

**CONFLICT TRANSFORMATION IN SOUTH AFRICA:  
THE IMPACT OF THE TRUTH & RECONCILIATION  
COMMISSION ON SOCIAL IDENTITY  
TRANSFORMATION**

**by**

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## **DECLARATION**

I, Hennie Kriel, hereby declare that the work contained in this thesis is my own original work and that I have not previously in its entirety or in part submitted it at any university for a degree.

Signature: .....

Date: .....

## **ABSTRACT**

For a long time, conflict studies have focussed on the grand national projects of negotiating peace, concluded by the major actors in the country, like political parties, as well as international mediating actors like the UN. This view on solving conflict as a set top-down process were in recent years challenged by new theories on how to solve conflict. The conflict settlement theory had to make ideological and practical space for others like conflict resolution and conflict transformation, in the broader arena of conflict management. In the last 3 decades, conflict transformation has grown into a formidable tool in explaining conflict and moves toward peace-building.

The fact that so many countries had collapsed back into civil war after their settlements, surely has something to say about the lack of longevity of some countries' conflict settlement or conflict resolution approaches. This is why conflict transformation is such an attractive approach, especially in the case of South Africa. The political settlement of the early 1990s, that lead to an official peace, were also backed up by policies and programs to deal with the underlying causes and grievances that caused the conflict. The TRC was one aspect on post-1994 peace-building and enduring conflict transformation.

The importance of the TRC as a transformative vehicle has been highlighted by the fact that so many institutions and individuals have made work of it to study the impact of the TRC on social transformation in the post-war era. Although many surveys indicate that South Africans have come to deal with the past to varying degrees and are seeing the various groups in the country as intertwined with the future of the country, there are still many worrying aspects that have to be addressed: interracial understanding and trust, and tolerance for one's former enemies. The TRC has done much to build bridges between the formerly segregated groups of South Africa and the aim of this paper is to shed some light on these changes in attitudes.

## **OPSOMMING**

Tot redelik onlangs het konflik-studies gefokus op vredes-onderhandelinge as groot nasionale projekte wat gelei word deur die belangrikste akteurs in 'n staat, soos politieke partye, of internasionale mediators soos die VN. Hierdie benadering tot konflik-oplossing as 'n vaste bo-na-onder proses is egter in die laaste paar jaar uitgedaag deur nuwe teorieë oor hoe om konflik op te los. Die teorie van konflik-skikking moes ideologiese en praktiese ruimte maak vir ander teorieë, soos konflik-resolusie en -transformasie, in die breër arena van konflik-bestuur. Konflik-transformasie het in die laaste ongeveer 30 jaar tot 'n bruikbare middel gegroei om konflik en die beweging na vrede-ontwikkeling te verduidelik.

Dat so baie state teruggesak het in burgeroorlog ná hul skikkings, is 'n duidelike teken dat sommige state se benaderings van konflik-skikking of resolusie nie lewensvatbaar was nie. Dis hoekom konflik-transformasie so 'n aantreklike benadering geword het, soos veral in die geval van Suid-Afrika. Die politieke skikking van die vroeë 1990s – wat gelei het tot amptelike vrede – is opgevolg deur beleide en programme wat die onderliggende griewe, wat tot die konflik aanleiding gegee het, aanspreek. Die WVK was een aspek van post-1994 vrede-ontwikkeling en voortdurende konflik-transformasie.

Die belangrikheid van die WVK as 'n voertuig van konflik-transformasie is onderstreep deur die feit dat so baie instellings en individue belangstel om die impak van die WVK op sosiale transformasie in die post-1994 era te ondersoek. Ongeag die uitslae van verskeie opnames oor die mate waartoe Suid-Afrikaners vrede gemaak het met die verlede en hoe verenigd hulle is oor hul toekoms in die land, is daar steeds kommerwekkende aspekte wat aangespreek moet word, soos inter-rassige begrip en vertrouwe, en verdraagsaamheid teenoor voormalige vyande. Die WVK het baie gedoen om brûe te bou tussen die voorheen geskeide groepe van Suid-Afrika, en die mikpunt van hierdie tesis is om lig te werp op hierdie veranderings in houdings.

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## LIST OF ABBREVIATIONS

<b>ANC</b>	-	African National Congress
<b>AWB</b>	-	Afrikaner Weerstandsbeweging ("Afrikaner Resistance Movement")
<b>Azapo</b>	-	Azanian Peoples' Organization
<b>BCM</b>	-	Black Consciousness Movement
<b>BPC</b>	-	Black People's Convention
<b>CODESA</b>	-	Convention for a Democratic South Africa
<b>CP</b>	-	Conservative Party
<b>CPS</b>	-	Centre for Policy Studies
<b>DP</b>	-	Democratic Party
<b>FF</b>	-	Freedom Front
<b>HRV</b>	-	Human Rights Violation(s)
<b>HSRC</b>	-	Human Sciences Research Council
<b>IFP</b>	-	Inkatha Freedom Party
<b>IJR</b>	-	Institute for Justice and Reconciliation
<b>MK</b>	-	uMkhonto we Sizwe ("Spear of the Nation")
<b>NP</b>	-	National Party
<b>NNP</b>	-	New National Party
<b>NPA</b>	-	National Peace Accord
<b>PAC</b>	-	Pan-Africanist Congress of Azania
<b>PAGAD</b>	-	People Against Gangsterism And Drugs
<b>SACP</b>	-	South African Communist Party
<b>TRC</b>	-	Truth and Reconciliation Commission
<b>UDF</b>	-	United Democratic Front

## CHAPTER 1

### INTRODUCTION AND METHODOLOGY

#### 1.1 RESEARCH PROBLEM

*“It is true that we should not forget where we come from, but we must be careful not to be held hostage by the past, to the detriment of harnessing new energies of progress which are unleashed by the new situation”* – president Nelson Mandela, 1998

People around the world have frequently revolted against a particular kind of political or socio-economic system: those that discriminated against them. The French Revolution of 1789 and the Russian Revolution of 1917 were both born out of opposition to inequality that their respective political systems perpetuated. Spain, Greece and Portugal experienced dramatic political change in the 1970s as people demanded a more democratic system and succeeded in getting it. This global pro-democracy movement exploded after the fall of the Soviet Union (and in a sense, the ultimate victory of liberal democracy over totalitarian communism). This had a profound effect on discriminating systems of inequality and exclusion across the world, also in South Africa. In the opportunistic climate during the early 1990s, the white minority government and its antagonist - the black liberation movements - negotiated a fully democratic South Africa. In 1994 apartheid fell, extending civil and human rights to all South Africans.

Many South Africans were left uneducated, jobless, without an income, living in sub-standard housing or no housing at all, with a lack of the most basic citizen rights including water, electricity and the right to own property by years of race-based discrimination. Censorship and race-based bias in the media kept many stories untold or discarded and discrimination in sport severely crippled the careers of potentially great sportsmen. The disenfranchised majority of South Africans were made to believe that their cultures and languages were inferior to that of white South Africans. All these aspects had to be addressed after 1994 and it is a long-term process of change. Therefore, it is quite applicable to refer to the *transformation* of the conflict rather than the *resolution* of the conflict, because the core *causes* of the conflict still had to be addressed.

With the new ANC government in place after the watershed election of 1994, two other (intertwining) stages of the overall resolution of conflict began: conflict transformation and conflict reconciliation. Conflict *transformation* refers to every aspect of changing a discrimination-based society: from economic transformation (housing, access to jobs) to political transformation (democratic representation, basic civil and human rights) to social transformation (language and culture development and access to education and media); in other words, a total systemic change. This paper will focus more on how the transformation of post-Apartheid identities due to the impact of the TRC as an aspect of the second stage (conflict reconciliation) fits into the broader context of conflict transformation.

The settlement of 1990-1994 needed to be more than just political reconciliation between the main leaders of the opposing sides. After nearly 50 years of official state racism, structural divisions and an even longer 300 years of racial discrimination, South Africa was geographically one country, but regarding identity it was split across racial lines. The four distinct racial groupings – whites, black Africans, Coloureds and Asians - had their own ideas about the new political situation and what post-1994 South Africa meant to them. The atrocities of the past cast a shadow on the future. In particular, many non-white South African individuals and groups were physically targeted by the defence machinery of the old South Africa and their next-of-kin wanted to know what happened and vice versa. A truth commission would help to solve these painful mysteries.

The decision to create a truth commission became reality in the form of the TRC in 1995 by the ratification of the Promotion of National Unity and Reconciliation Act. For nearly three years the commission, headed by Anglican archbishop, Desmond Tutu, would hold nationwide hearings and any person who regarded themselves victims could come forward and be heard. Perpetrators could also come forward and request amnesty to escape possible prosecution. The details of the origin and the functioning of the commission will be laid out in more detail in the following chapters.

Yet, even if the actual process was seen as largely successful and a breakthrough for similar commissions internationally, the TRC was only one mechanism in dealing with transforming a society and only covered a limited amount of people. The TRC was a mere stepping stone towards total South African reconciliation. After more than a decade

under a new openly democratic order and specifically in the time after the TRC, to what extent has South African society transformed to be a more reconciled and less fragmented one? The ANC government is in the middle of its third term in office (2007) and has had considerable time to transform, at least to “kick-start” a social transformation of, a deeply divided society.

## **1.2 RESEARCH OBJECTIVE(S)**

The objective of this thesis is to study the impact the TRC had on post-Apartheid social identity transformation. The main questions will be:

- (1) **HOW HAS THE T.R.C. CONTRIBUTED TO CONFLICT TRANSFORMATION?**
- (2) **TO WHAT EXTENT HAS THE TRC CONTRIBUTED TO CONFLICT TRANSFORMATION?**

## **1.3 RESEARCH DESIGN**

### **1.3.1 CASE STUDY**

This paper will use various studies on reconciliation in post-Apartheid South Africa. The main focus will be on James L. Gibson’s broad and ongoing research into the extent of social transformation after the TRC. Gibson’s case study will be supported by: the **Institute for Justice and Reconciliation’s** annual Reconciliation Barometer Survey, an opinion poll device to study changes in attitudes; the 2005 **Centre for Policy Studies’** Social Identity Study and research done by the **Human Sciences Research Council** on various attitudinal issues. Gibson’s research and some similar studies done in that time, as well as follow-up studies by other institutions will be compared to see the possible similarities and/or improvements over a period of time.

### **1.3.2 DESCRIPTIVE STUDY**

This paper on conflict transformation in South Africa will be a descriptive study. According to Neumann (2003:30), the aim of descriptive research is to “present a picture of the specific details of a situation, social setting, or relationship”. This is done by asking “what”, “who” and “how” questions. To what extent has conflict transformation occurred in post-Apartheid South Africa? Who are the parties influenced by conflict transformation? How does the TRC contribute to conflict transformation?

Descriptive research differs from explanatory research: the explanatory study aims to answer the question “why?”. Another kind of research, not directly applicable in this paper, is exploratory research: researching something not yet studied, or to formulate new hypotheses about old phenomenon (therefore bringing new aspects of that phenomenon to the fore).

### **1.3.3 LITERATURE SOURCES**

This paper will use various books, journal articles and press releases, but regarding the specifics of empirical research on social identity transformation in South Africa, the 2001 study by James L Gibson (“Overcoming Apartheid: Does Truth Lead to Reconciliation?”) will be used, with reference to the 2005 study by the CPS (“Social Identity Survey”) and a survey by the HSRC in 2002 on inter-racial attitudes in South Africa.

### **1.3.4 THEORETICAL PERSPECTIVES**

A year before President FW de Klerk announced the end of Apartheid in South Africa, HW van der Merwe (1989) observed that the term “conflict resolution” does not apply to fundamental social problems in South Africa, after he facilitated negotiations between the Apartheid government and the ANC. He argued that without radical change, the underlying cause(s) of the conflict could not be completely removed in South Africa: Apartheid caused gross inequalities that were built into the socio-political institutions of South Africa. Fundamental structural change was essential for conflict to be constructively accommodated (Botes, 2003: 12) and South Africa can therefore be seen as a supporting case for the shift towards the use of the term “conflict transformation”.

According to the Dictionary of Conflict Resolution of 1999, conflict transformation refers to the “change(s) in the characteristics of a conflict” and as a method of “inducing change in the parties’ relationship through improving mutual understanding”. Extending the dictionary definition, various authors have explained ending a conflict in the context of a continuum, in other words: *a fluidity exists between the terms*. Many theorists believe there does not have to be mutual exclusivity between the idea of conflict resolution and the more recent concept of conflict transformation. In 1994 Diamond contrasted resolution against transformation by placing resolution as a process to discover, identify and resolve the underlying cause of the conflict in contrast with transformation as the search to change the conditions that gave rise to the underlying cause of the conflict.

Resolution focuses on the larger picture, whilst transformation aims at having an impact on all levels of the society under transformation. (Botes, 2003: 3-4).

Conflict transformation is a relatively new concept, but a supporting theory has not lagged behind: a distinctive theory of conflict transformation is indeed emerging. It is not a new set of concepts and ideas, but builds on the familiar concepts given to us by conflict management and conflict resolution. At best, it is a re-conceptualization of the field of conflict study to make it more relevant. It is helpful to distinguish between three schools within the field of conflict theory: conflict settlement, conflict resolution and conflict transformation. These concepts will be discussed more thoroughly in Chapter Two. (Miall, 2004: 3).

Contributions toward an eventual theory on conflict transformation span more than 30 years. The most influential work on the subject has possibly been that of Galtung (1996). He suggested that conflicts form the contradictions in the structure of society and once formed, goes through a variety of transformational processes: from articulation to disarticulation, from complexification to simplification, from polarization to de-polarization, to name but a few. Curle's work (1971) links up with Galtung's approach. He outlined how asymmetrical relationships could be transformed, by a shift in unbalanced to balanced relationships, achieved by a process of conscientization, confrontation, negotiation and development. Azar (1990) offered an explanation for the prolonged quality of contemporary conflicts. Vayrynen (1991) argued for understanding the dynamics of conflict transformation and suggested the type of intervention peace-builders should consider (transformation of the (a) actors involved,(b) issues regarded as important,(c) "rules of the game" and (d) existing structures). Lederach (1997) offered one of the most all-inclusive works on the subject by viewing peace-building as a long term transformation of a war system, inspired by a quest for the values of peace and justice, truth and mercy. The dimensions of this process are changes in the personal, structural, relational and cultural aspects of conflict. (Miall, 2004: 4-6).

Following on Curle's original model of conflict transformation, Miall, Ramsbotham and Woodhouse (1999) state that "the asymmetry inherent in situations of unbalanced power and unsatisfied needs is reduced by increased awareness, mobilization and empowerment leading to open confrontation where necessary before moving to the



negotiation of a new relationship and changed attitudes”. Situations of unbalanced power go through a process of awareness and “conscientization” which eventually lead to mobilization of a weaker party (non-whites forming pressure and resistance groups: the ANC in 1912, the PAC in 1959 and the UDF in the 1980s), a confrontation with the stronger party (the advent of the struggle in 1960) and ultimately the empowerment of the weaker party via negotiation and mediation (secret and official negotiations between 1987 and 1994). (Botes, 2003: 12).

	<b>Conflict Resolution Perspective</b>	<b>Conflict Transformation Perspective</b>
The key question	How do we end something not desired?	How to end something destructive and build something desired?
The focus	It is content-centered.	It is relationship-centered.
The purpose	To achieve an agreement and solution to the presenting problem creating the crisis.	To promote constructive change processes, inclusive of -- but not limited to -- immediate solutions.
The development of the process	It is embedded and built around the immediacy of the relationship where the presenting problems appear.	It is concerned with responding to symptoms <b>and</b> engaging the systems within which relationships are embedded.
Time frame	The horizon is short-term.	The horizon is mid- to long-range.
View of conflict	It envisions the need to de-escalate conflict processes.	It envisions conflict as a dynamic of ebb (conflict de-escalation to pursue constructive change) and flow (conflict escalation to pursue constructive change).

Table 1: Lederach’s Comparison: Resolution vs Transformation (2003 : 6)

### 1.3.5 CONCEPTS

**Amnesty:** the granting of a reduction or a complete exemption from punishment, which involves an undefined number of cases, as opposed to an individual pardon, quashing a pending case and used to prevent the execution of a judgement that has already been passed (Sarkin, 2004). In South Africa, (qualified) amnesty became part of the official process of reconciliation, led by the Truth and Reconciliation Commission.

**Apartheid:** literally means “apartness” or “separateness”. It is a political system instituted by the National Party after its 1948 victory in the general election, aimed at the rigid classification and division of the South African population according to race and ethnicity. The system peaked with forced removals of “non-whites” (black Africans, Coloureds and Asians) from designated “white areas” and the creation of ethnic-based homelands. By the 1980s the NP acknowledged that the ideal of “grand Apartheid” was not achievable, but the government only pro-actively started dismantling Apartheid under the leadership of FW de Klerk (1989-1994), ending in the first fully democratic elections in 1994.

**Conflict Management:** according to Miall (2004), advocating the removal of conflict is unrealistic and managing conflict is much more viable. The management of conflict flows from constructive inputs and cooperation between opposing sides on issues as to achieve a compromise. Conflict management is an “umbrella term” for the approaches to the solving of conflict.

**Conflict Resolution:** proponents of conflict resolution reject the possibility of a compromise between opposing parties and rather argue that they can transcend the conflict if the parties reframe their positions and interests. Third parties are usually involved in helping the opponents to identify the roots of the conflict and find creative solutions that the parties might have missed due to their entrenched opposition. A zero-sum outcome is transformed to a positive-sum outcome. (Miall, 2004).

**Conflict Settlement:** according to Reimann (2004), this term refers to all outcome-oriented strategies for achieving sustainable win-win solutions and/or putting an end to direct violence, without necessarily addressing the underlying conflict causes.

**Conflict Transformation:** it is defined by Diamond as activities that seek to change the conditions that gave rise to the underlying root causes of the conflict (Botes, 2003). The central issue is systemic change (because systems can not be “resolved”).

**Cultural Violence:** those aspects of culture, the symbolic sphere of our existence – exemplified by among others, religion, ideology, language and art – that can be used to justify or legitimize direct or structural violence. (Galtung, 1990).

**Peace building:** the long-term process that occurs after violent conflict has slowed down or come to a halt and consists of activities associated with capacity building, reconciliation and societal transformation (Maiese, 2003). Put another way: peace building is the process that occurs after the reaching of some kind of settlement that stops direct violence (peacemaking) and (in some cases) third-party intervention to keep the fighting parties separate (peacekeeping).

**Political Victim:** according to Villa-Vicencio and Verwoerd (2001:61), a political victim is a person who is threatened, coerced or killed, because of his or her attempt to determine what their own society is or what it will become in the future. A person testifying at the TRC needed to be a political victim.

**Reconciliation:** for the purposes of this paper, reconciliation refers to interracial reconciliation which according to Gibson (2004:4), is the willingness of people of different races to trust each other, to reject stereotypes about each other and generally to get along with each other.

