

Chapter 13

Conclusions

1. Introduction

In this chapter the findings of the previous chapters are summarized and discussed in relation to broader implications for future reconciliation intervention in local communities in South Africa. Their relevance to the theoretical ramifications in relation to the conflict transformation framework presented in the introduction and theoretical context chapters are also examined.

While the research examined only two communities, the lessons that can be learned from these experiences are more broadly applicable to the South African context of community reconciliation. While not arguing that the specific divisions and contestations that were observed in these communities are replicated in others with which the TRC interacted, different ideologies of reconciliation have clearly manifested themselves both at national political level as well as within other communities in South Africa. The importance of engaging with these different agendas and frameworks of meaning is made explicit in the following discussion.

2. Competing Ideological Frames

The experience of the TRC in attempting to promote reconciliation, showed reconciliation to be a deeply contended concept. The flowery language and apparent commitment to future cooperation among parties serves to obscure the fundamental differences regarding how they view the basis of a new relationship and how such a relationship needs to be built. These differences were found both within the TRC, within local communities, and most significantly between the TRC and local communities.

a) The TRC's Ambiguous Mandate

The TRC Act was introduced by the ANC in an attempt to implement the constitutional obligation of granting amnesty in such a way as to maximize their political advantage and assuage the needs of victims whose rights had been compromised by the amnesty provision. The political context at the time of introducing the legislation, however, required that the needs of other political parties also be addressed in the legislation. The result was an Act which tried to be all things to all parties (political parties and the victims). In the process of implementing the Act the broad principles of reconciliation were, however, given a particular substance which proved highly controversial. The way in which the TRC interpreted its mandate was seen as either politically biased or as ignoring the needs of a certain section of the population.

While political bias may have played some role, this dissertation has argued that the TRC's understanding of reconciliation and its policies of engaging various communities and stakeholders can most usefully be understood in terms of competing ideological frames. The way reconciliation is pursued depends on how reconciliation is

conceptualized as part of the construction of a new social order. Various basic principles regarding how reconciliation should be approached thus lead to very different reconciliation strategies.

The fact that political parties managed to agree on the legislation (with the exception of the Freedom Front and the IFP abstaining), and that they apparently sincerely felt that it was going to promote reconciliation amongst themselves, seems to indicate that they each expected it to accomplish very different things. Some of these differences were:

- some saw the process as one that would neutrally grant amnesty without making moral judgments (while others saw moral judgment as a crucial part of the construction of a new human rights and non-racial culture),
- some saw it as a body that would promote greater mutual understanding of the moral basis of the other parties' motives during the conflict (while others saw it as a way of discrediting past moral justifications),
- some saw it as a way of distancing political leaders from the actions of the torturers and other "deviants" within their own ranks (while others saw it as a way of calling leaders to account)
- some saw it as an opportunity for parties to close the book on the past (while for others it was a way to open up the debate)

These contrasting perspectives were not resolved in the development of the legislation. These divisions were only articulated more fully when the TRC challenged the assumptions held regarding its role. By taking an unpopular stand on these issues, the

TRC was also revealed as a body that shared an underlying vision more similar to the ANC than to the other main protagonists.

Rather than a body that had a party-political or racial bias, the TRC was a body that manifested a specific interpretation of reconciliation (a mix of certain reconciliation ideologies) that was seen as threatening by certain political parties and by whites. The fact that the TRC was surprised by the realization that its legitimacy was being questioned and its activities obstructed, is also an indication that it had not sufficiently understood the divisions in political vision that faced the country and that were obscured by the agreement on the legislation. The full picture of reconciliation as a contested concept that embodies different conceptions of social order and different visions regarding how social groups should be constituted (and relate to one another) in a future South Africa, emerged when the TRC's own understanding was revealed through its strategies.

b) The TRC's Role in Community Reconciliation

This dissertation has demonstrated that the TRC's approach to community reconciliation was essentially top-down. It saw its potential for maximum impact as changing the relationships between broad categories of people, affecting national value systems, and altering national political dynamics. These changes, it was felt, would be filtered down to community level. Through holding community (human rights violation) hearings, it was also felt that local communities could, to some extent, be engaged in the process. Local hearings were, however, dominated by the bigger agenda of the TRC. They were not designed with the needs of the various local stakeholders in mind.

