Why Do States Commission the Truth? Political Considerations in the Establishment of African Truth and Reconciliation Commissions

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Abstract Although the use of truth and reconciliation commissions (TRCs) has grown considerably over the last 3 decades, there is still much that we do not know concerning the choice and the structuring of TRCs. While the literature has focused primarily on the effects of TRCs, we examine the domestic and the international factors influencing the choice of a commission in sub-Saharan Africa from 1974 to 2003 using pooled cross-sectional time series. We find that states which adopted a TRC prior to South Africa were generally repressive centralized regimes which used the truth commission as political cover. However, since South Africa's TRC, democratizing states have been more likely to adopt a truth commission as a form of transitional justice.

Keywords Truth and reconciliation commissions · South Africa TRC · Transitional justice · Democratization

Over the past decade, there has been a spirited debate in the literature regarding the relative strengths and weaknesses of various accountability mechanisms for human rights violations. While the 1990s witnessed several important innovations including the establishment of ad hoc international criminal tribunals culminating in the creation of the International Criminal Court (ICC), most accountability methods are domestic responses to human rights abuses. Truth and reconciliation commissions (TRCs) are one of the domestic mechanisms which have received considerable attention from the human rights community as well as intergovernmental and nongovernmental organizations over the last 20 years. While much of the literature focuses on the *effects* of TRCs on democratization, human rights, justice, and reconciliation, there has been considerably less attention paid to the *causes* of TRCs, namely the political factors which lead states to choose this type of accountability mechanism. Popkin

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and Roht-Arriaza (1995) point out that commissions are one of many options which can be used to deal with a legacy of past human rights abuses.

Why do states choose this particular mechanism over others? One of the most accepted explanations in the literature focuses on the "balance of forces" within democratizing transitional states as the basis for the political calculation to adopt a TRC (Skaar 1999; Sieff and Wright 1999; Sikkink and Walling 2005). As Chapman and Ball (2001, 12) argue, typically TRCs are created as part of a negotiated settlement in a transitional regime in which "there are no clear victors or vanquished". Others, however, argue that the level of human rights violations influences the type of accountability mechanism that a state adopts. When there are consistent and pervasive abuses, traditional mechanisms for enforcing human rights norms, such as the judiciary and law enforcement, are weak leading to the adoption of a TRC (Snyder and Vinjamuri 2003/2004). As shown in the Latin American cases of Argentina, Chile, and Guatemala, civil society places pressure on the state to address these wide-spread and systematic abuses and because the judicial system has ceased to function independently or effectively, a truth commission can substitute as the competent authority to investigate violations (Kaye 1997).

While much of the focus has been on domestic political factors, several studies have shown the importance of the international community in the establishment of a TRC. For example, Sikkink and Walling (2005) argue that the choice of a commission should be placed within the development of global human rights norms in which the "justice cascade" is furthered by institutions such as the United Nations (UN). While all these accounts provide contrasting views of the considerations involved in the adoption of a TRC, they share a core belief that the establishment of a commission is a political process. However, most of the research in this area does not provide a link between domestic politics, the role of the international community, and regional actors in the establishment of a commission.

In this article, we examine the various domestic and international factors influencing the choice of a TRC in sub-Saharan Africa from 1974 to 2003. We focus on sub-Saharan Africa for 2 reasons. First, approximately half of all TRCs have been established in this region (Hayner 2001). Indeed, some of the first TRCs were created by African states (e.g., Uganda and Zimbabwe). Second, no TRC has received as much scholarly and public attention as the TRC for South Africa. As Freeman (2006) notes, the South African TRC has been extremely influential in the procedures that have subsequently been adopted by other commissions. Given the worldwide importance attached to this TRC, we are curious as to its influence throughout sub-Saharan Africa.

Based on 4 models using pooled cross-sectional time series and logit estimation, we analyze several domestic political variables including the durability of the regime, seriousness of the human rights violations, power sharing, and level of democratization. We also examine the effect of UN presence in the state as well as regional influence. We test among all sub-Saharan African states and then all states which implemented a TRC to assess the factors associated with adoption. Later, we analyze these same domestic and international factors among a subset of those African states which adopted a TRC before and after South Africa in 1995. Here, we are interested in whether there is a difference among the attributes of African states which adopted a TRC before and after South Africa's 1995 commission. As Adam and Adam (2000, 33) note, "the [South African] TRC is regarded as a novel experiment of restorative

justice and nation-building through reconciliation; it is often recommended as an international model for similar conflicts elsewhere".[1] We test whether the South African experience has shaped the political calculations for TRC adoption.

The first section of this article provides an overview of the literature on TRCs focusing on three broad conceptual questions. The second section presents the data and the methods by which we operationalize and measure the variables. Finally, we discuss the results of our analysis which show that those states which adopted a TRC prior to South Africa were generally repressive centralized authoritarian regimes which were using the truth commission as political cover. However, since South Africa's TRC, we find some support for the idea that TRCs are being implemented as a transitional justice mechanism in democratizing states. Since 1995, states which adopt a TRC are more likely to be transitional democracies, and thus, we find as Freeman (2006, 26) does that "one can divide the history of truth commissions into two periods: before South Africa, and after".

