had defended during his administration, was changed towards a narrative of “shared responsibility”. This shift of the governmental policies materialised in the implementation of the Law on Victims and the Restitution of Lands in 2011, which located the rights of the victims at the centre of the political debate; and the start of the peace negotiations with the delegation of the FARC-EP (GMH *¡Basta Ya!* 2016).

The political shift of Santos’s administration generated a significant political and social polarisation (Gómez-Suarez 2016; Herrera et al. 2018). On the one hand, there were those supporting Santos’ proposal of a political strategy of negotiations based on the ‘recognition of the existence of the internal armed conflict and its consequence in favour of the peace process’ (Villarraga-Sarmiento 2015: 213 – author’s translation). On the other, were those who insisted on the logic of the Democratic Security programme that postulated for a military response to defeat insurgency, which had characterised Uribe’s previous administrations.

As mentioned above, Santos’ administration approved the Victims Law (law 1448-2011) which ‘focused on the reparation to the victims of the armed conflict (...)’ (Garcia Serna 2014: 52 – author’s translation), and led to the establishment of a web of institutions designed to facilitate the development of the reparation’s programme, as well as ‘the opening of peace talks with FARC-EP’ (GMH *¡Basta Ya!* 2016: 199).

The peace negotiations between the Government and FARC delegations started in Havana, in 2012, after an initial exploratory stage that set the bases of a draft accord that was to be discussed in the official negotiations (Herrera et al. 2018:731). There were six points articulating the negotiations: (1) comprehensive rural reform; (2) a democratic opening to build peace; (3) an agreement on ceasefire and bilateral and definitive hostilities and abandonment of arms between the National Government and the FARC-EP; (4) an agreement on guarantees for security; (5) finding a solution to the problem of illicit drugs; and (6) an agreement on the Victims of the Conflict⁵⁶. The Havana negotiations culminated in the signing of the peace accord: the General Agreement for

⁵⁶ See the government official website, Alto Comisionado Para la Paz: <http://www.altocomisionadoparalapaz.gov.co/procesos-y-conversaciones/Paginas/mesa-de-conversaciones-con-las-farc-ep.aspx>

the Termination of the Conflict and the construction of a Stable and Lasting Peace, in November 2016.

According to the Art.5 of the table of negotiations in Havana, the commission had to work under the ‘principle of clarification of the past (...) as part of the fundamental right of the victims, and the society in general’ (Moncayo 2015:1 – author’s translation), to produce a ‘comprehensive analysis of the complexities of the conflict, establish responsibilities, and clarify the truth’ (Pizarro-Leongómez 2015:4). Responding to this objective, the delegations agreed on the establishment of the Historical Commission on the Conflict and its Victims (*Comisión Histórica del Conflicto y sus Víctimas* - CHCV) in 2014⁵⁷. Responding to the demands of the FARC, the commission aimed to ‘contribute to a broader understanding of the historical context of the conflict in order to generate conclusions that [could] help establish remedies to end the conflict and produce an accord that [would] contribute to a durable peace’ (Colombia Calls 2014). As it was specified in the Communiqué No. 40⁵⁸ of the table of negotiations, the commission sought ‘to streamline and contribute to the progress of the Mesa [table of negotiations], in the search for a final agreement for the termination of the conflict and the construction of a stable and lasting peace’ (Colombia Calls 2014:1).

The CHCV was formed by twelve members – six from the Government delegation and six from the FARC delegation, and ‘two rapporteurs with outstanding credentials and different views on the conflict’ (Herrera et al. 2018: 733). The function of the commission was strictly academic (Colombia Calls 2014). The commission was never designed to elaborate a joint research that would undertake a comprehensive evaluation of the context through fieldwork or a vast compilation of data. There was no attempt at integrating conflict resolution methodologies nor to follow any conflict resolution methodology towards the creation of a shared perspective (Barkan 2015).

For the first time the FARC were given a “platform” to present their historical narrative, their interpretation of the past and the origins and causes of the conflict (Eduardo Pizarro 07.09.2018). On this basis, the establishment of the CHCV was seen as an opportunity to

⁵⁷ See the communiqué at <https://vbouvier.files.wordpress.com/2014/09/082714-comunicado-1-de-la-comision-historica-chcv.pdf>

⁵⁸ See Join Communiqué num. 40. Havana, 22nd of August 2014.
https://www.humanas.org.co/alfa/dat_particular/ar/comunicadoconjunto40.pdf

design a peace agreement that would listen to their demands. The state's rationale behind the establishment of the commission 'was not to reach one historical truth but rather a plurality of voices (...)' (Barkan 2015:19). The commission was used as a political tool to unlock the negotiations and advance towards a peace agreement (Herrera et al. 2018: 733-734).

The CHCV was tasked to produce '(...) a report on the origins and multiple causes of the conflict, the main factors and conditions that have facilitated or contributed to its persistence, and the most notorious effects and impacts thereof on the population' (CHCV Final report 2014: 2 – author's translation). Due to its short mandate, each commissioner was asked to elaborate a report reflecting on the three thematic guidelines. The CHCV commissioners reflected on 'the origins and multiple causes of the conflict, the main factors and conditions that have facilitated or contributed to its persistence, and the most notable effects and impacts of the conflict (...)' (Pizarro-Leongómez 2015: 4 – author's translation). The work of the commission was defined as 'a fundamental input for the understanding of the complexity of the conflict and the responsibilities of those who have participated or had an impact on it, and for the clarification of the truth; but, in no case, did the CHCV have the power to determine individual responsibilities, nor to prosecute those responsible' (Pizarro-Leongómez 2015: 4 – author's translation).

The mandate given by the state, however, was wide and it did not give any guidance on how the commissioners would conduct the investigation, the research methodology, or the narrative strategy that would be applied (see Chapter 4, page: 110). The commissioners worked individually in the elaboration of the reports which were assembled on a document in a form of a final document. The compilation of the twelve reports evidenced that, even though there was disagreement on the explicative factors for the outbreak of violence in the country 'in the sense of continuity of conflict, (...) [and] in the role of counterinsurgency as a perpetrator of conflict' (Moncayo 2015: 72 – author's translation); there was consensus on the key factors that have affected its prolongation such as 'drug trafficking activities and reproduction of conflict, and the responsibilities of the state as principal actor of the conflict' (Moncayo 2015: 72; see also Pizarro Leongómez 2015 – author's translation). These points of consensus were seen as crucial and have a fundamental value because an attempt to resolve them could

strengthen the 'construction of a peaceful and sustainable post-conflict' (Pizarro Leongómez 2015: 69 – author's translation).

The peace negotiations between both delegations lasted until the end of November 2016 when a draft accord was presented to consultation to the people in the form of a plebiscite, in October of the same year, to scrutinise the population in their support of the points reached throughout the four years of negotiations. The poll showed a majority of "No" (see Gómez-Suarez 2016; Herrera et al. 2018: 728). The result of the plebiscite reflected on the deep polarisation of Colombian society, both the social and the political sphere, in relation to the peace process and its implementation. Recognising the need to amend the conditions of the accord, the Government and FARC delegations sat on the table of negotiations again to draft a new accord that achieved a greater consensus. Numerous changes were introduced which took into account 'the concerns and proposals and clarifications made by various groups, social organisations, opinion sectors and political parties' (Colombian Peace Agreement 2016: 2 – author's translation).

In 2016, the government and the FARC signed a Peace Accord⁵⁹ that had as a primary objective to foster structural transformation of the political, social and economic spheres in order to achieve sustainable peace for the country (Colombian Peace Agreement 2016). It was designed to 'contribute to reverse the effects of the conflict and change the conditions that have facilitated the persistence of violence in the territory' (Colombian Peace Agreement 2016: 3). The peace agreement included, among other issues, the restitution of illicit expropriated land, the establishment of special units to allocate, identify and recover dead or disappeared people, the economic development of rural areas, the creation of programmes to support the victims of the conflict both psychologically and physically, and the return and relocation of displaced persons (Colombian Peace Agreement 2016: 179-185). The signing of the Peace Accords represented a ceasefire of the FARC and the demobilisation of its front to become a political organisation. However, it is important to note that in Colombia there are still other active guerrilla groups – e.g. ELN – that were not involved in the peace negotiation.

⁵⁹ Final Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace, 24th of November 2016.

6.4.- Colombian State-Sponsored Commissioned History

The relationship that the state has had with historical commissions is interesting because it reflects on the 'effort to try and resolve the conflict through commissions that seek to clarify the history of the conflict in Colombia'⁶⁰ (Andrei Gómez 04.09.2018).

For the scope of this research, I have focused on contemporary events, reflecting on the two most recent historical commissions – i.e. the GMH in 2007 and the CHCV in 2014. The former was designed to reflect on the origins of the armed groups and modalities of violence, and the latter was established to interrogate the historical causes of the conflict and elements of perpetuation. However, there are other relevant cases further back in time that exemplify the relationship of the Colombian state with historical commissions. Firstly, the Investigative Commission was established in 1958 by the National Front to produce an analysis of the present causes of *La Violencia*⁶¹ (legislative decree 165-1958, see also Guzmán 2007; Jaramillo 2014). Secondly, the Expert Commission was set up in 1987 by the Batancourt's administration to produced diagnosis of the different modalities of violence (see *Colombia: Violencia y Democracia* 1987; Jaramillo 2014).

Drawing from these cases, it is important to note the relationship between the state and the commissioned academics or experts (Eduardo Pizarro 07.09.2018). On several occasions, the state has resorted to historical commissions to produce a historical account of the conflict with the objective of informing and aiding different governments in their efforts to end the conflict in the country. In other words, there has been an attempt to use historical analysis of the conflict to guide political decision-making.

The Colombian state, as sponsoring government, directly and indirectly conditioned the narrative strategy emerging from the sponsored historical commissions. In the case of the GMH, even though the mandate assigned a well-defined study area, the origins and

⁶⁰ 'El caso de Colombia es interesante porque hay un esfuerzo de tratar de resolver el conflicto a través de unas comisiones que tratan de clarificar la historia del conflicto en Colombia' (Andrei Gómez 04.09.2018).

⁶¹ The years of conflict known as *La Violencia* confronted the two main parties, the Liberals and the Conservatives, and the different factions ascribed to each of them (see Braun 2007: 205; Sánchez 2008: 27). In this period, the division and resentment between Liberals and Conservatives grew stronger, with the rise of armed groups aligned at the main political parties (Uprimny and Sanchez 2017: 259). The polarisation and struggle between the two main political classes translated into deep social fracture, which led to a fear of popular uprisings and transformed the political confrontation into irreconcilable adversaries' (Jaramillo 2014: 40 – author's translation). The years of political violence and social confrontation ended with a political coalition between Liberals and Conservatives known as the National Front (*Frente Nacional*).

evolution of the armed groups, it took advantage of generous space for investigation and interpreted the mandate in a much broader sense. As is analysed in detail in the second part of the chapter, the GMH applied a research methodology based on the concept of historical memory, which allowed it to address the political mandate given by the state, and at the same time listen to the testimonies of victims and witnesses, integrating different perspectives in a meta-narrative.

In the case of the CHCV, the short mandate and the clear guidance of investigation conditioned the work of the commissioners at the time of producing each report. However, for the first time the commission was established in the table of negotiations as a result of an agreement between the government and the FARC-EP. It was conceived as a political tool for peacebuilding that would task both delegations to think about the past and to produce a report that would reflect on the consensus, disagreements and the plurality of views of the commissioned experts.

One of the most relevant elements from this overview is to identify the change in the relationship between, on the one hand, the commissions and the state; on the other, between the commissions and the context. Both the GMH (2007) and the CHCV (2014) had different functions. The context in which these were established determined not only the design but also their operation. The GMH represented a turn to the victims and witnesses that had never been experienced before. The establishment of the CHCV is important because it was the first time that delegations from the Colombian government and from the FRC-EP sat down in a commission to conduct a historical inquiry into the national past. The CHCV final compilation clearly represented the different perspectives about the causes of the conflict. These conceptual and content innovations were taken as inputs for further research and opened the national debate over the violence and the conflict in Colombia.

6.5.- The Historical Memory Group

This section explores the work of the GMH from 2007 until 2011, when it became a permanent institution known as the CNMH. The GMH commissioned 'intellectuals from different disciplines (sociology, history, psychology, philosophy, anthropology, political sciences, social work, law): Gonzalo Sánchez (coordinator), Andrés Suárez, César Caballero, Fernán González, Iván Orozco, Jesús Abad Colorado, León Valencia, María Emma Wills, María Victoria Uribe, Martha Nubia Bello, Nubia Herrera, Patricia Linares,

Pilar Gaitán, Pilar Riaño, Rodrigo Uprimny, Tatiana Rincón and Álvaro Camacho, among others' (Herrera et al. 2018: 731).

Throughout the section there are going to be descriptive elements of the mandate of the GMH combined with a comparative analysis between the methods followed by the group and those that have been identified as common features in the database – both, in general, reflecting on all categories (diplomatic, post-authoritarian, post-conflict, redressing historical injustices commissions) and, more specifically, in the (post)conflict category. I identify (1) the elements from HCC which transform or adapt due to the demands and values of the transitional justice framework in which it operates, and (2) which of these adaptations are also related to the specific demands of a conflicted context.

The section is divided following the four variables identified in the previous chapter, namely, (1) reasons of establishment, (2) time of establishment, (3) objectives which are, in turn, subdivided in relation to the mandate, and (4) the functions attributed to the GMH. This will allow me to identify the elements that conditioned the design and work of the group, and later the CNMH, and how these translated to specific methods, style and outcomes. I will conclude the section with a critical evaluation of the challenges and tensions that were present during the work of the GMH, as well as its perceived impact within society and the realm of politics.

The case study was completed through interviews with former commissioners of the GMH, some of whom were working at the CNMH at the time of conducting the interviews; commissioners from the Expert Commission, and the CHCV, as well as academics and practitioners who have extensively worked on understanding of the historical commissions and the conflict in Colombia. The insights from the participants have been key to compounding fully the process of investigation. They are used to complement the data obtained from the literature review, document analysis, and analysis of the database.

6.5.1.- Understanding the Historical Memory Group

The GMH was identified during the process of compilation of cases for the database, and, thus, it is analysed under the HCC paradigm. Within the database, the GMH is included in the “post-conflict societies commission” category. This specific set of commissions were

established as part of the peace process, during the peace negotiations, or within the transitional justice strategy. The reasons of establishment fall in the following areas: (1) to seek for responsibility of crimes and investigation of other human right violations (accountability), (2) to bring light to the causes of the conflict (clarification), and (3) to foster recognition of the victims and acknowledgment of past injustices (recognition).

The GMH operated in a context in which, on the one hand, the Justice and Peace Law foresaw the demobilisation of illegal armed groups, mainly right-wing paramilitaries, and, on the other, the conflict was still ongoing with the guerrillas and the drug cartels. This determined, and limited to a certain extent, the work of the GMH in three ways. First, it could not have access to certain territories that were still under the control of the guerrillas and, therefore, did not have access to specific victim groups and communities. Second, it had limited access to information and state institutions (military and public forces) for national security reasons. Third, it required a certain level of imposed censorship for security reasons, both for the victims and the researchers, and also for reasons of research ethics from the GMH team, which above all had to respect the “silences” of the communities, groups and individuals, when they did not wish to talk to the GMH team.

As a research mechanism of the CNRR, the GMH had the mandate to produce a report on the ‘origins and evolution of the illegal armed groups’ (Law 975-2005). The GMH addressed its task on the understanding that its investigation had to work toward what was also represented in the law, as the symbolic reparation of the nation through historical memory to achieve recognition and dignify the victims (Art.8 para.7 Law 975-2005). Thus, the GMH moved beyond its ascribed political function to take into account the experiences of the victims and other actors who had directly or indirectly been affected, or had taken an active part in the conflict (see CNMH 2018). The GMH interpreted its mandate not only to produce a factual reconstruction to understand the armed groups, but also added another dimension that would reflect on the centrality of the victims through the conceptual framework of historical memory. The methodological strategy was designed around the analysis of emblematic cases with a combination of historical research and the testimonies and witnesses of the victims and other actors involved in the conflict.

The work of the GMH was published in the general report *¡Basta ya!* in 2013. Despite the existing limitations of investigating in an ongoing conflict, the GMH adopted a multi-narrative strategy that intended to reflect on the different perspectives of those involved in the conflict. The general report had a significant impact not only in the political spheres but also at a social level with the opening of public debate about the consequences that the conflict was having for the civil population in the country.

6.5.2.- The Establishment of the Historical Memory Group

It is important to take into account the context in which the commissions are established because it determines its organisation and work. There are two crucial questions to ask: What is the political and social context in which the commissions are established? And who calls them into being? This section aims to understand the work of the GMH within the wider social and political context in Colombia.

The reasons for the establishment of a historical commission speak directly to the enabling and limiting capacities of the state as a sponsor (see table 6 page: 126). In the case of the GMH, the Colombian government responded to its enabling capacities in the setting up of the GMH as a research body, and the design of a balanced investigative area. There were specific limitations in resources that were made available for the research due to national security issues; and the existence of significant moral and ethical constraints in relation to what could be revealed taking into account that the conflict was still ongoing.

Through the GMH's mandate to write a report on the origins and evolution of the armed groups that acted outside the law, the state embraced the "duty to memory" through the production of historical knowledge about the conflict and its violence 'in compliance with the duty to preserve the historical memory that corresponds to the state' (Law 975 of 2005, Art.56-page: 30). The state saw in the work of the GMH its fulfilment of the "duty to memory". Taking this in to consideration, the GMH, as an officially established body, operated under the right-wing political ideology of Uribe's administration, for a state that actively participated in the conflict throughout the years. Let us remember that, at this point, the government was not recognising the existence of an internal armed conflict, which consequently involved denying the existence of the victims it had produced and was still producing. This defined the work of the GMH in terms of inscribing it in a specific political approach, which has been 'interpreted by some critics as a state strategy to

evade its responsibility for state crimes (...)’ (Riaño y Uribe 2017: 11 – author’s translation).

Nevertheless, the mandate offered substantive flexibility in terms of the functions of the GMH, which was crucial because it allowed for an enormous mobility at the time of interpreting the mandate. Thus, whilst the GMH addressed and fulfilled its mandate of producing a detailed investigation of the illegally armed groups, the research focused on the experiences of the victims, and their testimonies of the conflict, as central axes of their work. As Gonzalo Sanchez stated in his interview, the GMH was partly designed ‘to be a platform for the victims (...) [caring] about the heterogeneity of the universe of victims – victim[s] of the state; a victim[s] of the FARC; and victim[s] of paramilitaries, etc. The common denominator that was [the fact that these were victims of the conflict]⁶²’ (Gonzalo Sanchez 30.08.2018). In the section below, I point out the articles in the Justice and Peace Law that make direct mention of the right to know what happened during the years of conflict, and the attributed functions for society.

The Justice and Peace Law is developed around three core elements: the ‘right to truth, justice, and reparation to the victims’ (Art.4-page: 2), which are discussed in different articles throughout. In the text of the law, the right to know the truth is presented as the inalienable right of society, and in particular of the victims, to know which crimes were committed during the years of conflict, and the whereabouts of the disappeared and forcibly displaced (Art.7-page: 4). However, the article that follows is crucial to understand the attributions of the law to the work of clarification of the GMH. Under Article 8, which develops the right to material and symbolic reparation to the victims, the preservation of historical memory is understood as a ‘symbolic reparation for the victims and the community in general (...) [which will contribute] to the non-repetition of the victimizing facts, the public acceptance of the facts, the public pardon and the restoration of the dignity of the victims’ (Art.8-para-7; page: 5). The sentence C-370/06 of the Constitutional Court clarified this relationship between memory and reparation, arguing that the preservation of the historical memory is a central component of the symbolic

⁶² *‘Nosotros cuando comenzamos como GMH, el eje muy insistente fue que nosotros somos una plataforma del lado de las víctimas y nos preocupamos por la heterogeneidad del universo de víctimas – que una cosa es ser víctima del Estado; que otra cosa es ser víctima de las FARC; y que otra es ser víctima de los paramilitares, etc. Ahí había un sello, un común denominador que era este de ser víctima’* (Gonzalo Sánchez).

reparation (...)’ (Riaño y Uribe 2017: 13 – author’s translation). This attributes to historical memory the power for symbolically repairing and dignifying the victims. As is explained in much more detail below, this was a conditioning force, if not a central role, in the design and organisation of the work of the GMH. If the GMH was to address, as it did, the function of symbolic reparation through the recognition and dignifying of the victims, it had to distance itself from the government. Achieving autonomy from the state became crucial to widen the space for investigation and to become a legitimate institution that produced rigorous, authoritative knowledge.

