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Mapping Depoliticization in Contexts of Transitional Justice:

An Analysis of the Case of Argentina.

Masters International Relations | Global Conflict in the Modern Era

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Abstract

Considering the global boom in Transitional Justice (TJ) and its bureaucratization since the 1980s, critical multi-disciplinary scholars realised that ‘transitional’ discourses and practices were depoliticizing alternative political perspectives. But although they refer to interrelated phenomena, their language and chief academic objectives diverge, making depoliticization incoherent and under-conceptualized. This paper unifies prior efforts by asking what depoliticization is and tracing its consequences. We present six tentative definitions of depoliticization, categorise them into three types, and incorporate our preferred definition into our methodology. In a case study of TJ and post-transitional activism in Argentina during 1983-1996, we map its occurrence beginning with a depoliticizing move in 1983 by the Alfonsín administration that facilitated the production of *Nunca Mas* in 1984 and examine its relationship to the marginalization of the Madres de Plaza de Mayo, a civil society organisation that emerged in response to mass disappearances under the former military junta. We conclude that depoliticization occurred and contributed to marginalization of the Madres de Plaza de Mayo, having produced a clear conceptual framework for further applications of depoliticization in contexts of TJ.

List of Acronyms

ADPH - Relatives of the Detained Disappeared

CELS - Technical Commission for the Gathering of Information

CONADEP - National Commission on the Disappearance of Persons

EU – European Union

FDFA - Federal Department of Foreign Affairs

HRs – Human Rights

ICC – International Criminal Court

ICTJ – International Center for Transitional Justice

LADH - Argentine Human Rights League

LP – Liberal Peacebuilding

MEDH - Ecumenical Movement for Human Rights

NGO – Nongovernmental Organisation

NRP – National Reorganization Process

R2P – Responsibility to Protect

TJ – Transitional Justice

TRC – Truth and Reconciliation Commission

UCR - Radical Civic Union

UN – United Nations

USA – United States of America

1: Introduction

Throughout human history horrific atrocities have been committed and seldom have those responsible faced judicial prosecutions. State actors have misused their powers with considerable impunity. Transitional Justice (TJ) responds to this need for justice. However, its fundamental means to do so has been for states to undergo a 'transition'. From a former deplorable state of violence to a reconciliated state of peace, this change is achieved through the pursuit of justice, collective remembrance, the promotion of human rights (HRs) and the rule of law in order to put an end to violence. But what happens when citizens find themselves in political disagreement with the interpretations of justice, peace and remembrance offered by their politicians and practitioners of TJ?

Beginning in the 1970s, booming in the 1990s and becoming a globally institutionalised norm to respond to violent and predominantly intra-state conflict in the 21st century, TJ is now a globally popular practice, field and movement and a widely-known subject of academic scholarship (Sikkink and Walling, 2007; Sikkink and Lutz, 2017; Sriram, 2005). It is supported by government departments including those like Switzerland's Federal Department of Foreign Affairs (FDFA, 2018). These cooperate with non-governmental organisations (NGOs), for example, the International Center for Transitional Justice (ICTJ) dedicates itself to TJ by advocating for retrospective criminal justice and collective remembrance of violent pasts (ICTJ, 2019). Truth and Reconciliation Commissions (TRCs) are an organ of TJ alongside national and international courts of law like the International Criminal Court (ICC). They are temporary organisations designed to investigate and document grievous accounts of the past on the behalf of national governments, on the basis that this will promote reconciliation (Rubli, 2012; Baines, 2010; Sriram, 2007). In voluminous final reports, they publish lengthy meta-narratives of the past experiences of those that have resided in their respective nation states, who are most often portrayed as witnesses who have contributed testimonies in criminal-legal style depositions (see Ross, 2003 for South Africa).

Before the term for TJ existed, its first instance is often traced back to the Nuremburg trials of the 1940s, where the victors of World War Two convened to prosecute Nazi German officials for cruelties they deemed excessive during the war. The first TRC emerged in the 1970s where international pressure against the tyrannical ruler, President Amin of Uganda,

led his government to investigate its own state-sponsored atrocities (Hayner, 1994, pp. 611-3); and the second, in Bolivia investigated the kidnapping, torture and murders of a former military regime; it was a fate that happened to those who came to be known as *los desaparecidos*, or the disappeared, that popularised by the TRC report of Argentina, *Nunca Mas*, published in 1984 (Kritz, 1995, pp. 3-4). The earliest prior instances of TJ, although not referred to as such at the time, became a barebones template that has been repeated and incrementally modified ever since.

TJ and TRCs, which based upon the concept of national reconciliation through the pursuit of justice and truth, became popular in Latin America in the 1980s as means to deal with recent legacies of violent conflict (Markarian, 2005, p. 183). Following the experience of Argentina, TJ became a globally popular practice within the wider emergence of humanitarianism in the foreign policies of Western states and global civil society organisations, referred to hereon as the humanitarian turn to describe the expansion in popularity of humanitarian justifications for political action (Sikkink and Walling, 2007). Humanitarianism is conventionally understood as a concern for human welfare (Oxford Dictionaries, 2019); its growth implies increasing efforts to protect it. But the essentially contested nature of welfare necessitates the advocacy of specific normative values. The humanitarian turn, being rooted in American and Western experiences, meant the evangelism of neoliberal democratic values, which is reflected by three major factors: the emergence of so-called 'ethical' foreign policy (Chandler, 2001; Jaeger, 2007); the emergence of liberal civil society beginning in the USA and transforming into a professionally organized global civil society (Cmiel, 1999; 2004); and the emergence of broader conceptions of security among Western foreign policy circles beyond the national level to a supposedly universal one (Richmond, 2005, pp. 128-33). Onwards from the 1980s, humanitarian values were operationalized into various forms we will refer to as humanitarian practices, which have included the issue-linking of foreign aid and investment to HRs and democratic requirements by Western states when interacting with particular global southern states, humanitarian interventions and the Responsibility to Protect (R2P), Liberal Peacebuilding (LP), Transitional Justice (TJ) and Truth and Reconciliation Commissions (TRCs), within paradigms such as democratisation, international development and even the war on terrorism (Chandler, 2001; Chandler, 2004b, p. 75).

In scholarly literature, the humanitarian practices of LP and TJ began to receive criticism in regard to their role in depoliticizing important political issues, surrounding the

often-contested pursuit of peace and justice in national contexts (Goetschel and Hagmann, 2009; Rubli, 2012). Other scholars discussed fallouts of these practices in terms of political marginalization, such as where Chandler refers to the humanitarian intervention and following governance of Iraq by American and European powers as ‘marginalising the political sphere’ (2004a, p. 577). Depoliticization became a theoretically significant concept where it was realised that the advocacy of peace and justice were vague, universal concepts that were promoted without consideration of existing local political dynamics (Goetschel and Hagmann, 2009; Rubli, 2012). But uses of depoliticization have become confused. Our literature review will demonstrate that depoliticization is best referred to as a diverse range of depoliticizations, because of their varied use in reference to a broad range of different phenomena. In response to the uncertainty in the application of depoliticization, this thesis intends to address a gap in existing research by answering the following research question:

“What is ‘depoliticization’ in the context of transitional justice?”

Our literature review will present existing varied approaches to depoliticization, and present tentative definitions that reflect their use. This will be followed by our theory and methodology section that will define a clear version of depoliticization, which will be taken forward and applied to a case study of TJ in Argentina. In demystifying the concept of ‘depoliticization’, our case study will map the processes that lead to depoliticization. What are the key political moves or moments in the lifecycle of a conflict resolution practice that essentially deprive it of political content; and what are the fallouts – political or otherwise – of this depoliticization? The study will consist of three parts. The first part will apply our preferred version of depoliticization and seek to gain an insight into the political decisions it justified and why they were made. The second part will analyse an excerpted version of *Nunca Mas*, the final TRC report of Argentine TJ. In beginning to map the fallouts of depoliticization, it will trace how the narrative of the report universalizes the experience of Argentinians into a homogenous and strategically beneficial story for the administration of President Raúl Alfonsín. Lastly, the third part will assess marginalization of the Argentine civil society organisation, the Madres de Plaza de Mayo, as fallout of a process of depoliticization. We will conclude that our preferred definition of depoliticization demonstrates the depoliticizing nature TJ was operationalized in Argentina and that it offers a clear and useful concept for reapplication to other contexts of TJ.

2: Literature Review

This section will review existing understandings of depoliticization. Beginning with its study in British politics because of the application of admirable conceptual analysis, we will move on to unpack depoliticizations in the humanitarian practices of LP, TJ and TRCs. To observe the mix of depoliticizations we will investigate different perspectives on each subject area and present six tentative definitions that reflect an understanding of their usage, where, apart from the first definition, a definition has not been explicitly given by the authors in question. The review will end having demonstrated that considering the confused multitude of applications and various interpretable definitions, there is a research gap for this thesis to take one useful definition forward and apply it to our case study of Argentine TJ.

The Study of Depoliticization in British Politics

Depoliticization has received significant attention from British political scientists regarding their national politics. Colin Hay describes the academic analysis of depoliticizations in any political context as scholars being ‘engaged in a critical exposition of a normatively dubious practice or process’ (2007, p. 135). Unpacking depoliticization is inherently related to normativity, because decisions to depoliticize political issues are essentially contestable normative choices. Peter Burnham defines depoliticization as: ‘the process of placing at one remove the political character of decision-making’ (2001, p. 128). This understanding suggests depoliticization means the decision to delegate political choices to less political actors in its reference to placing ‘at one remove’, suggesting one step away from more accountable political actors (Burnham, 2001, p. 128).