Research on the Causes and the Consequences of Truth Commissions

We conceptualize the literature on TRCs based on 3 broad questions. First, what factors influence a state to choose a TRC? Second, what are the different types of TRC structures and mandates? Third, how does the TRC process promote human rights, democratization, and ultimately justice and reconciliation? Most of the literatures focus on the third question with far less discussion of the first and second. However, one of the few empirical propositions related to the adoption of a TRC that has been tested concerns the balance of forces during regime transition. The general finding is that TRCs are a more likely outcome "when the relative strength of the demands [between the outgoing and current regime] is roughly equal" (Skaar 1999, 1110). The argument is that when the former regime maintains some level of power, an amnesty is more likely in order to protect the former ruling elite, and when the outgoing regime has been completely defeated, trials are a more probable outcome as the new government wants to punish the former leadership. Therefore, TRCs are viewed as a compromise option in situations involving power sharing.[2] To our knowledge, the study by Dancy and Poe (2006) is the only research that explicitly investigates several possible factors involved in the creation of a TRC.

There are different approaches to examining the second question related to the structure and the mandate of a commission. Some scholars focus on how the political environment influences the structuring of TRCs while others examine how the mandate and the structure affect the process of reconciliation and justice.[3] For

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[1] A number of scholars argue, however, that South Africa's TRC produced mixed results in terms of reconciliation, justice, and the rule of law (Adam and Adam 2000; Mamdani 2002; Gibson 2004, 2005).

[2] Sikkink and Walling (2005) find that states do not necessarily see these options as mutually exclusive and that domestic trials often accompany TRCs. This finding, however, is regionally concentrated as most African states which established a TRC did not also choose domestic trials.

[3] As seen in various case studies, the structure and the mandate of TRCs are quite diverse, and to our knowledge, there has been no cross-national research to assess the causes and the consequences of the variations.

example in her assessment of the 1986 Ugandan TRC, Quinn (2004) is highly critical of the lack of political will exhibited by the Museveni government which resulted in a limited mandate that prevented the commission from accomplishing its goals. Ensalaco (1994) argues that the commissions in Chile and El Salvador were established under different types of regimes which influenced their mandates and investigations. In terms of the effect of the mandate, Hayner (2001, 213) points out that truth commissions "are confronted with hundreds of critical operational questions that will determine the kind and quality of truth that will emerge". Chapman and Ball (2001) find that the commission's mandate determines what type of truth a TRC can establish. They argue that the mandates given to the commissions in Haiti, Guatemala, and South Africa were distinct and lead to different conclusions about the truth.

However, most of the literature focuses on the third question and seeks to assess the performance of TRCs based on a number of indicators, including promoting respect for human rights, providing justice and reconciliation, contributing to the process of democratization, and preventing future atrocities (Mendeloff 2004). This is a vast literature which uses various sociological, anthropological, and psychological constructs to understand concepts such as truth, justice, and reconciliation. A number of scholars have examined TRCs through the use of country case study comparisons (Kaye 1997; Ensalaco 1994; Hayner 1994; Hayner 2001) while others have focused on individual cases such as Ghana (Ameh 2006), Uganda (Quinn 2004), Sierra Leone (Schabas 2003), or Guatemala (O'Neill 2005). Within this literature, the most studied TRC is the 1995 South African commission (Allen 1999; Mamdani 2002; Gibson and Gouws 2003; Gibson 2005). This is largely because of the general perception that this commission "was surely the most ambitious the world has ever seen" (Gibson 2004, 6). Overall, there are only a handful of studies which use cross-national research to examine these three conceptual questions. As Mendeloff (2004) and Brahm (2007) argue, the small N and the focus on the South African experience limit what we actually know about the adoption, the structuring, and the effect of commissions. Therefore, this study contributes to the literature by examining broader political patterns associated with the adoption of TRCs in sub-Saharan Africa across states and time.

Data

We examine the domestic and the international factors associated with the establishment of a TRC in sub-Saharan Africa from 1974 to 2003. We are interested in the general motivations of African states for adopting a commission as well as the influence of the South African TRC. For purposes of data collection, we define states as sub-Saharan based on the South African Data Archive (SADA) and include 44 country cases (see "Appendix").[4] Using the TRC definition proposed by Hayner

[4] The SADA dataset contains 47 country cases (not including Eritrea). Because of a lack of data, we did not code for Cape Verde, Sao Tome and Principe, and Seychelles.

(2001), we classify 15 occurrences of a commission during this period.[5] We code the TRC in the year in which it was established, and because we limit our investigation to the political factors associated with establishing a commission, country years for TRC states include the first year of the TRC and not thereafter (a strategy used by Dancy and Poe 2006).[6]

TRC case selection is not without controversy and is one of the potential operationalization problems highlighted by Mendeloff (2004). Even though most of the literature uses the Hayner definition, there is not a consensus on which commissions to include for analysis. Similar to Skaar (1999), we include in our dataset the body established in Ethiopia and Rwanda in 1993 while others such as Sikkink and Walling (2005) select neither case, and Brahm (2005, 2006) only includes Rwanda. Part of the problem in TRC case selection stems from the fact that Hayner's definition is quite broad and can accommodate a variety of different forms of commissions. Indeed, even Hayner (2001, 19), who considers the Ethiopian and Rwandan commissions as TRCs in her seminal 1994 piece, later reclassifies them as "alternative forms of official or semiofficial inquiry into the past". However, we find nothing about the attribute of these bodies which prevents their classification as TRCs. Hayner's original definition, which is used extensively in the literature, makes no distinction between commissions in terms of their mandate (whether too broad as in the case of Ethiopia) or the basis of the government authorization (either appointed by the government or later granted quasi-government authority as in the case of Rwanda). Therefore, we include all cases which we believe meet the essential requirements of a TRC.

