

for this right, and such a right differs between international and non-international armed conflicts. This would suggest a lack of legal basis for an individual right classically understood. In times of peace, Cubie points out that a binding right to humanitarian assistance only exists in refugee law for children, although there have been suggestions that this should be broadened to include internally displaced persons.¹¹ This is a sensible development given the high numbers of civilians who died because of conflict displacement and lack of assistance, such as in the conflict in eastern Congo. What does seem a stronger basis in international law is the entitlement of humanitarian agencies to offer assistance, but this often is limited by states not giving consent, reflecting the overbearing nature of international law's commitment to sovereignty over the protection of persons. As such, Cubie acknowledges that the right to humanitarian assistance is starting to crystallise, but more work needs to be done to achieve the overarching goal of the protection of persons in humanitarian crises. Despite this, in his final chapter Cubie remains optimistic that the broad-tent, flexible approach of the *acquis humanitaire* can contribute to better attaining the protection and assistance of persons in humanitarian crises. Accordingly, the *acquis humanitarian* remains the best way to actualise our underlying goals of humanity and human dignity in times of crises.

In all, Cubie's monograph pulls together the different strands of international law in the face of ever-complex humanitarian crises to shape a well-thought out and sober approach to humanitarian action. The valuable contribution this book makes to the number of fields it touches upon is clear, but it also potentially provides a pivot point for our legal and practical continuum as an international community in how we respond to some of the greatest challenges we face as the human race. It is apparent that this book will be helpful for practitioners in the field of humanitarian assistance, a vital guide to policy makers in developing legal responses and states' obligations in humanitarian crises, and a provocation to scholars in the disparate areas of law Cubie engages with. Yet the value of this book is not just in how it speaks to and moves the debate on for different stakeholders, but how it pulls together the key principles of humanity and human dignity to illustrate how, as an international community, we can respond to and reduce the suffering of humankind when war and disaster strike.

Luke Moffett
School of Law, Queen's University Belfast

Anita Ferrara, *Assessing the Long-Term Impact of Truth Commissions: The Chilean Truth and Reconciliation Commission in Historical Perspective* (Abingdon, Routledge, 2015) 258pp ISBN: 9781138215214 Price: £37.99

There have been around 40–70 national truth commissions around the world—depending on how one defines a truth commission and on how one counts them.

¹¹ Cubie (n 2) 325.

A sizeable bulk of these fact-finding commissions are geographically located in Latin America, which is considered a pioneer region in terms of investigating and documenting the truth about gross and systematic human rights violations after transitions from authoritarianism or military dictatorship to democracy, or from internal armed conflict to peace. One of the first, and most merited, national truth commissions in the world, is the Truth and Reconciliation Commission (TRC) in Chile. It was established by President Patricio Aylwin directly after the democratic transition in 1990 to document the atrocities committed under the military dictatorship of Augusto Pinochet (1973–90). The truth commission report documented more than 3,000 politically executed and detained-disappeared. This commission is the core subject of Anita Ferrara's new book, *Assessing the Long-Term Impact of Truth Commissions: The Chilean Truth and Reconciliation Commission in Historical Perspective*.

As the book title suggests, Ferrara takes a long-term perspective on the experience of truth-finding in Chile following the end of the military dictatorship. One of her central points is that, only with hindsight—here over three decades—can one really assess the contributions or impacts of a truth commission. This book fits well with the transitional justice literature that for the past decade or so has been concerned with measuring the impact of transitional justice mechanisms (truth commissions, trials, reparations, local justice initiatives, etc) on various societal goals, such as democracy, human rights, or the rule of law. Without going into the methodological complexities of measurement (arguably a slight weakness of the book), Ferrara takes a step back from the larger impact debates and narrows her project to documenting 'how the effectiveness and influence of the Chilean truth commission has evolved over time'.¹ Her project is about showing how the 'Chilean TRC supported or strengthened later transitional justice initiatives'.² It is this interplay between a changing socio-political context and the evolving human rights initiatives which forms the core of the analysis. In particular, Ferrara analyses the impact of the Chilean TRC on reparations programmes, later truth telling measures, human rights trials, and the belated memorialisation initiatives. Although each of these transitional justice mechanisms have received substantial scholarly attention, Ferrara is the first to link all these initiatives together in a systematic and thorough way. This, in my opinion, is the main strength and achievement of her book.

Bringing something new to the table is a challenge in itself given that the Chilean TRC is arguably one of the most widely studied truth commissions in the world, possibly with the exception of the South African Truth and Reconciliation Commission (which indeed was partly modelled on the Chilean TRC). Yet, Ferrara manages to shed new light on the work and legacy of this commission—especially in the second half of the book.

The first half provides a thorough introduction to the political background and operations of the Chilean TRC, popularly called the Rettig Commission after the

¹ Anita Ferrara, *Assessing the Long-Term Impact of Truth Commissions: The Chilean Truth and Reconciliation Commission in Historical Perspective* (Abingdon, Routledge, 2015) 12.

² *Ibid* 13.

head of the commission, Raúl Rettig. Chapter one details the context of the pacted transition to democratic rule, and shows how President Aylwin considered setting up a truth commission as the only politically viable alternative to dealing with the violations committed under military rule, since General Pinochet was still head of the Armed Forces when he stepped down in 1990. The second chapter focuses on the direct consequences of the Chilean TCR, specifically the follow-up body that was tasked with ensuring that the recommendations made by the TRC in its final report were actually implemented. In the third chapter, the author takes stock of the early debates surrounding the establishment of the TRC and evaluates its role in the context of political transition. So far, the book presents a mainstream political analysis of early Chilean post-dictatorship rule. To a person not so familiar with Chilean politics or transitional justice history, this is an excellent introduction.