The issue of autonomy of the historical commissions, as with any other official body of inquiry, is not restricted only to conflict, post-conflict societies (see chapter 5, page: 164). However, in contexts in which the past becomes a contested space, it becomes clearer that the promoter of such bodies of inquiry – in this case, the state – will have particular influence in their organisational and investigative task. Being subject to an official mandate can both enable and restrict the work of the commissioners. It can, for example, facilitate access to archives and resources that were previously denied, or restrict access to them because they might compromise the state or its institutions. Being an official institution can be a source of legitimation, but can also delegitimise the work of the commissioners if the state is perceived to be using them as a tool to cover up or avoid responsibilities.

As we have seen in the section above, the historical commissions set up to investigate the conflict in Colombia have been closely tied to governmental mandates, with some having more mobility than others. The GMH deliberately sought for ways to detach themselves from the perceived and real influence of the state. One of the actions undertaken was ‘to refer to an international advisory board to protect the Group from the state’s interventionist temptations’ (Gonzalo Sanchez 30.08.2018). Another key element was to locate funding institutions that would not ‘tie funding to monitoring the content of the reports’ (Riaño y Uribe 2017: 13 – author’s translation).

6.5.3.- Investigating an Ongoing Conflict

The GMH was established as a mechanism within President Uribe’s strategy for national reconciliation based on the demobilisation of the right-wing paramilitary groups. Far from a context of peace, the GMH was set up to work in a setting characterised by the ongoing conflict with the guerrilla groups and the war against narco-traffickers. Working in a

context of conflict in which the state did not consider itself to be accountable for the violence, determined the objectives and methodology of the GMH narrowing, considerably, the “space for investigation”.

The GMH’s research process was also influenced by limited access to information and archival resources. There are three main areas affected by it that are closely related to each other. Firstly, the access to specific documentation from state institutions, namely, the army, state forces, and the government, was not available to by the GMH because it was considered to contain information that could endanger national security. Secondly, taking into account that the guerrilla groups were still armed, certain regions of the Colombian territory were not accessible to the commissioners. Finally, there were safety concerns for both the participation of the victims narrating their stories as witnesses or testimonies and the work of the commissioners in the field.

In addition to this, the commissioners also faced issues of censorship. This does not necessarily refer to imposed censorship by some government’s office, but rather it is a case of “self-censorship” related to the existing concerns that ‘the circulation or public staging of certain "truths" and responsibilities may put people in danger’ (Riaño y Uribe 2017: 16 – author’s translation). There was a need to find a balance between clarification and security, but mostly between clarification and social responsibility and research ethics. However, and despite the limitations arising from researching an ongoing context, the time in which the GMH was established was crucial for this kind of investigation to be conducted. It was the first time that the Colombian government had established transitional justice-like mechanisms for national reconciliation, which, despite being limited in its procedures, opened a window to new approaches. Responding to the necessity of addressing the rights of the victims, the GMH was presented with the opportunity to listen to a big chunk of society that, up until that moment, had been excluded from the conversation. Shifting the investigative lens to the experiences of the victims meant moving the state narrative closer to the human rights discourse. The centrality of the victims and the turn to the human rights discourse was seen with caution and criticism by some who were wary of the potential hidden motivation of the state trying to avoid taking responsibility (see Riaño y Uribe 2017).

6.5.4.- Functions

The decision behind the functions and the priority that these have in the overall commission's research strategy, varies from context to context. However, there are some common functions that are recurrent in most of the HCC (see Chapter 5 page: 128), namely, academic research, fact-finding, factual reconstruction and clarification, addressing collective responsibilities, and policy reform through government recommendations.

The GMH only had historical authority and had no mandate to provide assistance to judicial processes. It was given the primary function of contributing to the clarification of the past through an analysis of the 'origins and evolution of the illegal armed groups' (Law 975 of 2005, Art.52.1-page: 27). This was done through factual reconstruction and through analysis of selected emblematic cases which merge both documentary research and fieldwork for the compilation of the reports. Thus, the function of the GMH was not to establish individual responsibilities, but rather to produce a contextualised explanation of the consequences of the war, with focus on 'the social and political fabric that produce[d it] and that [fed] it back' (GMH ¡Basta ya! 2016: 16).

There was a deliberate intention to focus on 'the reconstruction of the memory to reveal the historical responsibility of the state as a perpetrator and to contribute to the recuperation of the dignity of the victims and the survivors' (Jaramillo 2014: 172 – author's translation). This was reflected in the recommendations in which the GMH-CNMH asks the state, guerrilla groups and paramilitary groups to recognise their responsibility for the crimes committed against the victims and Colombian society, and to apologise for them (CNMH 2013: 87-88). In this framework, the investigation was not set to judge individual actions as "right or wrong", but rather to identify structural and organisational patterns that would lead to the establishment of responsibilities at a societal and institutional level. However,

'(...) extending these responsibilities to society at large [did] not mean diluting those concrete and differentiated responsibilities into a statement of "we are all guilty" (...)', but rather the understanding that '(...) reconciliation or reencounter that we all yearn for cannot be based on distorting, concealing, or forgetting the facts, but only by clarifying them' (GMH ¡Basta ya! 2016: 22).

The GMH identified three main functions of the uses of memory, understood in this context as the memory of the victims, which are closely related to some of the attributed symbolic impacts explored in the section above. In the first place, the understanding of ‘memory as a claim’; that is to use historical clarification of the past as a vehicle to claim justice. The second function ascribed to memory was ‘social pedagogical’, perceiving the process of clarification as a tool for understanding the complexities of the conflict and its actors. Third, the GMH bestowed memory with a restorative dimension seeing in it a space for ‘the elaboration of mourning, an opportunity to re-establish social ties and a horizon for the reconstruction of what was lost’ (CNMH 2013: 84). A function of symbolic reparation, through the preservation of the historical memory with ‘the purpose of contributing to dignify memory and to defile the stigmatisation that the speeches of the perpetrators embodied in them (...)’ (Riaño y Uribe 2017: 15 – author’s translation).

The functions attributed to the work of the GMH, and later to the CNMH, addressed both the historical aspect of clarification and the reparative and dignifying elements ascribed to memory work with victims. Through the functions of clarification and dignifying of the victims of the conflict, the work of GMH is considered to have contributed to a better understanding of the past, but also to a process of social self-reflection about the collective responsibility about the conflict, either from direct or indirect participation in the violence. It presented the task of clarification as something that belonged to society.

Gonzalo Sánchez, former director of the GMH-CNMH, gives a clear example of this:

‘(...) for the *campesinos* it was important that we make a report on the land to give a sense to its long historical tradition of struggles, but also, [because of its importance in the current context], as a mechanism of legitimation of its existence that was totally stigmatized during the periods of paramilitary, state violence and other forms of violence. [The report becomes] (...) a setting for staging very concrete claims [both] individual and collective reparations’⁶³ (Gonzalo Sánchez 30.08.2018).

⁶³ ‘(...) *para los campesinos era importante que hiciésemos un informe sobre la tierra para darle primero un sentido a su larga tradición histórica de luchas, pero también, [por su importancia en el contexto actual], como mecanismo de relegitimación de su existencia que fue totalmente estigmatizada durante los periodos de la violencia paramilitar, estatal y demás... entonces el segundo elemento es de significación de ellos. (...) un escenario de puesta en escena de reclamos y reparaciones muy concretas [tanto] individuales como colectivas*’ (Gonzalo Sánchez 30.08.2018).

6.5.5.- Historical Memory Group's Methodological Strategy

In general terms, GMH's mandate reflects the objectives and central purposes characteristic of HCC as a mechanism for fact-seeking identified throughout the analysis of the database cases (see Chapter 5). The GMH was tasked to: (1) clarify past events, (2) foster recognition of the victims, (3) establish social, institutional, and moral responsibilities for the crimes committed during the conflict, and (4) identify reasons for action throughout the conflict (GMH *¡Basta Ya!* 2016).

The section below explores in detail the working strategy of the GMH. It focuses on the importance of the overarching understanding of historical memory which acts as a conceptual framework representing the centrality of the victims, and as a methodological strategy through the analysis of the emblematic cases as core studies of the investigative process. It then analyses the impact of both the outcomes and the "social process" that came with the investigations first from the GMH and later with CNMH.

6.5.5.1.- Historical Memory Group's Objectives

The GMH was tasked to produce a report about the 'origins and evolution of the illegal armed groups' (Law 975 2005); however, it went beyond this task to focus on the experience of the victims 'to account for the different forms of victimisation'⁶⁴ (Gonzalo Sanchez 30.08.2018), contributing through the recovery and construction of historical memory to the symbolic reparation and dignifying of the victims.

The attention to the victims is a defining point within the majority of the transitional justice strategies. However, in the framework of the Justice and Peace Law, the voice of the perpetrators was given priority through the process of collecting confessions and testimonies in *Versiones Libres* (Law 975 of 2005, Art.17-page: 10). The victims had 'a marginal role in the judicial arena (which depends more on the initiatives of prosecutors and judges than the prevailing normative order), [nevertheless] this [did] not mean that the voices of the perpetrators prevail over others' (GMH *¡Basta Ya!* 2016: 251).

For this reason, the GMH made the participation of the victims its primary objective in the construction of memory (Gonzalo Sanchez 30.08.2018). The central role that the victims took in the GMH can be interpreted, as Riaño and Uribe (2017) point out, as a

⁶⁴ '(...) el eje muy insistente fue que nosotros somos una plataforma del lado de las víctimas y nos preocupamos por la heterogeneidad del universo de víctimas' (Gonzalo Sánchez 30.08.2018).

‘response to the socio-political environment in which national, regional, and local organisations of victims and human rights claim rights and denounce the violations and crimes committed’ (Riaño y Uribe 2017: 17 – author’s translation). The attention ‘given to issues of memory, reparation and reconciliation in Colombia since the middle of 2000 is understood in the convergence of the world trends of transnational justice, the universalisation of the human rights discourse (...)’ (Riaño y Uribe 2017: 11 – author’s translation).

In the case of GMH the importance given to the victims’ testimonies in the production of narratives of memory and historical narratives was reflected in the methodology and approach to the investigation. The investigation process aimed to collect and integrate ‘the stories of the victims in the different reports contributing to the knowledge of the different truths and memories of the violence in the country’ (Riaño y Uribe 2017: 13 – author’s translation).

6.5.5.2.- The Historical Memory Approach

The investigative work of the GMH has three main research objectives: to interrogate the origins of the conflict, the factors of prolongation, and its consequences. The GMH ‘accepted that the work of historical clarification should recognise social disputes for the truth and its controversial nature. For all these reasons, the historical memory narrative should account for the dissents, contradictions and inconsistencies from which one remembers what happened, as well as the need to include multiple voices’ (GMH *¡Basta ya!* 2016). The commissioners were faced with the question of how to produce contextual explanations that would reconstruct the past through the rigorous analysis of the evidence, but that, at the same time, would take into account the subjective experiences that came from witnesses, and testimonies, to contribute to the symbolic reparation and dignifying of the victims.

Along these lines, the concept of historical memory was conceived to navigate both: ‘(...) memory is aiming to capture the subjectivities, and history is aiming to address the explanatory dimension with rigor. Recognising, of course, all the complexities and the tensions that this implies’⁶⁵ (Gonzalo Sanchez 30.08.2018).

⁶⁵ ‘(...) *memoria-histórica de memoria apuntando a la captación de las subjetividades y de la historia recorriendo a la dimensión de la búsqueda del rigor expositivo; sabiendo todas las complejidades que esto implica y las tensiones que esto implica*’ (Gonzalo Sánchez 30.08.2018).

Responding to the needs of this conceptual framework that combined the works of history with those of memory, the GMH designed a methodology that would produce and take account of both individual and collective memories, and address the different typologies of violence throughout time and in different regions. The GMH conducted various case studies, known as “emblematic cases” (explained in detailed in the following section), which ‘(...) allowed to intertwine the memories of the victims who have lived the specific event, that is, the participatory dimension, with the restructuring of processes and contexts through the contrast of sources’ (CNMH 2018: 43 – author’s translation). The investigation process ‘resorted to the use of qualitative, interactive methods and fieldwork’ (Riaño y Uribe 2017: 14 – author’s translation). The methodological strategy was built around different cases that were representative for their illustrative and explanatory capacity, as well as for condensing various processes, and actors. The implications of using this methodology are discussed in detail in chapter 7.

6.5.5.3.- Emblematic Cases

In order to fulfil its mandate, the investigative work of the GMH was structured around the analysis of emblematic cases⁶⁶ (see CNMH 2018). In operative terms, having developed the methodological route around the emblematic cases meant to explore a specific act ‘of violence of the armed conflict that was able to have explanatory power and illustrative capacity of what happened in the whole armed conflict, in a historical moment and in a specific region’⁶⁷ (Andrés Suarez 05.09.2018). The emblematic cases were considered to be ‘(...) illustrations of the [temporal and regional] variation that [would] show how the armed conflict *hooks* the local to the regional to the national in a different way [that] national history may not realise (...)’⁶⁸ (María Emma Wills 05.09.2018).

⁶⁶ The selected emblematic cases are the following: Trujillo – Valle; El Salado – Carmen de Bolívar; Bahía Portete – Alta Guajira; de Bojayá – Choco; Comuna 13 de Medellín; San Carlos – Antioquia; del Magdalena; la Montería-Cordoba; Los campesinos de La India, Santander; Remedios y Segovia – Antioquia; El Placer y El tigre – in Putamayo; de Mampuján, en Maríalabaja de Bolívar; las Brisas – San Cayetano, Bolívar; and Libertad y Rincón de Mar – San Onofre, Sucre (GMH ¡Basta Ya! 2016: 15).

⁶⁷ ‘*El caso emblemático, en términos operativos, era trabajar un hecho concreto de violencia del conflicto armado que fuera capaz de tener fuerza explicativa y capacidad ilustrativa de lo que pasaba en todo el conflicto armado, en un momento histórico y en una región específica*’ (Andrés Suarez 05.09.2018).

⁶⁸ ‘*(...) son ilustraciones de la variación que te permite mostrar como el conflicto armado engancha lo local a lo regional a lo nacional de manera distinta. Y como la historia nacional puede no darte cuenta de estas variaciones. Entonces la variación era muy importante*’ (María Emma Wills 05.09.2018).

The GMH described the emblematic cases as “historical cases” and not as “judicial cases”. This differentiation was essential at the time in order to understand the role of the cases analysed by the commissioners. Although many of the selected cases were also judicial cases, their role within the investigation process of the GMH was to broaden the limits of the ‘judicial truth to produce a historical truth’ (GMH Investigation Plan – 2007 – author’s translation). In other words, understanding emblematic cases as historical cases meant moving beyond the individuality of a judicial case to give it historical meaning.

The emblematic cases were selected on the basis of responding to the GMH’s matrix of ‘critical conjunctures and type-regions’ (GMH Investigation Plan – 2007 – author’s translation). In this axis, critical conjunctures contained the most representative events of each historical period of the armed conflict, and the regions identified those territories that had the greatest capacity for condensation. The research methodology included the analysis of documents that reflected on the impact that the violence had in the communities and regions, and the recovery of oral testimonies through interviews. In this sense, ‘the construction of the historical memory involved the stories of the victims as a source for their documentation’ (Riaño y Uribe 2017:14 – author’s translation). The result was a collection of events that were key to explaining not only what happened in that particular time and region, but also to understanding the dynamics of the conflict at a regional and national level with the representation of the victims’ testimonies and other actors’ experiences (Gonzalo Sánchez 30.08.2018; Andres Suarez 05.09.2018).

In the process of investigation, each of the emblematic cases had to analyse which were the causes of the event, under which circumstances and through which mechanisms it unfolded, why the civilian population was targeted, and which were the impacts in the community and region. However, the GMH saw its task as going beyond factual reconstruction to include an interpretative exercise that would be ‘simultaneously a literal story that reflects the suffering of the victims and society’ (GMH Investigation Plan – 2007 – author’s translation). Reflecting on this, the selected cases were interrogated under three axes: (1) narrative, (2) interpretative, and (3) semantic, which ultimately allowed the commissioners ‘to condense the causes of the outbreak of violence, and the representation of the victims and perpetrators in a global narrative’ (María Emma Wills mentioned in Jaramillo 2014:196). The analysis of these cases had as its main outcome the production of ‘(...) historical memory anchored in concrete events (...) that [would

allow] connecting the experience with the [historical] discourse' (GMH Investigation Plan – 2007 – author's translation). The findings emerging from the study of the cases were classified in the following five thematic areas: (1) 'dimensions and modalities of war; (2) the origins and transformations of armed groups; (3) the relationship between justice and war; (4) the damage and impact on victims; and (5) their memories' (GMH *¡Basta Ya!* 2016: 26). All the cases were compiled in a final report - *¡Basta Ya! Colombia: Memories of War and Dignity* (2016), which presented the origin of the armed groups and recommendations for the peacebuilding process.

The decision behind structuring the investigation around specific cases was a response to organisational and methodological reasons. The GMH was differentiated from a truth commission in the sense that, due to its mandate, the investigative group did not have the capacities nor resources to guarantee the inclusion of all the victims and cases that took place in the years of conflict. Furthermore, the GMH sought 'to produce an inductive and non-deductive [narrative] with a process of derived legitimization' (GMH Investigation Plan – 2007 – author's translation). Thus, the aim was not to have a compilation of all that had been produced up until the time of establishment, but rather an independent research effort that would revisit the existing narratives and discourses about past events to incorporate the previously silenced memories of the conflict. What the GMH proposed with the investigation through the emblematic cases was 'to change the foundational milestones by the mirror reconstructed from articulation and an interpellation between the emblematic cases which looks to produce an integrating view' (GMH Investigation Plan – 2007 – author's translation).

Those cases were selected for their illustrative and explicative capacities of elements that were transversal to, and characteristic of, the conflict. Although this case selection was adequate to fulfil the mandate of exploring the different modalities of violence through time and region, it was criticised for responding to an academic or political reasoning rather than listening and responding to the needs of the victims. This provoked the belief that many cases that were considered relevant were not included, thus reducing contextualisation of the violence to a small representation (Gonzalo Sánchez 30.08.2018; Andrés Suarez 05.09.2019).

6.5.5.4.- Emerging Narratives: An Integrating Strategy

The GMH had two core aspects to address in its mandate. First, it had the task of clarification and giving meaning to the conflicted past through factual reconstruction and attention to the experiences of witnesses and testimonies. Second, it had to contribute to symbolically repairing the whole of Colombian society through the preservation of historical memory (Law 975-2005 Art.8.para-7- page 5).

As Eduardo Pizarro-Leongómez (2010) states, ‘the construction of historical memory requires thus to study the different explanations of conflict about its causes, interactions, and consequences. The construction of an organised narrative of conflict must take into account the memories of different actors, with the aim of building an inclusive story’ (2010: 8). In the context of Colombia, there were four elements that, to my understanding, informed the decision of the GMH around adopting a multi-narrative approach to knowledge production, and that are linked to the four variables of analysis throughout the chapter.

First (reasons of establishment), the mandate established that the investigation process was not to result in a body of closed “truths” that could be interpreted as an official narrative coming from the state. On the contrary, the emphasis was placed on the idea that the work of the GMH was to produce a comprehensive explanation that would contribute to the already existing body of knowledge. The GMH responded with an effort to represent the variety of narratives that corresponded to the different agents and actors who participated, directly or indirectly, in the conflict and its perpetuation.