For our first test which consists of all sub-Saharan African states, the dependent variable classifies whether a state established a TRC in a calendar year (no TRC is coded 0 and adoption is coded 1). We use this same dependent variable for our second test which includes only states which adopted a TRC. The final test involves 2 models using this same dependent variable to assess TRC adoption for a subset of African states which implemented a TRC before and after South Africa. Since the South African TRC is used to distinguish among commissions, it is excluded from this test as is the Burundian TRC since it was created in the same year (1995). Because Uganda and Nigeria's 2 TRCs were established during the same period in question, they did not present a coding problem.[7]

When deciding which independent variables to include in our model, we selected variables which focus on the domestic and the international factors considered to be influential in the creation of a TRC. The literature often assumes that TRCs are established in postconflict societies in which the political calculation has been made to establish the truth commission as a transitional justice mechanism. For example, the study by Dancy and Poe (2006) examines TRC adoption in 77 cases of

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[5] Hayner (2001) defines a truth commission as a body which (1) focuses on the past, (2) investigates patterns of abuse over time, rather than a specific event, (3) is established for a limited time, and (4) is supported by the state.

[6] In the case of Uganda and Nigeria which held 2 TRCs, we code country years through the last TRC (1986 and 2001, respectively).

[7] Both of Uganda's TRCs (1974 and 1986) were established prior to South Africa's TRC while Nigeria's commissions (1999 and 2001) were established after.

consolidated state failures leading to political change. However, our case and variable selection does not presuppose a transition. We are interested in the political factors influencing the choice of a TRC which may be due to a political transition and a genuine desire on the part of the government for justice and reconciliation but could also be due to the need by a repressive government to establish a TRC as political cover. As Snyder and Vinjamuri note (2003/2004, 33), "[t]ruth commissions have sometimes provided a veneer of legitimacy for governments that actually shun democratization and the rule of law".

The same independent variables and controls are included in all our tests.[8] Our first political variable is the durability of the regime measured by the number of years in office. There is an extensive literature which focuses on the factors which influence regime durability and compares features of democracies to authoritarian regimes. Much of this literature seeks to explain which regime type is more durable, or how economic policy influences the durability of regimes (Lipset 1959; Diamond 1988; Przeworski and Limongi 1991; Remmer 1996). Our research, however, examines the effects of durability and how the length of office of a regime type influences the decision whether to adopt a TRC. We hypothesize that regime types which are in office longer, whether democratic or authoritarian, are less likely to establish a TRC because the regime is less interested in investigating the past and because it is more institutionalized and autonomous from the society and able to resist calls for a TRC. It is unlikely that such a regime would investigate human rights violations which occurred years, if not decades before.

Indeed, Hayner (2001) argues that inquiries into human rights abuses which occurred several years in the past are properly known as "historical truth commissions" which she classifies separately from TRCs because they are likely to investigate the repression of specific social groups which are probably unknown to the majority population. Therefore, we believe that these forms of commissions provide less political benefit to a regime. Another reason for hypothesizing that the durability of regime is related to the establishment of a TRC is found in the logic regarding transitional justice mechanisms as policy options following regime transition. As previously mentioned, one of the few hypotheses which has been empirically tested in the TRC literature focuses on how the transitional balance of forces affects the decision regarding the choice of an accountability mechanism. Skaar (1999) finds that the stronger the former ruling elite following a transition, the less likely any form of transitional justice mechanism will be adopted as the outgoing regime, which maintains some level of influence, is interested in avoiding investigations into previous human rights violations. Logically, similar regime types have an even greater incentive to avoid TRC investigations into human rights practices and would have at their disposal significant resources to resist attempts by civil society or the international community to adopt a TRC. In order to measure

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[8] We also coded for several other independent variables including ethnic fragmentation, election cycle for the executive and the legislative branches, regime type, and the percentage of Catholic and Muslim identifiers. Ultimately, we eliminated regime type from our analysis because we were unable to find a consistent coding for African states (most problematic was whether the regime was semipresidential or presidential). We also dropped the ethnic fragmentation, religious, and election cycle variables from our final models because they were insignificant in all our preliminary tests.

regime durability, we use the Polity IV dataset which defines durability as the number of years since the most recent regime type change. Polity IV defines the first year of the regime as "year 0" and for each year thereafter adds a 1 to the value until a new regime occurs.[9]

Our second independent variable is the seriousness of the human rights violations. Over the last 2 decades, the literature which examines human rights abuses has grown considerable in terms of research foci as well as methodological sophistication. Much of this research examines physical integrity rights (sometimes referred to as personal or life integrity rights) which are those individual rights to be free from harm and coercion perpetrated by a government. Cingranelli and Richards (1999) argue that violations of these physical integrity rights include extrajudicial killings, torture, disappearances, and political imprisonment. The severity of the violation of physical integrity rights is an important political variable which potentially influences the decision whether to adopt a TRC.

