Truth, Reconciliation and Post-Conflict Democratization

A Minor Field Study on the Implications of the Truth and Reconciliation Commission for Societal Transformation in South Africa

EMMA JOHANSSON

Minor Field Study (MFS) sponsored by the Swedish International Development Cooperation Agency (SIDA)
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Supervisors: Mats Hammarström and Anders Nilsson

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Uppsala University
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Executive summary

This study concludes by outlining a number of policy implications for aid agencies in relation to post-conflict truth and reconciliation processes. In short, the main recommendations are:

- In order to support a strongly positive impact on human rights culture, push for a truth commission that is independent, neutral and transparent, and that has means of sanctioning perpetrators that do not come forward.

- Contribute towards the creation of a substantial reparations programme for victims. In particular, aid agencies can help establish funds for rapid payments to those in urgent need, as the adoption of a reparations programme may take a long time.

- Aid the creation and dissemination of different types of information material before, during and after the work of the truth commission, in order to reach as large a part of the population as possible. Also, support the creation of open and accessible archives of documentation after the process is over.

- Explore, and invest in, the supplementary roles that different civil society organizations can play. For instance, such groupings can help extend the reach of a truth commission, help catering for victims’ needs, and carry on the work of the commission after it has closed.

- Support the creation of a strong, independent body to oversee the implementation of recommendations made by the commission. Encourage and help the government to take these recommendations on board.
Acknowledgements

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Last but not least, I wish to thank my relatives, the Andersson family, for providing me with a place to stay in Johannesburg and a lot more; and my fiancée David for supporting and believing in me.
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1. Introduction

In contemporary post-conflict societies, we often see strategies for national reconciliation taking place within a context of democratization. Most researchers and policymakers today agree that the creation of a stable democracy is the best foundation for achieving durable peace, and therefore there is often a strong drive towards democratization after the settlement of internal conflict, and the establishment of democratic institutions is frequently a central stipulation in contemporary peace agreements. At the same time, there is often some sort of reconciliation process that attempts to deal with the legacy of the conflict.

1.1 Purpose of the study

Despite the fact that democratization and reconciliation processes often coincide, and despite a multitude of theoretical arguments for and against different types of strategies, there has been little consensus within the reconciliation debate on how different strategies for reconciliation may interact with, strengthen or undermine democratization processes. This study attempts to contribute to addressing this lacuna. The purpose of this Minor Field Study is to try to develop theoretical and empirical insights into how a reconciliation process such as the one adopted in South Africa after apartheid may interact with a concurrent process of democratic consolidation. Taking the theoretical debate on reconciliation and democratization as a point of departure, some aspects of the South African reconciliation process would seem to contradict the basic principles of democracy; for instance, granting possible amnesty to former human rights offenders in exchange for participation in the Truth and Reconciliation Commission does not rhyme well with common conceptions of liberal democracy and individual rights. At the same time, there are other aspects of this type of reconciliation process that might serve to strengthen democratization, for instance by promoting transparency, supporting grass-roots movements, and involving the broad public in a common, national project.

The study seeks to draw on the views and experience of people who have worked with reconciliation and democratization in South Africa, as well as of people who witnessed before the truth commission, in order to identify what people feel have been benefits and
drawbacks of the TRC with regards to political participation, institutional reform and the development of a human rights culture. Funded by a Minor Field Study grant from Sida, a field study was conducted in South Africa the summer of 2008. 16 people with different experiences of the TRC process and its aftermath were interviewed.

The aim of the study is to develop our insight into how a reconciliation process such as the one adopted in South Africa may interact with, strengthen or undermine democratic consolidation in post-conflict societies. The aim is not to produce a judgement of the process as successful or unsuccessful; rather, the point is to identify strengths and weaknesses, for the benefit of theorists, policymakers and practitioners within the fields of peace building, democratization and reconciliation.

1.2 South Africa after apartheid: transition and the Truth and Reconciliation Commission

In the early 1990s, South Africa made the transition to democratic rule after nearly 45 years of apartheid. Under the apartheid system, institutionalised by the National Party government in 1948, the government had committed numerous human rights abuses and crimes against international law, including violence against civilians, politically motivated killings and imprisonment, and torture. After an intensified armed struggle by the African National Congress (ANC) and other groups, claiming both civilian, rebel and government deaths, a transition was negotiated, including a promised amnesty for past abuses, a key demand of the previous government. According to the 1993 interim constitution, “In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions and offenses associated with political objectives and committed in the course of the conflicts of the past”\(^1\). The first fully democratic elections in 1994 resulted in the victory of the ANC and the election of Nelson Mandela as president.\(^2\)

As individual prosecutions for crimes against humanity and international law during apartheid were ruled out, the new government instead explored alternative routes for achieving some form of accountability, through a process including substantial consultations with civil society groupings and evaluation of methods used in other countries.\(^3\) In July 1995

\(^1\) Interim Constitution, 1993, subheading National Unity and Reconciliation
\(^2\) Hayner, 2001, pp. 40-41
\(^3\) ibid., p. 41
the Promotion of National Unity and Reconciliation Act was passed, stipulating the establishment of the Truth and Reconciliation Commission. Its objectives were to establish a rich historical account of past abuses, facilitate the granting of amnesties, find out what had happened to missing persons, recommend reparations, and at the end of its term produce a report on its findings and future recommendations. Analysts have argued that in comparison with previous truth commissions, the South African TRC was endowed with a clear and well defined mandate and an extensive reach and size, and the process was highly publicized in a range of different national media and languages.

The TRC was made up by three committees, one of them – the Committee on Amnesty – charged with handling the applications for amnesty. There was thus no blanket amnesty in South Africa, but rather a conditional amnesty which had to be applied for. Amnesty was to be granted when the act for which amnesty was sought had been guided by a political motive, and the Committee was satisfied the applicant had made “a full disclosure of all relevant facts”. Amnesty would not be granted for crimes perpetrated for personal gain or out of malice.

There were some convictions in the courts of high level perpetrators who did not apply for amnesty, increasing the willingness of others to participate in the TRC and apply for amnesty. However, many did not apply. Former president P. W. Botha, for instance, refused to appear before the TRC and was convicted in court for his failure to comply, but the sentence was later overturned. Similarly, some judicial trials against high-level perpetrators resulted in acquittal rather than punishment for their crimes. The very legality of the TRC itself was also challenged in court, by both victims and perpetrators. During its work, the TRC heard the testimonies of over 21,000 victims and witnesses, and received over 7,000 amnesty applications. The TRC formally concluded its work and submitted its report on 29 October 1998; the processing of amnesty applications was extended a few years beyond the formal deadline of the TRC.

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4 Promotion of National Unity and Reconciliation Act, 1995, § 3.1
5 Hayner, 2000, pp. 36-7, 42
6 Interview, Thapelo Mokushane, 2008-06-27
7 Promotion of National Unity and Reconciliation Act, 1995, § 20.1
8 ibid., § 20.3.f
10 Hayner, 2001, p. 45
1.3 The interviews

Based on theoretical expectations derived from the theoretical debate on post-conflict reconciliation and transitional justice, the purpose of the Minor Field Study was to draw on the experiences of South Africans who had participated in the TRC or the wider democratization process in order to identify benefits and drawbacks of the model with regards to the societal transformation taking place in the country. With this in mind, a number of interviews were conducted in Johannesburg, Pretoria, Durban and Cape Town during the period 5 June to 8 July 2008. The interviewees can be roughly divided into three categories: witnesses before the TRC (6 people), people who were on TRC committees or otherwise employed within the TRC (4 people), and people who work for human rights groups, NGOs and other institutions involved in the democratization process (6 people). Five of the interviewees are women, and eleven are men.

The interviewees were selected in cooperation with Victoria Maloka of the South African Human Rights Commission (SAHRC), my contact person in Johannesburg. Together, based on the aims of my study, we drew up a list of suitable interviewees. These persons were then contacted and asked for interviews; of the initial list, about half eventually were interviewed, while the rest were for different reasons unavailable. Furthermore, contact was established with the Khulumani Support Group, which coordinates victims and survivors of apartheid and campaigns for awareness and redress of their needs. Through Khulumani, interviews with six people who had witnessed before the TRC (all in connection to suffering human rights abuses) were organised.

All interviews took place at the offices of the interviewees (at Khulumani’s offices in the case of the TRC witnesses, who were provided with compensation for their travel expenses and other costs incurred in connection to participating). Before the interview, subjects were given a brief description of the purpose of the study, and asked whether they agreed to the interview being recorded, which all did. Notes were also taken down to aid the transcription of the interviews. None of the interviewees wished to be anonymous. Interviews were conducted in English; in the case of the six TRC witnesses, questions and answers were fully or partly translated to and from Zulu and Sotho by a member of the Khulumani staff. Most interviews took around one hour, with the shortest being just over half an hour and the longest nearly two hours. All interviews were transcribed fully from tape to electronic documents, as soon as possible after the interview took place.
Interviews followed a semi-structured agenda, with initial questions being more open and focussed on the subject’s background, profession, connection to the TRC etc., followed by questions on perceptions of the TRC while it was ongoing and then questions pertaining to the long-term impact it has had in South Africa. Lastly, subjects were given the opportunity to speak freely on anything they thought was important but had not been covered. Some questions and topics were fixed, in line with the issues derived from the theoretical debate, but follow-up questions were spontaneous and interviewees were given room to expand on subjects they felt were particularly important or interesting.

