**Integrating Economic, Social, and Cultural Rights in**

**Transitional Justice Processes:**

**A Vehicle for Reform in the Middle East and North Africa?**

**Tunis, September 24-26, 2014**

**Concluding Session Concluding remarks:** (Friday, September 26, 2014**)**

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Ladies and gentlemen,

I would like to thank all the organisers for giving me the opportunity to address this important forum on transitional justice processes in the Middle East and North Africa, and to congratulate you and everyone participating. The sessions indicate how engaged people have been with the issues, and I have appreciated many of the contributions and discussions.

I should also clarify as Selim ben Hassan did, that I am not a specialist in Transitional Justice matters, either. Nor am I an artist or lawyer. My contribution here is in my capacity as Special rapporteur in the field of cultural rights.

As the first mandate holder appointed by the UN Human Rights Council for cultural rights, it has been my privilege, as well as challenge, to try and determine what cultural rights as human rights mean by firstly, outlining what all is encompassed in ‘cultural rights’, and secondly, by suggesting how best the different aspects of cultural rights may be respected, protected and promoted in different contexts.

Cultural rights start with the foundational right to access, take part in and contribute to cultural life in all its facets. Access, it should be clarified, is not limited to accessing only one’s own cultural life and heritage – however that may be defined. It includes the right to access and benefit from the cultural heritage, cultural life and creativity of others. The right to participate, for its part, includes the right *not* to participate in any practice, ritual or process that undermines human rights and human dignity. The right to contribute implies having the wherewithal to do so: having the necessary resources, material conditions and opportunities to be able to fully explore and develop one’s creative abilities so as to share these with others.

Cultural rights are intimately tied to language and education, to our sense of self and belonging and hence, identity, both individual and collective. In many ways, the full enjoyment of cultural rights is pivotal to ensuring human dignity, which lies at the core of human rights. Part of who we are derives from our cultural heritage, and hence history.

As Special Rapporteurs, we visit different countries to see how the human rights under our mandate, cultural rights in my case, are being implemented: to see and learn from good practices and achievements as well as to identify for the government, possible gaps and remaining challenges so as to arrive at conclusions on how best to overcome these.

In all my country visits, to places as diverse as Austria and Brazil, Vietnam, Morocco, Russia, St Vincent and the Grenadines and Bosnia-Herzegovina, I have repeatedly received testimonies stressing the importance of historical and memorial narratives as cultural heritage and as a pivotal aspect in shaping collective identities. In every country, I meet people striving to retrieve, to validate, to make known and have to acknowledged by others their own history on the one hand, and to contest dominant interpretations on the other. In terms of post-conflict societies in particular, it has been clear to me that, all too often, a cultural rights approach is not accorded the attention it deserves. I have recently written two consecutive reports on historical narratives: the first focuses on history teaching and textbooks;[[1]](#footnote-1) the second on memorialisation processes and museums as narratives of the past.[[2]](#footnote-2) In my reports I explore and seek to identify the circumstances under which historical and memorial narratives could be problematic from a human rights perspective. This includes in particular narratives promoted by States, but also narratives promoted by all manner of actors – both governmental and non-governmental.

My reports relate to divided societies and those that have gone through conflict and turmoil and societies. In reality, of course, and I’m sure you will all agree, all societies are divided by various factors; all societies experience some level of a conflict of interests. Therefore, my reports relate not only to situations where transitional justice processes may be in place, or seem necessary, but equally to societies having experienced international and internal conflicts in the recent or less recent past; to post-colonial societies; societies that have experienced slavery; societies challenged by divisions based on ethnic, national or linguistic background, religion belief or political ideology. As all the participants here fully recognize, controversies surrounding historical narratives may relate to events of yesterday but also to events that took place centuries ago. They are part of the cultural heritage of people.

Cultural heritage, in essence, are things we inherit from the past that we feel are so important that we want to transmit these to younger generations. In this the narratives of the past, usually constructed by interweaving a variety of stories, myths and legends with history, are used in contemporary setting for nation-building and community building. Becoming part of the community’s cultural heritage, such narratives enable the transmission to younger generations of cultural references on which community members build their cultural identity.