Explicit to Hayner's definition of a TRC is the requirement that the commission not focus on a specific event but on the systematic abuse of human rights. In states in which the violation of physical integrity rights is limited to a particular event, the domestic court system may be able to successfully try individuals, even members of the government or those with links to the government. However, in cases in which violations are widespread and systematic, Popkin and Roht-Arriaza (1995) argue that these abuses demonstrate the weakness of the legal process in which judicial institutions and law enforcement are likely to be complicit in the violations. Therefore, we hypothesize that states which have a higher violation level of physical integrity rights are more likely to adopt a TRC. We measure the violation of human rights using the Cingranelli and Richards (CIRI) Human Rights dataset in which the variable for physical integrity rights is based on an additive index including torture, extrajudicial killing, political imprisonment, and disappearance indicators. The index ranges from no government respect for these rights (0) to full government respect (8).

Because the CIRI data begin in 1981, there were systematic missing values for 7 years in our dataset. To deal with the problem of missingness, typically listwise deletion is used which results not only in a loss of information but also potentially significant bias (King et al. 2001). One method to deal with missingness involves the use of multiple imputation models, but Honaker and King (2006) argue that prior models were inappropriate to address the data structure problems found in time series analysis. Therefore, they have developed a multiple imputation model designed specifically to deal with time series data which allows variables to move smoothly over time and to change sharply between countries. Using the software package Amelia II, we generate values for the missing human rights data allowing us to avoid the bias associated with listwise and draw much better inferences.

Our third independent variable provides a measure for the amount of power sharing within the state. As previously mentioned, one of the few hypotheses which has been empirically tested in the TRC literature concerns how the nature of the transition influences the choice of a justice mechanism. The findings have supported

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[9] The Polity IV dataset's DURABLE variable defines a regime change as a 3-point adjustment in the POLITY score over a 3-year period or less or the end of a transition period defined by the lack of stable institutions.

the idea that TRCs are a "compromise solution" in which trials or simply doing nothing is rejected by either side in a postconflict pacted transition (Skaar 1999; Sieff and Wright 1999). In an excellent review of the state of research on TRCs, Brahm (2007, 16) begins his survey by noting that "[p]articularly in those instances where political transitions came about through negotiation rather than due to outright victory by one side of the conflict, the truth commission has become an attractive option".

Therefore, we hypothesize that those states which exhibit a greater degree of power sharing among elites are more likely to establish a TRC. There is a large literature which examines the effectiveness of power sharing institutions. Some of these studies conceptualize power sharing as a formal political agreement while others disaggregate it into various forms including political, economic, territorial, and military power sharing. Using the dataset provided by Mukherjee (2006) and Hartzell and Hoddie (2003), we code for power sharing as a dichotomous variable (the presence or absence of a formal agreement). We only use the Hartzell and Hoddie political power sharing score (every African power sharing agreement during the time period of our study received a score on this dimension). The Mukherjee dataset ends in 1999 and the Hartzell and Hoddie in 1998 so we supplemented these datasets by adding any formal power sharing agreement reached between 2000 and 2003 for the countries of concern including the Democratic Republic of Congo, the Ivory Coast, Liberia, and Sierra Leone.

Our fourth independent variable measures the level of democracy in a state in order to determine if *political* accountability translates into *human rights* accountability and the creation of a TRC. Typically in the literature, the establishment of a TRC is the independent variable assumed to influence democratization efforts in transitioning states (Hayner 2001; Kenney and Spears 2005; Brahm 2006). However, similar to Sikkink and Walling (2005) and Dancy and Poe (2006), we believe that higher levels of democratization allow for greater public involvement in the political process in which the selection of a TRC reinforces the rule of law attributes of the democratic regime. Democracy can be measured either as a function of respect for political and civil rights (substantive democracy) as well as in terms of process (procedural democracy). We conceptualize that the combination of these 2 aspects of democracy (participation before, during, and after an election cycle) are important to political participation and the expression of popular discontent which could become translated into a TRC. As states become more democratic, the ability of civil society to influence policy becomes greater, and therefore, we anticipate that those states which are more democratic are more likely to adopt a TRC. To measure democracy, we use Freedom House ratings which measure states from free (1) to not free (7) based on political rights and civil liberties and aggregate the ratings into a single average score.[10]

To this point, our political variables measure domestic dynamics; however, much of the current literature on TRCs stresses the role of international organizations and transnational networks in the adoption of TRCs. According to Lutz and Sikkink (2001), the justice cascade which has brought about a change in state behavior regarding the

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[10] We had considered using the Polity IV dataset Polity2 variable as a measure of democracy. However, we agree with Brahm (2007) that the Freedom House ratings provide a broader measure of democracy.

use of various justice mechanisms was instigated by a transnational advocacy network of activist attorneys, often drawn from the broader human rights movement. One of the international organizations which is considered crucial for developing this human rights movement is the UN. The development of ad hoc international criminal tribunals as well as the ICC has required the expertise and the commitment of the UN to institutions of international justice. Moreover, the UN has come to embrace domestic mechanisms of justice, including TRCs, in conflict management and postconflict peace-building. Brahm (2006, 2) argues that the "United Nations has also come to support the idea of a truth commission and has worked to incorporate one into virtually every subsequent peace agreement it has been involved in since the early 1990s". The agreements which Brahms cites come after multiyear peacekeeping operations in several Latin American and African states.

