Explaining the timeliness of implementation of truth commission recommendations

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Abstract

Truth commissions are widely seen as important peacebuilding tools partially because they issue recommendations that seek to prompt further justice initiatives to address past abuses and promote institutional reforms that encourage non-repetition. Yet, despite growing interest in truth commissions among academics, policymakers, and activists, little attention has been paid to the recommendations that they outline in their final reports. In this article, we examine the factors that shape whether and when truth commission recommendations are enacted. Thus, we seek to explain not only whether recommendations are implemented, but also *how quickly* they are implemented. We use survival analysis to test the effects of a range of political and economic country-level variables, commission-specific qualities, and recommendation characteristics on the implementation record of nearly 700 recommendations formulated by ten Latin American truth commissions that operated between 1984 and 2014. The analysis yields interesting results, including that implementation proceeds more quickly in wealthier countries and when recommendations are issued by commissions created immediately after transitions, when the transitions occurred in which one side was victorious, and when commissions are created by an executive order. Moreover, recommendations that are directed towards the past are implemented more slowly than future-oriented measures.

Keywords

Introduction

All truth commissions make recommendations, if they complete their work, but we know very little about recommendations or their fate. A truth commission is 'a temporary body established with an official mandate to investigate past human rights violations, identify the patterns and causes of violence, and publish a final report through a politically autonomous procedure' (Bakiner, 2016: 24). The likes of the United Nations (UN) (Office of the UN High Commissioner for Human Rights, 2006) and non-governmental organizations such as the International Center for Transitional Justice (ICTJ) and Amnesty International (2007, 2010) are increasingly enthusiastic about truth commissions as peacebuilding tools. South Africa's

Truth and Reconciliation Commission (TRC), for example, is widely credited with threading the needle between demands for justice and perpetrators' desire for impunity and contributing to a peaceful democratic transition (Rotberg & Thompson, 2000). Among other things, truth commissions may promote peace by uncovering information about past atrocities and constructing new narratives about the past. In contrast to trials, they may be more victim-centered; truth commission processes themselves may contribute to peacebuilding as a result (Gutiérrez Salazar, 2018). Truth commissions also may prompt further justice initiatives and

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institutional reforms that encourage non-repetition. Such measures typically appear in truth commission recommendations.

Issued in their final reports, recommendations are 'any measure suggested by a truth commission that calls upon the state to take action that addresses past human rights violations and/or is designed to promote non-repetition' (Skaar, Wiebelhaus-Brahm & Garcia-Godos, 2022a). Globally, truth commission recommendations address a wide variety of subjects. They are context specific, closely tailored to the nature of abuses in the country. Yet, common themes emerge. Recognizing that they can only partially deliver justice, commissioners typically recommend measures for accountability like criminal prosecution and vetting procedures and reparations programs to further address the needs of victims. Other recommendations focus on ensuring non-repetition. Reform of the judiciary, the security sector, and other state institutions, for example, are common. Commissions frequently mention legal reform, especially those governing state detention of individuals. Educational measures, whether specialized training for state agents or programs to promote broader awareness and understanding of the past, are other typical items.

The implementation of such recommendations, particularly in a timely manner, is likely important for unfolding peacebuilding processes for at least two reasons. First, recommendations often are urgently needed, especially backward-looking measures that directly address victims' needs. Second, recommendations that seek to guarantee non-repetition should be implemented as quickly as possible to prevent future violations. If not when public attention is focused on them, implementation may never occur. Thus, timely implementation seems to be important if recommendations are to advance peacebuilding. Nonetheless, although a sizeable body of research addresses truth commission impact on the likes of peace, human rights, and democracy (e.g. Freeman, 2006; Chapman, 2009; Dancy, Kim & Wiebelhaus-Brahm, 2010; Wiebelhaus-Brahm, 2010; Olsen, Payne & Reiter, 2010; Hayner, 2011; Skaar, García-Godos & Collins, 2016; Bakiner, 2016; Burt, 2018) recommendations and their implementation are neglected. Hayner (2011) asserts that the implementation record of truth commission recommendations is poor. However, we lack studies that explore patterns of implementation systematically across time and space.

Recent comparative research on Latin American truth commissions, ranging from Argentina's 1983 National Commission on the Disappearance of Persons (known by its Spanish acronym CONADEP) to the Brazilian National Truth Commission created in 2011, creates new opportunities to examine recommendations (Skaar, Wiebelhaus-Brahm & García-Godos, 2022a, b). Latin American truth commissions often place special importance on recommendations. Among other things, they typically call for the establishment of follow-up bodies to monitor and guide implementation, measures that governments in the region have frequently enacted. For that reason, Latin America's record of implementation of truth commission recommendations is important to understand. In this article, we examine the factors that shape whether and when truth commission recommendations have been enacted. Thus, we seek to explain not only whether recommendations are implemented, but also *how quickly* they are implemented.

Our results yield interesting conclusions for policymakers, activists, and scholars interested in maximizing the impact of truth commissions. Recommendations made by commissions created by executive order, issued by commissions created immediately after transitions and from commissions that follow transitions in which one side was victorious are implemented more quickly. Furthermore, good economic conditions boost the pace of implementation. Finally, recommendations that are directed towards the past are implemented more slowly than future-oriented measures. Other factors, such as the strength of civil society and the president's degree of support for the *ancien régime*, are not statistically significant predictors of the timing of implementation. Thus, our findings are compatible with the growing research on the strategic use of transitional justice (e.g. Grodsky, 2008; Nalepa, 2010; Cronin-Furman, 2020). Whereas existing studies focus on how leaders design justice processes to advance their agendas, we observe that policymakers seek advantage in responding to truth commissions broadly seen as legitimate.

Our exploration of the timing of recommendation implementation proceeds in several steps. First, we analyze how the existing literature addresses truth commission recommendations. We highlight how attention to implementation can advance important academic and policy debates. Second, we outline a series of hypotheses about how recommendation characteristics and country- and commission-specific factors might influence the pace of implementation. Third, we explain our methodology. To analyze whether and when recommendations are implemented, we use survival analysis through the Kaplan-Meier test and multilevel Cox regression. From there, we analyze our findings before

reflecting upon their theoretical and policy significance in the conclusion.