The second half of the book I find much more interesting. In each of the remaining five chapters, Ferrara carefully explores the link between the Rettig Commission and other transitional justice mechanisms. Chapter four details how the arrest of Pinochet in London in 1998 opened up a political space in Chile where societal demands for truth and justice took on a much more active and critical turn. One government response was to set up a so-called Round Table, or *Mesa de Dialogo*, tasked with finding out more about the fate of the thousands of detained disappeared that were documented in the Rettig report. Ferrara in Chapter five elegantly traces how the dimension of international justice becomes significant after Pinochet's arrest. Multiple court cases against Pinochet and other military officials in Spanish courts, as well as several rulings from the Inter-American Court of Human Rights against the Chilean state, explicitly and successfully drew on the meticulous documentary evidence made by the Rettig Commission (which Ferrara correctly notes was based on the archives from the non-governmental organisation *Vicaría de la Solidaridad*). This mass of court cases amounts to what many scholars have called 'late justice' or 'post-transitional justice', which Ferrara details in Chapter six. In Chapter seven she proceeds to analyse the links between the TRC and a second formal state-sponsored truth commission, the National Commission on Political Imprisonment and Torture (popularly called the Valech Commission after its head). The Valech Commission was established in 2003 to document two central kinds of abuses that had been left out of the mandate of the TCR: torture and politically motivated imprisonment. Operating in two rounds, concluding evidence from Valech I and Valech II showed that around 30,000 Chileans had been illegally detained and tortured by state agents. Ferrara's careful comparative analysis of the Rettig and Valech commissions brings out how societal and state institutions' reactions to the findings of the reports changed significantly over time.

In her final main chapter, Chapter eight, Ferrara bridges two strands of literature (transitional justice and memory studies) when she draws the explicit links between the truth-finding efforts of the three truth commissions and the increased political and societal focus on memorialisation. She traces the history of such state and civil society initiatives until the end of 2013 (when data collected for this book presumably ended), concluding with the opening of the Museo de la Memoria; a landmark in Chilean memory politics. This museum also functions as a vault for the information gathered by the two Valech Commissions—demonstrating an interesting link

between truth commissions and memorialisation politics. As Ferrara concludes, her investigations into the truth-finding process in Chile

suggests that the moral and social pressure generated by a truth commission, can, in the longer term, lead to change of attitudes and beliefs at the institutional level, making those institutions more responsive to the demands of victims and society in general.³

Indeed, her book clearly demonstrates that, at least in the Chilean case, ‘Truth-telling efforts and public engagement with the issue of past human rights violations can gradually transform the political, legal, and social interactions that take place’.

This is not a superficial observation. Ferrara’s book is clearly very well researched and minutely documented. Although she draws heavily on a limited number of interviews and although she may be criticised for perhaps overly depending on information from persons who have had the struggle for truth and justice close to heart, she does supplement this information with an impressive archival research into newspaper sources, opinion polls and surveys. Very little of Ferrara’s book comes across as unsubstantiated. There is a footnote and a reference or three for every figure and every opinion. Yet, the book does not appear over-referenced. Ferrara has a clear voice throughout: her judgment of the issue at hand is never left to the reader to guess. She knows the Chilean context very well, but still has the advantage of the outsider who has not lived the conflict, when conducting her analysis and drawing her conclusions.

The main strength of this book, in my opinion, is that it very clearly and convincingly draws the explicit connections between the different states of the truth-finding efforts in Chile (ie the Rettig Commission, the Mesa de Diálogo, and the two Valech Commissions) and other transitional justice policies, such as reparations, court cases and memorialisation policies. The book is more thorough than provocative. It is empirical rather than theoretical. It gives an excellent overview of Chilean truth politics in the larger context of political transition and transitional justice. It does not pretend to generalise from the Chilean case to truth commissions in other countries, except for one central take-home point: evaluations of truth finding processes clearly benefit from taking a long-term rather than short-term perspective. It is this longitudinal, thorough analysis of the Chilean Truth and Reconciliation Commission and all the related transitional justice activities in the wake of the publication of the Rettig Report that makes this book absolutely worthwhile to read.

In short, the book is well written, well presented, and flags an important topic in the transitional justice literature. Although the topic might be too narrow to be used for undergraduate courses or as textbook material, it is of high academic standard, and should be of interest to scholars concerned with transitional justice and human rights in general—and those interested in transitional justice in Chile more specifically. Ferrara’s book is a welcome contribution to the current discussion on the impact of transitional justice mechanisms. As the author correctly points out, the current debate is on how to statistically ‘prove’ whether or not particular transitional justice mechanisms have a positive or negative impact on variables *x*, *y* or *z*—such as for example on democracy, peace, or human rights. The author proposes

³ Ibid 219.

to complement statistical findings with an in-depth qualitative study of the Chilean Truth and Reconciliation Commission. Qualitative studies of high quality are useful as both a check on and complement to statistical findings in analyses covering a large number of cases. Ferrara's solid analysis nicely complements research already done in the field. I think this book makes an important contribution to the transitional justice impact literature, which now seems to be moving away from quantitative studies back into more qualitative studies.

*Elin Skaar
Chr. Michelsen Institute,
Bergen, Norway*