Measuring UN influence in the establishment of a TRC is a difficult task as UN negotiations and pressure may not be readily observable. However, one measure of the commitment of the UN to the maintenance of peace and involvement in the broader political environment is the deployment of a peacekeeping operation. As Dancy and Poe (2006, 15) note the "UN's choice to pursue peacekeeping signals that its interests lie in a particular state's stability. Peacekeeping work, then, may bleed over into the policy realm through linkage of force and diplomacy". Brahm (2007) argues that UN linkage politics translates into advocacy for TRCs. UN peacekeeping missions to Africa represent approximately 40% of all missions since 1948 and have been deployed in 20 sub-Saharan African states. We hypothesize that states in which the UN has a peacekeeping operation are more likely to adopt a TRC. Using the UN database on peacekeeping operations, we code this variable as a dummy for every country year (0 for no peacekeeping operation during the year and 1 for a peace-keeping operation).[11]

Our final international political variable is what we term the "neighborhood effect". Several studies have found that there are distinct regional patterns in the creation of TRCs. Sikkink and Walling's analysis of the regional grouping of TRCs finds that Africa and Latin America each have approximately 37% of the total number of TRCs globally. Finnemore and Sikkink (1998, 902) argue that global human rights norms impact domestic politics through a regional or contagion effect in which "critical states" influence the adoption of norms through a socialization process "intended to induce norm breakers to become norm followers. In the context of international politics, socialization involves diplomatic praise or censure, either bilateral or multilateral, which is reinforced by material sanctions and incentives". The literature generally focuses on Argentina and South Africa as the critical states that have created a regional socialization process in which the norm of a TRC has become more accepted.

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[11] Unlike Dancy and Poe (2006) who code for peacekeeping including 2 years after the process concludes, we only code for years in which there is an actual deployment of peacekeepers. Dancy and Poe's logic in continuing to code for 2 years after the conclusion of a peacekeeping operation is that there may be a lag time between the completion of the operation and the creation of the TRC. While this line of reasoning has its merits, the difficulty is establishing the baseline for the "peacekeeping effect". There is no logical reason to suppose that 2 years is a better measure than 3 or 4, and therefore, we decided only to code for the years of actual deployment.

We extend the logic of this regional effect to examine whether there are intraregional patterns of TRC adoption which we term the neighborhood effect. While human rights norms may be advocated by any state in a region, the promotion of human rights norms by a neighbor may place even greater pressure on a state to comply with the norm leading to greater diffusion. As Dancy and Poe (2006, 13) argue because "neighboring states are closer in terms of simple geography, and because they share other environmental characteristics, they are likely to mimic one another". We hypothesize that if a neighboring state adopts a TRC, there is a greater likelihood that other states in the subregion will also adopt a commission. To measure the neighborhood effect, we use a subregional coding variable of Africa drawn from the SADA dataset in which African states are coded as Central, East, South, and West (we recode as 1, 2, 3, and 4).

One of the concerns with a binary-dependent variable in pooled cross-sectional time series is the possibility of temporal dependence. Beck et al. (1998) have shown that temporal dependence in the dependent variable over time biases estimates and causes them to be inefficient. Typically when using logit with this form of data, time dummies or cubic spline variables are included as a control for temporal dependence. However, Carter and Signorino (2006) have shown that time dummies can be very inefficient and that splines can be difficult to interpret and problematic when specifying the knots. Instead, they advocate the use of controls labeled t, t^2, and t^3 which serve as Taylor series approximation to the hazard. Following this method, we have created a duration variable (t) which measures the number of years since the last TRC as well as two other controls based on this variable (t^2 and t^3).

Results and Discussion

Based on pooled cross-sectional time series, our first test uses logit estimation to assess factors involved in the decision to adopt a TRC.[12] The dataset used in this test includes all sub-Saharan African states. We report both the coefficient estimates and the odds ratios for the variables. As shown in Table 1 for our first test, only domestic political variables are associated with the decision to adopt a TRC in sub-Saharan Africa. The variable for regime type durability is significant and negative indicating that regimes which are in office longer are less likely to adopt a TRC. This finding supports the vast majority of the literature which views TRCs as *transitional* justice mechanisms. Entrenched regimes are less likely to establish a TRC to deal with human rights abuses. Indeed, Skaar (1999, 1122) argues that TRCs "appear most frequently as sole solutions [to human rights abuses] in the cases where there is a heavy element of pre-regime transition bargaining". Irrespective of the orientation of

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[12] Because the number of observations of TRC adoption is relatively few, we were concerned that the rarity of the event would lead to an underestimate of the event's probability. King and Zeng (2001a, b) have shown that binary dependent variables in which observations of the event are substantial less than no events can cause severe estimation problems. Therefore, we reran the first model using the relogit program (available at: http://gking.harvard.edu/stats.shtml) and found virtually the same results indicating that our estimates are robust to rare events bias. We did not run the others tests using relogit as the number of event observations was much higher.