As identified by participants in this forum, to discuss the past is to discuss the present and the future. Also as said by a participant, it is vital to remember the past to better know and understand the present. Both are points I have stressed in my reports. What happened in the past, happened. It cannot be changed, but *which* aspects of the past and *how* we remember it, meaning our interpretation of what happened, shapes our present and defines the pathways to the future.

Transitional justice, for its part, is a demand to be recognised and treated as equal citizens. It is essential that in engaging in transitional justice processes, we keep in mind who the audience being addressed is and the purpose. Is the purpose of the memorialisation merely to celebrate victories and commemorate victimhood, or do we want the processes put into place help us to learn from the past for a better future?

This is why the teaching of history and the wider processes of collective memorialisation are so important. It is also important to distinguish collective memory from history. History is only one of several elements influencing collective memory which draws upon numerous sources: from information and tales provided within kinship and community circles, to literature, the news media, entertainment industries, cultural landscapes, official holidays, etc. Collective memory extracts from the past certain events and personalities and actions without necessarily recalling the wider context in which things happened and people acted. Memory constructs a specific vision of a collective self and attendant value system. Memorialisation processes are emotional by definition.

The aim of history teaching, on the other hand, should be to inculcate and promote critical thinking , of the past as well as the present. As stressed by Pierre Nora, the discipline of history should not celebrate or commemorate the past as memory does, but study the ways in which the past is celebrated or commemorated. The writing and teaching of history should help to uncover the selective and self-serving nature of memory. In recounting the relationship with the past, it should highlight the prejudice and stereotypes embedded in a collective memory.

But history, it should be noted, is also not ‘objective’ or neutral. If memories are selective recollections of the past, so too is history. History is always subject to differing interpretations. While events may be proven, including in a court of law, historical narratives are viewpoints, that by definition, are partial. Accordingly, even when the facts are undisputed, conflicting parties may nevertheless fiercely debate the moral legitimacy of actions taken, and the idea of who was right and who was wrong. People who share the same history may have experienced it in highly different, and sometimes, oppositional ways. The past constantly informs the present, history is continuously (re)interpreted to fulfill contemporary objectives of multiple actors.

Historical narratives are commonly used to build nations, to shape communities and to foster national or regional identities beyond differences of, for example, religion, language and ethnicity. They also serve to legitimise a particular political authority and its political concepts and to ensure loyalty to the State. The logic of nation-states itself propels the projection of a common culture, language and history; more accurately this is a desired image of the past that is used to construct a unique imaginary foundation of a nation. The reality is that the boundaries of Nation-States never coincide with specific nations. The official narrative is often used to silence opposition and dissent, as well as diversity within the State. Provided that historical narratives rigorously follow the highest deontological standards, it is important that they be respected and included in the debate.

One of the questions raised in this forum was ‘which truth’ and ‘whose truth’ is being promoted. To me an equally important question is ‘whose history’ and which history is being taught to younger generations.

For example, the history we are taught focuses almost exclusively on *his* stories, omitting *her* stories altogether or, at best, relegating women’s history to the margins. How histories are taught influences how we think of ourselves. For instance, the narratives we receive tell us that women in Muslim communities and societies are submissive, complicit in and acquiescent of their lower status; and that all Muslim men are misogynist. Of course neither is true. But these historical narratives are dangerous from today’s perspective. The narratives combine with and reinforce a second myth: i.e. that the demand for women’s rights and justice is alien to ‘our tradition’, a notion imported from the West, and that all those demanding their rights are promoting an alien agenda. This dual myth is an effective tool for silencing many women who fear that demanding rights, challenging the status quo of discriminatory practices, demanding change will lead to being considered an outcast, shunned or locked out of their community. It is to debunk these myths that I put together a training manual and companion book of narratives: *Great Ancestors: Women asserting Rights in Muslim Contexts*  which showcases the history of women’s struggle and actions to assert women’s rights and also for social justice from the early days of Islam to the 1950s. This history, gathered from the footnotes of mainstream historical narratives, is an empowering history which enables women to connect their contemporary resistance and activism to their own socio-cultural historical context.