**Structural Violence:** violence that occurs whenever people are disadvantaged by political, legal, economic or cultural traditions. It produces suffering and death as often as direct violence, but the damage is slower, more subtle, more common and more difficult to repair. Poverty is a form of structural violence (Winter & Leighton, 1999)

### **1.3.6 CLARIFICATIONS**

1. The terms “black” and “African” are used interchangeably in this thesis.
2. The terms “Indian” and “Asian” are used interchangeably and as short for “people of Asian origins”.

### **1.3.7 LIMITATIONS AND DELIMITATIONS**

This study will be limited to published sources, ranging from Reimanns’ theoretical perspectives on conflict management (“Assessing the State-of-the-Art in Conflict Transformation”), to Jeremy Sarkin’s analysis of the Truth and Reconciliation process (“Carrots and Sticks: The TRC and the Amnesty Process”) to empirical research done by

Gibson on how the TRC impacted on attitudes (“Overcoming Apartheid: Can Truth Heal a Divided Nation?”). It will, however, not focus on:

- (1) specific cases the TRC handled;
- (2) the broader process of conflict transformation, like political and economic transformation since 1994; and
- (3) the factors involved in social identity transformation.

## **1.4 THESIS OUTLINE**

### **Chapter 2: Approaches to Conflict Management**

Conflict management is the ability to appropriately intervene to steer a violent conflict to a peaceful conclusion. Managing the differences causing the conflict would help manage the conflict itself. Chapter 2 will look at the most popular approaches toward managing conflict - conflict settlement, conflict resolution and conflict transformation; the differences between them and how it is applicable to the case of South Africa.

### **Chapter 3: The Context of Identity Transformation**

This chapter will give an historic overview of the events that lead to the 1994 transition and the subsequent formation of a body to deal with the atrocities committed against those resisting the previous racist system. It starts with the entrenchment of white interests after the unification of the four former British colonies and moves toward the peak and eventual downfall of Apartheid.

### **Chapter 4: Transformation and the TRC**

In Chapter 4 the task of the Truth and Reconciliation Commission will be laid out, as well as how the TRC conducted its proceedings and given tasks. The TRC was not just a singular commission but was divided up in various sub-commissions to ease the immensity of the task at hand. The way the commission operated made it uniquely South African as its style of operating was unlike any other truth commission before it.

### **Chapter 5: Impact of the TRC – data**

Using Gibson's research as the main point of departure, the paper will turn to post-TRC attitudes. Chapter 5, in other words, will delve into changes in the opinions/ positions of South Africans toward each other, using various factors like race and tolerance to study the positive (or negative) changes in the nascent South African identity.

### **Chapter 6: Summary & Conclusions**

This chapter will present a summary of the findings of this thesis: Can we say that there has been a change in how South Africans see each other, how they relate to their "former enemies". Has there been considerable attitudinal change?

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## CHAPTER 2

### APPROACHES TO CONFLICT MANAGEMENT

Conflict management involves the *control* of long-term or deep-rooted conflict. Conflict is seen as an irremovable consequence of differences in values and interests within and between communities. Violence arises out of existing institutions, historical relationships and the distribution of power. Conflict management is the skill of suitable intervening agents to achieve political settlement. In other words, the goal is to intervene in ways that make the ongoing conflict more beneficial and less damaging to all sides. Eventually, managing differences helps manage the conflict (Mitchell, 2002 ; Spangler, 2003). Three different paths of conflict management are identified and discussed here.

#### 2.1) Conflict Settlement

Conflict settlement refer to all *outcome-oriented* strategies for achieving sustainable win-win solutions and/or putting an end to direct violence. These strategies do not necessarily address the underlying causes of the conflict. Based on the 'ideology of management', most conflict settlement researchers define conflict as a problem of the political order and of the status quo. In other words, violent protracted conflict is the result of incompatible interests and/or competition for scarce power resources (territory, for example). Conflict may seem like a zero-sum game, but depending on interests and the stage of escalation, settlement can transcend the zero-sum situation and lead to a positive-sum (or win-win) situation. (Reimann, 2004: 8).

This point is illustrated by realist rational actor models. As both rational choice and game theory are applied to the practice of conflict settlement, political and military leaders are perceived as rational actors. They calculate their interests and by the end work together towards rational and mutually beneficial goals. Game theory modelling shows how mutual satisfaction are natural results of egoistic or realist power politics, thus conflict settlement is a non-zero-sum game in which gain for one actor is not necessarily at the expense of others. Both parties must clarify contextual conditions and note the difference between their positions (short-term standpoints) and interests (fundamental long-term

stakes). The principle actors in the field of conflict settlement are military, political and religious leaders. (Reimann, 2004: 8-9).

Most research in the conflict settlement approach is devoted to third-party strategies that help to transform the zero-sum conflict, ending the violence and enable *some form* of political agreement. The focus on direct violence is clearly outcome-oriented. Measures are of non-coercive and coercive nature. Coercive measures are a sign of short term involvement by a third party, whilst non-coercive methods are utilized from a long-term perspective. All strategies aimed to end violent conflict through ceasefires or cessation of hostilities *may* lead to a more permanent political agreement. (Reimann, 2004: 9).

Conflict settlement strategies thus move in a very limited scope – of success and peace – meaning that a sustained win-win solution is regarded as success. Peace is seen in negative terms, with no set objective for longer term, positive peace (in other words, peace is not the goal, the *ending of violent conflict* is). The primary concern with the upholding of established social norms (of right or wrong) is aimed at bringing the conflict to an end, without dealing with the underlying causes of it: a certain conflict might be settled permanently, but another similar or related conflict may arise again later due to the same underlying causes of the initial conflict. (Reimann, 2004; Spengler, 2003).

## **2.2) Conflict resolution**

Conflict resolution strategies refer to all *process-oriented* activities that aim to address the underlying causes of direct, cultural and structural violence. It attempts to use game theory in order to overcome the self-defeating dynamics of zero-sum (win-win) conflict management approaches, thus reframing the conflict as a shared problem with mutually acceptable solutions. In 1968, Burton used the model of game theory to show that most inter-state conflicts are the result of dysfunctional decision-making. (Reimann, 2004: 9).

Conflict resolution strategies are process- and relationship oriented, which hosts non-coercive and unofficial activities such as facilitation and consultation. It will also draw in a greater number of involved actors, for example: the inclusion of civil society organizations. Most strategies take the form of medium-term involvement, but the very process of sustaining or developing dialogue is a short-term involvement. Discovering a

deeper common interests and shared needs through increased cooperation and improved communication may constitute a successful outcome of conflict management, with outcome defined here as the minimum requirement of satisfaction of the needs of both parties. (Reimann, 2004: 10).

In contrast to the conflict settlement approach, conflict resolution begins by defining protracted conflict as the natural result of unmet human needs: conflict exists because of the underlying needs of participants. These needs include security, identity, recognition, food, shelter, safety, participation, distributive justice and development. The value of conflict resolution strategies is that it leads to a deepening and broadening of the understanding of conflict: it calls for measures that go far beyond the outcome-oriented conflict settlement strategies with their focus on negotiable interests. Conflict resolution recognizes that needs and fears are non-negotiable and to resolve the conflict truly, a stable solution must be found that identifies and deals with the underlying sources of the conflict. (Reimann, 2004 ; Spangler, 2003).

Resolution goes beyond merely negotiating interests, but to meet all opponents' basic needs and simultaneously tries to respect the various underlying values and identities. It requires a more analytical, problem solving approach than conflict settlement. A settlement strategy is only interested in ending violence as swiftly and considerately as possible, thus leaving underlying factors unaccounted for. Significant social, economic and political changes that reform the institutional structure of society in a more just and inclusive way, which lies in the scope of conflict resolution strategies. (Spangler, 2003).

### **2.3) Conflict transformation**

Conflict transformation strategies refer to *outcome-, process- and structure-oriented* long-term peace building efforts. It aims to overcome the revealed forms of direct, cultural and structural violence completely. Conflict transformation not only moves beyond the aims of both previous approaches, but also takes up many ideas of conflict resolution, particularly Burton's "conflict prevention". Conflict prevention refers to "*not merely the conditions that create the environment of conflict and structural changes required to remove it, but more importantly, the promotion of conditions that create cooperative relationships*". Protracted violent conflicts, therefore, can be seen as the result of unequal



and suppressive socio-political structures. To deal with conflict will call for the empowerment or recognition of marginalized groups. (Reimann, 2004: 10).

The conflict resolution approach lacks the focus on dialogue and cooperation between actors of unequal status: the need to fulfil basic needs give rise to deep-rooted violence and hatred in the first instance. Here lies an observable difference between conflict resolution and conflict transformation – where the transformation approach intentionally keeps “the aftermath” of the conflict in focus, conflict resolution has the inclination to concentrate only upon the immediate and short-term. Conflict resolution sees conflict as a phenomenon that is bad and as something that needs to be ended. The transformative approach asks that we recognize conflict and use it in a positive way that is to our advantage. (Reimann, 2004; Mitchell, 2002; Spangler, 2003).

The conflict transformation approach has particularly been shaped by the work of Lederach. He points out three conceptual discrepancies (termed as gaps) in the traditional conflict framework: the interdependence gap, the justice gap and process-structure gap. The interdependence gap relates to the distinction between the various levels of societies – upper, middle and lower – called the “pyramid model”: the respective civilian and military elite form the highest social level in a given country; the second level consists of middle leader groups (eg. business elite, administration, churches). Influential persons, like local leaders or regional NGO’s, represent the lower society level. These three levels are historically viewed as isolated from one another, so various peace building tools had to be applied to the different levels, leaving vertical relationships neglected. (Axt, Milososki & Schwarz, 2006: 17-18).

The settlement approach is denounced when by means of the justice gap, because it is only interested in decreasing or eliminating forms of direct violence. Exploitative and suppressive relationships need to be dealt with to better the chance for social justice: in turn lessening the “residue” of conflict – traumas, fears, hurts and hatred (which may resurface and poison the peace). Peace should not be understood as either process or structure alone, although both the dimensions must be taken into account. Understanding peace only as a process during the practical management of conflicts, limits the success of the agreement reached: the agreement must also be structurally implemented. In this environment, the “peace alliance” concept stands central, meaning

the advancement of a close network structure (consisting of social and political actors), that gives continued support for a constructive outcome. (Axt, Milososki & Schwarz, 2006; Reimann, 2004 ; Mitchell, 2002).

Justice is a core concept for Lederach in transforming a conflict and by using the Anabaptist-Mennonite religious framework, he emphasized that peace is embedded in justice; that relationships and social structures are built through a thorough respect for human rights and non-violence as a way of life (Lederach & Maiese, 2003: 1). Solving a conflict would therefore need constructive change that gives attention to the inequalities in society (albeit politically, economically, culturally or socially) that frustrates the sense of justice.

Any successful transformation strategy needs “multi-track” actors in the peace building process. The inclusion of “multi-track” actors is a far cry from the “logic of management” of the conflict settlement approach and represents more a “logic of (local) empowerment”. The transformation approach works from the assumption that the potential for peace building exists in the specific region’s or community’s traditional culture. Local inputs rather than transferred inputs will be much more useful in the management of conflict. Conflict settlement and conflict resolution approaches tend to see civilians as passive actors, but the transformation approach sees them as central actors to the peacebuilding process. Conflict transformation will not be the primary result of third-party intervention as with the other two approaches. (Reimann, 2004: 11).

The transformative viewpoint sees the eventual goals of peacemaking as:

- (1) Maintaining a broad conception of conflict and peace;
- (2) Ultimately promoting justice, reduced violence and restored relationships;
- (3) Developing personal and systemic transformation opportunities;
- (4) Promoting a holistic view of transformation as restoration that embraces justice, forgiveness and reconciliation;
- (5) Pursuing social empowerment; and
- (6) Understanding the process as a way of life rather than a technique and the outcome as a commitment to truth and sustained restoration or relationships rather than agreements or results. (Lederach, 1995).

## **2.4) Conflict management strategies in practice**

The conflict settlement strategy is seen as activities ranging from official and non-coercive measures, such as fact-finding missions, facilitating, negotiation, mediation and peacekeeping, to more coercive measures such as power-mediation, sanctions, peace-enforcement and arbitration. The conflict resolution strategy refers to all non-official and non-coercive activities, illustrated by facilitation or consultation (eg. problem-solving workshops). Similarities in third-party interventions make it seem that these strategies go hand in hand and that they mirror one another. They do not just complement each other, but they also overlap in theory and practice. Conflict settlement should not be understood as the necessary pre-condition for conflict resolution. It would be wrong to assume that few management strategies would be fully effective by the exclusive reliance on either conflict settlement or conflict resolution activities. (Reimann, 2004: 9)

Since the early 1990s focus has shifted to the middle ground, the idea that there has to be an integrated and complementary approach. The need to combine settlement strategies (mediation, negotiation) with resolution strategies (facilitation, consultation) was identified. According to the “contingency model” the greater the level of conflict escalation, the more directive the intervention must be in order to be effective. This has two implications – first, that some peace building activities will be more critical at some stages than at others; second, that practitioners may need to return to earlier stages of management strategies as they gauge the progress of their activities. The new approach – the so-called ‘multi-track’ approach – includes activities such as grassroots training, capacity building, empowerment, trauma work, human rights, development work and humanitarian assistance. (Reimann, 2004: 5-6).

Peace building practitioners would have to link activities of all three strategies to build domestic peace constituencies or alliances. This suggests that all three are best understood when they are integrated and complementary. It is safe to say that all three have a proper place in the life-cycle of a conflict. Conflict resolution and transformation strategies can complement settlement strategies, but cannot be regarded as substitutes for the failure of the settlement strategy. The conflict transformation approach fundamentally redefines the dichotomy between settlement approaches and resolution approaches by placing the primary emphasis on the question of social justice. It rejects

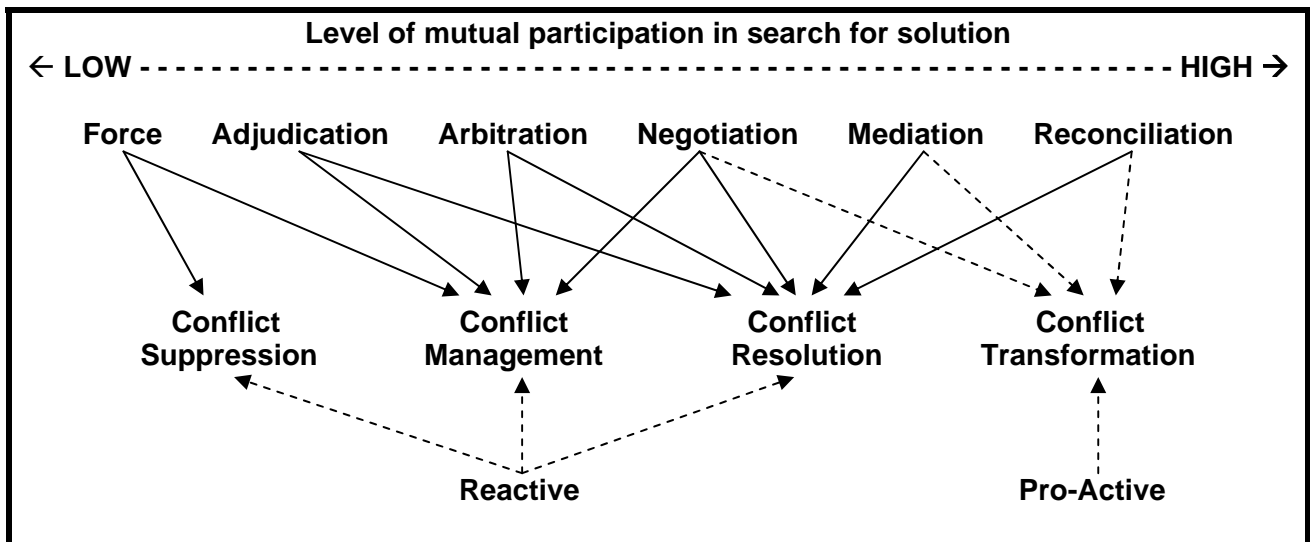


Figure 1: The Spectrum of Conflict Handling Mechanisms (Reychler & Paffenholz, 2001: 336)

the traditional aim of conflict management to restore the status quo ante and seeing the conflict as basically a negative phenomenon. Instead, the notion of conflict is regarded as a positive agent for social change. The transformative approach emphasises the dynamic and discontinuous nature of conflict: treating conflict as non-linear and non-constant – continuously moving in cycles, back and forth. (Reimann, 2004 ; Jeong, 1999).

## 2.5) Conflict transformation and the South African situation

The conflict transformation approach maintains that containing conflict by strengthening stability is not always possible. The conflict settlement strategy's aim of merely consolidating the status quo, is too limited: instead of just ending hostilities, a "positive peace" needs to be acknowledged. According to Galtung, "positive peace" is not just the cessation of actual hostilities, but also cooperation towards ending the structures of inequality which exploit the poor. Even in a stable order with no direct violence, it can still contain structural violence that does not constitute a positive peace. This is why the conflict transformation approach aims at transforming structures that cause direct and structural violence. (Auvinen & Kivimaki, 2001: 68, 69).

In some ways, the case of South Africa seems to be an example of successful conflict transformation. Since the first fully democratic election in 1994, political violence has decreased dramatically. However, the actual democratic transition was costly in human terms. During the four years of official constitutional negotiations between 1990 and

1994, 16 000 people were killed due to political violence – more than in the fight against Apartheid. It was contradictory that in the period of transition towards democracy, violence actually increased. (Auvinen & Kivimaki, 2001: 69).

The danger of political conflict is particularly high when political deprivation coincides with economic deprivation, such as it was in the case of South Africa. One of the few ways for an authoritarian regime to maintain some kind of legitimacy is the capacity to deliver material goods. When it fails in this task, it will lose support and political instability will skyrocket, like it did in South Africa from the late 1970s onwards. Although repressive regimes might uphold the peace in the face of continued violent resistance towards the state, eventually the transformation to a democracy would generate much less violence. This became apparent from the mid-1980s onward when the regime was challenged by black opposition from a “desperate bargainer” position which aimed at resolving the conflict by ways other than fighting because ongoing violence would not benefit either side. (Auvinen & Kivimaki, 2001: 70-71).

The structure of the conflict in South Africa lay in the incompatibility of the policies of the white National Party minority government and the aspirations of the black majority: the continuation of white power and privileges versus radical change and an egalitarian society. As mentioned earlier, it was already apparent by the late-1980s that conflict transformation rather than conflict settlement or conflict resolution would be required in South Africa. Conflict transformation started with political mobilization and a resistance campaign against Apartheid laws, initially just local, but from the mid-1980s also with an international angle. Miall, Woodhouse and Ramsbotham (1999) identified the various ways in which the transformation of the conflict could be seen.