The expectations of local community stakeholders, particularly victims, were thus frustrated by a process that paid lip service to victims' needs and community engagement. Local communities had expectations that the TRC would substantively contribute to uncovering the truth about local human rights abuses, assist in rebuilding the fragmented war-torn community, and help victims recover from trauma and socio-economic marginalization. These expectations were too vast for a limited body such as the TRC to address, and more significantly, this agenda was not at the core of the TRC's interpretation of its mandate.

The TRC's ability to impact on the local community was thus compromised by its national focus, and its limited attempts to engage local communities and victims ultimately served to create unrealistic expectations. While there was a surprising level of acceptance of the TRC as an acceptable model of justice, the lack of delivery on its (explicit and implicit) promises ultimately undermined the TRC's credibility in these communities

3. The TRC as a Mechanism for Promoting Reconciliation

Underlying the establishment of the TRC is a problematic assumption regarding the link between programatic focus (gross human rights violations) and goal (national reconciliation). The stated goal of the TRC was to promote national unity and reconciliation. The specific intervention of the TRC focused on gross human rights abuses. The assumption was that there is a link between addressing gross human rights violations and promoting national reconciliation. Addressing national unity and

reconciliation by dealing with gross human rights violations is, according to this research, a tenuous linkage.

The TRC was set up to deal with gross human rights violations: address the legal standing of the perpetrators, collect and make public information about such violations, provide victims with a forum to talk about these violations, and provide a contextual understanding of how it was possible for these violations to occur (and thus make recommendations regarding how they could be prevented in future and make recommendations that would address victims' needs).

The general assumption when talking about national reconciliation, especially when referred to as the "conflicts of the past," is that one is talking about race. When looking at the specific patterns of gross human rights violations, particularly in the two communities concerned, the perpetrators and the victims were usually both black. From the victims' perspectives, the issue of race is thus not necessarily directly involved in addressing gross human rights violations. While, for most of the victims there was a clear connection between their victimization and the question of race, this was not usually the primary social division highlighted by their victimization.

The pattern of human rights violations in South Africa did sometimes fit neatly into a framework of formal engagement between clearly defined enemy forces (defined in terms of party affiliation or race) where people acted upon instructions from their superiors within clearly defined strategic objectives. The dynamics of conflict behavior as illustrated by this dissertation research are, however, never so neatly confined. Violence was something that could not be contained within the formal confines of inter-group conflict. The militarization of society (both black and white), the increased

legitimacy of violence as a process of dealing with conflict, and the subsequent growth of a culture of violence undermined social institutions at all levels of society and led to the breakdown of various levels of inter-community as well as intra-community relations.

In the two communities studied in this dissertation, the use of informers bred suspicion amongst neighbors and friends, and the secrecy bred by suppression led to insulation of political decision making and the breakdown of values and processes of accountability and transparency. Groups treated internal dissent with decreasing tolerance, and decision making became increasingly authoritarian. This conflict-driven environment was one in which many disputes became politicized (in terms of dominant party-political divisions) and were dealt with by violent means. The political environment also allowed people to pursue personal motives under the guise of political struggle.¹

The TRC's attempt to provide an interpretation of all the individual gross human rights abuses through their contextualization within the bigger national framework of ANC-NP or ANC-IFP conflict proved a very convoluted task. For many of the community members, particularly the victims and perpetrators, these links appeared tenuous, or provided a framework of meaning that did not address their particular needs or understanding of what reconciliation means in their situation. It was experienced as an imposed, and sometimes, even a sinister agenda.

While it is impossible to deny that the conflict in South Africa was a racial one, the pattern of human rights abuses is not one that clearly reflects this underlying division.

¹ When political groups, for example, made submissions to the TRC they were often simply taking responsibility or accounting for their efforts (or lack thereof) to maintain some form of control over the

Blacks were the ones who suffered most (dramatically more than whites), yet whites, on the whole, were able paint themselves out of the picture when it came to identifying direct perpetrators.

The dissertation research revealed that, by focusing on the issue of gross human rights violations, the implied reconciliation (from the community's perspective) was that between perpetrator and victim - especially where these individuals were known individuals, often still present in communities or playing prominent roles in politics. Demands for reconciliation were, for people in this context, appeals for particular interventions and a challenge to existing power relations. Their reconciliation ideologies also proposed a value system for reshaping the relationships between different groups in the community as well as reframing the basis for inter-group relations.

