

the balance of truth

Brandon Hamber of South Africa's Centre for the Study of Violence and Reconciliation, assesses the lessons of the country's truth and reconciliation commission

South Africa did not 'invent' the truth commission. Since 1974 there have been 15 truth commissions around the world. But it was the South African Truth and Reconciliation Commission (TRC) that captured the world's attention. This can be explained partly by continuing international interest in the fight against apartheid. The South African model also attracted scrutiny because it promised an alternative way of peacefully resolving entrenched difference. Consequently, the notion of using a truth commission to deal with political conflict has gained momentum. Indonesia, Sierra Leone and Northern Ireland are flirting with the idea. But how well did the South African Commission actually fare?

Archbishop Desmond Tutu said that without the compromises made during the negotiations to ensure majority rule in South Africa, the country would have gone up in flames. From this perspective it follows that the agreement by the African National Congress (ANC) to grant amnesty to perpetrators of apartheid violence was a pragmatic choice. Amnesty was the price, albeit a costly one for victims, for saving the innumerable lives that would have been lost if the conflict had continued. However, unlike in Chile, amnesty in South Africa was neither blanket nor automatic. Conditions applied to the South African amnesty and the TRC was the vehicle for this process. Perpetrators of political violence, from every side of the conflict, had to fully disclose all the details of their past crimes. Simply put, it was agreed that justice would be overlooked, provided that the perpetrators publicly told the truth. Truth was considered vital to understanding what had happened, assisting victims to come to terms with the past and preventing repetition in the future. Victims of political violence were also given the opportunity to publicly tell their stories. The TRC then made recommendations regarding possible reparations for victims and proposals to prevent future human rights violations. The TRC process began in December 1995 and finished, technically at least, when the Commission handed its 3,500 page report to then President Nelson Mandela in October 1998. The amnesty process is still ongoing. About 20,000 people came forward and told how they were victimized under apartheid. Over 7,000 people applied for amnesty and to date, nearly 800 people have received amnesty for crimes such as murder and torture.

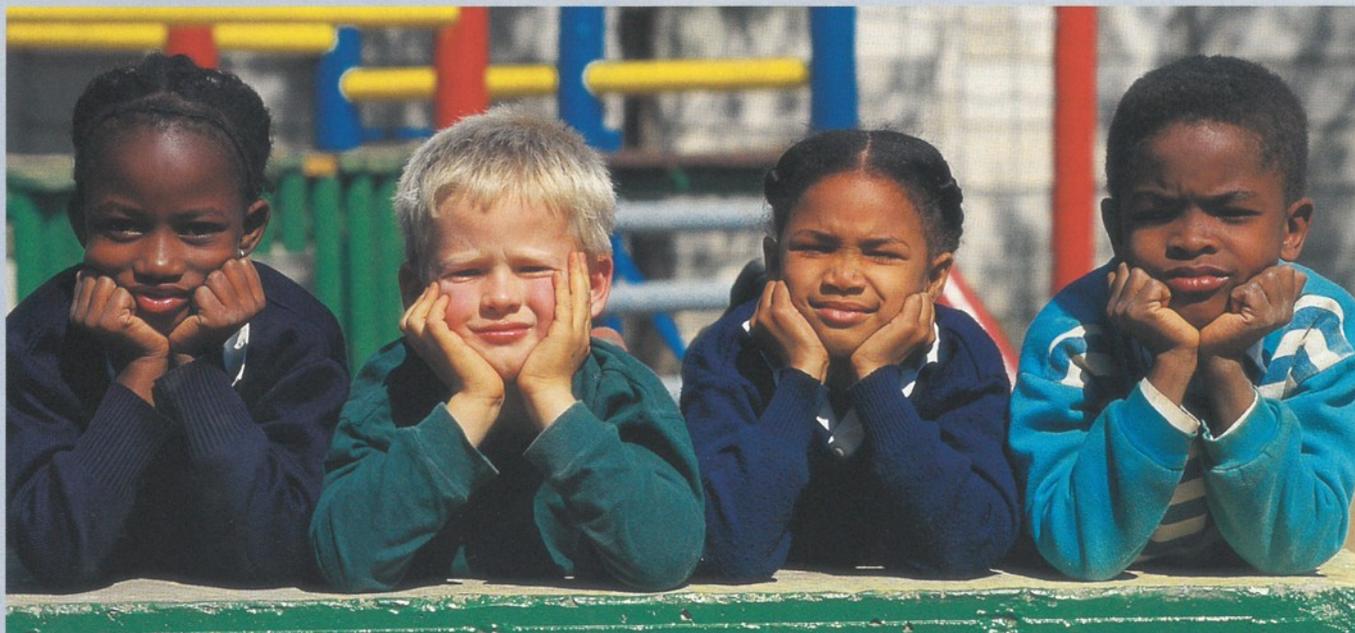
In evaluating the process, it seems that public acknowledgement of past crimes was the TRC's greatest success; through the TRC, the brutal horrors of apartheid found their way, via the media, into the living rooms of every South African. An undeniable historical record has been created and it will be very difficult for **turn to page 10**