- (1) *Context Transformation*: During the Cold War and especially in the 1970s and 1980s it was possible for white South Africans to believe that their regime was a pro-Western bastion in the fight against international communist penetration. With the fall of communism in 1989/1990 one of the main excuses for continuing Apartheid was gone. The country experienced some economic change as well: it had diversified and modernized to such an extent that more skilled labour was needed. The system kept black labour unskilled or semi-skilled for most part of the 20<sup>th</sup> century and this needed to be changed (gradual change started with the

recognition of black labour unions from 1979 onwards). (Miall, Woodhouse & Ramsbotham, 1999: 169)

(2) *Actor Transformation*: from the absolute defence and maintenance of the system under Prime Minister BJ Vorster, PW Botha came in and showed a willingness to reform Apartheid. Yet, his reforms were limited and he resisted pressure to extend political rights to black Africans - the last remaining racial group in South Africa not to have political rights. In early 1989 Botha resigned and FW de Klerk took over and soon he completely abolished the system. On the side of the African resistance, the unity of the cause came under pressure as a split developed between the ANC and the IFP, endangering a peaceful outcome. (Miall, Woodhouse & Ramsbotham, 1999: 169-170). The smaller PAC and Azapo also resisted the process of negotiating with the "foreign" white minority, but they constituted much lesser threats than the ANC and IFP.

(3) *Issue Transformation*: Three significant phases marked the South African conflict prior to the 1994 settlement. First, the founding of the South African Native National Congress (which in 1923 became the African National Congress). The initial opposition to the white minority government went only as far as demanding the repeal of several discriminating laws from the Dutch and British colonial eras. The second phase commenced after the Sharpeville massacre and the banning of the ANC in the early 1960s. Non-violent protest and demands were identified by the ANC as inadequate to accomplish significant change, thus leading the organization into a guerilla insurgency against the government. The third phase of the conflict occurred late in the 1980s and early 1990s when it became obvious that the struggle was stuck in a stalemate – neither the ANC nor the white minority government could deliver that last devastating blow to its enemy. The collapse of the Soviet Union was a major drawback for the ANC as it lost one of its biggest material and ideological support bases. Among whites, the increasing economic, political and social costs of upholding the system became exhaustive and led to more pressure on government to negotiate. (Lloyd, 2001: 307, 308).

White South Africa went from a comprehensive defence of Apartheid to some systemic (although limited) reform under PW Botha. He introduced the tricameral

parliament for white, Coloured and Asian representation in 1983/84, but black Africans still had no political rights. Increased black opposition led to the state of emergencies of 1985 and 1986 and Botha introduced another (limited) reform: offering black Africans the vote in the election of township councils (however, most black voters boycotted it). The strain of upholding the system turned many whites to demand more rapid change. That rapid change came under the presidency of De Klerk, who lifted the ban on black opposition groups in February 1990 and in doing so opened up the path to official negotiation. Both rivals needed to accept the other as a legitimate group with a legitimate agenda in order for negotiations to go forward. (Miall, Woodhouse & Ramsbotham, 1999: 171).

During negotiations itself issue transformation persisted, as the NP aimed at a federalist system with a bicameral parliament in which whites could have veto power. The ANC, however, wanted an interim-government until a fully democratic election could take place and rejected the NP's main proposals. They compromised and the Transitional Executive Council, consisting of members of both parties, was instituted in late-1993. Meanwhile, the IFP was not in a cooperative mood and acted like a spoiler. It feared total ANC domination over its Natal stronghold and vehemently refused to take part in the negotiations. Late concessions regarding the powers of traditional leaders in a democratic South Africa brought the IFP into the fold. (Miall, Woodhouse & Rambotham, 1999: 172).

The chance of conflict resolution in the case of South Africa was remote and the goal needed to be the creation of an atmosphere in which compromise on concrete issues were possible. This was achieved by focusing on the transformation of root causes of the conflict. Although the political causes of the conflict have been resolved, major economic and social reform would only be achieved through the transformation of the conflict-generating structures. (Auvinen & Kivimaki, 2001: 77). Thus, conflict transformation is still required in South Africa given the pervasive structural violence (poverty, lack of basic services) the country has to overcome.

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## CHAPTER 3

### THE CONTEXT OF IDENTITY TRANSFORMATION

#### 3.1) The entrenchment of white dominance, 1910-1948

The system of Apartheid was instituted in 1948, but unofficial discriminating policies have been around much longer. Although English speaking whites were opposed to the policy of Apartheid, the roots of Apartheid can be found in the most British of the former colonies, Natal. In the late 1800's Theophilus Shepstone created a stratified system of control in which the African chiefs were used as governing agents. In other words, it was a system of indirect rule. Later on the system benefited the white minority by controlling the remains of anti-colonial feelings among the former African kingdoms and to gain access to African labour. (Beinart & Dubow, 1995: 6).

In 1910 white interests came together in the unification of the Transvaal, Orange Free State, Natal and Cape Colony to form the Union of South Africa. This was done without input from the black majority. The Cape Province retained the only non-racial franchise and was based on property owned and literacy. In the rest of the country only white men could vote. White women were brought into the fold in 1930. From the 1930s developed a growing movement against the Coloured franchise in the Cape and in 1959 the non-racial franchise came to an end. (Seekings & Nattrass, 2006).

A series of discriminatory legislation to ensure the protection of white interests went through parliament long before the official dawn of Apartheid. In 1911 there was the Mines and Works Act (segregation in employment) and in 1936 the Representation of Natives Act (the abolition of the remnant African franchise). However, no law had such a profound impact on the country as the Natives Land Act of 1913, which legalised segregation in the countryside and prohibited Africans buying land (Beinart & Dubow, 1995: 3-4): blacks could not buy or own property in designated white areas. A situation came about where 80% of the population were limited to less than 15% of land. The Land Act, as well as a feeling of abandonment by the former British rulers, enraged black leaders and in 1912 they formed the South African Natives' National Congress (which became the African National Congress in 1923) in protest. (Deegan, 2001).



The National Party grew considerably in the 1930s and 1940s due to its emphasis on white identity, especially the Afrikaner's position in South Africa. In the 1943 election it became the official and only opposition party in parliament. The term "Apartheid" burst into prominence in the 1948 election campaign when the NP lobbied for total separate development between the races. (Deegan, 2001). The NP did not gain a popular majority, but won due to an electoral system biased towards seats representing the countryside rather than the cities.

### **3.2) The coming of Apartheid, 1948-1960s**

The policy of Apartheid was generally understood as a set of racially discriminatory policies and enforced racial segregation. It consisted of three main areas: political Apartheid, social Apartheid and labour-market Apartheid. The core of the system was political Apartheid – the restriction or segregation of the franchise according to race. Social Apartheid was the segregation of society along racial lines through the measure of residential segregation (Group Areas Act, 1950), the segregation of workplaces and public amenities (commonly referred to as "petty apartheid") and the criminalization of mixed marriages and sex across the colour bar (Immorality Act, 1950). Labour market Apartheid introduced measures to create a supply of cheap African labour that limited the occupational mobility of Africans and the reservation of skilled jobs for white people. (Seekings & Nattrass, 2006).

To further the aims of total separate development, Africans even lost indirect representation and were only allowed representation by entirely segregated institutions – the bantustan legislatures. Africans would have no political power outside the homelands Apartheid created. At the time South Africa was not the only country to discriminate on basis of race. The USA followed a very similar pattern of racial exclusion and change only came by ways of the civil rights movement of the 1960s. In Brazil, citizens could only vote if they passed a literacy test (full franchise came in 1989). (Seekings & Nattrass, 2006). In the first half of the 20<sup>th</sup> century it was believed that racism was scientifically acceptable rather than discriminating. The Tomlinson Commission of 1954 regarded Apartheid as a "combination of science and culture". (Deegan, 2001: 25).

The NP government did not want total segregation, but still wanted to have control over black labour. Africans weren't regarded as city dwellers and the Bantu Labour Act (1964) restricted Africans' movements in the cities. The Promotion of Black Self Government (1959) would epitomize segregation by officially giving each racial and ethnic group its own areas and blacks only had political and economic rights within that area. The first bantustan was Transkei, a Xhosa homeland, set up in 1964 and was granted full independence in 1975. By the early 1970s, Africans in these bantustans aimed at creating a black-controlled super-state stretching from the Kei river to the southern border of Natal. However, this would cause a moral dilemma, as the homelands were creations of Apartheid and the move could be seen as playing along with the system. (Deegan, 2001: 35, 37-38).

In the meantime the ANC and the white government increasingly clashed. The ANC's growing acceptance of whites and Indians as South African by allowing them in its ranks caused outrage among the more radical members and in 1959 a group split off to form the Pan-Africanist Congress. The PAC saw whites and Indians as foreigners and was more radical in its stance toward the government than the ANC, as well as reckless. In March 1960 it called on people to leave their passes at home and gather at police stations to cause a mass arrest for contravening pass laws. On 21 March 1960 overbearing police reaction caused 69 deaths in Sharpeville, with another 186 people wounded. These upheavals led to the banning of the ANC and PAC. (Deegan, 2001: 28, 31-32).

The upheavals of the early 1960s and the international community's reaction did not deter the government. Prime Minister Verwoerd rejected calls for ending Apartheid because the alternative, according to him, would be deterioration, chaos and communist control. South Africa would remain on the path towards racial differentiation. The banning of the ANC and PAC did not end the African push for humane treatment. Soon after its banning, the ANC acknowledged the need to try the option of an armed struggle. uMkhonto weSizwe (MK) was formed as an underground guerrilla army. The 1963 raid on the headquarters of MK in Rivonia decapitated the leadership of the ANC, because it led to the Rivonia trial in Nelson Mandela, Walter Sisulu and Ahmed Kathrada, among others, were sentenced to life imprisonment. (Deegan, 2001: 32, 34).

### **3.3) Resistance and Reform, 1970s-1990**

The 1970s brought a renewed commitment to the fight against Apartheid, but international factors also impacted negatively on the South African economy. Up till the 1970s South Africa was surrounded by likeminded settler/colonial states. The sudden independence of Mozambique and Angola in 1975 and later on Zimbabwe in 1980, led to more ANC-friendly neighbours and a revitalization of the struggle. The void left by the banning of the liberation movements were largely filled in the 1970s by the BCM, but skirmishes with government and the death of Steve Biko in 1977, led to its destruction by the Apartheid machinery. (Deegan, 2001: 43, 46).

Another event that hastened the introduction of a more reform-minded government took place in June 1976: simmering antagonism towards the compulsory use of Afrikaans in schools led to a student revolt in June 1976. The police responded brutally and by the end of the year more than 500 students were killed. The Bantu Education Act (1953), that was supposed to instil compliance and passivity into black youth, so that they would accept their inferior place in the South African political economy, had just the opposite effect. A government investigation pointed a finger at ANC involvement, but the government began realizing that former Prime Minister Verwoerd's notion of "grand Apartheid" was a mere dream. Yet, Soweto 1976 was a double-edged sword for African power – the mass action against the education system crippled the post-1976 youth and had a negative influence on the education of Africans. When the democratic South Africa dawned in 1994, this generation was found to be uneducated, unskilled and unemployed. (Deegan, 2001: 45-46).

The mining industry was the first to attempt to change the labour laws due to an increasing shortage of workers in the late 1970s. The government itself had a change of direction (albeit very incremental) in 1978 after the departure of Prime Minister Vorster. New Prime Minister Botha saw that "grand Apartheid" was not viable and the system needed to be modified to operate better. One policy change he undertook was to improve the black education system. Another was to accelerate the Bantustan policy. (Deegan, 2001: 43, 50-51).

Botha believed that by giving more and more blacks independence, blacks in “white” South Africa would eventually become a minority. As most blacks would aspire to full political and economic rights, they would move to these new states. However, corruption and inefficiency crippled the homelands and the South African state failed to support them, creating a cycle of dependence and poverty. (Seekings & Nattrass, 2006). Although government said they were creating a homeland for all ethnic groups, a peculiarity came to the fore when Ciskei in the eastern Cape Province became independent. The inhabitants of Ciskei were Xhosa, just like the inhabitants of Transkei and they were separated by a so-called white corridor. This was an attempt to dilute the unity and strength of a unified Xhosa homeland. Attempts at creating a Ciskeian ethnicity failed. By the early 1980s, “grand Apartheid” was dead.

The government then turned to attempts at stabilizing the townships. Petty Apartheid along with the pass laws were abolished by the mid-1980s. Blacks were allowed to unionize in 1979. The most elaborate scheme to keep the core elements of Apartheid in tact was the constitutional referendum in 1983, which led to a tricameral parliament in 1984 in which whites, coloureds and Indians would participate. “Reformed” apartheid gave coloureds and Indians representation, but the real power still lay in the hands of whites. Turnout was low because it was a forced down by the white government, although some saw this as an opportunity to initiate fundamental changes from within the government. The issue caused a split in the NP and led to the formation of the Conservative Party in 1983. (Seekings & Nattrass, 2006; Deegan, 2001).

There was no distinct policy break-offs between “grand” and “reformed” Apartheid. The primary pillars of Apartheid were still in place: the group areas act, the population registration act and the fact that black Africans still had no right to vote. A new phase of resistance started in the early 1980s with the launch of the United Democratic Front, an umbrella organization of various civic groups opposed to Apartheid and campaigning for the legal recognition of the liberation movements. By the mid-1980s there was such a total breakdown of authority in the townships which led the government to initiate states of emergency – in 1985 and again in 1986. (Seekings & Nattrass, 2006; Deegan, 2001).

The resurgence of resistance was met by a government who made all opposition to Apartheid off as a communist conspiracy and that this “total onslaught” needed to be

dealt with by a “total strategy”. The government still insisted that the homeland policy was working and that they were creating a free-standing black elite. Behind the scenes, however, high-ranking members of the opposing sides began meeting in secret. On international level South Africa's isolation was increasing as the USA began feeling uncomfortable with the racist minority government. The Cold War was dying down as the Americans and Russians moved closer to one another. Then, in 1989/1990, the Soviet Union crumbled and communism fell. By now South Africa barely dealt with the economic impact of the Anti-Apartheid Act of the US and a dramatic change in direction was needed. (Deegan, 2001: 61, 71, 73).

The change in government took place in early 1989, when a recalcitrant president Botha stepped down and FW de Klerk took power. Within months the international situation changed in such dramatic fashion that the government could not pass on the opportunity. The NP no longer had communism to defend the country against and the ANC was ideologically and financially paralysed by the collapse of the Soviet Union, being one of the ANC's biggest supporters.

#### **3.4) The end of apartheid, 1990-1994**

2 February 1990 became one of the most politically significant dates in the post-Cold War era. President FW de Klerk delivered a speech in parliament that effectively killed Apartheid and caught everyone off-guard. His momentous speech opened the way for official negotiations with the liberation movements (most notably the ANC and PAC), after sporadic but secretive talks since 1987. The goal of the negotiations might have been purely a major political shift from a discriminating racist minority regime to a constitution-bound majority government, but underlying this change would be social and economic factors. By August 1990 the ANC declared an end to its 30 year-old struggle in favour of a new atmosphere of tolerating opponents and negotiations.

The ANC justified its early negotiations with the NP government on the grounds that they were the two major players in South African politics. The first phase of negotiations between the ANC and the government lasted until the end of 1991 and focused mainly on the return of political exiles and the release of political prisoners. As part of negotiations, a National Peace Convention was held in September 1991, leading to the

emergence of the National Peace Accord. The accord was meant to be a step towards national conflict resolution. (Deegan, 2001).

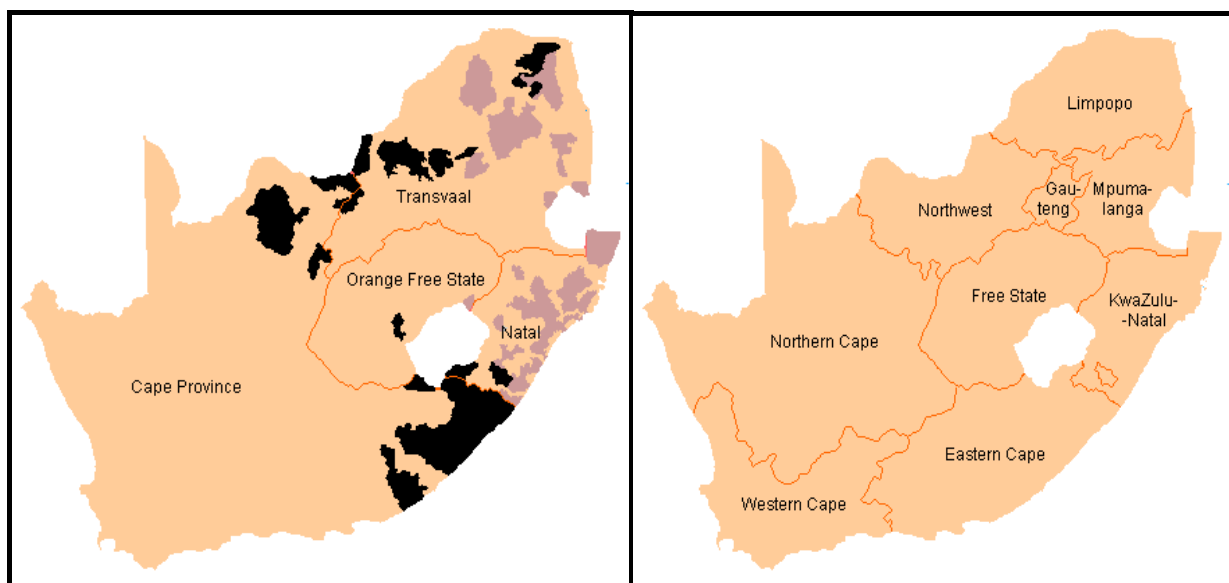
A part of the accord was devoted to the encouragement of parties to help create a climate of democratic tolerance in the country. In a statement that reflected the grisly reality of South African politics, the accord demanded of all parties to abstain from *“killing, injuring, applying violence to, intimidating or threatening any other person in connection with that person’s political beliefs, words, writings or actions”*. The NPA was well intentioned, but it was criticized for lacking grass-roots support and being written by mostly white people who could not speak any African languages. Effectiveness was also thwarted by lack of trust between political leaders and soon levels of violence escalated. (Deegan, 2001: 78).

In December 1991, the Convention for a Democratic South Africa (CODESA) was convened in Johannesburg. Delegates from nineteen political parties prepared to negotiate the future of the country. The Conservative Party, PAC and AZAPO refused to participate. Expectations were too ambitious and CODESA came to a halt barely six months after its inception. Although President De Klerk instigated the process, the NP was under the impression that they could force a compromise which would leave considerable political power in the hands of the white minority. The ANC under Nelson Mandela criticized De Klerk for hampering the inevitability of majority rule. (Deegan, 2001: 78-79).