Another insight provided by an action-research on women’s empowerment in Muslim contexts, revealed that history is one of the fundamental keys for unlocking women’s agency for empowerment, in particular the history of resistance to injustice, especially but not only, histories of women’s resistance (as well as contemporary cross-cultural accounts of women’s movements). I believe that histories of resistance are crucial for all people. This has been illustrated in this forum as well, when some participants from Tunisia testified to identifying with and/or following the footsteps of those who resisted French colonialism.

It is also important to retrieve local histories, and we have heard a number of examples of how this is being done by people participating in this forum. Selim Ben Hassan, for example, has just shared how he and his friends have been engaging in this process in Tunisia.

Quite separately, I am struck by primacy history as currently taught accords political history over all other aspects. Political history itself is usually reduced to matters of military actions and conquests over territories and people, inevitably demarcating lines separating ‘us’ from ‘them’, the conquering heroes and the conquered victims. It is essential to remember that the shared past has been differently experienced.

The projected past also contains silences and omissions, as well as views of ‘us’ and ‘them’, and ‘enemies’. A specific period of history or particular events may simply be omitted from narrative taught in schools. Omissions are especially evident following major upheavals, when the previous narrative is no longer acceptable and a new narrative is deliberately promoted to replace it. It is quite usual in societies seeking to achieve reconciliation after wars and internal strife or dictatorships. The omissions may be well-intended. The aim may be to deliberately conceal data to shield key actors from prosecution or to achieve reconciliation, or both. Omissions may also be the outcome of a sheer impossibility in a still deeply divided society to reach an agreement on how to describe a shared past of conflict, violence and pain that, albeit shared, was experienced in vastly divergent and quite often directly oppositional ways.

The past conflict may also be considered too recent, giving rise to emotions which are still too raw to be addressed and taught in schools. The common wisdom is that at least one generation is needed before painful events can be discussed openly. It is well to remember, however, that even if the matter is not addressed in the classroom, discussions on recent events *always do* *take place*. Regardless of what happens in the classroom, matters will be discussed in the streets, in homes and cafes, in songs and other forms of self-expression; the younger generations will receive historical narratives from various sources, including the internet. Consequently, history teaching in schools still appears to be the best option for dealing with a recent painful past, because it affords an opportunity to exercise critical thinking and to expose students to various narratives. This, however, necessitates a robust education for the teachers we expect to deliver the history lessons, on how to deal with the multiple narratives as well as the potential conflict/disagreements that the topic may cause amongst students.

It is important to ensure that the teaching of history does not become the continuation of war by other means for it has been seen that following the cessation of armed conflict, history textbooks may deployed in a new mission: laying the ground for a potential future ‘payback’ for past events. This is accomplished through textbooks that construct the image of ‘the enemy’, and/or of victimhood, preparing future generations for the continuation of hostilities. In this process, even the ancient past is readjusted, given a new twist, reinterpreted to accommodate the needs of contemporary politics and future conflict. History teaching and textbooks, therefore, deserve special attention.

In my report, I have emphasised that the aim of history teaching must be to foster critical thinking, analytical learning and debate, teaching must stress the complexities of history, and enable a comparative multi-perspective approach. History teaching should not serve the purpose of strengthening patriotism, fortifying national identity or shaping the young in line with either the official ideology or the guidelines of the dominant religion.

Ensuring the human rights of all is, first and foremost, the responsibility of the State. Amongst these responsibilities are: to ensure that a wide array of history textbooks are accredited for schoolteachers and students to choose from; enabling students to engage with key historical texts so as to form their own opinions on past events; to ensure academic freedoms in terms of the topics historians investigate as well as in terms of accessing necessary archives for this. History teachers are pivotal for promoting a human rights based approach. It is imperative therefore to institute continuous education and professional training for history teachers at all levels of schooling.

From a transitional justice perspective, victims of abuse and their relatives must have access to archives as their right know. At this forum, we have heard how the testimonies received in transitional justice processes can contribute to creating new knowledge. The testimonies themselves can be added to existing archives. Transitional justice processes may uncover family archives, bring to public light the documents and records of, for example, the political opposition forces or groups. In this way, the transitional justice process itself can help to build existing or create new archives. Having access to archives, it has been stressed, is also a crucial means of holding State officials accountable.