Peacebuilding and truth commission recommendations

Transitional justice is 'increasingly accepted as an important element of post-conflict peacebuilding' (Sharp, 2013: 168). In fact, there is a longstanding interest in how to most effectively time and sequence transitional justice (Fletcher, Weinstein & Rowen, 2009; Dukalskis, 2011; Dancy & Wiebelhaus-Brahm, 2015), driven largely by a desire to better maximize the peace-promoting impact of such measures in societies beset by violence and repression. Central to timing and sequencing discussions is the so-called peace vs. justice debate, namely whether holding perpetrators accountable is peace- or conflict-promoting. Truth commissions rarely figure in these debates, yet they should. Through their recommendations and public revelations, they can influence the possibility of trials and whether amnesties are offered or overturned.

The growing prevalence of truth commissions has been accompanied by an increase in research and theoretical development about truth commissions. Although definitions vary (Freeman, 2006; Dancy, Kim & Wiebelhaus-Brahm, 2010; Hayner, 2011; Bakiner, 2016; Ibáñez Najar, 2017), there is general consensus that truth commissions are designed to 'discover, clarify, and formally acknowledge past abuses; to address the needs of victims; to "counter impunity" and advance individual accountability; to outline institutional responsibility and recommend reforms; and to promote reconciliation and reduce conflict over the past' (Hayner, 2011: 20). There is significant interest in the effects truth commissions have on societies and individuals. While early research was often driven by normative conviction rather than clear theory and empirical evidence (Mendeloff, 2004; Langer, 2017), in recent years, studies using a wide variety of methodologies have analyzed the impacts of transitional justice mechanisms, including truth commissions. Among others, these studies have examined the effect of truth commissions on outcomes such as the protection of human rights, the quality of democracy, the quality of representation, and homicide rates (Hazan, 2006; Lie, Binningsbø & Gates, 2007; Sikkink & Walling, 2007; Kritz, 2009; Olsen, Payne & Reiter, 2010; Kim & Sikkink, 2010; Wiebelhaus-Brahm, 2010; Duggan, 2012; Pham et al., 2016; Bakiner, 2016; Trejo, Albarracín & Tiscornia, 2018).

The state of this literature reflects the need for clearer theory. As Bakiner (2014: 12) argues, statistical studies in particular need consistent theory about how transitional justice mechanisms produce results. One area that has attracted comparatively little attention is identifying causal pathways through which truth commissions theoretically bring about changes in the outcomes that have been studied (Gready & Robins, 2020). Commissions can play a ceremonial role, in which they co-opt and invent rituals intended to promote healing and reconciliation (Humphrey, 2003; Kelsall, 2005). This seems more likely in contexts in which truth commissions conduct public hearings. Although this has become more common over time (Dancy, Kim & Wiebelhaus-Brahm, 2010), public hearings remain comparatively rare, especially in Latin America.

Truth commissions also serve to document and report (Mendeloff, 2004). Truth commissions seek to conclude their work by producing a report that summarizes their findings and puts forward recommendations to further address past crimes and to better ensure non-repetition. Many have examined truth commissions' role in (re)constructing historical memory (Wilson, 2001; Andrews, 2003; Webster, 2007). Less attention has been paid to the recommendations themselves. Yet, if we understand the term impact, as conceptualized by Bakiner (2016: 87), to be 'the effect of Truth Commissions on government policy, judicial processes and social norms, operating independently of the simultaneous effects of post-conflict institution building, as well as other transitional justice and conflict resolution measures', the analysis of recommendations is crucial.

Specifically, examinations of both the degrees of implementation as well as the factors that influence the speed with which recommendations are enacted are important contributions to building causal theories. In fact, one of the most important contributions of truth commissions derives from their role as agenda-setter, in large part through the formulation of recommendations (Ensalaco, 1994: 666). Recommendations may be backward- or forward-looking. They may advocate for further efforts to address the past, such as the creation of reparation programs, official apologies, and recognition of the facts. Others call for preventive measures such as education reform or institutional change in the judiciary and the security sector that are designed to reduce future violations.

Recommendations represent 'one of the most theoretically neglected and empirically under-researched, yet potentially one of the most important, legacies of truth commissions' (Skaar, 2019: 119). Truth commission

expert Hayner (2011: 3) argues that the implementation record is poor. Wiebelhaus-Brahm (2010: 42) points out that, even for all the media and academic attention directed toward South Africa's TRC, 'it is remarkable that so little attention has been focused on the implementation of its recommendations.' Nonetheless, Hayner's (2011: 193) decade-old observation that 'no one has systematically analyzed how many of the thousands of recommendations [issued] by [the dozens of] truth commissions [that have existed around the world] have been implemented' remains the case. This is an important line of research because many of the benefits that policymakers, activists, and academics have attributed to truth commissions are likely to be realized through the implementation of their recommendations.

There are some qualitative case studies of truth commission recommendations. Ensalaco (1994), for example, analyzes the Commission on the Truth for El Salvador and Chile's Rettig Commission. He concludes that each commission had a positive impact in several areas, including the ratification of human rights treaties and prompting constitutional reforms and institutional change within the judiciary and the armed forces. A year later, Popkin & Arriaza (1995) analyzed the same two commissions, as well as an investigative commission in Honduras. They concluded that, although the commissions managed to present a narrative that differed from the one written by previous regimes, they were not as effective in promoting structural change or accountability. For his part, Kaye (1997) compares the Salvadoran and Honduran investigations, and evaluates the role they played in promoting justice, democratization and reconciliation in the respective countries. He concludes that both commissions, through their recommendations, had a positive impact in each of these three areas.

While useful first steps, each study suffers from some limitations. First, the evidence for their conclusions is often unclear. None systematically trace action toward implementation for each individual recommendation. Second, the limited amount of time between the issuance of the recommendations and these publications suggests their assessments are partially aspirational. Third, as one can see, this research focused on the same small number of commissions. It is unclear whether they are representative of truth commissions more generally. Thus, none of these studies permit strong conclusions about whether and when implementation occurs and, if it does, to what effect.