Meanwhile, a war in the white community was brewing on the horizon: the far-right Conservative Party (CP) was becoming more popular and claimed that the NP had no mandate for its negotiations. President De Klerk called for a referendum on the negotiations, with the result of 68.5% of whites voting for the continuation of the process. However, there was still little clarity over the direction in which negotiations were moving. CODESA II started in May 1992, but positions hardened between the NP and ANC. The Boipatong massacre of June 1992 served to inflame relations further. The massacre was perpetrated by IFP supporters and the ANC was wary about the alliance between the NP and the IFP. The failure of CODESA led to a complete different format: the Multi-Party Negotiating Process (MPNP) in 1993. (Deegan, 2001: 79-81).

In April 1993, 26 political parties gathered in the World Trade Centre in Johannesburg to restart talks on the political future of South Africa and by mid-1993 it became apparent that South Africa was going to hold its first fully democratic election on 27 April 1994 (Deegan, 2001: 81-82, 85). Although Mandela and De Klerk received the Nobel peace prize in 1993, the country still hovered on the brink of an all-out racial war, with the assassination of the popular SACP secretary-general, Chris Hani, late in 1993. However, the process was not destabilized and it culminated in a peaceful transition to majority government on 10 May 1994, as Nelson Mandela was inaugurated after the ANC won the election with a convincing majority two weeks earlier.

In the case of South Africa, direct conflict was overcome by the resolution of the immediate grievances (socio-political and economic exclusion/discrimination). The compromises that lead to the settlement, however, proved to be frustrating the new ANC government in its intended reforms. The focus on resolving the underlying causes of the conflict did not lead to a resumption of fighting for two reasons: first, there was popular satisfaction with the ANC's policies to resolve high priority grievances – simply tackling social inequality was in itself a huge task. Second, the 1994 settlement had clear obligations and inescapable limitations that dictated what the ANC could and could not do. (Lloyd, 2001: 314).



**Figure 2: Maps of Apartheid South Africa (left) and South Africa after 1994 (right). The black and dark grey areas constitute the independent and self-governing homelands, respectively (adapted from <http://www.rupert.net/~lkool/page7.html>).**

### **3.5) Dealing with the past**

More attention was given to the issue of memory and history as negotiations progressed. If the negotiations were to succeed (success defined as the taking place of full democratic elections and a democratically elected majority government), what was going to happen with the history of Apartheid? The idea of a truth commission first became incorporated into negotiations late in 1993. A Nuremberg-type trial was not possible, because South Africa was not coming from a full-scale war situation, the white minority had almost all economic power (and harsh punishment could severely damage the economy) and actors from over the political spectrum had access to weapons, which could destroy the work of the negotiations. (Deegan, 2001).

The first step in the direction of investigating abuses came in 1991. The Skweyiya Commission was set up in September of that year to report to the ANC president on allegations regarding poor conditions, maltreatment and the loss or destruction of property in the ANC detention camps. The Commission heard evidence from various former ANC detainees. It did not have statutory powers, was unable to subpoena witnesses or offer witness protection and relied on voluntary witnesses. The Skweyiya Commission Report was published in August 1992 and in December of that year, Amnesty International published its own report on human rights abuses by the ANC in exile and criticised the limited term of the Commission. (TRC Report, Volume 2: 1998).

This led to the creation of the Motsuenyane Commission in 1993 to launch a broader inquest than its predecessor, which, after its investigation, found that indeed, various human rights violations had taken place. It was a groundbreaking decision – it was the first time in history that a liberation movement established a commission of enquiry into its own past of violations. In September 1993 the ANC's National Executive Committee (NEC) made the decision to call for the establishment of a truth commission to investigate all human rights violations. (Villa-Vicencio & Verwoerd, 2001: 20).

The newly elected government called for a comprehensive and integrated approach to deal with the past. Its strategic objective amounts to the social transformation of the South African society into a united and democratic society. Eventually there needed to be a transformation of the political, economic, social, ideological and moral aspects of the



legacy of Apartheid. Flowing from this, three elements of this process was identified – reconciliation, reconstruction and development. These elements gives rise to the twin goals of socio-economic justice (economic reconstruction) and the restoration of moral order (moral reconstruction). The moral foundation from which building a new South African society began, would be the function of the TRC. (Villa-Vicencio & Verwoerd, 2001: 16-17).

Various factors made a truth commission a possibility:

- a military stalemate in which no side could claim outright victory ensued
- a negotiated settlement was reached (the 1993 constitution)
- a gradual shift from an oppressive minority government to democratic majority rule
- a history of oppression and basic rights violations
- commitment to the transformation of the political culture to a culture of democracy
- commitment to avoid any recurrence of basic rights violations
- transformation of the country to a constitutional state (constitution-bound government)
- constitutional commitment to reconciliation and nation-building
- constitutional obligation placed on the new democratic parliament to provide for a process of amnesty. (Villa-Vicencio & Verwoerd, 2001: 17-18)

The TRC was established by an Act of Parliament, the Promotion of National Unity and Reconciliation Act (no. 35, 1995). The possibility of such a commission was only provided in a very late stage of negotiations, by the “Post-amble/ Endnote” to the Interim Constitution of 1993. When pres. Mandela signed the Act in July 1995, it was the first example of a truth commission being established not by a presidential decree but by parliament as representative of the people. The drafters of the TRC Act were confronted with the challenge of how to make amnesty provisions work for victims in the face of a settlement in which the “criminals” retain both their weapons and social/economic power. Therefore, conditional amnesty applied and the perpetrators’ action needed to have been done with political motive. (Graybill, 2002: 2-3; Lyons, 1997).

The Act stated that the objective of the Commission would be to promote national unity and reconciliation through four objectives:

- (1) Determining as comprehensively as possible, the causes, nature and extent of human rights violations committed between March 1, 1960 and May 10, 1994;
- (2) Facilitating the granting of amnesty on the basis of full disclosure of acts associated with a political objective;
- (3) Restoration of human and civil dignity of victims; and
- (4) Compilation of a report containing recommendations of measures to prevent the future violations of human rights.

The TRC was left to its own devices to come up with both the definition of the term “reconciliation” and how to structure its work to facilitate it best. Eventually, after an exhaustive process, it presented four levels of reconciliation: with ones’ self, between victims and perpetrators, within a community and at national level. (Borer, 2001:16-17).

The TRC popularized the concept of “reconciliation”, but with the vagueness of its definition, people were confused about the goals of the TRC. Different views existed on what a “reconciled” South Africa would look like. With two models of reconciliation in mind - between individuals (victim-perpetrator) and national (“national unity and reconciliation”), the TRC started from an individual interpretation of reconciliation in the hope it will have a national spill-over effect. In South Africa, the first model was associated with a religious paradigm, the second with a political one. However, the conceptual confusion that ensued placed a question mark over the eventual success of the TRC. (Borer, 2001: 5, 10).

During many transitions from authoritarian rule to democracy in recent times, a common scenario was for the government to declare a general amnesty for those involved in all crimes during a specific period of conflict. This, however, removes any incentive for perpetrators to come forward and an atmosphere of silence and ignorance ensues. In South Africa, the ANC had to accept the legal framework of Apartheid for talks to go forward and realize that it too, committed human rights violations. The NP, on the other hand, had to accept that it would not get the general amnesty clause accepted. (Villa-Vicencio & Verwoerd, 2001: 18-19).

Amnesty got nearly no mention in the interim-constitution of 1993, although it became a crucial element of the historic compromise. In the tradition of “restorative justice”, the country would forego punishment in favour of reconciliation, from the assumption that “revealing is healing”. The TRC was in charge of writing an official history of what happened in the dark corners of Apartheid. Its primary focus would not be on the everyday mundane bureaucratic enforcement of Apartheid, but extreme events. Unlike the Chilean Commission, where half the commissioners were from the old order and the other from the new one, none of the seventeen members of the TRC belonged to the former governing NP (although two were Afrikaners), which might have compromised the reception of the commission’s findings. (James, 2001: 12, 45).

South Africa’s truth commission created a new way of thinking about truth commissions. The traditional path of truth commissions was that, by uncovering the truth, just punishment could be handed out, leading to reconciliation. The Chilean Truth Commission was an example of this. Then South Africa came with its truth and reconciliation commission, which had the slogan of “TRUTH: THE ROAD TO RECONCILIATION”. The truth would bring healing to the victims as well as perpetrators and realize reconciliation. Legislation did not aim at imprisonment as an essential event, but rather truth. Honduras had a hybrid of these two ways – a combination of just punishment and forgiveness through truth would lead to reconciliation. (Borer, 2001: 4).

Although the TRC was born in a secular legal framework, its religious character became a unique and outstanding feature. Heading the commission was Anglican archbishop, Desmond Tutu. The South African TRC was the only truth commission driven by religious principles and rhetoric, as well as being the only one occurring as a nation-building exercise at a moment of transition. It was the first to invent the concept of qualified amnesty and was unlike the infamous Nuremberg trials (delivering retribution) or the Chilean commission (unqualified amnesty). As mentioned earlier, the idea of amnesty popped up in late 1993 as the ANC was pressing for a truth commission. It knew it could not expect the NP to agree to such an institution without amnesty and after tense and divisive negotiations, the NP had to settle for qualified amnesty. (Herwitz, 2003: 15-18).

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## CHAPTER 4

### TRANSFORMATION AND THE TRC

#### 4.1) Introduction

*“Reconciliation requires that all South Africans accept moral and political responsibility for nurturing a culture of human rights and democracy within which political and socio-economic conflicts are addressed both seriously and in a non-violent manner.”*

- Truth and Reconciliation Commission Report (1998, Vol. 5)

The South African truth commission differed significantly from the more than 30 previous truth commissions in that it was the first to be given the power to grant amnesty – a power normally retained by government. Amnesties are controversial and often frowned upon, especially if they are granted for crimes deemed to be trans-national crimes that states are duty-bound to prosecute. Some victims believed that there should not have been any amnesty for the perpetrators of the previous regime. Azapo launched an unsuccessful bid to declare the amnesty clause unconstitutional and so delayed the start of the TRC's work. Others wanted a blanket amnesty because the process would reopen old wounds and some even alleged it was having a negative impact on reconciliation. Other criticism directed at the commission came from especially the NP and IFP, who accused the TRC of being biased. The FF saw the commission as “anti-Afrikaner” and that it was nothing more than a shaming exercise. (Sarkin, 2004: 3, 8, 11).

In the prelude to the path taken by the TRC, the release of prisoners was often done by concurrently counterbalancing the announcement and release of controversial offenders from the different sides of the struggle. An example would be the simultaneous release of former policeman Barend Strydom (member of the *Wit Wolwe*) and ANC operative Robert McBride, in 1992. Afterwards the ANC said these two were released together by the then-NP government in an observable and transparent attempt to create the impression that their crimes were morally indistinguishable. (Sarkin, 2004: 45).

In the run-up to the National Unity and Reconciliation Act, it was widely thought that a general amnesty would cause an unaccountable, immoral and counterproductive

process. The democratic state could not deny the atrocities of the past. The legislation itself caused controversy:

- (1) The question on whether the commission's hearings would be open to the public: some said closed meetings would compromise the purpose of the commission. Eventually the commission could direct that certain hearings be closed where harm may ensue or where it was in the "interest of justice";
- (2) The cut-off dates for which amnesty may be granted. The FF and PAC asked for an extension until 10 May 1994, the day Mandela was inaugurated as president, as to include those involved in pre-election violence. The extension was not agreed to and the FF opposed the bill. Eventually President Mandela granted the extension a year after the commission began operating. However, some objected to this as "political meddling";
- (3) Finalizing the criteria for "acts associated with a political objective". Eventually it was agreed that the requirement of "proportionality" between the act committed and its political objective remained in the bill. (Sarkin, 2004: 52, 54).

Due to the immense task of drawing a picture of past atrocities, the commission was divided into three sub-committees to investigate various issues: the Committee on Human Rights Violations, the Amnesty Committee and the Committee on Reparation and Rehabilitation.

#### **4.2) Committee on Human Rights Violations**

The task of the HRV Committee was to obtain and evaluate a range of submissions from individuals and groups in relation to the past conflict. This was achieved by hearing victims' stories in order to establish whether gross violations of human rights had occurred. Gross human rights violations were defined as "violation of human rights through the killing abduction, torture, or severe ill treatment of any person which emanated from conflicts of the past and the authorization thereof was advised, planned, directed, commanded or ordered by any person acting with a political motive". (Graybill, 2002 ; Posel & Simpson, 2002).

The HRV commission took centre stage in 1996 when thousands of victims queued up to tell their stories. Eventually 22 000 victim statements were processed. Information and evidence regarding human rights violations were gathered from the period 1960 to 1993. It also made recommendations in relation to a witness protection program, institutions conducive to a stable and fair society and other measures to prevent future violations of human rights. In contrast to the semi-judicial, formal hearings of the Amnesty Committee, the HRV Committee hearings were intended to be more informal and to allow victims to speak in a culturally appropriate and supportive atmosphere, without the threat of cross-examination. (Graybill, 2002; Sarkin, 2004; Garkawe, 2003).

Initially HRV hearings involved all fifteen commissioners, but the committee split up and hearings were conducted in the jurisdiction of each of the four regional offices (namely Cape Town, Durban, East London and Johannesburg). The logistical immensity of the task limited the committee's ability to access the whole truth. Of the 21 000 submissions made in the period of two years, only a small fraction were heard publicly. Location was also a huge problem, due to the fact that many semi-urban and rural victims could not make statements and many violations went unreported and unheard. Among those that did come forward, the overwhelming majority were middle-aged black women, many of whom were "reporters of abuse" i.e. telling what happened to their loved ones rather than themselves. (Posel & Simpson, 2002: 44-45).

Inevitably there were biases in the number and type of submissions received from the supporters of the various political parties. For example, the IFP asked its supporters to make submissions at the last minute, inundating the Durban office. In the conflict-ridden province of KwaZulu-Natal, only a fraction of the total violations were brought forth - just 9700 submissions were made. Surprisingly, few statements were received from the best-known epicentres of violence, namely the 1976 Soweto uprising and the Vaal Triangle uprising of the 1980s. Some individuals from minority groups stayed away partly because of viewing the TRC as an ANC entity and partly because it might have exposed how they directly benefited from Apartheid. (Posel & Simpson, 2002: 46).

### **4.3) Amnesty Committee**

The Amnesty Commission was appointed in January 1996 and worked independently from the rest of the TRC. Its function was to take applications from those seeking amnesty for acts associated with political objectives. Legislation involving the committee allowed the possibility of taking account of high-ranking individuals who ordered “any attempt, conspiracy, incitement, instigation, command, or procurement to commit an act”. Originally the committee had five members, which were later increased to thirteen and eventually nineteen to deal with the heavy workload. Unlike the rest of the TRC, the appointment of members of the Amnesty Committee was a closed process without public input. (Graybill, 2002; Sarkin, 2004).

It had the power to grant amnesty, but the other committees had the power of recommendation. Initially the committee could release amnesty outcomes without reference to, or approval or ratification by the full commission, but eventually parliament amended legislation so that amnesties could only be released by the full commission. The quasi-judicial nature of the committee’s work justified that such a selection procedure would ensure that decisions could be seen as being objective and free of political pressures facing the other committees. Due to the independence of the committee, it and the TRC were at odds many times over the interpretation of the amnesty provisions and sometimes over amnesty decisions. (Garkawe, 2003; Sarkin, 2004).

#### **Box 1: The Enduring Issue of Amnesty and Re-investigations**

Although the TRC officially came to a close in 2003, some aspects of it still lingers on, like the question of amnesty to those who failed to apply for it, as well as the insistence by some to re-investigate certain individuals’ cases. Some high-ranking individuals involved in unresolved cases who did not apply for amnesty are coming under increased scrutiny. One of the most prominent cases in this post-TRC period is that of former law and order minister, Adriaan Vlok.

*(continues on page 37)*

Vlok, former police chief Johann van der Merwe, and three other policemen faced murder charges relating to the attempted assassination of reverend Frank Chikane in 1989. They attempted to poison him, but the reverend, who was an outspoken anti-Apartheid activist at the time, survived. Vlok and his co-accused did not apply for amnesty during the period of the TRC. Then, last year (2006), came Vlok's famed washing of Chikane's feet in a symbolic attempt at forgiveness and reconciliation. Vlok's change of heart regarding talking about the murder conspiracy led to an official case against him and other involved in mid-2007.

Throughout the debacle the National Prosecuting Authority (NPA) emphasized that it was not a witch hunt; Chikane corroborated. On 17 August 2007, the accused got suspended sentences after a plea bargain. The case has, however, opened up the debate over what to do with these types of cases. Many argued that former president De Klerk needed to stand to account as well, for among others, his role in the 1993 Mtata raids in which several children died. On the other side of the political spectrum, white victims like Dirk van Eck asked for equal treatment of Apartheid cases, for those in the ANC who were responsible for the harm done to his family in a 1985 landmine explosion (his perpetrators got amnesty). There has also been a renewed movement by the SACP to re-open the investigation into the assassination of Chris Hani. The presidency, however, said that there is no need for a post-TRC task team and that possible future investigations will be managed by the NPA as a legal process.

Wanneburg, G. 2007. "Adriaan Vlok spared jail" in *Mail & Guardian*. 17 August 2007.

Melander, I. 2007. "South Africa divided over Vlok trial" in *Mail & Guardian*. 14 August 2007.

Sosibo, K. 2007. "SACP sticks to its guns over Hani inquest" in *Mail & Guardian*. 4 August 2007.

2007. "Presidency says there is no need for post-TRC task team" in *Mail & Guardian*. 1 August 2007.

#### **4.4) Committee on Reparation and Rehabilitation**

The Committee on Reparation and Rehabilitation (CRR) considered matters referred to it by other committees, gathering evidence concerning the identity of victims, their fate, present whereabouts and the type of harm suffered by them and also recommended measures for reparations and rehabilitation of victims. By the end of its term it had to provide a comprehensive report on its activities, findings and recommendations to the



president “in an attempt to restore the human and civil dignity of victims”. (Sarkin, 2004; Graybill, 2002).

In practice, the CRR did not have the resources or the mandate to properly investigate the lists of victims provided by the other two committees and the claims by those wishing to be declared victims. The haphazard cross-examination of the HRV Committee caused the not-so-surprising reluctance of parliament, as the guardian of taxpayers’ money, to give the CRR the power to actually distribute money to individual victims, or to commit the state to expenditures on other reparative or rehabilitative measures. Therefore, the CRR could only make *recommendations* to the South African president, who in turn, was required to make his own recommendations to parliament. (Garkawe, 2003).

The committee held regional hearings countrywide during 1996 and 1997 in an attempt to find out what victims were seeking in terms of redress, after which it finalized its recommendations on reparations and submitted them to the government. The Report contained 40 pages of recommendations. The CRR proposed a comprehensive and innovative reparation scheme based on the recognition that reparations and rehabilitation are essential to build national unity and reconciliation. The CRR saw “reparation” as a broad term extending further than mere individual monetary payments for victims. Other types of reparations recommended were legal or administrative interventions to help individuals, like the issuing of death warrants, exhumations, reburials and ceremonies, provision of headstones and tombstones, declarations of death and the expungement of criminal records. (Graybill, 2002; Sarkin, 2004; Garkawe, 2003).

