The Efficacy of the Truth and Reconciliation Commission Hearings in East London: Perceptions of Participants

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ABSTRACT
This study examines the degree to which the Truth and Reconciliation Commission hearings in East London have mitigated the impact of gross human rights violations on some of the Duncan Village victims. The research draws upon responses from a convenience sample of victims of apartheid atrocities guided by their own individual experiences, literature on conflict management, and TRC hearings that took place in other African states.

The East London TRC hearings alert one to the brutality of the apartheid regime whose political intolerance unleashed violence against ordinary citizens of East London. Despite being seen as a witch hunt against the apartheid security establishment, most of the victims feel the TRC opened lines of communication between former enemies, although one cannot conclusively say that total reconciliation between victims and perpetrators has been achieved.

Insofar as telling the truth is concerned, the concept defies unanimous acceptance as a contributor to peaceful co-existence. The mere fact that some perpetrators refused to appear before the TRC is an indication that the value attached to it differs from person to person, particularly in a situation where the political landscape is characterized by intimidation and fear.

The treatise unveils the East London TRC as a platform for compromise as some of the victims felt anger and hatred for the perpetrators would amount to perpetual self-imposed ostracism. Noting that the TRC was never meant to hurt anyone, the treatise ushers one into a space where reconciliation takes precedence over vengeance.

KEYWORDS: Efficacy, apartheid, conflict, compromise, vengeance, tolerance, justice, politics, prosecution, reconciliation, etc.
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DECLARATION

I, Quincy Pule, student number s209406577, hereby declare that the treatise for M.Phil is my own work and that it has not been submitted for assessment to another University or for another qualification.

Signature:
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CHAPTER 1

1.1 Introduction

The study of the efficacy of the Truth and Reconciliation Commission hearings that took place in East London, seeks, by engaging with some of those who participated in those hearings, to establish whether in their own experience, they feel more reconciled than before that experience. One is not unaware that, given the impact of gross human rights violations suffered by the participants, there is a possibility that some could still be harbouring resentment towards the perpetrators.

Thomas (1976), as cited in Anakwe & Purohit (2006: 504) defined conflict as the process which begins when one party perceives that another has frustrated, or is about to frustrate, some concern of his. This explanation borders on the view that people are, by their very nature, individualistic entities who cannot extricate themselves from their obsession with self-elevation. Thomas fails, however, to reflect the possibility that there may be some kind of frustration brought about by empathetic considerations, e.g., when one is concerned about a shortage of clinics in China, a country one has never been to, despite the fact that one has nothing to benefit from redress thereof. One's priorities could be focused on issues seen as trivial, disproportionate to the more important ones. Conflict should therefore be seen as a natural phenomenon.

"Conflict also springs up between friends" (Potter, 1996: 1). It is imperative that one moves from the premise that conflict is an unavoidable social reality. It occurs because of disagreements between parties on issues they regard as axiomatic. Those disagreements prevail even in the smallest of unions, e.g., husband and wife. One must also be mindful that although it is assumed this union is normally premised on ‘holy’ blessing, and therefore no amount of antagonism from within should prevail, personal opinion on the part of the members does tend to overwhelm the union. Blake & Mouton (1964, 1970, as cited in Davis, Capobianco, & Kraus, 2004: 708) argue that the typical ways in which people handle conflict are the result of two underlying dimensions, i.e., a
concern for one’s own goals, and a concern for the other person’s goals. Terming the styles as a “dual concerns” model, they further emphasize that the way one responds to conflict depends on which of the two concerns one leans on.

There is a view, according to Van de Vliert (1997, as cited in Davis et al, 2004:708) that someone who has a concern for both ‘self-and other-outcomes’ will adopt a co-operative stance to ensure that there is a win-win outcome. Someone interested in the self-outcome will engage in a competitive game with one’s opponent. There are those who would just avoid conflict at all costs, and those who would be diligent in accommodating the other person.

Given the effects of apartheid on the South African population, relations among the different races of South Africa were somewhat strained because of political intolerance that manifested itself in the form of physical violence and killings of suspected adversaries. It should therefore be expected that those at the receiving end of brutality would respond to ill-treatment and persecution by both their fellows and the South African government. According to the conflict approach “society is not harmonious and there are continuous conflicts inherent in any social system” (Togni, 1996: 6). On the one hand, the majority of the white population in South Africa, supported apartheid as it safeguarded their privileged interests, whilst on the other, the black majority ensured that the apartheid system ended, the intention of which was to see democracy achieved. Now, each group had its own tactics of ensuring their aspirations were realized.

Between 1948 and 1994 South Africa was governed by the National Party, a party whose political ideology was informed by apartheid. Apartheid as a system of racial segregation, domination and oppression characterized South African political policy throughout the second half of the 20th century (1948-1994). Its aim was to maintain social, economic and political division, which in a way, was designed to safeguard white power, wealth and superior status. Until it was eradicated with the democratic elections in 1994, apartheid was dominant in South African political life, facilitating the
unjust and ruthless exploitation of African labour and the general regulation of their lives.

Given the aforementioned, the researcher intends to investigate the impact of the efficacy of the Truth and Reconciliation Commission as perceived by the respondent focus group. The group comprises victims of gross human violations who reside in Duncan Village in East London, an area which was inhabited by many political activists and characterized by political violence since the 1950's. The investigation is within the context of the Truth and Reconciliation Commission, and the purpose thereof is to determine the efficacy of the commission.

1.2 Background

“...The South African Truth and Reconciliation commission (TRC) was set up in 1995 by the Government of National Unity to help overcome some of the deep trauma that happened to many under apartheid. The conflict during this period (1960-1994) resulted in violence and human rights abuses from all sides. No section of society escaped these abuses” (http:www.justice.gov.za/trc). This, therefore, required that that South Africans had to come to terms with their atrocious past and ensure healing and reconciliation. To ensure its success the TRC was driven by eminent South Africans in the mould of Archbishop Emeritus Desmond Tutu (Chairperson), Dr Alex Boraine (Deputy Chairperson), commissioners Drs Fazel Randera, Hlengiwe Mkhize, Wendy Orr, Adv. Chris de Jager and Dumisa Ntsebeza, Ms. Glenda Wildschut, Ms. Mary Burton, Rev. Bongani Finca, and Mr. Wynand Malan.

“...What preceded the Commission’s work was voicelessness and silence about the apartheid past. In fact, much was already known about apartheid, told in diverse genres – in stories, songs, political rhetoric, magisterial orders, court cases, newspapers, scholarly work, parliamentary debates, at funerals and rallies and so on. What the commission’s human rights violations hearings offered was
a new structure for narrating experiences of violence and suffering to a broad public” (Ross, 2003: 327). This serves to inform one that apartheid atrocities were already an open secret to the South African public, and by extension, to the outside world. The advantage of the commission was that it provided the public with first hand information, and thereby exposed the brutality of apartheid. To avoid retributive justice, no side was exempt from appearing before the commission. The commission heard reports of human rights violations and considered amnesty applications from all sides, from the apartheid state to the liberation forces, including the African National Congress.

“Conceptually, the policy of apartheid was itself a human rights violation. The determination of an individual’s civil and political rights by a factor – skin colour – over which he or she has no control, constitutes an abuse of those rights” (The Final Report of the TRC). It must be emphasized though, that some black people were also responsible for gross human rights violations against their fellows. This was shown in the way black members of the Security Branch abused their powers. They tortured, kidnapped, and sometimes assassinated black activists who had become a thorn in the flesh of the apartheid government. Conversely, there were whites who risked their lives fighting against apartheid. In the process, numerous human rights abuses resulted. Anti-apartheid activists like Drs Rick Turner, Beyers Naude, and David Webster took a risk by rebelling against the apartheid system, fully aware of what they were getting themselves into - such as the possibility of being assassinated, or jailed. Drs Turner (1978), and Webster (1990) paid the ultimate price. Dr Naude was harassed by the Broederbond for deviating from the principals of the organisation, of which he was once a member.

“The mandated focus of the Truth and Reconciliation Commission was on gross human rights violations between 1960 and 1994” (www.anc.org.za/ancdocs/misc/trc2a.html). It should therefore be remembered that the reason why the focus extended only until 1994 was that a democratic government came into being during that year. The Commission had the power to
give amnesty to those who committed abuses during the apartheid era, as long as the crimes had a political element to them. Notwithstanding political motivation, persons who sought amnesty had to make a full disclosure of the crimes they committed. “The granting of amnesty was made subject to certain procedural and material conditions. It promised protection from criminal prosecution and from civil claims, but only in exchange for a full disclosure by the perpetrator of all relevant facts of his offence…” (Du Bois-Pedain, 2007:6). In this way the TRC attempted to expose the truth of incidents of gross human rights violations, without provoking a witch-hunt.

“The Commission for Truth and Reconciliation is not another Nuremburg trial. It turns its back on any desire for revenge. It represents an extraordinary act of generosity by a people who only insist that the truth, the whole truth and nothing but the truth be told. The space is thereby created where the deeper processes of forgiveness, confession, repentance, reparation and reconciliation can take place” (South African Council of Churches (SACC), 1995: 24, cited in Cochrane, De Gruchy & Martin, 1999:3). The impression gained here is that the TRC was not set up to avenge the atrocities unleashed on those who fought against apartheid, regardless of their race. The intention was rather to solicit confessions from perpetrators of violence so that victims could eventually know what happened and hopefully be able to forgive.

At the TRC session in East London Time Magazine (April 29, 1996: 29) quoted Chairman Archbishop Desmond Tutu as follows: “Some say, Let us forget the past’, while others say, ‘We want revenge,’. We are saying we do not want to forget, but we do not want revenge. It may not be the perfect solution, but it’s better than a Nuremburg trials solution”. It is one’s own view that, inasmuch as the TRC wanted get to the truth as it pertained to gross human rights violations in East London, reconciliation and healing of the wounds caused by gross human rights violations were the envisaged end-products of the whole process.
1.3 SCHOOLS OF THOUGHT ON CONFLICT

One has decided to interrogate what informs conflict as a discipline, rather than look into conflict as a form of adversarial relations. Robbins (1986: 294, as cited in Roux; Brynard, Botes; & Fourie, 1997: 67-68) draws one's attention to three schools of thought that continue to define conflict management discourse, namely, the traditional, behavioural, and the interactionist schools.

1.3.1 The Traditional School

This approach views any type of conflict as destructive. In other words it is equated with violence, and should therefore be avoided in order to “facilitate organizational efficiency and effectiveness”. One will argue that this view is merely a social construct because there is no evidence to suggest that there was ever any attempt to establish whether there could be a corollary to their perception.

The adjective ‘traditional’ is employed in such a way that it points to a long-standing view that anything that negates consensus is both malicious and devoid of interest in the pursuit of harmonious landscape. The view that conflict should be avoided in order to facilitate organizational efficiency and effectiveness escapes positive imagination, in that deliberate disregard of subtle conflict can ironically be the very source of conflict. This, one may argue, renders itself a school of thought that never went through rigorous scrutiny before it was adopted.

1.3.2 The Behavioural School

The behavioural school sees conflict as an unavoidable result of the “interaction between individuals and groups in an institution”. The implication here is that conflict should be accepted as a normal institutional phenomenon in that group dynamics tend to be characterized by differing views, which normally cause conflict.
Riegel (1976, cited in Bulhan, 1985: 67) asserts that genuine conflicts between individuals and groups are also viewed as subjective aberrations traceable to human misunderstanding or faulty communication. The impression gained here is that conflicts are rather caused by misunderstanding between humans, not malice. One argues that genuine misunderstanding cannot be deliberate, and therefore cannot be malicious. Misleading communication itself is bound to elicit wrong messages, thereby inviting, sometimes, an offensive response.

Contrary to the traditional school of thought, one argues that the behavioural school lays emphasis on acceptance of conflict as a social phenomenon without which the essence of being human cannot be explained. Probably, the reason is that human relations are characterized by conflict. Negotiation in this instance may be seen as intervention bordering on intrusion into the confines of what one may call 'natural disorder'.

1.3.3 The Interactionist School
This school actually encourages conflict because “a harmonious, peaceful, tranquil, and cooperative group is prone to becoming static, and apathetic and nonresponsive to needs for change and innovation”. This school of thought does encourage conflict, albeit at a minimal level. It, therefore, encourages introspection in that conflict will point to one’s misdeeds, thereby leading to a need for correction.

This school is intended to do away with complacency, as this would contribute towards a blissful dismissal of conflict as just something not worth worrying about, and a diminished sense of responsibility. Contrary to other schools of thought, it is seen as devoid of malice, as it is intended to expose sources of conflict. Exposure thereof is seen as that which can contribute to peaceful co-existence.
1.4 Justice: An ambiguity in the TRC process?
One will move from the premise that there were victims, on the one hand, who felt that getting the truth from perpetrators was sufficient for the purpose of reconciliation. On the other, some victims wanted the perpetrators to be charged criminally, and in extreme cases, victims wanted revenge which would culminate in having their offenders killed.

“Rawls’ understanding of the role of justice in society maintains that ‘the health and stability of a democracy depends ...on the justice of its basic structure’ (Kymlicka & Norman, 1994:352). This is reflected in the view that social justice underpins ties of ‘civic friendship’ (Rawls, 1980:540) and Marshall’s view that ‘where any of these rights are withheld or violated, people will be marginalised and unable to participate’ (cited in Kymlicka & Norman, 1994:354). These important arguments favour social justice as a *sine qua non* for citizenship” (Swartz, 2006:563). One then gains the impression that, according to the aforementioned sentiments, a violation of a community’s camaraderie can only be curtailed by consistent ostracism of the perpetrator. One, then, opines that revenge is an enemy of social cohesion, as it perpetuates a persistent cyclical conflict which often results in violence.

“Justice is needed. By justice I mean prosecution” (Financial Mail, May 03, 1996, cited in Bradshaw, 2008:224). Chris Ribeiro whose activist parents Dr Fabian Ribeiro and mother Florence were gunned down by Vlakplaas policemen expressed anger at what happened to them. This adamance gives credence to the notion that people have different perceptions of what justice is. If one were to compare Chris’ views with those of the academics in the preceding paragraph, one would conclude that, according to some, ostracism was not a sufficient requisite for justice, but rather a practice to avoid further conflict. Prosecution of offenders would, as it were, provide the much-sought-after psychological relief to proponents of a free society.
According to Botman et al (1996:67) reconciliation will not and cannot be achieved without referring the information to the courts for justice to prevail. Furthermore the TRC should not guarantee blanket absolution and amnesty for all perpetrators. Drawing from the fact that Botman and Petersen are theologians one would assume that their philosophy was premised on an ethics of forgiveness. The glaring idea in the context of their assertion is that one has to ‘pay’ for one’s misdemeanours in order for rivals to achieve genuine reconciliation. Meanwhile, one can only infer that they are not as distant from their belief in punitive justice as their professional location seems.