Second (time), the historical, political, and social context of the conflict presented a scenario in which there was a variety of actors in various times and regions. There were different kinds of violence, which left different typologies of victims and different perpetrators. It was necessary to provide the GMH with a narrative strategy that allowed the researchers to address them.

Third (objective), the purpose of the GMH, understood in general terms, was to clarify the past through factual reconstruction and to foster recognition of the victims of violence. The multi-narrative approach allowed the researchers to explore different perspectives of specific events, responding to the tensions presented by the use of testimonies and witnesses as sources of the research. As stated above when addressing the complexities of the historical memory binary, the GMH had to negotiate how to

integrate the voice of those who were participating in a broader historical discourse that constituted the factual representation of the conflict. On the one hand, they were seen as an investigative resource which had to be analysed and verified through a process of cross-examination of evidence. On the other, they were to preserve the value of the testimonies, respecting and recognising the integrity and dignity of those who offered it. A multi-narrative approach responded to both main objectives, on the one hand, the different narratives informed the researchers to produce a detailed contextualisation that rigorously represented the actors involved; and, on the other, it portrayed the voices of the victims of the violence, giving them a central role in order to recognise their experience and suffering.

Finally (function), the preservation of historical memory was seen as a symbolic reparation of the nation, but also as a projector for a new imaginary of Colombian society. The representation of different realities, interpretations, narratives, and experiences is seen to contribute '(...) to the consolidation of democracy, as memory becomes a resource for recognition of the past, the re-significance of the conflict and the prevention of future violence' (Pizarro-Leongómez 2010:8). Widening the narratives of the conflict, the GMH seeks to produce an account that would represent an opening of debate around what the conflict meant and means for Colombian society. It was seen as a contribution to a more significant process of social understanding and as recognition of the impacts of the violence.

The GMH opted for an investigative approach based on the combination of documentation and field work, in which the witnesses and testimonies had the central role, 'elaborating an integrating and inclusive narrative (...)' (Riaño y Uribe 2017: 16 – author's translation). The construction of a plural narrative had the potential to become a space for "conversation" that not only included the voices of those who were directly affected by the conflict, but also widened the narrative space to allow all the voices to speak, integrating different social and political actors (Riaño y Uribe 2017: 15, Maria Emma Wills 05.09.2018). This integrating approach to the construction of a plural narrative was thought to have attributed symbolic outcomes in terms of recognition, reduction of stigmatisation, and a contribution to a more open society with the presence of the debates about the conflict in the public sphere.

6.5.6.- Assessing the Outcomes

In this section, I address the outcomes of the GMH in terms of the strategies that were employed by the GMH to increase the reception of their work at a communal, regional, and national level. Moreover, I explore the attributed symbolic impact that is believed to have come with these measures. At this point, there is an important consideration to be put forward in terms of analysing the reception of the outcomes. Although the strategies explored in this section started with the work of the *ad hoc* mandate of the GMH, this body became a permanent institution in 2011-2013 – the CNMH, by mandate of the Victims Law (Ley 1148; Art. 146⁶⁹). As a consequence of this, the social and political perception of the institution also changed. It is essential to take this fact into account especially when discussing and assessing its outcomes in different spheres. In this section I refer to GMH-CNMH as one, taking into consideration its fourteen years of work. At the times in which a specific measure or outcome is only attributed to the GMH or the CNMH, I will name them separately.

6.5.6.1.- Communication Strategy (Dissemination)

In general terms, HCC have the mandate to clarify past events through factual reconstruction and interpretation. HCC do not usually have judicial functions, that is, their reports cannot be used in courts, nor are they seen as quasi-judicial as could be truth commissions. Therefore, communicating the results of their work becomes one of the most important aspects of HCC in terms of having an impact on the public debate.

In the chapter, I have analysed how the political context determines the need for historical clarification commissions, and how it influences their operation. After talking to some of the former commissioners of the GMH, who, at the time of the interview, worked at the CNMH, one can recognise how through insertion in the public debate, these processes of conditioning and influencing operated, at the best of times, in both ways. The GMH-CNMH situated the conversations around historical memory in the public debate as something essential for the process of national reconciliation, which, in turn, got the attention of the political actors. Andrés Suarez reflected on this pointing out that,

⁶⁹ See the full text at CNMH

http://www.centrodehistoriahistorica.gov.co/descargas/decretos/DECRETO_DE-ESTRUCTURA_DEL_CENTRO.pdf; also visit

http://www.centrodehistoriahistorica.gov.co/descargas/transparencia/documentos-2018/decreto-4941_29122011.pdf

'(...) positioning the theme of memory in the public sphere was the challenge because the issue of memory was very marginal. People, and even the state itself, considered it a marginal issue [that was not] politically relevant'⁷⁰ (Andrés Suarez 05.09.2018). The work of the GMH was slowly making its way in the public debate, however, it was not until the publication of the general report, *¡Basta Ya!* in 2013, that Colombia witnessed a considerable leap in taking historical memory, the legacy of the past, and the victims of the conflict into serious account.

The GMH-CNMH developed a robust communication strategy which focused on making the findings accessible to as many as possible within the country and outside. The language, the format and the free purchase of both hard copies and online access, had been crucial to their approach for the dissemination of the findings.

'We were aware that the language of the text could not be a "hard language" for people. We always had the wisdom to try to convert the reports into abbreviated audio-visual versions. All these reports (...) were broadcast on national television or were screened at events, and on our website, so people could download them'⁷¹ (Gonzalo Sánchez 10.08.2018).

Communicating the findings of such reports can be problematic because the content of the investigation is complex and has different levels of contextualisation. An effective process of dissemination needs to be concise – needs simplicity: 'having worked in individual cases helped us to have an audience in the media, (...) [which] is interested in the specific event and not the big report'⁷² (Andrés Suarez 05.09.2018). However, from the GMH there was a great effort to diversify the means and vehicles through which the findings would be disseminated to get to as many people as possible. This not only

⁷⁰ '(...) posicionar el tema de la memoria en la esfera pública era el reto; porque antes el tema de la memoria era un tema muy marginal. La gente, e incluso el propio estado, lo consideraban como un tema marginal [que no era] relevante políticamente' (Andrés Suarez 05.09.2018).

⁷¹ 'Éramos conscientes de que el lenguaje del texto, no podía ser un lenguaje duro para la gente. Siempre tuvimos el acierto de tratar de convertir los informes en versiones abreviadas audiovisuales. Entonces todos los informes están acompañados por audiovisuales que fueron transmitidos por la televisión nacional, o eran pasados en eventos, y en nuestra página web así la gente se los puede bajar' (Gonzalo Sánchez 30.08.2018).

⁷² '(...) el haber trabajado casos nos permitió que tuviéramos audiencia en los medios de comunicación. Al medio de comunicación le interesa el hecho así puntual, no el gran informe' (Andrés Suarez 05.09.2018).

included the circulation of the book format of the report, but also summaries, documentaries, a series of informative episodes, a range of graphics, and photography.

'(...) there are very heterogeneous formats. There is the format of the big book; there is the format of the small text that is more testimonial, [which] focused more on biographical profiles than on 'hard contexts'. Then there are also many videos and artistic expressions. The aim was to recognise the value of art to the production (...) from those communities that have found different forms of narration of their experiences'⁷³ (Gonzalo Sánchez 30.08.2018).

The GMH-CNMH strategy can be read as an effort towards the democratisation of knowledge, which had a double meaning. On the one hand, all the materials produced as a result of the investigations are distributed free of charge, trying to reach the most significant number of people. This in itself was intended to make the process of historical memory a process for, and of, everyone, avoiding ending up being an academic exercise that would only reach certain groups within society. On the other, by making all their research materials and databases public, they also sent an invitation for participation in the process of production of knowledge and critical thinking. In this way, the CNMH rejected the monopolisation of the production of national narratives, historical or otherwise, and simultaneously ensured transparency of the process.

This approach of sharing and making the investigation process transparent speaks to the values that both the GMH and the CNMH have embraced since the beginning, trying to transform the "making" of historical memory through a process that was integrating and open to the Colombian society. Andrés Suarez reflected on this approach stating that 'there is a way to communicate plurality in the sense that we are all responsible for reconstructing the history that goes into the narrative, but [there is another] in actions'⁷⁴ that the GMH team took as investigative commission (Andrés Suarez 05.09.2018).

⁷³ '(...) hay formatos muy heterogéneos. Hay el formato del libro grande, hay el formato del texto pequeño que es más testimonial, [es decir] más de perfiles biográficos que de contextos duros. Hay mucho video y hay luego el campo de las expresiones artísticas. Se buscó vincular des de los artistas nobles hasta hacerles reconocimiento de valor de arte a la producción (...) de estas comunidades de la gente, las propias comunidades que han encontrado formas diversas de narrar y de contar y que son ya muy universales' (Gonzalo Sánchez 30.08.2018).

⁷⁴ 'Hay forma de comunicar la pluralidad en el sentido de que todos somos responsables de reconstruir esta historia que va en el discurso, pero [hay otra] también en las acciones' (Andrés Suarez 05.09.2018).

6.5.6.2.- Empowering Society

In order to understand the impacts of the GMH-CNMH in terms of strategies, and how they contribute to a broader social and political processes, it is critical to analyse those mechanisms that are designed and developed to empower Colombian society to participate actively in the process of production of knowledge and preservation of historical memory. By promoting memory workshops and exercises privileging the active participation of victims and of diverse people and sectors, the CNMH contributes to processes of social empowerment. In this framework, the CNMH '(...) provides conditions and guarantees for the different sectors of society to participate and discourage the exercise of memory. It is clear that this is a task of society, where the institution has a role, a commitment to provide conditions and guarantees, but the participation is from different areas of society'⁷⁵ (Paula Ila 06.09.2018).

The CNMH, continuing the work of the GMH, has explored a different mechanism to foster the creation of social processes by giving individuals, groups and communities the tools and advice to undertake their projects. The importance of institutions such as GMH-CNMH relies 'not only on the work with experts (...) but on giving society the possibility of converting that into a permanent process'⁷⁶ (Gonzalo Sánchez 30.08.2018).

There are two areas in which the CNMH has been actively involved in empowering the regions through the establishment of regional groups and the pedagogical approach. Creating regional groups was a way to encourage different regions to develop their investigations. This has been done at two levels: on the one hand through universities, with the establishment of research groups focused on historical memory and encouraging them to take part in investigations that have this component of going to the field and make society participatory of the research process (María Emma Wills 05.09.2018 and Paula Ila 06.09.2018). On the other, it has been by working with organisations and civil society, which might not necessarily be related to research and the formation of narratives. As Gonzalo Sánchez states, 'there are other mechanisms that move away from

⁷⁵ '(...) este deber no es que el Centro [CNMH] haga informes ni nada de eso, sino que es proporcionar condiciones y garantías para que los distintos sectores de la sociedad participen y desarrollen ejercicios de la memoria. Es clarísimo que eso es una tarea de la sociedad, en donde la institucionalidad tiene un rol, un compromiso, tiene que propiciar condiciones y garantías, pero la participación es de distintos ámbitos' (Paula Ila 06.09.2018).

⁷⁶ 'Todas estas maneras de crear apropiación por parte de la sociedad, que no sea solo el trabajo de dos años con expertos (...), sino de dar a la sociedad la posibilidad de convertir eso en un proceso permanente' (Gonzalo Sánchez 30.08.2018).

research and narrative, and are focused on supporting the memory initiatives of the communities and organizations to build a monument, to publish a booklet, to paint a mural; [in these cases] the community itself decides what projects will be developed, to which we give institutional support to do so⁷⁷ (Gonzalo Sánchez 30.08.2018).

The CNHM has developed an interesting pedagogical tool in an effort to have an impact on, and transform, the school curricula. From the CNMH there has been an active intention to return the subject of “conflict” in the classrooms through discussions and work with ‘ministry of education, the education secretariat (...) hoping to engage local authorities and schools⁷⁸ (Gonzalo Sánchez 30.08.2018). María Emma Wills, explains how, in the pedagogical sense, ‘historical thinking (...) allows you to be more responsible for the actions that you take in the time that you had to live⁷⁹ (María Emma Wills 05.09.2018). As she explains, this approach focuses, first, on educating the teachers about what happened during the years of conflict, and then training them to foster critical thinking 'invit[ing] students to do historical research’, to contrast and cross examine evidence, to build their own understanding of the events. This, she continues, does not only purposefully ‘link the student with the victims and the conflict’ but also, to a certain extent, provides understanding of the historical, social and political processes ‘so that it does not happen again⁸⁰ (María Emma Wills 05.09.2018).

6.6.- Critical Evaluation

This final section brings forward some reflections about the work of the GMH at two levels: organisational, in terms of its contribution to, and impact on, society, and as a

⁷⁷ *‘Hay otras tareas que no son tanto de investigación y narración sino de apoyo a las iniciativas de memoria a las propias comunidades y organizaciones que hacen un monumento, una cartilla, un mural; ahí sí que es la comunidad misma que ciñe el producto del cual nosotros solo somos la entidad que les da el apoyo para hacerlo. De pronto una asesoría básica si es que tenemos alguna experiencia en el campo por el cual se nos solicita’* (Gonzalo Sánchez 30.08.2018).

⁷⁸ *‘Trabajamos para volver a meter el tema del conflicto en los currículos escolares. Trabajamos mucho con el ministerio de educación, la secretaria de educación (...) soñábamos poder comprometer a las autoridades locales y las escuelas’* (Gonzalo Sánchez 30.08.2018).

⁷⁹ *‘En la línea pedagógica (...) lo que hicimos con los grupos regionales de memoria, [y] con maestros, fue básicamente una ruta para reflexionar sobre el pasado y en donde el pensamiento histórico fue muy importante. En esa línea pedagógica el pensamiento histórico (...) es lo que te permite ser más responsable frente a las acciones que tomas frente a tu tiempo, el tiempo que te tocó vivir’* (María Emma Wills 05.09.2018).

⁸⁰ *‘La apuesta pedagógica se centra en entrenar a los maestros para que sean quienes ‘invitan a los estudiantes a hacer investigación histórica, producir distintas hipótesis y luego construir un pensamiento científico viendo, contrastando, etc.; pero también tiene el propósito de vincular al estudiante con las víctimas y el conflicto para que no se vuelva a repetir’* (María Emma Wills 05.09.2018).

historical clarification commission. At this point, it is important to make two observations. In the first place, both laws which framed the work first of the GMH - Justice and Peace Law 2005, do not conceive the work of clarification of the past under a conceptual framework of the right to know the truth, nor the perceived value of historical clarification in terms of uncovering the past. In the context of Colombia, the GMH and its investigative task are interpreted as the state's duty to memory and historical memory as national symbolic reparation. The second consideration is ontological: the GMH was not conceived as a historical clarification commission. Despite using HCC's theoretical framework and methodological strategies, the GMH was not intentionally set up as a historical commission.

As Gonzalo Sanchez stated in his interview, it was called historical only because the group wanted to expose the "historical dimension of the conflict" - the extended temporality. He stated, 'even when we raised the issue of what you call historical commissions, with issues around truth commissions, we shifted the emphasis, [to the historical analysis]. We saw it as an antecedent or embryos for a future truth commission. We did not see this differentiation that you are [pointing out]'⁸¹ (Gonzalo Sánchez 30.08.2018). He emphasised that despite being established to conduct a historical analysis of the conflict, the GMH was not set up as a historical commission. As I have already pointed out in Chapter 5, most of HCC compiled in the category of commissions established in post-conflict societies, were not designed as historical commissions, or at least not as a result of a deliberate choice. For various reasons they ended up doing the job of HCC, and probably following very similar methodology but without deliberately rationalising their inquiry as such.

In the case of the GMH, the justification for having decided to use the historical method as part of the research methodology is explained in two elements: (1) the long duration of the conflict made the historical method of analysis the most suitable one, and (2) the need to give meaning to the past through interpretation of the facts. In his interview, Gonzalo Sánchez states that the importance of the work of the GMH, and of the process of historical clarification, is to give "meaning" to the past (30.08.2018). An investigative

⁸¹ *'Incluso cuando nosotros mismos nos planteamos el tema de la relación de esas comisiones históricas – que tu llamarías – con el tema de comisiones de la verdad, desplazamos el énfasis. Lo vemos como antecedentes o embriones de comisión de la verdad, pero no vemos este diferencial que tú estás viendo de comisión histórica – que me parece sumamente interesante'* (Gonzalo Sánchez 30.08.2018).

exercise that only focuses on factual reconstruction and enumeration of the harmful consequences of the violence, and thus, does not build an interpretation of “why” certain events happened the way they did, may lack the sense of meaning of the actions. By removing the process of interpretation of the past, one removes the understanding of the meaning of it (Berver Bevernage 16.01.2019).

Along these same lines, the general report *¡Basta ya!* states that,

‘(...) in order to adequately understand the violence we have endured, we cannot afford to simply sum the compatriots killed and the inflicted damages. Instead, we must acknowledge that violence falls within the context of the interweaving of exclusion, impunity, plundering and terror, which have configured the daily happenings of our nation (...)’. ‘The display of decontextualized horror could arouse hatred and revenge, rather than condemnation and reflection’. The GMH tried ‘(...) to give an account of both the huge magnitude reached by the war and the social and political fabric that produces the war and that feeds it back’ (GMH *¡Basta ya!* 2016: 16).

The analysis of the case of GMH, draws attention to some of the challenges emerging from the process of institutionalisation of historical research. This mainly reflects on the investigative parameters set by the mandate. The first challenge came with the delimitation of the overarching area of inquiry (i.e. the origins of the illegally armed groups). Despite the fact that the GMH broadened its mandate to conduct an investigation that would include the testimonies of the victims as one of the pivotal axes of their work, the mandate given by the state determined the area of research and selection of sources. A second challenge was linked to the functions of the GMH. It did not only have the function to clarify the past through historical research that would elaborate an accurate factual reconstruction, but also it had to contribute to acknowledgement and recognition through the preservation of historical memory. This had an impact in the way in which the GMH conducted the investigation and communicated their findings, taking into consideration that the process of investigation was taking place in an ongoing conflict in which victims, perpetrators, bystanders, and third parties were living together. Finally, conducting a historical investigation close to the inquired event may represent a challenge for the research due to lack of resources available. As noted by Andrés Suarez in his interview, ‘(...) with the passage of time new

sources of information appear, (...), then to make history of such contemporary phenomena ... it's complicated. [The research speaks] from the information that you have available, (...), [a]nd that can determine how the analysis that is done (...)⁸² (Andrés Suarez 05.09.2018).

6.7.- What did Historical Clarification bring to Colombia?

The social, political, cultural and economic context determines the process of investigation conducted by historical clarification commissions at an epistemic level, but also implicit at an ontological level. In other words, what is understood to be a historical clarification commission, what is the role given to history, and what does historical clarification mean? Depending on the context, historical clarification might refer to uncovering the past, to set the record straight, to investigate violations of human rights, or to break myths of the past, among others.

In Colombia, as Alejandro Castillejo points out, 'clarification has to do with the structural reasons for the war'⁸³ (Alejandro Castillejo 03.09.2018). Therefore, historical clarification means to elaborate a factual reconstruction and a comprehensive (re)contextualisation of the history of the conflict to identify the possible origins and causes of the violence, the actors that directly or indirectly have participated in it, and, in turn, the consequences of the five decades of conflict. This has further implications for the attributed role of historical clarification.