A few other studies more carefully trace causal pathways to implementation. Laplante & Theidon (2007),

for example, analyze the recommendations concerning reparation policies in post-conflict Peru. They point out that, in order to implement truth commission recommendations, especially in circumstances in which governments do not want to act, generating the political will and identifying resources are necessary, at least to build momentum at the beginning. In particular, they examine the interrelationship of the different actors, such as government agencies, nongovernmental organizations, civil society and victims' associations, that are involved in contestation over implementation. In qualitative studies examining a larger number of cases, Wiebelhaus-Brahm (2010) and Bakiner (2014) consider recommendations and the effect of their implementation on democratic development and human rights practices. All three studies identify the importance of civil society for the implementation of recommendations. Especially in a context of hostile or indifferent states, mobilization by victims, human rights activists, and other nongovernmental organizations can help disseminate the findings contained in truth commissions' final reports and monitor the implementation of recommendations. None of these studies, though, systematically traces the implementation of *all* recommendations.

Implementation seems likely to happen quickly, if at all. Although active civil society may extend what Root (2009) calls a window of opportunity, it is difficult to keep recommendations at the top of the political agenda indefinitely. The same momentum that gave rise to the truth commission itself may facilitate implementation of recommendations. Conventional wisdom states that time is of the essence when it comes to transitional justice. As Huntington (1991: 79) put it, 'justice comes quickly or does not come at all'. Freeman (2006: 148–149) argues that, to be effective, truth commissions must necessarily be efficient, working within relatively short timeframes and with limited budgets. As the Peruvian case demonstrates, delays in implementing reparatory measures caused victim-survivors to become disillusioned and cynical about the truth commission (Laplante & Theidon, 2007: 231). As the past fades for all but victims, then, the sense of urgency to implement recommendations may wane. Moreover, economic crisis, natural disaster, and other policy issues divert attention from recommendations. In this article, we test these suspicions and explore the effect of a variety of recommendation characteristics and contextual factors on the timing of implementation.

Factors shaping the probability and timing of recommendation implementation

Based upon this embryonic qualitative literature on truth commission recommendations and other transitional justice research, we derive hypotheses regarding several factors that might influence the timing of implementation. These variables span two levels of analysis: the truth commission and the recommendation. At the truth commission level, we distinguish characteristics of commissions themselves as well as several social, political, and economic contextual factors that serve as proxies for the level of political will and perceived policy tradeoffs. We also identify characteristics of the recommendations themselves that may influence the prospects for implementation. In this section, we discuss our hypotheses across each of these categories.

Truth commission characteristics

Truth commissions' qualities may help determine the speed with which their recommendations are addressed. In particular, the means through which a truth commission was created shapes its mandate, which delineates the parameters of the investigation, including the crimes to be investigated and commission powers. These characteristics are connected to the legitimacy of the truth commission itself, which will help to shape the reception that recommendations receive.

In Latin America, truth commissions have been created through legislation, peace agreements, or executive order. There seems to be consensus among policymakers that legislative action offers stronger investigations and greater legitimacy than executive orders (ICTJ-KAF, 2014). Legislation is more democratic and may permit the granting of stronger powers to the commission. However, because the passage of legislation requires building consensus in the legislature, executive action can be more expeditious. Similarly, when peace agreements contain provisions for truth commissions, creating the body competes with other provisions of the agreement.

The same patterns may exist for enacting commission recommendations. The relative power of pro-commission factions may have weakened over time as coalitions and interests shift, potentially hampering implementation. By contrast, if executives design the mandate, they seem more likely to support the resulting recommendations. Legislation may prove more durable, but, if the political will exists, presidents can often quickly overcome bureaucratic inertia. For this reason, we expect that:

H1: Recommendations of truth commissions established by executive order will be implemented more quickly than those established by other means.

Contextual factors

Characteristics of the political, social and economic environment in which truth commissions are created and in which recommendations are debated likely influence the timing of implementation. We first analyze if the previous context matters for implementation timing. Transitional justice often accompanies attempted transitions to peace and/or democracy. The conventional wisdom seems to be that post-conflict situations are more challenging operational environments for truth commissions compared to post-authoritarian ones (De Greiff, 2013: paragraphs 28–29). War-to-peace transitions often occur in countries with fragile institutions and greater political instability (ICTJ–KAF, 2014: 2–18). In post-authoritarian contexts, by contrast, states have greater capacity, which is partially what enabled the previous government to engage in repression (Balasco, 2013; Teitel, 2000). After the transition, this greater administrative capacity may benefit the implementation of truth commission recommendations. Thus, we test the following:

H2: Recommendations of truth commissions created after military rule will experience faster implementation than those following internal armed conflict.

Second, it is generally assumed that there is a narrow period of time in which conditions are ripe to engage in transitional justice. The same factors that prompted the creation of the truth commission may sustain momentum through to implementation. While the commission's investigation is under way, it can also give the government more time to strengthen institutions and plan a reform process (Dancy, Kim & Wiebelhaus-Brahm, 2010: 22; Hayner, 2011: 215; ICTJ-KAF, 2014: 8), which could facilitate implementation of recommendations later.

Not all observers are convinced that truth commission success is maximized by acting quickly, however. Immediately after democratic and/or war-to-peace transitions, state institutions may be in flux. Politicians may be more likely to benefit from extremist, exclusionary appeals rather than conciliatory action. More mature political terrain, in which the benefits of truth commissions might be more fully realized, may not emerge until years later (ICTJ-KAF, 2014: xii). Yet, if commissions are established long after transitions, the windows of opportunity to examine the past may begin to close. While

investigations may still occur, galvanizing politicians and the public to enact recommendations in what Collins (2011) has called 'post-transitional' contexts may be more difficult. Other issues may overtake addressing the past in political salience. Thus, we expect:

> *H3:* Recommendations of post-transitional commissions will be implemented more slowly than those issued by transitional commissions.

The third contextual factor that could condition the timing of implementation is the type of transition that took place in the country. Although there are a variety of transition typologies in the literature (Share & Mainwaring, 1986; O'Donnell, Schmitter & Whitehead, 1986; Linz, 1990; Huntington, 1991), we distinguish whether the transition occurred by victory for one side or through negotiation (Barahona de Brito, 2002). When one side is victorious, it enjoys greater latitude to shape transitional justice, including the truth commission mandate. Conditions may extend to implementation. By contrast, if the transition resulted from negotiation, opposing sides are more evenly matched and, consequently, it may prove more difficult to find agreement on implementing reforms. Thus, we expect that:

> *H4:* Transitions following victory favor a quicker pace of implementation of truth commission recommendations.