The scheme was introduced in five parts:

- (1) urgent interim reparations to those survivors of HRV’s in urgent need;
- (2) individual reparation grants were recommended to each survivor of gross human rights violations;
- (3) symbolic measures such as a “national day of remembrance and reconciliation”, erection of memorials and monuments and the development of museums would facilitate the communal process of remembering and commemorating the pain and the victories of the past;

- (4) community-based services and activities should be established with the goal of “promoting the healing and recovery of individuals and communities that have been affected by human rights violations”; and
- (5) legal, administrative and institutional measures designed to prevent the recurrence of human rights abuses.

The issue of the financial amount of reparations that would be paid out was made known in 2003 and was another contentious issue – a once-off payment of R30 000. This amount was met with considerable negative reaction by some political parties. (Sarkin, 2004: 89, 99).

#### **4.5) The TRC in conclusion**

The TRC took conscious and sometimes controversial decisions not to engage with certain constituencies, like failing to subpoena Mangosutho Buthelezi in regard to the IFP’s role in the conflict and to question members of the pre-1994 judiciary and magistrates who implemented Apartheid laws. The quality of the information gathered by the commission was sometimes questionable. The commission, however, recognized its shortcomings. Instead of launching a cold and unemotional inquest, the commission gave the benefit of the doubt to those who came forward to testify, so restoring their dignity. (Posel & Simpson, 2002).

Five volumes of the TRC Report were handed over to President Mandela in October 1998. The last two volumes were stalled by the Amnesty Committee’s work in granting amnesty, as well as various court cases by various political parties aiming to suppress the commissions’ findings. These volumes were published in March 2003. In that same year, parliament enacted an amendment to the TRC legislation, permitting the minister of justice to set up an amnesty committee to rehear cases referred back by the courts after striking down a decision by the initial amnesty committee. (Sarkin, 2004: 88, 98).

Overall, the TRC was an exhaustive exercise in terms of money, time and energy: 140 hearings were held in 61 towns, involving 22 000 victim statements that covered 37 000 violations. Over 7000 perpetrators applied for amnesty and eighteen months became six years. The total cost amounted to R 200 million – making it one of the most expensive truth commissions in history. Notwithstanding the international community’s appraisal of

the process, the TRC did not get a uniformly warm approach locally. A survey by *Business Day* newspaper in mid-1998 found that nearly two thirds of the South African public (from *all* colours) thought that the TRC process had harmed race relations in South Africa, due to reasons mentioned throughout this chapter (like the amnesty issue, perceptions of bias or equations of the process with a witch hunt). (Graybill, 2002: 8; Gibson, 2004).

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## CHAPTER 5

### IMPACT OF THE TRC – DATA

Chapter 5 will focus on the various data available regarding reconciliation and changing social identities. It will focus mostly on the 2004 publication by James L Gibson (using a 2001 survey), but will also draw on more recent studies, like the 2002 HSRC survey, the 2005 CPS Social Identity Study and the 2006 SA Reconciliation Barometer survey. The 2002 and 2005 studies do not focus on the impact of the TRC itself, but does allude to the essence of what the TRC attempted – how social identities are changing in post-1994 South Africa. The 2006 survey uses much of the same questions utilized by Gibson.

#### 5.1) The Gibson study

Gibson's basic point of departure is this question: *Does Truth Lead to Reconciliation?* If truth does indeed lead to reconciliation, it would imply a change in popular attitudes, which in turn would lead to a more democratic political culture. But how does one "see" reconciliation? Gibson considers a "reconciled" South Africa to be a country which would:

- (1) steer clear of racial stereotyping, the respectful treatment of people as individuals and not as members of a racial group,
- (2) be tolerant of those with who he/she disagrees,
- (3) subscribe to a set of beliefs about the universal application of human rights protection to all South African citizens and
- (4) recognize the legitimacy of South Africa's political institutions, therefore be inclined to accept and comply to these institutions' policy rulings.

Gibson's study is based on a public opinion survey at the end of 2000 and the beginning of 2001. He used a sample of 3700 South Africans and the survey consisted out of 2004 African (54,2%), 991 White (28,8%), 487 Coloured (13,2%) and 245 Asian (6,6%) respondents.

### **5.1.1) *Changing Identities in Post-Apartheid South Africa***

Asking the respondents about their perception of change in South Africa since the fall of Apartheid, the most extreme response came from the white respondents, of whom 64,7% was of opinion that things have changed a great deal since 1994. Less than a quarter of the other racial groups thought that a great deal of change had taken place. This reflects the reality of Post-Apartheid South Africa – whites as the previously privileged and dominant groups had indeed experienced the greatest amount of change. (Gibson, 2004: 51).

In a question basically directed at the commitment of the different races to the country (on potential immigration due to possible economic meltdown), just more than half of whites said it is extremely likely they will be living in South Africa in ten years time. In comparison, only two thirds of African respondents could say the same. About a seventh of white respondents and 9% of African respondents said they were highly unlikely to still reside in South Africa in ten years time. The group most strongly committed to staying in South Africa are the Coloureds, where nearly three quarters (72%) say they are certain to stay. In general, most South Africans show a strong commitment to the country and its future despite difficulties. (Gibson, 2004: 52).

Regarding their primary positive social identity, black South Africans are most attracted to the label of “African” (28,4%). Interesting to note is that very few respondents among the minority groups selected “African” as their main group identity. White South Africans are more likely to think of themselves as primarily South Africans, as is true among the Coloured and Asian respondents. Few whites are attracted to the “white” identity, although a sizeable number of Coloureds (26,1%) and Indians (18,8%) claim their respective labels (with another 9% claiming the title “Asian”). Religious identities are quite common, with about one fifth of whites selecting “Christian” as their primary group identity. Even among the Coloured respondents, one seventh replied in accordance. (Gibson, 2004: 53).

Although just one quarter of respondents selected “South African” as their primary group identity, over 50% mention a national identity as one of their replies – just under half of the African respondents selected a South African identity, while almost three quarters of

Asians identify themselves as South Africans. Identifying with a national identity is also common among whites and coloureds. Since the previous survey in 1996, more people have come to identify themselves as South African: up from 35% to almost 48% for Africans, from 53% to 63% for Whites, from nearly 57% to 59% for Coloureds and from 53% to nearly 75% for Asians. Being South African is seen as very important, with three out of the four groups' response placed between 80 to 90% (whites see it as the "least" important, at about 75%). (Gibson, 2004: 55).

Respondents were also asked to identify the groups with which they most strongly do not identify. Less than 6% claim to have no anti-identity. Among black South Africans the

Primary Identity	All South Africans	African	White	Coloured	Asian
African	21.1%	28.4%	1.7%	4.5%	1.2%
South African	24.9	21.3	35.2	34.3	37.1
Black	9.4	12.5		1.6	
Zulu	6.6	8.8			
Christian	6.1	2.1	19.0	14.2	8.6
Xhosa	7.7	10.8			
Afrikaner	4.6		21.6	10.9	
Tswana	2.8	4.0			
North Sotho-Sepedi	2.4	3.2			
Coloured	2.4			26.1	
South Sotho-Sesotho	3.2	4.5			
English	1.2		8.5		1.6
Muslim	0.8			4.9	9.4
Tsonga-Shangaan	1.7	2.2			
White	1.0		6.3		
European	0.4		2.6		
Boer	0.5		3.0		
Hindu	0.4				13.5
Indian	0.6				18.8
Asian	0.3				9.0
Brown	0.2			1.4	
Other	1.6			1.0	
"South African" <sup>1</sup>	51.9	47.8	62.9	59.1	74.7
Number of cases	3,724	2,001	983	484	245

<sup>1</sup> Percentage of respondents claiming "South African" identity as a primary or secondary identity

**Table 2: Racial differences in Distribution of Primary Positive Social Identities (Gibson, 2004: 54)**

most common anti-identity was “boer” and “Afrikaner” – of course, not surprising taking into consideration the historical context. Whites, however, are not the primary anti-identity – it’s a subset of whites. White respondents are more likely to focus on a single group – more than a third of whites see black as their anti-identity – while a plurality of coloureds and Asians also dissociating from blacks (but not to the extent of whites). Thus, significant racial polarization exists, but is not an issue of primarily black vs white. (Gibson, 2004: 60).

There can be no doubt that group identities are important to all South African races. National identities are reasonably prevalent and seem to be on the increase. Large majorities derive a sense of pride from being associated with their country. Being South African and being Zulu/Afrikaner fit together for most South Africans, as they are aware of the political significance of groups – therefore strong group identities exists.

### **5.1.2) Acceptance of the TRC’s Truth**

The lesson the TRC tried to convey was that the struggle was justified by the evil deeds committed by the regime, but that abuses were committed by all sides of the struggle. This message contributed to reconciliation among oppressor and oppressed. In an attempt to examine how South Africans accepted the TRC’s findings, three elements of the TRC’s truth were drawn upon:

- (1) Apartheid was a crime against humanity and therefore those struggling to maintain that regime were engaged in an evil undertaking,
- (2) Both sides in the struggle over Apartheid committed horrific offences, including gross human rights violations and
- (3) Apartheid was criminal because of both the actions of specific individuals (including legal and illegal actions) and the actions of state institutions. (Gibson, 2004: 72-73).

The first statement is widely accepted among South Africans of every race. Still, whites are significantly less likely than other to judge the statement to be true (almost 25% of whites disagree with the proposition). Afrikaans-speaking whites are by far the most unwilling, with almost 30% not willing to accept the statement, versus only 16% of English-speaking whites. Thus, only a small minority rejects this statement, which is an

important element for a collective South African memory. (Gibson, 2004: 79).

However, despite the apparent consensus on Apartheid, a significant proportion of South Africans of all races believe that the *idea* of Apartheid was good, even if the implementation thereof was not. While this view is held by a slim majority of whites (and almost 63% of Afrikaans-speaking whites), it is perhaps quite surprising that more than a third of Africans, Coloureds and Asians agree that, in principle, Apartheid was a good idea. This might reflect the “separate development” implication of the system, as it is compatible with some elements of black nationalism (BPC, Steve Biko, Azapo, even the PAC) that emphasized the separation of races and the development of blacks apart from whites. Testing on a question of separate communities, blacks are divided on the issue (44% for and 46% against), but it shows blacks are more likely than any other racial group to agree to this form of racial segregation. (Gibson, 2004: 79, 82).

Among the blacks favouring residential segregation, 48% believe Apartheid was based on good ideas; among the blacks opposing it, only 24% believe the same. However, it must be taken into consideration that a majority of blacks hold the consistent view that Apartheid was a crime against humanity as well that it was not a good idea, nor was it implemented well (55,7%). This view is also supported by a majority of Asians (51%), a near majority of coloureds (46,2%), but a minority of whites (36,8%). Overall, blacks were steadfast opponents of Apartheid. (Gibson, 2004: 82-83).

The viewpoint that Apartheid was criminal in the sense of implementation rather than its ideology is consistent with about 17% of whites, versus just 1,5% of blacks. Thus, there is a widespread belief that Apartheid was criminal, but disagreement on whether separate development was a good idea. Only a bare majority of blacks, coloureds and Asians unequivocally reject Apartheid in principle and practice. In light of these attitudes, it is not surprising to find that many South Africans believed the struggle to *preserve* the system was just. It was quite unexpected that a *greater proportion of blacks than whites* hold this view. Of all racial groups, blacks are most likely to agree that the struggle to preserve Apartheid was just, although it should be noted that a majority of blacks do not subscribe to this view. Still, it is important to acknowledge that a majority of South Africans disagree that the struggle to preserve the system was just. (Gibson, 2004: 83-84).



For the purposes of hypothesis, a summary index was devised to indicate the degree to which South Africans accept the truth. Response varies from zero (rejecting the truthfulness of all statements) to five (accepting the truthfulness of all statements). Not surprisingly, blacks were most likely to accept the truthfulness of these statements, whereas whites were the least likely. However, substantive differences are not nearly as great as one might have expected, as the median number for items accepted among all groups, was 3. Worth mentioning were the differences in how ethnic/ linguistic groups feel. At one extreme, fewer than 10% of Sepedi/ Shangaan-speaking blacks accepted truthfulness and only 5% of Afrikaans speakers hold the same view. At the other extreme were the English-speaking coloureds, where 35% accepted all five statements. (Gibson, 2004: 85-86).

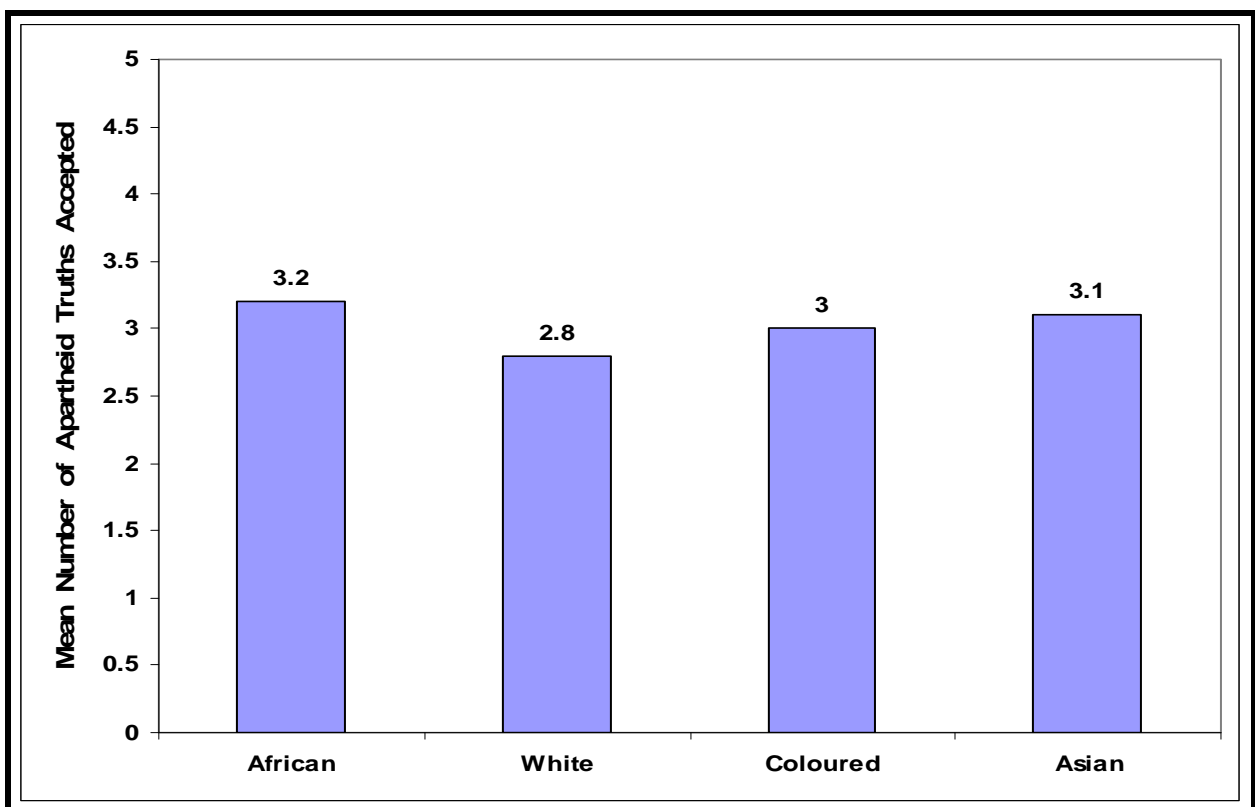


Figure 3: Acceptance of the TRC's Collective Memory – Average Number of Truths Accepted, by Race (Gibson, 2004: 87)

The survey reveals most South Africans of every race agreed that Apartheid, as practiced, was a crime against humanity. Nevertheless, viewpoints are complicated. In principle, Apartheid was *not* perceived as inherently evil by everyone, even if most agreed on the criminality of Apartheid's implementation. Not surprisingly, whites are more

forgiving of the failures of Apartheid, but blacks, coloureds and Asians hold unexpectedly tolerant views on Apartheid. Generally speaking, the TRC process has to some degree been successful to expose abuses on all sides, thereby contributing to a collective memory. (Gibson, 2004: 87-88).

The conventional hypothesis is that “those who were exposed to the activities of the TRC were more likely to accept its version of the truth”, or “those with more knowledge of the activities of the TRC are more likely to accept its truth about Apartheid.” This is accepted by all except blacks. For Asians, being injured by the system has nothing to do with their beliefs about the past. Like coloureds, those who accepted that they benefited from Apartheid are considerably less likely to accept the truth about the past – because they benefited, they are less likely to condemn Apartheid. It still remains a puzzle, however, why so many blacks do not condemn Apartheid. It may well be that those blacks who are less likely to condemn Apartheid in the first place were more likely to pay attention to the TRC and have confidence in the commission. (Gibson, 2004: 88-89, 102-103).

The logic of this argument lies in the fact that if the TRC influenced attitudes toward Apartheid, those more knowledgeable about the activities of the commission would be more likely to condemn Apartheid because of the position the TRC took – the TRC did represent a compromise with Apartheid, after all. The TRC seemed to attract the attention of blacks already predisposed not to judge Apartheid harshly, but it then contributed to these moderate views by convincing blacks that both sides in the struggle did things for which they should be blamed. (Gibson, 2004: 103-104).

Another hypothesis tested is that stronger group identities are associated with more acceptance of the TRC’s truth. The logic here is that the TRC largely condemned Apartheid. Those identifying more strongly with “black” groups are also more likely to condemn Apartheid. Among whites the expectation is an association with rejection of the TRC and its truth – the more whites identify with their group, the more likely they are to reject the truth as promulgated by the TRC. For those of every race, people who believe that groups are very important in South African politics are a bit less likely to accept the TRC’s truth. In other words, those believing South African politics is about the politics of group struggle, are less likely to accept the TRC’s position on Apartheid. (Gibson, 2004: 107).

This relationship characterized all South Africans irrespective of race. Why? Possibly due to the belief in the relevance of groups. Benign attitudes toward Apartheid exist because they accept the legitimacy of group segregation. For example, among those Africans agreeing groups are necessary in South African politics, 46% also agree that the ideas behind Apartheid were basically good ideas; only 23% of those disagreeing about group relevance endorse the ideas about Apartheid. (Gibson, 2004: 107, 109).

One other thing pertains to South Africans regardless of race – the strength of one’s primary group identity has nothing to do with one’s beliefs about the past. Rather, it is the attitudes that are sometimes but not inevitable associated with identities that are consequential. A few other findings also consistently characterized all South Africans – strong national identities influence only whites (with South Africa) and coloured people (with their national identity). For Africans and coloureds, commitment to South Africa have no consequences for understanding the past and they generally have no national connections other than to South Africa. In the end, what is the most surprising finding, is that so many South Africans fared well under Apartheid, including blacks, coloureds and Asians. Nearly everyone believe it was a crime against humanity, disagree over how bad Apartheid as system was and in general, South Africans’ participation in the collective memory reflects how well each of them managed under the system. (Gibson, 2004: 109, 114).