List of interviewees

**TRC witnesses**

Dumisane Khumalo (DK), M. Interviewed 2008-06-23 at Khulumani’s offices, Johannesburg.
Sibongile Mlambo (SM), F. Interviewed 2008-06-24 at Khulumani’s offices, Johannesburg.
Anna Sibongile Mnguni (ASM), F. Interviewed 2008-06-23 at Khulumani’s offices, Johannesburg.
Dikeledi Moerane (DM), F. Interviewed 2008-06-24 at Khulumani’s offices, Johannesburg.
Lina Ngubeni (LN), F. Interviewed 2008-06-23 at Khulumani’s offices, Johannesburg.

**TRC functionaries**

Tom Manthata (TMa), M. Member of the Reparations & Rehabilitation Committee of the TRC; presently Commissioner at the South African Human Rights Commission (SAHRC). Interviewed 2008-06-05 at the SAHRC, Johannesburg.
Yasmin Sooka (YS), F. TRC Commissioner and chairperson of the Human Rights Violations Committee; presently Executive Director at the Foundation for Human Rights (FHR). Interviewed 2008-06-09 at the FHR, Pretoria.
Hanif Vally (HV), M. National legal officer at the TRC; presently working at the Foundation for Human Rights (FHR). Interviewed 2008-06-09 at the FHR, Pretoria.

**People otherwise involved in the transformation process**

Sello Hatang (SH), M. Head of information and communication at the South African Human Rights Commission (SAHRC). Interviewed 2008-06-12 at the SAHRC, Johannesburg.
Thapelo Mokushane (TMo), M. Deputy Director at the TRC Unit, Department of Justice. Interviewed 2008-06-27 at the Department of Justice, Pretoria.
Rama Naidu (RN), M. Executive director, Democracy Development Programme (DDP). Interviewed 2008-07-01 at the DDP, Durban.
Fanie du Toit (FdT), M. Executive director, Institute for Justice and Reconciliation (IJR). Interviewed 2008-07-08 at the IJR, Cape Town.
1.4 Definition of key concepts

Some of the concepts discussed in this report require some further clarification. When referring to human rights, the meanings encompassed in international law and the United Nations declaration of Human Rights\(^\text{11}\) are implicated. Consequently, a human rights culture is understood as a society where these rights are generally accepted and respected. As discussed further below, transitional justice mechanisms here refers to different methods for handling past abuses in the context of transition – war crimes tribunals and truth commissions being two examples of such mechanisms. Similarly, the terms reconciliation processes or strategies denote measures taken in such a context with the explicit intent of (re)creating constructive relationships between former enemies. Concepts relating to democracy and democratic culture here signify maximum definitions of democracy, i.e. encompassing norms, values and positive peace rather than minimum institutional definitions. In the context of the interviews, these terms – democracy, human rights, and so on – are intentionally kept quite open, so as to allow the interviewees to reflect on the topics based on their own perceptions of these concepts.

\(^{11}\) Resolution 217 A (III), 1948. The declaration can be accessed through the UN official website, [www.un.org](http://www.un.org)
2. Truth, Reconciliation and Democratization: a Theoretical Overview

2.1 The debate on truth versus trials

As outlined above, amnesties for abuses by the former regime were made a precondition in the negotiations to end apartheid in South Africa. The Truth and Reconciliation Commission (TRC) was then established by the new democratic government to handle the amnesty process and to create a sense of accountability by establishing a public record of past abuses and giving victims a space for telling their stories. This type of process, entailing amnesties and a truth commission, is often contrasted with war crimes tribunals or other forms of judicial trials set up to prosecute those responsible for human rights abuses and other crimes during the former regime. These different strategies, truth-seeking and trials, will here be regarded as different types of transitional justice\(^\text{12}\). Of course, a truth commission is not by definition connected to amnesties; in some cases it complements judicial trials, but in some cases trials are deemed impossible and a truth commission set up as a ‘second best’ option alongside general or individual amnesties, which are often made necessary in the context of a negotiated settlement of an intrastate conflict.\(^\text{13}\)

Sikkink & Walling have shown that the number of transitional justice processes (which in their definition includes “domestic truth commissions and domestic, foreign and international trials for past human rights violations”) has increased steadily since the 1980s and reached a peak around the year 2000 – what they term the “justice cascade”\(^\text{14}\). They also show that in more than half of the cases where truth commissions have been established, there have also been domestic trials for human rights abuses.\(^\text{15}\) Thus, as Hayner argues, truth commissions need not be a substitute for trials but these processes may instead be complementary.\(^\text{16}\) The region where trials accompanying truth commissions were least common, however, is Africa\(^\text{17}\) and this region saw a comparatively limited part of the total amount of domestic

\(^{12}\) Some would argue against labelling truth commissions as transitional justice, and claim that they rather constitute an antithesis to legal justice if they are coupled with amnesties. However, truth commissions and amnesties are often connected to the concept of restorative justice, as has been the case with regards to the South African TRC. Truth commissions, amnesties and judicial trials, furthermore, constitute different approaches that may be taken to the issue of justice in a transition process, and the term transitional justice is therefore useful.
\(^{13}\) Hayner, 2001, pp. 14-17, 87-88
\(^{14}\) Sikkink & Walling, 2005, pp. 1-4
\(^{15}\) ibid., pp. 6-7
\(^{16}\) Hayner, 2001, p. 87
\(^{17}\) Sikkink & Walling, 2005, p. 6-8
trials\textsuperscript{18}, this seems to reflect the fact that amnesties have often been used in order to achieve a transition from war to peace in recent conflicts in Africa\textsuperscript{19}. Louise Mallinder has shown that empirically, the use of amnesties increased steadily from the late 1970s until the late 1990s and has remained a political reality despite the expansion of international human rights law.\textsuperscript{20}

There has been vigorous debate on the subject of which approach for dealing with past abuses is more suitable in the aftermath of internal conflict, and what implications this may have for the wider process of societal transformation. The issue of transitional justice has not always been linked to the concept of reconciliation, but in recent years this topic has become an important focal point in the emerging reconciliation literature.\textsuperscript{21} A number of benefits and drawbacks have been identified in respect to these two different approaches to justice, with regards to their effect on reconciliation. For instance, trials are argued to contribute to reconciliation through acknowledging the pain of the victims, satisfying the urge for retribution, individualizing blame, making sure perpetrators do not retain positions of power, deterring future crimes, and strengthening the legitimacy of democratic transitions.\textsuperscript{22} Meanwhile, trials may also be destabilizing by threatening powerful actors, and they may absorb too many resources and thereby paralyze the political system; such problems are compounded if the justice system is flawed or under construction. The focus on individual persecutors may also mean that structural patterns of abuses are not acknowledged.\textsuperscript{23} Truth commissions, in contrast, focus more on the needs of the victims and of society as a whole, and can establish accounts of structural violations.\textsuperscript{24} The insight that individual experiences were part of structural abuses rather than a personal, unique experience is also argued to make it easier for victims to come to terms with the past.\textsuperscript{25} Furthermore, it is argued that truth commissions reach a wider audience and are better at promoting a broad public debate; James L. Gibson, for instance, posits that “if the goal is the transformation of a political culture, trials and legalistic proceedings are unlikely to contribute much because they fail to capture and hold the attention of ordinary people”.\textsuperscript{26} However, questions have been raised about the ability of truth commissions to foster a democratic culture based on the rule of law.

\textsuperscript{18} ibid., p. 11
\textsuperscript{19} Mallinder, 2008, pp. 8-12
\textsuperscript{21} Schabas, 2006, p. 8
\textsuperscript{22} Bar-Tal and Bennik, 2004, p. 30; Huyse, 2003, p. 98; Snyder & Vinjamuri, 2004, p. 17
\textsuperscript{23} Huyse, 2003, pp. 102-106
\textsuperscript{24} Huyse, 2003, p. 111
\textsuperscript{25} Minow, 1998, p. 67
\textsuperscript{26} Gibson, 2006, p. 416
2.2 Post-conflict democratization and the importance of human rights

In a post-conflict society, reconciliation and democratization processes often go hand in hand. Indeed, some definitions of reconciliation make specific reference to democratic practices and values; for instance, James L. Gibson includes political tolerance, legitimacy and support for human rights as key components of reconciliation.27 Similarly, Ronald C. Slye argues that a society cannot be considered reconciled “unless it works toward the creation of a culture of respect for fundamental human rights”.28 At the same time, the construction of a stable democratic system requires some degree of reconciliation between former enemies. In a handbook on reconciliation produced by the International Institute for Democracy and Electoral Assistance (IDEA), David Bloomfield argues that while democracy provides a framework for the peaceful resolution of conflicts, reconciliation creates the type of constructive relationships required for democracy to function.29

Larry Diamond, one of the major writers in the democratization literature, defines liberal democracy as “a political system in which individual and group liberties are well protected and in which there exist autonomous spheres of civil society and private life, insulated from state control”.30 A fair and just rule of law is a condition for liberal democracy.31 Since the 1960s, the West has increasingly focused on promoting democracy as a means to creating stability in different parts of the world. In this quest, and particularly in EU policies, the development of civil society and promotion of human rights stand out as central.32 These concerns are present in today’s policies for peacebuilding after civil war; such strategies usually entail building democratic institutions, with human rights being a key underpinning component.33 The African Union, in a key document, describes the major problems in Africa thus: “Distrust for constituted authority, corruption and impunity coupled with human rights abuses have kept Africa in a situation of Conflicts [sic.], thereby undermining all initiatives towards sustainable development”.34 Carin Norberg and Cyril Obi, assessing key challenges in post-conflict democratization, call for more focus on the balance between impunity and justice and on how to handle war criminals participating in democratic elections.35

27 Gibson, 2004, p. 4
28 Slye, 2000, p. 171
29 Bloomfield, 2003, pp. 10-11
30 Diamond, 1999, p. 3
31 ibid., pp. 11-12
32 Grugel, 2002, pp. 123-126
33 Jarstad & Sisk, 2008, pp. 2-4
34 African Union, 2004, p. 14
35 Norberg & Obi, 2007, p. 6
2.3 Truth, amnesties and democratization: theoretical expectations

Based on the theoretical debate on truth commissions and other types of transitional justice, a number of expectations and questions about the positive and negative effects of the South African TRC can be derived. Based on these expectations and questions, a number of themes are outlined which will guide the interviews and the presentation of the results.