Furthermore, a government's willingness to enact measures that are meant to address past human rights violations will likely be shaped by the president's attitude toward the previous authoritarian regime. Past research has highlighted how politicians strategically use truth commissions to advance their interests (Grodsky, 2008; Cronin-Furman, 2020). Latin America is a region of strong executives, so they are particularly important. In the region, the governments that presided over widespread human rights violations investigated by truth commissions were typically right-wing military dictatorships. This does not necessarily mean that all conservative politicians hold positive views of the *ancien régime*. Therefore, we identified speeches and press reports that indicated whether the president in office at the time of the publication of the final report supported the previous regime. We hypothesize that:

> *H5:* Executives who support the previous regime will more slowly implement recommendations.

Academic and policy research frequently highlights the importance of civil society in shaping the politics of transitional justice. The role of civil society in political transitions has been noted by many (O'Donnell, Schmitter & Whitehead, 1986; Morlino, 2015: 21). Both Hayner (2011: 223–224) and Bakiner (2014: 7, 2016: 88) recognize that more robust civil society is likely to boost truth commission success. In the case of Peru, Laplante & Theidon (2007: 241) observe that the political mobilization of individuals directly affected by human rights violations was necessary for recommendations to remain on the public agenda. Victims' groups, human rights activists, and other organizations seek to lobby the state to address past abuses and enact changes to prevent a repetition of such crimes in the future (Wiebelhaus-Brahm, 2010: 26). Thus, we expect that:

> *H6:* Recommendations will be more rapidly implemented in countries with stronger civil society.

Economics also might influence the likelihood of rapid implementation. The relationship between the level of economic development and the stability of democracy remains strong (Lipset, 1963; Morlino, 2015: 21). In addition, Skaar (2019) points out that, when a government accepts the report and the recommendations of a truth commission, and it has sufficient resources, the odds of implementation are greater. Higher levels of economic development may reduce the probability that governments will perceive a trade-off between implementing truth commission recommendations and funding other policy initiatives. In this sense, we expect that:

> *H7:* Wealthier countries will more quickly implement truth commission recommendations.

Recommendation characteristics

In addition to the variables just listed, we develop hypotheses regarding the nature of recommendations themselves, based on classifications developed by Skaar, Wiebelhaus-Brahm & García-Godos (2022a). First, recommendations are coded based upon the type of change they sought to bring about. Recommendations were identified as targeting the reform of state institutions, constitutional reform, legal reform, criminal prosecution of perpetrators, measures aimed to prevent the repetition of violations, the provision of reparation (they distinguish material from symbolic measures, and whether they targeted individuals or collectives), and educational reform. Second, recommendations are distinguished based upon how they were written using four dichotomies, according to whether the recommendation:

Table I. Latin American truth commissions (1983–2011)

Country	Year of creation	Year of report	Number of recommendations
Argentina	1983	1984	9
El Salvador	1992	1993	43
Guatemala	1997	1999	84
Uruguay	2000	2003	10
Panama	2001	2002	11
Peru	2001	2003	82
Chile	2003	2004	36
Paraguay	2004	2008	199
Ecuador	2007	2010	159
Brazil	2011	2014	38
			671

(1) contains general or specific instructions, (2) benefits a specific group/institution or all of society, (3) is directed to individual persons or collectives, and (4) is forward-looking or backward-looking. Existing research does not provide strong foundations upon which to predict whether and how these characteristics influence whether and when recommendations are implemented. Thus, rather than offering *a-priori* hypotheses, we make inferences based upon our findings. Specifically:

> H8: Constitutional, criminal, and backward–looking recommendations will be implemented more slowly than other types of recommendations because they are more likely to fall prey to veto players who feel more directly threatened by them.

Model and measurement

Our unit of analysis is the individual recommendation. We test our hypotheses on 671 recommendations issued by ten truth commissions from across Latin America, summarized in Table I. Latin America has been the global leader in establishing truth commissions as part of transitional justice processes. The truth commission model, according to Skaar (2019: 120), has been developed and perfected in Latin America. Bakiner's (2016) truth commission definition which we adopt leads us to exclude from the analysis investigative bodies that some previous research has identified as truth commissions. For example, we do not include Uruguay's 1985 Commission for the Investigation of the Situation of the Disappeared and Related Events because it was a parliamentary commission and did not enjoy the required autonomy; among other things, the final report was negotiated between political parties (Bakiner, 2014, 2016). We also exclude Bolivia's

1982 National Commission for Investigation of Forced Disappearances and Ecuador's 1996 Truth and Justice Commission. Because both dissolved before they finished their work and completed a final report (Bakiner, 2014), they produced no recommendations to be implemented. Finally, we exclude what Bickford (2007) calls 'unofficial truth projects'. In Latin America, several informal investigations of human rights violations, some of which have been referred to as truth commissions, have been established by civil society organizations. Some, such as the well-known Recovery of Historical Memory Project (REMHI, its Spanish acronym) of the Office of Human Rights of the Archbishopric of Guatemala, made important contributions in their own right and influenced later official truth commissions. However, because they lack the backing of official state institutions, we cannot have the same implementation expectations.

The dependent variable: Implementation

Our dependent variable measures whether individual recommendations have been implemented. It is based upon qualitative data on implementation gathered by Skaar, Wiebelhaus-Brahm & García-Godos (2022a, b). The project collected information on truth commission recommendations and implementation activity from primary sources such as legal texts; newspaper, NGO, and academic sources; and through interviews with people directly involved in the commissions, such as former commissioners and staff and activists. In the study, they distinguish four levels of implementation: no information, meaning researchers were unable to obtain definitive information about the fate of the recommendation (0); not implemented, meaning no action had been taken (1); partially implemented, meaning some action was taken, but it is not fully implemented (2); and fully implemented (3). Because we are interested in the factors that lead to full implementation and partial implementation can entail a wide variety of actions that demonstrate different levels of commitment, we recode this into a binary variable in which each recommendation is either fully implemented (1) or not (0). Thus, to transform Skaar, Wiebelhaus-Brahm & García-Godos's (2022a) coding, recommendations for which no information has been found (0) and recommendations partially implemented (2) are lumped together with those not implemented (1). Therefore, we adopt a high standard by only considering a recommendation implemented when it has been enacted in its entirety.