**Box 2: What is Truth? The TRC’s Quest for a Definition**

Not only did the Commission have its work cut out regarding its aims with “reconciliation” and what the implications would be, but throughout the process it discovered that the mere concept of “truth” would need urgent attention as well. What is “truth”? Who’s “truth”? In Volume 5 of its Report, the Commission devoted a whole chapter on concepts, including a subsection on its multiple understandings of “truth”.

The various truths identified by the commission are: (1) factual or forensic truth, (2) personal and narrative truth, (3) social truth and (4) healing and restorative truth. These notions of truth would all be incorporated into the TRC Report:

*(continues on page 49)*

*Factual or Forensic Truth:* factual, corroborated evidence, obtained through reliable procedures. The most basic aim of the TRC was to reduce the number of lies that circulated unchallenged in public discourse, or put another way, “consolidate” the truth.

*Personal and Narrative Truth:* the truth as seen through the eyes of the individuals at the hearings. Victims who previously had no voice got to tell their experience of Apartheid reality to the country.

*Social Truth:* although the commission focused on the truths of individuals, a broader aim was to “step up” and paint a picture of a communal and national story. This in turn would lead to reformed norms for social relations between South Africans.

*Healing and Restorative Truth:* the kind of truth that places the facts and what they mean within the context of human relationships. Central to the Commissions’ aims, it was not simply enough to determine what happened, but to let it serve the purpose of acceptance and acknowledgement of the truth about the past.

Through these various nuances of “truth-hunting”, the Commission aimed to draw as complete as possible a picture of the past, starting from the most basic individual stories and building up to a consolidated history of the past and reflections on what it means for post-Apartheid South Africa. Although none of these truths are less important than the other, the Commission had its biggest focus on healing and restorative truth – creating a platform from where leaders from all sides could see eye to eye and build on a new South African reality.

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“Truth” in the *TRC of South Africa Report, Volume 5*, p.110-114

### **5.1.3) Interracial Reconciliation and the TRC**

A more reconciled society is one in which people understand, accept and even appreciate differences in groups other than their own. In principle, it would be desirable to ask members of each racial grouping about their attitudes toward all other groups, for instance, blacks about whites. The optimal strategy for black and white respondents was not difficult to identify: blacks were asked to give their views on whites and visa versa.

Asking those in clear opposing sides under Apartheid makes perfect sense. Coloureds and Asians, too, were asked about their opinion toward black Africans. Thus, the focus was on the relationship between the racial minorities and the black majority. Both coloureds and Asians displayed perceptible antipathy towards blacks – among coloureds mostly because of their continued marginalization due to affirmative action and among Asians due to a keen awareness of the strained Asian-African relations throughout the continent. (Gibson, 2004: 118-121).

If reconciliation requires interracial understanding, then a majority of South Africans of every race are not reconciled. For instance, more than two thirds of Africans say they find it hard to understand whites, while a majority of coloureds and Asians claim the same regarding blacks. Particularly striking is the fact that less than one quarter of Africans say they are generally able to understand whites. It is thus not surprising that interracial trust suffers. A majority of blacks say whites are untrustworthy, while about one third of whites say the same about blacks (while another fifth of whites say they are uncertain about trusting blacks). Still, nearly one half of whites (46%) reject blacks as untrustworthy, while just 21% of blacks feel the same about whites. One half of coloureds and about 42% of Asians reject blacks as untrustworthy. (Gibson, 2004: 122, 124).

The lack of trust also manifests in the unwillingness to believe what members of the opposite racial groups says. While a substantial number of blacks say whites could not be believed, willingness to believe blacks are higher among the minority groups. Because of a lack of trust, many blacks feel uncomfortable around whites, while the minorities claim to have no uneasiness about being in the presence of blacks. There were also other questions relating to interracial reconciliation regarding prejudicial stereotypes, like the likeliness to commit crime. (Gibson, 2004: 124-125).

A majority of whites and Asians believe blacks are more likely to commit crime, but it is not a belief shared by coloureds. What is noteworthy is that blacks are also concerned with the criminality of whites – nearly 41% agree that whites are more likely to engage in crime! On the question of being friends, blacks say they find it difficult to be friends with whites, but, again, minorities don't find the idea to be friends with blacks so far fetched. Worthy of mentioning is that – on a question on whether a racially homogenous South Africa is preferable (“Should members of the opposite racial group leave the country?”),

substantial majorities of all racial groups disagreed that the country would be a better place without the other race. (Gibson, 2004: 125-126).

Another item in the survey that was of particular importance is the possibility of multiracial political parties. Barely one fifth of blacks say they might consider being in a party made up mainly of whites. With respect to a mainly black party, the figure increases to about 40% for whites, 55% for Asians and almost 61% for coloureds. The black majority sees little logic in why they should become a minority in a white-dominant party, whilst the minorities don't find it so unacceptable, because it is a likely scenario that political power can only be acquired with the help of blacks. (Gibson, 2004: 125).

Thus, interracial reconciliation varies: people in South Africa have fairly complicated and ambivalent views toward those of the opposite race. In an attempt to sketch a picture of interracial reconciliation, a reconciliation index was created. It is simply the number of 'reconciled' responses minus the number of 'un-reconciled' answers and varies from -9 (complete racial intransigence) to +9 (complete interracial reconciliation). Only blacks hold negative views toward the opposite racial group – the mean of -1.78 means that blacks gave more un-reconciled replies than reconciled ones on average, when asked about whites. In contrast, coloureds are more positively oriented toward blacks, with more reconciled than un-reconciled answers. (Gibson, 2004: 126-128).

Nearly 50% of blacks are scored as "less reconciled", versus about 33% of whites. Coloureds are most likely to hold racially reconciled attitudes, while a plurality of whites and Asians express more reconciled viewpoints. Regarding language and ethnicity, greater variability can be found. Sepedi-speaking Africans are the least reconciled with whites (only 12% are "more reconciled"); Afrikaans-speaking whites are less reconciled than English-speaking whites (41% versus 22%) ; the same can be said for Afrikaans-speaking and English-speaking coloureds (48% versus 71% being "more reconciled"). Based on this, it seems that Sepedi-speaking blacks are the least reconciled and English-speaking coloureds the most reconciled ethno-linguistic group. (Gibson, 2004: 128-129).

Many might argue that whites' positive attitudes toward blacks might have to do with social desirability – the unwillingness to express openly negative views on blacks. Could

whites be censoring their attitudes? Included in the survey was a test to study the willingness of respondents to fabricate viewpoints when in fact they had none. Using the “fictitious group experiment”, respondents were asked about their views on a non-existent group, the “Mishlenti Society”. Large majorities of South Africans of every race expressed correctly no opinion toward the Mishlenti Society. Where opinion was expressed, it was negative and only a tiny proportion had positive views. Most importantly was that racial differences in opinion fabrication are *entirely trivial*. There’s no evidence that whites are more likely than others to try portraying themselves in a positive light. Moreover, whites *did* express *some* negative attitudes toward blacks. (Gibson, 2004: 129-130).

An assumption not always supported by empirical literature is that increased racial contact will lead to racial harmony. In the South African context, it is not surprising that the racial minorities report more contact with blacks than blacks reporting contact with whites. Only 7% of Africans reported having regular contact with whites, while over 42% of whites claim to have regular contact with Africans at work. It’s noteworthy that a majority of blacks report no contact at all with whites at work; outside the workplace, interracial contact is even less – less than 12% of whites have contact with blacks outside the workplace. Coloureds and Asians have similar declines in contact. Few blacks have contact with whites either at work or at home. (Gibson, 2004: 136, 138-139).

Therefore it is not surprising that few South Africans reported having many friends of the opposite race. Almost no blacks have “quite a number” of white friends and less than 7% of whites have “quite a number” of black friends. A majority of blacks have no white friends at all and interracial friendships are more common among coloureds/ blacks and Asians/ blacks. A picture emerges of substantial racial isolation, but given the demographics of the South African population, it is not hard to understand why blacks have so little contact with whites. Contact at work has no significant effect for any racial group in terms of producing more reconciled racial attitudes. (Gibson, 2004: 139, 141).

#### **5.1.4) *The Link between Truth and Reconciliation***

For black South Africans, those who accept more truth are no more or less likely to hold racially reconciled attitudes than those who accept less truth ( $\beta = .03$ ). Among whites, coloureds and Asians, the relationships are both statistically and substantively significant ( $\beta = .51, .33$  and  $.18$  respectively). Among whites in particular, the relationship is remarkably strong. No meaningful distinctions within the black population in the nature of the relationship between perceptions of truth and acceptance of racial reconciliation, exists. (Gibson, 2004: 132, 134).

Analysis went deeper by dividing the black sample according to the frequency of church attendance: between those who attend at least monthly and those that do less frequently. The data indicates that among the relatively *less* religious blacks, greater acceptance of the truth contributes to racial reconciliation ( $r = 0.15$ ) and among the relatively *more* religious, truth and reconciliation are unconnected ( $r = -.02$ ). It may be that among religious blacks reconciliation is a non-political, otherworldly process and thus immune to influence by understandings of the facts about the country's history. (Gibson, 2004: 134-135).

Irrespective of whether they are religious or not, the degree to which black South Africans accept the truth about Apartheid depends on how much they benefited from Apartheid and their confidence in the TRC. Moreover, more knowledge of the TRC is associated with less acceptance of the truth, probably because the activities of the TRC shifted the focus from the broader Apartheid system to individuals and Apartheid. Among religious Africans, illiteracy is a strong influence – those who are illiterate are much less likely to hold reconciled attitudes toward whites. Moreover, the effect of illiteracy had nothing to do with attentiveness to the TRC and stands independent from contact with whites. (Gibson, 2004: 148-149).

Among whites, truth acceptance is more common among English-speakers (who are in greater contact with blacks, have more confidence in the TRC, are of higher social class and are better educated) than Afrikaans-speakers. Other things being equal, Afrikaans-speaking whites are substantially less likely to participate in South Africa's collective memory. For whites, analysis is problematical, since truth and reconciliation are so



strongly correlated ( $r = .51$ ). Similarly to coloureds, being Afrikaans directly shapes understanding of the past but does not influence reconciliation directly. Because Afrikaans-speakers tend to reject the TRC's truth, they also tend to be less reconciled with blacks. Interracial contact strongly influences racial reconciliation among whites. (Gibson, 2004: 148, 155-156).

For coloured people, the findings are similar to that for whites, with exceptions. Interracial contact matters little, but the perceived benefits from Apartheid matters considerably – those who benefited are substantially less likely to accept the TRC's truth. Among coloureds, acceptance of the truth and racial reconciliation are related ( $r = .33$ ). Clearly, greater appreciation of the truth about Apartheid leads to greater racial reconciliation. Those who have more interactions with Africans are more likely to hold reconciled attitudes. Also, coloured women are significantly more reconciled with Africans than coloured men. Lastly, for Asians, truth acceptance is a function of their relationship to Apartheid, age and social class (but not education level). Interracial contact plays a minimal role. Among Asians, truth and reconciliation is related ( $r = .18$ ). The most important finding among Asians is that those who have come to accept the truth about Apartheid tend to be substantially more reconciled. (Gibson, 2004: 148-149, 151, 155).

In terms of racial reconciliation, one important finding characterized all four groups – interracial contact contributes to reconciliation. It may be weaker among blacks, but are nonetheless substantial and highly significant. To recapitulate, it seems that, for Asians and coloureds, accepting the truth about the past causes people to be more reconciled. Among whites, truth leads to reconciliation, but those more reconciled are more prepared to accept the truth (in other words, truth and reconciliation go together, but the causal relationship appears to be reciprocal). For the demographically dominant group, the Africans, the finding is that truth does not lead to reconciliation, nor does reconciliation lead to acceptance of the truth. (Gibson, 2004: 149-150).

However, it should be emphasized that just because truth seems to contribute little to reconciliation among blacks, truth does not contribute to a *lack* of reconciliation either. That the TRC process seemed not to have a negative impact among Africans, while having positive impacts among the minorities, indicates that the process clearly has had a net benefit in South Africa. Nevertheless, a rather complex view of the nature of

reconciliation in South Africa arises. The levels of racial reconciliation are astounding when keeping in mind that when the survey was done, the new South African dispensation was not even ten years old and that the country was hovering on the brink of a full-scale civil war. The low levels of racial reconciliation among blacks should not be seen as unsurprising – they bore the brunt of the ugliest side of Apartheid and it is understandable that they might not have positive attitudes toward whites. To the extent that South Africans do not respect and/or understand the various racial groups making up the population, are fearful of them and subscribe to negative racial stereotypes, reconciliation has not been achieved. (Gibson, 2004: 166-167).

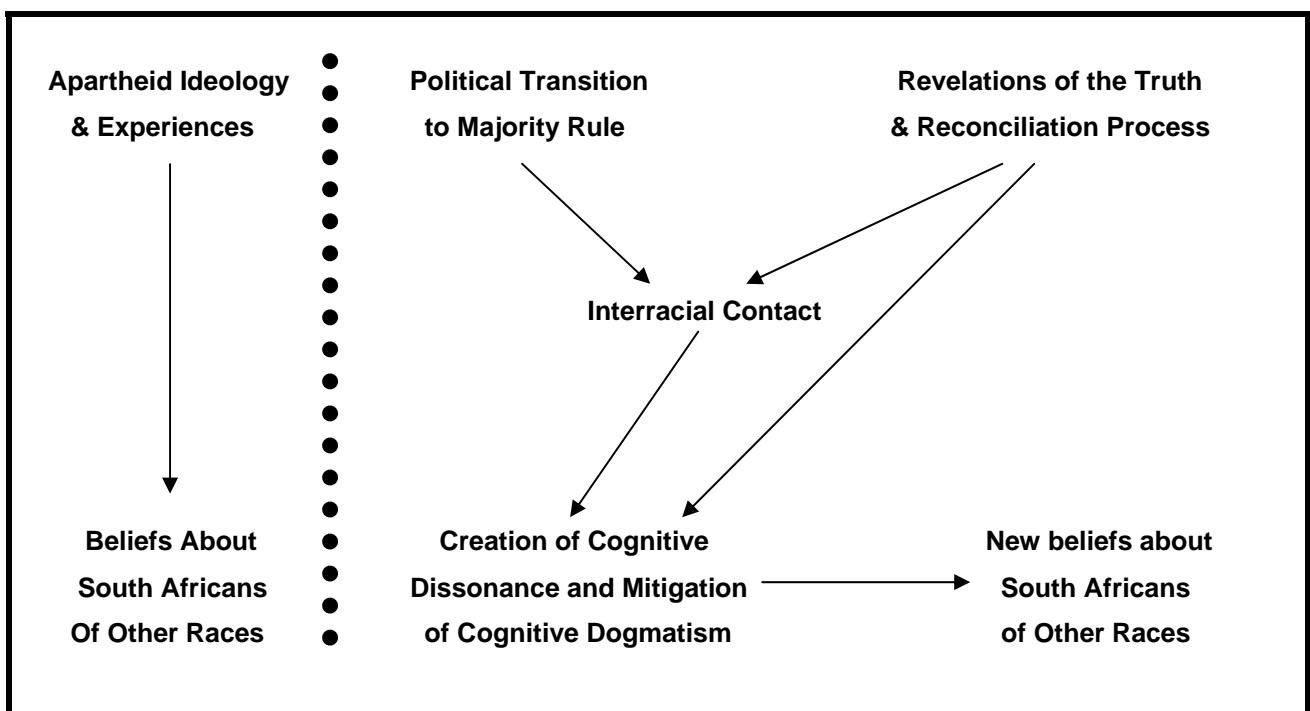


Figure 4: Processes by which “truth” leads to attitude change (Gibson, 2004: 159)

### 5.1.5) *Tolerance as a Minimalist View on Reconciliation*

It could be said that tolerance represents a minimalist view on reconciliation. In this sense, reconciliation demands that South Africans just put up with those with whom they disagree. Respondents were asked about the degree to which they dislike various South African groups, using a scale ranging from 1 (disliking a group a great deal) to 11 (liking the group a great deal). The most disliked groups are clearly the AWB (hated by nearly 75% of all South Africans), then PAGAD, Afrikaners and the IFP. The most liked groups are the ANC and (in a far-off second place) trade unionists. Three groups draw hostility

from South Africans of every race: the AWB, IFP and PAGAD. Large majorities of all racial groups express negativity toward these groups. Among whites, coloureds and Asians there is also agreement on hostility toward the SACP and the PAC. (Gibson, 2004: 213, 217, 220, 222).

Though overall quantities of sympathy and antipathy seem similar across the different racial groups, in fact, whom one dislikes depends heavily on race - just look at the attitudes toward Afrikaners and the ANC. Among blacks, almost 64% like the ANC very much, while over 62% dislike the Afrikaners very much. Among whites, almost 42% like Afrikaners a great deal, while 43% dislike the ANC a great deal. Less than 10% of whites express any degree of positive feelings toward the ANC, while less than 5% of Africans hold any positive views on Afrikaners at all. This finding reflects the fairly intense political animosity and conflict between these groups in recent history. (Gibson, 2004: 219-220).

More than 87% of blacks rate the ANC positively, the only other group being so popularly rated, are the unions, way down at 62%. The most negatively rated group is not surprising – more than 95% express antipathy toward the AWB. Whites give their most positive rating to Afrikaners (77,4%), followed by the DP (77,1%). Large majorities of whites rate the SACP, PAC, PAGAD, the AWB, supporters of a one-party state and the ANC, unfavourably. For coloureds, the poles of sympathy and animosity are defined by Afrikaners (more than 54% positive) and the AWB (92% negative). Coloureds don't dislike the ANC to the extent that whites do and are also less antagonistic toward trade unionists and Muslims. For Asians, the majority are favourably predisposed toward the DP, NNP and Muslims, but noteworthy is that the Afrikaners and the IFP are their groups least positively rated. (Gibson, 2004: 220).

Determining which of these groups are disliked the most, political intolerance is measured through the method of "least liked group". Among all South Africans, the single most disliked group is the AWB (nearly 37%). From the remaining entries the impression is that group hatred is dispersed over the political landscape, with not much agreement on who the prime political enemy is. A majority of whites list communists, PAGAD and the PAC among their most disliked groups, while coloureds and Asians focus on the AWB and PAGAD. Among whites there are three significant changes since 1996: a decline in animosity towards communists, the PAC and trade unionists, but a slight rise in

animosity toward the ANC and a dramatic increase in hatred for PAGAD. (Gibson, 2004: 223, 225).