Major political upheavals create deep social turbulence, social confusion and the circulation of unreliable knowledge. This can dull and weaken people’s capacity for critical thinking. It can also result in people who physically occupy the same space, living in parallel universes.

From a human rights perspective what counts is creating conditions that, in the words of Justice Albie Sachs, allow a ‘broadly located, mobile, multi-layered and interactive dialogical truth’ to emerge, meaning a debate on past events and actions that enable society to overcome ‘completely separate and unrecognized accounts of what happened’ so as to move forward and develop more peaceful relationships.[[3]](#footnote-3)

This is a crucial guiding principle to remember, especially in view of the new push for every past tragedy to be commemorated through memorials, most of which are inspired by the Holocaust memorials, as Pierre Hazan recalled. It is crucial, I believe, to guard against memorialization processes that constitute, or can lead to reactions that constitute, obstacles to reconciliation. It is vital that transitional processes avoid falling into the trap of creating victim hierarchies, generating a competition in victimhood, and thereby providing some groups with ‘an endless line of credit’.[[4]](#footnote-4) In the same way that ‘Memories of past humiliation inspire the desire for revenge and are used to justify further aggression based on any historical or ancestral rights,’[[5]](#footnote-5) the manner in which history is related can prepare its listeners for ‘revenge’, discrimination, and oppressions against the Other, however the Other may be defined.

This becomes all the more critical as the purpose of memorialisation processes shifts from commemorating soldiers to remembering the civilian victims of violent conflict. In this regard, I consider the new forms of memorialization processes emerging that do not replicate the ‘enshrined in stone’ mentality as a positive development.

Today, as pointed out by Pierre Hazan earlier, States exiting conflicts or periods of repression find themselves increasingly propelled to engage in active memorial policies as a means for ensuring recognition for the victims, as reparation for mass or grave violations of human rights, and as a guarantee of non-recurrence. The ways in which narratives are memorialized, however, have consequences far beyond the sole issue of reparations. Entire cultural and symbolic landscapes are (re)designed through memorials and museums. These reflect, but also help to shape social interactions, people’s self-identity, and their perception of other social groups in both positive and negative ways. Unfortunately, I have to admit that I do not think that memorialization processes *per se* are any guarantee of non-recurrence. This is simply not the reality we see around us every day.

Memorials themselves become sites of contestation, dispute and violence, and for instance at this forum Eduardo Gonzales Cueva shared the controversy around the ‘Eye that Cries’ memorial in Peru which has been defaced. In Ireland, the murals projecting particular narratives of The Troubles as experienced by the two sides have been sites of not only contestations over depicting history but of violence as well as. (I have to say, however, that I cannot help wondering whether it isn’t better to deface artistic creations than the people from the other side.)

At the same time, communities experiencing, or having experienced, great strife have also created novel, very different, non-material forms of memorialization processed with the express purpose of helping the society move on, rather than merely provide a marker of past violations. In this, I believe it is important to allow people to determine what would be appropriate in their context. In Cambodia, for example, people have instituted ceremonies that recognize the harm done, the person responsible and the perpetrator, but that conclude in victim and perpetrator collectively closing the chapter of the past and moving on, using rites which leave no trace. This may seem rather peculiar, and may be difficult for outsiders to understand or accept, but it is always essential to listen to those who suffered directly and to ensure that their wishes are taken into account fully. For example, after the overthrow of the Taliban regime in Afghanistan, there was a huge push from the international community, including civil society activists, to establish an international tribunal to bring all those responsible for the violence to justice. However, when in neighbouring Pakistan, we called a meetings of around 100 women from at least 25 different organisations, they categorically rejected the idea of such a tribunal for two reasons: firstly, they felt that to do justice, such a tribunal would need to put on trial the majority of the male population, including many boys. This was not what they desired – women wanted a return to ‘normalcy’, to be able to reconstruct their lives. Secondly, they stressed that should a tribunal be established it must be a national and not international tribunal; it was essential that an Afghan institution bring Afghans to justice, not outsiders. Memorialisation processes can deepen rifts between communities and intensify hostilities. In Bosnia-Herzegovina of the former Yugoslavia, for example, some of the memorialization processes following the cessation of armed conflict which are being carried out in the name of restoring cultural heritage, are, in fact, rewriting the cultural landscape of the country with each of the three major ethno-religious communities building bigger mosques and churches with ever higher, more impressive minarets, spires and crosses.