Botman et al (1996:66) argue that human vengeance is an ambiguous concept because it emanates from human anger, which often includes hatred and malice. Nevertheless, the feelings of vengeance cannot simply be dismissed as a destructive force, for it can be a valid reason for one’s defence. In other words vengeance can work as a deterrent against violation in future. Although conventional justice would demand of the offenders to appear before a court of law, victims do display some degree of despair when the finding/sentence does not ‘equal’ the offence. Insistence on revenge runs counter to the jurisprudence of our constitution, considering that it is against one taking the law into one’s hands.

Smelik (cited in Botman et al, 1996:66) argues that revenge belongs in the sphere of senselessness, unkindness, unreasonableness and hate. Human vengeance needs to be brought to the objective control of a court of justice. He further states that it is in the juridical terrain that the mode of vengeance is morally manifested in the forms of reward. Given that the law regulates human affairs, the researcher opines it would be appropriate that justice be served in a consistent manner so that the element of equality before the law prevails.

Doxtader et al (2004:67) emphasize that justice is not self-defining. It is both contextual, and about what is required and what is possible in a given situation. It
addresses both complementary and contradictory needs. He further conveys that each form of justice, e.g., retributive justice, deterrent justice, compensatory justice, rehabilitative justice, exonerative justice, restorative justice has a time and a place in a given situation. One, then, gets the impression that the need for justice is not disputed. Nonetheless, it must be appropriate for a given situation, as a different kind of justice would be exposed to due criticism and subsequent nullification. One would argue that all the kinds of justice are merely benchmarked on social construct, and not any empirical test. Reliance on whimsical justice will always be subjected to all sorts of antagonism. Hence constitutions of various countries provide avenues of appeal as a basis for exhaustive fairness.

According to Omar, cited in Doxtader et al (2004:67) there is no such thing as pure justice in the real world. It is about fairplay and the need to do what can be done to balance the books as best as we can, with a preference for victims and the poor. Inasmuch as one agrees with Omar on the view that there is no pure justice, one would argue that the extent of justice for ‘victims and the poor’ would remain open-ended for as long as idiosyncracies determined the ingredients of fundamental justice. The difficulty, though, is that the acceptable definition of justice is within the ambit of law, a social product open to varying interpretations.

Doxtader et al (2004:89) suggests that reparation must, as far as possible destroy all the consequences of the illegal act and create the situation which would, probably, have existed if that act had not been committed. Although the TRC was not immune to the phenomenon of fallibility, the TRC was, in all fairness, a commission devoid of ill-intentions. In its quest for justice, the TRC tried to heal the wounds of the victims but was not as successful as it wanted.

“Predictably, this decision evoked a bitterly disappointed and angry response…Press reports quoted victims as saying, ‘I feel bad, bad. It is peanuts’; ‘I am not happy, I am sick and I have six children and no food’; It is like a hand-
out’ (Burton, cited in Doxtader et al, 2004:41). These were some of the responses to former president Thabo Mbeki’s announcement that there would be a once-off payment of R30000 as a reparation grant to each victim identified by the TRC. Seemingly the victims had their own view with regard to what would constitute justice under the circumstances. In spite of the above the TRC ensured that at the very least South Africans got a platform to share their bad experiences.

Healing entails accepting what has been presented to one as the truth regardless of the pain it has caused. What has happened cannot be undone. The healing process will demand that one moves on and works on minimizing recurrence of past misfortunes. The researcher views reconciliation as an appreciation of differences, which will then be followed by amicable relations between the former rivals. Retribution was not to be practiced at the expense of those end-products. South Africa had just come out of a violent past.

1.5 **Context of the research**

*Motivation, Aims and Objectives*

The intended research project was motivated by a yearning to establish whether the TRC was effective in healing and reconciling the citizenry of East London, particularly those who were on opposite sides of the political fence. For the citizens to come to some reconciliation the TRC was set up in terms of the *Promotion of National Unity and Reconciliation Act*, No. 34 of 1995, and was based in Cape Town. The intention here is to establish whether the TRC was effective enough in minimizing the impact of atrocities the victims suffered at the hands of their political enemies in East London. The commission was set up to bear witness to, record and in some cases grant amnesty to the perpetrators of crimes relating to human rights violations, reparation and rehabilitation. “The TRC effected its mandate through three (3) committees”: 

The Reparation and Rehabilitation Committee was charged with restoring victims' dignity and formulating proposals to assist with rehabilitation.

The Amnesty Committee considered applications from individuals who applied for amnesty in accordance with the provisions of the Act. (www.justice.gov.za/trc/)

According to Vora & Vora (2004:306) the TRC, in its quest to establish responsibility for many of the devastating wrongs suffered, sought the whole truth, and in so doing, to reconcile victims and perpetrators, and to help establish a just society. Meanwhile, the TRC was of the view that unless society got to know what really happened, there would be no reconciliation. This gives credence to the views of the victims whereby they said they were unable to forgive 'faceless' perpetrators, or even those who still hid the truth.

It should be borne in mind that there has been a public debate around, and numerous books written on the TRC in South Africa. Victims wanted to know the truth, and those who violated them. There were also those who, in contrast, felt that the TRC was a waste of time and money. Adam & Adam, cited in James & Van de Vyver, 2000:32) argued that the TRC's mandate was based on some flaws and problematic assumptions. There was an assumption that revealing the truth elicited reconciliation. Legislated reconciliation also fails to recognize that only victims have the ability to forgive. Furthermore, the TRC's skewed composition and reliance on theological perspectives made it less credible.

The aforementioned assumptions also prompted the researcher to delve into the question of a society with differing views on an intervention, yet sharing the same goal. Although the truth does not necessarily lead to reconciliation, it had to be revealed. The argument that legislated reconciliation allowed only victims to forgive gives the impression that the wider South African public may not have
forgiven their perpetrators. It therefore stands to reason that antagonism towards the TRC was bound to prevail, particularly when some people felt that the pluralist interpretations of history were frustrated, given its theological leanings.

Among submissions to the TRC in East London the Commission heard amnesty applications by former police commanders such as Eugene de Kock, who headed the notorious Vlakplaas “hit squad” unit, and Dirk Coetzee who confessed to involvement in various hit squad murders of ANC activists. The first witness was “Ms. Nohle Mohapi, whose husband allegedly committed suicide in 1976 while in police custody. Another woman, whose husband was killed by unknown assailants who hacked off his hand, appealed to the commission for the return of the hand, which she believes is still preserved in a bottle in a Port Elizabeth police station. Her 19-year-old daughter Babalwa sobbed, ‘We want to forgive, though we don’t know who to forgive’ (Time, April 29, 1996: 29).

Putting the aforementioned into context one will appreciate that the crimes were committed due to lack of political tolerance. That manifested itself in the form of physical threats, indefinite detentions, kidnappings, judicial executions, and in some extreme situations, blatant murder. Actions on the part of the apartheid government were initiated to suppress any form of opposition to apartheid. Nonetheless, anti-apartheid activists continued to fight the system.

One will note that the way the apartheid government dealt with their enemies revealed a lack of conflict management skills. The government acted in a way that showed a desire for instant gratification when it came to dealing with adversarial opinion. The advent of democracy availed an opportunity for the South African public to understand that having differing opinions does not necessarily mean people are at loggerheads. Given the apartheid government’s approach to conflict management, the researcher remained curious to know if the TRC would be able to change the mindset of the perpetrators.
Between 15 and 18 April 1996 thirty-two (32) victims of gross human rights violations appeared before the TRC in East London. ([http://www.justice.gov.za/trc/hrvtrans/el_victim.htm](http://www.justice.gov.za/trc/hrvtrans/el_victim.htm)). The intention was to convey the suffering they endured at the hands of Security Branch police, and sometimes at the hands of military wings of leftist liberation organizations, i.e., the ANC, PAC, etc. One must mention, though, that not all of the victims who appeared before the TRC in East London were from, or were ill-treated in East London.

It should be remembered also that the apartheid government would set up commissions of inquiry and inquests purportedly designed to clear what would be reservations harbouried by a suspicious citizenry, e.g., the inquest into the death of Steve Biko in detention. “Prior to Biko’s inquest, magistrates had declined to examine the interrogation methods used, and had attributed detention deaths to natural causes, suicides or prison accidents” ([www.amandlapublishers.co.za](http://www.amandlapublishers.co.za)). The Cillie Commission of Inquiry into the 1976 riots in Soweto was one of the commissions appointed to justify the response of the police. Judging by the intentions of these inquiries, it should be expected that those who were anti-establishment would not trust their findings, let alone their recommendations. Given the suspicions around the findings of the aforementioned bodies, one found it appropriate to establish whether the TRC would enhance relations among South Africans.

The idea of a truth commission for South Africa was not welcome in some quarters, particularly by those who perpetrated political crimes on behalf of the apartheid government. “Accusations were leveled against the party that it had perpetrated human rights violations in some of its training camps in Tanzania and other parts of southern Africa...The National Executive Committee (NEC) decided, however, that these violations should be seen against the overall human rights violations which had gripped South Africa over a very long period.” (Boraine, 2000: 11). One, therefore, concludes that both the apartheid regime and the ANC were actually accusing each other, and thereby inhibiting
acknowledgement of their own wrongs as individual political groups. In such situations, one argues, reconciliation seems far-fetched, as the ideal first step is for one to admit to complicity.

The researcher argues that despite the difficulty of appearing before the TRC, both sides of the political spectrum showed enormous courage particularly under cross-examination. Victims had to relive their worst experiences, whilst perpetrators were suddenly unmasked before the public eye. According to Hogg & Abrams (2001: 15) intergroup relations are often characterized by conflict, prejudiced attitudes, competitive orientations and discriminatory behaviour. It should be understood, though, that appearance before the TRC did not necessarily improve relations between the two groups, but rather exposed the groups to public scrutiny.

1.6 Objectives of the research

The goal here is to establish whether the TRC succeeded in reconciling former political adversaries in East London. In attempting to achieve the goal the researcher will be guided by the following objectives:

- To establish the degree of satisfaction with the process of the TRC in East London, among participants
- To establish whether individuals feel more tolerant of former opponents now
- To establish whether participants feel optimistic about the future of South Africa

In the next chapter (literature review), the researcher intends to define reconciliation and efficacy as they are pertinent to the question whether the TRC was able to contribute positively to a united South African citizenry. One will also engage with (mis) perceptions around the credibility of the TRC, and give a theoretical juxtaposition of amnesty against justice.
CHAPTER 2

LITERATURE REVIEW

2.1 Introduction

This chapter seeks to engage with the literature associated with the TRC hearings that took place in East London. Given that political conflict was the source of conflict between political activists and the apartheid government, the researcher will interrogate the methods through which political conflict was dealt with by both sides of the political spectrum. Given that the TRC had a mandate to grant amnesty, the literary sources will delve into the question whether it reconciled former political adversaries.

2.2 Conflict in context

“Most protracted conflicts do not begin as intractable, but they become so as escalation, hostile interactions, sentiment, and time change the quality of the conflict. They can be triggered and emerge from a wide variety of factors and events, but they often involve important issues such as moral and identity differences, high-stakes resources, and/or struggles for power and self-determination” (Coleman, Vallacher, Nowak, & Bui-Wrzosinska, 2007:3). In South Africa those who were enemies of the state at the time were detained, imprisoned, tortured, or even killed. The state would even be involved in cross-border raids, i.e., into neighbouring states such as Zambia, Swaziland, Lesotho, etc., from which exiled activists were operating. The state would also infiltrate the then exiled organizations such as the African National Congress (ANC), and Pan Africanist Congress (PAC) in an effort to create internal mistrust, or sometimes to obtain secret information from the organizations.

Undoubtedly, the state and the exiled political organizations were in conflict. Coleman (1998:132) cites ‘Operation Beanbag’, an attack by the South African army on the planning and control headquarters of the ANC in Matola, in Mozambique, and the shooting at a road block of a Portuguese engineer Jose
Ramos whom they ‘mistakenly identified’ as Joe Slovo, one of the raid’s main targets. This, therefore, shows that the apartheid government under Botha and those before him did not want to negotiate with ‘terrorists’. Although discussions took place in Senegal between Afrikaner academics and businessmen, and the exiled ANC, one should note that Botha was unaware of it, and this was done deliberately to ensure they were not seen as siding with the enemy (ANC).

Although, according to Bradshaw (2008: 158) Mof Terreblanche, and Willie Esterhuysse were both forbidden by PW Botha to meet with the ANC, they went ahead with the secretive talks with the knowledge of the National Intelligence Service. One assumes that some South African government leaders wanted negotiations so that apartheid could come to an end.

2.3 Conflict Models

2.3.1 The Aggressor-Defender Model
In this model the aggressor is regarded as having a goal that is in conflict with the defender. The aggressor starts with mild tactics and uses heavier tactics if they do not have an effect. The defender would then respond to the aggressor’s actions. In this case the escalation seems to be heading towards a single direction, with the defender constantly reacting to the aggressor.

2.3.2 Conflict Spiral Model
According to this model, escalation results from a vicious circle and reaction. It should be expected that each reaction would be heavier that the one before it. This would then culminate in long list of grievances because of the length of the conflict. The parties involved may retaliate or defend themselves. When retaliating, each party would punish the other for any unwelcome action from the rival. It is said that according to this model one party would want to ‘teach’ the
other a lesson. According to the defensive spiral, each party tends to defend itself from the other. Normally, one party may be afraid of the other.

2.3.3 Structural Change Model
According to this model the reasons for the conflict to escalate is because the parties get so absorbed in other contentious issues, giving less attention to the initial cause of their conflict. It then escalates into hatred, with all sorts of wild accusations. This kind of conflict may take too long to end. One assumes that the reason conflicts change in structure is that parties allow emotions to take over, and therefore render themselves incapable of dealing with their problems. Parties may start blaming each other, and by so doing, they deprive the conflict of the very solution they may provide.

2.4 Conflict Antecedents

One must move from the premise that human beings can be pressurised by others into doing things that negate their wishes, for instance, by people who hold political power. Also, space is a contested terrain in that one person’s presence in another’s environment may create some tension. There is arguably no environment where there is no possibility of a conflict. Conflict permeates any relations; from inter-governmental relations to family relations.

The author is of the view that a reductionist approach to these issues is most appropriate in that focus on the generalities has a tendency not to satisfy analysis. For that purpose one will look into communication, and resources.