Explanatory variables

To test what factors influence the timing of truth commission recommendation implementation, we draw data from a variety of sources. The descriptive characteristics of recommendations are dummy variables derived from Skaar, Wiebelhaus-Brahm & García-Godos (2022a). Other data on truth commissions and contextual factors, such as the way in which the commission was created, the previous context or the type of commission, were obtained from Bakiner (2016) and Skaar, Wiebelhaus-Brahm, & García-Godos (2022b). Transition type comes from the Authoritarian Regime and Transition Type Dataset (Reiter, 2009), the civil society index from V-DEM (Bernhard et al., 2015), and per capita GDP (constant 2010 USD) from the World Bank (World Bank Group, n.d.). Finally, we code executive support for the *ancien régime* from secondary sources, press reports, and speeches by leaders. The Online appendix AI provides a summary of the explanatory variables.

Methods: Kaplan Meier and multilevel Cox regression

We use two statistical techniques to determine what factors influence the timing of implementation of truth commission recommendations. Since the time to implementation is important, Kaplan-Meier curves (Kaplan & Meier, 1958) were constructed for each commission. This curve represents the probability that a recommendation remains unimplemented in each year. It is a two-dimensional graph in which the time elapsed from the date of formulation of the recommendations is represented on the X-axis and the previous estimated probability on the Y-axis. The interpretation of the curve is done in terms of the tendency observed in the curve and its inclination, which reports the acceleration experienced over time in relation to the probability that a recommendation remains unimplemented.

To analyze the joint influence of commission/country-related and recommendation-related factors on time to implementation, we utilize a multilevel Cox regression model with mixed effects (Cox, 1972; Singer & Willett, 2003; Martinussen & Thomas, 2006). A Cox proportional hazard model is a type of regression in which not only the dependent variable is taken into account, but also the time it takes to reach the state of interest (in this case the implementation of the recommendation). We use the hazard ratio to assess this influence (Walker & Duncan, 1967). This quantity is Exp(bi), where bi is the coefficient corresponding to the variable Xi. It is interpreted as the relative risk when Xi

Table II. Frequencies of implemented recommendations (in chronological order)

Country	Recommendations	% Implemented
Argentina	9	100
El Salvador	43	37.2
Guatemala	84	32.1
Uruguay	10	70
Panama	11	27.3
Peru	82	40.2
Chile	36	47.2
Paraguay	199	10.6
Ecuador	159	16.8
Brazil	38	5.3
	671	38.67

increases one unit. For categorical variables, the first category is used as a reference and is interpreted as the number of times it is more likely during the entire study period that the recommendation is implemented if it belongs to the category studied instead of the reference one. In this case, there will be as many hazard ratios as categories of the variable minus one.

Multilevel Cox regression extends classical single-level Cox regression by incorporating a random intercept that allows for variation among commissions. This random intercept allows us to estimate the between commission variation as well as find the correlations of the recommendations issued by each commission. This allows for a hierarchical structure in the analysis in which both the variation at the commission/country level and variation at the recommendation level within each commission are taken into account, generating a model with two levels: the commissions and the recommendations. To take this hierarchical structure into account, a variable was introduced into the model that refers to the commission to which each recommendation belongs. Thus, standard errors were calculated taking into account the non-independence of observations due to the grouping of recommendations.

Analysis and explanation

Description

As a first cut, we consider the level of implementation across cases. Table II presents, by commission, the proportion of recommendations that have been fully implemented. The average percentage of recommendations implemented in the region is 38.67%. There is significant variation, though, ranging from 5.3% of recommendations implemented in Brazil to 100% fully

implemented in Argentina. Two things are worth noting at this stage. First, it is important to note that, although much of the literature suggests implementation should come quickly, if ever, with data collection ending in 2018, problems of right-censoring are more evident for more recent cases. Second, fewer recommendations do not necessarily make implementation easier. Determining whether a recommendation is easy or difficult to implement is highly context specific. Furthermore, context is changeable; the difficulty of implementing the same recommendation may vary between two points in time in the same country. Thus, the dynamics of the factors that surround each recommendation potentially vary by country-year.

In addition, the Kaplan-Meier curves allow us to graphically observe the rate of implementation (Y-axis) over relative time (X-axis). As the curve falls, it means that more of the recommendations have been implemented. When no recommendation is implemented, we would have a constant horizontal line at value one. By contrast, if all the recommendations were implemented, the line would end at value zero, either in one year or over the years. In this way, we can visually observe the pace of implementation and how long implementation takes. Figure 1 presents the Kaplan-Meier curve for each commission.

Results

The multilevel Cox regression results contribute to debates about the timing and sequencing of transitional justice, as well as about how truth commissions affect societies beset by violence and repression. We measured the robustness of the model through three tests: likelihood-ratio test, Wald test and score log-Rank statistics, all of which evaluate the null hypothesis that all β are 0. In Table III, we observe that the p-values of all three tests are highly significant, which indicates that the model is significant.

We also calculated the C-Index, which indicates agreement between the observed and expected values. We obtained a value of 0.683; that is, our model explains almost 70% of the variation in our dependent variable. Therefore, it is a good model, especially considering that it is an exploratory study.

Interestingly, as summarized in Table IV, of the 22 variables in the model, five variables are statistically significant at a 95% confidence interval. In discussing the results, we begin with the second level of analysis, that is, characteristics of the commission or country. The first significant variable measures how the truth

commission was created. The model shows that, when a commission is created by an executive order, recommendations are implemented more than three times more quickly than if it had been created by either legislation or peace agreement. This finding is surprising if we consider that, as the ICTJ-KAF (2014) report argues, the creation of a truth commission through legislation reflects the different sensitivities of the political forces that negotiated the commission's mandate. Thus, it seems that a greater consensus at the creation stage does not translate into a quicker pace of implementation. This could reflect the fact that, since recommendations are diverse, the number and nature of veto points vary considerably. The finding also may reflect the dynamism of politics. The political will to implement recommendations changes as their salience vis-à-vis other issues evolves and the interests of bureaucrats and elected officials, who may not have been in office when the mandate was approved, shift.