Going back to the general considerations on how historians do historical research (Chapter3, page: 74), if one understands historical research as something created with a specific intention or purpose in the present (Oakeshott 1983), the social and political junctures are considered the ones that inform the historical research. In other words, the historian responds to the needs and demands of the present. In the framework of HCC, the decision about what is being researched is also a response to the needs and demands of the context, but this time the choice of areas of investigation is dependent on, and determined by, the commission's mandate. In other words, the sponsoring state

⁸² '(...) con distancia van a aparecer nuevas fuentes de información, nuevos relatos, entonces también hacer historia de fenómenos tan contemporáneos... es complicado. Tú hablas desde la información que tienes disponible, y luego tú tienes que aclarar que aquí uno no tiene toda la información de lo que ocurrió, sino que me baso en la que es conocida. Y eso puede condicionar el análisis que se hace y hay un problema con eso' (Andrés Suarez 05.09.2018).

⁸³ '(...) esclarecimiento tiene que ver con las razones estructurales de la guerra' (Alejandro Castillejo 03.09.2018).

establishes the events or historical periods that are to be interrogated through the process of institutionalisation of historical research. If there is a narrow understanding of what areas are the ones subject to clarification through the work of the commission, it automatically means that there are other areas that the commission is not working to clarify. Therefore, as much as historical clarification lightens certain aspects, it also leaves others in the dark. Narrowing and clearly defining the scope of HCC is crucial in order to develop an investigation plan that will fulfil the mandate; however, it is also essential to be aware of the areas that are being left at the margins, and if the decision of leaving them at the margins is a methodological one, or a deliberate political strategy to silence certain aspects of the past.

Reflecting on the case of the GMH, the selection of the emblematic cases is a reflection of this process mentioned above. The GMH decided that these cases would be selected in relation to their explanatory and illustrative capacities of the causes and effects of the conflict. In other words, it reflects on the understanding that the process of clarification was, overall, a process to reveal the structural reasons for the war and its consequences. Nevertheless, through its work, the GMH added another meaning to the process of clarification: the recognition of the victims of the conflict, as well as the acknowledgement that there are different versions and interpretations of the past.

The GMH, throughout their process of historical clarification combined with historical memory, has contributed to five different areas. First, to the historiographical debate and academic research; second, to the factual reconstruction and clarification in the light of new evidence accessible through the testimonies, and witnesses; third, to the revision and (re)evaluation of already known events; fourth, by offering a contextualised explanation of what happened through a three-scale discourse that interrelates the local, the regional and the national level; and fifth, by fostering recognition and acknowledgment not only to those affected by the conflict, but also at a state level to acknowledge the existence of a conflict and the shared responsibilities in it.

The GMH-CNMH's contribution to the historiographical debate and academic research goes beyond the publication of the reports and different events, conferences and workshops to share and open the dialogue with society. It reflects on the enabling capacities of the state to foster a transformation of the public perception about the past through a process of critical reflection. By promoting an open process of knowledge

production through participation, by sharing all their resources, and by empowering university groups to conduct research related to historical memory, the GMH-CNMH created a secure web that allowed the regions to develop their academic projects and processes.

The methodological strategy around the emblematic cases, under the overarching concept of historical memory, allowed the GMH to contribute directly to factual reconstruction, clarification, re-evaluation, and contextualisation. The methodological decision to include primary sources in the research process opened a window to previously unknown facts, and a stronger understanding on what had been the actual impacts and consequences of the violence in specific regions. Gonzalo Sánchez pointed to some examples of this throughout his interview. He talked about the massacre of El Salado, 'which was not seen as a massacre, but rather had been posed as a combat'⁸⁴ between the AUC and guerrilla groups (Gonzalo Sánchez 30.08.2018). The fieldwork conducted by the researchers of the GMH re-contextualised a case that despite being known, had been presented in military terms rather than as an analysis of the consequences and impacts that it had for the village. Another example of how the process of clarification carried out by the GMH shed light on previously unknown events, was the reported number of victims of sexual violence. Sánchez stated, '(...) I think the first records of *¡Basta Ya!* they spoke of 1000 cases, now the figures come up to 15,000 or 17,000 cases of violence ... in the course of our work these dimensions increased'⁸⁵.

The contribution of historical clarification through a memory lens to recognition and acknowledgement can be addressed on two levels: official actions and symbolic attributions. Probably the most significant impact in terms of acknowledgement followed the first recommendation in the general report *¡Basta Ya!* which asked:

(...) the President of the Republic and other government officials, in the name of the Colombian state, [to] recognize the state's responsibility for human rights violations in relation to the internal armed conflict before society as a whole, and

⁸⁴ 'Cuándo hicimos la masacre del Salado fue impresionante, una masacre de la que el país no tenía conocimiento, que no era visto como una masacre – se había planteado como un combate' (Gonzalo Sánchez 30.08.2018)

⁸⁵ 'Entonces de violencia sexual, cuando comenzamos también – creo que los primeros registros del *¡Basta Ya!* hablaban de 1000 y pico de casos, ahora se habla de 15000 o 17000 casos de violencia... en el curso mismo de nuestro trabajo las dimensiones se aumentaron' (Gonzalo Sánchez 30.08.2018).

before the victims, their families, and their communities, and apologize for it through dignified acts' (GMH *¡Basta ya!* 2016: 404).

After the publication of the report, in his intervention to the High Commissioner for Peace, the President, Juan Manuel Santos, officially recognised the state's responsibility in the armed conflict, stating:

'(...) the recognition of the internal armed conflict. It is an elementary act of common sense, without which however we would not have the legal or conceptual framework to end the conflict, (...) nor the foundation to do the recognition that we owe to the victims' (President Intervention of the High Commissioner for Peace 2013: 10).

This was important because, on the one hand, it demonstrates the investigative autonomy that the GMH had, which, despite being linked to a state's institution – the CNRR, it contributed to changing the country's narrative and understanding of the conflict. On the other, by presenting the state as partly responsible for the outbreak and perpetuation of the conflict in the country (Jaramillo 2014: 215 – author's translation), the narrative promoted by Uribe's administration based on the war against terror dissolved into one more inclined to a "shared responsibility" approach.

6.8.- Concluding Remarks

The work of the GMH contributed to reconstructing the understanding of the past in a nuanced and contextualised way that explored different temporalities and modalities of the violence. By addressing the voices that had been previously silenced, it challenged some of the already established narratives and discourses about the conflict, offering a plural historical narrative that aimed to be a vehicle for social and political dialogue.

Through the application of the concept of historical memory as methodological strategy, the GMH saw, in making communities and society part of the production of knowledge, a way to engage and open a platform for active dialogue, as well as a mechanism to guarantee a wider social reception of the reports. The GMH, and later the CNMH, put in place different mechanisms to foster and maintain the participation in the process of investigation and thereafter, not only in terms of victim participation, through the collection of testimonies and witnesses, but also in the process of writing the reports and compiling the final product. Following this idea, '(...) the reports were presented to the

communities and participants before their publication and [the GMH researcher's] listened to their feedback of the report, (...), maintaining the dialogue all the time'⁸⁶ (Andrés Suarez 05.09.2018). Once the report was discussed, agreed, and published, it was first launched where the events had occurred as a sign of recognition to the members of the community, and to the testimonies and of witnesses who had worked with the GMH team.

Operating in a conflict setting generated significant restrictions to the space for investigation. Firstly, there was limited access to archival and other research sources. Second, there was significant concern about the security of the individuals, not only for the testimonies and witnesses but also for the GMH's researchers who travelled to the field. Finally, there was the process of self-censorship of the findings for security reasons. Along these same lines, the political and institutional dynamics decided the GMH's self-censorship. In some cases, the GMH 'abstained from speaking of disagreements between the same communities about the causes or dynamics of the events associated with violence, or there was little discussion on topics such as that of complicities and collaborations (...)' (Riaño y Uribe 2017:17 – author's translation).

In (post)conflict contexts, access to written sources and archives may not be made available to the researchers, or it might be that the events are simply not being recorded due to ongoing conflict and due to a deliberate intention not to leave written proof of the acts of violence. Therefore, as stated in the interviews, having access to witnesses and testimonies allowed the GMH to access key information that otherwise would not be available. However, this also represented a challenge. The national reconciliation process initiated in 2005 had begun two years before the GMH, was set up demobilising the AUC right-wing paramilitaries; however, the conflict with the FARC and other guerrilla groups was still ongoing. This meant that the researchers of the GMH only had access to those regions in which the paramilitaries had been demobilised, or those in which the FARC had no longer control. Accessing witnesses and testimonies in this setting represented

⁸⁶ '(...) los informes se presentaban en su conjunto antes de su publicación y se escuchaba a las comunidades a ver que tenían que decir, que replicas tenían al informe, que creían que le faltaba (...). Era el valor mismo de que conocieran el producto antes de que saliera, tener el dialogo todo el tiempo' (Andrés Suarez 05.09.2018).

important security challenges for those who were willing to come forward and talk to the GMH, and also for the researchers.

Despite the fact that use of testimonial sources greatly benefits the research process and the facts that are made accessible to the commissioners, there are those who see this with suspicion. Can oral testimonies be considered a primary research resource within the work of HCC? Moreover, from a more general perspective, can we still talk about historical commissions, understanding them in their classic characteristic, when these bodies employ *hybrid* methodologies? Here, it is important to distinguish between the production of historical accounts in the strictest definition of historical knowledge production, and the work produced by historical commissions (Eva-Clarita Pettai 07.02.2019). One thing is to research the past using the tools and mechanism of the historical method to produce a historical narrative that responds to a specific inquiry, and the other is the work of the historical commissions. These bodies of inquiry are set up with functions that go beyond the academic field which would be addressed through fact-finding, contextualisation and factual reconstruction of the emblematic cases. Historical clarification through the work of the historical commissions is charged with other attributions: diplomatic, transformative, recognition, acknowledgement, a platform for dialogue.

The answer to both questions is, yes. The literature shows how, in the classic understanding of historical commission, the methodological approach is more likely to focus on documentary sources as a main resource for the research (Karn 2006, 2015; Pettai 2015, 2018). Nevertheless, as we have seen in Chapter 5, this is not a *condition sine qua non* of HCC, and some have used the collection of oral and written testimonies as a complementary resource. The analysis of the case study suggests that in those cases in which the commission has access to oral and written testimonies, and it is enabled by the mandate to access to them, these may be used as a primary research resource. The GMH, in addition to contributing to the historiographical debate and academic research through the process of clarification, had the objective of contributing to a process of memory recovery in an effort to dignify the victims and survivors (Jaramillo 2014). Here, the historical memory conceptual framework directly responds to the functions ascribed to the GMH. Thus, despite working for the clarification of the past, the GMH became a platform for voices that fostered a specific understanding of the process of dealing with

the past. The investigative work that was compiled in the general report was never thought of, nor communicated, as a set of truths, but rather it was hoped 'to be an element of reflexion for a social and political debate' (CNMH 2013: 21).

In the framework of conflicted societies where historical clarification commissions seem to have attributed functions that go beyond factual clarification and comprehensive understanding of the past, can we still talk about historical clarification commissions? In the following chapter I will be exploring this question in detail with a particular focus on the suitability of the historical method as a fact-finding and clarification mechanism, as well as the strengths and limitations of historical clarification commissions as bodies of inquiry in conflicted societies.

Chapter 7: Discussion and Conclusions

Historical Clarification Commissions: Understanding the Uses of the Historical Method in Conflicted Societies

7.1.-Introduction

The discussion brings together the three core sections that have been explored throughout the thesis. First, was the conceptualisation of historical dialogue as a theoretical and methodological frame for HCC, and its process of institutionalisation. Second, was the analysis of the database compiled as a tool for understanding the operation of HCC as state bodies of inquiry. Third, was the in-depth analysis of the GMH in Colombia as an illustrative case study.

The detailed examination of the process of institutionalisation under the demands of a transitional justice paradigm, allows me to explore how these particular political and social contexts determine their organisational and operational strategy. In practical terms, this analysis allows me to identify the organisational and methodological adaptations that HCC experience in different contexts, thereby, directly contributing to the understanding of the strengths and limitations of HCC, and the uses of the historical method of analysis in conflicted societies. The identification of these transformative elements and the way these interact with the principles and methods of historical dialogue offers an overview of how the latter may be modified and adapted to the institutional requirements of HCC as state-sponsored bodies of inquiry.

7.2.- State-Sponsored Commissioned History in Conflicted Societies

Political society has the capacity to set the parameters for a meaningful reflection through sponsoring commissioned history projects, such as HCC, that critically interrogate the past. Here, the term political society is understood in its broad sense, including not only the political elites, but also a range of different agents who participate in 'the shaping of official accounts of the past' (Verdeja 2009: 21). These may include active or former politicians, scholars and intellectuals, or legislators.

In chapter 3 it has been explained how, in recent times, the state tends to frame the projects designed to address the legacies of the past under a therapeutic governance strategy that seek 'to (re)establish political legitimacy and to change the relations between victims and the state' (Chapter 3, page: 70). The analysis of HCC cases included

in the database shows how, in some contexts, the state's therapeutic strategy is not clearly identifiable, or is not applied. For example, in the cases within the diplomatic commissions' category (appendix, page: 245), the reasons for the establishment of HCC respond to a state's effort to advance bilateral relations with another nation through the exploration of a shared past to overcome historical misjudgements and stereotypes. Therefore, in this case the work of the commissions would not be considered directly linked to a therapeutic governance. In the commissions included in the post-Nazism category (appendix, page: 248), where most of the investigations focused on tracing stolen goods, as well as the breaking of historical myths about the past, a therapeutic governance could be identified in the state's effort to (re)gain legitimacy through material and symbolic reparations. In post-Soviet commissions, in which the commissions' investigation centred on the exploration of the crimes of the Soviet regime (and, in some cases, also the Nazi regime) and the consequences it had for society, the therapeutic strategy of the state focused on transforming the relation between the victims and the state to increase its legitimacy.

Concerning the categories of commissions to redress historical injustices and (post)conflict commissions, the therapeutic strategy of the state is clear(er). In the former, the commissions were established to redress a situation of inequality inherited from the centuries of colonialism. Thus, the therapeutic governance focused on changing the relation between the Indigenous and Aboriginal peoples and the state.

In the (post)conflict commissions, the research suggests that the prioritisation of certain functions over others in the commission's approach to the inquiry, determined how the therapeutic governance is applied. In the Dutch Cabinet Srebrenica Inquiry – NIOD (1996), the Independent International Commission on Kosovo (1999), and French Fact-Finding Mission (2001), the state sought to (re)establish its legitimacy through a process of clarification of the past that consisted of the validation of facts to set the records straight. In contrast with this, when the commissions were established as part of a transitional justice strategy, their elements of a therapeutic governance took different approach. This was the case of the Historical Clarification Commission (CEH) (1999) and Historical Memory Group (GMH) (2007). In these commissions, despite the functions of clarification and fact-finding being present, the overarching purpose of the commissions was to foster acknowledgement and recognition for the victims of the conflict contributing to national

reconciliation. Here, too, the state sees the work of HCC as a vehicle to transform the relationship with the victims and (re)gain legitimacy.

When assessing HCC under the parameters of state therapeutic governance, it is key to take into consideration the political and social settings in which the commissions are established. The prioritisation of different functions of HCC will determine the means through which the state will unfold its therapeutic strategy.

7.2.1.- Historical Clarification Commissions and the Transitional Justice Framework

As seen in detail in Chapter 5, the prioritisation of certain functions over others largely determines each methodological approach that the commissions will take at the time of addressing the inquiry, and, therefore, influence the emerging historical narrative. Thus, even when analysing commissions from the same category, methodological approaches are significantly different from one another responding to the requirements of the context. In the section below, I explore how the demands and needs from the transitional justice paradigm determine the organisation and operation of HCC as state-sponsored bodies of inquiry.

There are three cases identified in the database which were established as a part of a transitional justice strategy. Historical Clarification Commission (CEH) (1999) in Guatemala; the Historical Memory Group (GMH) (2007) in Colombia; and the Historical Commission on the Conflict and its Victims (CHCV) (2014), also in Colombia. The analysis of these cases suggests that state-sponsored commissioned history established under the paradigm of transitional justice is oriented toward three objectives. First, is to carry on an investigation into the past for clarification and acknowledgement of the past wrongs. Second, is to promote an integrating platform for dialogue, and recognition of moral, social and political responsibility. Third, is to promote nation building. Transitional justice strategies are, in essence, forward-looking and seek '(...) to demystify, delegitimise the past, and strengthen the future and present political or societal structures or regime' (Mihir 2017: 2). In this framework, HCC carry out a diagnosis of the past in order to present a comprehensive historical account that serves as a narrative frame for the visualisation of a new future. The new historical frame emerging from their work contributes to giving meaning to the experiences of the past.

The demands emerging from this particular context may require some methodological adaptations of HCC from their classical approach. The main changes are identified in the centrality of the victims, the research sources, and the time of establishment. These three elements are interlinked to one another in the sense that if HCC are set up relatively close to the inquired events, the commissioners often would have access to the testimonies of those who experienced the conflict, and, therefore, may adapt methodologically to use them as a research resource. Moreover, by addressing the experiences of testimonies, HCC might be giving the victims a central role in the process of clarification. It is important to highlight that these features are not mandatory, nor exclusive, to commissions set up in transitional contexts, as others may apply them responding to the needs and demands of their particular context. Although the implications of these adaptations are explored in more detail throughout the different section of the chapter, is important to introduce them briefly in relation to the classic approach of HCC.

The classic methodology of HCC is to approach the inquiry through archival materials, having documents as the main research resource. This is not to say that some commissions occasionally do not use oral or written testimonies in their investigation⁸⁷, but it is seen as secondary or complementary to the main research resources (Eva-Clarita Pettai 07.02.2019). In their classic approach to the inquiry, HCC are less likely to establish a relationship with the testimonies, because, due to its distance in relation to the events, they do not have access to them. However, when HCC are established in a transitional justice setting, they often work relatively close to the inquired events in terms of time. Using testimonies as a research resource may require adopting hybrid methodology, by

⁸⁷ The commissions that use oral/written testimonies are the following: Royal Commission on Aboriginal Peoples (1991) in Canada; Study Commission for Working through the History and the Consequences of the SED Dictatorship in Germany (1992); State Commission for the Examination of Repressive Policies Carried Out During the Occupations (1992) in Estonia; Human Rights and Equal Opportunity Commission (HREOC) (1995) in Australia; Study Commission for the Overcoming of the Consequences of the SED Dictatorship in the Process of German Unity (1995); Poland's National Institute of Remembrance (IPN) (1998); Presidential Advisory Commission on Holocaust Assets USA (1998); International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes (1998) in Lithuania; The Commission of the Historians of Latvia (1998); International Commission for Crimes Against Humanity (1998) in Estonia; Historical Clarification Commission (CEH) (1999) in Guatemala; French Fact-Finding Mission (2001) in France; Historical Truth Commission and New Treaty (CVHNT) (2001) in Chile; Lessons Learnt and Reconciliation Commission (2010) in Sri Lanka; Polish and Ukrainian Forum of Historians (2015); Indian Residential Schools Commission (2007) in Canada;

which archival research and the analysis of oral/written testimonies are used with the same importance during the research process.

In the paragraph above it has been assumed that when HCC established in the context of transitional justice, these would be set up immediately after the change of political regime, or after the signature of a peace agreement. However, that may not be the case for every commission. The decision to establish a commission can take into consideration different stakeholders (state, victims, perpetrators, bystanders, civil society, and third parties) (Alexander Karn 29.01.2019; Eva-Clarita Pettai 07.02.2019). Some sponsoring states may see the necessity to establish a commission right away in order to legitimate the new political system and to see the final report as a political closure in order to move forward to a new future. Victims may not be willing to communicate their experiences to a state-sponsored institution, or are not psychologically ready to speak about the experiences when transitional justice processes are put in place (Hamber 2009). At the same time, civil society (among which there may be victims' organisations) might demand the establishment of a historical commission, but the state is not willing to commit in a process of inquiry into the past, because it may unveil state's active role in the past wrongdoing. Perpetrators may want to establish the commissions as early as possible if there are possibilities of (morally or legally) redeeming their actions. The international community, for example human rights organisations, may promote the establishment of HCC, in which the rationale behind it may respond to external reasons, for example, to conform with the requirements of transitional justice standards, to respond to human rights principles, among other demands emerging from the particularities of the context.

