

Introduction: Civil society and transitional justice in Asia and the Pacific

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Over the last two decades, civil society in Asia and the Pacific has played an integral role in debates about transitional justice mechanisms for populations who have experienced violent conflicts or oppressive political regimes. As in other parts of the world, civil society organisations (CSOs) and actors have advocated for the establishment of criminal trials and truth commissions, monitored their operations once established, and pushed for take-up of their recommendations (Brahm 2007). CSOs have also been instrumental in developing community-based responses to address the legacies of mass violence (Hovil and Okello 2011). Many ‘local’ (national and grassroots) CSOs actively engage with regional and global transitional justice networks to support their work (Boesenecker and Vinjamuri 2011).

Despite these critical roles, there has been surprisingly little examination of the breadth and diversity of civil society transitional justice activity across Asia and the Pacific. This collection addresses this gap through an empirically grounded analysis of this activity in four Asian states—Timor-Leste, Indonesia, Cambodia and Myanmar—and three Pacific contexts—Bougainville (an autonomous region of Papua New Guinea), Solomon Islands and Fiji. It builds upon the rich discussions that took place during an interdisciplinary workshop on the theme of ‘Civil Society and Transitional Justice in Asia and the Pacific’ held at The Australian National University in September 2016, which brought together leading and emerging international and Australian scholars working in the field of transitional justice. Workshop discussions ranged across numerous themes, including the roles of faith-based organisations vis-à-vis secular

CSOs in transitional justice; the extent to which gender concerns shape civil society transitional justice efforts; the relationships (and tensions) between CSOs and the state; the influence of donor agendas on CSOs; and the significance of civil society-led transitional justice initiatives (including local reconciliation, art, memorialisation and community media initiatives).

Picking up on these themes, the chapters in this collection provide a nuanced picture of the *heterogeneity* of civil society in Asia and the Pacific. This picture challenges many assumptions about the nature of civil society and its role in transitional justice found in the literature. It illustrates that CSOs can have different – and sometimes competing – priorities, resources and approaches to transitional justice, and that their work may be underpinned by diverse understandings of what constitutes ‘justice’. The aim of the collection is not to provide a comprehensive picture of civil society transitional justice activity in Asia and the Pacific (or to define its parameters); rather, it is to shed light on its diversity and on the factors that both enable and constrain certain forms of civil society activity in specific contexts.

In the remainder of this introductory chapter we grapple with the slippery concept of ‘civil society’. We consider how the concept of civil society has evolved and its emerging prominence in the discourse and practice of transitional justice. We then highlight two key blind spots that are apparent in the current portrayal of civil society in the transitional justice literature: first, the tendency to view civil society as a homogenous and secular entity, which overlooks the diversity of civil society actors and the significance of institutions grounded in other forms of association, such as kin, ethnicity and faith; and second, the tendency to celebrate civil society as an unqualified good, which downplays the dynamics of power that shape and constrain it. Finally, we provide an overview of the chapters that comprise this collection.

‘Civil society’: An evolving concept

Civil society is a nebulous, slippery and ill-defined concept (Jeffrey 2013, 107). It is a concept that can potentially be applied to a bewildering range of non-state actors, including but not limited to: non-governmental

organisations;¹ associations; church and faith-based groups; trade unions; sporting associations; youth groups; and issue-focused organisations. It can also be applied to actors with varying values, issues of concern, motivating philosophies, financial means and degrees of political, religious and/or ideological motivation. Nonetheless, in the contemporary period, civil society tends to operate as a kind of ‘floating signifier’ that carries connotations of ‘civility and virtue’ (Shepherd 2015, 893) and is perceived as operating in the interstices of the state and society.

To help contextualise current understandings of civil society it is useful to examine the historical origins of the concept, which are often said to lie in the late Enlightenment period, with the emergence of the ‘secular state’ (Jeffery, Kent and Wallis 2017, 381). The seventeenth-century philosophers Hobbes and Grotius emphasised the need for a ‘civil’ well-ordered society, and for Locke, ‘civil’ society was indistinguishable from the ideal ‘civilised’ state, which was set in contrast to primitive and savage societies. A shift occurred in the eighteenth century, when the term ‘civil society’ became popularised as a way of referring to a sphere of life that was distinctly separate from the state and from religious society (Jeffery, Kent and Wallis 2017, 382). Civil society came to be understood as a means of guarding individual rights against the overuse of power by the state (Glasius, Lewis and Seckinelgin 2004). Voluntary associations were seen to be essential in keeping in check the power of centralised institutions and protecting pluralism (Edwards 2004, 7).