Human rights development or a culture of impunity?
Protection of human rights is an essential component of democracy, and most people would argue that this necessitates a stable, fair and legitimate judicial system. Several authors have advocated transitional trials in order to promote such a system; judicial trials are claimed to be the best way to establish justice for past abuses, and at the same time they help institutionalise norms that are crucial for a stable democratic system. It is argued that prosecution helps promote respect for the rule of law, individual rights and democratic institutions, and constitutes the best deterrent for future crimes; failure to prosecute, on the other hand, undermines the authority of the law and the legitimacy of democratic and judicial institutions, and makes it difficult to institutionalise a culture of law and justice.36 Furthermore, truth commissions may entail shifting some emphasis from punishment to forgiveness, which does not rhyme well with liberal democracy’s emphasis on individual rights and liberties and may undermine the legitimacy of the new, democratic state.37

However, not everyone subscribes to the view that trials are necessary for holding the previous regime accountable, and some suggest there may be room for amnesties without compromising justice. Truth commissions may provide a form of accountability through establishing a rich account of past abuses.38 Furthermore, truth commissions may contribute to human rights development by their ability to take the broader context into account, looking at institutional and collective responsibilities, whereas trials are usually limited to investigating individual responsibility.39 Indeed, some empirical evidence suggests that countries adopting a truth commission may fare better with regards to human rights development than countries where rigorous trials are applied.40 Hannah Tsadik has found that in Ethiopia, there is some indication that the prosecutions of the former regime constituted a

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37 Philpott, 2006, p. 13; Gutmann & Thompson 2000, p. 31
38 Slye, 2000, p. 182
39 Hayner, 2001, pp. 29-30, 101
liability for the judiciary, rather than being helpful in strengthening it, due to problems pertaining to legitimacy.41

Theme 1: Human rights development
Was the TRC experienced as promoting human rights at the time it was in session? Is it perceived that the TRC has, in the long run, contributed to a strong human rights culture in South Africa, or is there a strong sense of a culture of impunity? Are people in general more aware of their human rights as a result of the TRC?

Developing legitimate state institutions and the impact of TRC recommendations
Another aspect critical to post-conflict democratization is the development or reform of institutions. In South Africa, as in many other cases, the whole state apparatus was implicated in the perpetration of human rights violations, and there was a strong need for institutional reform and for building a new sense of legitimacy, a democratic political culture. As pointed out above, truth commissions are able to examine institutional and structural responsibilities and flaws that allowed atrocities to take place, as well as the broader society’s passive or active role as bystanders or political supporters, aspects that are not addressed in conventional trials which focus on individual accountability.42 Truth commissions may also make recommendations on reforms that improve the protection of human rights and create a public debate supportive of such reforms.43

Theme 2: Institutional reform, democratic values and implementation of recommendations
Did the interviewees believe that the TRC contributed to a more democratic political culture, and if so, how? Did the TRC investigate and evaluate structures and institutions? What impact did its recommendations have in terms of institutional reform? How were the recommendations handled in general?

Stimulating public involvement and civil society
As outlined above, truth commissions are argued to have a wider reach in terms of the general population, and thus being better at fostering public debate, than judicial trials. A

41 Tsadik, 2007, p. 42
42 Hayner, 2001, pp. 29-30, 101
43 Ibid., p. 154
broad, public debate on issues of human rights, accountability and justice is desirable in the context of democratic transition. In South Africa, the TRC process was highly publicized in a wide range of media and languages; thus, if truth commissions indeed have the effect of stimulating public debate and involvement, South Africa should be a “best case”. Furthermore, there was an aim to involve civil society in the TRC process, and this in combination with the openness of the process could arguably be a benefit in the sense of strengthening civil society, another important component of democratization.

Theme 3: Public debate and civil society involvement
Did the TRC succeed in promoting a broad public debate? Did people in general become more politically active as a result of the process? In what ways did the TRC interact with civil society, and was civil society strengthened as a result?

Some further points about the TRC model
A final theme is made up by other issues and problems with the process that often came up during the interviews. While not having a direct connection to the theoretical discussion above, these are issues that may affect the outcome of the process and its success in contributing to the political transition, and that may strongly affect individual victims and witnesses. These issues are important for developing lessons for future truth commissions, as to what may be practical problems and how these may be handled. Issues discussed under this heading relate to the reach and lifespan of the TRC process, unmet expectations, insufficient information about the process, and narrow definitions of victimhood.

Theme 4: Problems and practical issues with the TRC model
What problems did victims and witnesses experience in their interactions with the TRC? Could the interviewees identify any unintended negative effects or limitations of the model?
3. Results: Impact of the Truth and Reconciliation Commission on Democratization in South Africa

3.1 Human rights development

Strengthening human rights?
Most of the interviewees argued that the TRC contributed to strengthening human rights in South Africa\(^44\) (12 of the 16 articulated this perception, while only one did not believe the TRC had had a positive effect in this regard). Many referred to the fact that the TRC for the first time exposed the full pattern of abuses under apartheid, and adhered to a general and unbiased human rights doctrine. For instance,

The commission did set for the first time a norm, really, of how important it is to observe human rights values, and also, to look particularly at observance of the rules around conflict. And so, from that perspective I think it addressed the criminality that the previous regime had engaged in, really, and began to lay a set of norms which even the new government would have to accept that it was going to observe. (YS)

It was like a historic bridge between the past and the present, the TRC has left a very good legacy. We go back from time to time and say, “What happened in the past should not happen again”. Coupled with this democratization process we have Chapter 9 institutions that were established to ensure that inequality does not get perpetuated. South African Human Rights Commission for instance, the equality law, you know… a whole lot of things, we owe them to the TRC. Of course, apart from government’s broader programme of action and addressing the imbalances of the past. But we cannot talk about our success without referring to the legacy left by the TRC. (TMo)

I certainly think that there is a better understanding of notions of violations of human rights, in the sense that bearing in mind the political system which we had before [which] used the principle of parliamentary sovereignty, which had been imported from Britain; by virtue of that concept, whatever was law was legal. And if human rights were not legislated for, you were not breaking the law in violating someone’s human rights. [The] notion of human rights, being the superstructure of human rights forming an overall framework which is implicit in whatever we do, I think the TRC was partly effective in asserting that. The international standards in fact do apply, you will be judged by them, and these are universal human rights standards. (HV)

\(^{44}\) 12 of the 16 articulated the perception that the TRC had strengthened human rights, while only one explicitly did not believe the TRC had had a positive effect in this regard.
Several interviewees touched upon the way in which the TRC handled the sensitive issue of how to hold those who participated in the liberation struggle accountable in terms of human rights abuses.

The historical approach tends to relativize human rights and the human rights approach tends to relativize history. [In line with the historical approach] a movement becomes the carrier of human rights, so the liberation movement is the carrier of human rights. And with this comes obvious dangers, that nothing the liberation movement does can ever be contrary to human rights, this is very dangerous, but that is the historical approach. And then the human rights approach, the international approach is to say, no, these are universal laws that fall out of the sky, and you just obey them. But then the danger there is people saying, “Now, why should we believe that? If they’re not our laws, if we didn’t fight for them?”

(...)

Now, I think what the TRC did very well is to take both of these discourses into its final report, and they sit next to each other rather, at times uneasily but I think it’s a hugely interesting and important thing, because they take the liberation discourse in by saying “Look, this was a just war, there was a liberation struggle and the ANC did play the leading role and we acknowledge that.” So they understand it and they give the credit to the ANC, but then at the very same time, they say “Look, if you are a liberation party and you did the following things, then you committed what is called a gross human rights violation, and no matter who does that, that is a violation, that means you’re guilty even if you fought in a just war”. People who sit on the human rights side very often don’t understand the importance of the liberation history, the importance of people saying “We did this, we fought for it, we got it”. It’s very important for the integrity of a nation to be able to say “We fought”. And so there’s a mutual misunderstanding, but the TRC managed, I think, to bring these things together. (FdT)

Some emphasized, in connection to human rights, the importance for victims of understanding what had happened to relatives, the motives behind this, and coming face to face with the perpetrators;

The TRC had more openness as it was is totally different to what has been before in the apartheid era, where the killings which involved the former policemen were covered, but now the TRC enabled [victims] to meet with perpetrators which never happened under the apartheid regime. During the TRC period that happened, and I was able to meet face to face with the perpetrators. That in itself shows openness to the protection of human rights. (LN)

When a person, when a perpetrator finally discovers the truth and the falsity in whether what he was doing was right, or whether what was done to him was pleasant or unpleasant, and even to know the motives of the perpetrator, I don’t think there is any higher human right than that. (TMa)
Public awareness of human rights

On the issue of whether the TRC had contributed to increased awareness of human rights, opinions were somewhat more divided;

Indeed, the TRC helped in attaching importance to the human rights issues, and the manner in which those rights need to be defended and protected.