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anyone to deny the impact of apartheid violence. For a minority of victims, suppressed truths about the past were also uncovered. In some cases, missing bodies have been located, exhumed and respectfully buried. For others, the confessions of perpetrators have brought answers to previously unsolved political crimes - crimes, which the courts, due to expense and inefficiencies, may never have tried. However, for many, the TRC began a process that it was unable to complete. Many of the victims who went before the TRC, with the hope that their case would be investigated, feel let down and no closer to the truth than before they publicly told of their suffering. Irrespective of the feasibility of investigating every case, victims' high expectations of the TRC have been dashed, and in their eyes, this has undermined its credibility. Justice also remains a burning issue. Politicians may be able to justify the exchange of formal justice for peace, but it is difficult for victims to watch while the perpetrators receive amnesty. The Mbeki Government has been slow in responding to the TRC's recommendations: in the two years since they were tabled, proposals for reparations still have not been discussed in Parliament. There are also debates about the broader merits of the TRC. At the very least the reconciliation project, with the TRC at the helm, has brought South Africa through the transition period with

for amnesty - is meaningless without referring to the context that gave birth to it.

So, South Africa's approach to reconciliation cannot be applied elsewhere - for example in Northern Ireland - without first analysing the power relations in that society. While there may be sufficient political space in Northern Ireland to re-open the inquiry into the Bloody Sunday Massacre of 1972, it is unlikely that politicians and the British Government would agree to a broad enquiry and truth commission that focuses on all the events of recent decades. In the context of Northern Ireland's delicate peace, most parties fear that uncovering the truth could weaken their position and increase tension, rather than advancing peace at this stage. Strategies such as truth commissions should be used to consolidate existing peace, after a formal agreement has been reached. This does not mean that the questions of truth and justice will disappear in Northern Ireland or elsewhere. While power relations shape the path a country follows in the post-conflict phase, dealing with the past cannot be put off forever. For example, although Namibia decided against an inquiry into the past, there are now vocal calls from victims, 10 years after independence, for an investigation into the atrocities committed by the South West African People's Organization in its camps. In Mozambique, people felt that a truth



GIACOMO PROZZIPANOS

relative political stability. The humanist approach of Mandela and Tutu has brought compassion to an extremely brutalized country. However, for some, reconciliation is merely a euphemism for the compromises made during political negotiations - compromises that ensured continued white control of the economy. From this perspective, reconciliation is meaningless without structural change. Furthermore, proponents of this view argue that the TRC missed the bigger picture by defining victims only as those who suffered intentional violence. Those who suffered more broadly from the economic ravages of apartheid and were not victimized directly by political violence were excluded from the TRC.

Another more cynical view is that the rapprochement between the old and new regimes was a strategy to consolidate a new black elite under the banner of reconciliation. These different perspectives demonstrate the complexity of dealing with oppression and violence - and how past events shape the process of reconciliation. In South Africa, the balance of power dictated the terms of the amnesty: the ANC had insufficient power to prosecute perpetrators of apartheid violence, but enough to impose conditions on the granting of amnesty. Thus, lauding South Africa for its innovative approach - trading truth

commission would be too risky given the extent of violence committed by all sides during the civil war. However, the past continues to play itself out in society as people struggle to rebuild their lives in communities that still reel from years of violence, injustice and suspicion. A truth commission is just one vehicle of reconciliation: commissions of inquiry, tribunals and grassroots initiatives can also help victims and perpetrators to come to terms with the past. Only one aspect is universal: that victims have a right to truth, justice and compensation following political violence. However, in the so-called interests of peacemaking and political stability, leaders and often the majority of people in a country, may limit these rights - a pragmatic choice which may have benefits in the short term, but will demand close attention as the peace unfolds. It has been argued that South Africa has achieved a balance between ensuring peace and guaranteeing some truth for victims. However, the question in the end will be whether the TRC uncovered enough of the truth.

The TRC may have been necessary in the short-term, but without broad structural change and the ongoing recognition that victims' rights to justice and reparations have been violated through the peace process, it is unlikely that the TRC will ever be judged to have been sufficient.