The concept of civil society experienced a resurgence in the 1980s with the end of the Cold War and the collapse of socialism. Political parties and the mass media increasingly invoked the concept of civil society to refer to all forms of voluntary association that had previously been controlled by the state – from sports clubs to national groups (Hann 1996, 45). The concept came to signify ‘utopian conditions, of democratic participation and tolerance, the antithesis of totalitarianism’ (Hann 1996, 45). The so-called ‘third wave’ of transitions from authoritarian rule to democracy that took place in Eastern Europe and Latin America gave further force to these ideas (Huntington 1993; Jeffery, Kent and Wallis 2017, 382). The civil societies emerging in these regions

1 The terms ‘non-governmental organisation’ (NGO) and ‘civil society organisation’ (CSO) are often used interchangeably. However, as the chapters in this collection demonstrate, civil society is a broad concept, while NGOs generally work within an international development or human rights framework. Therefore, we view NGOs as constituting one element of a broader CSO base.

at that time have been 'credited with effective resistance to authoritarian regimes, democratizing society from below while pressuring authoritarians for change' (Foley and Edwards 1996, 38).

Many of the main protagonists of these civil society movements became key players in the debates that began to take place in the field of transitional justice that similarly emerged in the 1980s. In particular, these actors 'brought with them a set of agendas that emphasized, among other priorities, the pursuit of formal state-led responses to human rights violations' (Jeffery, Kent and Wallis 2017, 382). These agendas significantly influenced emerging understandings of 'transitional justice' and the roles of civil society in furthering a transitional justice agenda. The idea of transitional justice came to be equated with legal responses to past violence, including legal accountability for perpetrators of human rights violations, and with legal-institutional reforms that sought to entrench this approach. Civil society came to be conceived as supportive of this agenda, and separate from the state (Jeffery, Kent and Wallis 2017, 383).

While the relationship between transitional justice and civil society was forged in the 1980s, it has continued to evolve as the field of transitional justice has itself evolved. The concerns of transitional justice scholars and practitioners have expanded to encompass not only transitions from authoritarian rule to democracy but also transitions from conflict to peace (Jeffery and Kim 2014, 5). Since the 1990s, transitional justice mechanisms have been increasingly prescribed as part of the United Nations 'tool-kit' for successful post-conflict peacebuilding (Kent 2012, 5; Subotic 2009, 21). And while transitional justice continues to be underpinned by an emphasis on prosecutions, the field has broadened to encompass a much wider range of mechanisms, including truth commissions, institutional reform, vetting processes, customary reconciliation processes, memorialisation, and history curriculum reform. These developments have taken place alongside a growing interest in 'localising' transitional justice, in other words, adapting transitional justice to meet the context-specific needs of different post-conflict societies (Shaw and Waldorf 2010, 4).

These shifts have fostered a renewed interest in civil society actors and have generated new assumptions about what civil society can accomplish. While civil society continues to be understood as secular, as operating in a sphere that is separate from the state and as supportive of global accountability norms, it is also viewed as the repository of 'local knowledge' and as critical to fostering public debate about, and ensuring the public

ownership of, transitional justice processes and norms (Kritz 2009, 18; Brahm 2007; Shaw and Waldorf 2010). In the context of peacebuilding and state-building interventions, civil society is often invoked to suggest ideas of ‘autonomy, population participation and democratic validation’ (Jeffery 2013, 113). It is thought to ‘carry the best hopes for a genuine democratic counterweight to the power-brokers, economic, exploiters and warlords’ (Pouliny 2005, 496). These assumptions tend to be taken-for-granted rather than critically examined (Subotic 2012, 112; Hovil and Okello 2011).