- Do you think that people can also exercise those rights, or is there still a problem of gaining access to the justice system?
- Yes, it’s now easy and very much important for people to use those avenues. (DM)

- Do you think that people in South Africa are more aware of their human rights as a result of the TRC?
- Yes, and that has been with the help of the input that the human rights organizations have contributed. (ZM)

Immediately after the TRC, I think certainly for the 20-odd thousand victims who came forward, gave their testimonies, that emphasized that they had rights. It also showed to those very same how fraught implementation of human rights are. So it certainly made people more aware, it also showed people just how difficult it is to implement it – fairly, justly. (FdT)

It was a process in time, it happened, it didn’t reach the thousands, those who can’t read… There are thousands, millions of people who don’t have access to that media, and the TRC didn’t touch them at all. (…) We work in the field of democracy, we’re concerned about the fact that issues around human rights haven’t reached many, many thousands of people. (RN)

It is very difficult, and yet at the same time, very easy. In the urban centres, the language of human rights is known except perhaps among a few people who are coming from rural areas. Whilst in the rural areas, we have a situation where issues of customs still reign supreme, and we find when we get to communities in rural areas, we find ourselves being blamed by those in power to have eroded their base of power. To the level where, you know, they consider us promoters of lawlessness and so on. So, they seem to know about human rights in an indirect manner, you know.
- And there’s a sort of tension between customary practices and…?
- You see, that’s what it is. But that very tension gives us the impression that yes, they know about human rights. (TMa)

Thus, many interviewees felt that the TRC helped increase awareness about human rights, but that for various reasons this effect did not reach everyone. Generally, many interviewees pointed towards the importance of other organisations in communicating the TRC’s message to the population, as well as strategies to reach those who are illiterate, disinterested or live in remote areas.
A culture of impunity?

One risk with transitional justice mechanisms which do not put perpetrators on trial, it is argued, is that it may lead to a culture of impunity. Interviewees had somewhat different views on what the legacy of the TRC and the granting of amnesties meant in this regard. Many identified a legacy of impunity; however, others pointed out that trials would not have helped in changing this as there was rarely enough evidence to make a conviction.

The legacy of impunity still enables victims to be more vulnerable and perpetrators to see that, perpetuating the infliction of any crime. (ASM)

I don’t think that it sunk in that in other countries you go to jail for life, in many other countries you could get the death penalty. White South Africans don’t appreciate that. (…) Many of them don’t realize that apartheid was declared a crime against humanity. (YS)

Those who lost will maintain that they needed justice. And there was no way you could convince them at the personal, individual level. But we are still concerned with quite a number of other people who suffered similarly if not more, where no perpetrator came to the floor, and they themselves did not know the perpetrator, you know… faced with that kind of decision situation, how do you balance things? And they are unable to bring forward the perpetrator of their own accord, because they lack information, which would bring them to at least a defensible position. (…) At the end [of the TRC period], we said, if we will know of any perpetrator who has not come to us, take him to court, no longer be taking him to the TRC, take him to the court of the land. You know, we have witnessed very few cases if ever of people who have accused some of these people of the horrors of the past. (TMa)

We had little information about what happened to those who were opposed to the previous apartheid government. We knew that killings were taking place, we knew that disappearances, torture, murder, a whole lot of things, all these atrocities that were committed in the name of apartheid, we knew about them, but to a little extent. It was mainly with the help of the TRC process that we were able to genuinely confront the past. That for the first time, victims and perpetrators were able to face one another, confront each other, and to some extent, other perpetrators have asked for forgiveness, while others simply shunned the process, they thought it was a witch-hunt. (TMo)

In this manner, many interviewees indentified a legacy of impunity, but were less certain as to whether judicial trials would have been able to address this problem. On the question of whether a criminal tribunal could hypothetically have been more beneficial, views were rather divided.
Truth versus trials
Two contrasting themes are often brought up in connection to the South African TRC; on the one hand, the surprising amount of tolerance, forgiveness and willingness to reconcile showed by many victims, and on the other hand, the large group of victims who were not happy with the process and would have preferred judicial trials. Both these themes were present in the small group of TRC witnesses interviewed here;

The TRC has not been that effective because on the basis of not being able to summon or to institute legal proceedings against the perpetrators, and hence the perpetrators really showed extreme impunity, without any remorse. And [a war crimes tribunal], for the nation it would have been a significant route of holding perpetrators accountable and showcasing that they are not above the law. (ASM)

If the parliamentarians came to Gauteng, people must come forward to say “Look, we are not satisfied by the TRC, our brothers were killed by the previous regime or disappeared for instance, in other provinces” – so they must come forward. (DK)

Indeed, it would be very efficient and contributive if perpetrators were brought to book so as to atone for the misdemeanours and atrocities, in a sense that this would also serve as a deterrence towards impunity. [However], the tribunal route also, its disadvantage is that it would be unhealthy or defeating the purpose it wants to attain in the sense that a tribunal route would not uncover all the atrocities that were committed, for fear of further implications of the perpetrators, and framing of the perpetrators. Therefore, I can neither concur that it’s the either one which is good, or the other. (DM)

There could be a solution to taking perpetrators to task in order to arrive at complete revelations of the atrocities and of the purpose that they committed those atrocities and the inflictions of gross human rights violations; then it could only be attained if they were subpoenaed and taken to task to account. And also to deter and discourage impunity. (SM)

There would be some justice administered meaningfully for the victims if there had been a tribunal route or era, during the TRC, of which it never went to that; but for reconciliation purposes that was averted. (LN)

The tribunal route would not stand good for reconciliation, as the TRC’s mandate was to reconcile whereby the grossly violated would meet directly with perpetrators. [The TRC] was a means to bring it to a stop and to make it a significant measure or effort as to arrive at the truth, to understand the level of those atrocities. Therefore it would not bode well for the country [to have trials instead of a TRC]. (BD)

As can be discerned from some of these statements, those who feel that trials would have been better can be further subdivided into two broad categories: those who want trials for the
sake of justice, and those who believe trials would bring more complete revelations and information about what happened in the country in general, and to their loved ones in particular. Indeed, shortcomings expressed by TRC witnesses with regards to human rights often pertained to the lack of a complete understanding, rather than a feeling that perpetrators should have been punished;

The TRC should have been completely neutral, whereby the maintenance of the judicial clout that it should have had in order to call upon, or to take to task the perpetrators into making complete submissions to the atrocities that they had committed. However, the effect to which the TRC arrived at addressing the gross human rights abuses – its shortcoming had been [in respect to] attaching significant importance to protecting human rights. (SM)

Had there been a tribunal, this would take to task the perpetrators to be willing to make complete revelations in their involvement of aiding and perpetuating apartheid atrocities, and then that route itself would also serve to attaching importance to seeing complete reconciliatory gestures, to level the playing field, and as to measure or enable the perpetrators to atone for the atrocities they committed, and then that type of atonement would indeed be the addressing of the truth and coming to terms with the truth in a reconciliatory note for the nation. (DK)

Similarly, some attributed these shortcomings to insufficient redress for victims;

Throughout the TRC in its recommendations it managed to express the basic human rights issue and the extent of the gross human rights violations; yet, some of the meaningful things would have been seeing victims and survivors that had been identified by the TRC being catered for in its recommendations, fully. (BD)

Among the other interviewees, many brought up the point that a criminal tribunal was actually ruled out in the negotiations, and that such an approach might have meant prolonged internal conflict. However, many identified other potential drawbacks, as well as benefits, such a process might hypothetically have had.

With a tribunal, it would help in really addressing the former state agents’ involvement, and as that what, you know, legislatively done through the apartheid time. And then out of a tribunal is where then most of the implementation, the institutionalization of apartheid, the manner in which it was done, its communities and the nation being in a point of really understanding the manner in which the atrocities were orchestrated. (...) And the question also of social redress, in this aspect, because it could also call in question the very remorse, the very impunity mentality that, the perpetrators’ point of view. (ZM)
I think you’d have had a very polarized society, but perhaps you might have had a
greater appreciation of how apartheid was a system of structural violence, which has
left a legacy which we have not yet been able to address in South Africa. Maybe the
beneficiaries of apartheid would be more appreciative of their need to make
reparations. (YS)

I think in terms of a war tribunal it would have helped with access to justice, because
it would have been real justice; in other words, it would have been the people
standing against the perpetrator. That for me is the major positive. But – is that the
direction we would have wanted as a country? And I would say no. I want a middle
way between the two. I think going the war crimes tribunal way, the second negative
is that it would have, one, it would have made sure that the divisions are never
brought together, in other words we would have still been a divided country with us
an them, defining ourselves as us and them; but two, it would have also maybe
thrown us back to wartimes, if you can call them that, because you had a situation
where all the generals in the army, everybody were white people. (SH)

What would you have done if you had no evidence? How much prosecution would
you have had? You would have had no prosecution whatsoever; there would have
been no justice in that sense. And the conviction raked on flimsy evidence would
have been, I would argue, much more in favour of acquittals. And that was worse,
because then you had… You either had no prosecution or you had people being
found not guilty, and that leaves a terrible bad taste in the mouth. (LW)

I don’t think there was a particularly huge amount of evidence available, I don’t think
there was a particularly huge criminal capacity to do these things, you would have
had a few show trials; how much more truth would the victims have than they have
today? Would the country have been gripped in a sense of dealing with the past at the
cost of moving on for far longer? Quite possibly. There’s a very strong case to be
made now for us to focus on the stuff that we have to do in order to alleviate poverty
in this country as soon as possible, make that, together with education, our sole
focus. (FdT)