The table below summarises these adaptations that HCC may undertake responding to the needs and demands of a transitional justice context.

Table 7: *The Institutionalisation of Historical Dialogue through HCC, the Demands of Transitional Justice*

HCC within Transitional Justice	
Needs and Demands from the Context	
Accountability Breaking point (new beginning) Democratisation Legitimation Nation Building Responsibility Victim-centred	
HCC's Classic Approach	HCC's Adaptation
(Mainly) deal with documentary evidence (Relative) distance from the events they examine Historical methodology	Documentary and oral evidence Investigation into relatively recent past Mixed/hybrid methodology (archival research + oral/written testimonies) Narrative for a "common" future Integrating Account

(Palli-Aspero 2019, f)

Often in transitional settings the present represents a point of rupture from a past that should never be repeated and a "new" future that is yet to happen (Schaap 2005). This breaking point is a social and political construction, a necessity to establish artificial boundaries between the past and future having the present as an operating ground. In this context, both the investigative process of the commissions and the emerging narratives become a response to this artificial breaking point. Therefore, the events that are included in the narrative frames are selected to contextualise and build an account around the artificial breaking point in the present: what is being said about a particular event, what are considered to be its origins and causes; how is said; who is held responsible; who is portrayed as victim, perpetrator, third party or bystander.

The narratives constructed in this breaking point can be seen by some as elements of closure that signal a clear rupture with the past (Posel and Simpson 2002; Smyth 2007; Castillejo 2013). However, the research suggests that HCC should not be understood as a mechanism for closure (Maria Emma Wills 05.09.2018; Berber Bevernage 16.01.2019; Eva-Clarita Pettai 07.02.2019). The historical accounts emerging from the commissions are constructed in particular social and political contexts, reflecting on specific demands.

Thus, recognising that the very nature of historical analysis implies that there is a process of constant revision, historical interpretations of the past shall not be regarded as universal or ultimate truths (see. Chapter 4, page: 101). Through a process of (re)interpretation of the historical record through challenging the already existing historical narratives, the historian creates more robust historical accounts (Chapter 3, page: 54). In this framework, the work of HCC are, in essence, a process of historiographic revision, and HCC's emerging narratives should be seen as providing an opportunity for a continued process of self-reflection about the past.

Despite historiographic revisionism being key at a disciplinary and theoretical level, it is dangerous when it is applied to HCC because it carries with it the risks of negationist and denialism revisionism (see Chapter 3, page: 77). Stating that the work of HCC should be regarded as an opening process that fosters constant dialogue and revision, its work can be considered an expression of context relativism, and the work and authority of HCC may be questioned or discredited. It is important to be aware of the dangers that a process of constant revision may entail.

7.3.- Historical Clarification Commissions in Conflicted Societies

In contexts in which the past has become a contested space, the use historical narratives, can be the centre of interpretative disputes. Different narratives are usually constructed highlighting specific events of the past that help to legitimise and maintain a particular political and social position in the present. This creates historical distortions that help to fuel myths about the past and leads to a confrontational narrative.

7.3.1.- The Suitability of the Historical Method

The historical method offers adequate, rigorous, and effective tools, to produce effective fact-finding or clarification investigations. As demonstrated through the study, the historical method allows commissioners to interrogate and cross-examine a variety of different sources, and to identifying continuities and ruptures throughout a period of time. The historical method offers to the commission 'a set of (...) tools that are useful to cut to the core of a controversial question by engaging in source critique, contextualizing, looking at longer-term social structural and cultural developments' (Eva-Clarita Pettai 02.07.2019).

The epistemological foundations of history as a discipline are essential to ensure the operation of the process of investigation. The epistemic practices of history are highly

conditioned by the context, not only academically, but also politically and socially. These determine the process of construction of knowledge, what is considered valuable knowledge, which sources are considered reliable, or what is an adequate process of investigation. Epistemic differences can present important challenges for HCC. This was the case of the Latvian presidential commission (1998), in which there were clashes between the Latvian and the international commissioners due to the 'somewhat nineteenth century understanding of historical truth' of the former, and the 'relativist understanding of truth' of the latter (Eva-Clarita Pettai 02.07.2019). Drawing from this example, I argue it is necessary for the work of the commissions that certain epistemic agreements are established at the start of the investigation process. These refer to what is considered valuable evidence for the investigation that is taking place; which methods of validation will be used; and what narrative approach will be put in place, among many other aspects of the investigation process. This can be used to the advantage of the commission because even if a group of historians may hold different political positions, the epistemological agreements can help ensure methodological rigour (Bevernage 16.01.2019).

The assessment of the concerns and challenges in relation to the suitability of the historical method shall be done through the parameters of HCC as state-sponsored institutions. This means that these concerns do not refer to the application of the historical method in academic research, but to its use under a political mandate. Reflecting on the cases analysed in the database, the main concerns relating to the work of HCC are: the time given by the mandate, the capacity of the commissioned historian and HCC as state institution to produce objective knowledge, and the dissemination of intelligible historical accounts.

The first concern relates to time given to the duration of the commissions' mandates (Andres Suarez 05.09.2018; Eva-Clarita Pettai 07.02.2019). Academic historical research can sometimes be a long process. However, when historical research is done through HCC they, usually, have a limited period of time to complete their investigation. The duration of the mandate does not necessarily have to be seen as a challenge for the work of HCC, as the time that a commission needs to complete the mandate will depend on various elements. For example, the characteristics of the inquired event (i.e. long periodisation or the complexity of the events), the accessibility to resources, the need to collect

oral/written testimonies in addition to the archival research, are among many other elements that will determine how much time commissions will need to fulfil their mandates. Nevertheless, short mandates may limit the possibility of conducting a long investigation when necessary, which may represent limitations to the historical research conducted by HCC. The mandate time constraints are usually due to lack of financial resources (e.g. the Commission of the Historians of Latvia in 1998), or in relation to the commissions' simultaneous work with other mechanisms or within a wider political or transitional strategy (Historical Commission of the Conflict and its Victims (2014) in Colombia).

Short mandates may represent a challenge for the work of the commissions (e.g. Human Rights and Equal Opportunity Commission (HREOC) (1995) in Australia). However, very long mandates, and in some cases the transformation of *ad hoc* commissions in permanent institutions may also raise some concerns. Long mandates may result in the loss of momentum for the commission and the interest of society on the work and findings of the commission gradually decreases (Alexander Karn 29.01.2019). In addition, despite the fact that becoming permanent institutions allows the commissions to keep investigating with the advantage of not having time constraints, there are additional challenges linked to this because HCC become extremely susceptible to the changes in the political sphere (Eva-Clarita Pettai 07.02.2019).

There are three cases identified in the database in which historical commissions became permanent institutions. The first case is the GMH which became the CNMH in 2011 whose 'purpose is to contribute to the comprehensive reparation and to the right to the truth for the victims of the Colombian armed conflict as well as society in general'⁸⁸ (CNMH, see also Law 1448:2011, Art. 146). The second case is the Study Commission for Working through the History and the Consequences of the SED Dictatorship in Germany which became a permanent institution in 1994 to implement symbolic and restorative measures contributing to 'political-historical analysis' and 'political-moral assessment' (Kritz and Mandela 1995:216). Finally, the third case is the Commission of the Historians of Latvia (1998), which 'became (...) a domestic long-term council of historical research' (Pettai and Pettai 2014:265).

⁸⁸ See the definition of the institution at <http://www.centrodehistoriahistorica.gov.co/en/about-the-national-center-about-the-national-center>

The CNMH in Colombia represents an illustrative example of how becoming a permanent institution may transform HCC in a political mechanism without autonomy. The GMH became a permanent institution in 2011 under the mandate of President Santos. During Santos' mandate the CNMH enjoyed relative research autonomy that allowed it to continue the investigative work along the same methodological, conceptual, and ethical lines initiated by the GMH. However, that changed with the election of the new President Ivan Duque. The Colombian government drastically changed its approach to the CNMH to transform it into a political mechanism that would be in line with the historical discourse of the administration (Charria 2019; Bustamante-Reyes 2019; Suarez 2019; Gonzalo Sanchez 30.08.2018). This resulted in a loss of autonomy, and change in the policies related to the CNMH led to the resignation of part of the CNMH team, including its director Gonzalo Sanchez⁸⁹ (Sanchez 2019).

The second concern refers to the capacity of HCC to produce objective accounts of the past. I would speculate that questioning the capacities of the work of the historians as commissioners is linked to the risk that the historical narratives emerging from the work of HCC increase tensions among confronted groups. Nevertheless, as has been demonstrated throughout the thesis, the historical methods offer a set tools for analysis that, when used accordingly, ensure rigour and accuracy, allowing constant challenging of the vision of the historian against the evidence that is being interrogated.

The concerns about the subjectivity of interpretation are not only related to the work of the historians, but also pointed to the institution of HCC as an official body of inquiry. Along these lines, HCC produce a specific interpretation that is determined and guided through the sponsoring powers. When we speak of the concerns about HCC achieving objective knowledge, we are referring to issues of autonomy of investigation from the sponsoring government. We have seen in Chapter 4, when discussing the process of institutionalisation and, in Chapter 5, when mapping and analysing the different cases of the database, that the influence of the state in the design and organisation of the commissions has direct implications for the methodological strategies and outcomes of their work. Thus, complete independence of interpretation is, at the best of times, difficult to defend. This is not because the application of the historical method is

⁸⁹ See interview to Gonzalo Sanchez (2019) <https://www.elespectador.com/colombia2020/pais/la-memoria-y-la-verdad-se-convirtieron-en-botin-politico-gonzalo-sanchez-articulo-877648>

inadequate, but because there are a large number of elements that may condition the work of HCC – i.e. the social and political context, epistemological norms, the availability and access to research sources, time and financial sources, or pressure from the sponsoring government. Nevertheless, as illustrated by the case study, HCC sometimes have the capacity to challenge the state and stretch the boundaries of the mandate to ensure autonomy of investigation.

For the GMH, the issue of autonomy from the state was crucial to be able to conduct a rigorous investigation into the past because it was one of the actors implicated in the conflict. The GMH's strategy to achieve autonomy lies in two areas: first, in the involvement of external parties to do not rely solely on state's financial resources (Gonzalo Sánchez 30.08.2019); second, in the broad interpretation of the mandate (see Chapter 6, page: 180). The centrality of the victims in the process of investigation – which responded to 'the recovery and construction of historical memory to the symbolic reparation and dignifying to the victims' (Art.8 para.7 law 975-2005 – author's translation), allowed the GMH to challenge the state and hold it accountable for some of the crimes committed during the years of conflict. Although it is true that not all HCC may have the capacity of manoeuvre that GMH had, it is vital to acknowledge the potential mechanisms that these bodies may employ to limit the constraints and interventions from the sponsoring government.

Finally, the third concern relates to the process of dissemination. HCC are institutions that have the capacity to transform public perceptions of the past. However, in order for facilitate this process, it is vital to bridge the academic work with the non-academic audience (Eva-Clarita Pettai 07.02.2019). The emerging historical account needs to be communicated effectively to the public, which means that HCC ought to construct accessible narratives that present the complexities of the past in an intelligible way (see Chapter 5, page: 164). A balancing process needs to be put in place strategically to be able to produce a rigorous investigation that meets the epistemic standards of historical research, but at the same time, is accessible to the public. The GMH developed a strong communication strategy that enhanced the dissemination the findings (see Chapter 6, page: 194). The GMH not only distributed the published reports free of charge, but it also translated its findings into audio-visual resources, TV series and documentaries, conferences and seminars, memory workshops, and magazine articles. Carrying out a

broad dissemination strategy contributes to the transformative capacities of HCC. The communication of the findings allows public debate and dialogue about the past to take place in a critical and reflective way.

In sum, although there are some concerns in relation the uses of the historical method as a clarification tool through the work of HCC, the historical method allows for the interrogation and examination of different evidence to create new historical frames built on integrating narratives that represent various interpretations about the past.

7.3.2.- Historical Narratives and Consensus

The use of historical narratives in (post)conflict or divided societies falls into the understanding that these are constructed to make ‘sense of the past in light of the needs of the present for the sake of aspirations for the future’ (Bevernage 2018: 77). Generally, there is the understanding that consensus over the content of a particular historical account is necessary to move towards a future without conflict. However, as we have seen in Chapter 4, there is an increasing understanding that, in specific contexts, a multi-narrative strategy will contribute to acknowledging and recognising the different perspectives and interpretations about the past. The implications of this approach are thought to be crucial because it allows countering contested narratives through legitimising different interpretations, and in which different perspectives about the past coexist and interact with each other.

The research suggests that, in theory, in the framework of HCC, a multi-narrative approach is adequate when the commissions are established to mediate competing narratives about the past because it legitimises them and presents them equally. Nevertheless, different demands from the context will require different narrative strategies, as well as different levels of consensus. The analysis of the database cases shows that different commissions in different categories (i.e. diplomatic, post-authoritarian regime; post-conflict, or redressing historical injustice commissions) understand consensus differently.

Consensus over Empirical Evidence

The consensus among commissioners relies on the empirical evidence rather than on a particular interpretation of the past and the findings of the investigation are usually presented on a one-directional narrative. In the case of diplomatic commissions, the

process of clarification has the main purpose of highlighting those elements of the past that are shared by both nations to overcome historical misjudgements built on stereotypes. Therefore, the nature of the narrative coming out of the commissions is in itself an effort for consensus over a common past in order to bring nations closer in their political and social relations. In the post-authoritarian commissions, the most common objective is to clarify the past to address collective responsibilities, break myths over misrepresented past events, and assess material economic reparations. In (post)conflict or divided societies, HCC may be established with the main purpose of acting as a fact-finding mechanism⁹⁰, in which case they would also achieve consensus over empirical evidence.

Minimal Consensus over Historical Facts

In contexts in which the intrinsic function of clarification and fact-finding coexists with an integrating function for recognition of different interpretations of the past, the matter of consensus needs careful reflection. The context presents with a setting in which two or more interpretations of the past coexist and should be acknowledged and recognised as equally legitimate (multi-narrative approach). However, in order for members of society to make sense of the past there is a need of a minimal consensus over the historical facts being presented; in which case a multi-narrative approach may be counterproductive in terms of communicating the findings. The integration of different perspectives and interpretations of the past in one historical account may bring into the narrative various historical times, various origins and causes, and, sometimes, different chronological timelines, making it difficult to understand.

The study of the GMH reveals how tensions may rise in relation to the need for consensus. The GMH adopted a multi-narrative strategy that integrated different interpretations about the inquired event according to interviewees when they reflected on the GMH's internal discussions and decision-making processes (Gonzalo Sánchez 30.08.2018; Andrés Suarez 05.09.2018; Maria Emma Wills 05.09.2018). The GMH, in order to overcome the emerging tensions over interpretations about the past, created an overarching theme around the victims to construct a message towards a "shared" future, which condemned the violence in relation to the suffering of the victims. Thus, minimal consensus over

⁹⁰ Dutch Cabinet Srebrenica Inquiry – NIOD in 1996; Independent International Commission on Kosovo in 1999; and French Fact-Finding Mission in 2001. See appendix, page: 249.

historical facts was achieved around the empirical data related to the harm done to civil society. The victims are victims from all sides, all actors, they are not representative of one or other, but only of the terrible consequences of the violence (Gonzalo Sanchez 30.08.2018). In its general report, the GMH represented the different voices of the different actors and the historical analysis of the evidence spoke to a narrative thread that developed around those who had suffered the consequences of the conflict.

“Agree to Disagree”

In some contexts, the simple establishment of commissioners to work on contested history can be considered an achievement, even if they do not reach consensus over the historical facts or the meaning attached to them. There are two examples emerging from the database: the Polish and Russian Group of Difficult Issues (2002) (diplomatic commission), and the Historical Commission on the Conflict and its Victims (2014) (post-conflict commission) in Colombia. In these cases, even if the commissioners did not achieve a minimum consensus, the fact that the commission took place was an important step. This shows how in some occasions, even if the historical narratives of the past seem irreconcilable, the simple fact of agreeing to participate in a history project is an important step toward a process of dialogue.

Different understandings over the kind of consensus required for the work of each specific commission are not linked to a particular narrative strategy. Hypothetically, a historical commission may be established in a social and political context in which interpretative differences about the past are too big to be bridged by a multi-narrative strategy. In this case, the commission may try and achieve consensus over empirical evidence. For example, in a hypothetical case, a commission may decide to take a multi-narrative approach based on a dual/parallel-narrative strategy. This decision is made because there are two or more interpretations that inform a comprehensive historical account of the past. Despite the fact that there may not be consensus among the different narratives, these are represented in the clarification process. In other words, a commission may have achieved consensus on the historical facts only, but the interpretations build around them are too divergent to be mixed on a coherent one-directional narrative and, thus, they take a dual/parallel-narrative strategy.

7.3.3.- Conducting Historical Research in Conflicted Societies

7.3.3.1- Archival sources

HCC mainly work with documentary sources (archival research), that allow the elaboration of comprehensive historical accounts. The process of research entails the revision and (re)evaluation of evidence to uncover previously unknown facts or to challenge existing interpretations that are put under scrutiny. In (post)conflict settings, the resources that are available to the commissions might vary and tend to include: the compilation of individual or institutional submissions, the use of testimonies of victims, perpetrators and witnesses.

Responding to the demands of the historical method of analysis, the sources used by HCC are mainly written sources made available to the work of the commission through access to the archives. This is a common feature in all the cases compiled in the database. Some HCC are established specifically when new evidence is made available due to the opening of archives or when specific issues are made available to the researchers. This was the case of the post-Soviet commissions⁹¹ at the fall of the USSR, which allowed not only the interrogation of the crimes committed under the Soviet regime, but also of those committed under the Nazi occupation. It was also the case in some diplomatic commissions (Slovene-Italian Historical and Cultural Commission in 1993; the Russian-German Historians' Commission in 1997; and the Polish-Russian Group for Difficult Issues in 2002), in which the opening of the archives after the dissolution of the Soviet Union promoted new historical projects to take place.

However, using archival material as the main research resource brings with it questions about the sources and their accessibility. As explored in Chapter 3, and later corroborated with the database analysis in chapter 5, there are different reasons why the commissions may not have access to the archive material. Sometimes the archives might be poorly preserved or their location unknown, as happened in the case of the Study Commission on Jewish Assets (SCJA) (1997) in Belgium, and the Anselmi Commission (1998) in Italy, respectively. Additionally, the archives might also be incomplete, or the documents are not classified appropriately as encountered by the Presidential Advisory Commission on Holocaust Assets, set up in the United States in 1998.

⁹¹ See appendix, page: 244.

The analysis of the database cases shows that there are other cases in which the limited access to documents and specific materials can be the result of direct and purposeful action from the state. It is explained in Chapter 3, how through the establishment of laws and other legal mechanisms, the state has direct control over the accessibility of documents and collections (see Chapter 3 page: 75). In (post)conflict and deeply divided societies, the restrictions that some commissions experience at the time of being granted access to official documents due to national security issues or classified material, are of particular relevance at the time of exploring the strengths and limits of the work of HCC in these settings (e.g. the Historical Clarification Commission in Guatemala (1990) and the Historical Memory Group in Colombia (2007)). This is even more important when the reasons for limiting access to official archives are related to a state's effort to cover up past abuses. Although this is difficult to prove because the limited access is usually justified by referring to security issues, there are cases in which these limitations would suggest an attempt to cover the state's responsibility or cover its direct or indirect participation in past crimes (e.g. the Historical Clarification Commission (1999) in Guatemala, the Historical Memory Group (2007) in Colombia, or the International Catholic-Jewish Historical Commission (1999) in the Vatican).

The work of the commissioners gets even more complicated when HCC operate in contexts in which the previous regime has not been completely dismantled, and therefore the accessibility to documents and other sources related to issues of criminality are still sealed or tightly controlled. Archival resources can be corrupted, damaged, restricted, and/or destroyed (Berber Bevernage 16.02.2019). Additionally, even if access is gained to archives, the majority of criminal actions may not have been recorded for obvious reasons. In the context of internal conflict with non-state actors, the archives are highly imbalanced because, in the majority of cases, rebel groups do not keep detailed and extended documented record of their actions.