Transitional justice and civil society: Rethinking secular assumptions

Prevailing accounts of civil society in the transitional justice literature tend to treat civil society as a ‘unified, homogenous and secular entity’ (Jeffery, Kent and Wallis 2017, 379). It is assumed that civil society operates in a sphere that is both separate to, and complementary of, the state and that CSOs are uniformly in favour of ‘global accountability norms’ that stress the importance of criminal accountability for perpetrators of mass atrocities (Jeffery, Kent and Wallis 2017, 379; Boesnecker and Vinjamuri 2011, 346). These assumptions, which are partly a reflection of the evolution of conceptions of civil society in ‘the West’ (Jeffery, Kent and Wallis 2017, 380; Boesnecker and Vinjamuri 2011), have led scholars and practitioners working in or on post-conflict societies to assume the existence of structures that are representative of ‘the form that civil society has taken in modern western societies’ (Pouliny 2005, 498).

This assumption has led to a significant blind spot in the transitional justice literature. Specifically, it has meant that the diversity of civil society actors and civil society practice has been overlooked, as have the historical and political contexts that have shaped the development of civil society in specific places (Jeffery, Kent and Wallis 2017, 388; see also Lewis 2002). For instance, current conceptions of civil society tend to overlook the degree to which institutions based on other forms of association, like kin, ethnicity or local ‘tradition’, may be significant in many societies (Lewis 2002). The importance of ‘custom’ in shaping local value systems in relation to transitional justice is highlighted in several chapters in this collection, in particular those focused on Timor-Leste and the Pacific Islands. For instance, Damian Grenfell’s and Lia Kent’s chapters draw out

the significance of customary rituals and practices relating to the recovery and reburial of the dead in Timor-Leste. Joanne Wallis's and Volker Boege's chapters highlight the role of local sociopolitical practices in fostering reconciliation in Bougainville. These chapters underscore the continuing relevance of kinship networks, ties and governance structures, which they say retain 'a primary function in the organisation of social and political life' in these societies (Jeffery, Kent and Wallis 2017). They demonstrate, too, that in contexts where populations are largely rural-based, reliant on subsistence agriculture and have limited access to state services, these structures and ties play a critical role in ensuring the long-term survival of local communities. In some cases, customary actors or institutions may enjoy more legitimacy than 'elite' CSOs based in capital cities.

The tendency to conceive of civil society as a homogenous and secular entity has also led to a neglect of faith-based actors and organisations and of religious practices and rituals, which, in many societies, may be considered key in addressing the legacies of violent pasts. This is beginning to change (Inazu 2009; Abe 2004; Shore and Kline 2006; Brown 2004; Beu and Nokise 2009; Rožič 2014), and scholars such as Philpott have highlighted the significance of faith-based actors in promoting and spreading a paradigm of transitional justice based on the concept of 'reconciliation'. Philpott suggests that, unlike secular human rights organisations, faith-based actors tend to ground their work in faith doctrines rather than human rights discourses, emphasising 'apology, forgiveness, empathic acknowledgement of suffering and the transformation of enmity between both groups and individuals' (Philpott 2007, 97). Philpott (2009, 183) also argues that religious actors and organisations can influence the character of broader transitional justice processes by 'shaping the content of a society's political discourse – for instance, by injecting the language of reconciliation, apology and forgiveness into the media and political debate'.

With a similar focus on the contributions of faith-based actors to reconciliation, Kollontai (2013) and Brown (2004) emphasise religious actors' willingness and ability to work across religious and ethnic boundaries. Kollontai documents the work of the Jewish aid organisation La Benevolencia in Bosnia-Herzegovina, showing how, in an environment where religion had become synonymous with questions of ethnic identity, this organisation came to be thought of as representing neutrality and impartiality. Brown (2004) emphasises how the Melanesian Brothers in the Solomon Islands were regarded as neutral during the ethnic tensions

that took place from 1998 to 2003. This was a context in which both sides of the conflict were Christian and religion did not play a significant role in fuelling animosities. Here, widespread beliefs in the *mana* (spiritual powers) of the Brothers meant that they were both respected and feared, and able to pass between both sides of the conflict, praying with militants and providing humanitarian relief and shelter.