I believe that transitional justice processes have simply not paid sufficient attention to cultural rights issues. Promoting cultural rights calls for the implementation of policies promoting cultural interaction and understanding between people and communities, the sharing of perspectives about the past and the design of a cultural landscape that is reflective of cultural diversity. The essential role that cultural interventions can play in transitional justice processes is also stressed by the Special Rapporteur on Transitional Justice. This is especially so if the aim of transitional justice is not just recognition and reparation of past violations, but reconciliation in ways that ensure a non-reoccurrence.

All post-conflict and divided societies confront the need to establish a delicate balance between forgetting and remembering. It is crucial that memorialization processes do not function as empty rhetoric commemorating the dead, while losing sight of the reasons and the context in which past tragedies occurred as well as obscuring contemporary challenges.

In my report, I have stressed that the process in establishing a narrative may be more important that its outcome. Memorialisation should be understood as processes that provide the necessary space for those affected to articulate their diverse narratives in culturally meaningful ways. Such processes encompass a variety of engagements which need not become concretised through the erection of physical monuments. They can take the form of numerous non-permanent activities and cultural expressions.

Cultural interventions, expressions, actions and engagements have an unparalleled potential to contribute significantly to transitional processes precisely enabling spaces here identities can be tried out, including the identity of a rights claimant. Cultural interventions help to make the victims visible by providing safe spaces for articulating their experiences. [[6]](#footnote-6) Memories are subjective processes anchored in experiences and the material and symbolic markers of specific cultural interpretative frameworks. Actions in the cultural sphere facilitate cultural interaction and understanding; they can help to design new cultural landscapes encompassing and reflective of the plurality of culturally diverse perspectives. Without idealizing artists, the processes of artistic creativity can provide space when the transitional justice process does not feel safe enough.

Artists commissioned to work on monuments are significant actors in memorialization processes. Their capacity to shed new light on the past and to enhance the ability of people to ‘imagine’ the other, enables artists to play a crucial role in memorialization processes. By focusing on ‘concrete others’, artistic expressions can make victims visible: ‘They can raise awareness of the depth , breadth and effects of rights violations in a way that other forms of communication can hardly aspire to, including not only cold statistical data but unofficial truth commission reports. ´[[7]](#footnote-7) At this forum, the extracts of two documentary films have been shared: *“La mémoire noire”* by Hichem Ben Ammar and *“L’affaire Barraket Essahel”* by Ghassen Ammami. We saw how people being filmed in the *L’affaire Barraket Essahel* opened up to the camera and shared their stories of events that happened a decade ago; stories which they had not ever shared before even with their own families. This illustrates how the breaking of the silence changes things: in their personal lives, in the lives of their loved ones. The film by Hichem Ben Ammar revives and allows to be shared a segment of Tunisian history which has been largely erased from public memory.

Another issue is when should memorialization processes start and for how long should they continue? Memorialisation may seem to start too soon, just after or even during a conflict, not allowing the process of reflection to come to maturity. But the absence of memorialization may be the cause of further suffering for victims and their families. Sometimes, memorialization processes are also about a projecting of what we want the future to be, by reshaping the cultural landscapes as I shared in the case of Bosnia-Herzegovina. Therefore the demand of some activists in Tunisia only for mosques and no memorials, needs to be reconsidered and viewed in that light.

It may be the case that a common narrative is not possible, at least yet. In such cases, people should be encouraged to create and engage with different narratives. An interesting innovation emerged from the work of a group of Palestinian and Israeli history professors trying to deal with their troubled history in the midst of continuing violent conflict. (One of the professors, Sami Adwan, was in fact supposed to be attending this forum but could not make it.) It proved impossible to arrive at a single narrative: each descriptor word and verb became a bone of contention, hotly contested by both sides, leading to endless debate. Eventually they decided to prepare a three-column textbook: one column had the Palestinian narrative, one carried the Israeli narrative on the same event, and in between they left a blank column for the students to write their own comments and understanding. This is an excellent example of positive innovation in the face of what seem to be impossible odds.