The research demonstrates how, in settings where the majority of crimes from all the factions involved in the violence are not documented, oral evidence and testimonies become pivotal to the work of the historians investigating under the mandate of HCC (Eva-Clarita Pettai 07.02.2019). Although these testimonies give access to crucial information that otherwise would not be available, their use as a research resource may raise ethical and validity tensions. These are mainly related to the process of validation

that the testimonies are subjected to when they are part of a process of historical clarification. Subjecting the witnesses and testimonies to validation does not mean that the historian can exercise arbitrary powers over the sources and dismiss or deny testimonies, but rather that witnesses and testimonies will be verified against the rest of the evidence. Although this seems logical at a disciplinary level, it raises ethical concerns. As explained later in this chapter (section 7.3.3.2. page: 226), using testimonies of life experiences as a research resource may become a challenge if these testimonies are treated as any other piece of evidence.

In their classic approach, historical commissions '(...) consist mostly of professional historians, they usually do not engage in storytelling' (Eva-Clarita Pettai 07.02.2019). Looking back to the results of the database, one sees a clear distinction between categories in the role that testimonies of victims and testimonies have in the mandate of HCC. In the diplomatic commissions and western Holocaust commissions, these are not the central pillar in the process of investigation. HCC might take on testimonies, but they seem to play a role in reference, rather than a key element of investigation. There are some cases in the database in which there was an important role of the recovery of testimonies in terms of appointing collective or institutional responsibilities. These are the Baltic Presidential Commissions, and post-communist commissions in Poland and Germany (the International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes in Lithuania (1998); the Commission of the Historians of Latvia (1998); the International Commission for Crimes Against Humanity (1998) in Estonia; the Study Commission for Working through the History and the Consequences of the SED Dictatorship in Germany (1992); and the Study Commission for the Overcoming of the Consequences of the SED Dictatorship in the Process of German Unity (1995).

In the cases included in the (post)conflict category, HCC have access to the testimonies of victims and witnesses that lived through the conflict, complementing the other sources available to the commissioners. In those settings in which the documentary evidence is limited, having access to oral testimonies may become crucial for the investigation. In the Balkan region, the commissions used testimonies in order to verify the evidence found in the documents and to contribute to the process of factual reconstruction (the French Fact-Finding Mission in 2001). In the case of the Historical Clarification Commission (CEH) established in Guatemala in 1999, there is a clear role for the testimonies, witnesses, and

public hearings. The reason for this is because, despite producing a historical report, their initial mandate was designed mirroring that of truth commissions in which the victims take a central role at the time of collecting evidence on the individual consequences of the violence and harm. However, due to the fact that the capacities of the commission to address individual responsibilities were limited by the sponsoring state (Simon 2002; Stappers 2008), the commission moved away from the exposition of factual truth and shifted to a broader national and international context, exploring the causation of the crimes committed during the conflict and taking a historical approach to the inquiry.

7.3.3.2.- Historical Memory: Oral Testimonies

As has been already discussed, there are important implications at the time of using witnesses and testimonies as another investigative resource. To explore this issue in detail, I draw from the analysis of the GMH.

The case of GMH differs from the classical approach of historical commissions because the testimonies of the victims and witnesses occupy a central role in the process of investigation. In this case, the investigation process aimed to collect and integrate 'the stories of the victims in the different reports contributing to the knowledge of the different truths and memories of the violence in the country' (Riaño y Uribe 2017: 13 – author's translation). In other words, oral testimonies conditioned the methodology and approach to the investigation and became key to reconstructing the narratives of memory and historical narratives.

In the context of the GMH, the historical analysis of the past is seen as a vehicle for the understanding of the complexities of a five-decade conflict and its evolution and transformation through different times and regions. In this framework, the investigative team was faced with the challenge of producing a contextualised account of the past that would reconstruct the events through a detailed analysis of all the sources, while shifting its research focus to the victims of the conflict – i.e. also to take into account the subjective experiences that came from witnesses and testimonies. At this crossroads, the GMH framed the research methodology under the concept of historical memory. By taking this approach, the GMH undertook an authoritative investigation in applying the rigorous methods of data collection, validation and triangulation of sources, characteristic of the historical method, and at the same time, it would get closer to the victim's narratives. Historical clarification of the past was therefore seen, at least to some extent,

as a tool for society to make sense of their experiences and give meaning to the past. In turn, the collection of the testimonies brought recognition to life experienced by those who suffered the consequences of the conflict. Thus, historical memory became ‘a hybrid that allow[ed] (...) to make somehow a bridge between the subjective and the objective that is the production of history with historiographical methods’⁹² (Andrei Gómez 04.09.2018).

In the concept of historical memory, both history and memory play a different role. While memory takes a more empathetic approach “to listen” to what a particular reality means for those who are narrating it; history brings the “rationality” through its rigorous approach to the sources, to see what is being narrated about reality. The relation between history and memory moves dramatically between “resource-platform”, in which, on the one hand, history “uses” the memory of the witnesses and testimonies as another source for investigation; and, on the other, memory “uses” history as a platform for communication, recognition and dialogue.

Table 8: GMH’s Approach to Historical-Memory

Historical Memory		
History	↔	Memory
Clarification (historical truth)	(Resource ↔ Platform)	Voice to the victims
Distance		Dignification
Rigour		“Emotional Capacity”
Analytical Capacity		Recognition

(Palli-Aspero 2019, g)

Having a strategy that navigates both history and memory became fundamental for the GMH to preserve the rigour of the investigation and ensure the integration of different voices. The outputs of the GMH, and after that CNMH, are ‘(...) reports of clarification where real academic rigour prevails, but always integrated into the dignifying logic where the voices of the victims or other interveners are an important input. (...) [T]hen the memory as a source or a resource, but also the memory has a dynamic that goes beyond academic history’⁹³ (Paula Ila 06.09.2018). In other words, within the process of

⁹² ‘Un híbrido que nos permite de alguna manera hacer un puente entre lo subjetivo y lo aparentemente objetivo que es la producción de la historia con métodos historiográficos’ (Andrei Gómez 04.09.2018)

⁹³ ‘(...) el tema de la escritura es fundamental. Puede que la víctima tenga una interpretación, o en su testimonio relate algo que tal vez el investigador tenga otras pruebas, pero así lo vivió la víctima.

investigation there are elements of historical clarification that use memory as a source to reflect on the historical fact, but other elements in which the experience of the victims is represented without the mediation of the interpreter.

The concept of historical memory, however, carries in itself many tensions, both at epistemological level, and at a methodological level. By linking the historical and memory different methods of data collections and different criteria of validation are combined. The historical method relies on empirical data and triangulation of sources. Memory deals with narratives that are transmitted orally and does not seek to verify or deny the content of the story, but rather listens to it in order to understand what a specific event meant for the narrator. During the GMH's mandate, the conciliation of both history and memory sometimes was contentious. For example, during the process of investigation, one may encounter falsifying memories that do not coincide with the historical facts, or heroic memories that might distort the facts. The task of the GMH was to contextualise them, exposing all the sources that were made available and navigating the data to produce a comprehensive and nuanced work (María Emma Wills 05.09.2018).

Seeing memory as a resource that complements the work of the historian is contentious for at least two reasons. The "uses" of memory as a source for historical research takes the risk of reducing the experience of the testimony to a narrative that can be validated or dismissed, either when confronted with other evidence or by the epistemology of the historian. This can create a kind of 'epistemic privilege of the professionals over the experience' (Beber Bevernage 16.01.2019) of those whose narratives are being used. There is a kind of 'symbolic violence in the historical method' when it uses oral testimonies as a source in the sense that the historian subordinates the narratives to the historical discourse that is being created⁹⁴ (Andrés Suarez 05.09.2018). This removes the

Entonces utilizamos la escritura para mostrar las distintas voces. Volvemos al tema del rigor y de integrar. Pero también en perspectiva de dignificación. Entonces, tenemos informes de clarificación en donde prima real rigor académico, pero siempre integrado en la lógica de dignificación en donde las voces de las víctimas u otros intervinientes son un insumo importante. (...) entonces la memoria como una fuente o un recurso, pero también la memoria tiene una dinámica que va más allá de histórica académica' (Paula Ila 06.09.2018).

⁹⁴ *'(...) violencia simbólica en el método histórico en este tipo de trabajo, y es que tú le dices: "esta voz me va a funcionar siempre y cuando tu logres sobrevivir a mi filtro de como hago yo conocimiento". Y entonces yo voy quitando y voy poniendo. O incluso de la manera en la que yo produzco un documento histórico o un análisis histórico tu voz queda subordinada a la mía como investigador, esto es insalvable. Entonces nosotros esto lo manejamos así con esa lógica en los informes de esclarecimiento, pero al permitir iniciativas de memoria o al permitir otro tipo de trabajos también decimos: esta es la nuestra*

experiencing subject from its narrative and transforms it into another piece of evidence that builds a wider historical narrative.

In the case of the GMH, the application of historical memory gave opportunity to integrate different perspectives of victims, perpetrators, bystanders and third parties (historical dialogue) into a historical account about the past. It allowed the link of the testimonies' narratives with empirical evidence emerging from documentary sources – archives and others – in order to produce a comprehensive account of the past. Finally, considering that the GMH had limited access to archival documents and information that was not in the records (see Chapter 6, page: 205), having access to the narratives of the testimonies give information that otherwise would have been inaccessible

7.4.- The Role of Historical Clarification Commissions: Symbolic Attributions

Making the past accessible through public knowledge about the crimes is seen as imperative to challenge those representations of the past that serve to legitimise unlawful, criminal and immoral actions. As Verdeja (2009) points out, '[a]n accurate rendering of the past can help mitigate these phenomena, first by undermining the self-serving justificatory narratives of perpetrators — and in the process holding them publicly accountable, even if only symbolically— and second, by offering extended recognition to victims and survivors' (2009:33). The analysis of the database cases shows how HCC is seen to have the capacity to deliver symbolic reparations⁹⁵ (see Hamber 2006; Brown 2013). However, to what extent does this take place in practice?

The symbolic or perceived attributions are difficult to quantify or qualify because they are built on generalisations that sometimes fail to reflect on real-life, contextual complexities. Moreover, the reception and perceived symbolic impact attributed to historical clarification commissions may vary with the transformation of the social and political context in which they operate. This section briefly explores the symbolic attributions to the work of HCC drawing from the analysis of the database, and the experience of GMH-

como investigadores, pero también hay otras formas de conocimiento, otras formas de narrarse, que es esta' (Andrés Suarez 05.09.2018).

⁹⁵ The concept of reparations generally 'entails, amongst others, acts of restoring what has been lost, giving something to a victim equivalent to a loss, or making amends for what has been done whether symbolic or material, and may even entail specific gestures such as an apology', in an effort 'to redress or compensate harm' (Hamber 2006: 562).

CNMH⁹⁶. These can be grouped in two overarching concepts as a form of symbolic reparation: acknowledgement and dialogue.

7.4.1- Acknowledgement as Symbolic Reparations

Acknowledging past wrongs is thought to enable societies to address issues that foster division and perpetuate conflict, and it is often expected to bring with it a sense of recognition for these groups, communities or nations that were wronged in the past. The 'principle of acknowledgment demands the explicit recognition of asymmetric and unbalanced power relations' (Bashir 2012: 138). In this framework, and in the context of HCC, the efforts of acknowledgment have to be aimed at 'building interpretations of the past that both parties to a conflict can *share*, and in which there is a space to negotiate identities and mediate national histories' (Maddison 2011: 67; emphasis in the original). Looking back into the past in an effort to acknowledge past wrongs is in itself an act of self-reflection and 'self-examination' (Barkan 2003: 92). From this point of view, acknowledgement becomes a form of symbolic reparations in which the process expresses 'an admission of guilt, benevolence, care for citizens by society, and/or a willingness to pay back what has been lost' (Hamber 2006: 566) on behalf of those who are making the acknowledgement.

Through the process of acknowledgement there is an intention to (re)build mutual recognition among different groups, and between civil society and the state. The attributed function of delivering acknowledgment is present in all HCC across the different categories of the database. The analysis of the commissions' mandates demonstrates how it is widely expected that the work of HCC contributes to bringing acknowledgement and recognition of immoral actions and grave violations that had been committed in the past.

Considering that HCCs' working parameters (area of study, methodology, and narrative strategies) are determined by a political mandate given by the sponsoring state, the capacities to contribute to acknowledgement may be questioned. Therefore, the state

⁹⁶ Although the research project focusses on the work of the GMH, this body became a permanent institution in 2011 by mandate of the Victims Law (2011) under the name of the National Centre for Historical Memory (CNMH for its initials in Spanish). As a consequence of this, the social and political perception of the institution also changed throughout the years. In this section I refer to GMH-CNMH as one, taking into account its 14 years of work. At the times in which a specific measure or outcome is only attributed to the GMH or the CNMH, I will name them separately.

determines (or conditions) what the commission is acknowledging, and to what extent the contribution to acknowledgement takes place. An example of this is the Lessons Learnt and Reconciliation Commission (LLRC) established in Sri Lanka in 2010. The commission was established to explore the ‘historical, social and political factors that point to the causes of ethnic and citizen grievances’ that led to the failure of the ceasefire agreement in 2002 (LLRC 2011:2). However, throughout the process of investigation it focused only on addressing ‘the wider notion of political responsibility (...)’, failing ‘to examine the root causes of the decades-long ethnic conflict’ nor ‘conclude a genuine truth-seeking about what happened in the final stages of the armed conflict’ (UN 2011: v).

Recognising its capacities to address the legacies of the past, the work of HCC is seen as an intention to redress them in the present, and an effort to promote the dignity of different groups and communities within society. These may materialise in a variety of forms, such as official apologies⁹⁷, commemorations and memorials (see Brown 2013), exhibitions, or public statements of state officials, which may emerge from the work of HCC.

Drawing from the GMH-CNMH study, there are some examples of symbolic reparations. First, there is the official state’s acknowledgement of its responsibilities that came from the President Juan Manuel Santos after receiving the GMH-CNMH general report (see Chapter 6, page: 205). Second, is the creation of a museum. Once the GMH became a permanent institution in 2011, the CNMH, the Law of Victims and Land Restitution 1448 (Art. 148⁹⁸) gave to it the function to design and build ‘a museum of memory that makes visible and promotes the memories, stories and faces that violence has taken in Colombia as a measure of symbolic reparation’⁹⁹ (CNMH, Colombian Memory Museum – author’s translation). Finally, the third refers to the reconstruction of historical memory as

⁹⁷ There are some examples of the state’s apologies emerging from the database: the apology from the Polish government in 2016, after the report of the Polish-Ukrainian Forum of Historians – UPFH. (see <http://euromaidanpress.com/2016/06/06/ukrainians-ask-poles-to-establish-mutual-day-of-remembrance-for-volyn-tragedy-victims/>). There is also the apology given by Prime Minister Kevin Rudd in 2008 to ‘the stolen generation’ after the work of the Human Rights and Equal Opportunity Commission (HREOC) (see <https://www.nma.gov.au/defining-moments/resources/national-apology>).

⁹⁸ See the Victims and Land Restitution Law 1448: 2011 http://www.centrodememoriahistorica.gov.co/descargas/ley_victimias/ley_victimias_completa_web.pdf

⁹⁹ See CNMH – Museo de Memoria de Colombia at <http://museodememoria.gov.co/>.

‘symbolic reparation of the nation’ (Art.8 para.7 Law 975-2005). In cases in which oral or written testimonies are included in a broader historical narrative, ‘(...) the orality is, [on the one hand], turned into a source and treated as such for historical clarification, but on the other you have the orality that dignifies and allows you to hear other voices that may have other ways of narrating, with other emphases, with other types of claims’¹⁰⁰ (Andrés Suárez 05.09.2018). Nevertheless, the participation of victims, and other testimonies, in a clarification process might not always bring recognition as symbolic attribution.

For example, in some cases, the victims who come forward to talk about their experiences may not find acknowledgment or recognition of their suffering by participating in a process of clarification in which different testimonies interact with one another (i.e. victims, perpetrators, bystanders, and third parties), and cross-examined against other pieces of evidence. Moreover, those who come forward to tell their testimony may ‘(...) not want their experience to be recognised as a perspective’ within a wider historical account (Beber Bevernage 16.01.2019), but rather to be acknowledged for their pain and suffering to be recognised for what it represents to them, or as a historical fact in the narrative of the events.

As demonstrated, there are different elements through which HCC may contribute to acknowledgement of past wrongs, namely, clarification and factual reconstruction, integrating narratives, recommendations to create museums, memorials and other forms of commemorations, and through public debate. However, it is important to recognise that the reception of the work of historical commissions and their contribution to acknowledgement will vary in relation to the perceived autonomy and rigour of their process of investigation, and the dissemination of the findings.

7.4.2.- Historical Dialogue through Historical Clarification Commissions

Historical dialogue, as explored in Chapter 4, uses historical narratives to come to terms with the past. These can be collaborative historical narratives used to foster public debate about contentious events, they can be used to counter or challenge previous historical accounts, and/or they can ascribe responsibilities for past wrongdoing. Following these guidelines, the work of HCC is seen to contribute directly to historical dialogue in its

¹⁰⁰ ‘(...) la oralidad convertida en fuente y tartada como fuente para el esclarecimiento histórico, pero por otro lado tienes la oralidad que dignifica y que permite escuchar otras voces – con otras formas de narrar, con otros énfasis, con otro tipo de reclamos’ (Andrés Suárez 05.09.2018).

capacities to challenge existing accounts, demythologise and counter narratives that have been constructed over misrepresented or ill-informed historical facts (e.g. the Switzerland's Independent Commission of Experts (ICE) (1996), the Mattéoli Commission (1997) in France, Anselmi Commission (1998) in Italy, the International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes (1998) in Lithuania, among others). When HCC operate in contexts in which contested memories continue to perpetuate social division, the role of historical narratives is to address contentious issues to promote acknowledgement, recognition, and the identification of responsibilities for past wrongs.

The data emerging from the analysis of the database cases suggests that HCC may contribute to historical dialogue in different ways depending on the contexts in which they operate and the functions that have been assigned by the mandate, i.e. by the sponsoring state (see Chapter 4, page: 113). All these nuances are established by the mandate in the process institutionalisation of a historical commission, which reflect on the expectations that political and social actors imprint on them. Therefore, to assess the symbolic attributions of HCC to historical dialogue is crucial to take into consideration the context in which the commissions are being set up. Thus, historical clarification may entail, fact-finding about a specific issue; to set the records straight through validation of historical facts; to clarify the origins, causes and structural patterns that allowed a conflict to break out; or the compilation of narratives about the past representing different perspectives; among others.

The contribution of HCC to historical dialogue, may take a form of clarification of the past through factual reconstruction (e.g. the French Fact-Finding Mission (2001), or the Independent International Commission on Kosovo (1999). It may take place in resolving or mediating competing narratives, or in challenging narratives based on misrepresented historical events (e.g. the Slovene-Italian Historical and Cultural Commission (1993), the Polish-Russian Group for Difficult Issues (2002), the Historical Truth Commission and New Treaty (2001) in Chile, or the Indian Residential Schools Commission (2007) in Canada). HCC may contribute to historical dialogue fostering a shift from accusatory accounts to more explanatory ones that will open new opportunities for communication, or actually enabling a physical space for dialogue that allows for conversation and understanding among confronted groups.