Religious actors' willingness to enter dangerous environments, and their ability to negotiate between different sides of a conflict, can also place them in a unique position to provide humanitarian aid. For instance, Bouta et al.'s 2005 desk study, which analyses the role of 27 Christian, Muslim and multi-faith organisations working in peacebuilding, concludes that the unique strength of faith-based organisations lies in their ability and willingness to work both across religious boundaries and with secular actors. Their 'moral and spiritual authority' (Bouta, Kadayifci-Orelland and Abu-Nimer 2005, 8) is widely respected vis-à-vis the government, and they have stronger historical links to their communities than secular CSOs and the state (Shannahan and Payne 2016). This provides them with a unique niche to mobilise both the local community and international networks based on their affiliations.

This collection contributes to this emerging body of work by exploring the significance of faith-based organisations and approaches to transitional justice in Asia and the Pacific. A key theme that emerges from the chapters focusing on the Pacific Islands is that faith-based, primarily Christian, organisations have been among the most actively engaged CSOs on questions of transitional justice. These organisations have promoted globalised justice ideologies and institutions while simultaneously embracing more locally pertinent discourses of justice grounded in biblical theology. These themes are evident in Volker Boege's chapter, which identifies the influential role of church groups in facilitating reconciliation in Bougainville; David Oakeshott's chapter, which focuses on a Marist Brothers initiative in Bougainville and the Solomon Islands that sought to 'vernacularise' the child rights discourse to facilitate peacebuilding; and Claire Cronin's chapter, which highlights the role of the Solomon Islands Christian Association in promoting the Truth and Reconciliation Commission.

As these chapters and several others in this collection underscore, the distinction between 'global' and 'local' approaches to transitional justice is not always clear-cut: 'indigenous' and 'faith-based' actors and

organisations may be influenced by global discourses (including liberal human rights discourse) and may attempt to ‘vernacularise’ or translate these discourses in ways that are locally resonant. As the chapters on the Pacific Islands highlight, however, these attempts are not always seamless. A key theme raised in both Cronin’s and Oakeshott’s chapters is that CSOs in the Pacific Islands have faced difficulties in their advocacy for formal transitional justice mechanisms because these mechanisms are grounded in liberal, individualistic understandings of human rights that are perceived as incompatible with local value systems grounded in Christianity and *kastom*.

Nonetheless, local CSOs may be successful in promoting creative responses that navigate between, and sometimes transform, international human rights norms and local value systems. Ken Setiawan’s chapter, which examines how Indonesian civil society actors have made use of online platforms to promote the remembrance of stories about the 1965 anti-communist violence, illustrates the creative potential of civil society responses. Sperfeldt and Oeung also point to this creativity by examining the ways in which local CSOs in Cambodia have provided advocacy and outreach in a context where the political will of the state is lacking. In her analysis of another Cambodian CSO, the Bophana Centre, Rachel Hughes examines how it engages communities in public events and film screenings. She suggests that the creative arts-based programs organised by the Bophana Centre, which emphasise ‘shared creative labour’ that is ‘cultural, material and relational’, have reshaped the nature and scope of the outreach activities organised by the Extraordinary Chambers in the Court of Cambodia (ECCC).

Rethinking the dynamics of power: Donors and national political elites

A second blind spot in dominant accounts of civil society in the transitional justice literature relates to the eclipsing of power dynamics (including those between actors in the Global North and local CSOs in the South, and those between local CSOs and domestic political elites). This blind spot is partly due to the depiction of transitional justice as an arena of ‘technical expertise’ that involves the implementation of a ‘standard menu’ of offerings that includes trials, truth commissions, reparations initiatives and security sector reform (Nesiah 2016; Subotic 2012, 119–120) in diverse post-conflict contexts.

Writing against this depoliticised depiction, critical transitional justice scholars have argued that states in the Global North, donors and international NGOs can have a significant influence on the priorities and activities of ‘local’ civil society in conflict-affected societies. These power differentials, which can play out through decision-making about funding, as well as the exchange of technical expertise and capacity building (e.g. see Nesiah 2016; Pigou 2011), have become more pronounced as the field of transitional justice has become associated with externally sponsored state-building and peacebuilding programs. In such contexts, it is particularly likely that ‘powerful countries of the global North’ will play a role in ‘advocating for a transitional justice mechanism in the global South’ (Nesiah 2016, 14) and that states will be ‘expected, encouraged and even coerced’ to adopt such mechanisms (Subotic 2009, 5). As this can lead to legitimacy issues (Nesiah 2016, 14), the encouragement of civil society transitional justice activity may be viewed as a way to help counter these issues. Further exacerbating the power differentials is the increasing professionalisation of the transitional justice field, which is reflected in the mounting donor pressures upon local and international to demonstrate the effectiveness and impact of their work (Subotic 2012, 119).