That was for politicians then to look at it, but I don’t think it’s what people were
looking for. It was not about vengeance, I think it would have been, maybe it would
have been disastrous in the sense that it would be more about vengeance, it would be
more about the manner in which the trials are conducted, paying little attention to the
victims. The TRC was a more open, public, credible, and a more detailed process
with no intention to humiliate; it was meant to promote national unity and to promote
reconciliation. So I think our politicians started the situation very well. They could
have opted for the Nuremberg type of trials, but do you think it would have worked
for South Africa? (TMo)
3.2 Institutional reform, democratic values and implementation of recommendations

Contributions to a democratic South Africa

Many interviewees mentioned ways in which they felt the TRC had contributed to improving the level of democracy in South Africa. Many pointed out that the TRC affirmed principles of accountability and transparency, while others argued that the TRC in its reconciliatory approach laid the foundation for, and created popular belief in, democratic cooperation. For instance,

The TRC and subsequently our constitution, they basically speak to each other. (…) And if you read the preamble to the TRC it’s very clear that what is aimed for is that the TRC was going to be used to ensure that our country would in the future always be held accountable to upholding the constitution. (EM)

For me one of the proudest moments that we had was when we were questioning the ANC because here you had the political party which was going to be the next government, the political party which was victorious, and they had to account for how they treated their own people in their camps, they had to account for where they planted landmines for example, they had to account for some of the actions of its supporters, in some of the activities they were doing; and to hold the victorious party accountable, in public, with TV cameras there, I think is very healthy for any democracy. (…) The whole principle of accountability, that people have to be accountable for their actions, I think was introduced by the TRC not in a universal sense but in a subjective, country sense, that people who had not been had to find themselves accountable now. (HV)

I think it began a new discourse for South Africa and it began to lay a basis for a process in which government would engage, I mean nobody thinks today that you shouldn’t have transparency and openness, it’s always accepted as a norm. And any attempts to clothe any public issue in any kind of hidden agenda is usually tackled quite furiously, and I think the commission probably set the basis for that, with its openness, its commitment to open hearings, and the transparency in the way in which it conducted its own affairs. (YS)

Most certainly, that gave all of us hope that there’s space for everyone in South Africa, that we could work on our problems together, around the table, without killing each other. So in that sense, I think it gave us a boost at the right time, that we were on the right path. South Africa was good news all over the world, people can go through a so-called peaceful revolution, and we’re all very proud as South Africans. It’s only much later that we begin to see the cracks. (RN)

Based on the TRC recommendations, the level of democracy is seen to be effective in a sense fundamentally whereupon certain things have been achieved, and as a result attached importance to democratic values, and the South African bill of rights that the TRC enshrined in means of effecting its recommendations, and that is still happening. (BD)
Meanwhile, others pointed out that the TRC was only one of many measures in creating the new South Africa, and some argued it did not have a strong effect on its own.

A lot of activities were undertaken to ensure a fully democratic South Africa. Our constitution to start with, it guarantees all those freedoms, it enshrines the Bill of Rights, it’s one of the widely acclaimed and celebrated constitutions across the world. I think the TRC process also assisted in the democratization, because what we said with the TRC was it should also prevent future commission of gross human rights violations. And in a democratic society, you do not of course expect commission of human rights violations to be perpetuated, to be taking place, I mean all those malpractices, atrocities, have to come to a stop. So it was one contribution I think, TRC was only one contribution towards the democratization process in this country. (TMo)

The TRC process was just focused on one element, just on reconciliation. It didn’t help much in informing the transformation processes that we had to go through, post-TRC, and it also didn’t help in terms of the other end, justice, access to justice. (…) It was cosmetic, in other words, we had a cosmetic process, where we put the constitution, we put the TRC through, but then we didn’t make sure that transformation informs all these processes that we go through. Now we have to go through that painful process of, how do we go back to then talk about transformation? Hence you’ll find that there is more resistance now on issues of transformation, from South Africans, some South Africans. (SH)

Furthermore, for TRC witnesses the concept of democracy was strongly tied to their own economic and social situation, and many were dissatisfied with developments in this regard;

From the TRC recommendations, there had been some significant changes based on the recommendations of the TRC, and those changes were only done during the ten years of the former president Mandela. And thereafter, after Mandela’s succession, then Mbeki’s nullifying of the recommendations of the Truth and Reconciliation Commission based on the five year recommended reparation amount for any category of victims. Now as a result of the nullification of those recommendations, there’s been none of significant input or things that have been done. (DM)

The democratic recommendation of the TRC is not up to standard and is not practical and implemented fully at the grassroots where there is still no shift of the mindset of the people at the grassroot level. The practicing of a democratic will is not even seen to be history in the making, where there are still divisions within communal activities and events as well, and the economical divisions between the poor and the rich, and the gap also through education where communities are still as down-trodden as they were during the apartheid era. Therefore, there is no efficient practice of democratic recommendation such as that was recommended by the TRC. (SM)
Institutional reform

As outlined above, a truth commission is argued to be better at investigating structural abuses and promoting institutional reform than judicial trials, which are more focused on individual criminal responsibility. While some agreed that the TRC did trigger institutional change, many interviewees believed that the TRC had a limited influence, partly because institutions and government have not been completely responsive to the recommendations made by the TRC.

With [the Truth and Reconciliation Commission’s] work, you almost had a general sense in South Africa that they would not want to see this again; and that has had an enormous influence on the human rights legacy which is how you build a human rights regime which does not permit these things to happen again, and how you transform institutions so that they are observant of human rights standards, I think that certainly did happen with the commission. (YS)

If they didn’t get a handle on structures, it wasn’t because they didn’t try, it was simply because they didn’t give enough attention to that, because people were there that were willing to talk about that – I was there, talking about structures and processes, with others – and due to a lack of time, they were happy with us quickly, quickly. So that is not a problem, I guess it was practical problems. (LW)

Well, there was institutional hearings of course, and then there was some response in volume six I think it is, to business, that came subsequent to the TRC. But it wasn’t their main mandate, you know, this is something they developed on the hoof because they were criticised and then they decided “Well, we’ll respond to this”. But it wasn’t in their mandate. (FdT)

I don’t think institutions that had to take forward some of the recommendation did it. You know, there are institutional changes that should have happened but didn’t take place. (…) The mentality hasn’t changed. And some of these things you cannot legislate, of course, you cannot legislate attitudes, people’s behaviours, but you can at least change how systems within the organizations operate, for it to change how people are viewed. And here, I become upset because you’ll find that the reason that you still have deeply entrenched apartheid, or not apartheid per se, but deeply entrenched racial discrimination that still exists, it’s because we used a plaster, we passed laws, we passed policies, and we thought those laws and policies will work, but actually it’s more about attitudes, it’s more about implementation, and for you to implement properly, the institution must be, the systems must be true to what the country wants to achieve. So institutions should have taken more responsibility, and I believe we should revisit the TRC recommendations specifically, to see which institutions after so many years have failed to do something about those recommendations. (SH)

There are still hierarchies and bureaucratic classification of the hegemony, hegemonic order of how things were before and how things would still be going on, from the economic aspect of it. (…) Judicially, perpetrators have more power than
the victims have, more right that is realized, be it judicial, then all of the judicial state systems, constitutional laws and acts of the country, are still as antique, because they still stem from the faculty of thought, the faculty of the school of thought of the racist regime. Who were they designed to serve? (...) And the catalysts of that, the mechanisms of catalyzing that process, what would it be? It’s the understanding and the designation of transformation. (...) All that we’re calling for is acknowledgment of these inequalities. Because victims and survivors of gross human rights violations are still seen as misfits into the mainstream of society. And why they are seen as misfits, or we are seen as misfits in this regard, is because of a failure of acknowledgment. And a failure of enabling victims and survivors to fend for their own cause, and to chart the way forward. (ZM)

Indeed, most or all of the interviewees underlined the fact that structural inequality still remains as a major obstacle to really entrenching democratic values in South Africa.

There should have been a greater input from the TRC of bridging the gaps between the poor and the rich, whereby in the transition period, the transformation would be woven in a sense of bringing together communities through different sectors and creating leverage, leverage of the poor in distributive measures, where the gap of wealth should not be widened but should be closing, and such that there should be even economical effect and result for the good of the country. (BD)

The TRC never tried hard enough to balance or level the playing field. The poor are now getting poorer and there’s a widening of the gap between the rich and the poor. (DK)

I think at grass roots level you find people saying that “the TRC may have been a waste of time because our lives haven’t changed”. You must understand that at this stage people in our country are more concerned about their social and economic rights. And as far as they are concerned, what our constitution and what the TRC, whatever human rights institutions we have maintained, as far as they are concerned they are not seeing anything. And that’s what it has become, it’s become a problem in terms of achieving socioeconomic rights for people in our country. (EM)

I remember the argument that the ministry of finance made at the time, which said that “My prime responsibility is not the 22 000 victims of the TRC, but my responsibility is 22 million victims of apartheid”. There is this whole, very well documented critique of the TRC that it wasn’t focusing on structural injustice, but that is not the TRC’s fault. That was a mandate problem, they were not mandated to do that. (FdT)

The people who benefited are still benefiting right now, and people are saying, “So what’s changed in this country?” (...) That kind of imbalance is something, yes, that has not been fully addressed. And of course, even the ANC government is fighting, is opposed to that case in the States45, saying “You can’t prosecute these people”

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45 In 2002, Khulumani Support Group filed a lawsuit on behalf of apartheid victims against 23 multinational corporations for “aiding and abetting” the former apartheid government and thus being complicit in its commission of crimes against humanity. The suit was filed in a New York District Court. In 2003, the South
because now we have vested interests. The big multinationals go well beyond what we know as interests. (RN)

In a nutshell, the democratization of the South African society, in order to be objectively realized, there needs to be a humane approach to problems that present societies are faced with, and a sensible approach into addressing the social redress of our home communities, such that there has got to be progressive measures, and not a regressive approach as we see it happening where the poor get poorer and the rich get richer. (ZM)

TRC recommendations, government implementation, and reparations to victims

Of course, a temporary measure such as a truth commission can hardly be expected to achieve economic and social justice, but it can debate the issue, attach importance to it, and make some recommendations as to how to begin to address these problems.46 Also, many believe that a more substantive and efficient reparations programme would have been a major step in the right direction.