2.4.1 Communication
It is a generally accepted view that communication does improve social relations. Deutsch & Coleman (2000:132) convey that the idea of information transfer is common to all conceptualizations of communication. In their attempt at elucidation they display the view that human communication may be construed as the process by which ideas contained within one mind are conveyed to other
minds. That said, one cannot safely conclude that communication is immune from unintentional manipulation. This could manifest itself in incorrect conclusions brought about by ambiguous words.

Tedeschi & Lindskold (1976, cited in Anstey, 1991: 221) provide four major functions of communication in the form of:

- Discovery to ascertain information regarding the values and preferences of others;
- Disguise of one’s own values and preferences;
- Manipulation of other’s behaviour; and
- Relation-shaping, such as the degree of trust the parties invest in each other.

Given the aforementioned functions, one opines that communication serves as a process through which relations can be created or destroyed. Nonetheless, it remains an important tool for transmission of thoughts, and can assist in demystification of distorted messages that sometimes present themselves in the form of non-verbal cues.

2.4.2 Resources

Fisher & Sharp (2004: 127) succinctly put across the view that many people are materialistic and characterized by a ‘me-first’ attitude. Scarcity of resources brings about conflict because individuals concerned may be striving for survival. Some individuals can fight for recognition by superior authority. If one has regard to the basic agency of socialization (family), one would note that siblings want to get the attention of parents. In the process there may be frustration brought about by a, seemingly, nonchalant attitude towards them.

There may be situations where conflict could translate into physical violence because of misallocation of resources. Homer-Dixon (1998, as cited in Theisen, 2008: 803). In instances where there is a perception of bias or favouritism,
conflict, if not managed, may lead to physical harm. This shows in a nutshell that it is not only material aspects that characterize human relations but the way people perceive each other as well.

2.5 Conflict escalation

2.5.1 Intractable Conflict as an Attractor

Coleman; Vallacher; Nowak; and Bui-Wrzosinska (2007: 1454) convey that it would be proper to conceptualize destructive patterns of conflict as strong attractors. They define intractable conflicts as conflicts that persist because they seem impossible to resolve. It might appear logical that conflict starts small, and later develop into a resolution resistant one.

The delay in resolving the dispute might, in one's opinion, cause intransigence on the part of those involved. Deutsch (1973, as cited in Anstey, 1991: 52) contends that destructive conflict tends to expand and escalate as the parties assume increasingly competitive stances, decide to use the last resources they have to exacerbate the conflict. Such actions are arguably informed by illogical attitudes on the part of the adversaries.

Coleman et al, (2007: 1457) assert that the dynamics that define the relationship between psychological and social mechanisms within and between individuals and groups remain constant. Arrogance, also, may play a role in that the parties no longer care who suffers. In most cases one may find that elites in some countries do engage in such activities because of greed, un-ending corruption, and wanting state resources for themselves and their families. Theisen’s (2008: 801) view to the effect that scarcity of renewable resources is the main driver of violent conflict is relevant in the case of corrupt administrations. There is a 'dynamical systems approach to intractable conflict' which recognizes each conflict as unique. Some conflicts are informed by delusions of grandeur. Pruitt & Rubin (1986, as cited in Anstey, 1991: 52) contend that such conflicts are obviously far more difficult to mediate.
2.6 Conflict de-escalation

According to Maiese (2004) conflict de-escalation means a decrease in the severity of the coercive means used and in the number of parties engaged in the struggle. One or more dimensions of the conflict become less intense and the conflict begins to lessen in size. Many parties, e.g. ANC, PAC, Black Consciousness Movement, liberal organizations, including the international organizations were involved in the South African political conflict in opposition to the National Party’s apartheid system, hence it took long to achieve democracy.

Rasler (2000: 699) points out that students of conflict resolution maintain that the de-escalation of protracted conflicts ultimately depends on favourable background conditions that encourage adversaries to believe in settlement. Moments of opportunities or ripeness are created when attempts at peace are likely to bring about positive consequences. One argues, though, that it does not always happen that adversaries get to believe in settlement. There have been fights in some African countries that have deteriorated to the level of an accepted norm. A case in point is Rwanda.

Some countries hold that their problems can be solved from within, including those that characterize conflicts between political adversaries in a given country. Zimbabwe’s President has always maintained that Zimbabwe’s problems could only be solved internally. One argues, though, that international pressure does have an effect on such conflicts. They may apply sanctions against the ‘truant’ country, or expel it from an international body. It must, however, be observed that there is no generic solution to all types of conflicts. It depends on the nature of the conflict at hand.

One holds the view that at some stage conflicts do come to an end. Some parties may decide to reconcile and that automatically brings the conflict to an end. (Kriesberg http://www.beyondintractability.org/essay/de-escalation_stage/). The researcher contends that conflict de-escalation and transformation are often
associated with reduced grievances, at least from one of the parties. In some cases parties may see that their goals are unattainable.

Although conflict is not always physical, it can be expensive. It sometimes requires professional intervention in the form of lawyers or courts of law. Some parties may lose support from those that initially supported them. Susskind & Cruikshank (1987: 11) maintain that consensus building requires informal, face-to-face interaction among specially chosen representatives of all “stakeholding” groups; a voluntary effort to seek “all-gain” rather than “win-lose” solutions or watered-down political compromise; and, often, the assistance of a neutral facilitator or mediator. One agrees that consensus does contribute to conflict resolution. There may be instances where consensus seemed far-fetched, like in the case of former State President P.W. Botha stating in 1985 that Nelson Mandela could only be released once he renounced violence before consensus could be reached, the cause for the conflict will have to be established. The bone of contention was the apartheid system.

Rasler (2000: 700) has identified the following as some of the conditions that bring about de-escalation:

- Hurting stalemates
- Promise of reciprocity
- Third party mediation
- Mutual trust and credible commitments
- Public opinion

With regard to hurting stalemates one holds the view that the warring parties suddenly realize that their demands are unrealistic and therefore their protracted conflict is an exercise in futility. Promise of reciprocity could well be fair in that parties will assist each other in resolving the conflict. This does not always entail material things.
Third party mediation is often brought in when the two warring parties cannot resolve the conflict. It must be understood that the third party does not impose conditions on the parties involved. It is for him/her to establish the dynamics of the conflict, weigh up all the facts at his disposal, and suggest a solution. The disadvantages of the conflict could be brought to the attention of the parties and that it would be dependent upon them that expose themselves to the unnecessary hardship. It may not be a win-win solution.

Mutual trust and credible commitments prevail under conditions of honesty. However, it is quite difficult for adversaries to trust each other. Commitments may sound credible, but the implementation aspect is what remains a subject of enquiry. Some commitments may not be honoured, thus fuelling a re-emergence of the conflict. That kind of scenario could result in a protracted conflict, fuelled by mistrust.

One contends that public opinion does shape mindsets of warring parties. The actions of the parties might be regarded by the public as embarrassing and worthy of public censorship. Conflicts of this nature are often characterized by selfish agendas on the part of the parties. The cause of the dispute would, normally, be of less significance compared to other matters.

Pruit & Rubin (1986, cited in Anstey, 1991: 85) provide the following reasons for a stalemate:

- the failure of contentious tactics;
- exhaustion of necessary resources;
- loss of social support;
- and unacceptable costs

With regard to the failure of contentious tactics, parties may realize that conflict was unnecessary and therefore its continuation would be counterproductive. Such scenarios usually occur after the ‘damage’ has already been done. In one’s
opinion, exhaustion of necessary resources does not necessarily resolve the conflict. It only stops it temporarily, sometimes. In that sense there could be a stalemate.

Loss of social support could be as a result of a realization that the conflict has become a disadvantage to the stability of social relations. Zimbabwe’s President Mugabe, for example, has lost some support from the Zimbabwean public. He therefore had to enter into a coalition government, though reluctantly, with his political rival, Morgan Tsvangirai, for the sake of ‘peace’.

It is quite understandable that conflict is expensive to maintain. Costs may pertain to physical harm suffered by those involved. The maintenance of status may also be expensive in that one party may not want to be seen as feeling the effects of the conflict. In more serious scenarios, as in the case of war, countries would have to buy arms. In the absence of those arms of destruction, a stalemate may prevail.

2.7 Compromise as a method to resolve conflict

Lippet, cited in Roux, Brynard, Botes, & Fourie (1997: 68) suggests compromise as a method of looking for solutions whereby the parties in conflict can come to some sort of agreement. The South African democracy was achieved through compromises. One will refer to proposed disbanding of Umkhonto we Sizwe (MK) by the National Party, and the proposed restructuring of the SABC by the ANC, as it had a history of bias, propaganda, and links with the apartheid government.

Conflict of values “occurs when two social entities differ in their values or ideologies on certain issues” (Druckman, Broome, & Korper, 1988, as cited in Rahim, 2001:22). Pertinent in this scenario is that the ANC regarded MK as an army that contributed immensely to the liberation of South Africa on the one hand, whilst on the other, the National Party saw the SABC as pertinent to their marketing strategy. Both parties reluctantly agreed to each other’s compromise
proposal. It must therefore be acknowledged that values cannot be transferred to another person, thus leading sometimes to intractable conflicts because of their inbuilt nature.

In the case of the TRC, perpetrators were expected to divulge their notorious actions in full view of the victims and the general public in exchange for amnesty. Despite the offer, some perpetrators continued to lie, and therefore deprived themselves of freedom from prosecution.

2.8 Conflict termination

Flavin (2003: 96) asserts that conflict termination is the formal end of fighting, not the end of conflict. The fighting between the National Party and liberation movements, e.g., the ANC, PAC, AZAPO, etc may have ended but the conflict did not end with the abolition of apartheid system. The ANC government continues to fight against what it perceives as subtle allegiance to apartheid laws on the part of some of the opposition parties, e.g., Freedom Front Plus, Democratic Alliance, etc.

There are instances where coercive measures are taken by the powerful rival in order for the other party to succumb. According to the Stockholm International Peace Research Institute (1976: 174) South Africa was expelled from the United Nations in an effort to force her to abolish apartheid. South Africa then retaliated by announcing that its financial contribution to the organization would be stopped.

The continuation of the South African conflict was rendered futile by the pressure exerted by leftist organizations inside South Africa and other anti-apartheid movements and individuals outside the country.
2.9 The historical context: Truth commissions elsewhere

According to Hayner (1994:225) truth commissions are bodies set up to investigate a past history of violations of human rights in a particular country either by the military, government forces, or by armed opposition forces. One is of the view that truth commissions are supposedly meant to establish what went wrong and to ensure that past human rights violations do not happen again.

There have been cases where the report of a truth commission has been ignored. A case in point is the first truth commission, which was set up by Idi Amin in Uganda in 1974. Considering that Amin was a cruel dictator, one cannot attach any semblance of credibility to its findings. Hayner (1974:229) asserts that Amin disregarded the commission’s report and continued his brutal rule.

Similarly, in Chad, as the Commission of Inquiry was about to finish its report, the government was accused of trying to hide its own human rights violations. In this case, on 29 December 1990, Colonel Idriss Deby created a commission called: “Commission of Inquiry into the Crimes and Misappropriation Committed by Ex-President Habre’, his Accomplices and/or Accessories” [http://www.usip.org/publications/truth-commission-chad]. This was a sequel to the violent overthrow of the latter who became Prime Minister in August 1978. The overthrow was preceded by 26 years of conflict, war, instability, and insecurity due to interminable struggles for control of the central government.

According to Saunders (2005:18) the publication of the report on thirty thousand cases of torture by the National Commission on Political Imprisonment and Torture (2003) in Chile was a significant step towards reconciliation. It led to an admission by the army that torture was a state policy. One argues that to some degree truth-telling does pave the way for reconciliation. It is not always the case, though. Saunders does indicate that inasmuch as the establishment of various commissions was one of the earliest steps to democracy in Latin America, truth has a vital role to play in the process of reconciliation.
Contrary to the South African experience, the Chilean army accepted responsibility for torture at a structural level leading to trust between the civilian government and the military. To augment the public’s capacity to trust, victims of torture now receive a state pension. In one’s view this will go a long way in uniting a country that was once hostile towards its citizenry.

The Nigerian experience is no exception to the moral decay that characterized dictatorships across Africa. To get to the bottom of what happened to political activists in Nigeria during military rule. Nigeria returned to democratic rule on 29 May 1999, with Olusegun Obasanjo as President, after nine military dictatorships, amongst which were the counter-coup of 1967, and subsequent coups of 1983, 1993 and 1985. The last military dictatorship was that of Sani Abacha (1993). In an effort to reconcile Nigeria, the President set up a commission of inquiry, entitled Human Rights Violations Investigation Commission in May 2002.

The report presented by the Hon. Justice Chukwudifu A. Oputa CFR, Justice Emeritus Supreme Court of Nigeria in May 2002 succinctly stated “that to forgive and to reconcile is not necessarily to deny justice…To manage the transition successfully and to consolidate it may require that we sacrifice criminal justice for the higher moral imperative of reconciliation and to avoid the trauma, anguish and pain criminal prosecution will give rise to” (2002:8). In one’s view the Nigerian truth commission was slightly different to that of South Africa in particular, in that Nigeria waived its right to prosecute perpetrators to ensure citing reconciliation as uppermost in their quest for peace.

2.10 Definition of Reconciliation

David Phillips (2010: Part 2) said people had a “fairly clear idea of what they were seeking in the form of the ‘truth’ about gross violations of human rights… But in the TRC material and the copious literature on it, you will find little in the way of clear definition of what they envisaged by ‘reconciliation’”. The researcher understands ‘reconciliation as bringing together those who were once enemies,
acknowledging their wrongs, and honestly declaring their forgiveness of each other. What is problematic with this definition in the context of the South African history is that nowhere has the researcher been alerted to a period of camaraderie between South African races. So, reconciliation would have been appropriate if there was evidence of conciliation at a particular time in South African history.

“Discussions of reconciliation in South Africa typically refer to two distinct phenomena: dealing with the micro-truth of what happened to specific loved ones and with the macro-truth about the nature of the struggle over apartheid. At the micro-level, discussions often focus on the reconciliation of victims and perpetrators...When applied to victims and perpetrators, reconciliation typically means acceptance of blame, apology, and forgiveness” (Gibson, 2004: 132). Gibson defines reconciliation as a relationship between offenders and the offended. This ‘resurrection’ of a good relationship would not have manifested itself, had there been no animosity between two parties.