The influence of donors on the activities and practices undertaken by local CSOs has been noted by Vasuki Nesiah (2016, 44), who argues that donors tend to gravitate towards, and fund, ‘elite’ civil society actors who are often of a secular orientation, and speak in ‘an internationalised language of transitional justice’ rather than those who ‘may advance justice agendas and priorities that do not translate into that language because of indigenous (or other alternative) epistemologies’. Similarly, Piers Pigou (2011) observes how differences between elite CSOs who speak the international vernacular (and can tailor funding proposals to fit with donors’ priorities and concerns) and grassroots, rural or more radical groups, can become more pronounced during times of transition. A lack of international funding may lead to some civil society groups becoming marginalised and sidelined by urban elites who claim to speak on their behalf. The funding of certain kinds of activities may, by creating incentives for CSOs to focus on certain issues, also detract from creative, community-based approaches to addressing the legacies of past violence, and marginalise ‘local knowledges’ (Nesiah 2016, 29; Subotic 2012, 121). It may also lead to a depoliticisation of civil society activities, as certain issues are prioritised (for instance, prosecutions) and others are left untouched (for instance, structural injustices that may be legacies of colonialism) (Nesiah 2016).

Many of these themes are explored in this collection. For instance, Sperfeldt and Oeung observe that while some Cambodian CSOs have benefited from the funding available for community outreach associated with the ECCC, other groups (including the nascent victims' association Ksen Ksan) have 'struggled to find a foothold in Cambodia's competitive society'. Wallis similarly notes that the international CSOs working in Bougainville have tended to 'engage with and fund elite, Bougainvillean CSOs that speak in an internationalised language of transitional justice and human rights'. Writing of the Timor-Leste context, Kent suggests that, while the alliances forged between local CSOs in Timor-Leste and international human rights NGOs have helped to augment the voice and impact of the former group, these links have not always been an advantage in a domestic political context. Local CSOs have been accused by domestic political elites of pushing a 'foreign' agenda that is of little relevance to the lives and priorities of ordinary people.

Further to the issue of power dynamics, several chapters in the collection highlight the ways in which civil society advocacy for transitional justice can become entangled with, and limited by, the political agendas of national political elites. Like the power dynamics between international actors and local CSOs, the conflicting political agendas that are at play in the process of 'dealing with the past' in specific contexts may be obscured by the professionalisation and institutionalisation of the transitional justice field, and its depiction as an apolitical and technical set of 'tools' (Nesiah 2016, 32). The diverse political stakes that are at play, and the concrete political struggles in which transitional justice debates and mechanisms are embedded are, however, very apparent to the contributors to this collection. In Timor-Leste, Kent describes how narratives of victimhood and suffering are downplayed by political elites who favour more 'heroic "imaginings"' of the Timor-Leste nation. Grenfell builds on this observation to describe how the Timor-Leste Government has used transitional justice 'framed in national terms' to reinforce the state. Grenfell's chapter offers caution about the dangers of CSOs being co-opted into transitional justice mechanisms that are part of state-building projects that might not be legitimate, or that might be exclusionary. The degree to which the transitional justice advocacy of civil society actors can become frustrated by the agendas of national political elites is also evident in Setiawan's chapter on Indonesia and Catherine Renshaw's chapter on Myanmar. Setiawan suggests that there has been a 'lack of political will to address past human rights violations'

because many of the elites who were part of the repressive New Order regime remain influential. Setiawan observes that, while CSOs have advocated for transitional justice mechanisms, there is ‘reluctance or even antipathy’ among many Indonesians towards these mechanisms, perhaps demonstrating the difficulty of pursuing transitional justice in contexts where a so-called ‘transition’ to democracy has only partially occurred. In Myanmar, Renshaw describes how both the military and the National League for Democracy (NLD) have prioritised stability over strong accountability mechanisms, in part because, as in Indonesia, the military retains significant political power.