Most victims did have a political understanding of the victimization that placed ultimate responsibility for the suffering with the apartheid government and/or its security apparatus. Their victimization was, however, perpetrated through intermediaries such as black police, local informers, another political party, etc. The community as a whole was also fragmented by suspicion and fear. This isolated people and sometimes turned a community against an individual (a suspected informer) or made them intolerant of a particular group (Zulus in Katorus). The relationships which they most desperately wanted to mend were these local ones on which they were dependent for daily survival. Rebuilding a local sense of community was, for them, the essence of a reconciliation process.

way that violence was legitimized and/or regulated among their supporters (See for example the UDF submission to the TRC, May 6 1998).

Local communities appreciated the need to bridge the gap between blacks and whites. They, however, did not see the issue of gross human rights violations as a central avenue in this process. Issues of structural violence rather than physical violence were the concerns that created obstacles in this relationship.

The TRC, however, attempted to make the leap between gross human rights violations and race. This required a process of analysis and investigation that focused on the chain of command leading to the top. This chain was thus traced out of the local community to regional or national security and political leaders. Rather than unraveling the complex local web of involvement, the TRC sought to place accountability outside the community and locate the key (white) originators of the atrocities. While this was seen as one part of the picture by local community members, it was done to the exclusion of uncovering local truth.

The TRC's ideology of reconciliation was revealed as being quite different from (and sometimes at odds with) these community orientations. By talking about national unity and reconciliation, the implied reconciliation for the TRC was between political leaders and between race groups. The myriad of other divisions were treated as "secondary cancers" arising from the primary cancer of apartheid. While not questioning the validity of this analysis, this dissertation found that this focus limited the TRC's ability to engage with the meaning of local experiences of victimization and the agendas that different sectors of the community brought to the TRC's intervention process.

Connecting the two lines of division (perpetrator-victim and parties/races) also proved a difficult exercise for the TRC. It requires a deeper understanding of the nature of violent conflict and its effects on society. It thus also requires a broader understanding

of responsibility for abuses: not as simply a process of giving orders or carrying out orders to commit abuses. It also means that parties across the political spectrum had to take responsibility for all the unforeseen consequences of promoting and using violence as a way to maintain the status quo or to affect change.

A short-term intervention such as that of the TRC in these communities could not engage with this level of analytical complexity and the consequent lengthy process of self-reflection required by this understanding. Instead, the TRC opted for a somewhat simplistic narrative of the national conflict (apartheid as the primary source of human rights violations), one that made sense to most people, but which failed to significantly promote local processes of reconciliation.

The TRC formula of using gross human rights violations to promote national reconciliation is thus one that depends on the input of local communities but does not address their needs around the issues that it raises.

4. TRC's Contribution to Community Reconciliation

The TRC was not explicitly developed as a tool to promote community reconciliation. There were some groups (particularly within civil society) who lobbied for a greater consideration of a community focus in the legislation and subsequently also in the operation of the TRC. The TRC, initially at least, also looked at community reconciliation as broadly falling within its mandate, and created expectations among

victims and communities that this would be on the agenda. Many staff and Commissioners were sympathetic to concerns regarding community participation and consultation, and some explicitly talked of their role regarding reconciliation as being three-tiered: national, community and interpersonal.

Despite various efforts by the TRC to engage in an internal and external debate about the meaning of reconciliation and what processes are required for its promotion, the TRC ultimately (when time started running out) simply fell back on the most explicit requirements of its mandate, and handed back responsibility for the logic of their actions to the legislators.

Some Commissioners gradually realized this shortcoming and re-presented their goal as that of establishing a basis for building reconciliation. If the success of the TRC is judged on this basis there may be some grounds for optimism. If we recognize reconciliation as a long-term process that requires ongoing efforts of empowerment, confrontation, pain, dialogue, exchange, experimentation, risk-taking, the building of common values and identity transformation, then it might be evaluated more favorably.

a) Opening up the Reconciliation Debate

The work of the TRC helped certain groups articulate their views. The TRC has engaged people in a renewed debate about options for the future - how to deepen the experience of community at various social levels. This process, however, generated conflict. Rather than leading to greater unity, disagreements about what reconciliation means, and what an appropriate process would be, have led to greater visibility of differences and increased tension. It was a lot easier for institutions to deal with the demands of individual victims, rather than a more outspoken collective voice. The sacrifices needed

from all sides in the conflict have been more clearly spelled out, and the journey towards reconciliation is recognized as one that will not be achieved through a miracle or act of grace.