For coloureds, there are two significant changes: a decline in animosity toward the PAC and IFP and increased anti-PAGAD feelings. Among Asians, anti-Afrikaner feelings grew, animosity toward PAGAD spiked, but anti-PAC and –IFP feelings declined. The most significant finding from the 2001 survey is the substantial decline in animosity toward the IFP (except among whites, who's animosity toward the IFP were never widespread to begin with) and the growth of animosity towards PAGAD. To some degree, group animosities have been transferred from the major political players to fringe groups like PAGAD, which is encouraging. What is ominous, however, is the increasing animosity among blacks toward Afrikaners and Afrikaners toward the ANC. (Gibson, 2004: 225-226).

It is useful to observe if a disliked group is also perceived as threatening. Perceptions are measured by using a series of adjective pairs describing attitudes of a group. Respondents were asked to judge the group on a seven point scale ranging from “committed to democracy” to “not committed to democracy”. Even though the survey was done just seven years after the fall of Apartheid, almost 61% of respondents evaluated their most disliked group at the most extreme score on the continuum, but judge these groups as not very powerful or successful. Only 10,8% rate the group extremely powerful and 7,5% is of opinion that the group is likely to gain significant power in the future. (Gibson, 2004: 227).

Group threat perceptions have declined substantially from 54% in 1996 to 43,7% in 2001. There exist significant and substantial racial differences regarding each threat perception: Africans are substantially *more* threatened than other South African groups and coloureds are the least. In terms of group power perceptions, whites are the most likely to view their least liked group as powerful; Africans are the least likely to hold such views. Racial differences are strongest on sociotropic threat perceptions (threat of group to the larger society) and weakest on egocentric threat perceptions (threat of group to the individual). (Gibson, 2004: 230, 232).

Furthermore, respondents were asked whether their hated political enemies should be allowed to engage in certain types of political activity (for example, to stand as a candidate in an election; to hold street demonstrations in the respondents' community; be banned in the respondents' community). This painted a picture of relatively low political tolerance in South Africa. Nearly 75% of respondents would not allow a demonstration by members of the political group they disliked the most. Tolerance for allowing a candidate to stand in an election or to exist as a political group is somewhat higher, but still, substantial majorities would not allow their most hated enemy ordinary opportunities to compete for political power. That tolerance has not increased despite the decrease in political violence and threat perceptions, is a most unwelcome finding. (Gibson, 2004: 233-234).

Substantial differences exist within racial groups according to language and ethnicity. Among Africans, the least intolerant are Xhosa-speakers (55,8% are completely intolerant of their most disliked group), while the most intolerant African ethnic group are the Shangaan-speakers (almost 79%). The linguistic difference among coloured people are substantial – 59,2% of Afrikaans-speaking coloureds versus 44,6% of English-speaking coloureds are completely intolerant of their most disliked group. (Gibson, 2004: 237).

Political tolerance, consequently, is not very widespread. Maybe this is not such an unexpected finding as one might think. For decades South Africans learned from their government that the appropriate response to those of differing or opposing political ideology was to ban them or try to eliminate them. It would be unreasonable to expect a drastic change overnight. It appears that political tolerance is less widespread than interracial reconciliation. South Africans seem to be more committed to multi-racialism than putting up with threatening political opponents. (Gibson, 2004: 255).

#### **5.1.6) *The Quest for Justice and the Amnesty Process***

One of the vital aspects of the success or not of the TRC would come in the form of amnesty. However, it did not come without a price. One outstanding problem is that amnesty granted caused unfulfilled expectations of retribution. South Africa is a good example where leaders of the peace process impinged on justice for the sake of a

successful cessation of conflict. The ANC traded amnesty for peace; the Apartheid government accepted freedom from persecution in exchange for power-sharing. In this Faustian bargain, justice was put on the backburner. Many South Africans were denied the retributive justice they yearned for. (Gibson, 2004: 259).

Some have criticized the South African government for letting perpetrators of gross human rights violations go free. The failure on the issue of retribution is often cited as one of the biggest failures of the TRC. Yet, there are different kinds of justice and some came through stronger than others:

1. *Distributive Justice* – compensation for victims of Apartheid for their losses. The dismal payouts and criticism of government because of it tends to show the TRC was weak on ensuring this kind of justice.
2. *Restorative Justice* – restoring the dignity of victims by letting perpetrators apologize for their actions. Through this lens of justice the TRC fared better.
3. *Procedural Justice* – giving victims a “voice”, letting them tell their stories of pain and suffering to the whole country. This was also a strong aspect of the TRC.
4. *Retributive Justice* – giving the perpetrator some kind of punishment. Very few perpetrators were jailed or fined, which – as mentioned – soured feelings about how successful the TRC really was in achieving justice for the victims. (Gibson, 2004: 262-265)

In general, when asked about the role of amnesty in the truth and reconciliation process, South Africans were not opposed to amnesty, with a majority of 57,3% approving of it to at least some degree. Blacks are far more likely to approve of amnesty (71,6%) than those of any other race, which is surprising, as most reports about amnesty concerned agents of the Apartheid state being allowed to go free after confessing to gross human rights violations against the liberation forces. However, approval of amnesty should not be interpreted as judging amnesty as fair. (Gibson, 2004: 266).

On being asked whether amnesty is fair to three groups – those who died during the struggle, the victims and the “ordinary people like you”, a large majority (73%) believe that amnesty is unfair to those who died in the struggle and 65,2% believe it is unfair to the victims. Furthermore, more than 52% believe it to be unfair to ordinary people. Respondents did however acknowledge the importance and necessity of amnesty as part

of the truth and reconciliation process in the avoidance of civil war and a peaceful transition (65% of blacks, 18% of whites, 36% of coloureds and 47% of Asians agreed). (Gibson, 2004: 266-267).

However necessary the granting of amnesty was, the failure to achieve any sort of retributive justice is deeply unpopular. Even when presented with all four forms of justice – procedural, retributive, restorative and distributive – only half of South Africans approve of amnesty. The other half seemed unable to reconcile with the granting of amnesty to perpetrators of gross human rights violations. Notwithstanding, justice does matter – to an important degree alternative forms of justice can make up for the inherent unfairness of amnesty, at least for a considerable portion of the population. The TRC, being an instance in which informal justice had some significant advantages over formal justice mechanisms, is one way to judge the commission as fairly successful. (Gibson, 2004: 284-285).

Social justice is a central aspect of conflict transformation and in this aspect of the truth and reconciliation process, it seems that the granting of amnesty has frustrated perceptions of justice to a larger degree. It should, however, be kept in mind that South Africa's transition did not fall in the usual category of African countries ridding themselves of colonialism. The struggle was not the usual freedom war and the fight was not against the usual kind of colonialism. Also, when the transition came it could not have been met by aggressive expulsion or marginalization of the previously advantaged group, because white South Africans did not constitute the traditional kind of colonists. If justice had to be achieved in full, the Commission as well as the new government would have to delve back into more than 300 years of racial discrimination, which of course would be impossible to achieve. It would also have crushed the aim of reconciling South Africans and therefore justice did not come in one big blow, but had to be initially counter-balanced by the objective of reconciling South Africans through truth, rather than igniting more racial hatred between South Africans.

### **5.1.7) *The TRC and the Legitimacy of Political Institutions***

It is difficult to imagine any sort of consolidated political reconciliation unless South Africans are willing to extend legitimacy to political institutions such as their constitutional court and the national parliament. The TRC's Final Report often refers to the illegitimacy of the Apartheid state, as well as the necessity of establishing legitimacy in the new South Africa for the benefit of a culture respectful of human rights. South Africans must come to tolerate each other and be willing to face the expression of displeasing political ideas, as well as support institutions that have the authority of enforcing political tolerance as effective public policy. The TRC aimed to increase respect for human rights and implicitly support for the institutions charged with the protection of those human rights. (Gibson, 2004: 290).

It would seem obvious that blacks would see the new dispensation as a legitimate one. However, blacks do not necessarily see the constitutional court and the parliament in a positive light. Democracy is a compromised institutional structure, meaning that it is a system in which multiple interests can gain access to political power. Furthermore, not all democratic institutions are accountable to the majority, like the courts, where minorities are provided with the means of pursuing at least some of their interests. (Gibson, 2004: 297-298).

Generally, parliament receives a bit more support than the Constitutional Court, while 38% would stick by the parliament even if it made an unpopular decision, just 27% are willing to do the same regarding the court. About six out of every ten South Africans say parliament as well as the court can be trusted. The court attracts no more loyalty than parliament, which may indicate that the court has failed in differentiating itself from the other branches of government and/or has not penetrated the South African consciousness. This impedes an increase of legitimacy. (Gibson, 2004: 302, 304).

Africans are significantly more inclined to support both institutions than the minorities. About 50% of blacks express a high degree of loyalty toward these institutions, while only a third of whites do. Coloureds' attitudes are close to that of whites, while Asians' attitudes are closer to that of blacks. That whites express so little support for the constitutional court is perplexing. The constitutional court is *the* institution in the country



that is a decidedly minoritarian institution, but the expectations in the 1990s that the court would protect white privileges, has not realized. This may be a cause for disillusioned low support. (Gibson, 2004: 308-310).

To the extent that reconciliation requires a basic loyalty to the primary institutions of democracy, reconciliation has a long way to go. South Africans strongly and uniformly do not recognize the legitimacy of parliament and the constitutional court. It is particularly worrisome that the constitutional court has not acquired a distinct legal identity and is not yet seen as unique and “above” ordinary politics. The fact that the survey was done less than one decade after the end of Apartheid might play a role. Also worthy of noting, is that people *have not rejected* these institutions as illegitimate – it has not earned acceptance and respect just yet. (Gibson, 2004: 323-325).

### 5.1.8) Gibson: The Final Word

Keeping in mind that reconciliation stands upon four pillars – trust and respect between those of different races, tolerance for political enemies, the protection of human rights through the rule of law and extending legitimacy to the political institutions of the new dispensation: how reconciled is South Africa?

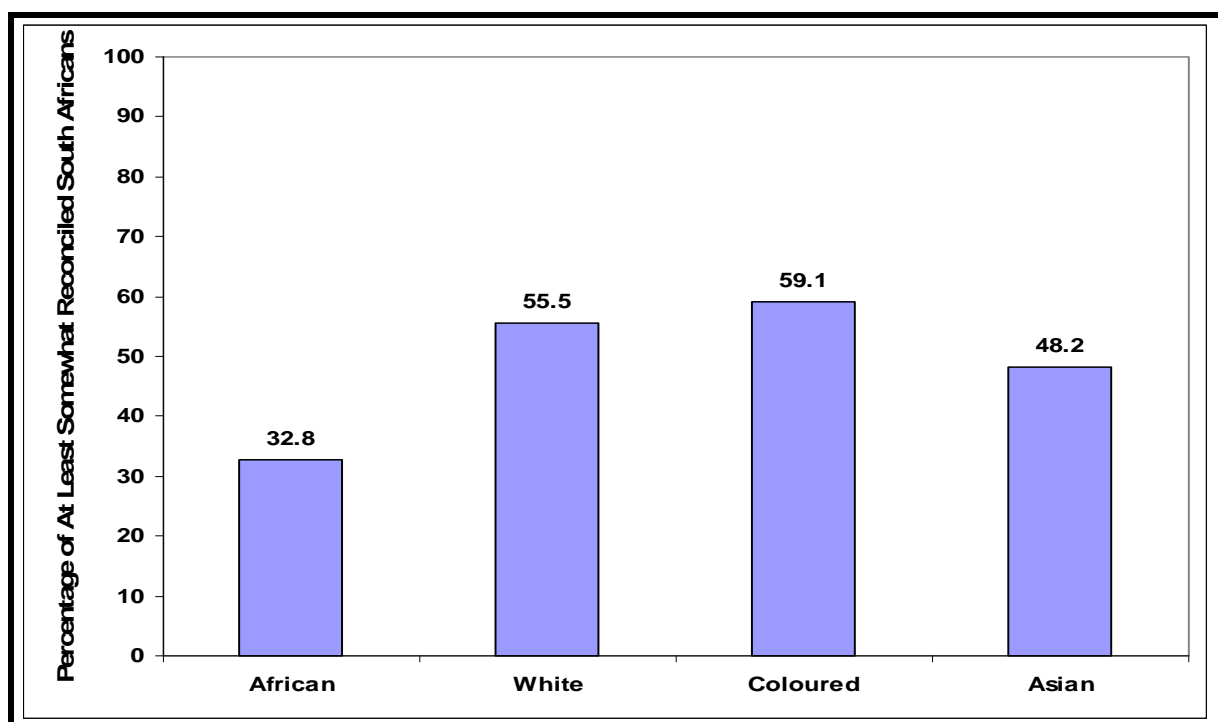


Figure 5: Differences in Overall Levels of Reconciliation, by Race (Gibson, 2004: 333)

In South Africa as a whole, 44% of the population is at least somewhat reconciled. With no comparable data from the pre-1994 period, it can be judged to have been considerably lower than 44%. That nearly half of South Africans expressed some degree of reconciliation not even ten years after Apartheid is an astonishing finding, but South Africa is still a deeply un-reconciled society. The data shows that the TRC, to varying degrees, contributed to a more reconciled South Africa by not contributing to “irreconciliation”. (Gibson, 2004: 332, 334).

## **5.2) The 2002 HSRC Survey**

The notion of a “Rainbow Nation” became the dominant stream in the discourse of Nelson Mandela’s presidency. Accompanying this was the adoption of a liberal constitution based on international human rights principles and the entrenchment of a wide range of socio-political and economic rights. A range of institutions were created to protect the citizenry from rights abuse, including the TRC. The impact of these developments are difficult to measure, but it was the objective of the 2001 survey to reveal the state of race relations seven years after the transition. (Grossberg, 2002: 64).

Of the national sample, a plurality indicated there has been an improvement in race relations (42,1%). About one third believe race relations have stayed the same, while about 15% believe race relations have deteriorated. Indians (56%) and Africans (43%) indicate the most support for the view that race relations have improved, whereas whites (33,4%) and coloureds (20%) show the most support for the opposite view (that relations have deteriorated). Reasons for white South Africans to feel this way might be their sudden loss of political power and their vulnerability in the face of the governments’ affirmative action and black economic empowerment policies. Coloured pessimism might be due to the perception that they still feel left out (“not white enough before 1994, not black enough after 1994”). A substantial majority of all respondents across race (72,5%), however, did indicate that they had not experienced any racial discrimination against them in the last six months. (Grossberg, 2002: 65-66)

Race still mattered to South Africans when this survey was done. On the question on whether if “race no longer matters in South Africa”, respondents were evenly balanced between those agreeing (39,5%) and those who disagree (38,9%). Again, Indians (53%)

and Africans (40,5%) were the main protagonists, whites (49,5%) and coloureds (43%) the antagonists. One of the most constructive findings of the study was that respondents saw the TRC as one of the most positive influences regarding what/ whom influences racism or racial discrimination in a positive or negative way – in this case, positively viewed by 52,6% of all respondents. (Grossberg, 2002: 69, 70, 71).

### **5.3) The 2005 CPS Social Identity Survey**

The Social Identity Survey was done in the context of a decade of democracy: to what extent has South Africans overcome socio-racial polarization? The CPS launched this study in collaboration with the HSRC. Corresponding with the Gibson survey's findings in 2001, although all racial groups reflect imbedded racial and ethnic identification, all groups appear equally committed to a common South African national identity. Whites rate the lowest with this commitment, but still more than half (52,4%) identify with the "rainbow nation". (Kornegay, 2005: 1, 4).

The sense of a growing common South African identity shows in results in regards to the question over which identity is "most important" – "South African" outranked all other identities: with whites at 25,6%, blacks at 24,3%, coloureds at 22,6% and Asians at 22,1%. However, South Africans are not so united regarding the thorny issue of "being African". Almost three quarters of blacks identify themselves as being African, yet a near three quarters of Indians (73%) and two thirds of coloureds also see themselves as African. Whites lie far below, at 47,8% (this could be surprisingly high or disappointingly low, depending on the viewpoint of white peoples' role in South Africa). Ambivalence exists among coloureds (60% agree) and Asians (61% agree) about whether all South African citizens should be referred to as Africans. (Kornegay, 2005: 4-5).

Another finding corresponding with Gibson, is that blacks appear to be less tolerant than all other racial groups, followed by whites with a difference of 5-10% between the two groups. 46% of blacks say it would matter if the people around them were of different race, against 41% for whites. The survey notes the so-called "black social integration deficit" – that blacks as an overwhelming majority might rarely or never be in the company of minority groups. On the question regarding interaction in various settings,

the minority groups all scored 80-90% each, for interaction with other races, with the score for blacks far below at just 60%. (Kornegay, 2005: 7-8).

Residential racial integration might be a point worth noting. According to this survey, it is *whites* who are the least convinced regarding residential integration. Blacks, coloureds and Indians feel residential integration improves race relations (50%, 47% and 53%, respectively). Only 28,1% of whites feel this way, but the biggest plurality of whites (31,4%) is of opinion that it would make no difference in race relations. (Kornegay, 2005: 9-10).

#### **5.4) The 2006 South African Reconciliation Barometer Survey**

The SA Reconciliation Barometer Survey is a survey done by the IJR annually since 2002, measuring responses of South Africans to socio-political and economic change, with particular emphasis of their impact on national reconciliation. Although the survey covers a much broader area of inquest than just reconciliation or social identity transformation (which is within the aims of this paper), these areas are included.

Regarding the legitimacy of the political leaders in the new dispensation, the survey of 2006 found that just more than half (51,7%) of respondents said those in control of the country's affairs do not care about people like them. Coloureds feel the strongest about governments' disregard for them (66,2%), while blacks are the least affronted (49,7%). Throwing the net wider to observe general institutional legitimacy, almost seven out of ten South Africans have "quite a lot/ a great deal" of confidence in parliament, despite the Travelgate scandal that was still brewing when the survey was done. A little less than two thirds of South Africans have the same amount of confidence in the Constitutional Court. (Hofmeyr, 2006: 27, 29-30, 34).

Keeping in mind that the Gibson survey was done in 2001, it seems there has been a positive and significant shift towards higher regard for parliament and the Constitutional Court. South Africans have surely come to see the Constitutional Court as an unique institution that is "above" ordinary politics: more than half (55%) agree that its rulings should reign supreme even if it is unpopular among ordinary people – this is drastically higher than in the 2001 Gibson survey. An alarming finding, however, is that 41% of

respondents indicated that under certain circumstances where parliament makes unpopular decisions, it should be done away with. (Hofmeyr, 2006: 30-31, 34).

The idea of a united South Africa is widely popular among most South Africans – more than three quarters of respondents approves of the idea (76,2%). The response from Africans, coloureds and Indians lie in the 75-80% range, with whites the “least” willing to approve of the idea, at 67,7%. On the question of social interaction between racial groups, blacks are overwhelmingly isolated from the minorities as 60,4% of black respondents indicate that they never have contact with other groups on a daily basis (exactly the same percentage for blacks in the Gibson survey five years prior). This figure increases to 28,2% for whites (13,5% in Gibson’s survey) and 18,8% for Asians (10,6%), but decreases to 25,9% for coloureds (29,5%). (Hofmeyr, 2006: 36, 49). If the figures for blacks and their social interactions can be taken as accurate, interracial contact as a driving force for reconciliation will unfortunately not contribute to black-on-minorities understanding.