The challenge of pursuing transitional justice in contexts where previous elites remain influential is also evident in Wallis’s and Boege’s chapters on Bougainville, where elites have favoured customary reconciliation coupled with amnesties and pardons for human rights abuses, which has, according to Wallis, ‘contributed to the emergence of a culture of impunity’. As in Indonesia, Wallis finds that ‘proposals to establish a formal transitional justice mechanism have largely failed to gain traction among ordinary Bougainvilleans’, perhaps again because of the difficulty of pursuing transitional justice in contexts where the political transition is ongoing or its outcome uncertain. In contrast, Sperfeldt and Oeung’s chapter on Cambodia highlights how extensive transitional justice mechanisms, including an international criminal court, can be pursued in contexts where there has been a clear political transition, previous elites have been removed and where there is substantial international support.

Nonetheless, it is also important not to overestimate the power of states to shape transitional justice agendas. In the context of the Pacific Islands, for instance, Wallis argues that it is necessary to question ‘liberal assumptions regarding the relevance and legitimacy of states as actors capable of facilitating or complying with formal transitional justice mechanisms’. As Wallis points out, these assumptions simply do not hold up in the Pacific Islands, where ‘states themselves are only shallowly rooted in society and many people do not have a strong understanding of themselves as citizens of a state’. Similar observations are made by Oakeshott in respect of Solomon Islands, where he notes that churches have ‘historically performed governance functions that a classical Weberian understanding of the state (as distinct from civil society) would view as state prerogatives’, including ‘governance in the absence of functioning states’.

Chapter overview

As the preceding discussion of blind spots suggests, rather than working with a pre-existing (Western, liberal) understanding of what civil society looks like or celebrating civil society as an unqualified good, it is necessary for transitional justice scholars to engage with what Mamdani refers to as ‘actually existing civil society’ (1996, 19). This means paying more attention to the historical and political contexts that have shaped the development of civil society in specific places (Jeffery, Kent and Wallis 2017, 388; see also Lewis 2002). It means attending to the ways in which local organisations define their moral and political agenda and critically engage with (or choose to disengage from) the ‘inescapably normative’ modern Western model of civil society prescribed and funded by international donors. It also requires widening the lens of what constitutes civil society to consider indigenous governance structures, which may help to challenge and problematise Western-centric norms (Hann 1996). At the same time, it requires sensitivity to the globalisation of ideas about civil society and transitional justice, and to the dynamics of power that imbue the relationships between donors, CSOs and national political elites. Responding to Mamdani’s call for more attention to ‘actually existing’ civil society, the chapters in this collection engage in place-based analyses, exploring individual case studies that elucidate the diversity of civil society engagement with transitional justice processes across Asia and the Pacific.

Part 1: Timor-Leste and Indonesia

The first three chapters focus on Timor-Leste and Indonesia. Chapter 1, by Lia Kent, considers the limitations of the normative, liberal model of transitional justice endorsed by civil society in Timor-Leste. Kent instead advocates a broader approach based on a recognition of ‘everyday practices’. Kent describes, for example, the importance of honouring the dead in Timorese *adat* (custom) and how ‘the dead remain a very real presence in the lives of the living’. As such, for many who lost loved ones during the Indonesian occupation, locating the bodies of family members and affording them proper funeral rights is a pressing need. Despite this, Kent finds that these activities often occur ‘with little or no connection to the work of CSO activists, including the victims’ association’. Instead, much of this activity is undertaken by families and kinship groups with little external support, although some support is provided by faith-based actors.

Based on this analysis, Kent draws attention to potential shortcomings of the ‘victim-centred’ discourse promoted by Timorese CSOs. She argues that engaging with alternative subjectivities that are grounded in kinship structures may prove more useful in meeting the needs and priorities of East Timorese.