I think we’re grappling in the country in the last few years with a number of issues that emanate from the work of the commission, not the least of which is dealing with victims’ issues around reparations in its complete form, not just one aspect of it. I think we’re grappling with the issue of social justice, which is also a legacy of the work of the truth commission. (YS)

There is a need for the government to shoulder their responsibility, because regarding the constitutional rights that victims and survivors have, as victims, they are not sustaining those rights. It’s all well spelled out, enshrined in the constitution, and according to the bill of rights, but those are rights were never internalized towards recognition and acknowledgement of victims and their challenges. (ZM)

As a country, we have to learn now what we failed to learn back then; whatever we have put down, and I’m going back to the recommendations, whatever we have put down we should have felt bound to it, we should have felt a moral obligation to make sure that those things are done. (SH)

There was an argument, and I think there still is an argument, you know, when victims turned up at the TRC, some of them just wanted a wheelchair, they just wanted crutches to walk on, and so there was this argument that why don’t we give

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46 In fact, the South African TRC made some suggestions aiming at addressing economic injustices – i.e. a once-off “wealth tax” on business and that beneficiaries of apartheid should make contributions to the reparations fund – but not much came of these recommendations; the former has not been implemented, and the latter has taken place only through voluntary and anonymous contributions to the reparations fund. (TRC report, Vol. 6, Section 5, Ch. 7, § 6-7; Interview, Thapelo Mokushane, 2008-06-27)
these people, why don’t we have a little slush fund, and so the TRC got a little slush fund so that they could give R 2000 here; now, there’s an argument that says maybe that slush fund should have been a billion, and as victims walk in, they get their individual reparations paid out then and there. So they would walk out with a pension, almost. And perhaps future commissions might look at that as an option.

The other big problem was that immediately, because it was such a groundbreaking social experiment, all the commissioners were hot property the day the commission’s doors closed, so they were all scattered across the globe. (…) It could have been very useful if a high-powered group of commissioners, say four or five, remained in office for another two years to monitor the implementation of the recommendations, because they simply got lost in bureaucracy. (FdT)

Perpetrators are gaining, the victims are still suffering. And we can’t do anything about it; still, there’s not enough for the victims. If you read the [recommendations] of the TRC, they promised the victims houses, and some of the victims were going to get this bursary to finish their education, but there were no such things. (DK)

On the TRC recommendations, the government’s failure to recognize and realize and those recommendations… it refers to the displaced people as a result of political violence, those people were never catered for, and other severely affected people were never taken care of; medical attention, those whose education was disrupted, and the shattered communities were never catered for in terms of those recommendations. So it has been a government failure into administering of justice and recourse through the realization of those recommendations, and the amount of reparations that the government actually endorsed, contrary to the TRC recommendations, added insult to previously caused injuries. (SM)

Some argue – with accuracy – that the recommendations the TRC made were just that, recommendations, and indeed it was for democratically elected bodies to accept or reject them. However, many of the victims took the recommendations as promises, which has resulted in a legitimacy problem both for the TRC and the government as the full reparations suggested by the Commission have not been forthcoming.47

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47 The recommendations made by the TRC can be read in full in Vol 5 Ch 5 & Ch 8, and Vol 6 Section 5 Ch 7 of the TRC report. The proposed reparation ad rehabilitation policy had five components: urgent interim reparations, individual reparation grants, symbolic reparation/legal and administrative measures, community rehabilitation programmes, and institutional reform (Vol 5, Ch 5, §§ 25-32). In terms of individual reparations, the TRC recommended a yearly amount of around R 20 000 to be paid out to victims (Vol 5, Ch 5, §§ 67-77). In 2003, the government approved a once-off sum of R 30 000 (Table of the Report of the Truth and Reconciliation Commission, 14 April 2003).

Also following the 2003 tabling of the report, a TRC Unit was created in 2005 at the Department of Justice with the task of monitoring, and establishing a record of, implementation of TRC recommendations. Apart from documenting ongoing implementation of reparations etc, the TRC Unit has been tasked with gathering information from different institutions on what they have done towards implementation, and documentation of this will be made available for public consumption after being tabled in Parliament. (Interview, Thapelo Mokushane, 2008-06-27)
A band-aid on an infected wound?

Some interviewees pointed out that there is a risk that the TRC is seen used as an excuse to stop talking about transformation, and that there is no follow-through of the process that the TRC began because many mistook it for a quick-fix;

Many of those cleavages have become even deeper amongst the population, and it’s worse because people don’t talk about it. We were told that the TRC would provide space for people to engage; if there was the follow-up of now getting communities together, getting schools, mixed schools, to talk about the issues, it would have been different, but it didn’t happen. It was as if, “listen, we have now had the transition, we’re a rainbow nation, we had the TRC – great, now we are one”. And it papered over the deeper stuff. (…) I think to a lot of people the fact that, “we had our TRC thing and everything is now OK”, it gave us a false sense that everything was fine and we didn’t need to work with this anymore. (RN)

In a sense some of the people who denied that gross human rights violations took place, now their attitude is “All right, it happened, but the TRC dealt with it, let’s move forward”, without seeing that the TRC was merely a snapshot, and reconciliation isn’t a – I don’t know if you have heard this before – it’s not an event, it’s a process. (HV)

After the TRC, as a country we thought that “We’ve now dealt with these issues”, and in fact you’ll find a lot of people, whenever you say apartheid, they say “We’ve gone through the TRC process, get on with it”. (SH)
3.3 Public debate and civil society involvement

Public debate and political participation

On the issue of public debate, interviewees were somewhat divided. Many agreed that debate was stimulated, but many again pointed out flaws in this regard; that there could have been more dialogue between the TRC and ordinary people, and that the process was too short and there should have been more long-term measures to keep discussion going.

I agree with that [the argument that a truth commission is better placed to stimulate public debate]. And I think to a large extent you’ve seen that taking place in our country. (EM)

There was a broad public debate about issues, I do think you also have to support that with more actions in terms of a longer-term, sustainable process, and there’s no doubt that we could have done a lot more work in making sure that, you know, even ten years down the line, that the issues were still on the national agenda; I think that there’s been a period when it’s not been fashionable to really raise these issues, but they are now coming onto our table with a vengeance, really. (YS)

We could have done better in terms of making sure that the South African public participated more. Of course, all the functions of the TRC were open to the public – not all of them but most of them, the majority was open to the public – and they were held in community halls where people were welcome to attend. So in that score, it means that we did well, because people could participate, even though they were just watching the process as it unfolded. (…) [But it would be beneficial to] also solicit ideas from people on the ground, to say, “in your view, what is it that we could have done better, or differently?” (SH)

No, it never did [foster a broad public debate], in fact, because the lifespan of the TRC was very short. (ZM)

With regards to the question of whether the process led to increased political activity, only a few agreed that this was the case. However, some of the TRC witnesses did become engaged in Khulumani Support Group as a result of their experiences.

I should think the TRC did inspire people to become more politically active. Because in the TRC, we questioned the violence of the perpetrators, that is we questioned the violence of all the people who were involved in the apartheid war. That is whether they were white, that is whether they were in the government during that time, or outside the government at that time.
- You mean that clarified to people that you should try to achieve things through political channels instead of through violence?
- Correct. (TMa)
It was more of a healing process. In terms of fostering what I call a power-active citizenship, it was not really into that. (RN)

I was motivated somewhat, to an extent that I became more politically inclined after my appearance, accessing the TRC, and hence before, as I was a political youth activist during that time, and I also continued my activities up until then. (BD)

Through the time of the TRC I felt changed and then came to Khulumani as Khulumani’s mission was to address the needs of the victims in a variety of ways. (DM)

I never became politically minded, my political morale was never heightened as a result of fear of what had happened to my brother and my family being re-grossly violated through the similar circumstances or similar means that had been carried forth toward my brother. (SM)

Civil society involvement during and after the TRC

With regards to civil society involvement in the TRC process, several interviewees argued that while civil society was consulted in the creation of the TRC, there was insufficient involvement once the process was ongoing.