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## CHAPTER 6

### SUMMARY & CONCLUSIONS

#### 6.1) Conflict Transformation and the TRC

In retrospect, what can be said about the impact of the Truth and Reconciliation Commission on the South African society and its role in the broader process of conflict transformation? An initial observation does not have to go any further than the two phenomena mentioned in these initial three lines: the TRC and conflict transformation. South Africa is a sure example of conflict transformation. The country did achieve a conflict settlement, but this was merely an agreement – a ceasefire if you may – between the leading elites on both sides of the struggle. The settlement culminated in the first fully democratic general elections in 1994 that brought the first black individual into the presidency. However, if this was the only goal of making peace in South Africa, it would only serve to aggravate the extremists on both sides – the AWB on the far right and the PAC/ Azapo on the far left – and turn a racialized civil war from a hypothetical situation into a grisly reality.

Luckily the leaders of the 1990-1994 negotiations went further than the mere re-establishment of popular political power. In a complicated war situation like in South Africa, political reform was only one leg of the whole reform package. Economic and social transformation had to follow as well. Social transformation itself is an extensive field, ranging from the transformation of the media, the education system, to housing policy, etc. One of the most prominent tools of the new democratic South Africa to ensure racial harmony was the Truth and Reconciliation Commission and can be regarded as one of the most vital elements brought to the fore by the presidency of Nelson Mandela: the transformation of South Africans' attitudes toward each other. Reconciliation as part of the social aspect of the transformative agenda of the ANC government was the next stage of the process of conflict transformation. The ending of official antagonism between the elites had to be supported by the building of bridges between the estranged masses.

Working from the standpoint that the uncovering of truth about Apartheid atrocities would lead to understanding, (a degree of) forgiveness and the taking of hands to build a peaceful future: reconciliation and interracial tolerance. The TRC kick-started the process of popular dialogue and transformed views on the past for many South Africans as well. The truth and reconciliation process created uncertainty and doubt among many about the righteousness and morality of their own cause.

## **6.2) Immediate Impact of the TRC**

Practically all political parties condemned the TRC's Final Report and many thought the "truth" exposed by the commission included atrocities that might have made people less likely to reconcile. Yet, the commission documented atrocities on all sides of the struggle and many South Africans became less certain about the total legitimacy of their side in the struggle which forced them to acknowledge that the "other side" might also have been unfairly victimized. Sharing responsibility, blame and victimhood evens the score a bit and provided a basis for dialogue. (Gibson, 2004: 158).

White South Africans learned that liberation does not necessarily lead to communism. The TRC did not have to teach whites this lesson – history was sufficient. With the breakdown of the international communist order and the moderation of the Mandela and the Mbeki administrations, few whites can equate ANC rule with the rule of godless communists. Mandela's continual pleas for tolerance and reconciliation undoubtedly contributed to more benign racial attitudes. Whites attentive to the TRC process learnt that their side was less than noble in creating and defending Apartheid, that they had been duped and lied to by their own leaders and that the opposition was less radically evil in its efforts to create a new system for South Africa. (Gibson, 2004: 161).

Prior to the TRC, blacks were entirely aware of the evils of Apartheid and the TRC did little to dispel this knowledge. However, the truth and reconciliation process may have taught blacks that horrible things were done in the name of liberation – against whites as well as against other blacks. Many blacks probably walked away from the TRC believing that the struggle against Apartheid was indeed a "just war" but that many unjust and inhumane actions were taken in the name of liberation. Moreover, blacks surely have learned that Apartheid is not the sole source of the many problems they face. The end of

Apartheid did not mean the end of the crises of HIV/Aids and abject poverty. (Gibson, 2004: 161-163).

The South African media abstained from conveying any racialized ideas and thoughts coming out of the activities of the TRC and rather focused – overwhelmingly so – on the human interest side of the TRC process. South Africans learned of the suffering of ordinary people through the TRC. The information typically conveyed had no conspicuous ideological content – no obvious message was being sold. The lack thereof flowed partly from the human interest dimension of the report, but also from the commissions' conscious desire to reach all segments of society. Much of what the TRC put before South Africans was simple and subtle – it investigated bad guys hurting good guys. Without obvious or explicit ideology, the TRC's message and stories were attractive and palatable to most South Africans. (Gibson, 2004: 164-165).

### **6.3) Beyond the TRC**

Nevertheless, the new consciousness taking off among South Africans about the past and atrocities committed should not be seen as a sign of uniformity and agreement. Some aspects of the TRC itself and what the TRC's broader aims were, are contentious. Although it can be safely stated that most South Africans were not against revealing the hidden truths about the past, the “carrot” (in the words of Jeremy Sarkin) swayed before the perpetrators, in the form of amnesty, is a disputed issue. Amnesty may have been one of the few incentives that could pull the wagon through the drift, but it essentially denied many victims from any satisfying justice.

As mentioned earlier, even though more than 57% of respondents in the Gibson study approved of the idea of amnesty, large majorities of between 52% and 73% viewed it as unfair practice. Procedural and restorative justice came through the strongest in the truth and reconciliation process, with varying and questionable degrees of retributive and distributive justice. Nearly four out of ten South Africans (according to the 2006 Reconciliation Barometer Survey) had the inclination to demand punishment for Apartheid perpetrators. This might be a sign that South Africans yearn for bigger chunks of justice regarding their past and that the Vlok trial (see Box 1, page 36) was a step in



an acceptable direction. Yet, this is one of those cases where the raw desires of the people are counterbalanced by the restraint of the government and constitution.

Thirteen years after the transition, conflict transformation has to some degree been frustrated by one central aspect of this approach – the question of justice. As laid out earlier, both the ANC and NP had to come together and realise that achieving justice would be problematic. White South Africans are not as bound to Europe as most other white communities on the African continent and few had the inclination to return to their European “motherland”. Whites were going to stay, but then they had to pay a price of some kind (giving up their discrimination-based political domination as the first major sacrifice). Blacks also had to limit their demands and expectations. The truth as revealed by the Commission could not lead to complete justice, as this would undo any positive impact that revealing the truth might have had. Putting hundreds of thousands of whites in prison would be implausible and would naturally have severe repercussions. Nevertheless, it *is* thirteen years after the fall of Apartheid: emotions on this issue have resided to an certain extent and a sense of maturity and responsibility have kicked in among South Africans. How the post-TRC legal process of prosecuting apartheid criminality will influence the perceptions of justice, is still to be seen.

On the positive side, the country has seen growing acceptance and abiding by the institutions of the new South Africa. According to the Reconciliation Barometer Survey of 2006, more than half of South Africans will stick with their parliament and constitutional court even if these institutions made unpopular decisions (for the Gibson survey it is 38% and 27%, respectively) [With five years between these two surveys and regardless of obviously not covering the exact pool of respondents, it is an encouraging and positive find that South Africans are to an increasing extent beginning to see the institutions of the new dispensation as legitimate.] Parliament has been embroiled in several scandals and negative publicity, including “Travelgate” and the controversial, divisive cross-over legislation. The Constitutional Court has made some high-profile decisions regarding, among others, same-sex marriages and the former deputy president, Jacob Zuma. Consequently it is understandable that the lack of support is not overwhelmingly due to the ghost of the Apartheid past, but due to “normal” activities in a democratic dispensation.

Third, it seems that more than one survey indicates that an increasing amount of South Africans are beginning to see themselves as exactly that – South Africans. “South African” became the primary social identity and is also complemented by national identities (i.e. South African group identities, like Zulu or Coloured), which strengthen the overall pro-national identity. Almost a quarter (24.9%) of South Africans during the Gibson survey saw themselves primarily as South Africans; approximately 24% during the CPS survey said the same. It can be said that “South Africanism” (or maybe more correctly, the label of “proudly South African”) has taken root among the different groups in South Africa and in part could be due to the unifying influence of the TRC. Indeed, the 2002 HSRC survey points out the fact that more than half of South Africans saw the commission as a positive influence on the nascent South African identity.

Also of great significance for social identity transformation is that negative attitudes toward “the other” – with the exception of a few, anti-identities are stagnating or declining. The 2001 survey has indicated that the most disliked groups are not mainstream political parties anymore, but fringe groups like the AWB and PAGAD, who’s sway has decreased considerably in the last few years. With the exception of maybe the IFP (which as a perceptible ethnic party has been in sometimes violent opposition with the more multi-racial and -ethnic ANC), no major political player is considerably reviled. Perceptions that these hated groups are powerful or in a position to take power are even lower. South Africans’ hate and fear for “the other” are not concentrated anymore or spread across the spectrum. Linking with the theory, Lederach said reformed social relationships are important for conflict transformation; Gibson finds that there has been a degree of transformation in social relationships between South Africans, but there is still much room for improvement. Perceptions of “us versus them” are not as blatant as under Apartheid and many have embraced their common national identity.

This, however, does not indicate greater interracial trust; South Africans still have a long way to go from merely not hating and/ or tolerating opposing groups. Even if the TRC assisted in increasing the perceptions of a united “rainbow nation”, when it comes down to it South African politics are nevertheless politics of group identity. It may not be as crass as it was thirteen years ago, but the mere political presence in the sphere of social transformation may be hampering efforts by ordinary people to reach out to each other. This might be the biggest issue at hand: the TRC was born out of the political

negotiations to drive one aspect of social transformation. Now, twelve years after the National Unity and Reconciliation Act, the building of interracial social relationships is supposed to be driven by ordinary people, the man on the street, yet it is overshadowed by political leaders who keep on utilizing simplistic pre-1994 rhetoric on racial issues.

Lastly, the role of individuals can not be understated. Former president FW de Klerk, who showed willingness and courage to topple over more than three centuries of white political domination (and after stepping down from active politics, pursuing nation-building and reconciliation initiatives through his own foundation); former president Nelson Mandela – despite spending nearly three decades in prison - inspired South Africans to take hands and see themselves as a rainbow nation, uniting different groups by a common destiny; arch-bishop Desmond Tutu and his role to give the TRC a very human face. Even president Thabo Mbeki, who has enraged some by saying South Africa comprises of two nations (one white and well-off, the other black and poor) and letting the rainbow analogy slip, has contributed to the debate by pointing out the importance of economic upliftment and its positive influence on reconciliation between the races.

South Africa, in 2007, is in a much better position than thirteen years ago. A civil war was avoided and people from all over the political spectrum and all walks of life showed that it was (and still is) possible to take hands and give conventional predictions an unexpected but pleasant surprise. Although the TRC was not the first truth commission to heal by uncovering the truths about the past, it stands out in the annals of truth commission history. The reconciliation process did not end with the end of the TRC in 2003, but it carried on by various other actors. The reconciliation project has entered a new phase in 2007 when the Vlok trial sparked a debate over a possible reinstatement of a TRC-like body and how the new (legal) process led by the National Prosecuting Authority might impact on attitudinal transformation. The advancement of post-TRC reconciliation and the impact on new factors/ actors on it is, however, a topic for future investigation by South African researchers.

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## BIBLIOGRAPHY

Auvinen, J. & Kivimaki, T. 2001. "Conflict Transformation in South Africa" in *Politikon: South African Journal of Political Studies*, Vol. 28, No. 1, May 2001.

Axt, H., Milososki, A. & Schwarz, O. 2006. *Conflict: a Literature Review*  
[online] [www.europeanization.de/downloads/conflict\\_review\\_fin.pdf](http://www.europeanization.de/downloads/conflict_review_fin.pdf) (14 September 2007)

Beinart, W. & Dubow, S. 2006. *Segregation and Apartheid in Twentieth-Century South Africa*. Routledge: New York. 1995

Borer, T. 2001 "Reconciliation in South Africa: Defining Success" by the *Joan B. Kroc Institute for International Peace Studies*. March 2001.

[online] [http://kroc.nd.edu/ocpapers/op\\_20\\_1b.pdf](http://kroc.nd.edu/ocpapers/op_20_1b.pdf) (15 September 2007)

Botes, J. 2003. "Conflict Transformation: a Debate Over Semantics or a Crucial Shift in the Theory and Practice of Peace and Conflict Studies?" in *International Journal of Peace Studies*, vol. 8, no. 2 (Autumn/ Winter 2003)

Deegan, H. 2001. *The Politics of the New South Africa: Apartheid and After*. Harlow, England: Longman, 2001.

Galtung, J. 1990. "Cultural Violence" in *Journal of Peace Research*, vol. 27, no. 3. 1990.

Garkawe, S. 2003. "The South African Truth and Reconciliation Commission: a Suitable Model to Enhance the Role and Rights of the Victims of Gross Violations of Human Rights?" in *Melbourne University Law Review*. August 2003.

Gibson, J. 2004. *Overcoming Apartheid: Can Truth Reconcile a Divided Nation?* New York: Russell Sage Foundation, 2004.

Graybill, L. 2002. *Truth and Reconciliation in South Africa: Miracle or Model?* Boulder, Colo: Lynne Rienner Publishers, 2002.

Grossberg, A. 2002. "Race Relations" in *Public Attitudes in Contemporary South Africa*. HSRC Press, 2002.

[online] <http://www.hsrcpress.ac.za/product.php?productid=2025> (14 September 2007)

Herwitz, D. 2003. *Race and Reconciliation: Essays from the New South Africa*. Minneapolis: University of Minnesota Press, 2003.

Hofmeyr, J. 2006. "Report of the Sixth Round of the SA Reconciliation Barometer Survey". Wynberg: Institute for Justice and Reconciliation. November 2006.

[online] <http://www.ijr.org.za/politicalanalysis/reconbar/reports> (14 September 2007)

James, W. & Van de Vijver, L. 2001. *After the TRC: Reflections on Truth and Reconciliation in South Africa*. Athens, Ohio: Ohio University Press, 2001.

Jeong, HW. 1999. *The New Agenda for Peace Research*. Aldershot: Ashgate Publishing, 1999.

Kornegay, F. 2005. "Research Report 106 – Race and Ethnic Reconciliation Barometer: a Narrative Analysis of Findings, from the Centre for Policy Studies Social Identity Survey"

[online] <http://cps.org.za/cps%20pdf/RR106.pdf> (14 September 2007)

Lederach, JP. 1995. *Preparing for Peace: Conflict Transformation Across Cultures*. Syracuse University Press, 1995.

Lederach, JP. & Maiese, M. 2003. "Conflict Transformation" in *Beyond Intractability*, October 2003.

[online] <http://www.beyondintractability.org/essay/transformation/?nid=1223>

(17 October 2007)

Lloyd, RB. 2001. "Conflict Resolution or Transformation? An Analysis of the South African and Mozambican Political Settlements" in *International Negotiation*, vol. 6, no. 3, 2001.

Lyons, B. 1997. "Between Nuremburg and Amnesia: the Truth and Reconciliation Commission in South Africa" in *Monthly Review*, vol. 49, no. 5, September 1997.

Maiese, M. 2003. "Peacebuilding: What it Means to Build a Lasting Peace" in *Beyond Intractability*, September 2003.

[online] <http://www.beyondintractability.org/essay/peacebuilding/?n=5154>

(14 September 2007)

Melander, I. 2007. "South Africa Divided Over Vlok Trial" in *Mail & Guardian*. 14 August 2007.

[online] [http://www.mg.co.za/articlePage.aspx?articleid=316563&area=/breaking\\_news/breaking\\_news\\_national/](http://www.mg.co.za/articlePage.aspx?articleid=316563&area=/breaking_news/breaking_news_national/) (14 September 2007)

Miall, H. 2004. "Conflict Transformation: a Multi-Dimensional Task" in *The Berghof Handbook for Conflict Transformation*.

[online] <http://www.berghof-handbook.net> (14 September 2007)

Miall, H., Ramsbotham, O. & Woodhouse, T. 1999. *Contemporary Conflict Resolution*. Polity Press, May 1999.

Mitchell, C. 2002. "Beyond Resolution: What Does Conflict Transformation Actually Transform?" in *Peace and Conflict Studies*, Vol. 9, No. 1.

Posel, D & Simpson, G. 2002. *Commissioning the Past: Understanding South Africa's Truth and Reconciliation Commission*. Johannesburg: Witwatersrand University Press, 2002.

"Presidency Says There is no Need for Post-TRC Task Team" in *Mail & Guardian*. 1 August 2007.

[online] [http://www.mg.co.za/articlePage.aspx?articleid=315637&area=/breaking\\_news/breaking\\_news\\_national/](http://www.mg.co.za/articlePage.aspx?articleid=315637&area=/breaking_news/breaking_news_national/) (14 September 2007)

Reychler, L. & Paffenholz, T. 2001. *Peacebuilding: a Field Guide*. Boulder, Colorado: Lynne Rienner Publishers, 2001.

Reimann, C. 2004. "Assessing the State-of-the-Art in Conflict Transformation" in *The Berghof Handbook for Conflict Transformation*.

[online] <http://www.berghof-handbook.net> (14 September 2007)

Sarkin, J. 2004. *Carrots and Sticks: The TRC and the South African Amnesty Process*. Antwerpen, Intersentia.

Seekings, J. & Nattrass, N. 2006. *Class, Race and Inequality in South Africa*. Pietermaritzburg: UKZN Press. 2006.

Sosibo, K. 2007. "SACP Sticks to its Guns over Hani Inquest" in *Mail & Guardian*. 4 August 2007.

[online] [http://www.mg.co.za/articlePage.aspx?articleid=315777&area=/insight/insight\\_national/](http://www.mg.co.za/articlePage.aspx?articleid=315777&area=/insight/insight_national/) (14 September 2007)

Spangler, B. 2003. "Settlement, Resolution, Management, and Transformation: An Explanation of Terms" in *Beyond Intractability*. September 2003.

[online] [http://www.beyondintractability.org/essay/meaning\\_resolution](http://www.beyondintractability.org/essay/meaning_resolution)

(14 September 2007)

"Truth and Reconciliation Commission of South Africa Report" by the *Truth and Reconciliation Commission*. Juta & Co Ltd: Kenwyn, Cape Town. Vol. 1,2 & 5. 1998.

Villa-Vicencio, C. & Verwoerd, W. 2001. *Looking Back, Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa*. Cape Town, UCT Press, 2001.

Wanneburg, G. 2007. "Adriaan Vlok Spared Jail" in *Mail & Guardian*. 17 August 2007.

[online] [http://www.mg.co.za/articlePage.aspx?articleid=316808&area=/breaking\\_news/breaking\\_news\\_national/](http://www.mg.co.za/articlePage.aspx?articleid=316808&area=/breaking_news/breaking_news_national/) (14 September 2007)

Winter, D. & Leighton, D. 1999. *Introduction to Structural Violence*.

[online] <http://www.psych.ubc.ca/~dleighton/svintro.html> (14 September 2007)