Furthermore, acting immediately after a conflict or dictatorship increases the odds of implementation substantially. Recommendations of a post-transitional truth commission have a 75% greater probability of being implemented more slowly compared to when commissions are established immediately after transition. In this sense, our findings support 'the sooner the better rule'. It appears that delaying the creation of a commission to wait until the context is more settled and institutions are stronger could be counterproductive, at least if a goal is for the commission to serve as a catalyst for further action. As time goes on, other issues appear to push truth commissions and their recommendations from the political agenda.

Moreover, when commissions are created after one side proves victorious, recommendations are implemented almost three times faster than in other contexts. Transitions by rupture, in which elites of the losing side are no longer in a position to act as veto players, generate fewer obstacles to implementation. In Latin America, it is typically the previous regime that was defeated. In such contexts, the former opposition is now in charge, with a freer hand to implement pertinent reforms, including truth commission recommendations.

The last statistically significant variable is national wealth. A USD 1 increase in per capita GDP is related to a 0.001% increase in the chances of implementing a recommendation more rapidly. In other words, a USD 1,000 increase translates into a 1% improvement in the rate of implementation. In this sense, there is a direct relationship between national wealth and the pace of implementation. The results seem to affirm assertions
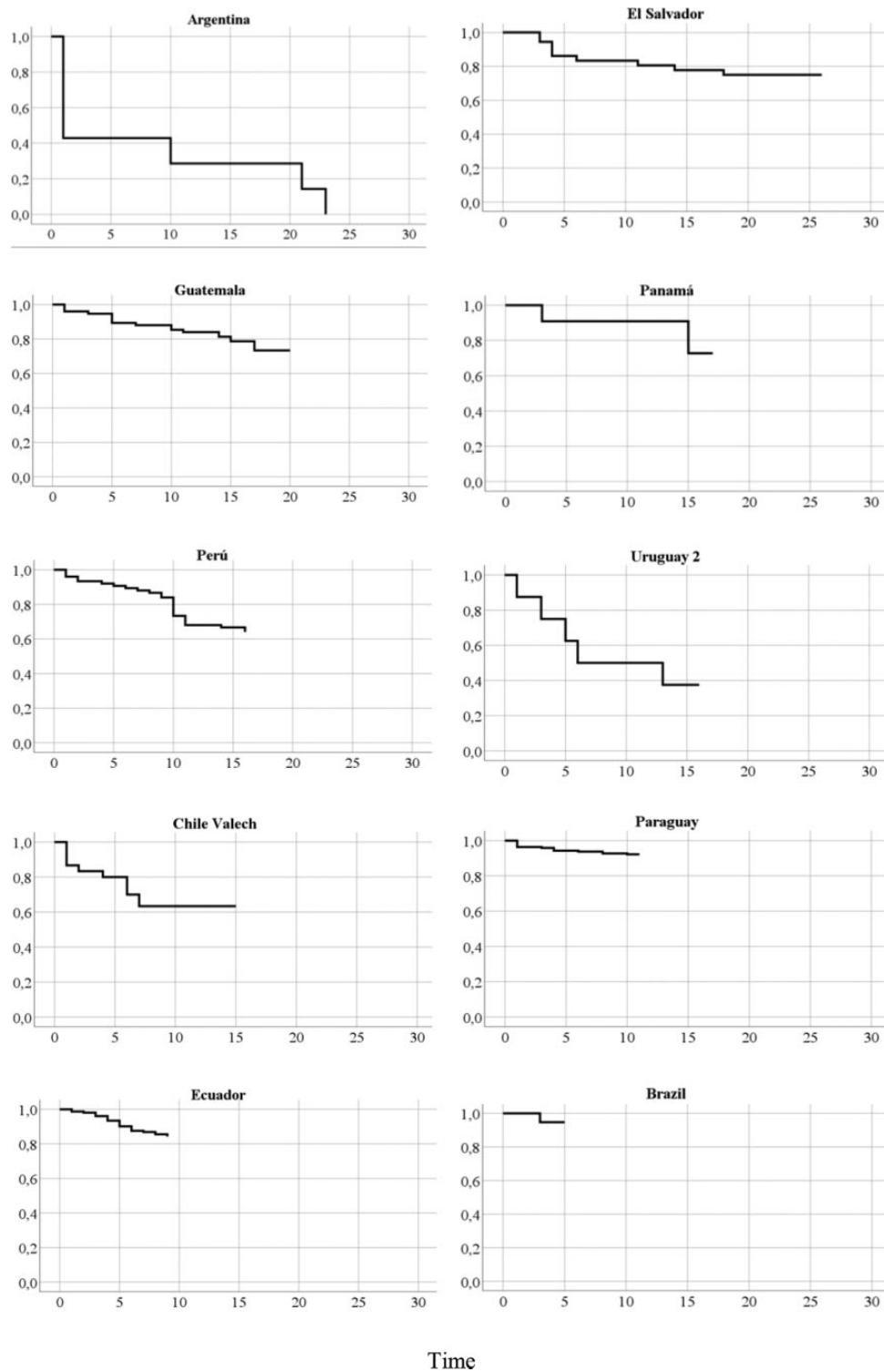
Figure 1. Kaplan-Meier curves: Implemented recommendations by relative time

by authors such as Morlino (2015) and Lipset (1963), who associate greater levels of economic development with stronger democracies. More precisely, our findings support Skaar (2019), who hypothesizes a greater probability of implementation in countries with higher levels of economic development.

Other variables do not have a statistically significant effect on the timeliness of implementation. For example,

civil society strength does not have a statistically significant effect on the speed of implementation. Hayner (2011) and Bakiner (2014) assert that civil society is a key actor in exerting pressure for the initiation of truth commission processes and is a watchdog and sometime partner once the bodies are established. Thus, it is striking that the strength of civil society has no bearing on the pace of implementation of resulting recommendations. Although a vibrant civil society is vital to democratic transitions and to the development of truth commissions, elite-based political negotiations shape decisions to implement recommendations sooner or later, if at all.