The significance of depoliticization in the British political context comes from issues such as the depoliticization of central banking. The ‘political business cycle theory’ was proposed by scholars such as William Nordhaus (1975) to explain how the structure of democratic elections influences the behaviour of politicians. Close to elections, leading British governments tended to prioritise the reduction of unemployment despite the likelihood of increasing inflation, which reflected short term decision making that was ultimately damaging to the economy in the longer term. This argument justified the depoliticization of central banking, that is, a transfer in the power of its management from elected officials to an ‘independent’, professional, body (Hay, 2007). Hay makes the point

that for those that agree with the style of economic governance promoted by this body, there are obvious political advantages in that it is entrenched in an institution and allowed to continue with less interference than before, but for those politically opposed to a neoliberal style of economic governance, this politico-normative choice is to their detriment, making it more difficult for them to achieve their objectives were they to win a future election (2007). The mechanisms underlying such depoliticization were the perceived structural pressures on political representatives that were argued to warrant a depoliticizing intervention (Hay, 2007, p. 160).

Alternatively, the 'bureaucratic overload thesis' justified the depoliticization of state-owned enterprises in the form of rapid privatisation in 1980s. Scholars such as Anthony Downs (1967) and William Niskanen (1971) had argued that despite the mantra of public servanthood, state-employed workers had little incentive to offer efficient and effective public services. Instead, they were supposedly incentivised to pursue their self-interests to the detriment of those they serve by maximising their perceived status to exclusively provide important services, maximising their monetary and career gains, and minimise their working hours (Hay, 2007, pp. 156-7). Hay argues that these claims, which conservatives used to justify mass privatisation to the horror of the British left-wing, justified depoliticization in the form of the transfer of power from the public to private sector (2007, pp. 158-9). Here the underlying mechanisms of depoliticization were the convincing portrayal of government owned enterprises as inefficient to voters by the political right-wing, who were then able to implement the sale of state-industries as a manifesto pledge once in power and in control of legislature and executive. In response to these explanations, and based on the initial definition offered by Burnham (2001) and discussed by Hay (2007), we offer our first definition to reflect the use of depoliticization in the context of British politics:

Definition 1: 'Where the responsibility for political decision-making is designated [from democratically representative and accountable actors] to less democratic actors.'

Both explanations of depoliticization regarding central banking and the privatisation of industry involve a transfer in responsibilities from formal representatives of the state to less democratically representative, private actors, which we will refer to hereon as democratic decline. The description of depoliticization as placing political responsibilities 'at one remove', uses 'political' to be synonymous with 'democratic', because of its implication of lost democratic representation and accountability (see Burnham, 2001, p. 128). Our definition

clarifies this use of depoliticization by highlighting the importance of democracy to its meaning.

Depoliticization in Humanitarian Practices

Unlike depoliticization in the British political context, its application to the humanitarian practices of LP and TJ is taken for granted in that it is seldom defined beforehand and has been used in a multitude of ways. Depoliticization in contexts LP is relevant to its occurrence in TJ because they are somewhat interrelated; Sriram notes that ‘they share key assumptions about preferable institutional arrangements and a faith that other key goods – democracy, free markets, ‘justice’ – can essentially stand in for, and necessarily create, peace’ (2009, p. 112). Their shared beliefs that the installation of liberal democratic values can promote peace in violent contexts mean that they have both been accused of a similar tendency to depoliticize (Goetschel and Hagmann, 2009; Rubli, 2012). Hence, we will begin in this respect to criticisms of depoliticization by bureaucratisation that have been levelled at both LP and TJ.

Depoliticization by Bureaucratization

The concept of bureaucracy describes the status of humanitarian practices that have travelled from ideas to institutionalized and globally diffused policy practices. Regarding British politics we have heard the proposed role of the bureaucratic overload thesis in explaining how workers in uncompetitive organisations are assumed to maximise their responsibilities, status and income and minimize their efforts Downs (1967) and William Niskanen (1971). The suggestion of bureaucracy in humanitarian practices is similar in that it suggests the teleological nature of pre-defined humanitarian ends has resulted in a glut of organisations promoting their preferred version of LP or TJ. Moreover, it points to the tendency of civil society organisations and government departments to be self-sustaining by donors or governments who are attracted to them because of the assumption that they are morally righteous, and because the mantra of professionalism has portrayed their effectiveness despite the lack of evidence and their essentially contestable nature (Chandler, 2004; Goetschel and Hagmann, 2009; Rubli, 2012). For example, Chandler responds to the proposal to increase the role of the UN in the management of post-intervention Iraqi governance to promote the ‘rule of law’ as ‘fetishising the legal framework at the same time as marginalising the political sphere’ because it is a solution with no political content; it offers nothing new apart

from more staff (2004, p. 577). Additionally, Goetschel, Hagmann (2009) and Rubli (2012) argue that the creation of dedicated civil society organisations and government departments in both areas depoliticizes the pursuit of peace, truth and justice by treating them as issues of management effectiveness rather than contested politico-normative issues. They argue that this depoliticization stems from their nature of funding from predominantly Western donors means that a global bureaucracy of LP and TJ organisations has created advocacy networks that facilitate Western states to impose their favoured politico-normative versions of governance on weaker states, irrelevant of the will of the citizenry in affected areas (Goetschel, Hagmann, 2009; Rubli, 2012). Hence, we offer a definition to match depoliticization by bureaucratisation as follows:

Definition 2: ‘Where the responsibility for political decision-making is designated to bureaucratic actors.’

To define bureaucracy, motivated by their research we have produced a typology for the concept for application to LP and TJ. In the contemporary context they can be considered bureaucratic because of the following criteria, they are: (1) Real – an empirically measurable and not solely ideational development; (2) Teleological – based on values with a predefined endpoint for success, which are universal and prescriptive; (3) Functionalist – the means to achieving the ends considered successful derive from institutional settings that are considered politically independent compared to the contexts they engage with; (4) Professional – effectiveness, being apolitical, is realised with sufficient expertise by professionals, which sustains careers and livelihoods for practitioners; (5) International – the values, like global HRs, and means, like global civil society organisations and the UN, by which humanitarian practices are derived are international and do not originate or exclusively rely on sovereign states; (6) Institutional – the activities undertaken by advocates of the humanitarian practice occur within institutionalised contexts with established hierarchies and rules outside of standard procedures of national democratic deliberation, such as in NGOs as opposed to debate in public legislatures; (7) Donor driven – advocacy organisations do not fund themselves with profits and are not funded exclusively from the contexts they engage with, they generally rely on funding from governments and individuals that do not originate in those contexts.

Depoliticization in Liberal Peacebuilding

Focussing exclusively to LP, we ask what is it exactly? And beyond bureaucratisation, how has it been said to depoliticize? A popular definition of comes from former Secretary-General of the UN Boutros Boutros-Ghali who defines 'Post-conflict peace-building' as 'action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict' (1992, p. 212). However, the vague and non-political style of this definition reflects much scholarly criticism that LP is depoliticizing. Its reference to 'support structures' is vague and could risk a deterministic view of violent conflict by suggesting there are objectively identifiable structures that can be discovered to end violence; and it assumes that peace and conflict are known and agreeable categories. These two assumptions demonstrate how LP at its basic conceptual level leaves important political questions unanswered. Considering peace is an essentially contested concept, what kind of peace, or what at all, is being sought?

Liberal Peace as a Vehicle

This question brings us to approaches that understand LP *as a vehicle, or a means to an end* to securing politico-normative objectives such as the global expansion neoliberal democratic governance, rule of law reforms and respect of HRs values. The suggestion LP leads to a taken-for-granted for conception of 'peace' may be somewhat of a façade to cover the politico-normative interests the donors funding it and the advocates promoting it, whilst depoliticizing their advocacy as non-political and uncontested. (Goetschel and Hagmann, 2009), John Heathershaw referred to LP as 'a composite of neoliberal problem-solving strategies – a form of praxis rather than a theory or concept', meaning LP is a flexible and legitimising vehicle rather than a clearly defined object of enquiry (2008, pp. 598-9).

Richmond and Franks referred to the alleged expertise of LP advocates to facilitate peace as 'camouflage' for their normative preferences, implicating LP to a means to an end other than what is conventionally claimed (2009, p. 182). Goetschel and Hagmann argued LP 'black-boxes peace' by presenting it so vaguely that it becomes a meaningless concept other than to legitimise the political ambitions of its advocates (2009, p. 64). Monica Llamazares argues that LP becomes a meaningless concept because of its sole purpose of legitimising the intentions of those who promote it (2005, p. 203). In doing so, these authors show that the

supposedly apolitical LP depoliticizes the issue of securing so-called ‘peace’ (Goetschel and Hagmann, 2009).

The meaninglessness of LP is reflected by the broad range of possibilities that have been advocated under its banner in order to achieve peace. There are three notable elements of governance that LP has consistently promoted: democratic governance, neoliberal market economics and rule of law reforms based on individual criminal legalism and HRs (Richmond and Franks, 2007). Nonetheless, they have been pursued to different degrees and have been based on conflicting views on causal paths to peace, reflecting disunity and competition (Heathershaw, 2008). For example, one way achieving peace has been said to work is through the strengthening of governments against intra-state military threats with HRs being considerably less important for achieving peace. Another way is by building an international liberal rules-based order, which could work by diffusing global liberal norms and pressuring conflict actors into HRs compliance through socialization or multilateral pressure, or alternatively, by installing neoliberalism and democracy in national arenas could foster peace, by creating sufficient conditions if they were assumed to possess such abilities. Peace could be achieved by growing subnational civil society participation to generate enough grassroots pressure to end conflicts (Richmond and Franks, 2007, p. 29; Heathershaw, 2008, p. 604). The only similarity between these approaches is the vehicle that facilitates them – they are all options for practitioners of LP to decide on, reflecting its use as a legitimiser of intervention rather than a specific political response (Heathershaw, 2008; Richmond and Franks, 2009). In response, we propose the following definition to reflect the designation of LP responsibilities to supposedly actors who supposedly pursue peace apolitically as:

Definition 3: ‘Where the responsibility for political decision-making is designated to supposedly apolitical actors.’

This understanding reflects the prior perspectives on LP as depoliticizing because of its designation of responsibilities for political decision-making, regarding the issue of achieving peace, to supposedly apolitical actors –practitioners of LP.