The TRC has clearly provided victims with a channel for expressing their pain, anger, needs and demands. In some communities this was a once-off experience. The TRC intervention elicited wide and enthusiastic interest, victims became organized and vocalized their concerns, and to some extent, challenged the power structures that they saw as becoming complacent. The disappointment that followed the TRC's exit from the community - the lack of investigations of perpetrators, the lack of follow-up on the concerns of victims, and a perception of having been used - induced cynicism and left little enthusiasm for further pursuit of reconciliatory goals.

In other communities the victims and other groupings have managed to sustain an organized voice. Other initiatives have emerged that did not rely purely on the TRC to address their concerns. The TRC has provided one input that spurred mobilization or facilitated clearer articulation of needs and ideas. The TRC has also provided legitimization for certain voices, goals, strategies and values. People are now looking at other sources to take this process along similar trajectories but with greater sensitivity for local particularities.

Much of the burden for future reconciliation initiatives will rest on NGOs and church structures. Most have been involved in this kind of work for many years. The TRC has changed the playing field in subtle ways, introducing both new opportunities and new obstacles. One thing that many of these facilitators of reconciliation, however, complain about is that the TRC has not engaged them sufficiently in its work. The TRC,

in its attempts to be even-handed, had distanced itself from civil society. The fear is now that it will be difficult to pick up where the TRC left off because of the lack of coordination between these role-players.

Another concern highlighted by this research is the danger of an excessive focus on gross human rights violations as the route to racial reconciliation. Gross human rights violations provides a spotlight that leaves most of the suffering caused by apartheid in the dark. The suffering of those subjected to legal forms of oppression (forced removals, pass laws, inferior education, etc.) is not addressed. The fact that whites were given vast privileges under apartheid through a system that determined access to resources and power on the basis of race, and that present inequalities are a direct result of these allocations, is not part of the TRC's mandate. The research demonstrated that much of the racial tension that still exists at community level (and probably at other levels) is because of these inequalities (and attempts to maintain them), rather than resulting from gross human rights violations.

b) Building Reconciliation Capacity

The decision by political parties in South Africa to establish the TRC rather than provide a blanket amnesty or set up a war crimes tribunal appears to have been widely supported. It created, however, the illusion that people were united on what this approach was about - its basic conception, its goals and its implementation. Rather than demonstrating a certain unanimity amongst different sectors it may have been an indication of how different actors managed to read their interpretation of reconciliation into the legislation.

Rather than resolve the conflict around issues of justice, it perhaps mainly just succeeded in containing the most explosive disputes through legislative

institutionalization of a framework to regulate the settlement of disputes relating to human rights abuses of the past. As part of its process of regulation, it has also allowed space (and incentives) for different groups (political parties, victims, etc.) to engage with the underlying issues related to reconciliation. It has thus almost acted as a lightning rod, attracting controversy, and in this process provided a forum for the articulation of different views about the basis of the new social and moral order that is envisioned by these groups. In terms of viewing the TRC as a reconciliation process, it may thus be most constructive to regard it as a starting point, a vehicle that has managed to bring out the various viewpoints, values, needs and interests and put them on the table. The actual decisions made by the TRC (granting amnesty, declaring particular individuals to be human rights victims, writing an account of past abuses) are a very small component of a long-term reconciliation process in a country that has undergone so much violent conflict, and which still experiences so many divisions, structural inequalities and severe underdevelopment.

If reconciliation is seen as not simply resolving particular concerns regarding relationships that need repair (or reconstructing), but rather as a process of building capacity within a society to deal with relationship building in an ongoing way, the TRC may be seen as a starting point in building a new culture of story-telling, articulation of values and needs (by groups at all levels of society).