Chapter 2, by Damian Grenfell, documents how civil society actors in Timor-Leste have limited the effectiveness of both formal transitional justice initiatives and locally engaged forms of reconciliation and reparations by framing their efforts in terms of a ‘national imaginary’ closely linked to resistance to Indonesian occupation. Importantly, Grenfell defines civil society as ‘forms of social collaboration grounded in a public virtue that do not challenge the state’s claim to the monopoly over the legitimate use of violence within a given territory’. Grenfell argues that the nationalism that has shaped the transitional justice efforts has undermined their ability to respond to victims, as it has prioritised ‘veterans over civilian survivors’ and made a ‘clear delineation in terms of gender’. As CSOs have reinforced a state-centric approach to transitional justice, this has also meant that cultural practices, particularly with regards to the burial of the dead, have been overlooked.

Chapter 3, by Ken Setiawan, considers the role of digital platforms in providing spaces for storytelling that challenge official narratives about past violence in Indonesia. Setiawan conceptualises civil society broadly to include these online spaces that fly under the radar of state control. She draws on Hirsch’s (2008) theory of postmemory to describe how stories published through digital platforms can serve to connect those who did not directly experience violence with previous generations who did. In addition, such stories have an affiliative, horizontal effect, connecting people to contemporaries who lack a filial link to past violence. In the context of the Indonesian transitional justice process, which Setiawan describes as ‘at best as “delayed” ... at worst as “failed”’, such stories ‘generate factual knowledge about what has happened, to whom and who is responsible’. Importantly, these stories can also function as ‘voices against silence, interpretation against incomprehension, empathy against indifference and remembrance against forgetting’.

Part 2: Cambodia and Myanmar

The next three chapters consider Cambodia and Myanmar. Chapter 4, by Christoph Sperfeldt and Jeudy Oeung, provides an in-depth case study of the evolution of civil society support to the Extraordinary Chambers in the Court of Cambodia from 2003 through to the present to demonstrate the many ways in which civil society can provide advocacy and outreach where government processes lack political will, and support and assistance where they lack resources. The authors document how CSOs took responsibility for advocating for increased victim participation in the process (phase one), to assisting victims in participating in the court (phases two and three), to assisting with collective reparations including remembrance and memorialisation, rehabilitation, documentation and education (phase four). While they argue that CSOs performed a valuable role, Sperfeldt and Oeung conclude that a more formalised, structured relationship would have streamlined the process to better meet the needs of victims.

Chapter 5, by Rachel Hughes, explores the work of Cambodian CSO the Bophana Centre. Bophana ‘does not participate straightforwardly in the discursive field of “transitional justice”’, as it eschews the normative approaches of humanitarian and human rights–focused initiatives. Instead, it focuses on educating the community, engaging them in active memory-work through film production and public screenings, organising conferences and providing the public with free access to its audiovisual archive. Bophana also works closely with the state-run Khmer Rouge Tribunal, providing its Public Affairs Section with resources and technical support to run ‘Study Tour Memory Nights’. Hughes problematises the Centre’s collaboration with the Khmer Rouge Tribunal, noting that concepts such as ‘civil society’ and ‘transitional justice’ can become ‘rationales for the continued existence and salience’ of CSOs, as while they are ‘largely discursive’ they are also ‘economically consequential’.

Chapter 6, by Catherine Renshaw, examines the transition to democracy in Myanmar. Renshaw finds that ‘there has been little justice’ in this transition because it has occurred as the result of ‘indigenous top-down change’ and consequently the military, which would fear the consequences of a formal transitional justice process, particularly criminal trials, retains significant political power. The National League for Democracy, which was the most significant advocate of the transition, also prioritises stability over strong accountability mechanisms. In any event, many Burmese conceive justice broadly to include not only criminal accountability,

but also broader political and economic reform. Such reform is unlikely to occur as long as the military and NLD are focused on maintaining the status quo. Burmese from Myanmar's ethnic states are also involved in ongoing conflict with the national government, highlighting that a transition to peace remains only aspirational for many Burmese. In this context, Renshaw argues that CSOs are 'critical actors in recording and articulating authentic expressions of what justice requires; and beginning the long process of recalibrating the political morality of post-transition society'.