Table 1 Factors associated with the decision to establish a TRC

Variables	Odds ratio	B (robust SE)
Durability of the regime type	0.753	−0.283 (0.126)**
Violation of human rights	0.703	−0.352 (0.154)**
Power sharing	3.373	1.216 (0.705)*
Level of democracy	0.806	−0.216 (0.247)
UN presence	0.976	−0.024 (0.934)
Neighborhood effect	0.888	−0.119 (0.267)
t	0.694	−0.365 (0.342)
t^2	1.016	0.015 (0.027)
t^3	1.000	0.000 (0.001)
Constant	0.348	
N	1,195	
X^2	49.520***	
Nagelkerke R^2	0.322	

Dependent variable is whether the state adopts a TRC (0 = no adoption; 1 = adoption). N includes all sub-Saharan African states during the period from 1974 to 2003. Robust standard errors in parentheses
*$p<0.10$; **$p<0.05$; ***$p<0.001$

the regime toward democracy, those regimes types which are in office longer are better able to resist calls by civil society for the establishment of a TRC.

The results in Table 1 show that the seriousness of human rights violations is significantly related to the adoption of a TRC. The CIRI scale is coded over a 9-point range, from complete lack of rights (0) to full government respect (8). The negative relationship indicates that states with grave human rights violations are more likely to adopt a TRC. This finding accords with the previous literature which links the level of human rights abuses to the choice of a TRC. In her seminal 1994 piece, Hayner (1994, 600) argues at the outset that TRCs "can play a critical role in a country struggling to come to terms with a history of massive human rights crimes". The seriousness of the human rights violations not only contributes to the choice of a TRC but ultimately serves as a guiding principle in the evaluation of the relative success of a commission. As Brahm (2007, 26) notes, "[f]or many, of central import to a truth commission's mission is to help instill the practice of protecting human rights".

The power-sharing variable was also significant which supports the argument in the transitional justice literature that TRCs are a "middle ground" option between providing amnesties and conducting trials. Synder and Vinjamuri (2003/2004, 31) argue that TRCs "have most often been the choice of states whose stability depends on cooperation of still-powerful potential spoilers [and] ... a strong, reformist coalition". It is assumed that this option is attractive in power sharing arrangements to the former ruling elite who wish to avoid trials and reformists who are attempting to consolidate power. As our findings show, however, one should be cautious about linking a power sharing arrangement to democratization efforts. Power sharing can be implemented to thwart possible democratic challenges to the regime by dividing spoils to reduce the need for electoral accountability. Indeed in our test while the democracy variable is in the expected direction, there is no relationship between a state's commitment to democracy and the choice of a TRC. Therefore, power sharing does not necessarily entail the adoption of a TRC in a democratizing state.

The lack of significance of the democracy variable was surprising and challenged some of the general assumptions regarding TRCs as "[a]dvocates of these institutions generally take the view that some form of recognition and disclosure of past offences is necessary [in] the new democracies" (Allen 1999, 315). While the literature has focused on TRCs as a *transitional* justice mechanism, this policy option is available to democratic and to authoritarian regimes alike. As Hayner (1996, 22) notes, "a government might establish a truth commission in order to manipulate the public perception of its own tarnished image, to promote a more favourable view of the country's human rights policies and practices". The results in Table 1 indicate that adoption of TRCs in African states is not related to democratization efforts. Moreover, they indicate that TRC adoption is not influenced by the international community or critical states in the region. As Hayner (2001) concludes, the establishment of a TRC in Africa has often been pursued by states as political cover for human rights abuses. Normally to assess the accuracy of these general results, we would have examined specific case studies. However, aside from South Africa, case studies of African TRCs are extremely limited.[13] To our knowledge, Hayner's (2001) study provides the only comparative work on several of the early African TRCs. Even though her discussion of the truth commission process in Uganda, Zimbabwe, and Chad is rather cursory, in all 3 cases she notes problems with the TRC due to political pressure exerted by the ruling elite.

In our first test, we examined the differences between all sub-Saharan African states including those which did and did not adopt a TRC. Our findings show that the establishment of a TRC was much more a function of domestic political considerations than international or regional pressures. However, this test does not allow us to draw any conclusions about states that do adopt a TRC. Given the literature which has advocated the use of a TRC as a *transitional* justice mechanism, we hypothesize that a TRC is more likely to be adopted by a state during a transition to democracy which features power sharing among elites. While there may be no difference between states which did and did not adopt a TRC on issues of democratization or the influence of international and regional actors, we hypothesize that among states which did adopt a TRC, these domestic and international variables should influence the timing of adoption. To test this proposition, we again used pooled cross-sectional time series and logit estimation to assess factors involved in the decision to adopt a TRC. However, our dataset for this second test includes only those states which adopted a TRC in order to assess the timing of TRC adoption.

As shown in Table 2, the only significant variable related to the timing of adoption of the TRC is the durability of the regime. This variable is significant and negative indicating that states which adopted a TRC did so in relatively newer regimes. Interestingly, the level of human rights violations and the creation of a power sharing agreement are insignificant in this test. States which adopted a TRC were no more likely to do so during a power sharing agreement or as the seriousness of the rights violations increased. Moreover, the democratization variable was once again insignificant. Moreover, the international community and regional actors had

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[13] The Sierra Leonean TRC is the only other African commission which has been well-researched. The reason for this is largely due to the international criminal tribunal which was established in the country (e.g., the Special Court for Sierra Leone). Kelsall (2005) provides a good description of this TRC.