This cultural transformation is, however, far from secure. Some of its benefits have been demonstrated, and certain groups in society have engaged with it. It is not necessarily a process that has been accepted as something with general application to

other arenas of conflict or division. The mechanisms for implementing such cultural practices are also not in place.

Because of all the controversy around the operation of the TRC, the lessons (both positive and negative) that have come out of the TRC needs to be clearly articulated in the public mind so that the TRC model is not simply copied or rejected when looking at further reconciliation initiatives. The basic principles of story-telling and restorative justice have been part of NGO practice in South Africa for some time. The TRC appears to have given such processes greater legitimacy and public recognition.

There have also been, since the establishment of the TRC, additional TRC-type initiatives that have been formed in response to other social problems in South Africa. A major “Speak Out on Poverty” initiative has been undertaken by churches and NGOs. Some churches have also taken the initiative to organize victim support groups to further facilitate the telling of stories, and there are further inter-church initiatives to share experiences between communities. These processes appear to have been significantly fueled by the TRC’s public role.

Institutional reconciliation processes have also been inspired by the TRC. One clear example is the Medical School of the University of the Witwatersrand which was invited to make a submission to the Health Sector Hearing of the TRC. In preparing their submission they found many unresolved issues among their staff and past students. They then decided to engage in an Internal Reconciliation Commission process which allowed those victimized by the Medical School to tell their stories, and which wrote up the

history of discrimination (and resistance) of the institution.² The process followed by the Medical School reflected many of the TRC's procedures. Other public institutions are also looking at engaging in this type of process, and similar initiatives have also been observed in the private sector.

The justice issues regarding past gross human rights violations are far from being resolved. Very few of the perpetrators responsible for the victimization recounted by the over 20, 000 victims who presented statements to the TRC have applied for amnesty. The TRC also had very little capacity to do thorough follow-through investigations regarding these cases. There is a strong lobby emerging among victim groups and human rights NGOs to pursue these investigations beyond the life of the TRC and to campaign for the state to provide resources to support such work.

This call for further investigations is both a demand for the full truth (the big picture of the TRC does not provide enough detail) and a call for justice. The majority of perpetrators of human rights abuses have not come forward despite the fact that they would have been granted amnesty. This presents a perception of impunity, as perpetrators have not been called to account. Undoubtedly, there is a strong punitive motive driving many in this process. This punitive motive can, however, only be transformed if there is a process that does address the needs of victims and society to have some indication that abusive behavior is not likely to be repeated, and to have the values of the new society emphatically asserted.

² An evaluation of this process, authored by Tanya Goodman, Lazarus Kgalema and Hugo van der Merwe, will be available from CSVr in 1999.

5. Problematizing Reconciliation as a Theoretical Consideration

a) Conflict over Reconciliation Processes

Reconciliation as defined in this dissertation is a fundamental component (along with conflict resolution and development) of conflict transformation. Looking at reconciliation as being composed of changes to various aspects of a relationship made it accessible as a research subject.

This dissertation's identification of competing identification of reconciliation ideologies (embodying particular conceptualizations of how relationships should be reconstructed and social order re-established) provides a basis for understanding obstacles to transformation. In a society where there is broad agreement on moving away from confrontational relationships, there is no necessary agreement on the trajectory of this process. Building new relationships is fundamentally a process of negotiating the basis of such relationships, and ultimately an expression of the nature of group identity and social order.

There are various key issues that need to be addressed in building new relationships after an extended period of conflict. These have been identified in the dissertation as (rectificatory) justice, truth/memory, healing, and security. Various formulae have been proposed around dealing with these components. The complexity of the reconciliation process is, however, likely to make any proposed solution or intervention a controversial endeavor. The cultural differences, material interests, and differentiated experiences of different sectors (victims, combatants, local and national leaders, etc.), provide a context within which people will have different agendas for

addressing these concerns as well as different values (and systems of justification) within which any solution will be judged.

Reconciliation processes, just like conflict resolution processes, thus require intervention methods which seek to bring these underlying ideologies (and the needs, values and interests underpinning them) to the surface. Intervention processes have to engage with multiple perspectives. Just as conflict resolution has moved beyond issues of compromise, interest-based negotiations and elite-driven processes, reconciliation clearly also must be recognized as dealing with similarly complex and deep-rooted issues.