Liberal Peace as a Teleology

Understanding LP *as a teleology* allows us to gain an insight into why LP practitioners implement their objectives, seemingly disingenuously, as a vehicle for textured normative-

political interests. This involves understanding depoliticization as a process of marginalization of the so-called 'local', understood as national and subnational political affairs (Sharp, 2014). Attempting to explain the motivations of LP, based on the work of Marc Augé (1995) and Raymond Apthorpe (2005), Tobias Denskus (2007) demonstrates how LP is self-justified by its predefined ideals, irrelevant of local political contexts. He refers to the liberal peace as an 'imaginary place' or 'non-place' (2007, p. 659). This is based on the description by Augé of non-places as 'Discursive interactions, governed by accepted methodologies, terms, and frameworks, have established rules of engagement that are similar to the rules of the road', meaning the norms of LP practice are self-justified by their perceived acceptableness (Denskus, 2007, p. 659; Augé, 1995, p. 96). This reflects functionalist and developmentalist attitudes, where the former refers to the belief that institutions can operate outside the political spheres they influence, and the latter refers to the assumption that political behaviours in predominantly non-Western countries prior to intervention are 'bad' because they do not reflect European enlightenment values and should aim to improve (Zanotti, 2008). For example, the LP effort in Bosnia the EU prioritised rule-of-law reforms and spent significant resources to tackle organised crime as part of the peace-process, despite that there was little evidence organized crime played any major role in the violent conflict; it was the teleological perception of those making decision on behalf of the EU that tackling organized crime would be an effective way to help end the conflict, rather than any credible evidence that such an effort was worthwhile in that regard (Merlingen and Ostrauskaite, 2005).

Those that are supposed to have been represented during LP transitions have been marginalized by its practice, which is ultimately related to the original teleological motivations behind such interventions. Merlingen and Ostrauskaite refer to a state of 'unfreedom' created by LP interventions as a barely liberal national dynamic of failing democratic institutions or meeting local political wants and needs, as a fallout of the imposition of incompatible and unrepresentative political action by the external managers of the interventions (2005, p. 298). Richmond and Franks refer to a similar process in the context of peacekeeping in Cambodia, where LP intervention produced a national dynamic whereby 'a predatory elite [controlled the state] with the population suffering from acute poverty and a lack of democracy, human rights, resources and law' (Richmond and Franks, 2009, p. 186). Moreover, scholars have made similar points to describe the unintended consequences of applying incompatible models of neoliberal democracy (Richmond, 2005,

pp. 173-9; Richmond and Franks, 2007, p. 30; Paris, 2010, pp. 354-5; Zaum, 2012, p. 122). These forms of marginalization in terms of misrepresentation of the wants and needs of local populations in addition to the imposition of incompatible and unrepresentative political decisions suggests a definition of depoliticization such as:

Definition 4 'Where the motivations of those responsible for political decision-making demonstrate an independence from those they claim to represent, resulting in action insufficiently representative to the extent it constitutes marginalization'.

However, this use of depoliticization as marginalization can be somewhat problematic because the nature of political allegiances and fundamental difficulty of democratic representation make it difficult to make a claim that an action is inherently marginalizing. For example, Denskus (2007) argued that fundamental structural causes of violent conflict such as land distribution, poverty and patrimonial political systems were ignored because socio-economic obligations were not prioritised in the operationalization of the LP paradigm (2007, p. 658). Using marginalization and depoliticization synonymously, Denskus concluded that those “measuring the ‘effectiveness’ of peacebuilding have marginalised and depoliticized critical questions about the causes of violent conflict and have replaced them with comforting notions for donors that peace can be built and measured without challenging Western understandings” (2007, p. 656). However, because national democratic politics is often torn between left- and right-wing partisanship and other party-political lines, it is not fair to say that LP efforts are fundamentally unrepresentative of populations that elect right-wing governments that are ideologically opposed to political decisions like land reform. Therefore, it is likely better to portray marginalization as a relationship between interventionists and those individuals and groups that feel they are not represented in a transitional process, rather than including entire populations in a claim to marginalization or say that LP is inevitably universally marginalizing.

Liberal Peace as an Instrument

The final way this review will frame perspectives on LP is *as an instrument for the transfer of power from sovereign to international nonsovereign actors*. A post-colonial explanation may suggest LP as an instrument for powerful Western states to control how weaker states in the global south are governed making it a 21st century form of neo-colonialism, but Zanotti criticises this standpoint arguing that it is an overused and simplistic critique offering a

simple comparison of known unequal power-relations between sovereign states, which tells us little about why exactly humanitarian practices have become the ‘go-to’ instrument to extend influence (2008, p. 540). She argues LP reflects a of Western states to evangelize their favoured normative-political ideas in the form of European enlightenment ideals (2008). Alternatively, LP may be an instrument for states to control their concerns with terrorism and stable import-export markets, whilst post-conflict states benefit from economic and security cooperation (Richmond, 2009, pp. 183-4). Controversially, it has been argued that although LP may be somewhat neo-colonial, it remains the best option to cull violent conflicts given the options available, and that inaction would be a worse alternative for affected states that would succumb to intra-state violence (Ignatieff, 2002).

The role of depoliticization has been considered in this context. Merlingen, Ostraukaite (2005) and Jaeger (2007) portrayed LP as a process of depoliticization that allows the transfer of authority from traditionally recognised sovereign states into new forms of ‘nonsovereign’ power, such as civil society organisations and multilateral state coalitions through the UN, which practically reflects the shift in the role of global civil society organisations to manage governance in selected conflict prone states rather than the governments of the states themselves (2005). Jaeger refers to this transfer as the creation of ‘a subsystem of the world-political system’ (2007, p. 258). He argues that the presentation of humanitarian practices that depoliticizes peace by considering it apolitical is followed by a politicizing move that has created a new arena of international politics (2007). The consequence of the depoliticization of peace is a hotbed of competing nonsovereign actors, namely transnational civil society organisations, competing for funding and for their favoured variant politico-normative advocacy (Heathershaw, 2008). Unlike the earlier use of depoliticization to involve a transfer of responsibilities from more democratically representative actors or to constitute marginalization, here it has been used to mean a transfer of responsibilities from a sovereign to internationally based non-sovereign authorities (Merlingen, Ostraukaite, 2005; Jaeger, 2007). This use suggests another more appropriate definition would be required to define such a process, such as:

Definition 5: ‘Where the responsibility for political decision-making is designated from sovereign governments to international non-sovereign actors.’

This approach to depoliticization in LP contexts seems to be more credible than its application as democratic decline. Here, there is an obvious pre-depoliticized and post-

depoliticized stage as responsibilities controlled by sovereign governments or nonsovereign organisations. Whereas the lack of a pre-depoliticized more democratically representative dynamic in the global context of LP brings into question what was depoliticized.

Furthermore, it is wholly appropriate for application to LP because of its grasp of directions of influence between the international and national level, where it is understood that responsibilities are transferred from national to international actors. Therefore, the source of such depoliticization is understood to originate from outside of states through LP as an instrument of external influence.

Depoliticization in Transitional Justice

TJ is sub-practice of LP but is also an exclusive practice and field of its own¹. Literature on both LP and TJ similarly rely on the idea that states experiencing conflict can transform into peaceful liberal democratic states following a period of ‘transition’, making up a series of positive changes to governance strategies, as opposed to earlier ideas like those popular in the 1960s in Western foreign policy circles, that socioeconomic ‘modernization’ as strategies for improving governance beyond the West (Sharp, 2015, p. 153; Arthur, 2009, pp. 337-8; Sriram, 2009, p. 112). But the study of depoliticization demonstrates different understandings of depoliticization, particularly when considering the directional origin of its underlying mechanisms. It is unlike the prior subsections on LP that portrayed the source of depoliticization and marginalization as the actions of transnational interventionists, literature on depoliticization in TJ contexts has emphasised the agency and role of subnational actors in triggering depoliticization (Goetschel and Hagmann, 2009; Chandler, 2004a; 2004b).

Considering TJ, there is less of an emphasis on supposed neo-colonial relationships, such as those criticised by Zanotti (2008), or external state-led interventions, and more of a focus on the role played by national and subnational actors. This is important because despite the similarity of LP and TJ, depoliticization has been discussed in respect to both but with wholly different underlying causal factors, without clarification or explanation in this respect. Hence, in terms of directional causal mechanisms, the literature relevant to depoliticization in LP

¹ TJ can be considered a sub-practice of LP interventions, but LP transitions include a broader range of activities such as those prior to the end of violent conflicts like military peacekeeping and interventions and are often run by external actors, whereas TJ such as in Argentina and South Africa where wholly initiated at the national level. The field of TJ includes scholarship not necessarily involved in those wider concerns, such as those focussed exclusively on TRCs (for example, see Milton, 2007). However, there is debate as to whether TJ is definable as a field in the traditional sense, because of its interdisciplinary nature which reflects competing approaches from differing fields like international law, history, international relations, the political sciences (see Bell, 2009).

could be referred to as more ‘top-down’, considering influence from the international level, like global civil society and great powers, downwards to national and so-called ‘local’ levels, whereas the equivalent literature on TJ could be called more ‘bottom-up’ (national-international), ‘bottom-down’ (national-local), or multidirectional (where ideational and material influence may come from both the international and national level), generally focussed predominantly on the role of national elites.

‘Bottom-Down’ and Multidirectional Depoliticization at the National Level

In contrast the impression given in LP literature that processes straightforwardly constitute the imposition of neoliberal democratic values in global southern contexts, Christine Bell points out that implementations of TJ differ greatly in terms of their priorities, observing that Latin American instances of TJ generally emphasised the importance of criminalisation and tackling impunity whereas African TJ has promoted amnesties and reconciliation as in South Africa in the 1990s (2009, p. 14). This suggests that national actors do exert influence over how TJ in run in their states, which presents a very different situation to LP interventions that are controlled much more directly and coercively that involve a military element from abroad (for example, see Chandler, 2004a; Richmond and Franks, 2009). Rubli offers a definition of TJ as ‘a political process of negotiated values and power relations that attempts to constitute the future based on lessons from the past’, which emphasizes the role of subnational actors in shaping the implementation of TJ in contested political contexts (2013, p. 3). Those actors controlling the implementation of TJ such as the executive of a government would therefore designate responsibility for management of their TJ to nonsovereign actors, such as TRCs and civil society organisations, which places a notable respect on the power of national governments as opposed to assuming that they obey international TJ advocacy and allow political decision-making that is wholly representative of the politico-normative worldviews of outsiders.