According to Hamber & Van der Merwe (1998:1) people have defined reconciliation in five (5) ways:

- A non-racial ideology of reconciliation which essentially defines reconciliation as dissolving the racial identities arising from the policies of the past.
- An ideology based on an intercommunal understanding. According to this ideology people differ in terms of cultures and histories. The process of reconciliation is about bridging the divides of the past.
- A religious ideology of reconciliation, which is based on the teachings of various churches and places emphasis on honesty and forgiveness.
- Reconciliation is seen as a process which can only be achieved by regulating social interaction through the rule of law.
- Understanding reconciliation as a form of community building. Reconciliation at this level is generally concerned with individual
relationships rather than with broad and abstract values of co-existence and national political tolerance.

Given the above, reconciliation is one of the possible products of disparate perceptions of what constitutes social cohesion. Conflicts based on racial and religious grounds are socially constructed and, as a result, they are difficult to resolve. One of the reasons is that they are based on inherent beliefs. The TRC had demanded honesty as one of the pre-requisites for amnesty. This, in a way, would lead into possible forgiveness of perpetrators of violence. The end-product could be healing. The rule of law is also important in that, for some, it unleashes ‘justice’. Individual relationships, in terms of the TRC, have had to do with individuals who grossly violated other individuals. This entailed specific individuals torturing certain individuals, a situation which culminated in deep-seated hatred between the violated individuals and their tormentors.

2.11 Definition of Efficacy

One would say efficacy refers to an ability on the part of a process to achieve desired outcomes. If this were to be contextualized, the TRC had a mandate to establish the truth, and to reconcile the South Africans who were at loggerheads because of political differences. The question would be whether the TRC was effective in reconciling South African enemies.

“People from all sides have realized that reconciliation will require sacrifices. Victims realize that their rights have been compromised: there appears to be a slow shift from hopelessness and outrage to more pragmatic engagement and longer term strategizing” (Van der Merwe & Kgalema, 1998). Given the gradual transition to tolerance among political adversaries, it appears the TRC has had an impact on the social relations of former political adversaries in South Africa.
2.12 Credibility of the TRC?

The TRC was meant to be a platform where both the offenders and the victims would lay bare the nature of their relations during apartheid. This was to be divulged to the public, hoping that a chapter of bloodshed and anarchy would remain only in the past, never to happen again. To ensure the efficacy of the project, prominent people in academia, legal experts, theologians, psychologists, medical doctors etc. were recruited to become panelists. One, therefore, believes that a forum led by such individuals stands a good chance of succeeding in its quest.

According to Jeffery (1999:8) the TRC relied on statements it received from victims of gross human rights violations, and from perpetrators seeking amnesty for their offences. One argues that information based on mere statements from victims and offenders cannot always be an accurate reflection of what actually happened because they are either immersed in emotion or in exaggerated self-pity.

Jeffery (1998) continues to say that 90% of the statements were not given under oath. One would argue that there is no empirical evidence to suggest that statements not given under oath are always inaccurate. This means therefore that some of the statements may have been correct. What should be gained from this argument is that the public was only alerted to personal experiences of adversarial relations that prevailed during apartheid.

It should be remembered, though, that the TRC was not a court of law. “Few, if any, statements were tested under cross-examination, for the TRC was anxious to avoid subjecting victims to this ordeal” (Jeffery, 1998:8). Without cross-examination the statements are unfortunately regarded as not entirely factual. The minimal usage of cross-examination, despite the good intentions of the TRC, deprived people of access to the broader truth as some of the statements may have been inaccurate. However, this gave people, at the very least, an
opportunity to tell their stories in the manner they understood them. In the course of the proceedings victims had a psychologist seated next to them, in the event they broke down due to inadvertent reminders of what happened to them or their family members.

2.13 The TRC: Able to Reconcile South Africans?

According to Bradshaw (2008: 215) the TRC was the instrument through which peace-building could potentially be actualized. Peace making is usually the precursor to peace building; the function of which is to “cement” the peace process. In one’s view peace-making requires of one to accept, at the very basic level, that mankind is not infallible. The victim must be prepared to forgive, thus minimizing the possibility of a recurrence of offensive actions. Nonetheless, that should not be construed as acceptance of deliberate offences. Peace-building would be able to “cement” the peace process if, for an example, non-governmental organizations and churches were capacitated.

Hayner (2001:1) argues that there is a presumption that victims of warfare fare better if they talk or ‘work through’ their memories of war through the processes of counselling or ‘talk therapy’, in a systematic manner and with the help of a trained professional. From this perspective, it is only by remembering, telling their story, and learning every last detail about what happened and who was responsible, that victims of war are able to put the past behind them. Hayner is correct, considering that a person is a social being. People find solace in sharing their problems with trusted individuals, thus minimizing the impact of the problem. Psychologists play an important role in ensuring that victims do not get withdrawn. Actually, they are enabled to see that their problems are not insurmountable. Talking about their experiences is one way of confining the past in the past.

“At the heart of the Truth and Reconciliation Commission’s work is psychological change…The first focus should be the emotional damage and unresolved turmoil
of thought and feeling of the survivors, but the overarching goal must be profound change in the belief and value systems that permit torture, atrocities and human rights violations to flourish" (Botman & Petersen, 1996: 27). One gets the impression that the TRC had a huge task in ensuring that the victims had a trusted shoulder to cry on, and that, to a greater extent the gross human rights violations experienced by the victims were almost obliterated from their memory. Even though it was a difficult task to perform, it had to be done to provide a premise upon which to start the process of reconciliation.

According to Connor (1998:17) the South African public has a moment, an opportunity, to look honestly at its past during the struggle over apartheid. If, however, that opportunity is missed, the resentment of the past is likely to break out in further violence in the future. This statement demands of offenders to be brutally honest when it comes to an acknowledgement of their misdeeds. This has to be accompanied by an honest apology to the victim, after which a process of reconciliation can begin. One must emphasize though, that the success of the process is not the responsibility of the offender alone. The victim too must, on establishing an element of truth and remorse on the part of the offender, assist in ensuring that reconciliation is achieved.

“There is a commitment to break from the past, to heal the wounds of the past, to forgive but not to forget and to build a future based on respect for human rights” (Botman et al, 1996). This implies that there is an inherent element amongst the South African public to forgive their tormentors, but not to forget the past from which they came. Commitment, particularly in this scenario, means an honest undertaking to ensure a ‘rebirth’ of one so that what happened in the past does not happen again. To heal the wounds may require the offender to first put themselves in the shoes of their victim in order to get a better understanding of what it means to be at the receiving end of brutality. Consequently, this may bring about a utopia where violence would be the enemy of a homogeneous society.
2.14 **Amnesty versus Justice?**

The TRC grew out of an elaborate political compromise that rejected the outgoing regime's demand for blanket amnesty and no retribution in exchange for a mechanism (the TRC) that could grant amnesty for political acts" (Rotberg & Thompson, 2000: 2). Had things been done according the National Party's demand for blanket amnesty the truth would possibly never have been known. The National Party's demand was meant to save those who perpetrated gross human rights violations, a demand that showed disregard for the victims’ suffering.

Applicants did not have an automatic right to amnesty. Amnesty was given only to those who told the truth at the TRC. “Section 20 of the Act provides that the Amnesty Committee ‘shall’ grant amnesty if it is satisfied that the amnesty application complies with the requirements of this Act, ‘that the act was associated with a political objective, and that the applicant has made ‘full disclosure of all relevant facts’” (Asmal, Asmal, & Roberts, 1996: 16).

Inasmuch as some met the requirements for amnesty, some of the victims were concerned that offenders were not getting punished for their offences. One cannot help but conclude that the TRC defined justice in terms of reparation for victims of gross human rights violations, prosecution of those who lied to the TRC, and granting amnesty to those who complied with Act when they appeared before the Commission.

Different people had different interpretations of ‘justice’. There are those who felt that perpetrators should have been taken to court, prosecuted and sentenced. The only reason why that route was not followed was that the country wanted to know the truth, and moreover to allow everyone to contribute to peace-building. It is in this context that one sees ‘justice’ as an elusive concept, particularly in the case of the TRC. Even courts of law would struggle to get to the truth because the TRC got underway much later; long after a large amount of evidence was
destroyed. One argues that perpetrators would not want to preserve incriminating evidence against themselves. The TRC was also less intimidating than a court of law, and therefore a better platform of sharing information.

The next chapter will deal with research methods employed by the researcher in order to establish the perceptions of the respondents as they pertain to the question of efficacy of the TRC hearings in East London.
CHAPTER 3

RESEARCH METHODS

3.1 Introduction
This chapter is going to deal with the methods that the researcher used to obtain and analyse the data for this study.

The researcher has conducted an empirical study including field research in order to establish the participants’ perceptions on the efficacy of the TRC hearings in East London. The actual interviewing of the participant group was done in Duncan Village, where the participants reside. In keeping with research ethics, the respondents were assured that their identities would remain anonymous, if they so wished. However, they waived that right. The university insists on anonymity, though. This undertaking was made in order to ease the respondents into innocent dialogue, and unlock their sentiments on the ill-treatment they went through.

3.2 Methods, Procedures & Techniques
The researcher embarked on a qualitative study using interviews as a research tool. According to Schwandt (1997:135) there are three (interrelated) ways to examine flexibility and responsiveness to emerging issues for both respondents and interviewees. This was done in the form of field research using semi-structured interviews in an effort to establish the victims’ perceptions around reconciliation as it pertained to a community that went through political violence. Field research was therefore ideal for the inquiry in the sense that it brought about an opportunity to study subtle nuances of perceptions, attitudes and behaviours of the respondents.

There were five (5) respondents for this research project, a reasonable proportion of the 32 victims who appeared before the TRC in East London between 15 and 18 April 1996. An hour and a half was spent with the
respondents, as one did not want the interviewees to tire or lose focus along the way. They responded to sixteen (16) questions. The reason behind asking the same questions to all of my respondents was to establish whether they would provide different answers to the same questions.

3.2.1 Feasibility of the study
It should be conveyed that TRC hearings took place in East London by virtue of the fact that there are people in East London who suffered gross human rights violations, and that the TRC held hearings there – so this was in a sense a purposive sample. The researcher was mindful of the fact that some of the respondents would not want to participate in this research project because of the sensitivity of the questions, and the possibility that it might cause them to relive what they wished to forget. Access to the interviewees was made easier by the fact that there were no ‘gatekeepers’ from whom the researcher would have had to seek permission to meet with the victims. At no stage did the researcher force any victim to participate. The research was exploratory, in the sense that the researcher established the respondents’ (victims of gross human rights violations) experiences during apartheid and did not intervene in what had become a traumatic experience under apartheid.

“The consequences of repression and resistance include the physical toll taken by torture and other forms of severe ill-treatment. The psychological effects are multiple and are amplified by other stresses of living in a deprived society…The implications of this extend beyond the individual – to the family, the community and the nation” (http://www.justice.gov.za/trc/report/finalreport/Volume%205.pdf). Given that this study had the potential to revive the trauma suffered by the intended interviewees, the researcher contracted the services of a registered counselling psychologist in the person of Mr Prince Dabula, who is attached to the University of Fort Hare, in order to provide the necessary psychotherapy if and when needed. It should be borne in mind that a sudden reference to a trauma that was experienced by a respondent could jeopardise the success of
the interview, and in worst cases, cause physical harm to the respondent. It is in this context that the researcher conducted interviews empathetically.

“In many social science circles, exploratory research "seeks to find out how people get along in the setting under question, what meanings they give to their actions, and what issues concern them. The goal is to learn 'what is going on here?' and to investigate social phenomena without explicit expectations." (Russell K. Schutt, 2006: 18). The intention here was to get information on how these ‘adversaries’ related then, and whether reconciliation, if any, is one-sided or mutual. One must convey, however, that the researcher had no intention of intervening in the respondents’ current relations with their former persecutors, should they be hostile.

3.2.2 Budgeting
With regard to financial support the researcher made a contingency plan, taking into consideration issues like transport; and the duration of the research. The budget within which the research was conducted was around R2600, considering that one had to make telephone calls to make appointments and also, the use of electricity when typing, and the services of the psychologist. Travelling costs (within the geographical area of East London) were determined by the amount of fuel used for the research project. The researcher did not incur any accommodation costs as he was a resident of East London.

3.2.3 Value of the research
The value of this research lies in the fact that it is intended to understand the effect of the TRC on specific individuals. It also contributes to the already considerable literature on the TRC, with a specific, empirical case study of the effectiveness of the TRC in East London. It is one of the first of its kind, and it will contribute to the national debate in this regard.

“In the South African Truth and Reconciliation Commission…testimonials about gross violations of human rights were anticipated to serve as mechanism for
forging national unity premised on a shared knowledge of suffering in the recent past” (Wilson, 2001, cited in Ross, 2003: 326). In one’s view the testimonials were therapeutic in that they, to some degree, and for some, closed a painful chapter in the lives of the victims.

The research seeks to alert the public to the dangers of political intolerance, a social phenomenon that is notorious for having the potential to undermine social cohesion. The TRC successfully marketed truth as a healer and a unifier in the midst of adversity. From a philosophical perspective some would argue that the TRC did not bring about justice in that many perpetrators were not punished for their misdeeds. Given the existence of such a view, and taking into account the various perceptions of what justice is one would argue that an acceptance of diversity of thought and perceptions culminated in the TRC exposing to the public the fact that South Africans can be united in their diversity. In such an environment resentment becomes an enemy of society. This research project will then assist the victims and perpetrators in understanding that a violation of one’s human rights is the antithesis of peaceful co-existence.

3.2.4 Units of analysis
The researcher interviewed victims of gross violation. According to Babbie & Mouton (2001: 84) the unit of analysis refers to the ‘what’ of your study: what object, phenomenon, entity, process, or event you are interested in investigating.

One focused on whether reconciliation characterized the relation between victims and their former persecutors, and whether the wounds of persecution have actually healed. It must be understood, though, that reconciliation will have to be informed by changed attitudes on the part of the adversaries. This will include the views of the general public in terms of what their understanding of reconciliation is, and what it takes to achieve it.

3.2.5 Data gathering
A group of five (5) respondents was interviewed for the purpose of this research project. The researcher used basic individual interviewing because it allows the interviewee to speak for him/herself. According to Spradley (1979:61), there are three criteria by which we should select our respondents, i.e., thorough enculturation; current involvement; and adequate time.

One was aware of the fact that some of the respondents would not be able to communicate in English. Given the situation, one translated the Xhosa responses into English. The researcher is conversant in both languages, which meant that there would be no need for an interpreter. In any event, the material was analyzed in English.