A third party that wishes to facilitate a reconciliation process is likely to introduce its own reconciliation agenda. Reconciliation is not a value-free process. It is a process that is deeply contentious as it engages with fundamental needs, deeply held beliefs and specific material interests. A common commitment to reconciliation and cooperation may, however, obscure these differences. For a third-party role to be acceptable to the parties in conflict, the approach and specific agenda of the third-party would have to be made explicit. Voluntary acceptance of this third party role may be crucial in attaining certain transformative goals such as value or identity change. For more superficial change such as that of behavior and attitude, coercive reconciliation intervention may, however, remain an option. The TRC was an intervention that attempted to engage at both levels (voluntary and coerced participation).

In a context like South Africa, where different levels of society (and different communities) experienced different manifestations of a conflict process, and where substantial damage was done to the existing relationships among community members as

well as among communities, an intervention process that takes full cognizance of the various competing ideological frames and the local context is crucial to the promotion of positive change.

A process that is driven by national agendas presents the danger of co-opting local agendas, ignoring marginalized voices, and thus undermining the capacity of local communities to engage in sustained reconciliation endeavors.

b) Reconciliation and Justice

In this dissertation, the issue of justice was used to illustrate the contentious and negotiated nature of the various components of reconciliation: what strategies were/should be used to address it, how were these interpreted and how did this relate to the issue of building a new social order? The ideological nature of justice was found to be a central analytical tool in understanding the competing claims to justice and the way justice was seen as contributing to establishing a social order.

The understanding of justice inherent in ideological frames provided scope for negotiation among parties (stories from victims in exchange for truth and reparations; truth from perpetrators in exchange for amnesty), regulation of certain disputed issues (judicial decision making regarding amnesty), and for pacts to be formed among elites (ANC sold out legal rights of victims and NP sold out its torturers).

Certain fundamental issues regarding justice were, however, not addressed. While admitting that retributive justice had been denied by the amnesty provision in the constitution, the TRC presented itself as a restorative justice project. While a broader

acceptance of restorative justice may have been promoted by the TRC's intervention, the meaning of this form of justice was never fully spelled out and was given contrasting interpretations at different times and by different exponents of the TRC.

The TRC's restorative justice model was essentially a top-down form of justice that did not effectively engage with victim and local community needs. The functions of this process were defined in terms of national value change and broad public education, rather than dealing with individual trauma, victim empowerment, interpersonal relationship building and community building.

While it is generally understood that justice is a contentious issue, particularly in the context of transition to democracy, even specific justice paradigms such as restorative justice are fraught with potential conflict. Conflict over top-down versus bottom-up interpretations can undermine the legitimacy of an intervention process and marginalize the needs of victims and local communities.

6. Relevance of Findings to Commissions in Other Countries

Various countries experiencing major transitions (especially transitions to democratic forms of government) are considering some form of truth and reconciliation commission. Many of these countries have looked to the South African Truth and Reconciliation Commission as a possible model to replicate. Before discussing the applicability of this model to other countries, it may be useful to first examine what might have been done differently or better in implementing the model in South Africa.

In principle, South Africa was faced with the choice of either having a truth commission or not doing anything. The possibility of holding criminal/war crime trials was excluded by the constitutional negotiations in which the National Party (and the military leaders) insisted on an amnesty provision. Given this situation, something had to be done to address the problems of justice, truth, security and healing that undermine the ability of local communities to build sustainable peace (as observed in the two case studies).

Was the TRC the most effective way of dealing with the legacy of the past in these two communities? Clearly not. But the TRC was not designed with these communities in mind. It had other goals and agendas that generally outweighed the needs of local communities (as explained more fully in Chapter 5). The goal of this research was not to weigh these goals (and achievements) against each other, but rather to assess the consequences of having national goals prioritized over local goals. Some speculation about how these two agendas may have been more effectively integrated or balanced may be appropriate.

a) What Could Have Been Done Differently

i) Creating Unrealistic Expectations among Victims

The TRC started off with an over-ambitious agenda to deal with all levels of reconciliation: national, local and individual. It created expectations and made promises that it could not fulfill. Part of this ambition was born out of the varied commitments of the Commissioners, each having a different constituency to address or different ideals to pursue. These varied objectives were not properly integrated into an overall plan, but were instead left open-ended and in constant competition for internal TRC resources. It

was only when time and money and other resources ran out that certain hard decisions were made about what had to be dropped.