In her analysis of resistance to TJ in Burundi, Rubli found that local actors instrumentalised TJ discourses to pursue their favoured politico-normative ends; political parties with conflicting views on what ‘justice’ means invoked conflicting accounts of ‘truth’ about the past to justify their partisan standpoints; and discourses of ‘transition’ were instrumentalised and opponents were discredited as anti-justice, meaning alleged universal claims to truth in a TJ processes marginalised political opponents through instrumental use to support contestable political narratives and actions (Rubli, 2013). The concept of ‘resistance’

to TJ further exemplifies the role of depoliticization in TJ contexts; its existence demonstrates that they have been contested by subnational actors (Jones, Bernath and Rubli, 2013). In Burundi, it was political parties and representatives that were identified as the actors responsible for depoliticization (Rubli, 2013); This puts an onus for depoliticization on nationally orientated actors, in a bottom-down or multidirectional style of depoliticization, rather than top-down one attributed to international actors exerting transnational influence. A more suitable definition of depoliticization for TJ may therefore be:

Definition 6: Where the responsibility for political decision-making is designated by sovereign governments to non-sovereign actors.'

This definition respects that in TJ contexts it may be more credible to acknowledge the agency of subnational actors as significant sources of depoliticization in opposition to the prior perspectives on LP that depoliticization is a fundamentally transnational phenomenon that originates from powerful international actors. It tentatively portrays underlying mechanisms of depoliticization as bottom-down or multi-directional because of the tendency of national actors to instrumentalize TJ in their own interests.

Truth, Reconciliation and Marginalization

Moving on from defining depoliticization to addressing its potential consequences, or fallouts, if we are to map a process of depoliticization in a context of TJ, the role of TRCs are valuable assets for analysis. We look to consider how TRCs play a role in political marginalization by universalizing the experiences of those they are supposed to represent. TRCs are a sub-practice by which TJ interacts directly with national populations, generally in the form of legal criminal style investigations; and in multidisciplinary studies in disciplines such as anthropology and history, scholars have investigated their purpose revealing tendencies relevant to our study of depoliticization. Cynthia Milton points out that TRCs are 'both the product of historical processes and the sites of production of historical sources about the past', meaning they are both a traceable reflection of political decision-making and arenas themselves in which political decisions are made and projected in the form of influential narratives about the past and recommendations for the future (2007, p. 4); and the means by which they address the past and the political decision-making they justify have been shown to be capable of being unrepresentative, contestable and marginalizing.

The South African TRC marginalized the experience of those who experienced violence beyond its narrow focus on a specification of bodily violence. Ross argues that its narrow focus on violence as bodily harm excluded its significantly wider forms that arguably had major impacts on South African society, particularly socio-economic inequalities and widespread unaddressed sexual assaults of women under apartheid. She depicts a process of discursive narrowing in ‘three moments of translation’ that narrowed the focus of the commission from apartheid to violence, to HRs violations, to ‘violations of bodily integrity’ (2003, p. 15-7). She argues these translations constructed a victim-perpetrator binary that framed actors as ‘subjects’ of interest through a predefined lens, which reflected their political agenda to examine violence through an individualistic criminal legal agenda of bodily harm (2003, p. 17). In Colombia, Winifred Tate found that HRs were instrumentalized by multiple actors in competition with one and other, including the military, civil society activists and the government; and making claims to HRs involves normative-political value choices as to which issue to prioritize, such as whether to apply international law to pursue agents of the state alone, or guerillas as well (2007, pp. 4-5). She refers to HRs violations as a category of violence in comparison to alternative categories that vary in popularity through time and space such as: ‘combat, common crime, domestic disputes, and organized crime’ (2007, p. 4). Lastly, in Argentina the TRC was instrumentalised by the government in power to promote a variant of nationalism that legitimised its own administration (Carmody, 2017; Grandin, 2005). It did so by selectively portraying favoured forms of violence from the past as heroic whilst demonising forms of violence that were not compatible with the worldviews of its executive, a phenomenon Crenzel refers to as the construction of ‘hegemonic memories’ (Crenzel, 2011, p. 1064). These observations regarding the practice of TRCs demonstrate their capacity to marginalize the experience of the citizens they claim to represent by portraying a universalizing metanarrative of preferred politico-normative opinion as historical fact despite their essentially contested nature.

Acknowledging Confusion and Clarifying Depoliticization

Ultimately, depoliticization has been used in several ways to refer to different phenomena; and we have offered six tentative definitions to reflect their use in this review, followed by an analysis of the consequences of depoliticization in TJ contexts in the form of marginalization by TRCs. Evidently, there is a research gap for this thesis to acknowledge the confused use of

depoliticization in the context of humanitarian practices and respond by offering a framework for a clarified application of depoliticization in the following sections.

Considering the uses of depoliticization we have reviewed, we can categorise it into three types. Firstly, it has referred narrowly to a designation of political decision-making responsibilities to supposedly apolitical actors. We refer to this as depoliticization as a depoliticizing move because it understands it as an action to depoliticize a political issue, whilst not including the consequences of this action in the definition. Secondly, depoliticization has referred to a transfer of responsibilities for political decision-making from one group to another, be they to actors considered part of a humanitarian bureaucracy, to those considered less democratically representative, or from sovereign actors to nonsovereign actors. Finally, depoliticization has referred to political marginalization of groups or individuals, meaning their experience or worldviews have been misrepresented or ignored by actors pursuing a form of humanitarianism that is supposed to sufficiently represent them. We will take forward the first type of depoliticization in our methodology for application to our case study on Argentine TJ.

3: Theory and Methodology

Having demonstrated a gap to clarify and deepen the concept of depoliticization, this section will present the main argument, methodology and structure of this thesis. In short, we prefer a narrow definition of depoliticization limited to an action to depoliticize, compared to alternative definitions that combine actions with consequences, blocking alternative explanations and expanding its use to such a myriad of phenomena to the extent that it loses meaning and usefulness.

The Research Question

This thesis will respond to the following research question:

‘What is ‘depoliticization’ in the context of transitional justice?’

Our main argument is that despite the significance of depoliticization as a concept in the study of humanitarian practices, its use has been confused and it remains under-conceptualised. This thesis therefore responds to a research gap to clarify and deepen the concept of depoliticization, by applying it to the case of TJ in Argentina, in order to produce a useful conceptual framework for future research into humanitarian practices to consider and avoid further confusion in uses of the concept.

Defining Depoliticization as a Depoliticizing Move

To answer the research question comprehensively we will look to map the processes that lead to depoliticization, asking what key moves or moments in the lifecycle of a practice of TJ essentially deprive it of political content; and we will investigate the fallouts of this depoliticization. To do so, we will apply our narrow understanding of depoliticization, as a depoliticizing move, by taking forward the third definition from the literature review:

‘Where the responsibility for political decision-making is designated to supposedly apolitical actors.’

We will portray this depoliticization as a three-stage process. Firstly, a depoliticizing move takes place, whereby an actor designates the responsibility for a range of political decision-making to another actor or actors who they suppose are apolitical. The choice of words as ‘apolitical’ rather than ‘non-political’ reflects that this move does not have to be

explicitly non-political. Actors may be perceived or portrayed as involved in politics but justified in their position of power because of their capacity to be objective in their decision-making. This claim to objectivity, which may be related to a claim to subject-specific expertise, justifies their capacity to represent others by positioning them as apolitical, ignoring the political reality that they hold political worldviews themselves that are likely somewhat contested. Secondly, the former designation justifies political decision-making regarding how the process of TJ is operationalized. Thirdly, the fallouts of these decisions can be investigated.

Methodology

The case analysis will be presented in three parts and followed by the conclusion. The first part will apply our preferred definition of depoliticization to TJ in Argentina under President Raúl Alfonsín in the 1980s. It will identify the depoliticizing move in the lifecycle of the TJ practice and interrogate the following political decision-making regarding its operationalization. Although a multitude of decisions could be focussed on, this thesis will focus to two forms of decision-making because of the limited wordcount and the need for productive scope: Firstly, those regarding the transfer of sovereign responsibilities to nonsovereign actors and secondly, their transfer away from formal democratic representatives to those potentially considerable to be less representative. This will be followed by a mapping of the processes that led to the depoliticizing move and following decisions by offering tentative explanations for the decision, which will be categorised as reasons that made the depoliticising move a viable possibility, and actor-specific interests of the Alfonsín administration. Ultimately, we seek to understand the nature of the mechanisms underlying the process, such as their source and the direction of influence that motivated them, reflecting the discussions of top-down, bottom-down and bottom-up relationships in the literature review.

The second part will present an analysis of an excerpted English language version of *Nunca Mas* edited by Neil Kritz (1995). It was produced from the final report of the Comisión Nacional sobre la Desaparición de Personas, or the National Commission on the Disappearance of Persons (CONADEP), the commission created by Alfonsín with a presidential decree on December 15th, 1983, that ran their national TRC (see Kritz, 1995, p. 35). Being the direct product of the former depoliticizing move we will examine it as a material reflection of the following decision-making, by interrogating the use of what we will

hereon refer to as ‘universalizing concepts’ – concepts that as discussed in the literature review such as HRs, criminal legal language in addition to religious discourses serve to portray the experiences and worldviews of political groups homogenously, likely misrepresenting them and the complexity of contrasting political contestations.

The third section will address the fallouts of these former decisions in an examination of their potential to marginalise political opponents by analysing the experience of the Madres de Plaza de Mayo. They were a civil society organisation that emerged in response to their disappeared family members by the former military junta. But their response of opposition to the creation of CONADEP despite its claim to truth and justice for the disappeared posits an interesting case of marginalization as a fallout of the initial depoliticizing move of the Alfonsín administration.