In his work, Barkan (2015b) states that historical dialogue takes place explicitly when two or more sides join historical writing, which implies that historical dialogue will take place in those contexts in which different sides hold different interpretations of the past. The Slovene-Italian Historical and Cultural Commission (1993), and the Polish-Russian Group for Difficult Issues (2002) included in the Diplomatic Commissions' category in the database are good examples. However, as the research demonstrates, this is not the only scenario in which historical dialogue takes place, nor is a joint report the only vehicle to achieve it. For a historical commission to contribute to historical dialogue, it does not necessarily need to take place through the production of a final product that addresses the issues stated above (Eva-Clarita Pettai 07.02.2019). In some cases, the historical commissions do not compile their findings in a joint report (e.g. Polish-Russian Group for Difficult Issues (2002), or the commissioners do not work together in a process of discussion (e.g. the Slovene-Italian Historical and Cultural Commission (1993), the Historical Commission on the Conflict and its Victims (2014) in Colombia, or the International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes (1998) in Lithuania). I argue that these can still be considered to contribute to historical dialogue because it represents a state's effort to reflect about the past demonstrating a will to, at least, start a conversation about the contentious issues that keep society divided or in conflict.

The analysis of GMH illustrates a way in which historical dialogue took place in different areas. First, there is the element of historical dialogue as clarification of the past. This consisted on a process of factual reconstruction through the interrogation of emblematic cases that would validate existing knowledge, bring to light unknown facts, and challenge those accounts that were based on historically inaccurate events. Second, there is the element of historical dialogue through integrating narratives. Responding to the mandate of reconstructing historical memory of the conflict, the GMH collected testimonies of victims, perpetrators, bystanders, and third parties to create a comprehensive account of the past that would acknowledge past wrongs, recognise the suffering of the victims, and ascribe responsibilities – i.e. to the state, state forces, guerrilla, and paramilitaries. The GMH-CNMH adopted a multi-narrative approach through a mixed-narrative strategy by which the different accounts of the past interact with each other throughout the narrative of the general report. In each of the emblematic cases (see Chapter 6, page: 189) the process of historical clarification through factual reconstruction, the memory of the

victims, and witnesses interact with each other to build a comprehensive account that reflects the different interpretations of the events as well as presenting a rigorous reconstruction of the historical facts¹⁰¹. Additionally, dialogue took place in its more direct form through an effort to generate social processes (Paula Ila 06.09.2018; Andrés Suarez 05.09.2018; Gonzalo Sánchez 30.09.2018). These were fostered through practical actions such as memory workshops, regional groups, and research groups. Through the publication of the results of the investigation, the GMH-CNMH brought specific debates to the public domain, generating spaces for informed dialogue among individuals and communities.

As the evidence demonstrates, there are various channels through which historical dialogue operates, namely, through clarification and fact finding, challenging longstanding misconceptions about historical events, addressing responsibility, fostering acknowledgment, contributing to recognition of different interpretations about the past, and encouraging public debate. Recognising the impact that the political and social context exercises over the design of HCC mandates and their operation, these contributions to historical dialogue will take place at a higher or lower degree depending on the prioritisation of particular functions over others.

7.5.- Concluding Remarks

This research project set out to provide an in-depth understanding of historical clarification commissions (HCC) operating as state-sponsored bodies of inquiry. By narrowing the research focus to the work of HCC in deeply divided societies, the study reflects on the methodological and organisational adaptations that HCC may experience when operating in these specific contexts. Nevertheless, the implications of the research are not only limited to conflicted societies. The study has not intended to present HCC as a better fit than existing bodies of inquiry. Along these lines, it is important to keep in mind that, especially when comparing HCC with other bodies of inquiry, for example, truth commissions, the lines that separate both are very thin, and their working methodologies and organisational strategies sometimes overlap.

¹⁰¹ For an example, see the report on the massacre of *El Salado* (English translation not available). http://www.centrodehistoria.gov.co/informes/publicaciones-por-ano/2009/download/20_7376f96f1eebc512f026db94e46212db

The compilation of the database represents a significant contribution to expanding the knowledge on historical commissions, and how these bodies of inquiry operate in different contexts – which, up to date, remained an under researched field. Along these lines, the analysis of the cases has three major outcomes. First, it presents with a comprehensive analysis about the methodological strategies that HCC employ in different contexts. The approach that HCC take to the process of investigation is closely linked to the functions and objectives ascribed to the commissions. A major finding is the identification of hybrid methodologies that use both archival material and oral testimonies as research resource. Second, the database reflects on the influence that the social and political contexts exercise over the organisation and operation of HCC. At institutional level, the commissions are conditioned by the enabling and limiting capacities of the sponsoring state which regulate the area of investigation, and the methods of inquiry (archival research or hybrid methods). Additionally, the context which HCC determines narrative strategy in which the findings are communicated. Third, the compilation of the database broadens HCCs' definition expanding its classic approach to the inquiry of past events to include a wider range of cases that operate in conflicted and deeply divided societies.

The originality of the doctoral research lies in the comprehensive mapping of historical commissions' experiences, which allowed me to explore HCC potential in contexts where usually they would not operate – i.e. in conflicted societies, in which the commissions operate relatively close in time to the inquired events. The reformulation of HCCs' definition to a more flexible one allowed me to include and analyse the methodological hybrid commissions. This has significant implications for this area of study because it further expands the existing knowledge about HCC organisational and methodological capacities in different contexts. Furthermore, the explicit connection between HCC and historical dialogue set a robust theoretical framework and methodological approach for the work of future commissions.

Although the creation of the HCC database represents a key expansion in the area of the study by mapping all experiences in a comprehensive archive, further research would be essential to keep widening its content. This study focused on those commissions that were established to aid social and political disputes. Some areas of interest for future research would be: (1) the inclusion of state-sponsored historical commissions that have

been established for other purposes¹⁰² (i.e. educational, history textbooks, museums), and (2) to broaden the timeframe to include cases before 1990¹⁰³. Additionally, further development could consider the inclusion of cases in which historical clarification has taken place “unofficially” (i.e. that has not been established by the state). There are numerous examples of initiatives in which scholars, civil society or private organisations have organised historical investigations into contested past events in order to foster clarification, dialogue, recognition and acknowledgement for the past wrongs. Some examples of these are Ukraine Common Ground (Ukraine – Poland) (1990), the Expert Work Group (Balkan Region) (2010), the Scholars Initiative (Balkan Region) (early 2000), or the Greensboro TRC (USA) (2004-2006). Comparing such initiatives to HCC would be a useful area of future research.

The study has mainly focused on the commission’s organisational elements and operational strategy primarily through the examination of the foundation decrees and the mandates. However, the emerging historical narratives are a key element in understanding on the one hand, the construction of new historical frames in conflicted societies, and on the other, the extent of the state’s influences in the process of crafting historical knowledge. Therefore, further research would be required to analyse the content of the emerging historical narratives to identify how the conditioning elements of the context of the establishment are imprinted in the outcomes. This should focus on narrative strategies (the emerging historical accounts), discourse analysis (the selection of specific vocabulary), the commission’s reach (to whom are the findings directed), and the reception of the emerging narratives (policy reform, textbooks and school curricula, or books, movies, and TV series, among many others).

State-Sponsored Bodies of Inquiry

The research has addressed some key issues in the understanding of the work of HCC. The role of the state in sponsoring commissioned history, and the influence that the context exercises over the organisational and operational strategies. Based on the findings, the thesis concludes that, throughout the process of institutionalisation, the

¹⁰² Some examples of these are the German textbook commissions with Czech-Slovakia (1990), with the Czech Republic (2002), with Poland (1972), and with Israel (2011-2015).

¹⁰³ This would include cases such as the Holodomor Commission – the International Commission of inquiry into the 1932-33 famine in Ukraine (1988), or the Commission on Wartime Relocation and Internment of Civilians (CWRIC) (1980).

sponsoring state imprints the conditioning elements of the social and political context onto the commissions. The prioritisation of specific functions and objectives over others have a direct impact on the areas of interrogation, sources, methods of research, and narrative strategies. Therefore, the capacities of HCC vary substantially in relation to the context in which these have been established. I have argued that, although this process enables significant opportunities for historical clarification, recognition and acknowledgement, it also presents importantly limitations that come not only from the process of investigation itself but most crucially from the direct control and interference of the sponsoring state. Through an analysis of the implications that the process of institutionalisation has on the historical clarification project, the study has determined the channels of intervention through which the state exercises control over the commissions. The research, therefore, identifies the pitfalls derived from the instrumentalisation of HCC at the hands of governments, political parties and other groups, highlighting how such instrumentalisation can reinforce (new) accusatory narratives or privilege the inquiry of particular events for a strategic political end.

Transformative Capacities

The research suggests that HCCs' transformative dimensions have two aspects. First, through a process of critical reflection about the past through integrating narratives. This reflects on the increasing tendency to acknowledge the potential of recognising different interpretations about the past for establishing new narrational frames. Second, there is HCCs' capacity to counter contested narratives through the creation of new historical frames that contribute to a shift away from accusatory accounts to focus on explanatory ones based on accurate and contextualised historical facts. Through the creation of new historical frames, HCC have the capacity to counter contested narratives directly contributing to a change in the public's perception of the past.

The results of the analysis of the database cases show how HCCs' transformative capacities are not connected to a particular narrative strategy. HCC respond to their transformative function through different channels, namely, challenging narratives that are built on historically inaccurate accounts. This can take place through a process of acknowledgement and recognition; and, more directly, through fostering public debate about contentious events. As has been demonstrated, HCC will adopt different narrative strategies to fulfil these mandates, therefore, the transformative capacities are not linked

to one particular narrative strategy, but rather to the adequate completion of their mandate.

The research has established that, although the theoretical approach to historical dialogue advocates for the positive role of an integrating narrative strategy to mediate contested and accusatory accounts of the past, in practice this may represent some challenges. In the transitional justice paradigm, the use of a multi-narrative approach to communicate the findings should be addressed with caution. The narratives emerging from the work of the commissions are generally seen as contributing to moving forward to a common future. In this scenario, the commissions' narrative needs to present the findings in a clear historical account with defined responsibilities and historical timeframes. Thus, a minimal consensus over certain historical facts is necessary, and the emerging historical narratives should have some basic data and a narrative that everyone can somehow recognise. This is not to say that this process of achieving a minimal consensus is not challenging, but rigorous analysis of the evidence through the process of historical clarification can help to advance an agreement over some basic historical facts.

Methodological Advances

Whilst HCC across different categories may use oral and written testimonies in their investigations, these play a secondary role in the research, which generally gives priority to archival research. However, the research has shown that when HCC operate in conflicted societies the collection of testimonies is often used by some commissions as a primary research resource side-by-side with archival research, thus adopting a hybrid methodological approach – that is, combining archival research with recovery of forensic truth. These methodological advances are key in the further development of the theoretical understanding of HCC, and explore their operative capacities in different contexts.

When HCC operate relatively close to the inquiries events means that they may have access to testimonies as a research resource. This may take place in those contexts in which HCC (or government) prioritises the social function of fostering acknowledgement and recognition. In these cases, the commission is seen as a platform to give voice to those who might have been disfranchised before or whose narratives about the past had been previously discredited. Finally, the use of oral or written testimonies may be applied

to get access to information otherwise inaccessible in contexts in which access to archives is limited or there are no records of the past wrongs.

Drawing from the analysis of the GMH, the research suggests the use of the twofold historical memory. That is, history and memory relate to each other in a dynamic “resource-platform” movement, in which history “uses” the collection of the witnesses and testimonies as any other source for investigation and, at the same time, the historical research becomes a platform for acknowledgement, recognition and dialogue. Nevertheless, it is important to recognise that HCC uses the testimony of a life experience as a research resource. This means that these testimonies are subject to the process of cross-examination, which may question or invalidate them, potentially generating tensions at an ethical level.

The findings of the study demonstrate that the use of testimonies is not mandatory or unique to this particular category (i.e. commissions operating in conflicted societies). This methodological approach will be determined by the mandate of the commission in relation to the demands and needs of the context. Moreover, these advances on methods are not limited to a specific narrative strategy. Thus, the oral and written testimonies may be compiled in a one-directional narrative that will present the facts as clearly as possible, or using a multi-narrative approach (either dual/parallel or mixed) that will present the different perspectives of the past coexisting or interacting throughout the historical account.

The research has demonstrated how HCC can operate in various settings responding to different needs and demands from both the social and the political context. HCC have a clear potential in contexts in which the historical component is generating or perpetuating division among communities. Thus, their work is relevant in contexts in which the historical facts are unknown, denied, or misrepresented. The work of HCC is also significant in those contexts, in which contested narratives about the past unfold in an antagonistic manner. Finally, those scenarios with contested legacies about the past may also benefit from the work of the commissions. However, it is important to recognise that not all contested legacies are a result of historical misconceptions or myths, and, therefore, cannot be mediated through a process of historical clarification.

The research suggests that in order to maximise the potential of HCC, the process of investigation needs to balance rigorous historical inquiry into the past with a strong communication strategy. The former refers to the epistemic standards of historical research which set up the working parameters of the commission – i.e. what is considered valuable knowledge and which research methods will be employed. The latter refers to the narrative strategy that the commissions use to communicate their findings to the broader society in order to make the past accessible to the public, foster public debate and critical reflection.

In the final instance, this research has significantly advanced the understanding of historical clarification commissions, highlighting the prospective uses of the historical method in conflicted and deeply divided societies. The data shows how, through different methodological approaches and narrative strategies, historical clarification commissions have significant transformative capacities through the creation of historical frames that have the potential to counter contested narratives and to foster critical reflection on the past.

APPENDICES

Appendix 1: List of Participants

Name	Date	Location
Adriana Correa	13.09.2018	Centro Nacional de Memoria Histórica Bogotá – Colombia
Alejandro Castillejo-Cuellar	03.09.2018	Universidad de los Andes Bogotá – Colombia
Alexander Karn	20.01.2019	Colgate University (USA) Skype Interview
Andrei Gómez-Suárez	04.09.2018	Rodemos el Dialogo (ReD) Bogotá - Colombia
Andrés Suárez	05.09.2018	Centro Nacional de Memoria Histórica Bogotá – Colombia
Arthur Aughey	08.05.2018	Ulster University Belfast. Northern Ireland - UK
Berber Bevernage	16.01.2019	Ghent University (Belgium) Skype Interview
Cillian McGrattan	03.06.2018	Ulster University Belfast. Northern Ireland - UK
(Corporación Región) Marta Inés Villa Ana María Jaramillo	24.09.2018	Corporación Región Medellín - Colombia
Dominic Bryan	14.06.2018	Queen's University Belfast Belfast. Northern Ireland - UK
Eduardo Pizarro-Leongómez	07.09.2018	Bogotá – Colombia
Elizabeth Jelin	29.10.2018	Buenos Aires Argentina
Eva-Claritta Pettai	07.02.2019	Jena University (Germany) Skype Interview
Gonzalo Sánchez	30.08.2018	Centro Nacional de Memoria Histórica Bogotá – Colombia
Iván Orozco	06.09.2018	Universidad de los Andes Bogotá – Colombia
Jefferson Jaramillo	10.09.2018	Universidad Javeriana Bogotá - Colombia
Jorge Giraldo	25.09.2018	Universidad EAFIT Medellín - Colombia
Kate Turner	20.06.2018	Healing Through Remebering Belfast. Northern Ireland - UK
Marda Zuluaga Aristizábal	29.10.2018	Buenos Aires Argentina
María Emma Wills	05.09.2018	Centro Nacional de Memoria Histórica Bogotá – Colombia
María Victoria Uribe	04.09.2018	Bogotá – Colombia
Museo Casa de la Memoria	25.09.2018	Museo Casa de la Memoria

(María Cruz and Eddie)		Medellín - Colombia
Paula Ila	06.09.2018	Centro Nacional de Memoria Histórica Bogotá – Colombia
Sandra Liliana Luna Delgado	19.09.2018	Ruta Pacífico office Bogotá - Colombia
Salud Hernández-Mora	18.09.2019	Bogotá - Colombia
Victor Manuel Moncayo Cruz	11.09.2018	Bogotá - Colombia

HISTORICAL CLARIFICATION COMMISSION DATABASE

DIPLOMATIC COMMISSIONS

Name	Year	Establishment	Purpose	Function	Area of interrogation & Methods	Research Limitations	Outcome & Impact
Slovenian-Italian Historical and Cultural Commission	1993 - 2000	-Parliamentary -Bilateral -Established as Historical Commission	-To explore a shared past -Positive elements to foster better relations -Overcome historical misjudgement created by stereotypes and myths	-Political -Academic	-Archival Research -Historical period from 1880 to 1956 -Historical developments along the western border	-Limited in scope -Reach minimal consensus before starting the research	-Final report -Improved bilateral relations -Seminars and conferences -Application of the finding in textbooks
Russian-German Historians' Commission	1997 - ongoing	-Parliamentary -Bilateral	-Gain access to previously inaccessible information -Support a comprehensive scientific study of the Russian /Soviet-German relations	-Political -Academic	-Second World War -The story of dissident movements -The division of Germany		-Permanent body of enquiry -Improved bilateral relations -Seminars and conferences -Application of the finding in textbooks
Polish-Russian Group for Difficult Issues	2002 -	-Parliamentary -Bilateral	-To deal with the history of bilateral relations -Difficult issues to foster better understanding -Break myths and stereotypes	-Political -Academic	-Period Analysed: 1918-2018		-Produced small reports after each meeting – compiled in a book -Improved bilateral relations -Seminars and conferences -Application of the finding in textbooks

Japan-ROK Joint History Research Committee	2002 -	-Parliamentary -Bilateral	-To explore a shared past -Mutual understanding concerning accurate facts -Recognition of history -To contribute to mutual understanding among people	-Political	-Examination of the theory of the theory of pseudonyms in Korea -Examination of the history of the study of relations between Korea and Japan -Study on the theory of the Japanese imperial Japan invasion in Korea -Examination of the historical background of the study of Japanese imperialism in Japan -Examination of the historical background of the history of Japan -Examination of Historical Perspective on the Inverse Study of Tenkoken in Japan -Examination of the history of the study of the Korean War		-Final report -Seminars and conferences
Japan-China Collaborative Research	2005 - 2008	-Parliamentary -Bilateral	-To explore a shared past -To promote mutual understanding -Objective awareness of history	-Political -Academic - Reconciliatory	-The history of the political documents -The history of exchanges more than two thousand years during -Collaborate on the history of Japan-China relations after the war for 60 years -Japan-China Peace and Friendship Treaty 2008		-Final report -Seminars and conferences

Liechtenstein-Czech historian's commission	2010 - 2013	-Parliamentary -Bilateral	-To explore a shared past -Overcome Historical misjudgement created by stereotypes and myths	-Political -Academic	-Archival Research -Historical overview -Land ownership history -Places of remembrance -Jurisprudential, art and cultural historical consideration		-Final report -Improved bilateral relations -Seminars and conferences -Application of the finding in textbooks
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HISTORICAL CLARIFICATION COMMISSION DATABASE

POST-AUTHORITARIAN COMMISSIONS: POST-NAZISM COMMISSIONS

Name	Year	Establishment	Purpose	Function	Area of interrogation & Methods	Research Limitations	Outcome & Impact
Switzerland's Independent Commission of Experts	1996 - 2001	-Parliamentary Act, Federal Decree -National -Domestic Pressure -Responding to a scandal involving dormant Swiss bank accounts -International composition	-Determine the volume and fate of assets moved before, during, and after WWII -Break myths of neutrality & cooperation -to obtain the historical truth -to shed light to previously unknown information	-Research -Myth breaking	-Archival research -Division in thematic teams -Historical and Legal perspective -World War II and Post-war -Swiss economic involvement with the Nazi regime	-	-Report -Moral responsibility -Enrichment of international scholarly -Contribution to research & Scholarly
Mattéoli Commission (France)	1997 - 2000	-Presidential Decree -National -Responding to international Pressure	-Break myths of neutrality & cooperation (Vichy regime) -to establish the truth concerning spoliations	-Material restitution of victims -Moral -Historical -Pedagogical -Myth breaking	-Archival research -Creation of databases -'Internment and spoliation; aryanization of Jewish business; spoliation of apartments and other real estate; looting of artworks an appropriation of cultural assets; blocking and confiscation of financial accounts; immaterial spoliation; restitution programs undertaken by the government following France's liberation' ¹⁰⁴	-	-Report -Policy reform -Moral responsibility