There is a famous Senegalese rap singer, Didier Awadi, has a wonderful song which is called ‘le point du vue du lion, in which he argues that instead of seeing history through the eyes of the hunter, we need to understand and make visible the point of view of the hunted lion. Similarly, a participant from Lebanon said at this forum, ‘transitional justice processes must help us to shift away from monologues to multiple narratives of the same events’, remembering too, that the same events are likely to have been experienced differently, depending on whether you are the lion, the hunter or a bird in the tree watching the chase.

Transitional justice should help us to reorient not merely how we consider the past; transitional justice processes must help us move to an imagined future. This is precisely what Albie Sachs was referring to when he said the need was to overcome ‘completely separate and unrecognized accounts of what happened’. We need to her the plurality of the past to effectuate reconcilation in ways that enable more peaceful relationships.

Artistic cultural interventions are important because they reach audiences beyond the converted or engaged; they provide safe spaces which even transitional justice processes are not safe enough, they break the silence and invite a rethinking of past events. Because cultural and artistic interventions draw upon the symbolism, they enjoin emotions, drawing in the audience in ways very different from transitional justice tribunals and journalistic accounts. Because artists have the ability to shed new light on the past, to make visible the victims, and to enhance the ability of the people to imagine the Other, “they can raise awareness of the depth, breadth and effects of rights violations in a way that other forms of communication can hardly aspire to, including not only cold statistical data but also official truth commission reports”.[[8]](#footnote-8)

Artistic and cultural interventions are especially useful when even the ‘safe space’ of truth commissions is not safe enough, or when the affected people feel intimidated by, or uncomfortable because of, the formality of the procedures or the presence of certain individuals. Cultural interventions offer a more conducive vehicle for expressing and sharing not merely factual accounts, but the feelings, emotional experience and relationships that came into play, as well as the consequences beyond these facts. They can also provide a way of sharing that without demanding that the victim her/himself recounts painful experiences before an unknown public. For example, interactive and other forms of theatre have been used very effectively for this purpose. Theatre, like other forms of artistic expressions, invites the audience into the narrative and is intentionally emotive, enables a range of feelings to be btoh conveyed and elicited in the telling. At the recent 27th session of the Human Rights Council in Geneva, at the panel on history and memorialisation, we saw an extract of a documentary film that records people’s use of artistic expression, including interactive theatre as a form of addressing past violations. [[9]](#footnote-9)

However, while it is essential to have and encourage cultural interventions, it is equally important that artists not be seen as replacements of social and political actors. Furthermore, as Jocelyn Dakhlia said, it is important to guard against the voice of the artist superseding or replacing that of those directly concerned through artistic representations.

I want to stress here that, all too often, artistic expressions and cultural manifestations are seen as luxuries. Nothing could be further from the truth. Cultural expressions are an absolute a necessity for humanity – it is what makes us human. Let me share a story about the power of culture to heal. I am from Pakistan, and as some of you may know one area in the north of our country, Swat, was taken over by the Taliban who instituted a veritable regin of terror commiting unspeakable crimes. A man who earned his living plying a rickshaw, or Tuk-Tuk but whose true love was music, recounted the following: the fighting and terror was so intense in his area, that one day after a particularly intense bombing spree, his two year old son simply stopped speaking. In the meantime, the Taliban had forbidden any music from being played as being sinful, an meted out dire punishments for anyone found contravening their rule. But a year later, he was so frustrated and depressed that, throwing caution to the wind, he took out his harmonium fromits hiding place and started to sing. His son came and sat next to him, and in a while the boy who had not spoken for a year, started to sing along with him. And that is the power of culture: to give a voice to the voiceless, to those forced to be mute.