Table 2 Factors associated with the decision to establish a TRC

Variables	Odds ratio	B (robust S.E.)
Durability of the regime type	0.787	−0.240 (0.128)*
Violation of human rights	0.824	−0.193 (0.158)
Power sharing	2.452	0.897 (0.824)
Level of democracy	0.749	−0.289 (0.283)
UN presence	.306	−1.183 (1.120)
Neighborhood effect	0.691	−0.370 (0.291)
t	0.646	−0.436 (0.344)
t^2	1.019	0.019 (0.028)
t^3	1.000	0.000 (0.001)
Constant	1.942	
N	292	
X^2	39.897**	
Nagelkerke R^2	0.383	

Dependent variable is whether the state adopts a TRC year to year (0 = no adoption; 1 = adoption). N includes all sub-Saharan African states which adopted a TRC during the period from 1974 to 2003. Robust standard errors in parentheses

*$p<0.10$; **$p<0.01$

no influence in the timing of TRC adoption among sub-Saharan states. These findings call into question whether the TRC was actually created to provide reconciliation and truth concerning human rights violations or whether the TRC served to provide political cover for newer regimes. As Hayner (1996, 25) notes, "[s] everal African truth commissions have been accused of partisanship in the membership of the commission, with commissioners who are politically beholden to the current administration, unabashedly pro-government".

Indeed, our findings contrast with the literature on the South African TRC and its generally perceived positive role in social reconciliation and democratization in that country. However, the problem in the literature is that the South African experience is used as the standard by which all TRCs (often, even those not in Africa) are judged. As Brahm (2007, 17) notes "much of what we do know about truth commissions comes from a small subsample of cases, most notably South Africa's Truth and Reconciliation Commission (TRC), which raises questions about the generalizability of truth commission expectations". Our findings show that one should be very cautious about drawing general conclusions regarding African TRCs based on the single case of South Africa. Indeed as shown in Table 3, South Africa's TRC was established during a democratic transition which differs substantially from the experience of most other African states which adopted a TRC. More than 50% of the African truth commissions were established in states regarded as "not free" by Freedom House at the time of the adoption. Ghana is the only other state besides South Africa regarded as "free" at the time of TRC adoption.

While Table 3 shows that the political transition process in South Africa should not be generalized to other African TRC states, there is no doubt that the experience of this country has been used by the human rights community, international actors, and other states to advocate the benefits of a TRC. We are not suggesting that the South African TRC has had a causal influence on the level of democratization in Africa, but given that the South African TRC is the most widely cited example of the

Table 3 Level of democracy in states at the time a TRC is established

Variables	Partly free (5)	Not free (8)
South Africa (1995) Ghana (2002)	Uganda (1986) Nigeria (1999) Sierra Leone (2000) Nigeria (2001) Central African Republic (2002)	Uganda (1974) Zimbabwe (1985) Chad (1991) Rwanda (1993) Ethiopia (1993) Burundi (1995) Dem. Rep. of Congo (2002) Liberia (2003)

Classifications based on Freedom House rankings during the year in which the TRC is established. Includes all sub-Saharan African TRCs during the period from 1974 to 2003

benefits of a commission, we wondered whether the South African experience marked a turning point in the establishment of TRCs.[14] Because of the attention paid to the TRC process in South Africa, states which enacted a commission after 1995 faced greater public and international scrutiny. Therefore, we hypothesize that states which adopted a TRC after South Africa have been different than those prior. A cursory examination of Table 3 shows that the vast majority of states which Freedom House ranks as "free" and "partly free" established a TRC after South Africa. We wanted to test whether this interesting anecdotal fact indicates a more fundamental difference among states before and after South Africa's commission.

Table 4 reports the results for 2 logit models—the first model includes a dataset of all TRCs before South Africa, and the second model includes TRCs after. We excluded the UN presence variable in model 1 because of the lack of variation (only 1 state in 1 year had UN peacekeepers). We also excluded from the dataset in the second model South Africa as well as Burundi which also had a TRC the same year (1995). In this test, we are interested whether there is a difference in the characteristics of states which adopted a TRC before and after South Africa. Interestingly, none of the variables in model 1 are significant, and the direction of the democratization variable shows that TRCs prior to South Africa's were adopted by regimes that were generally undemocratic. In model 2, the only variable which is significant is the level of democratization. Because of the Freedom House coding scheme, the negative relationship indicates that since South Africa's TRC, states which have adopted a TRC are more democratic (see Table 4). Whereas before South Africa, TRCs were generally adopted by states as political cover with little interest in promoting democracy, the majority of post-South African TRCs have been established in states considered "partly free", and thus, the TRC is part of a larger democratization process.

We were surprised that the power sharing and UN presence variables were insignificant in model 2. A number of power sharing agreements have led to the creation of a TRC, and the frequency of UN peacekeeping operations has increased in sub-Saharan Africa since the 1990s. Indeed as reported in model 2, UN peacekeeping

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[14] Gibson and his colleagues have written extensively on the experience of South Africa and utilized survey research to draw empirically based conclusions regarding the benefits of the TRC process. As examples of this research, see Gibson and Gouws (2003) and Gibson (2004, 2005).