¹⁰⁴ (Karn 2015:34)

Study Commission on Jewish Assets (Belgium)	1997 - 2001	-Governmental decision -National -International Pressure	-To define an indemnification procedure for the Belgian Jewish Community's assets -To investigate the indemnification claims	-Research -Material restitution of victims -Policy reform	-Archival research (public authorities, financial institutions, insurance companies) -Individual written submissions -Analysis of the anti-Jewish measures and practices during the war period -Post-war restitution policy -Description of the estimated total extent of the despoliation within the most important sectors examined by the inquiry	-Bad conservation of archives -Misplaced or destruction of documentation	-Report -Recommendations -Policy reform -Victim restitution -Restoration
Commission of Enquiry into the Activities of Nazism in Argentina	1997 - 1999	-Executive Decree -National -Responding to international Pressure	-To determine the number of war criminals given refuge in Argentina -To determinate which assets were brought here after being stolen from the victims of the Nazis	-Material restitution of victims -Fact-Finding & Clarification -Academic	-Archival research -Division in thematic teams ¹⁰⁵ -Identification of Nazi and collaborationists war criminals that planed roots in Argentina, and its impact in culture, government and society -Verification whether victim assets looted by Nazis and their associates reached Argentina -Assessment of the performances of argentine diplomatic and consular official's <i>vis-s-vis</i> the victims of "Third Reich" policies and those likeminded regimes	-	-Report -Moral responsibility -Contribution to research & Scholarly

¹⁰⁵ (Rathkolb 2004:187-8)

Anselmi Commission (Italy)	1998 - 2000	-Parliamentary Act -National -Responding to international Pressure -Responding to historiographic trends	-Break myths of neutrality & cooperation -Investigation of spoliation & Restitution of material goods	-Material restitution of victims -Policy reform	-Archival research -Creation of databases -Emphasis on the crimes against property -Official spoliation policy of the period -Restitution programs -Compilation of facts -Analysis of legal norms and regulations	-Destruction or misplacement of documents -Narrow mandate -No possibility to make recommendations -Lack of interpretation	-Report
Austria Historical Commission	1998 - 2002	-Parliamentary Act -International composition -Responding to international and domestic pressure -Responding to historiographic trends	-Break myths of neutrality & cooperation -Investigation of spoliation & Restitution of material goods -Change the national historical understanding	-Material restitution of victims -Policy reform	-Archival research -Division in thematic teams -Creation of databases		-Report -Policy reform -Reparations to the victims
Poland's National Institute of Remembrance	1998 - ongoing	-Parliamentary Act -National	-Responsibility for crimes committed during Nazi occupation -New evidence after the Communist State Security Bodies dissolved in 1990	-Fact-Finding & Clarification -Legal competences (vetting procedures)	-Archival research -Use of witnesses & Public inquiries -Explore crimes against the Polish both from Nazi and Soviet occupation -The actions of the state security authorities	-	-Report -Legal prosecutions -Permanent institution
Presidential Advisory Commission on Holocaust Assets (USA)	1998 - 2000	-Presidential Decree -National -Responding to international Pressure	-Investigation of spoliation & Restitution of material goods -Develop a historical record of the collection	-Material restitution of victims -Research	-Archival research -Hearing on art and cultural property -How assets acquired by the Nazis from Holocaust victims throughout	-Incomplete national archives -Limited access to foreign archives	-Report -Recommendations -Policy reform -Moral responsibility

			and disposition of the assets of Holocaust victims -Review previous research		Europe came into the control of agencies of the U.S. government		-Contribution to research & Scholarly
International Catholic-Jewish Historical Commission	1999 - 2001	-Bilateral -Responding to international Pressure -Responding to the polemics surrounding Pius XII's reputation and the role of the Vatican during the Holocaust	-Responsibility for crimes committed during Nazi occupation -Evaluate the <i>Actes et Documents du Saint Siège relatifs à la Seconde Guerre Mondiale</i>	-Fact-Finding & Clarification -Research	-Archival research	-Denied access to the majority of the Vatican archives	Suspended
International Commission on the Holocaust in Romania (ICHR)	2003 - 2004	-Presidential Decree -National	-Responsibility for crimes committed during Nazi occupation -To research the facts and determine the truth about the Holocaust in Romania	-Democratisation -Fact-finding	-Archival research -WW-II and previous events	-	-Recommendations -Public debate -Findings included in school curricula
Prosecution and deportation of the Jews in Belgium	2004 - 2006	-Parliamentary Act -National -Responding to international Pressure	-Investigation of spoliation & Restitution of material goods -To verify the possible involvement of the Belgian authorities in the persecution and	-Research -Material restitution of victims -Policy reform -Myth breaking	-Archival research -Division in thematic teams (1940-1944) -Arrests of May 1940 -The attitude of the judiciary, the - Ministries of Justice and the	-Destruction or misplacement of documents -Time limitations	-Report -Moral responsibility -Contribution to research & Scholarly -Bring knowledge to society

			deportation of Jewish population during the Nazi occupation		Interior and the police to the German measures -Belgian authorities abroad. -The post-war period		
Polish and Ukrainian Forum of Historians	2015 - ongoing	-Parliamentary Act -Bilateral	-Responsibility for crimes committed during Nazi occupation -to learn about the causes, course and consequences of the tragedy of residents Volyn	-Fact-Finding & Clarification	-Archival research -Use of witnesses & Public inquiries		-Report - State apology & Official acknowledgment

HISTORICAL CLARIFICATION COMMISSION DATABASE

POST-AUTHORITARIAN COMMISSIONS: POST-SOVIET COMMISSIONS

Name	Year	Establishment	Purpose	Function	Area of interrogation & Methods	Research Limitations	Outcome & Impact
State Commission for the Examination of Repressive Policies Carried Out During the Occupations (Estonia)	1992 - 2004	-Parliamentary Act -National -Pressure from civil society & NGOs	-Break stereotypes & myths -Investigate policies of repression during Nazi and Soviet occupation	-Research -No juridical body -Breaking Myths	-Archival research -Minimal use of witnesses & Public inquiries -Period analysed: 1940 - 1991 -Division in thematic teams -Analyse the repressive policies -Crimes of genocide -Economic consequences of both occupations -Formulating “an objective scientific assessment” of the actions of the occupying powers in Estonia	-Broad Mandate -Political instability of the moment conditioned its work (changing administrations, cut of funding)	-Report: ORURK (2005). <i>White book: Losses Inflicted on the Estonian Nation by Occupation Regimes 1940-1991</i> . -Policy reform -Not much diffusion, public debate or engagement
Study Commission for Working through the History and the Consequences of the SED Dictatorship in Germany	1992 - 1994	-Parliamentary Act -National -Domestic Pressure -To contribute to dialogue and solidification of democratic consciousness	- Responsibility for crimes committed during the SED regime -To investigate human rights violations under communist rule in East Germany	-Democratisation -Fact-Finding & Clarification -Research	-Archival research -Division in thematic teams -Use of witnesses & Public inquiries (not main source of data) -The consequences of the SED regime (1949-1989) Area of interrogation: Structure and strategy of the SED regime; Violation of Human Rights; Ideology and discipline practices; Identification of victims; Forms of political	-	-Report: commission’s report focused on general aspects of repression. -Policy reform -Moral responsibility -Contribution to research & Scholarly -Creation of a second commission (1995) -Establish a permanent foundation and to take symbolic and restorative measures

					opposition; Role and identity of churches; Influence of Soviet politics on SED and the GDR; Relations between GDR and FRG; Continuities and analogies with the Nazi regime		
Study Commission for the Overcoming of the Consequences of the SED Dictatorship in the Process of German Unity	1995 - 1998	-Parliamentary Act -National -Domestic Pressure -To contribute to dialogue and solidification of democratic consciousness	- Responsibility for crimes committed during the SED regime -To investigate human rights violations under communist rule in East Germany	-Democratisation -Fact-Finding & Clarification -Research -Policy reform	-Archival research -Use of witnesses & Public inquiries (not main source of data) -Division in thematic teams -The consequences of the SED regime (1949-1989) -Areas of interrogation are the same of the previous commission	-	-Report: commission's report focused on everyday aspects of repression. -Policy reform -Moral responsibility -Contribution to research & Scholarly
International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes (Lithuania)	1998 - 2012	-Presidential Decree -International team -International pressure for investigating crimes of Nazism -Continental pressure (EU membership)	-Responsibility for crimes committed during Nazi and Soviet occupation -Break communist narrative and intellectual isolation from the West -Evaluation of crimes committed by the occupational regimes -To knowledge gaps of history of Lithuania	-Research -Education reform -Policy reform -Break Myths	-Archival research -Use of witnesses & Public inquiries -Division in thematic teams -Area of interrogation: crimes of the Nazi and Soviet Union occupation (1940-41 to 1953)	-	-No final report -Measured via national surveys -Implementation of political measures -Conferences & seminars

The Commission of the Historians of Latvia	1998 - ongoing	-Presidential Decree -International team -International pressure for investigating crimes of Nazism -Continental pressure (EU membership)	-Responsibility for crimes committed during Nazi and Soviet occupation -Break intellectual isolation	-Research -Education -Public Awareness	-Archival research -Use of witnesses & Public inquiries -Division in thematic teams -Period analysed 1940- 1956 -Areas of interrogation: Crimes against Humanity in the territory of Latvia in 1940 -1941; The Holocaust in Latvia in 1941 – 1944; Crimes against Humanity in the territory of Latvia during the Nazi occupation in 1941-1944; Crimes against Humanity in the territory of Latvia during the Soviet occupation from 1944 - 1956	Its criticality on the approach, and the controversy of the issues investigated built an unnecessary tension around the research process. -LVK members had the need ‘to respond to Western misconceptions and official Russian positions that are still based on Soviet ideological myths’ ¹⁰⁶	-Became a semi-permanent institution -No final report (publications of small reports) -Conferences & seminars -Scholarly enrichment -Academic exchange – cooperation with other institutions -National and international academic contribution -became historiographic referent
International Commission for Crimes Against Humanity (Estonia) (1998)	1998 - 2008	-Presidential Decree -National -International pressure for investigating crimes of Nazism -Continental pressure (EU membership)	-Responsibility for crimes committed during Nazi and Soviet occupation -Break stereotypes & myths -To investigate crimes against humanity committed in Estonia and/or against its citizens from both occupations	-Research -Historical Clarification -Break stereotypes	-Archival research + Relevant published literature -Use of witnesses & Public inquiries - Principle of consensus and respect from divergent narratives -Division in thematic teams:1) Soviet Occupation; 2) German occupation -Commission’s work is structured in the form of meetings		-Report: The German Occupation in Estonia 1941–1944 (2001); The Soviet Occupation in Estonia 1940–1941 (2004); The Soviet Occupation in Estonia from 1944 onward (2008) -Conferences & seminars

¹⁰⁶ (Pettai 2007:214).

					-Causality and contextualisation of the events and crimes against humanity -Chronological order of the events		
Presidential Commission for the Study of the Communist Dictatorship in Romania – CPADCR	2006 - 12 months	-Presidential Decree -National consolidation -Democratic consolidation -Politics of memory	-To investigate the Communist regime -To provide a comprehensive report allowing for the condemnation of Communism as experienced by Romania.	-Research -Condemnatory	-Archival research Area of interrogation: The nature, aims and effects of the totalitarian communist regime; Ideology, power and political practices in Romania -Period of interrogation: 1945-1989	-	-Report -Recommendations in memorialisation, archives, judiciary and political reform.
Counteraction against the falsification of history (Russia)	2009 - 2012	-Parliamentary Act -National -To counter historical narratives that damage Russia's interest and international image	-To compile and analyse information on the falsification of historical facts	-Research -Break stereotypes & myths	-Archival research	-	-Report -To design of a political/academic strategy to counter the falsification of historical facts: 2012 the <i>Russian Historical Society</i>

HISTORICAL CLARIFICATION COMMISSION DATABASE

POST-CONFLICT SOCIETES COMMISSIONS

Name	Year	Establishment	Purpose	Function	Area of interrogation & Methods	Research Limitations	Outcome & Impact
The Netherlands Institute for War Documentation (NIOD) – Srebrenica Report	1996 - 2002	-Parliamentary Act -National -Post-Peace agreement -Established as Parliamentary Inquiry -Ongoing debate concerning the violent disintegration of the federal state of Yugoslavia	-Responsibility of crimes -List and classify from a historical perspective the causes and events which led to the fall of Srebrenica	-Academic -Clarification & Fact-finding -Non-Judicial -Political -Social Awareness	-Archival research (National and International sources) -Period Analysed: The fall of Srebrenica 1995 -Area of interrogation: events which occurred before, during and after the fall of the enclave (special attention to the actions of UN, NATO and Dutchbat; involvement of the Netherlands and the parliamentary in the decision making)	-Limited access to some relevant information	-Report -Acknowledgment & Responsibility
Historical Clarification Commission (CEH) (Guatemala)	1999 (6 months)	-Transitional Justice strategy -Post-Peace agreement (Oslo Accords 1994) -National (International support) -Established as Truth and Reconciliation Commission	-Investigation of crimes and other Human Right violations -To determine if the crimes can be labelled as Human Right violations -Analysis of the internal and external factors of the conflict -To preserve the memory of the victims	-Foster recognition -Non-Judicial	-Archival research -Creation of databases -Individual & Institutional submissions -Period Analysed: 1962 -1996 -Areas of interrogation: Human Rights violations during the conflict; National and International actors with any sort of implication in the conflict	-Prohibition to attribute individual responsibilities -Limited access to relevant information -State institutions guaranteed access to relevant information -Army: limited access to information related to land expropriation, military operations of controversial/bloody events	-Report: <i>Guatemala Memoria del Silencio</i> -Unexpected findings (conflict labelled as genocide, racism, social injustice, and role of USA) -Opening debate & discussion -Some sort of acknowledgment for the past wrong doing

			-To promote a cultural mutual respect			-Juridical body: limitations of the documentation available -Police: limitations of the documentation available	-Include findings in school curricula -Follow up with participants to assess the impact of the commission
Independent International Commission on Kosovo (Sweden)	1999 - 2000	-Proposed by Prime Minister and endorsed by the government (without decree) -International -Post-Peace agreement -Established as Clarification Commission	-Develop a historical analysis to explore the causes of the Kosovo crisis -Verify the information accessible in public domain	-Research -Clarification -Fact-finding -Set the records straight -Non-Judicial	-Archival research Area of interrogation: historical origins of the Kosovo crisis, key developments prior to, during, and after the Kosovo war		-Report
French Fact-Finding Mission (Balkans)	2000 - 2001	-Parliamentary Act -National -Post-Peace agreement -Responding to a UN call for all countries involved in the events of Srebrenica to inquire the events -Established as fact-finding commission	-Responsibility of crimes -To throw light on the management of the Srebrenica	-Research -Clarification & Fact-finding -Non-Judicial -Political	-Archival research -Use of witnesses & Public inquiries (relevant witnesses to determine France's political and military responsibilities)		-Report -Acknowledgment & Responsibility

Historical Memory Group (GMH) (Colombia)	2007 - 2011	<ul style="list-style-type: none"> -Part of the CNRR (Law decree) -National -Pre-Peace agreement -Established as Clarification Commission 	<ul style="list-style-type: none"> -In depth analysis of the conflict and its actors -The actions of civil population in facing and resisting the violence -Contextualisation of the past -Responsibility of crimes -Recognition of the victims & Acknowledgment 	<ul style="list-style-type: none"> -Academic -Foster recognition -Clarification & Fact-finding -Documentation -Preservation of Historical-Memory -Non-Judicial 	<ul style="list-style-type: none"> -Archival research Primary sources through interview individual & institutional submissions -Division in thematic teams -Creation of databases -Area of investigation: origins and evolution of illegal armed groups; the dynamics introduced by drug traffickers; Criminal alliances between paramilitary groups, politicians, public servants, local economic and business elites, and drug-traffickers; land appropriation 	<ul style="list-style-type: none"> -Limited access to relevant information 	<ul style="list-style-type: none"> -Report: <i>Basta Ya! Colombia Memories of War and Dignity.</i> -Victim centred -Contribution to the peace process -Empowering society -Academic research -Official Acknowledgement -Opening debate & discussion
Lessons Learnt and Reconciliation Commission (Sri Lanka)	2010 (11 months)	<ul style="list-style-type: none"> -Presidential Decree -National -Post-Peace agreement -Established as Truth and Reconciliation Commission 	<ul style="list-style-type: none"> -To explore the historical, social and political factors that point to the causes of ethnic and citizen grievances -Causes of the failure of ceasefire 	<ul style="list-style-type: none"> -Reconciliatory -Restitution -Clarification & Fact-finding -Non-Judicial 	<ul style="list-style-type: none"> -Archival research -Individual & Institutional submissions -Use of witnesses & Public inquiries Area of investigation: the failure of the ceasefire agreement in 2002; the incidents during the armed conflict; Whether any person, group or institution can directly or indirectly be hold responsible 	<ul style="list-style-type: none"> -Fails to satisfy key international standards of independence and impartiality 	<ul style="list-style-type: none"> -Report -Recommendations on policy reform -Explores wider notion of political responsibility -Less attention to genuine truth-seeking

The Historical Commission on the Conflict and Its Victims (CHCV) (Colombia)	2014 (9 months)	<ul style="list-style-type: none"> -Agreement between contested parts -National -During peace negotiations (Havana talks) -Established as Historical Clarification Commission 	<ul style="list-style-type: none"> -Causes of the conflict -elements of perpetuation of violence -Impacts of the conflict 	<ul style="list-style-type: none"> -Research -Clarification & Fact-finding -Peacebuilding -Non-Judicial 	<ul style="list-style-type: none"> -Archival research 		<ul style="list-style-type: none"> -Report: compilation of individual reports. -No towards the creation of a shared perspective -Contribution to the peace process
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HISTORICAL CLARIFICATION COMMISSION DATABASE

COMMISSIONS FOR REDRESSING HISTORICAL INJUSTICES

Name	Year	Establishment	Purpose	Function	Area of interrogation & Methods	Research Limitations	Outcome & Impact
Royal Commission on Aboriginal Peoples	1991 - 1996	-government and First Nations -National -Established as a thematic commission inquiry (policy related issues)	-Readdressing historical Injustices	-Reconciliation -Forgiveness -Acknowledgment -Recognition -Policy reform -Transformative	-Archival research (laws and policy papers) -Individual & institution submissions -Use of witnesses & Public inquiries	-	-Acknowledgment of historical injustices and social reconciliation -Improve social relations
National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (Australia)	1995 - 1997	-National -Established as National Inquiry	-Readdressing historical Injustices	-Fact-Finding -Clarification -Social policy reform -Transformative	-Archival research (laws and policy papers) -Individual & institution submissions	-Limited time and resources available	-Acknowledgment of historical injustices and social reconciliation -Official Acknowledgement -Policy reform -Compensation for persons or communities affected
Truth and Reconciliation Commission of Canada – Indigenous Residential Schools	2007 - 2012	-Government and First Nations as part of the <i>Indian Residential Schools Settlement Agreement</i> -National	-Readdressing historical Injustices	-Fact-Finding -Clarification -Social policy reform -Reconciliation -Transformative	-Archival research (laws and policy papers) -Individual & institution submissions -Use of witnesses & Public inquiries	-	-Acknowledgment of historical injustices and social reconciliation -Official Acknowledgement -Policy reform -Aboriginal Oral History Archive

Historical Truth Commission and New Treaty (CVHNT) (Chile)	2001 - 2003	-National -Presidential Decree -Established as a historical commission	-Bridging society together -Redressing historical injustices -Political and institutional reform	-Integrating of different perspectives -Democratising -Identity restoration -Recognition -Clarification -Social policy reform	-Archival research -Individual & institution submissions	-	-Acknowledgment of historical injustices and social reconciliation -Improve social relations
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