Part 3: The Pacific Islands

The final four chapters focus on the Pacific Islands. In Chapter 7, Joanne Wallis examines the role played by reconciliation practices in social reconstruction after Bougainville's 1989 to 1997 conflict. Wallis juxtaposes reconciliation 'grounded in local sociopolitical practices' that is favoured by grassroots civil society, with the liberal, human rights-based mechanisms (namely, criminal trials and truth commissions) advocated by 'elite' CSOs. Wallis concludes that local sociopolitical reconciliation practices have helped to establish 'an environment in which Bougainvilleans have been able to negotiate and agree to the design of [effective governance] institutions, and in which they have been able to peacefully work through them to govern Bougainville'. However, she concludes that outcomes with respect to justice have been more mixed, as the pragmatic decision by Bougainvillean elites to favour reconciliation over a formal transitional justice mechanism has contributed to the emergence of a culture of impunity.

Chapter 8, by Volker Boege, also focuses on the role of reconciliation in peacebuilding in Bougainville, but takes a different approach by examining the ways in which reconciliation is practised. He observes that, while reconciliations are usually presented as the 'traditional' Bougainville approach to peacebuilding and (restorative) justice, today a broad spectrum of types of 'reconciliations' can be found, in different contexts and at different levels. However, he notes that there is growing concern about reconciliations losing their true 'traditional' meaning, becoming shallowly tokenistic and commercialised, and thus less effective and legitimate. He concludes by exploring the current state of reconciliations on Bougainville and their significance as an indigenous means of 'transitional justice', not least in the absence of more conventional transitional justice mechanisms such as a truth and reconciliation commission.

In Chapter 9, David Oakeshott considers the role that church organisations can play in post-conflict education systems, which Cole (2007) has claimed ‘can function as the second phase’ in transitional justice after official institutions such as truth commissions and trials. Based on a case study of the Child Rights Network – an initiative of the Marist Brothers of Melanesia – in two Catholic Church–run boarding schools in Mabiri (Bougainville) and Tenaru (Solomon Islands), Oakeshott analyses how human (specifically, child’s) rights discourse can be vernacularised to facilitate peacebuilding. While Oakeshott finds that the child’s rights discourse has been successfully interwoven with Marist teaching in the two schools to encourage students to see themselves as possessing rights equal to their teachers, and to shift teachers’ emphasis from punishment to pastoral care, he concludes that it did little to change teachers’ and students’ attitudes to the authority structures that contributed to conflict in Solomon Islands and Bougainville. More broadly, Oakeshott cautions that, by stepping in to fill the void left by the state in the provision of education in a transitional environment, civil society (in this case, the church) may undermine one of the key goals of the transitional justice project – to build trust between the state and its citizens over the longer term.

Chapter 10, by Claire Cronin, looks at the role of faith-based organisation SICA (the Solomon Islands Christian Association) in promoting the Truth and Reconciliation Commission (TRC) in post-conflict Solomon Islands. Cronin argues that SICA was influenced by the perceived success of the South African Truth and Reconciliation Commission, which had interwoven Christian theological notions with internationally normative transitional justice discourses. Following the South African Commission, SICA believed that the TRC would provide a way for victims to talk about their experiences of suffering during the tensions, and be perceived as a morally legitimate institution, both by the international community and the Solomon Islands people. While Cronin finds that SICA’s community advocacy around the TRC was largely successful because it emphasised the role that Christianity and the church might play, when the TRC submitted its Final Report to parliament in 2012, its analysis was overwhelmingly grounded in the international human rights discourse. Cronin concludes that the TRC is an example of superficial ‘vernacularisation’ of transitional justice discourses as there was no real attempt to amalgamate international and local understandings of (in)justice.

Conclusion

The chapters in this collection paint a picture of the heterogeneity of CSOs and actors in Asia and the Pacific and the breadth of their transitional justice activities. This is a picture that illustrates the need to broaden understandings of what constitutes civil society and civil society practice in relation to transitional justice, and poses a challenge to the globalised, standardised, primarily legalistic, model of transitional justice that tends to dominate much of the scholarly and policy literature. The CSO organisations and actors discussed in these chapters are engaged in a great deal of activity beyond advocating for short-term, formal mechanisms such as criminal prosecutions and truth commissions. The richness of this activity suggests that local populations have much deeper understandings and expectations of what transitional justice should involve and achieve.

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