Civil society participated in the process, because you’ll remember that civil society was critical towards the attainment of democracy, besides the liberation movement you had to have strong civil society that was working hard on the ground to ensure that… The liberation movement had to have some space to inform the struggle in the country. And I think the civil society in that respect became critical. (SH)

Your faith-based community organizations are those that are always at the fore-front of dealing with atrocities, human rights violations, and that particular infrastructure was there and it was utilized. So people in the community were trained to become statement takers, and they dealt with the taking down of victims’ statements. Then, you must remember, each of those hearings were public, except some investigative hearings that were held in camera, but as far as possible they kept all the hearings public, and it was well covered by both the written media and by television, even by radio. So yes, there was large-scale participation. The argument is made out that there was sufficient consultation only at the time of the drawing up of the Act, but I think the fact that representatives were for a long time debating these issues and it wasn’t a debate in private, it was a debate out in the open. I think it was necessary for them to move on this, and you couldn’t really delay it by then going out and having extensive consultations. (EM)

There were lots of discussions, debates, public meetings on the issue of the TRC beforehand; while the TRC was actually going on, there were not enough. (…) Also, you had political parties which made submissions as political parties and then were questioned on the submissions; you had faith groupings, the churches, which made submissions; then you had professional groupings across civil society, from the
lawyers to the health workers to the reporters to big businesses: all of them made submissions that were questioned on their own at the TRC. So there was that kind of formal involvement as well with civil society. (HV)

It was a very closed process once it was conceptualized. It was more a spiritual journey than anything else, issued by a faith-based organization to take something forward, and most civil society organisations were comfortable with that process. (…)
So we were happy at that time, but with hindsight we could have been a bit more critical about the way in which the process was conceptualized at the time, but we didn’t, we weren’t raising any serious voices against the TRC process. (RN)

I know a lot of organizations were involved, civil society organizations, from very early stages of the TRC. Not only the civil society organizations, but you know, community based organizations, faith-based organizations (…) Some civil society organizations were born in the wake of the TRC, while others as Khulumani were there before and they’ve done also a lot of work. They used to mobilize people to go to the TRC, but remember, as I said, it wasn’t easy then to mobilize everyone. (TMo)

The last quote also points out another important aspect of this dynamic; the fact that civil society was important for the success of the TRC, by means of helping to mobilize people to come and witness before the commission. Also, as pointed out by another interviewee, members of local civil society organizations were trained to become statement takers and aid the process in other ways. Thus, the TRC and civil society interacted on several levels. However, with regards to the question of whether this relationship has strengthened civil society in the longer term, interviewees were more divided. While many identify the emergence of the victims’ rights movement as a result of the TRC, others point out that in the longer term, there has actually been a decline in civil society activism.

It has [strengthened civil society]. In fact, if you look at the fact that – in spite of it appearing to be negative – if you look at the support group Khulumani, it’s very clear that if it wasn’t for of the TRC you wouldn’t have had that kind of grouping speaking out for victims’ rights. (EM)

The whole unfinished business of the TRC remains a rallying point for the civil society, so they often group together; we’re just busy with these various senses of initiatives now, the question of what government is doing around the TRC. The problem is, since the TRC there’s been many other pressing issues to, you know, HIV/aids, poverty alleviation, employment, education, these things that have taken centre stage and sort of forced us out, forced our attentions elsewhere too. But yes, it has galvanized sections of civil society around it, and provided a rallying point for them. (FdT)
I think the commission was important in the sense that the victims’ movement, Khulumani, emerged really as a result of the work of the commission, but it also was responsive and wasn’t really strategic in its engagements. Perhaps it’s a fault lying in the way in which civil society does its work; you know, there has been a weakening of organizations in South Africa in the post-1990’s period, and it’s something we’re all trying very hard to address. (YS)

Beyond the victims’ rights groupings, I’m not sure if there was that much of a stimulus as such, there have been groupings which have been formed around issues of reconciliation etc but I don’t think they have that much of an impact. (HV)

I think the TRC failed to strengthen civil society, but the reason as far as I’m concerned is there was a lot of controversy about the TRC, there was a lot of contestation, and the debate then ventured around issues relating to the past and not about building the future, and that is a major fallback. (LW)

I don’t think it had such an effect. Civil society was already in serious decline at that stage. Most of our leadership had gone into parliament and government, so we were basically ravaged by that loss of leadership, and most of us felt that the liberation was now over so, you know, just take a breather and rest for a while. So in those days activism was probably at its lowest, because we saw the ANC purely as a liberation party, and questioning it would be regarded as betrayal. (…) The space for being critical about the issues of power struggle and for making people’s voices heard is being closed up, partly because civil society itself has not regained the strength that it had before 1993, and partly because citizens themselves feel that they are powerless. And in a young democracy such as ours, that’s quite a serious state to be in. So it’s something we are very concerned about, and I think civil society organizations now are beginning to realize that they have to once again draw the line between state and civil society – for a long time, it was blurred. (RN)
3.4 Problems and practical issues with the TRC model

A victims-centred approach? Unmet expectations, lack of information and limited access
Despite the fact that the TRC, and truth commissions in general, are argued to be more focused on victims and attentive to their needs, TRC witnesses pointed out several problems that they had experienced in the process. Among these were lack of information as to how the TRC functioned and how to access it, forces trying to prevent people from going to the TRC, and frustration due to high expectations in the process that were never met.

It was only after its closure that many people surfaced, because of the lack of information during the TRC lifespan; many people would have been able to appear before the TRC. (BD)

There wasn’t an open reception to the TRC, as in some instances some people were stopped from going to the TRC and making more revelations, and for political implications, with the effect of political violence, status quo as it happened at the time. And so, under certain circumstances people were misinformed with the sole goal of distorting the objective approach of the TRC.
- Misinformed by the TRC or by other agents?
- By other agents. (SM)

My first experience to the TRC was wondering and being doubtful as to the expectations I had, and uncertainties with the TRC as it was not fully explained; I had no complete understanding of the TRC, but I was somewhat worried, and then with time some things dawned on me, the manner of questions that were used. (BD)

The TRC had not done enough in the way that when I accessed the TRC I had expectations, thinking that I would find some recourse and comfort pertaining to the gross human rights violations and pertaining to my husband’s death, as my husband was a breadwinner, therefore there was that extent of trauma… I had hoped that through the TRC the level of trauma would be attended to, and with other factors attributing to the extent of trauma. (…) There were promises from the TRC which never came forth and there was no communication forthcoming from the TRC, neither from the Justice Department. (DM)

The truth and reconciliation process was a traumatic in a sense that what we had expected as a family was a breakthrough into the disappearance of our family member, yet there wasn’t any forthcoming response, though the process in itself was so important. The comfort that we came there looking for was to at least have an understanding or a hint as to what had happened to the disappeared member of our family. (ASM)
The TRC managed only to an extent to provide a space for victims’ stories. (…) Through Khulumani we could meet in a larger forum, the TRC did not manage to give us enough space due to its short lifespan. (LN)

To a certain extent the TRC managed to enable other people to come forth to the TRC, yet not most of the revelations that were expected and not according to people’s anticipation of really coming to terms with the trauma of telling the extent of the atrocities that were afflicted to them. The TRC’s lifespan was too short in the sense that had it been widened in scope, it would have enabled the nation as well as the people to access the TRC in a greater measure. (ASM)

Inaccessibility of TRC documentation
A couple of interviews drew attention to the fact that although the TRC in itself was open and transparent, today there are practical and institutional problems of getting access to the documentation.

With regards to transparency, there is a problem today because the archives of the TRC are inaccessible – the SABC [South African Broadcasting Corporation] demand payment for their material, the National Archives are badly managed, and the TRC report itself is massive and expensive. (FdT)

Interestingly, the cases that were held in camera… in some instances people felt that those were actually the ones which should have also been put in public. (…) Even though we have failed to make those processes open then, now it’s another struggle to have access to the records of the in camera hearings. And I think as a country we should have said, maybe after two-three years those records should be opened for people to then see what transpired in those hearings. But to this day they are still closed. (SH)

Limited reach, narrow definition of victims
Several interviewees pointed out that at the national level, many were excluded from the process, partly due to local political circumstances and partly due to what many felt was a too narrow definition of who constituted a victim of apartheid.

The process was fundamentally flawed, in terms of those who were at the TRC, those who chose not to participate in the TRC, and the subsequent follow-up to that, people still say that they’re not happy with that process. A party like the IFP, they boycotted the TRC completely, and they were major stakeholder in the violence in this province [KwaZulu-Natal], in any case. (…) So there is still a lot of business, a lot of unheard testimonies that are out there, and people are still saying, “we can never get back
what we lost, so we want something back that’s tangible, that’s real for people”, and they haven’t seen happening. And there is such a disillusionment about that. (RN)

The TRC process in a sense prejudiced people who did not come forward. There was a cut-off date; large numbers of victims in KwaZulu-Natal for instance did not want to come forward because the leadership there was not prepared to participate in the process until the last minute. So that was a problem, there was a large group of people who were excluded. Then the other criticism that was raised was that the definition of victim was narrow, and that resulted of the exclusion of people who could also still be regarded as victims and should have been regarded as victims. (EM)

The contextualization of victim definition, and the category of classifying victims, in its way bogged down because it showed detachment from the grassroots level of understanding and comprehension. It became a top-down derivation of the concept, and it was never driven by the people’s understanding and it was never driven by the people’s wishes, such that it could be a transparent and meaningful process. (ZM)

We should have understood it as a process, a long-term process. We should have as a country thought to ourselves: “You know, we have just actually started”, because you have the tip of the iceberg that was dealt with, but the underlying hatred that is there, the psychosocial impact of apartheid on the majority of the country, even on the minorities, could have been dealt with better if we had understood how long a process it was. (...) So I think in the long term, one, we should have had more openness in terms of putting the records out in public for the people to know what went on; two, we should as a country say, “we started a process but it’s unfinished, so how do we complete it?” And completing it, for me, would entail things like dealing with the trauma that people went through, even the perpetrators, including those who were collaborating from black communities. How do we undo the damage that apartheid did, to them as well? And again, you see how as a result of all those processes, you now have a lot of people, a lot of black people, who may have a sense of self-hate, which I blame for things like the xenophobic attacks that have happened now. This self-hate comes from not dealing with the psychosocial impact of apartheid on us as a people. I think it would do us good, as a country, as a nation, as a people, to go back, maybe revisit the TRC every other year, and say, “what is it that we still need to deal with, that is unfinished?” (SH)

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48 In May 2008, violent attacks against migrant workers broke out in Johannesburg’s’ townships, soon spreading to other parts of the country. The foreigners, mainly from neighbouring countries, were accused of causing high unemployment and crime. The violence resulted in over 60 deaths and the displacement of thousands of people. (BBC News 2008-07-03)
4. Conclusion and Policy Implications for Aid Agencies

The interviews indicate some areas where efforts can be made to improve the situation for victims of apartheid and in other ways strengthen the democratization process in South Africa. Furthermore, the lessons from South Africa can prove useful in other post-conflict societies, and result in a number of recommendations with regards to designing transitional justice mechanisms in such contexts.