3.2.6 Interview schedule of questions
To ensure linkage to objectives of the research project, the following interview questions were posed to the respondents:

1. What is your understanding of the terms ‘truth and reconciliation’?
2. Does the truth necessarily lead to reconciliation? Explain your position.
3. Did you expect to receive some reparations as a result of your participation?
4. If you got something, when did you get it?
5. What level of reparations did you finally receive?
6. Were the reparations adequate, given the magnitude of suffering you went through?
7. Do you feel let down by the process?
8. Who informed you of the TRC process? How did they inform you? Do you feel you were misled?
9. Do you feel that, as a result of the non-performance (by the TRC) of the issues such as sufficient counseling, or payment of reparations, you now feel less reconciled than ever before?
10. Has the TRC opened wounds that should have not been opened? Explain your view.
11. Other countries had opted for retribution. Would that be appropriate for a democratic South Africa? Motivate your response.

12. To what extent have you reconciled with those who violated your human rights?

13. Were you ever willing to forgive?

14. What, in your opinion would constitute peaceful co-existence among South Africans?

15. Has the TRC improved dialogue between you and your political opponents?

16. Is there a way of moving on without subconsciously reliving the dreadful past?

The aforementioned questions were informed by the attitudes some people displayed towards the TRC, i.e., some saw it as a witch-hunt against perceived enemies, whilst others saw it as a means of ‘healing’ the nation. Inasmuch as the hearings were painful, South Africans deserved to know the truth, as some felt they could not forgive, or reconcile with ‘faceless’ people.

3.2.7 The interview process

Interviewing was carried out in the presence of a practicing counseling psychologist, Mr Prince Dabula. The purpose was to establish whether the interviewees’ testimonies to the TRC had had any effect on their relations with those who grossly violated their rights, e.g. reconciliatory relationship. Field research was therefore ideal for the inquiry in the sense that it brought about an opportunity to study the subtle nuances of perceptions, attitudes and behaviours of the respondents. The researcher thus succeeded in attaining good qualitative data. One notes that, given the injuries they sustained at the hands of apartheid police, the harassment, and the subsequent loss of some of their relatives, participants were reluctant to forgive and reconcile with their perpetrators.

It must be remembered that the interviewees appeared before the TRC in order to share their experiences with the public, to discover who was responsible (in
cases where perpetrators were not known) for their misery. It should therefore be expected that their views could differ on whether the TRC was able to reconcile the South African citizenry. This method succeeded in getting relevant responses as the research questions were intimately linked to their shared experience of gross human rights violations.

Kane & O’Reilly-de Brun (2001:211) assert that the group interaction, rather than answers to questions, produces the insights. In support of this view the respondents had supported one another, argued points, and corrected one another, as some could not remember some of the detail pertaining to their bad experiences. This was made easier because they suffered personal violations in the same period of time, and they stayed in the same vicinity.

Despite their harsh experience at the hands of the apartheid police, the sample group willingly provided the researcher with their names, citing a need to have their stories told so that future generations may know what they went through. In other words responses do not necessarily have to come from individual participants, but may be a shared sentiment or product of a shared experience. It must be remembered that the participant group comprised victims of gross human violations who had appeared before the TRC, thereby becoming the researcher’s area of focus.

According to Mey & Mruck (2007:138) qualitative research takes place within dynamic and complex interactions between the researchers and their personal and professional backgrounds, the respective field of research and the characteristics of the scientific culture, i.e. the nature of the formal organizations to which the researchers belong. Having regard to the above assertion one opines that researchers have to constantly guard against personal opinion having a negative bearing on the practice and outcome of their work. Principles of research ethics have to supersede anything that has the potential to compromise the research process. To ensure the scientific success of the research, the
researcher saw to it that no preconceived ideas should contribute to the outcome of the interview process.

According to Cho & Trent (2006), cited in Lyons, Bike, Johnson and Bethea, (2011:154) qualitative researchers commonly participate in explicit and implicit self-reflection of their assumptions throughout the research process to become aware of the biases and reactions they bring to the work, increasing the likelihood of the trustworthiness drawn from research results. Considering the above, the researcher had in his quest an interest in establishing both the overt and the subtle impact of harassment on the respondents. The subtle harassment pertains to unsolicited ‘visits’ at some of the respondents’ homes by the police, looking for ‘troublesome’ relatives of the respondents. Explicit in their characters was anger, disillusion with the current government as, according to their perceptions, it had not done enough to restore their dignity.

The qualitative approach method assisted in that the semi-structured nature of the interview unearthed a resilient sample group, contrary to the researcher’s anticipation of a dejected group of respondents. The reason why the researcher expected to meet with a dejected sample group was because of their ill-treatment at the hands of the police, and their unhappiness with the amount of money given to them as reparation. One could notice that even though they had a similar perception of the efficacy of the TRC, one could see that the extent of their anger and disillusion with the ANC government varied, as guided by their individual personalities. Some of their responses, e.g. gazing into the horizon, head-shaking and not uttering a word, etc. appeared disproportionate to their individual loquacious demeanours, as the questions intruded into their harsh past.
3.2.8 Sampling procedure and size

The researcher used purposive sampling in an effort to find the information required for this research project. According to Kane et al (2001:94) purposive sampling means deliberately choosing people because they have some characteristics that interest a researcher. One must emphasize that the sample group had a peculiar experience of ill-treatment by apartheid police, and appearance before the TRC. In this case the researcher could not have just interviewed anybody, as that would not elicit the kind of information needed for this exercise.

Semi-structured interviews were conducted with a sample group in Duncan Village. This was done because the researcher could tailor the questions to the sample group and their circumstances, which entailed a traumatic past. The group was comprised of five (5) participants, two (2) men and three (3) women, all of whom testified before the TRC when it was sitting in East London. The researcher used the non-probability sampling procedure because it was almost impossible to interview all the East London victims that appeared before the TRC. It should be conveyed that they were interviewed irrespective of their age, extent of their individual suffering, or injuries.

The same question content was presented to each of the respondents so as to see if there would be any difference in terms of answers given. It should be mentioned though that some of the participants had forgotten some of the detail regarding the police harassment they went through because of the time lapse. One must understand that the views of the respondents did not necessarily reflect the views of other victims who appeared before the TRC.

It is worth mentioning that the researcher also considered constructing a questionnaire because it happened to be easy to process. The problem
with using a questionnaire is that it would have been more rigid and structured than semi-structured interviews. What was required from the sample group, though, were its views on the efficacy of the TRC hearings and their perceptions of the concepts of ‘truth and reconciliation’, the kind of detail and nuanced information which a questionnaire could not provide the researcher with.

3.2.9 Ethical dimension

Because of the sensitive nature of the topic, one made sure that interviews were not conducted without the explicit, informed consent of the respondents, or their understanding of the voluntary nature of the exercise. All respondents signed a document indicating their willingness to participate in the research, and also their understanding what was required. Participants were also alerted to the fact that they might divulge sensitive information which may be consumed by the public.

Respondents were informed that they had a prerogative to terminate the interview, if they found it to be too intrusive or humiliating. They were assured of the confidentiality of the interview, and the fact that their responses would remain anonymous within the report. The researcher was formally introduced to the participants, in order to allay any possible suspicions on their part. It is in that context that they were allowed to use their own discretion whether to participate or not. The researcher produced the necessary documentation to identify himself and introduce the research project. Participants were also assured that the approach was free of preconceptions regarding them, or the possible distortion of their views. Interviews were conducted with empathy so as to elicit the honest feelings concerning the possibility of healing.

3.2.10 Data analysis

“Analysis of data is a process of inspecting, cleaning, transforming, and modeling data with the goal of highlighting useful information, suggesting conclusions, and supporting decision making. Data analysis has multiple facets and approaches,
encompassing diverse techniques under a variety of names, in different, business, science, and social science domains” (en.wikipedia.org/wiki/Data_analysis). The researcher ensured that the data collected was arranged into appropriate categories, themes and conclusions arrived at.

3.3 **Strengths of the field research**

The qualitative method of inquiry was flexible enough to draw pertinent answers from the respondents. Given that one of the respondents knew the family of the researcher, the attitude of the respondents allowed for an environment conducive for frank discussion. One must admit that the respondents were afraid at first, and had gotten tired of researchers interviewing them, and not giving them anything in return. Such an attitude is understandable, given the paranoia inculcated by the ill-treatment they had received at the hands of the South African Police. The fact that the respondents were victims of gross human rights violations provided first-hand information on the atrocities perpetrated by the apartheid government. Also, the semi-structured questions employed by the researcher made it easy for them to elucidate some of the answers that were vague.

The field research elicited pertinent answers in that on most occasions the researcher was able to steer the respondents back to the questions posed. A questionnaire would have made it difficult for the respondents to respond adequately in that they would have had to ask for clarity in some instances. The presence of a psychologist during the interview session activated a sense of comfort in the researcher in anticipation of emotional disturbance on the part of the respondents. Contrary to popular anticipation, the respondents were overwhelmingly co-operative and amenable to increasing the number of participants as the process afforded them an opportunity to share their experiences with neutral persons, i.e., the psychologist, and the researcher.
3.4 Weaknesses of the field research

Given the qualitative nature of the research project it would be difficult to ascertain the level of reconciliation, if any, between the respondents and perpetrators. As the TRC hearings were not confined to East London, the researcher realized that the findings might not necessarily reflect perceptions of the participants in other areas where the TRC sat, so that no extrapolations could be made. Also, the research could not provide the extent to which they had accepted what they regarded as minimal difference in their socio-economic status. They were sometimes unrealistic in that they demanded jobs, a lot of money, houses, etc. as compensation for their suffering although they could not give a benchmark thereof.

The convenience sample of victims is also an impediment in the sense that perceptions of participants who were not interviewed are likely to remain unknown, and therefore of no influence to the achievement of the required reconciliation. One was dealing with a small number of victims whose responses would not necessarily reflect the experiences of other victims elsewhere. Also, the researcher had opted not to interview perpetrators as they were more than likely not going to co-operate, particularly when there is no legal obligation on them to divulge any information in the context of the research project. In view of the fact that the interviewees were a product of a non-probability sampling, one could not generalize, particularly because the qualitative nature of the study.

Getting appointments to conduct interviews has been characterised by all manner of constraints, ranging from negative attitudes towards researchers in general because they would, according to the respondents, come from abroad to Duncan Village to research their living conditions and yet their circumstances would remain the same, and the fact that some of the respondents were either selling their wares in town, or staying far away from the venue of the interview. One must emphasize, though, that the researchers were, according to the sample group, intent on researching and writing books, with no interest in the
plight of their subjetcs. Despite the fact that the researcher could also speak the language of the respondents, it was difficult to accurately translate the questions as some of them contained jargon pertinent to the research. With the assistance of the counselling psychologist, I managed to simplify my interview questions as he was more conversant in Isi-Xhosa than I was. Nonetheless, the obstacle did not compromise the research process.

The next chapter takes one through the actual interviews of the sample group, as selected by the researcher. The respondents form part of the Duncan Village community that was ill-treated by the apartheid government and the police in particular. Herein, they share their anger and disappointment with the TRC’s reparation, and the seemingly unrepentant perpetrators.
CHAPTER 4

EMPIRICAL DATA

4.1 Introduction

Given that one relied only on the responses of the sample group one could only infer that the respondents had endured vicious ill-treatment at the hands of the Security Police. Some of them had lost relatives and one lady participant was shot at, resulting in her losing the function of her right hand. She now sells fruit and vegetables as she cannot secure employment because of the injuries that she sustained. The respondents had expressed mixed feelings with regard to the TRC being able to reconcile South African victims with their offenders. It is therefore argued that a forum such as the TRC has the potential to re-open healed wounds, thus creating reluctant participants in the process of healing a traumatised nation. The interviews were conducted in the presence of a registered counselling psychologist, namely, Mr Prince Dabula, who is attached to the University of Fort Hare’s Counselling Services Unit. The researcher had explained to the participants that their names would be changed to protect their identity.

4.2 Efficacy of the TRC: An elusive reality?

*Respondent: Stanley (not his real name)*

*Gender: Male*

Jeffery (1999:9) argues that the perpetrators’ statements were potentially a better source of evidence than victim statements because they expressly qualified for cross-examination during public hearings. The respondent said he received information about the TRC from committees of residents. “Although am not entirely happy about the TRC process I do not believe I was misled”, said Stanley. What was uppermost in his mind though, was the ‘opportunity’ to know the people responsible for his suffering, and to hear what they had to say. In spite of their opportunity to apologize to Stanley he never got to know the people who perpetrated violence against him.
Valdez, cited in James & Van der Vijver (2001:54-55) conveys that those who confessed to their crimes were absolved by the Amnesty Committee and were therefore able to solve their problems...“A truth commission, as its name implies, plays a specific role in establishing the ‘truth’ in relation to crimes that were committed in the past. But they can only be efficacious if, in the long term, they see themselves as merely a step in or a component of a much broader process”. As a reflection of his apathy, Stanley was of the view that truth and reconciliation were simply meaningless words as the TRC never produced absolute truths and genuine reconciliation. He, however, did not advance any reasons as to why he held the view. Contrary to the respondent’s assertion that ‘truth and reconciliation’ never materialized there were those perpetrators whose confessions helped in reconciling them with their victims. This was one of the envisaged ‘swift solutions’ to their problems.

According to Asmal et al (1996:47) reconciliation is a crucial element in that closing is an ending of the divisive cycle of accusation, denial, and counter-accusation. On the question of whether truth did automatically lead to reconciliation, Stanley said it did. Truth would assist in achieving peace amongst former enemies. Inasmuch as reconciliation was the envisaged product, it could prove elusive because of the harshness reality would bring to bear on innocent relations among blissfully ignorant adversaries.

Connor (1998:116) argues that if compensation had to be granted for all the victims of gross human rights violations, the nation’s funds would be exhausted. He suggested though, that reparations, whether monetary, in kind or symbolic, will have to be limited to countering the immediate and avoidable suffering that a person and their immediate dependents still experience. Apart from not knowing what the TRC was, Stanley asserted that he never expected reparations. Indeed reparations were made. This indicates an honest appreciation of the fact that although human suffering could be difficult to measure in monetary terms, the new government had to treat victims of
gross human violations in a manner that would restore their dignity. What Connor conveys should not be seen as arrogant, but an honest approach to healing a broken nation using limited state resources.

Bradshaw (2008:229) argues that victims need to be compensated in some way because the amnesty process means that they lose the right to claim damages from perpetrators who are given amnesty. Without compensation, only the perpetrator would benefit from the TRC process, which would be unfair. In an effort to mitigate the impact of the violations that he endured the government gave him R30 000, which he felt was not enough. The Promotion of National Unity Act 34 of 1995 ensured the facilitation of reparations. Even though the money was not enough he felt the money would help him materially. Of course he was disappointed.