We will conclude having demonstrated what depoliticization is by having applied a clarified and unconfused version of it to the context of Argentine TJ, contributing a framework for its further use in order to encourage further research into processes of depoliticization in TJ and its role in wider humanitarian practices.

4: Case Study – Depoliticization in the Context of the Argentinian National Commission on the Disappearance of Persons (CONADEP) (1983-1996)

This section presents a three-part case analysis of depoliticization in the context of TJ in Argentina under the administration of former President Raúl Alfonsín in the 1980s, which addressed the violence that occurred during the so-called National Reorganisation Process (NRP). This was name given to a period of governance by a former military junta, which took power following a coup d'état overthrowing President Isabel Perón on March 24th, 1976 to the first democratic election of President Raúl Alfonsín on October 30th, 1983. The first section will apply our preferred definition of depoliticization as a depoliticizing move, identifying the key move or moment in the lifecycle of Argentine TJ that deprived it of political content, followed by an explanation of subsequent political decisions this designation permitted; and it will map the processes that led to these decisions. The second part will examine an excerpted version of *Nunca Mas*, investigating the role of universalizing concepts in contributing to its narrative (Kritz, 1995). The third part will examine the role played by CONADEP in marginalization of the Madres de Plaza de Mayo and their four respective subgroups that came into existence between 1977 and 1996 (Pauchulo, 2009, p. 30).

Part One: Mapping Depoliticization in the Context of Argentine Transitional Justice

Focussing to the process of depoliticization in Argentine TJ, this section identifies exactly what it is, how it has worked in terms of its underlying mechanisms in this case, and addresses explanations as to why it has occurred in this context.

Identifying Depoliticization as a Designation to Supposedly Apolitical Actors

On the 15th of December 1983, President Raúl Alfonsín ordered the creation of CONADEP (Crenzel, 2008, p. 179). Applying our preferred definition of depoliticization, we argue that the Alfonsín administration made a clear depoliticizing move by designating the responsibility for political decision-making regarding Argentine TJ to the leaders of CONADEP. The moment that justified the depoliticizing move is stated in *Nunca Mas*, which reads ‘In order to guarantee objectivity, the National Executive resolved that the Commission be comprised of individuals who enjoyed national and international prestige, chosen for their consistent stance in defence of human rights and their representation in different walks of life.’ (Kritz, 1995, p. 35) Hence, it was to be a commission run by individuals from a variety of backgrounds including HRs activists, lawyers, scientific researchers and religious figures, in addition to three representatives from the Unión Cívica Radical, or the Radical Civic Union (UCR), who are said to be selected ‘By the same decree’ as the former participants; Alfonsín chose them to lead the commission because of the widely regarded ‘prestige’ relating to their careers and HRs activism (Kritz, 1995, p. 35).

The reference to their prestigious status is related to a claim of their capacity to objectively investigate the past violence in Argentina, framing it as issue of management proficiency. This recognisably falls into the later globally recurring trend regarding the justification of LP and TJ advocacy with apolitical claims to expertise in the practice of conflict management (Goetschel and Haagmann, 2009; Rubli, 2012; Richmond and Franks, 2009, p. 182). The justification behind the leadership of CONADEP on the grounds of expertise legitimising a supposedly apolitical and objective authority to run the commission was a significant moment of the depoliticizing move. It deprived the issue of how to deal with Argentina’s violent past of political content by claiming its management is not a political issue but an issue of sufficient expertise. The fundamental underlying mechanism of depoliticization in this case is therefore the decision taken by Alfonsín to justify the management of CONADEP on the basis of a claim to apoliticality. In asking what

depoliticization is, we have understood it as a depoliticizing move. Now, we move forward to the implications of depoliticization in Argentina by investigating the political decision-making that followed.

The Political Decision-Making Following the Depoliticizing Move: A Less Democratic Decision

The first political decision we consider was to designate control of the commission by an independent body rather than formal democratic representatives, reflecting definition one in the literature review influenced by Burnham (2001). There were at least two viable options other than the creation of an independent commission. Firstly, the former president had initially favoured trials of military and guerrilla leaders in a military court. Known as the ‘theory of two evils’, Crenzel explains this justified the violence committed by the rest of the military as long as they had not committed violence beyond the remit of their orders, referred to as ‘excesses’ (2008, p. 177). Alternatively, the creation of a bicameral commission, one that was run within the formal confines of the Argentine congress and chaired by representatives from each of the political parties represented with powers to legally indict and respond with political legislation, was the option favoured by HRs organisations (Crenzel, 2008, p. 177). Instead, the creation of CONADEP was a choice advocated by a group of individuals close to the governing executive, UCR representatives ‘Antonio Tróccoli, Raúl Galván and Horacio Jaunarena’ and drawn up predominantly by law professors and presidential aides Carlos Nino and Jaime Malamud-Goti an aide to Alfonsín (Crenzel, 2008, p. 177; Grandin, 2005, p. 50). Hence, it could be argued that depoliticization in the context of Argentine TJ led to the enactment of a less preferable choice in terms of democratic representativeness.

However, whilst this approach could be useful to make the point that the Alfonsín administration could have taken a more democratically representative course of action, a major problem with this use of depoliticization is that it presupposes the possibility, in retrospect, that a more democratic alternative was feasible. It is loaded with the normative assumption that Alfonsín *ought to* have made a more democratically representative decision, which is an assertion that may be problematic when we observe why Alfonsín made the decision to create CONADEP. He did not trust the ability of a bicameral commission run by the congress to adequately represent their constituents; rather, he believed its partisan and party political dynamic would incentivise representatives to compete to be perceived as the

toughest on law, order and justice for the sake of short term electoral gain and personal reputations, despite the inevitably heightened risk of another outbreak of political conflict and even further violence (Crenzel, 2008, p. 178). This situation brings into question whether a bicameral commission would have been genuinely more representative. If Alfonsín had supported an alternative that was perceived to be more democratic, but it failed in that capacity, then the utility of depoliticization understood as democratic decline becomes deeply confused and problematic because of the uncertainty over which decision would have produced a more democratically representative outcome. Nonetheless, it is fair to say that the designation of responsibilities to the independent commissioners of CONADEP was justified by a depoliticizing move and was a strongly contested decision.

A Transfer of Sovereign Responsibilities to Nonsovereign Actors

The second political decision permitted by the depoliticizing move we raise was that the responsibilities it designated to run CONADEP were designated from sovereign to nonsovereign actors, as in definition five in the literature review that portrayed depoliticization as a transfer of sovereign power. While we know that the *Familiares de Desaparecidos y Detenidos por Razones Políticas*, or Relatives of the Detained Disappeared (ADPH) were the only HRs organisation to support the creation of CONADEP, perhaps indicating that there was little involvement from civil society, we know this was not the case (Crenzel, 2008, p. 179). On the contrary, there was major civil society involvement. Graciela Fernández Meijide, a HRs activist for the ADPH accepted an invitation from the Alfonsín administration to run the Secretaría de Denuncias, or the Department of Depositions (Crenzel, 2008, p. 179). She lobbied other HRs organisations to cooperate with CONADEP; they brought victims and CONADEP together for witness testimonies, created a 'Technical Commission for the Gathering of Information' (CELS), and helped find mass graves of the disappeared (Crenzel, 2008, p. 180). Crenzel shows that despite the almost unanimous opposition of civil society organisations to CONADEP, they still played an important role in its operation (2008, p. 180). But unlike the case of EU policing reform in Bosnia transferring power to internationally based non-sovereign actors, the civil society actors that helped run CONADEP were nationally orientated in Argentina and not internationally orientated like the more recent ICTJ that was formed in 2001, well after the boom in TJ that began in the 1980s with Argentina as the second Latin American instance of TJ after Bolivia (see Sikkink and Walling, 2007). The empowerment of nonsovereign actors in Argentina was therefore a

national rather than an international phenomenon in terms of the nonsovereign actors being designated political responsibilities.

Mapping the Process that led to the Depoliticizing Move

Despite the difficulties of retrospectively making a case that the Alfonsín administration could have approached Argentine TJ in a more democratically representative and accountable way, their decision to create CONADEP was nonetheless controversial and widely opposed in Argentina. Despite the mantra of the transition as a means to achieve so-called ‘national reconciliation’ (Markarian, 2005, p. 183), the creation of CONADEP was rejected as an insufficient reaction to the junta by all major Argentine HRs groups except for the the ADPH, of which Alfonsín happened to be a founding member (Carmody, 2017, p. 502); and only three UCR representatives joined the commission (Crenzel, 2008, p. 179). But why did the Alfonsín administration make a depoliticizing move to justify their desired form of TJ, despite its unpopularity? We offer two explanations.

Interests of the Alfonsín Administration

The first is that it reflected interests of the Alfonsín administration. It faced a fragile balance of power and an amalgamation of competing interests in addition to their own. On the one hand, the military remained powerful and still considered themselves as defenders of the state against leftist subversion; the creation of an independent commission posed substantially less risk of provoking them into coercive action against his government at a time where they still held considerable power, a common dilemma identified by Huntingdon where leaders deciding on how to implement TJ measures face fragile post-violence situations (1991). On the other, HRs organisations pressured, voters and masses of protestors were pressuring the government by demanding justice with their own competing conceptions of justice and truth (Grandin, 2005, p. 50; Osiel, 1986). HRs organisations reflected pressures originating from both the international and subnational level (Hayner, 1994, p. 615). Transnational HRs networks allowed groups such as Amnesty International USA and the International Federation of Human Rights, based in France, to apply pressure through the United Nations Commission on Human Rights, which had held hearings and promoted investigations into the actions of the junta (Markarian, 2005, p. 128, 157). Meanwhile, national HRs organisations based in Argentina such as the *Derechos del Hombre*, or *Argentine Human Rights League* (LADH) and the *Movimiento Ecuémico por los Derechos Humanos*, or *Ecumenical*

Movement for Human Rights (MEDH) had been investigating violations and calling for a bicameral commission (Crenzel, 2008, p. 177, 180).