Table 4 Factors associated with the decision to establish a TRC before and after South Africa

Variables	Model 1		Model 2	
	Before South Africa TRC		After South Africa TRC	
	Odds ratio	B (robust SE)	Odds ratio	B (robust SE)
Durability of the regime type	0.819	−0.200 (0.181)	0.950	−0.051 (0.140)
Violation of human rights	0.625	−0.469 (0.414)	0.655	−0.423 (0.424)
Power sharing	4.203	2.653 (2.680)	3.921	3.782 (4.928)
Level of democracy	1.281	0.247 (1.123)	0.284	−1.260 (0.780)*
UN presence	–	–	0.094	−2.363 (4.837)
Neighborhood Effect	0.274	−1.294 (1.672)	0.882	−0.126 (0.554)
t	0.398	−0.922 (1.135)	0.559	−0.581 (0.807)
t^2	0.983	−0.017 (0.147)	0.979	−0.021 (0.067)
t^3	1.004	0.004 (0.006)	1.002	0.002 (0.002)
Constant	1.969		6.096	
N	76		172	
X^2	20.321**		36.472***	
Nagelkerke R^2	0.553		0.662	

Dependent variable is whether the state adopts a TRC year to year (0 = no adoption; 1 = adoption). N includes all sub-Saharan African states which adopted a TRC during the period from 1974 to 2003 excluding South Africa and Burundi. Robust standard errors in parentheses
*$p<0.10$; **$p<0.05$; ***$p<0.001$

efforts, while insignificant, are negatively related to the establishment of a TRC since 1995. This finding, however, comports with the research of Greig and Diehl (2005) who find that peacekeeping operations actually inhibit efforts at mediation as peacekeeping discourages diplomatic efforts and decreases the likelihood of achieving a settlement (although, their findings are much more robust for interstate conflicts than civil wars). Finally, the neighborhood effect variable was again insignificant. While Brahm (2007, 29) argues that "the diffusion of the truth commission idea, particularly in Latin America and sub-Saharan Africa, leads one to expect that truth commission will be a more likely choice for transitional countries in these regions," we find no evidence that states base their decision whether to adopt a TRC on their neighbors. Since 1995, there has been a concentration of TRCs in Western Africa but no discernible pattern (a third of the TRCs have also been established in Central Africa). The findings in Table 4 show that the only clear difference between pre- and post-1995 South African TRCs has been the level of democratization associated at the time of TRC adoption. TRCs adopted by African states in the 1970s, 1980s, and early 1990s were generally associated with autocratic governments with little regard for human rights. Since 1995, African states which have adopted a TRC have been much more likely to do so as part of the transition to democracy.

Conclusions

This research makes two contributions to our understanding of truth commissions. First, this is one of the few studies which examines the political factors associated with the adoption of a TRC. As previously indicated, most of the research in this

area has focused on the *consequences* rather than the *causes* of truth commissions. A focus on the rationale for TRC adoption is itself important but also enhances our broader knowledge of the consequences of TRCs. Since we find that many of the earlier African TRCs were adopted as a political façade rather than to address human rights violations, it is hardly surprising that these TRCs might not have strengthened human rights protections or advanced democratization. Most of the literature has tended to focus on TRCs as a transitional justice mechanism, but our findings suggest that during the first period of TRC adoption in Africa (pre-1995), commissions were generally adopted by entrenched authoritarian regimes. Certainly, we are not the first to note that TRCs can be created for political expediency rather than justice; however, to our knowledge, this is the first empirical study which shows that there has been a difference in the types of states which have adopted TRCs over the past three decades. Since South Africa's truth commission in 1995, we have seen TRCs become an attractive option for failing and failed states to address human rights abuses perpetrated by the previous regime (or regimes), and TRCs are being adopted by states which are less authoritarian.

A second contribution of this research is to provide an empirically based cross-national time series design to assess the establishment of truth commissions. Most of the literature in this area has tended to be case studies and focus on critical states such as Guatemala, El Salvador, and South Africa. As Brahm (2007, 24) notes in regards to testing hypotheses concerning TRC effects "the transitional justice literature lacks a broad, cross-national assessment ... Of the case studies and comparative work that do exist, the vast majority is concentrated on a small subset of the over two dozen truth commissions we have seen around the world. A cross-national time-series approach can fill a significant void". Because of operationalization and methodological issues, Brahm and others are cautious about the use of such designs; however, we believe that cross-national research designs can assist in placing some of the rich case study narrative within a broader context. Ultimately as more states adopt TRCs, the need and the ability to conduct cross-national research becomes greater, and further research, either on a regional or global basis, can make a significant contribution to our understanding of TRCs.

Appendix

Table 5 Sub-Saharan African states

State	TRC
Angola	
Benin	
Botswana	
Burkina Faso	
Burundi	Yes
Cameroon	
Central African Republic	Yes
Chad	
Comoros	

Table 5 (continued)

State	TRC
Congo	
Cote d'Ivorie	
Djibouti	
Equatorial Guinea	
Ethiopia	Yes
Gabon	
Gambia	
Ghana	Yes
Guinea	
Guinea-Bissau	
Kenya	
Lesotho	
Liberia	Yes
Madagascar	
Malawi	
Mali	
Mauritania	
Mauritius	
Mozambique	
Namibia	
Ye	Niger
Nigeria	Yes
Rwanda	Yes
Senegal	
Sierra Leone	Yes
Somalia	
South Africa	Yes
Sudan	
Swaziland	
Tanzania	
Togo	
Uganda	Yes
Zaire (DCR)	Yes
Zambia	
Zimbabwe	Yes

Source: South African Data Archive, SADA 0095. TRCs compiled by authors

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