According to Wilmot & Hocker (2001:56), cited in Bradshaw (2008:43) conflict generally elicits extremely powerful emotions, including fury, fear, annoyance, sadness, despair, and grief among others, and poorly expressed strong emotion can be highly destructive. One agrees because these emotions would disrupt the process of reconciliation. “Reconciliation is difficult because the lack of counselling and insufficient reparation proved that our plight is not taken seriously”, said Stanley. Stanley expressed fury and despair as he believed they were taken for granted by the TRC and the government. For him counselling would have enabled him to control his emotions.

According to Villa-Vicencio & Verwoerd (2000:279), cited in Gibson (2004: 69) contributing to the shared acknowledgement by all South Africans of what happened in the apartheid years was surely among the most important legacies that the TRC could bequeath to the nation. This shared acknowledgement thus involves knowing painful truth about the past and the human contribution thereto. Because Stanley had not forgotten about his experiences at the hands of the South African Police he was of the view that
the TRC had opened wounds that had not entirely healed. For him that was unavoidable because the TRC was probing his ill-treatment at the hands of security police in an effort to get the truth from those who grossly violated his rights.

“I am of the view that revenge would be appropriate in that, to some extent, the TRC failed me”, said Stanley. Reconciliation seemed far-fetched as those who ill-treated him never appeared before the TRC. Contrary to his belief, Gibson (2004:329) asserted that the truth and reconciliation process succeeded in South Africa, considering that in the early 1990s many feared a civil war amid widespread political violence would engulf the country. In one’s view, the success of the TRC in creating a platform whereby political victims and perpetrators would talk about their adversarial past led to relative calm amongst former political adversaries. Despite the positivity the TRC was showing, the respondent still harboured resentment and an unwillingness to forgive.

According to Bradshaw (2007:18) many of the on-going social conflicts in the world are based on value conflicts, and are therefore notoriously difficult to manage. He wrote that peaceful co-existence could only exist if the white community recognised black people as fellow human beings. Inasmuch as he believed the TRC provided an opportunity for reconciliation, he opined that the white community was not taking advantage of that, as they held back the hand of reconciliation. The value here, in one’s opinion, would be recognition of humans as equal members of society. It should be emphasized, though, that the respondent’s problem had to do with a perceived attitude on the part of the white community. To some extent the TRC, despite its appropriateness as an opportunity for reconciliation, could not reconcile all political adversaries that appeared before it.
According to Connor (1998:29) repentance had to be accompanied by confession, and reparation of the victim. Stanley felt that the TRC had not opened dialogue between himself and his enemies. In response to a request for elaboration, Stanley asserted that: “Those who ill-treated me never appeared before the TRC”. One gains the impression that the respondent had expected the operatives of the security forces to appear before the TRC, confess to their crimes, compensate him, or even apologize. Without that happening, dialogue would be difficult to achieve.

Tutu (1998) cited in James et al (2000:15) felt that having looked the beast in the eye, the door on the past should then be shut. Stanley countered Tutu’s view as he felt that even the democracy that South Africa is will never obliterate the bad experiences he went through. The message requires of South Africans to move forward and build a nation of optimists. It did not necessarily require of us to forget what happened in the past, lest we make the same mistakes again.

According to Bundy (2000) cited in James et al (2000:15) the impulse to close the door on the past comes from the TRC’s commitment to nation-building rather than its commitment to an explanatory social science. The message here is that shutting the door on the past would pave the way for reconstruction of a nation based on reconciliation. A social scientific approach would be too complex for a victim to understand, as it would be burdensome to analyse.

Respondent: Shirley (Not her real name)

Gender: Female

The respondent had said she was informed of the existence of the TRC by committees which were comprised of residents. They would visit homes of fellow comrades to inform them about the TRC. These are people who are known to have worked underground during the struggle. In a sense they were
a reliable source in the context of the struggle against apartheid. She further mentioned that the committees did the right thing in the sense that they (respondents) could not otherwise have known that there was a public hearing forum such as the TRC.

According to Jeffrey (1999:50) various factors limited the extent to which amnesty statements were actually cross-examined, whilst few statements received by the commission qualified to be heard by the TRC. For Shirley ‘truth and reconciliation’ were elusive terms in that some perpetrators continued to lie under oath, thus disrespecting their victims. In other words not all of the statements could be subjected to cross-examination. Nonetheless, hearing the truth did not necessarily lead to reconciliation. It depends whether the truth was volunteered by the offender.

Botman et al (1996:7) asserted that the Truth and Reconciliation Commission had a clear political focus, strong legal implications, and was a deeply theological and ethical initiative. Truth and reconciliation was, for people of faith, a product of honesty and mercy, confession and forgiveness, justice and peace, repentance and reconciliation. The respondent had stated: “I never expected any reparations because at the time I did not even know what the TRC was”. In a sense, the respondent was more interested in the revelation of the truth. One is of the view that the expectation for reparations on the part of some respondents downplayed the basic intentions of the TRC in that some victims saw material benefits as more important than the therapeutic benefits of the process.

Rotberg et al (2000:25) conveyed that even if the victims were to receive financial compensation, the quest for justice would not be satisfied. Neither would the public shaming of perpetrators testifying to the commission satisfy justice. With regard to material benefits, Shirley said she received R30 000. In response to a question posed by the researcher, Shirley retorted: “The
R30000 was an insult to my family considering that my brother who was in Grade 11 at the time was gunned down by the police, and my father was detained for a year and a half, fed poison in prison, as a result of which he got a swollen foot. On his release, he found out that he was fired from his job and was subsequently told by his employers to ask for work from Mandela”. For her, shaming the perpetrators was not sufficient. She wanted revenge, rather.

Winslow (1997: 24, cited in Bradshaw, 2008: 221) opines that the opportunity for healing of the individuals who testified before the TRC is very limited, especially because they are not supported in the same way as those undergoing psychotherapy. The respondent, with a tone of disappointment and anger emphasized: “I feel less reconciled than ever before as I neither received counselling nor adequate reparations. What angered me most was a statement by former President Thabo Mbeki who said that R30 000 was too much because the struggle was not initiated for the purpose of getting money”. The researcher is therefore of the opinion that counselling would have been appropriate under the circumstances in order to facilitate reconciliation between her and the perpetrators of violence.

Asmal et al, 1996:6) opined that the pain of the past must be faithfully recorded so that a unified nation can benefit from it as the country continues to undergo reconstruction. In elucidating her feelings, she said the TRC opened wounds that should have not been opened, saying that if they (victims) were ignored they would have forgotten about what happened to them. Seemingly, the respondent was not in agreement with the notion that in order for a nation to reconcile, the source of conflict has to be interrogated and dealt with in a manner that would minimize its chances of ever happening again.

According to Phillips (2010: 1) the TRC was given powers to conduct investigations and hold hearings, normally in public, to subpoena witnesses, and
to compel witnesses to answer questions or produce any article, even if it might incriminate them. Shirley asked a rhetorical question: “How do you expect me to reconcile with somebody I never got to see?” In her case the perpetrators were unknown, and the TRC was therefore unable to exercise its powers in that regard.

To achieve peaceful co-existence the respondent demanded of black people to speak the truth, and that they must never forget where they come from. Her major concern, though, was that the people of Duncan Village have been forgotten – Commemorations, according to her, are only done in Gauteng, e.g., Hector Peterson, June 16, etc. Nothing is done in Duncan Village.

**Respondent: Ayanda (Not her real name)**

**Gender: Female**

The respondent was informed of the TRC in the same way as the other respondents. People who were known to have good credentials in the struggle against apartheid policies would visit houses to tell families about the TRC hearings. Families were advised of the importance of testifying before the TRC. For her truth and reconciliation, in the context of the TRC, were just meaningless words.

Habermas, cited in Doxtader & Villa-Vicencio (2004:230) defines truth as comprising three essential elements:

- It must involve an accurate description of the instance, including the context and the background;
- It should comply with a normative system in the sense that both those who make a statement (of ‘facts’) and those who receive it are able to make a judgement;
- The statement must be sincere in the sense that it must have integrity.
As they feared either possible prosecution or public ostracism the respondent said perpetrators told half-truths or lies in some instances. “The TRC can no longer serve its purpose because some perpetrators have been economical with the truths”, said Ayanda. The purpose of the TRC in her view was thus compromised, and by extension, public trust in the process was diminishing. To her, half-truth was synonymous with deceptiveness.

Archbishop Tutu cited in Doxtader et al (2004:229) conveyed that people have differing interpretations of the notion of reconciliation. Reconciliation attributed to pretence is not true reconciliation. The gist of the respondent’s argument was that telling lies, particularly to the offended, would never produce real reconciliation. She fell short of saying the TRC process was an exercise in futility.

Gibson (2004:6) asserted that truth might not automatically produce reconciliation, but without truth, reconciliation was thought to be highly unlikely. The fact that Ayanda was not sure if she would forgive those who shot her, as the perpetrators never appeared before the TRC, emanates from her view that “keeping quiet whilst one knows the truth is tantamount to lying”. Inasmuch as she mentioned her injuries at the TRC, no one came forward with information. “In my view truth does lead to reconciliation”, said Ayanda.

Burton, cited in Doxtader et al (2004:30-31) conveyed that there were no indications to suggest that there might be financial compensation, and most people had no such expectation. In response to a question posed by the researcher on the issue of reparations, Ayanda emphasized: “I never expected reparations as I did not even know what the TRC was all about”. A much-quoted comment from then Deputy President Thabo Mbeki, that ‘our people did not join the struggle for money’, infuriated many people. Victims were much more interested in knowing who hurt them and in an acknowledgement on the part of the perpetrators of the atrocities that they had unleashed on their victims.
Connor (1998:116) opined that the payment of reparations, instead of effecting reconciliation, might lead to further conflicts. The introduction of money into a relatively deprived area can divide victims along the lines of those receiving them and those not. Although Ayanda got something in the region of R40 000 in total in reparation, she was not satisfied. She felt the government should have done more by ensuring that she got a suitable job, as she was now a vegetable vendor in the streets of East London because of the bullet wound she had sustained to her hand whilst carrying a six-month old baby.

It appears as though the respondent was moving from a self-indulgent premise in that she ignored the possibility of horizontal violence taking place, ironically, among victims of relative deprivation, even against the very government that is working hard to extricate them from relative deprivation. Horizontal violence is characterised by a situation whereby individuals or groups, out of frustration, turn on each other because their enemy is too powerful for them to defeat. The message here is that the bullet could have come from anywhere, as some of the political activists were also retaliating with guns.

One must convey the fact that the reparation payments were once-off payments, which were not meant to maintain the victims for life. “Although the money was not enough, I could not refuse it”. Inasmuch as she did not know about the TRC and the intended payment of reparations, she however became interested in the ‘benefit’, on learning about it.

Minow cited in Rotberg et al (2000:17) suggests that whereas courtrooms carry memories of repression, hearings before the Human Rights Committee of the TRC did not, as they created an environment of trust and safety. “I never received counselling and was therefore still angry with the government in that regard”, said Ayanda. It should be noted though, that inasmuch as the TRC could not provide every victim with counselling, the TRC would assist by acknowledging one’s pain in a manner that showed empathy.
The message here is that the TRC did all in its power to mitigate the impact of gross human rights violations endured by the victims. In other words, providing counselling for each and every victim would have been a tall order for the TRC. “Had the TRC not been created she would have forgotten about what happened to her”, said Ayanda. In view of the latter comment, the TRC ironically opened an old wound and left Ayanda to her own devices.

Connor (1998:41-42) states that resentment leads to revenge, hatred, malice, envy, and the impulse to detract, and spite other people. This is evidenced by Ayanda’s argument that revenge was appropriate so that the perpetrators could get first-hand experience of what it meant to be traumatised. She seemed oblivious to the fact that, by harbouring resentment, she was heaping more frustration on herself as forms of social control could deal with any illegality emanating from her reaction.

Van de Vijver, cited in (James et al, 2000:130) argued that South Africans could learn from the past and ensure that violations of human rights never happened again. “I cannot reconcile with, or even forgive those who violated me as I have never seen them” said Ayanda. In other words she finds it difficult to forgive ‘faceless’ people who even undermined the TRC process by not testifying. Co-existence, in her view, could only happen if the perpetrators confessed to their offences. A perpetrator had to confess first before they could be granted amnesty. In a way, this could be a lesson to those who felt that political differences could only be resolved through violence.

“Other sources of social conflict are to be found in social, political and economic structures, which pit human beings against each other in zero sum relationships” (Bradshaw, 2008:19). “I will never forget because I was shot at for no apparent reason, whilst carrying a baby on my back”, said Ayanda. It meant that the perpetrators were inhuman, and would even kill to achieve their evil deeds. One
would conclude that this was a structural conflict. In one’s view the shooting was merely a product of deep-seated hatred for communities who resisted apartheid.

According to Boesak, cited in Botman et al (1996:66) human vengeance is an ambiguous concept which emanates from anger, as it includes hatred and malice. One would imagine that the reason for the yearning to revenge was due to the fact that the victims never provoked the perpetrators. Instead victims were defending themselves. In view of the above, one opines that the TRC has not been able to quell the impulse towards revenge, or the feeling that the perpetrators were inhuman. Ayanda would comment: “I will never forget because I was shot at for no apparent reason”. This view is prompted by the fact that some perpetrators did not apologise to their victims, whilst others justified their dastardly deeds by ‘categorizing’ them as politically motivated crimes.

*Respondent: Themba (Not his real name)*

*Gender: Male*

The respondent was informed about the TRC by his comrades with whom he had worked in the ‘underground’ structures. They were visiting various houses to alert families to a forum that would facilitate dialogue between victims and perpetrators of apartheid era abuses. “I never felt misled by those who told me about the TRC”, he said.

On the question of his understanding of ‘truth and reconciliation’, the respondent could not give a clear definition. Instead he told the researcher it was not easy to reconcile with the apartheid government. Despite that, Themba did manage to reconcile with the former government because of the views expressed by former president Nelson Mandela on reconciliation and the negative effects of revenge.

Jeffery (1999:9) opined that amnesty statements were a better source of evidence than victim statements because they expressly qualified for cross-examination during public hearings. One would assume that those who sought
amnesty were more likely to speak the truth as it guaranteed immunity from prosecution. Also, cross-examination, by its rigorous nature, could elicit proof of wrong-doing. On the contrary, victim statements were immersed in emotion, a situation which could not withstand cross-examination. At least the TRC was able to test the validity of the perpetrators’ statements by way of asking questions in the manner similar to a court of law.