Additional interests stem from the electorate and his executive itself. Alfonsín needed to satisfy the needs for representation of the electorate and maintain the likelihood of later re-election; he had campaigned promoting a solution for reconciliation, implicating truth and justice as a campaign pledge that would cost him great legitimacy to ignore (Lewis, 2001, p. 152). Additionally, the interests of his executive were reflected in the choice to create CONADEP; its architects Nino and Malamud-Goti were motivated by their belief that a legal investigation into the disappeared would make way for later criminal trials (Grandin, 2005, p. 51). Therefore, the independence of the commission and control of the executive allowed them the freedom to pursue TJ and produce the narrative of *Nunca Mas* how they saw fit and reflects their perception that it would contribute to further criminal action later, in comparison to a bicameral commission or military court that would have limited their influence on their courses of action. It was therefore in the interest of the Alfonsín administration to balance the threat of the military with the demands for justice from international and national civil society organisations and their own politico-normative worldviews about the violent past of Argentina.

A Viable Ideational and Material Possibility

The second explanation is that their chosen specification of TJ was a viable possibility to implement given the ideational and material resources available. The conceptual and practical basis for the CONADEP approach of TJ was made available by its earlier application in Bolivia, which served as templates for reapplication in Argentina (Hayner, 1994, p. 615). Uganda was the first country to run what would be described today as a TRC, but this label did not yet exist until it was popularised by the South African TRC of 1995 (Hayner, 2006, p. 295). Bolivia was the first Latin American use of TRCs, and their TJ process began in 1982, initiated by President Hernán Siles to focus on disappearances that occurred between 1967 and 1982. Its mandate was similarly focussed on disappearance and in that it paid less attention to alternative experiences of bodily violence like torture (Hayner, 1994, pp. 613-4).

Additionally, popularity of HRs values meant made them a valuable ideational resource to instrumentalize in order to garner support from civil society organisations. The same level of global bureaucracy described by Goetchel, Hagmann (2009) and Rubli (2012)

that might have influenced more recent cases of TJ did not exist in the 1980s. Nonetheless, the lexicon of HRs had become a popular way to frame violence and rights in political activism. HRs offered a nonpartisan language that fit with their claim that CONADEP would represent Argentinians in an objective, apolitical and universal way. We can refer to the dynamic created by existing ideas, discourses and practices to be reapplied elsewhere as paradigmatic availability; Argentina, itself reliant on existing HRs and TJ frameworks, would later become a model to reapply and improve elsewhere, as it did in motivating the design and application of TJ in El Salvador (Hayner, 2006, p. 599). Lastly, existing civil society organisations served as material resources to the administration that were borrowed through their cooperation with CONADEP, such as the LADH and MEDH. The organisations provided material support in the form of management and logistics, such as the creation of the CELS (Crenzel, 2008, p. 180).

Concluding Remarks

Ultimately, we can say that the Alfonsín administration depoliticized the issue of investigating Argentina's past by designating it to supposedly apolitical actors. This justified the creation of CONADEP as an independent commission as opposed to the alternative options of a military court or bicameral commission, reflecting a later established global tendency of TJ facilitating the transfer of responsibilities in dealing with the legacy of violent pasts to nonsovereign actors and away from management by formal democratic representatives (Jaeger, 2007). A multidirectional interaction followed the depoliticizing move between the military, civil society organisations, the electorate and members of its own executive, who sought to satisfy their politico-normative interests regarding the pursuit of truth and justice in respect to past violence in Argentina. Considering the interests of the Alfonsín administration, the option to create CONADEP and run the TJ process reflected both their balanced interests and the ideational and material resources available to them. These resources allowed the circumvention of formal representative involvement through the legislature, which benefited the executive in that they were not restricted by them in achieving their favoured means of TJ.

Part Two: Universalization in the Narrative of Nunca Mas

Nunca Mas is ultimately a product of the depoliticizing move of the Alfonsín administration to designate the management of Argentine TJ to CONADEP to address the violence of the NRP. In moving to address the fallouts of depoliticization, this section investigates how the use of politico-normative explanations in the context of this supposedly objective and apolitical narrative may universalize the experience of those it claims to represent, portraying a false sense of homogeneity that will be unpacked as a source of marginalization in the following section. Firstly, we examine the construction of mandate by CONADEP and examine the role of universalizing concepts in legitimizing this choice. This follows with an analysis of how universalizing concepts are instrumentalised to portray an account of collective memory and the legitimation of post-transitional political decision.

The Claim to Objectivity

Nunca Mas commits itself to objectivity where it describes the creation of CONADEP (1995, p. 35). Nunca Mas uses the expertise of those designated to run CONADEP as evidence of their capacity to be objective. Their expertise is defined in terms of ‘prestige’ regarding their work on HRs and their representative capacity of varied societal groups (Kritz, 1995, p. 35). Further, three government representatives from the Radical Party joined the commission from the Chamber of Deputies, who are said to be selected ‘By the same decree’ as the former participants, following their departmental invitation alongside two other departments who ignored the requests (Kritz, 1995, p. 35). This claim of objectivity showcases a designation of political decision-making to these, supposedly objective, actors, framing the purpose of Nunca Mas as a fact-finding mission by presenting it as a legal-scientific endeavour (Crenzel, 2011).

The Selection of Mandate

The mandate of Nunca Mas is designated straightforwardly: ‘Our Commission was set up not to sit in judgment, because that is the task of the constitutionally appointed judges, but to investigate the fate of the people who disappeared during those ill-omened years of our nation’s life.’ (Kritz, 1995, p. 3) Hence, the prime focus of Nunca Mas is on the disappeared, individuals who were abducted, tortured and killed without any public explanation of their

whereabouts or alleged criminal behaviour by the former junta. As noted by Ross in the South African TRC, *Nunca Mas* narrows its mandate in ‘translations’ from a wider complex reality into a narrow subject of analysis (2003). Firstly, a wider political conflict is narrowed to the NRP. The period is clearly referenced as the starting focus of CONADEP with the first sentence choosing the 1970s as the starting point for ‘terrorism’ committed by military forces against the leftist terrorism, beginning on the 24th of March 1976 with the military coup d’état (Kritz, 1995, p. 3).

Secondly, the NRP focus is narrowed to an issue of criminality and lawfulness in terms of violations of constitutional rights and HRs. The violence of the junta is defined in two ways. On the one hand they are understood as HRs violations that were committed ‘systematically’ (1995, p. 4). On the other hand, the authors give considerable attention to explain that the junta was an illegitimate de-facto criminal state because they violated the constitution of Argentina, first established in 1853 (Constituteproject.org, n.d.). For example, to demonstrate their point of criminality against an ultimately legitimate constitution they discuss the illegality of the death penalty in Argentina. They make the point that not a single execution was sentenced by the courts, but rather disappearances occurred strictly off-record and outside of formal legal procedure, hence showing that the junta was effectively a criminal takeover that evaded existing laws that should not be considered a legitimate former government (Kritz, 1995, p. 12, 14).

Lastly, constitutional and HRs violations narrows to the focus on disappearance. This is the defining moment in the selection of the mandate for CONADEP and *Nunca mas* where it is self-proclaimed to an investigation of ‘the fate of the people who disappeared’ (Kritz, 1995). It also proactively excludes the potentially complimentary avenue of investigation into socio-economic harms of the junta and their contribution to the conflict prior to the violence of the NRP, which fits a wider global trend of HRs-based activism prioritising civil right issues over socioeconomic obligations (Chandhoke, 2005). The operationalization of their strict legal mandate is explained in a legal-scientific process of criminal investigation where victims were allocated an identification number and their experiences were considered in an individual criminal legal context, with their treatment considered a prosecutable crime, rather than a collective political consideration between contested groups (Kritz, 1995, p. 37; Grandin, 2005).

The Construction of Collective National Memory

Nunca Mas constructs an account of collective memory based on a victim-perpetrator binary, similarly, identified by Ross in the context of the South African TRC (2003). The legally defined victim in their investigation are those individuals that suffered the perpetrated action of disappearance. The disappeared are introduced as the focus of victimhood from the beginning in the prologue and further elaborated on in part two, whilst the governing junta during the NRP are portrayed as the perpetrators (Kritz, 1995, pp. 3-7, 21-9). Specifically, they define two categories of legal victims: the ‘disappeared’ and those that are ‘missing, [but] have been seen in secret detention centres’ (Kritz, 1995, p. 21). Despite this narrow projection of legal victimhood focussed on the minority of individuals that experienced disappearance, Nunca Mas portrays an additional wider narrative of collective victimhood that concerns the near entirety of Argentine citizens that lived through the NRP. In part one, labelled ‘The Repression’, Nunca Mas refers to the ‘repression’ as the universal experience of fear in the form of the threat of disappearance caused by the former governance of the junta to the whole of Argentine society (Kritz, 1995, pp. 7-21). It identifies a universally broad range of categories in Argentine society in terms of professions, age groups, relationships and contentions, grouping them and collectivising them through a single frame as a victim of the junta (Kritz, 1995, p. 5; see Ross, 2003 for concept analysis of discursive frames).

Nunca Mas continues to universalize the experiences of Argentinian actors by associating its binary narrative of near-universal victimhood with an exclusive claim to a genuine Argentine national identity. The perpetrators of disappearance are measured against criteria, such as HRs, that are loaded with normative-political assumptions regarding how Argentina should be governed. Whilst the victims of disappearance are framed as homogenously in support of the articulated vision of Argentine statehood promoted by the commission. The collective memorisation of disappearance by CONADEP is one through a distinct nationalist lens (Carmody, 207; Grandin, 2005). For example, the authors of Nunca Mas declare that the actions of the perpetrators were ‘foreign to our national identity’ (Kritz, 1995, p. 46). The national identity is associated with values deemed ethically and lawfully righteous by the commission; individualism, liberal democracy, constitutionalism, due process and Christian values as all important themes (Kritz, 1995). In terms of lawful righteousness, it describes the ‘sanctity of individual rights’ and emphasises constitutionalism

as a fundament of ‘civilized’ nations, before additionally framing disappearances as violations of HRs (Kritz, 1995, p. 4).