Table III. Significance test

Estimator name	Value estimate	Df	Pr (>|z|)
Likelihood ratio test	63.09	22	8e-06
Wald test	12.503	22	2e-16
Score (log-Rank) test	78.645	22	3e-08

Furthermore, in transitional contexts, civil society organizations may be firmly associated with a particular political faction and unable or unwilling to make appeals to other organizations and politicians that might forge consensus on implementation. Similarly, the context in which past violations occurred does not influence the speed of implementation. In other words, whether recommendations address human rights abuses that happened in the context of military rule or civil war does not affect the timeliness of implementation. Rather, as we have seen, the relative power of elites from the *ancien régime* seems most important. Finally, the president's attitude toward the former regime does not have a statistically significant effect on the pace of implementation. In other words, when we control for other variables in the model, a president's embrace of the previous regime's record during the campaign and when in office does not necessarily extend to resisting implementing recommendations that arose from investigating past human rights violations. This could indicate that

Table IV. Predictors of time to implementation

Recommendation-level predictors	Pr(>|z|)	Level 1 Exp(coef)	Se(coef)
Institutional	0.24	1.16	0.23
Legislative	0.60	1.09	0.24
Constitutional	0.53	0.81	0.53
Criminal	0.54	1.35	0.65
Individual reparation	0.20	1.44	0.44
Collective reparation	0.53	1.20	0.45
Symbolic reparation	0.55	1.25	0.46
Material reparation	0.23	0.74	0.47
Non repetition	0.75	1.11	0.24
Educational	0.64	0.83	0.36
Other	0.30	1.46	0.31
Specific	0.20	1.22	0.27
Universal	0.12	1.31	0.25
Systemic	0.29	1.33	0.33
Backward looking	<0.001***	0.51	0.30

Truth commission-level predictors	Pr(>|z|)	Level 2 Exp(coef)	Se(coef)
Created by executive	<0.001***	3.36	0.47
Previous context – Military rule	0.18	0.36	1.03
Commission type – Postransitional	0.002**	0.25	0.55
Transition type – Defeat	<0.001***	2.75	0.35
Executive power – Support past	0.90	1.08	1.03
Civil Society Index✤	0.72	1.01	0.04
GDP per capita	0.001**	1.00	0.00

*p < 0.05; ** p < 0.01; ***p < 0.001
✤ The Civil Society Index is rescaled to the hundredths. In this case, a one-unit increase corresponds with an increase of one one-hundredth.
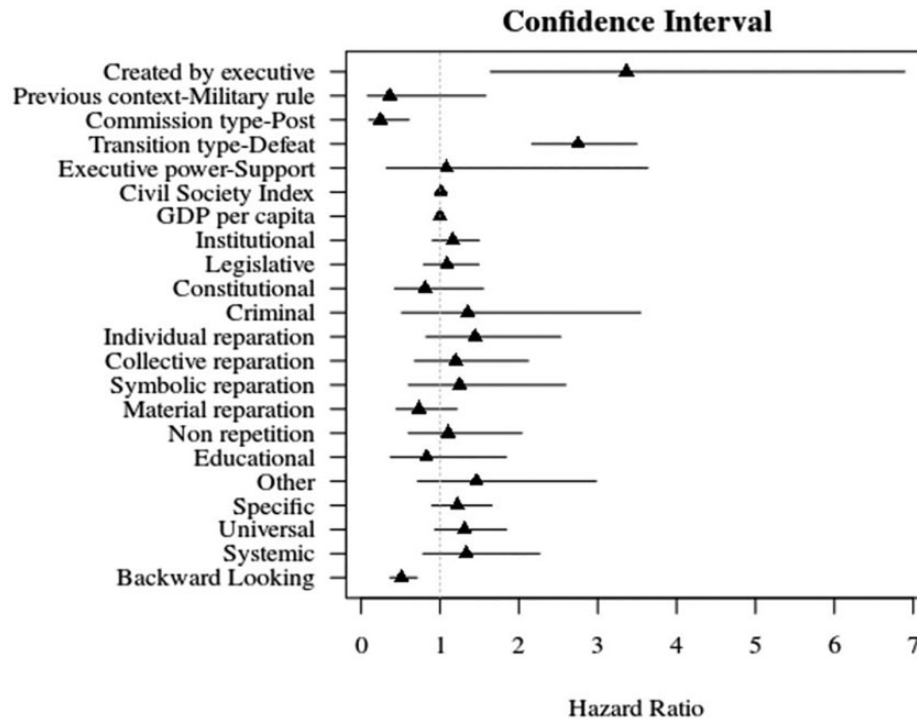
Confidence Interval

Figure 2. Confidence interval for multilevel Cox regression

implementation depends less on the preferences of a single actor (in this case the president) and more on the structural, contextual and institutional conditions in which implementation debates occur.

Next, we consider level 1 of the analysis, namely those variables that vary by recommendation. Of all the recommendation characteristics we measured, only one variable proved statistically significant. We find that recommendations that are backward-looking are implemented 49% slower than those that are future-oriented. That is, recommendations that look to further address the past are implemented more slowly, if at all. Backward-looking measures may entail the development of costly reparations programs or criminal prosecutions and vetting procedures designed to hold perpetrators accountable. In this way, backward-looking recommendations seem to have higher implementation costs, both in terms of the financial burden and the direct or indirect implications for powerful perpetrators. By contrast, the design of new institutions and procedures to curb future abuses seem to be less controversial. Moreover, they may align with rule of law and good governance development priorities of international donors.

No other recommendation characteristic proved statistically significant. The absence of significant findings for some of these variables is itself theoretically interesting. Thorny issues like constitutional reform and steps toward criminal accountability are no less likely to be implemented. In addition, none of the types of reparations programs are statistically significant. While this suggests that victims and their allies are often unsuccessful in making the moral argument for repair, the potential price tag for reparations programs does not appear to make them *less* likely to be implemented. Finally, the language used to write the recommendations does not have a statistically significant effect on implementation.

Figure 2 shows how variables behave with a 95% confidence interval in relation to the hazard ratio. When the hazard ratio includes one, the variable does not influence survival time. Thus, only the five variables whose intervals do not cut the value one, represented by the dotted line in the figure, are significant. Furthermore, if the confidence interval is, in its entirety, to the left of the line, this indicates that recommendations take longer to implement, whereas, if it were fully to the right, the given variable would result in less time to implementation.