Botman et al (1996:11) convey that many victims, apart from the physical and psychological violence visited upon them, talk about the effects of this horror on the survivors and their families, and reparation is therefore a necessary step to healing and reconciliation. One would agree because reparation would help in mitigating the impact of material loss, and anger in some instances. “I did not expect to get reparations as the TRC never promised the victims any form of reparation, at least during its initial stages”, Themba said. That could be expected because the TRC was the first of its kind in South Africa, and therefore no precedence of reparation could be attached to the process. Apart from the necessity of material reparation, victims had to share their bad experiences with the world, to assist the government and the general public in ensuring that the atrocities of the past never happen again.

According to Danieli (1992), cited in Doxtader et al (2004:96), the money paid in compensation should, apart from confirming responsibility and wrongfulness, add insult to injury by paying ridiculously low amounts. In one’s view paying low amounts would give the impression that the perpetrator did not appreciate the wrongfulness of his actions. Themba said: “I received R40 000 in reparations over a two-year period and was not satisfied”. He felt he was let down by the government because, in his view, the money was too little to compensate for the suffering and the intermittent detentions he had had to endure. It must be emphasised though, that reparation must not be confined to giving money to victims, but also by ensuring that the material things taken from them are
returned or replaced. The problem is that it is difficult to measure someone’s suffering and pain in monetary terms.

“I was angry because the medical aid we were promised never materialised. Also, no counselling was ever provided to us”, Themba said. As a result he is still traumatised by his bad experience, jumping from one bout of depression to the other, as he is unemployed. The reason he cannot be employed is because he had to abandon school because of incessant harassment at the hands of the Security Police.

Hayner (2001:134), cited in Bradshaw (2008:220) argues that talking out traumatic experiences is necessary for recovery and for psychological health, particularly in the case of victims of political violence getting a chance to tell their stories to the TRC, as that would help them regain their dignity and begin to recover. The respondent was of the view that the government was correct in establishing the TRC. Issues that were raised in TRC hearings were things that he had not forgotten about and they helped him heal.

According to Connor (1998:68) knowledge of who perpetrated what in the past, or gave the orders for it, can be used to humiliate someone or exact revenge in the future. One would argue that the TRC was a risky process in that while it sought to reconcile perpetrators and victims, it exposed perpetrators to the possibility of physical harm. “I hate those who grossly violated my rights, to the extent that I want to take revenge against them. But that feeling is hampered by my loyalty to the ANC, which is totally against retribution. Former president Nelson Mandela once stated that an eye for an eye would make us all blind”. Themba’s statement is indicative of an angry man who sees revenge as the only way of mitigating the impact of his ill-treatment. Nonetheless, his loyalty to the values of the ANC hindered him from exacting revenge.
Van Zyl Slabbert, cited in James et al (2000:64) argued that there can be no reconciliation without forgiveness. But there can also be no forgiveness without confession. “The policemen who harassed and tortured me never testified before the TRC, and some had died. I sometimes met some of my torturers, and we would exchange greetings”. In the same breath Themba said he would never forgive someone who violated his rights, particularly in the struggle against apartheid.

On the question of peaceful co-existence he opined that that could only happen if ‘we were equal in South Africa’. Pressed for explanation, he said the wealthy continued to enjoy ever-increasing wealth whilst the poor get poorer by the day. “The white community should contribute to the welfare of the poor, particularly black people”. This feeling is also reflected by Archbishop Emeritus Desmond Tutu when he called for a ‘wealth tax’ to be imposed on all white South Africans (www.news24.com/SouthAfrica/.../Tutus-white-tax-is-racist-20110813).

Themba felt he continued to relive the past partly because, in his view, there is no democracy in South Africa. “Our country is still capitalist in as far as economic policies are concerned”. He blames capitalism for him not working. Bradshaw (2008:51) alludes to Marx’s view that capitalists will become fewer and wealthier and the proletariat will become poorer and more numerous. He further conveys that although the theory predicts the system will be difficult to sustain, the revolution will eventually overthrow the system, resulting in a class-free society. One will therefore argue that the negative attitude on the part of the respondent is borne, to some extent; at least, out of a lack of material improvement in as far as his life is concerned. In a nutshell, even the ANC government has failed him.
Respondent: Zikhona (Not her real name)

Gender: Female

The respondent was informed of the TRC sessions by fellow members of the community who happened to know what she went through during the struggle. She believed that letting her know was the right thing on the part of her comrades because that was an opportunity for her to see and hear what the perpetrators had to say.

Gibson (2004:117) argues that reconciliation goes beyond tolerance amongst races. More important is the interracial reconciliation that is perhaps the bedrock without which all other forms of reconciliation are meaningless. One argues that acceptance of a person of a different race as a fellow human being is a guiding principle towards understanding the fallibility of humanity. “Truth means an accurate reflection of what really happened even if it could incriminate one”, said Zikhona. Reconciliation was, in her opinion, unity brought about by an honest apology on the part of perpetrators, and unconditional acceptance of that apology by the victim.

Zikhona was of the view that the truth does, to some extent, lead to reconciliation. The problem she had was that truth may be told because the perpetrator wanted to avoid prosecution. In such cases the testimony would be remorseless, rendering a request for forgiveness an exercise of convenience. One is aware, though, that remorse according to the principles of the TRC was not a pre-requisite for forgiveness.

According to Villa-Vicencio (2006), cited in Bradshaw, (2008:233), the TRC recommended individual and communal reparations to acknowledge victims’ losses and to contribute to the restoration of their human dignity. After a delay of five years, the reparation payment was reduced to R30 000 and given to each victim named by the TRC. “Although I never expected to get money in return for the suffering I went through, the money I received was insufficient”. Zikhona claimed to have received R30 000 in 2003, although there were promises that each victim would get R100 000. It should therefore be expected that the victims
would be disappointed, particularly when their source of relief does not fulfil the promises that were made.

Zikhona told the researcher that she finds it difficult to live a normal life because she was never counselled. According to Bradshaw (2008:231) there are psychologists who doubted the ability of the TRC to effectively counsel individual victims, and bring about real healing. He goes on to mention that from the outset the TRC was tasked to be victim-oriented. One assumes it could have been very costly for the state to pay for counselling sessions on behalf of each victim. It should also be considered that the duration of counselling would differ from victim to victim in terms of the psychological impact the violation had on the victim. This should, however, not be construed as being against counselling.

Asmal et al (1996:13) argue that acknowledging officially what happened, whether in a court of law, or in a truth commission, is critically important to achieving justice, and such acknowledgement necessarily must include moral acknowledgement. The respondent was of the view that opening of wounds was unavoidable, given the need to know what happened. She had not forgotten what happened to her, though. In one’s view, lack of courage to appear before the TRC, citing the possibility of opening old wounds would be tantamount to depriving oneself of essential knowledge, without which the impact of her ill-treatment could not be properly mitigated.

Retribution was against her principles because she believed the system of apartheid was the actual culprit. Perpetrators were just tools to implement apartheid policies. Albie Sachs cited in James et al (2000:95) mentions a visit to his chambers at the Constitutional Court in Johannesburg by his would-be assassin. Sachs told Henry that he could not shake his hand. Instead, he told Henry “to speak to the TRC, to tell them what he knew, to contribute to the store of knowledge to the store of knowledge that our country has about its past, to be as honest as he could. I said that maybe he and I would meet afterwards, then we could see. I forgot about him after that”. This is a reflection of someone willing to forgive only on condition that the offender told the truth.
Majiza, cited in Cochrane et al (1999:167) said that one of the most difficult things to do in life is to face the truth about the past, as it provokes feelings of guilt, defensiveness or a desire to forget. “Those who offended me never appeared before the TRC, probably because they feared public exposure, and I have therefore not reconciled with them”, said Zikhona. One would also add that people tend to entertain their fears based on suspicion that something negative would happen to them. Reconciliation can never be achieved if the required information is withheld. She has been willing to forgive, though.

Adam & Adam, cited in James et al (2001:32) assert that collective memory constitutes the informal, widely accepted perceptions of past events in which the collective identity of a people is mirrored. One would say that the thoughts harboured by a people cannot be distant from their experiences. Their past is immersed in turmoil, bloodshed and anarchy brought about by political intolerance and oppression. “On the issue of peaceful co-existence, I suggest that South Africans must never forget where they come from”, said Zikhona. If a society can remember its past, it is highly likely that it would ensure that it does not repeat its mistakes.

According to Connor (1998:29) there are three elements required for forgiveness, namely sorrow for the wrong one has committed, an acknowledgement of what one did, and some making of amends. The TRC could not improve the dialogue between herself and her political opponents, as she never got to see them. That is because they never testified before the TRC. All the aforementioned elements have been lacking on the part of her political opponents, thus rendering reconciliation an impossible outcome.

“My view was that in order to be a happy nation, people must not look back. I believe a bad past should remain in the past, and never be revived, except that we must not forget what happened in the past”, said Zikhona. She felt her white compatriots must appreciate black people as fellow human beings. In that way it would almost be impossible to repeat the past, and that would be psychotherapeutic for her.
4.3 Legalities and the human factor: A psycho-sociological dimension

According to the Promotion of National Unity and Reconciliation Act, No. 34 of 1995 the Truth & Reconciliation Commission had a mandate and an obligation to provide for the investigation and the establishment of as complete a picture as possible of the nature, causes and extent of gross violations of human rights committed during the period from 1 March 1960 to the cut-off date contemplated in the Constitution. One would argue that, in exercising its mandate, the TRC had no power over the impact of graphic detail victims would have had to contend with. Juxtaposition would arise from the pursuit of truth on the one hand, whilst on the other; victims would be averse to opening old wounds.

Gardenfors, cited in Fenstad; Frolov; & Hilpinen (1989:64) makes mention of certain knowledge that is dangerous because of its mental consequences. He argues that it threatens the established society or even the established view of humanity itself, and it therefore qualifies to be regarded as counter ideological and thus not desirable. Deprivation of knowledge can be a source of irritation and curiosity, the antithesis of which could result in hurt feelings and depression.

The researcher is of the view that the information that flowed from the TRC hearings was as therapeutic as it was destructive in that “there are plenty of examples showing that legally, technically accountable truth has led to revenge, hatred and retribution” (Van Zyl Slabbert cited in James et al,2000: 69-70). One therefore argues that information should be given with circumspection, as the comfort of a people may be threatened.

“In 1998 PW Botha refused to testify before the Truth and Reconciliation Commission (TRC), calling the process ‘a circus’. He did, however, provide written answers to questions about his role as head of the State Security Council which the TRC found to have sanctioned the killing of anti-apartheid activists” www.sahistory.org.za/dated-event/guilty-verdict-against-pw-botha. Legally, Botha had an obligation to provide information to the TRC, the transgression of
which could put him in jail. Testifying before the TRC could expose misdemeanours that happened under his watch, and yet, refusing to do so could render him a criminal in the quagmire of public opinion. In the same vein, the human factor in him desperately sought innocence to characterize his presidency to give an impression that the TRC was a witch hunt against a peace-loving democrat.

According to Marks (1987), cited in Gilbert & Gilbert (2003:174) fight and flight are perhaps the most evolutionary basic defences to threats. A fight in this case would be his refusal to appear before the TRC, whilst a flight would manifest itself in his submission of written answers to questions posed by the TRC. In essence Botha was denying the TRC its legal right to the benefits of the *audi alteram partem* principle. This principle sought not only to hear the victims’ testimonies, but that of the perpetrator’s as well. Botha’s reaction was a display of disdain for the TRC, and by extension, the new government he never wished to exist. He found himself in a ‘fight or flight’ situation as appearing before the TRC would, arguably, lower his dignity.Essentially, this is the semblance of a reluctant participant in the healing process of a traumatized nation.

Litowitz (2011:54) asserts that unlike in previous legal epochs, modern law is formalized in statutes and legal precedents, judicial cases are decided logically based on authoritative sources of law, and the process is administered by legal specialists, which then makes it predictable. It appears that Botha was subscribing to a different school of thought in that he wanted the law to be applied selectively. This was evidenced by the fact that he did not want to appear before the TRC, a quasi-judicial court, hoping that his ascribed status as former state president would justify his intransigent stance. Put into context, one will argue that society does not take kindly to regulation of its affairs.
The next chapter will provide an insight into the research methods used, the type of interviews used in order to obtain information on the participants’ perception of the efficacy of the TRC hearings in East London.
CHAPTER 5

DATA ANALYSIS

5.1 Introduction
Herein, the researcher will touch on contradictions characterizing the sample group’s responses. In the process one will show the resilience of the participants in the face of ongoing harassment by the police.

It should be conveyed that the researcher compiled different sets of questions in order to establish the views of the participants who testified before the TRC. A sample of five (5) victims who appeared before the TRC responded to the questions posed. From their responses one would conclude that the group was not satisfied by the results of the TRC process, citing among other reasons, the “insufficient” R30 000 that was given to them as reparation, and the fact that some perpetrators were never charged for the crimes they committed. This is in reference to the perpetrators who never appeared before the TRC. One must emphasize that questions were not designed for specific members, but rather for the sample group in its entirety for the purpose of establishing whether they held the same views on the process.

5.2 Participant group: Rising above contradictions
Phillips (2010: Part 2) said people understood what was meant by ‘truth’ but had a problem with defining reconciliation. Notwithstanding the fact that the participant group members shared the same experiences in the struggle against apartheid, they held different views on what truth and reconciliation meant. Their responses varied between meaningless words, and indefinable words. One of them said the truth meant an accurate reflection of what happened, whilst reconciliation was a product of an honest apology to the victim. This must be understood in the context of difficulty in defining abstract terms. Even some of the learned in the group had the same difficulty.
Four of them felt that the truth led to reconciliation, whilst the other one said no truth came out of the TRC. “Though the commission professed that ‘factual’ truth had ‘featured prominently’ in the making of its findings, this was not so. It did not have sufficient ‘factual’ truth at its disposal at the time it wrote its report. And so it fudged the nature of the truth and allowed itself to use these other kinds of ‘truth’ to buttress its conclusions regarding culpability. By implication, it admitted that its ‘truth’ was neither factual nor objective” (Jeffery, 1999:11). This was in line with the assertion by Jeffery who refuted the TRC’s profession that “factual” truth had figured strongly in the formulation of its findings. She maintained that it therefore distorted the notion of truth, and gave itself permission to use different kinds of truth to support its conclusions concerning culpability. Furthermore, it weakened the notion of what constitutes the truth, and therefore undermines the impact and findings of the TRC. This argument is made complex by the post-modernist view that there is no such thing as a single, objective truth when it comes to social phenomena.