Ethical, religious and mythical discourses combine to further discredit the junta and promote an Argentine collective nationalist memory of the NRP. The authors wrote ‘The Christian faith of the Armed Forces contrasted with the un-Christian nature of the repression’ (Kritz, 1995, p. 25). Here religion becomes a legitimising axis of the frame invoked by CONADEP, a conflicting interpretation of Christianity is asserted against those held by military figures. Additionally, using mythical language the junta is portrayed as evil versus the moral good inherent in the Argentine national identity. The former junta is described as ‘evil forces’ that brought ‘hell’ to Earth, constructing ‘bloody walls’ and ‘dungeons of repression’ (1995, p. 6). When describing that soldiers may ‘repent’ as if for their sins by admitting to the so-called ‘truth’ (1995, p. 6) *Nunca Mas* links the form of democratic governance offered by the Alfonsín administration with democracy of the past prior to the junta of the NRP, writing that ‘Truth and justice will permit the armed forces as a whole to see themselves once more as the true descendants of those armies which fought so heroically despite their lack of means to bring freedom to half a continent’ (Kritz, 1995, p. 6).

Reflecting on the supposition of historical fact in a reality of normative-political contestation, Tate discussed the ‘taxonomy of violence’ to describe the categorisation and prioritisation of violence (2007). Likewise, *Nunca Mas* analyses violence through the lexicon constitutional and HRs to focus on the immorality of the actions of the junta. This is a clear normative choice in opposition to the stance of the military, which alternatively chose extremist leftist guerrilla violence as its preferred focus to justify its normative political decision-making (see Tate, 2007, p. 4). The authors of *Nunca Mas* do not portray a political conflict where *Nunca Mas* proposes an alternative to prior unfavourable political value-decisions by sympathisers of the former junta. Instead they depict the former junta pejoratively as possessing a collection of illegitimate non-views, such as claiming the intentions of the junta ‘aimed at paralysing the nation with fear’ (1995, p. 28). This portrayed their intentions as wholly cynical and sadistic, and their own as factual ‘truth’ (Kritz, 1995, p. 6), rather than considering legitimate, albeit questionable considering liberal democratic norms, alternative normative-political values and political decisions.

Concluding Remarks

In all, *Nunca Mas* evidently universalizes the experience of Argentinians into an account of the past which homogenises their experience into a simplistic victim-perpetrator binary. It makes no effort to distinguish between differences in their experiences, such as relating to race and indigenous identity, religion, gender, class, socioeconomic status and ideological or partisan political standpoint. The assertion of legal-factual objectivity appears confused when followed by consistent normative-political value decisions, which is most evident in the articulation of an ideal Argentine national identity. The language of HRs, constitutional values, Christian values and mythical historical perspectives serve as techniques of universalization that foster the depiction of universal experiences supposed to have been lived by broad societal actors. Nonetheless, the only way to find out the extent the account of collective memory offered by *Nunca Mas* reflects or marginalizes the experiences of real societal actors beyond a narrative is to investigate their relationship with the commission, as the following section will do by investigating the Madres de Plaza de Mayo.

Part Three: Marginalisation of the Madres de Plaza de Mayo

The Madres de Plaza de Mayo, or Mothers of Plaza de Mayo, are a famous group of Argentine activists exclusively made up of women that protested the disappearance of their children during the former junta that undertook the NRP. They demanded the return of their disappeared family members that justice for those responsible for their abductions (Arditti, 2002; Femenía and Gil, 1987; Kurtz, 2010; Paucholo, 2009; Safa, 1990, p. 362). This section will demonstrate that despite *Nunca Mas* supposed to be a universal narrative of past violence under the NRP for Argentinians, it portrays a very different narrative of disappearance compared to that identifiable in the activism of the Madres. They opposed the creation of CONADEP (Crenzel, 2008, p. 180); and whilst some members cooperated to support the provision of victim testimonies, they responded to their inclusion in *Nunca Mas* arguing it contained a ‘limited and biased selection’ (Crenzel, 2011, p. 1072). In investigating depoliticization in a wider comparative analysis of the TJ process in Argentina, a pressing academic question becomes whether these forms of resistance reflect marginalisation of groups like the Madres and how this may be considered a fallout of the initial depoliticizing move that triggered Argentine TJ.

The Madres

Originating as a single group of mothers in 1977, the group split into four subsequent sub-groups. In all, they formed between 1977 and 1996 (Paucholo, 2009, p. 30). In order of their creation with the English translation and their formation date (in brackets) they are: firstly, the Madres de Plaza de Mayo / Mothers of Plaza de Mayo (1977), who formed as a protest group to find the whereabouts of their disappeared family members, protesting weekly in the Plaza de Mayo, a public space in front of the Presidential Palace, or Casa Rosada, of Buenos Aires (Meade, 2016, p. 277). They were the very first group to call themselves by this title. And secondly, the Abuelas de Plaza de Mayo / Grandmothers of Plaza de Mayo (1977), whose focus was to identify individuals who as children were abducted and forcibly adopted into predominantly military families (Arditti, 1999). In 1986, the founding group of Madres divided into two separate groups: The Asociación Madres de Plaza de Mayo / Mothers Association of Plaza de Mayo (1986), and the Madres de Plaza de Mayo-Línea Fundadora / Mothers of Plaza de Mayo-Founding Line (1986) because of disagreements over continued priorities of activism involving party political alignment, exhumations and ongoing efforts for

criminal prosecutions (Paucholo, 2009). Finally, the Asociación Anahí / Association Anahí (1996) split from the initial group of grandmothers to form a small organisation based exclusively in the city of La Plata, because of a dispute on the role of their lawyers (Paucholo, 2009, p. 30). Hereafter we will refer to the latter four groups collectively as the Madres, and individually as the Grandmothers, the Association, the Founding Line, and the Association Anahí.

Collective Memory of the Madres

The Madres consider the NRP as part of a wider regional right-wing political project intentionally supported by the USA in the Americas to maintain dominance of neoliberal governance through military oppression (Paucholo, 2009, p. 32). Since declassified US government records demonstrate this in the form of Operation Condor, which was an officially and secretly sanctioned plan organised predominantly by right-wing Latin American governments supported by the US government, which formalised intelligence and military cooperation to ‘eliminate subversion’; this referred to the diverse Latin American left-wing in all of its forms (Meade, 2016, p. 275; McSherry, 2002; 2005). The same anti-subversive logic existed in Argentina, matching that described in *Nunca Mas* as an “‘anti-subversive’ struggle” (Kritz, 1995, p. 5), and the attitude of their military leaders such as the comment of General Iberico Saint Jean that ‘First, we will kill all the subversives, then their collaborators; later, those who sympathize with them; afterward, those who remain indifferent; and finally, the undecided.’ (Femenía and Gil, 1987, p. 11) Considering the extent of this political organisation, the Madres consider the disappearances of the NRP to be a genocide. Paucholo describes their understanding of the genocide to have been politically partisan against the left by the right, and generational, intent to destroy the ‘generation who had begun a social revolution to transform the inequalities between the rich and the poor.’ (Paucholo, 2009, p. 32). Unlike the perspective of the Madres who remember the NRP as a regionally orientated and strictly partisan genocide, its portrayal in *Nunca Mas* does little to demarcate responsibility or repercussions to its regional protagonists beyond the former Argentine junta. It does mention regional involvement, referencing the ‘security organizations of neighbouring states’ and the ‘agents of foreign repressive regimes’ who are described as constituting ‘a linking-up of illegal repressive groups’ (Kritz, 1995, p. 18). And it goes on to examine seven testimonies and depositions of individual cases of international collaboration, but does so on an individual criminal basis, attributing responsibility to the

individuals involved in the violence of former regimes considered criminal and illegitimate. It hardly addresses the role of the USA does not recommend or itself commit to any significant investigation of actors beyond the Argentine national level, to suggest diplomatic realignment or repercussions to former regimes who constructed the constricting right wing military group, or to analyse consequences beyond disappearance such as socioeconomic impacts, its ongoing style of economic management or status of socioeconomic rights and obligations in Argentina (Desaparecidos.org, 1986).

The partisan political perspective of the Madres is marginalised by its incompatibility with the treatment of the NRP as a national, criminal and terrorist takeover. This incompatibility stems from two sources. Firstly, the related notion of individual criminal responsibility puts an onus on individual actions deemed illegal against a standard of law. This places responsibility on a small minority of perpetrators of disappearance and justifies criminal justice against those individuals (Crenzel, 2011). Relatedly, Ross identified that South African TJ focussed on the bodily harm of apartheid as a criminal offense, which did not address the wider underlying tendencies of racism and sexism that motivated socioeconomic oppression and sexual violence respectively (2003). Likewise, the narrative of criminal justice promoted by CONADEP promoted criminal sentencing where enough evidence could be collected, for perpetrators, but it did not suggest any form of corrective political action for wider structural problems of socioeconomic oppression to correct the successful dominance of the political right achieved by the NRP. This contrasts with the interpretation of victimhood portrayed by the Madres. They similarly define victimhood in its narrow sense as those that were disappeared. However, the Madres also portray victimhood beyond the disappeared to the left, or more precisely, to a specific inter-generational group that identified with leftist activism during and following the NRP, through their focus on the victims as political prisoners who were exterminated in a targeted genocidal extermination (Paucholo, 2009, p. 32). Secondly, the portrayal of the junta as apolitical with mythical and religious language used in *Nunca Mas* and discourses of terrorism denied their ability to possess legitimate but disagreeable worldviews. This excluded political explanations for their decisions to commit violence. Without attributing their actions during the NRP to political motivations, and instead defining them as sadistic fearmongers, the view of the Madres that their actions were partisan politically motivated are marginalised (Kritz, 1995, p. 6). The Madres were aware their actions were politically motivated and the denial by CONADEP of

their capacity to hold real but nonetheless disagreeable opinions that justified the atrocities of the NRP deprives the conflict of its political foundations.