Conclusions

Given that dozens of truth commissions have been established around the world, and that they affect millions of lives, it is imperative to understand how their recommendations have been implemented and how they shape

peacebuilding efforts. Our findings begin this important discussion and have significant implications for truth commission scholarship and practice. Overall, the results indicate the importance of the balance of power between pro- and antiregime forces, as well as the willingness of new political elites in determining if and when recommendations are implemented. Thus, much depends upon the 'skeletons in the closets' (Nalepa, 2009) of the new regime's elites and the ability of the old guard to shape post-transition politics. This tension could explain why implementation proceeds more slowly following negotiated transitions, where *ancien régime* figures are more likely to retain the power to serve as spoilers. In instances where political, economic, media, military, and ecclesiastical elites from the old order retain significant power, they are better able to protect their interests. This dynamic also fits the finding that backward-looking recommendations are implemented more slowly. While factions tainted by the past might rhetorically support the pursuit of truth, implementing recommendations that would promote other measures to address past abuses has potentially higher cost, often personally. The finding that recommendations by commissions established by legislatures and peace agreements experience a slower pace of implementation could reflect the fact that, despite the existence of a minimum prior consensus to create the truth commission, politicians' strategic calculations evolve quickly. Still, the finding that implementation proceeds more quickly if commissions immediately follow transitions suggest that, regardless of whether or not the transition was negotiated, individuals closely connected with past abuses are unwilling to be purely obstructionist. Showing willingness to accept some reforms could be a strategy to curry favor with voters and the international community. Further, that poorer countries are less likely to implement suggests that politicians see a trade-off between enacting recommendations and other reconstruction and development needs. Overall, the results suggest the importance of elites, both old and new, in the implementation process; civil society is not decisive in taking the recommendations forward.

Several policy implications follow from our findings. For example, as noted, we observe that the temporal orientation of the recommendation, namely whether directed toward the past or the future, is an important factor in explaining the speed with which they are implemented. Recommendations designed to further address past violations are more slowly adopted, if at all. These are more likely to directly threaten the position of perpetrators and those complicit in past abuses. Future-oriented recommendations, by contrast, sync with rule of law and other neo-liberal development policies that international donors care about. Governments can enact them without implying guilt over the past. This suggests that commissioners can increase the likelihood of implementation if they align their recommendations with prevailing development thinking, though this will likely be at the cost of achieving transformative justice (Gready & Robins, 2019). Our findings also imply that those seeking a holistic approach to transitional justice (e.g. Boraine, 2006) should pursue multiple measures simultaneously, because truth commissions are not necessarily a springboard for future measures to deal with the past.

Furthermore, the lack of statistical significance of other variables is instructive. The fact that most recommendation characteristics are not significant complicates matters. What this means is that, in general, the subject matter of recommendations is not systematically related to whether and when they are implemented. Optimistically, this suggests that commissions need not shy away from particular types of recommendations. At the same time, this reinforces the importance of commissioners being cognizant of ground realities because it implies that how to best craft recommendations to maximize the speed of implementation is highly context specific. This also may help explain why civil society strength was not a significant predictor of implementation. Activist strategies on which recommendations to focus on to maximize implementation depend upon political and economic circumstances.

Finally, several steps are important in advancing our knowledge of implementation beyond this study. First, our findings are suggestive of causal pathways rather than direct evidence in itself. Overall, the results support the contention that transitional justice is often self-serving (Grodsky, 2008; Subotić, 2009; Nalepa, 2010; Loyle & Davenport, 2016; Cronin-Furman, 2020). Qualitative research on the implementation of truth commission recommendations similarly emphasizes the strategic calculations of political elites (Skaar, Wiebelhaus-Brahm, & García-Godos 2022b). Nonetheless, what recommendations politicians embrace or reject varies by context. We need more case studies that carefully trace how contextual factors as well as the characteristics of truth commissions and their recommendations might influence the prospects for implementation. Reconstructing legislative debates and using freedom of information requests to uncover how bureaucrats plot responses to recommendations are two interesting directions for process-tracing approaches.

It also would be fruitful to address some ways in which selection effects might be present. Although we find that the relative speed with which recommendations

are implemented is highly context specific, future research might statistically explore interactions between contextual factors and recommendation characteristics. Qualitatively, research might explore politicians' and activists' assessments of the feasibility of individual recommendations. The pace of implementation likely relates to how ambitious and complex recommendations are. However, these qualities are difficult to measure objectively, and depend upon context. The subjective judgments of individuals involved in these debates are relevant because they may shape the time and energy they are willing to expend to promote (or obstruct) implementation.

Quantitatively, these issues would be easier to address with more data. While this article has focused on Latin America, it is important to understand implementation in a broader range of contexts. Thus, the study should be expanded, not only to more recent Latin American cases, but also to truth commissions in other regions. It remains to be seen whether these patterns are unique to Latin America, a region known for strong executives and relatively vibrant civil society, among other things.

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Appendix

Table AI. Explanatory truth commission variables (second level predictors)

Country	Report year	Created by executive	Previous context – Military rule	Transition type – Defeat	Commission type – Post-transition
Argentina	1984	Yes	Yes	Yes	No
El Salvador	1993	No	No	No	No
Guatemala	1999	No	No	No	No
Panama	2002	Yes	Yes	Yes	Yes
Peru	2003	Yes	Yes	No	No
Uruguay	2003	Yes	Yes	No	Yes
Chile	2004	Yes	Yes	No	Yes
Paraguay	2008	No	Yes	Yes	Yes
Ecuador	2010	Yes	No	No	Yes
Brazil	2014	No	Yes	No	Yes

Country	Report year	Executive – Support past	Civil Society Index	GDP per capita
Argentina	1984	No	0.94	7,400
El Salvador	1993	Yes	0.74	2,364
Guatemala	1999	Yes	0.87	2,523
Panama	2002	No	0.84	5,435
Peru	2003	No	0.88	3,464
Uruguay	2003	No	0.98	8,041
Chile	2004	No	0.94	10,727
Paraguay	2008	No	0.83	4,037
Ecuador	2010	No	0.63	4,634
Brazil	2014	No	0.95	11,951