4.1 Strengthening human rights

Most of the interviewees concurred that the Truth and Reconciliation Commission strengthened human rights in South Africa. Some mechanisms mentioned was the fact that the TRC in an unprecedented way uncovered and described the pattern of abuses under apartheid; that it was open and transparent; and that it adhered to an unbiased human rights doctrine, scrutinizing apartheid supporters and liberation movement alike. In contrast, several people mentioned the risk that judicial trials result in victors’ justice, trying only the former regime. However, the effect on human rights awareness was limited because the TRC did not reach and touch everyone. Here, the importance of other groups, such as local NGOs and civic society organisations, was underlined. Such groups can help communicating the mission of a truth commission to the broader population, and help keep this going after the commission has closed shop. Another issue raised was that of impunity, as many felt that perpetrators failed to realise the graveness of their crimes, and many did not come forward to the TRC. One important issue here is how to induce as many as possible to come forward and make revelations. In the South African context, it has been argued elsewhere that the limited success in prosecuting those that did not apply for amnesty reduced the incentive for people to come forward. Thus, strengthening the capacity to prosecute may increase the success of the amnesty and truth-seeking process. This is especially important as many victims that expressed a wish for retributive justice did so not because they sought revenge, but because they felt such a process would provide a larger measure of truth, as well as better prospects for meaningful compensation, in line with restorative concepts of justice.
Policy recommendations:
• Where a truth commission is implemented, aid agencies should call for a completely neutral body that adheres to international human rights standards and is capable of assessing all sides of the struggle.
• Before, during and after a truth commission, aid agencies can strengthen local groups that play important roles as intermediaries between the commission and the population.
• Aid agencies can also contribute to the creation of information material about human rights and the commission’s work in various languages, as well as in other forms than written text.
• Some attention should also be given to strengthening judicial mechanisms and processes against those perpetrators that do not apply for amnesty or come forward with revelations; different ways to sanction non-participation should be investigated and strengthened in order to achieve as high participation, and thus truth-telling, as possible.
• The restorative concept of justice often included in truth commissions partly builds on reparations to victims. Thus, aid agencies should push for, and can contribute resources to, an extensive reparations programme.

4.2 Impact on democratic culture and institutions
Interviewees mentioned several ways in which the Truth and Reconciliation Commission contributed towards a democratic culture. For instance, it was argued that it affirmed principles of accountability and transparency through its scrutiny of all actors in the conflict and the open and transparent nature of its work, and that it laid the foundation for, and created popular belief in, democratic cooperation. Again, neutrality and non-bias is important for a truth commission to have these effects. With regards to promoting institutional change, argued to be one of truth commissions’ strengths, some limitations were pointed out; it was not the main focus of the TRC, and there was too little follow-up. The establishment of a strong, independent body, charged with overseeing and pushing for implementation, immediately after the closing of a truth commission would be beneficial in this regard. Preferably, such a body would consist at least partly of former commissioners and other staff of the truth commission, who have valuable experience and expertise. This may also help keep the discussion going on issues brought up by the truth commission, and decrease the risk that the commission is seen as a quick-fix or used as an excuse to avoid talking about societal transformation.
Connected to recommendations and their implementation, it became clear that there is a risk that people take the recommendations of a truth commission as promises, and are deeply disappointed when not all of them are implemented. This creates a sort of legitimacy problem, both for the truth commission and for the government. Thus, it is important to emphasize during the process that the recommendations a truth commission makes are in fact that, recommendations. On the other hand, for a truth commission to have a strong effect, most of its recommendations should be taken on board. One thing emphasized in the South African context is that for transformation and democratization to be meaningful, there needs to be some change in structural injustices created and upheld during the former regime. While this necessarily takes a long time, a substantive reparation and rehabilitation programme may help at least partially toward this goal, through the empowerment of groups that have previously been subjugated. Furthermore, and connected to the issue of structural abuses, an interesting venue to explore is the possibility of holding international companies accountable for their role in supporting repressive regimes, as in the case filed by Khulumani Support Group in New York. If the case is successful, future truth commissions may have more leverage vis-à-vis companies in evaluating their role in abuses.

Policy implications:

• Call for, and if necessary supply funding for, the establishment of a strong, neutral body to oversee implementation of recommendations made by truth commissions.

• Emphasize during the process that the truth commission is only empowered to make recommendations, not promises. However, also encourage the government to take the recommendations on board as far as possible.

• Where substantial reparations programmes are approved but there is a lack of resources, aid agencies can contribute funding for reparations. Furthermore, if the government chooses not to implement large-scale reparations programmes, such funding can be channelled through victims’ groups instead. This may also have the benefit of strengthening civil society organisations.

• While the truth commission is ongoing, aid agencies could also provide funding for rapid payments to victims in need of immediate help.
4.3 Civil society and public participation
While many interviewees could identify positive effects of the Truth and Reconciliation Commission on civil society and public participation, a lot of them felt that effects were limited due to issues pertaining to the mandate and scope of the TRC. Many felt that the TRC could have had a stronger effect on the general public but that there was a problem of communicating its activity; again, as was argued in connection to human rights development, here it was pointed out that other types of local organisations might improve the outreach of the TRC and enabled more people to interact with it. Several interviewees argued that there should have been more consultation and interaction with grass roots and civil society groupings, not only before but during and after the work of the TRC. It is plausible that such a strategy might have strengthened such groups and limited the general decline in civil society activity described by several interviewees. Meanwhile, most agreed that the emergence of strong victims’ organizations like Khulumani Support Group was a positive effect of the TRC. Such groups also seem to have become fora for political activity in a broader sense, in seeking to achieve more substantial equality and socioeconomic rights in general, and raising a strongly critical voice in relation to government policy on these issues.

Policy implications:
• Provide funding and support for civil society groups to function as intermediaries between the truth commission and individuals; make this support long-term, so that the groups continue their work after the truth commission closes shop.
• Encourage the truth commission to interact more with this type of groups, and with people at the grass-roots level, not only before but also during and after its work.
• Support and supply funding for victims’ organisations that can provide a channel for political activism for victims and other people advocating stronger socioeconomic rights.

4.4 Some final issues to consider
One of the strongest arguments in favour of truth commissions is that they are victims-centred, providing more space and comfort for victims than a judicial process. However, some flaws in this regard were pointed out in the South African context. Firstly, for a number of reasons, many victims were unable to participate in the TRC process. One reason for this was lack of information, that people did not know about the purpose of the TRC and how to access it. For instance, several interviewees said they understood about the purpose and
benefits of participating only after they came to Khulumani Support Group. Again, this shows the benefit of involving more local and community groupings in improving the outreach of a truth commission. More and better information could also mitigate the problem with unmet expectations on the TRC, as experienced by several victims. A second reason for limited participation was that in some areas access was restricted due to continuing conflict and intimidation, as was the case in parts of KwaZulu-Natal. In such cases, a potential solution might be to have a second, local TRC process when stability has been achieved, since otherwise many testimonies – both from victims and perpetrators – risk being lost. Thirdly, many felt that the definition of victims was too narrow, and that many who should have been viewed as victims were therefore excluded. It may be argued that a truth commission cannot possibly accommodate all victims’ stories, but perhaps here, again, is a case for a larger role for local organisations; there could be local fora and arrangements to allow victims to tell their stories, acknowledge them and record them. Apart from issues relating to victims’ experiences, another matter brought up was the fact that material relating to the TRC is today rather inaccessible for various reasons, some for purely practical reasons and some classified as secret. Of course, availability of material relating to a truth commission, especially its final report, should be a prioritized issue. Finally, as pointed out in several contexts, interviewees raised the issue of continuity and the need for devising some form of body to continue the work started by the TRC.

Policy implications:
• Again, provide funding for local groups that can act as intermediaries and provide information about the truth commission to communities. Also, such groups can serve as additional fora to record and acknowledge victims’ stories.
• Consider the possibility to delay the launch of the process in areas that are continually affected by violence and insecurity.
• Supply funding for making the truth commission’s report easily available, in different forms; electronically, in cheap printed versions, in different languages, etc. Also, supply funding for the establishment of a comprehensive and accessible archive of other material relating to the process.
• As is clear from all the different topics, it may be beneficial to devote time and resources to conceiving a suitable process or body for continuing some of the work of the truth commission after it has closed shop.
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Truth, Reconciliation and Post-Conflict Democratization

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A Minor Field Study on the Implications of the Truth and Reconciliation Commission for Societal Transformation in South Africa

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