Continued Political Activism of the Madres

The Madres and CONADEP have interpreted and instrumentalised HRs for different political ends. As noted by Tate, HRs are used to categorise violence and political priorities differently between competing political actors (2007, pp. 4-5). Following *Nunca Mas* the Madres instrumentalised HRs in two ways. Firstly, they framed HRs as socioeconomic obligations of the Argentine state. They portrayed the lives of the disappeared as ‘typically’ passionate about social justice through various leftist mediums, such as ‘The Third World Church and Liberation Theology’ and ideologies and discourses influenced by Marxism (Bouvard, 1994, p. 177); and they justify their socioeconomic HRs activism by portraying themselves as continuing the legacy of their disappeared family members (Paucholo, 2009). Secondly, the Abuelas used HRs to promote a ‘right to identity’ as part of a lobbying effort to pressure the government to pass legislation to guarantee children access to knowledge such as ‘nationality, name and family relation’ as part of its efforts to identify disappeared children who had been adopted by predominantly military families (Arditti, 2002, p. 31).

Another way in which the experience of the Madres demonstrates a difference from the narrative in *Nunca Mas* is in their political diversity, or rather, the lack of it reflected in *Nunca Mas*. Political contestation existed between the Madres themselves. For example, the issue of whether to support exhumations of mass graves by the government was a contentious one – whilst one faction believed it would prove the atrocities committed by the junta, others argued it would allow the government to supposedly verify the deaths of their disappeared family and therefore halt remaining investigations into their whereabouts; this was a core reason behind the split between the Association who were against exhumations and the Founding Line who were in favour, and supported by the Grandmothers, in 1986 (Paucholo, 2009, p. 30).

Concluding Remarks

Nunca Mas evidently presents a narrative of the past that does not reflect the worldviews of the Madres, despite its claim to be an objective and apolitical account of a collectively remembered violent past. Both the collective memory of the Madres and their continued

political activism demonstrate that they hold very different worldviews to the impression given by CONADEP. The account of collective memory in *Nunca Mas* portrays the origin of disappearance as a national and criminal issue by a former de facto government. Whilst the Madres remember a deeply political struggle by HRs activists against a right-wing dictatorship and see the origin of disappearance ultimately as a reflection of a coercive neoliberal expansionist project in the Americas. The emphasis on universal national victimhood in *Nunca Mas* instrumentalizes the language of HRs in a way that conflicts with their use in post-transitional activism by the Madres, who have used them to promote identity-related rights and socio-economic obligations of the state. This misrepresentation by CONADEP, which the Madres personally declared 'limited and biased' (Crenzel, 2011, p. 1072), marginalized the Madres by misrepresenting them metanarrative that is inherently in conflict with their worldviews in the ways listed here; and ultimately, this marginalization reflects the initial decision of the Alfonsín administration to justify the control of Argentine TJ by his executive through the appointment of CONADEP as an independent commission.

5: Conclusion

This thesis set out to answer what depoliticization is in the context of TJ. In response to the uncertainty impressed by a confused multitude of depoliticizations this thesis has presented a clear conceptual framework for the application of depoliticization in contexts of TJ, which additionally, is also likely to be of value in application to cases of wider humanitarian practices. We have demonstrated the utility of our preferred definition by applying it to a case study on TJ in Argentina beginning in 1983 under the administration of President Raúl Alfonsín; and we are able to conclude stating that depoliticization, defined as a depoliticizing move, did occur in the context of Argentine TJ.

The literature review presented a range of depoliticizations offered six definitions to reflect their use. To clarify further, we categorised them into three approaches: depoliticization as the transfer of powers from sovereign states to nonsovereign actors; to describe transfers of power from formal democratic representatives to less democratically representative actors; and depoliticization as a depoliticizing move. The review demonstrated a gap in the literature for this thesis to offer a framework for further analysis by clarifying and deepening a suitable conceptualisation in response to the existing confusion.

The theory and methods section presented our preferred definition of depoliticization, to mean: ‘Where the responsibility for political decision-making is designated to supposedly apolitical actors.’ We argue that it is a useful pragmatic concept for further research into TJ and perhaps wider humanitarian practices, particularly because of its advantageous simplicity compared to existing approaches. It absolved confusion in the use of depoliticizations by removing consequences from the definition of depoliticization itself and putting the onus on an action of a depoliticizing move. This still allows the consideration of consequences, or fallouts, of this depoliticizing move, but does not tie the concept exclusively to one specific mode of consequence, which has resulted in a myriad of competing definitions focussed on different phenomena.

We applied our preferred definition of depoliticization in a three-part case study on the implementation of Argentine TJ and post-transitional activism of the Madres de Plaza de Mayo during 1986-1993. The first part identified the depoliticizing move in Argentina as a moment on the 15th of December 1983. President Raúl Alfonsín asserted that the appointed commissioners of CONADEP were capable of an objective investigation of past violence in

Argentina because their prestigious reputations constituted sufficient expertise to justify their control of the commission (see Kritz, 1995, p. 35). This deprived the issue of investigating the violent past of Argentina of political content by claiming its management was not a political issue but one requiring a proficiency in management skills, a global tendency of TJ initially recognised by Rubli (2012). The foundational mechanism of the depoliticizing move was therefore the decision of President Alfonsín to justify the management of CONADEP based on a claim to apoliticality.

In order to map the experience of depoliticization we followed the identification of the depoliticizing move with an analysis of the political decisions that it justified. To narrow our analysis, we selected two themes of political decision-making – the tendency of depoliticization to facilitate a transfer in sovereign responsibilities to nonsovereign civil society actors (Jaeger, 2007), and the tendency for this to reflect a transfer of responsibilities away from formal democratic representatives (Burnham, 2001). The themes raised a valid normative issue regarding the perceived decline in democratic representation as a threatening tendency of TJ practices. But the implicit assumption that superior representative action is preferable relies on a problematic assumption that such an option is feasible and would not result in counterintuitive consequences that would ultimately make such action less representative given restrictive political conditions. This is not to say that such demands cannot be met, but that it would be wrong to assume that unfavourable representative capacity is wholly a cynical reflection of TJ advocacy, rather such instances reflect struggles of competing interests (Rubli, 2013).

Subsequently, we interrogated the factors that made the depoliticizing move of the Alfonsín administration a viable possibility and we identified actor-specific interests that had explanatory relevance to the following political decision-making regarding their operationalization of TJ. We found that an amalgamation of interests restricted the feasible options the Alfonsín administration could take. If provoked by action they deemed excessive enough, the military posed a coercive threat to his administration. Competing international and national HRs organisations produced pressure from a direction that could be described as both transnationally top-down and bottom-up from the subnational level. The electorate and mass protestors threatened his legitimacy to remain in government; whilst his executive had personal interests in controlling CONADEP to promote their favoured normative-political standpoint. Moving to the factors that made CONADEP a viable option, we raised three factors that were responsible for the availability of ideational and material resources: Firstly,

existing instances of TJ in Uganda and Bolivia served as a model for what a TRC might look like. Secondly, the popularity of HRs values and discourses reflected the beginnings of a global bureaucracy of advocacy for humanitarian practices (Goetschel and Hagmann, 2009; Rubli, 2012). Although a dedicated network of dedicated civil society activism did not yet exist specifically for TJ, the funding and logistical ability of HRs organisations to gather data on HRs violations meant that their involvement in investigations into disappearance by CONADEP allowed a circumvention of formal democratic channels. There was no need to use the Argentine legislature because civil society already had the apparatus for a TRC-type investigation of HRs violations in place. Lastly, the popularity of HRs discourses with national civil society meant that an instrumentalization of HRs discourses would be more likely to garner their cooperation, despite that the published report deployed fundamentally conflicting interpretation of HRs compared to civil society activists such as the Madres of Plaza de Mayo.

The second part of our case study analysed an excerpted version of *Nunca Mas*, the final published report of CONADEP (Kritz, 1995). We found that the supposedly apolitical narrative projected a universal account of collective memory and made normative-political recommendations for the future of Argentina, despite its claim to be an objective, apolitical and legally motivated investigation (Kritz, 1995, p. 35). Indeed, having analysed its claim to objectivity, construction of mandate and collective account of memory, we strengthened existing arguments by offering further insight into the role played HRs, juridical discourses, religious and mythological language were mutually responsible for the promotion of a specific variant of Argentine nationalism and served to bolster the legitimacy of his post-transitional administration (Grandin, 2005; Carmody, 2017).

The final part of our case study finalised our mapping of the fallouts of the initial depoliticizing move by the Alfonsín administration, by focussing to the Madres of Plaza de Mayo, an Argentine civil society organisation created to find the whereabouts of disappeared children and grandchildren of the activists that split into four subsequent sub-groups (Paucholo, 2009). The conflicting account of collective memory offered by *Nunca Mas* misrepresented the Madres to an extent constitutive of marginalization. It conflicted with their alternative account of collective memory, which was reflected by their continued political activism.

In all, insofar as TJ practices are justified by designations of responsibilities to supposedly apolitical actors, or depoliticizing moves, they will be inherently depoliticizing. Unlike emphases that have placed overbearing responsibilities on pressures from international civil society organisations and states (Rubli, 2012), in the case of Argentina, we consider the role of the governing executive to be the most important and influential decision-making actor behind the decision to depoliticize the issue of investigating the legacy of a violent past and operationalize a favoured specification of TJ in response. Nevertheless, we tentatively respect the possibility that the later emergence of a global bureaucracy of TJ advocacy from the 1980s is likely to be credibly attributed to a growing role in international actors influencing the global practice of TJ. This might make our second tentative definition of depoliticization in the literature review and the following typology of use to studies of TJ after the establishment of the bureaucracy in the 1990s and onwards, but only if such transfers of responsibilities to bureaucratic actors are facilitated by depoliticizing moves. We hope that further research will consider our framework for depoliticization in the context of TJ, and perhaps wider humanitarian practices, in order to avoid further confusion in use of the term; and we hope that it motivates additional comparative efforts to explain the role of national executives in triggering depoliticizing moves in contexts of TJ.

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