In terms of transitional justice, I worry that we may be expecting too much. We should be careful not to fall into the trap of believing that transitional justice is a panacea for all ills. Justice demands a transformation of entrenched structures and systems; transitional justice processes can only be a bridge towards such a solution. Transitional justice processes can, and should, open pathways for long-term solutions to key problems, such as economic deprivations, but I do not think that transitional justice by itself can deliver economic justice. If transitional justice processes could address and overcome all the injustices in society, there would be no need for the judiciary, for policy-planning and implementation mechanisms. I fear that by expecting too much from transitional justice processes, we are setting it up to fail. What transitional justice can and should be designed to accomplish is:

1. Recognition of the harm done, pain suffered, as well as acknowledging the personhood of those who suffered;
2. It can, and does, break the silence and it helps to end impunity;
3. Provide reparations: material, legal and moral, for the harm suffered;
4. Provide the basis for demanding rights to be guaranteed by the State.

Conflict let me stress is not bad, indeed conflict of interests and opinions – is inherent in any society, the issue is how conflict is addressed and whether the institutional mechanisms available are effective enough and have the requisite legitimacy to adjudicate or mediate the differences. Memorials, themselves, are also sites of contestation. This is not to be wondered at because culture itself is a site of contestation, in which different understandings, perspectives and opinions jockey for supremacy and general acceptance.

Finally, I want to stress that collective identity, which is closely tied to the issue of memorialisation and history is a tricky business. There is no plural of the pronoun ‘I’. The moment we use the plural ‘we’, we are distinguishing between us and you/them. The ‘we’ can be fleeting , such as ‘we on this side of the room’, which by its very usage use will automatically exclude everyone beyond a certain point; or it can be more permanent such as ‘we women’. But whenever I use the pronoun ‘we’, I am selecting certain markers of identity which link me to some people and dissociate me from others. We never select all markers of our identity. Not even identical twins have identical experiences. Moreover, and I think this is crucial, we are always in the process of reinventing this imaginary ‘we’ to our advantage, or at least in light of what we think at a particular moment is advantageous.

In the documentary film on artists working around memorialization processes, one of the artists invites people to engage in ‘remembering as a revolutionary act’. I would like to end by suggesting that in transitional justice processes we need to engage in ‘remembering as an act of human rights’ -- as an act that promotes the dignity of each person and community.

Thank you

1. *A/68/296, The Writing and teaching of History (history textbooks)*; available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N13/422/91/PDF/N1342291.pdf?OpenElement> [↑](#footnote-ref-1)
2. *A/HRC/25/49, Memorialization Processes*; available at <http://www.ohchr.org/EN/Issues/CulturalRights/Pages/AnnualReports.aspx> [↑](#footnote-ref-2)
3. Albie Sachs, *The Soft Vengeance of a Freedom Fighter*, (Berkeley, California, University of California Press, 2000 [↑](#footnote-ref-3)
4. Tzvetan Todorov, *Les abus de la mémoire*, (Paris, Arléa, 2004) pp. 56 and 57 [↑](#footnote-ref-4)
5. Emmanuel Kattan, *Penser le devoir de mémoire*, (Paris, Presses Universitaires de France, 2002). [↑](#footnote-ref-5)
6. See Louis Bickford, “Memoryworks/memory works”, in *Transitional Justice, Culture and Society:* *Beyond Outreach*, Clara Ramírez-Barat, ed. (New York, Social Science Research Council, forthcoming, 2014). [↑](#footnote-ref-6)
7. Pablo de Greiff, “On making the invisible visible: the role of cultural interventions in transitional justice processes”, in *Transitional Justice, Culture and Society:* *Beyond Outreach,* Clara Ramírez-Barat ed. (New York, Social Science Research Council, forthcoming, 2014). [↑](#footnote-ref-7)
8. Pablo de Greiff, op.cit. [↑](#footnote-ref-8)
9. Excerpts from a documentary titled "Acting together on the world stage: performance and the creative transformation of conflict", by Cynthia Cohen and Allison Lund. The Documentary was the result of collaboration between the program in Peacebuilding and the Arts at Brandeis University, United States of America, and Theatre Without Borders, and was screened with the courtesy of the authors. [↑](#footnote-ref-9)