“Politically, those who have long been victims of the system of apartheid look with some understandable suspicion verging on disdain on the attempts made by the President to reconcile the former oppressor. They seem to border on appeasement that undermines the legitimate anger and demands for retribution felt by many victims of apartheid” (Botman et al, 1996:61). One should first appreciate that anger is a natural human emotion brought about by provocation. It should therefore be expected that the oppressor will always be an enemy. In spite of the positive attempts by former president Mandela at reconciling a divided nation, the victims felt that the circumstances of the perpetrators were receiving a sympathetic acknowledgement at their expense.

Although some members of the sample group were willing to forgive their offenders provided they apologised, some felt that revenge would be appropriate because they could not co-exist with their perpetrators. Others felt that the apartheid system was the culprit, and therefore there was no need to fight
against each other. Gibson (2004:31-32) conveys that one’s rights and responsibilities under the apartheid system were defined by one’s race, e.g., separation of blacks and whites, as established by law. Some believe today that an ‘apartheid mentality’ is still pervasive in the country and therefore apartheid has not yet ended”. Inasmuch as anger is justified under the circumstances, it is wise to appreciate that apartheid influenced social relations in South Africa. To a great extent it created a culture of intolerance amongst South Africans.

Duvenage (1999:2) predicted that the manner in which South Africans, white and black, are going to deal with the grim and tragic past that carries the name of apartheid, will have a major impact on the envisaged co-existence in a multicultural and heterogenous democracy. In pursuit of co-existential harmony they must work on improving their lives in order to not repeat the atrocities they endured during the struggle against apartheid. This view is correct in the sense that, in order to create good human relations, one must not keep a distance from one’s rival. This actually supports the optimism of roleplayers in the fight against disunity. The researcher, therefore, argues that multicultural and heterogenous democracy cannot be sustained by one individual.

Given the contradictions that emanated from the interviews, one could see that the respondents shared a painful past. The differences in their responses were based on personal opinions, and interpretations of what they had endured under apartheid. In spite of those differences, the researcher could see that the respondents were rightfully angry with the system. Nonetheless, they cherished a South Africa inhabited by social optimists and further characterized by visionary foresight.

5.3 Apartheid brutality: Resilience of victims
According to Cochrane et al (1999:37) apartheid South Africa saw itself as a ‘Christian society’, and as result Christian churches were expected to assist agents of the state in battle (through the South African Defence Force) or in
infiltrating the camps of its enemies (through the South African Police or its various security bodies). Chaplains were overtly sponsored, and in more subtle ways soldiers or officers were prayed for. It is ironic that evil-doers would pray for help in order to carry out their criminal acts. Nonetheless, victims would react in ways that would show the enemy that they were not going to give up, as hoping was no longer sufficient in their quest for democratic change in South Africa.

Rotberg et al (2000:47) asserts that once notions of fairness and justice are taken away from public life and from people’s minds and the moral fibre of society is frustrated, self-regulation will take over, resulting in natural violence and domination. This view speaks to the psyche of the apartheid government which sought to eliminate all forms of opposition and resistance in order to sustain its power. Conflict resolution was never on the agenda of the apartheid government. However, the oppressed masses and liberation movements in exile resisted the brutality of the state using various methods, e.g. sabotage, which sometimes resulted in deaths of people from both sides of the political spectrum. In some instances innocent civilians were caught in the cross-fire.

Hayner (2001:2) argues that remembering is not easy, but forgetting may be impossible. There are a range of emotional and psychological survival tactics for those who have experienced such brutality, and hearing even details of the torture and murder of loved ones seemed to bring some peace. In spite of the tragic experiences, victims still had an indomitable hope that the deconstruction thereof could help them facilitate the creation of a better South Africa.

Combining binaries such as ‘remembering’ and ‘forgetting’ as an escape from deep-seated misery is in one’s view, a dexterity designed to create an optimistic populace in the face of an adversarial past. In this instance ‘remembering’ ironically facilitated a process of ‘forgetting’ in that a recurrence of past atrocities could only be averted by those who remembered. In other words, those who
knew the causes of our tragic past would, in future, be circumspect in dealing with society so that their mistakes are not repeated.

Adam & Adam, cited in James et al (2001:32) argue that human memory is not something one can access at will. Instead social conditions determine what is remembered and how these events are recalled. Given the aforementioned one opines that human memory is a natural phenomenon propelled by some experience located in the generalities of life. The way social conditions progress from one stage to the next will arguably shape the mindset of society as it confronts an uncertain future. One should appreciate, though, that remembering and forgetting cannot be activated by a mere need. Even society may not always be able to activate memory. Instead, it might contribute towards obliterating a dreadful past.

Human rights “include the right of persons to have their dignity respected by the state in its dealings with or treatment of them and may go as far as to require of the state that it protects their dignity against attack by others” (Cachalia, Cheadle, Davis, Haysom, Maduna, & Marcus, 1994:33). Notwithstanding the above, the apartheid state had tortured, detained and killed some activists to ensure that they instilled fear in the lives of ordinary people. Given the harshness of the treatment meted out to ‘rebels’, one could note that ordinary people were prepared to fight to the end in defiance of apartheid laws, as the government had transformed justice into a misnomer.

Following this chapter is the presentation and discussion of the researcher’s findings. One must emphasize, though, that the aforementioned will entail the impressions gained by the researcher of the participant’s perceptions of only the TRC hearings in East London.
CHAPTER 6

Presentation and discussion of the findings

The purpose of this chapter is to show that, despite its good intentions, the TRC had its own limitations. It could not satisfy everybody, as some people saw it as a witch hunt against those who supported apartheid. Others wanted victims and perpetrators to ignore what happened in the past and just move on. Inasmuch as the TRC was a quasi-judicial court, it managed to create space for political dialogue.

One has always opined that ill-treatment meted out to political activists would antagonise them against individual perpetrators, and by extension, the apartheid government. Most of the participants had no interest in extending a hand of forgiveness to their enemies. Notwithstanding the fact that the TRC had, amongst others, the power to subpoena, some of the perpetrators deliberately chose not to appear before the TRC. Former state president PW Botha is an example in that regard.

The respondents had expressed ambivalence with the way in which the TRC operated in that some of their perpetrators were given amnesty, whereas the victims got ‘inadequate reparations’. A pertinent example of anger within victims is to be found on page 38 whereby Thembisa cites her dissatisfaction with the TRC process: “With regard to material benefits, Thembisa said she received R30 000”. That, in her view, was an insult to her family considering that her brother who was in Grade 11 at the time was gunned down by the police, her father was detained for a year and a half, fed poison in prison, as a result of which he got a swollen foot. On his release, he found out that he was fired from his job and was subsequently told by his employers to ask for work from Mandela. For her, shaming the perpetrators was not sufficient. She wanted revenge, rather.”
In terms of the *Promotion of National Unity and Reconciliation Act, No. 34* “the TRC must aim to rehabilitate and give back the human and civil dignity of people who suffered human rights violations” ([www.justice.gov.za/trc](http://www.justice.gov.za/trc)). Not all victims were compensated, partly because not all of them appeared before the TRC. Also, what was adequate to one victim could not necessarily be appropriate to the other given the varying levels of seriousness of atrocities perpetrated against individual victims. Given the concerns of some, that they could never be adequately compensated for their suffering, one felt that material benefits would always fall far below the importance and value of human life, making a proper level of compensation a very difficult consideration.

There were varying interpretations of reconciliation coming from the victims. They varied from believing it to be meaningless, elusive, a product of truth, to not understanding the concept. Contrary to the misgivings of the participants “the reconciliation process has exceeded everybody’s wildest hopes. It could have been a hundred times worse. Who will ever forget how Mandela and De Klerk hugged each other at the ceremony where each received the Nobel Prize for peace? There was not a dry eye here or in the rest of the world” (Van Zyl Slabbert, cited in James et al 2000:63). The differing opinions validate the fact that ‘shared experience’ does not necessarily mean ‘shared opinion’, this despite a picture of reconciliation to the outside world.

Petersen, cited in Botman et al (1996: 57) argues that Mandela practised a politics of grace, accompanied by forgiveness and restoration that is undeserved, unmerited, and unearned. Despite Mandela’s reconciliatory approach, four of the participants felt that revenge was the only solution to their dissatisfaction with the TRC process. The remaining respondent conveyed that retribution was against her principles, as the culprit was the apartheid government. It should be borne in mind that although some of the perpetrators did not deserve forgiveness, South Africa as a country deserved an atmosphere free of vengeance. One is thus in a
position to convey that in the absence of forgiveness, South Africa would have produced a withdrawn citizenry, emanating from perpetual antagonism.

With regard to justice, the participants were not averse to prosecution of perpetrators as their possible conviction would have made them pay for their sins. Forgiveness in their view was meant only for those who disclosed their crimes against their fellow citizens. Some of the participants felt that even though some perpetrators confessed, they still had to compensate their victims. A problem arises when one solicits their understanding of the concept of justice. Their responses, unfortunately, attempt to manufacture revenge and pardon as synonyms of justice. It would therefore be apt that some South Africans be exorcised from the belief that revenge nullifies a bitter past.
CHAPTER 7

Conclusion and recommendations

One must move from the premise that the TRC was set up to allow perpetrators to divulge their crimes. If one looks deeper one will find that South Africa had just come out of political turmoil, bloodshed, and blatant harassment of those who dared to oppose apartheid. In its quest to unearth the truth, the TRC found out that some perpetrators did not comply with its dictates, e.g., refusing to testify, thus depriving themselves of an opportunity to be forgiven by their victims. That, on its own, can lead to a cycle of hatred and continuous vengeance amongst political adversaries, particularly between the ‘ultra-left’ and ‘ultra-right’ because of their conservative belief in their individual views. For that, the TRC cannot be held responsible for perpetrators not appearing before it.

Given the amount of anger in the participants, one can assume that the TRC has not effectively managed to quell the perpetual suspicion against former perpetrators of human rights violations. The half-truths and falsities told by some of the perpetrators have rendered reconciliation an unrealistic denominator in the TRC’s efforts at healing the nation. Also, the fact that victims lamented insufficient reparation was an indication of dissatisfaction with the TRC process, citing the nexus between reparation and injury to their dignity as merely academic. This, then, raises the question whether suffering can be measured in monetary terms.

The fact that the participants felt that reconciliation was still distant reveals deep-seated, and sometimes, latent animosity between victims and perpetrators. It should be noted, also, that there were perpetrators who told the truth at the TRC but could not be forgiven by their victims, given the seriousness of their misdeeds. Disappointing as it is, this anger is eating away at the prospects of a united citizenry. One must admit, though, that reconciliation remains a demanding task at the level of a personal endeavour. It is therefore the view of the researcher that the TRC cannot be held responsible for the elusiveness of
reconciliation in the psyche of the participants. This was beyond the ability and mandate of the TRC.

The fact that the victims never received counseling is problematic in that new violence may re-surface, or victims could end up with permanent psychological problems. Victims wanted to regain their humanity as they have been subjected to inhumane treatment. One may argue, also, that even if counselling were to be provided, it could not be provided in perpetuity. That was one of the challenges of the TRC, and in any case, fell outside the mandate of the TRC.

It should be understood that conflict is not always bad. From that perspective one gets to understand how conflict should be dealt with, be it bad or good. Some relations are easily maintained when views are articulated. Such a situation has a potential to obliterate remaining remnants of hostility. There are people who internalize their ill-feelings about some issues, resulting in uncontrollable outbursts. The problem with some people is that they view third-party intervention or counseling as a sign of cowardice. Attitudes may be over-arching in such situations because some conflicts have become intractable.

Conflict management should actually be everyone’s duty. This requires an ‘overhaul’ of attitude, and for one to begin to appreciate reality and the consequences of ignorance. Innocent conflict of ideas is natural, and may be influenced by the environments from which the parties come. In such a situation rationality demands that parties begin to explore the possibility of accessing each other’s well of knowledge, rather than being engaged in adversarial confrontation. It is therefore a suggestion that parties should work towards peaceful co-existence, nothing to the contrary.

The aforementioned shows that there is a need for conflict management practitioners to engage schools, workplaces, and ordinary members of society on issues pertaining to tolerance of dissenting views, honest acceptance of our
diversity as human race, and dangers of dictatorship. The ‘rainbow nation’ South Africa is known and will not only appear in literature, but will be seen in the way we interact amongst ourselves.

The high level of unemployment, which affects the participant group, worsens their circumstances as they can neither support their families nor themselves. That means they cannot afford basic necessities, thus creating an unending dependency syndrome. One must convey that these victims do want to work for their families like any other person. Should they not have adequate skills, the government should train them on required skills so that they can be self-reliant.

In recognition of the sacrifices made by those who fought for democracy one would suggest that perpetrators contribute to the democracy that South Africa is building, by way of providing materially to the needy, and sharing public platforms of nation-building endeavours in an effort to inculcate a sense of repentance. The courage to do so will propel advancement of reconciliation to a level few can imagine.
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APPENDICES
APPENDIX A

Informed Consent Form

Nelson Mandela Metropolitan University (PE Campus)
Department of Political & Governmental Sciences

You are invited to participate in a study being conducted by Quincy Pule who is a M.Phil (Conflict Transformation & Management) student from the Department of Political & Governmental Sciences at Nelson Mandela Metropolitan University.

The project focuses on perceptions of participants (victims of gross human violations) who testified before the Truth and Reconciliation Commission in East London. The project will require interviews with participants, and they will have the option of providing their names, or remain anonymous. In the final report of the study examples of interviews will be provided, but these will remain anonymous if so requested. Participants need not answer any question if they so wish and can withdraw at any time from the interview or the study.

If you have any questions about the research project, you can call me at 073 937 3172 or my research supervisor Dr Gavin Bradshaw at 083 270 0957

Thank you for your participation!
This is to confirm that I

(name)………………………………………………..consent to participate in this
study. I understand that I can withdraw from the study at any time and that I will
not be identified by name in any research document.

Signature of participant:……………………………………

Signature of researcher:……………………………………

Date:……………………………………
APPENDIX B

PREPARATION FOR INTERVIEWS

In preparation for the interviews, the researcher assured his respondents that their names would not be attached to their responses without their consent. They were also informed of the purpose of the interview, which sought to establish the efficacy of the TRC hearings in East London. The impact of their ill-treatment at the hands of the police in Duncan Village was acknowledged, and therefore the research had no intentions of reminding the respondents of what they went through. Given the trauma they experienced they were assured of the services of a psychologist, in the event they got overwhelmed by the content of the interviews.