On the other hand, a more cynical interpretation would be that the TRC required extensive individual and community involvement in their process, and thus had to make unrealistic promises in order to get this input. If victims had a clear picture about what the TRC would ultimately give them in terms of the truth (through investigations), reparations and other services (e.g., counseling) they may well not have participated in such large numbers. There are very clear indications that many victims did come forward because of some expectation that they would receive substantial reparations. In addition to the ethical problems of soliciting participation (that may well recall traumatic events for victims) on the basis of incorrect expectations, the TRC also engaged victims in a public discourse during the hearings through which victims were portrayed as forgiving, willing to reconcile and supportive of the TRC. Both the image of the victims and their relationship with the TRC were based on unrealistic, mistaken or false expectations. The positive or idealistic discourse of reconciliation and forgiveness produced by the TRC may thus be largely based on false premises regarding expected outcomes.

Even if the TRC's national goals were effectively promoted by these strategies of engaging victims and communities, it is difficult to see how this justifies the way that victims were treated. From the perspective of many victims, they were used by the TRC to promote broader political goals. The TRC should have been clearer about what they could deliver and what they could not. They created unrealistic expectations and did little to compensate for this even when they did realize their limitations.

ii) Addressing Local Reconciliation Needs

The TRC chose to hold 80 community hearings around the country. This number appears somewhat arbitrarily chosen - largely because of the size of the country and the resources available to the TRC. In attempting to convene this many hearings, it was inevitable that most hearings would be handled fairly superficially. While there were exceptions (e.g., the Oudtshoorn hearing and workshop conducted by the Cape Town office), the general pattern was one of limited community engagement.

One option would have been for the TRC to have worked much more collaboratively with other civil society structures. In holding the community hearings, the TRC relied heavily on the cooperation of these civil society structures (churches, local community organizations and a range of NGOs). This could have been taken a step further in making these organizations active partners in the process. Instead, largely because of various political constraints, the TRC chose to retain control of the whole process.

If civil society structures were given more authority, there would have been scope to design longer term engagement strategies. Combining the input of human rights, religious, counseling and conflict resolution organizations with that of local community-based structures would also have ensured a more holistic process of addressing the needs for counseling, conflict resolution, cataloging of abuses, investigations and community building.

However, such an approach may not have produced the desired standardized victim data and media events that was crucial for the national reconciliation goals pursued by the TRC.

Another possibility was for the TRC to hold fewer hearings and to do them more thoroughly while still maintaining ultimate control. It appears to be unavoidable that expectations were raised by holding a community hearing and that these were largely unfulfilled as a consequence of lack of follow-through by the TRC.

This may have meant doing ten community hearings in which the TRC could have done the process thoroughly: engage in thorough consultations, involve local stakeholders in setting the goals for the hearing, facilitate dialogue between stakeholders groups and between victims and perpetrators, conduct extensive community and victim education, provide more thorough investigations and build partnerships with local NGOs to ensure longer-term follow-through.

Such a process would have required a difficult prioritization of certain communities over others, but this was the case even in choosing 80 communities. Holding fewer hearings may also have limited the ability of the TRC to engage with so many victims who are geographically very dispersed.

b) Exportability of the Model

While there are clear caveats regarding the benefits of the TRC model in South Africa, the question of exportability raises additional problems. Firstly, was the TRC's effectiveness largely dependent on local conditions? Clearly, yes. On the other hand, some of the TRC's failings were due to the fact that it used a model that may have been more suitable in a different context. I will briefly consider two important contextual factors in this regard: culture and types of abuses experienced.

i) Culture/Religion

The TRC relied heavily on religious values to promote acceptance of its mission of forgiveness and reconciliation. This religious discourse did reverberate with a wide range of stakeholders and did provide the TRC with persuasive powers over victims who may initially have been reluctant to engage in a reconciliation process. It also provided a common language with commonly accepted concepts such as forgiveness and repentance, and an overall message of unity as a spiritual community. Religious rituals such as prayers were also used very effectively in creating an atmosphere for a certain form of dialogue and establishing a moral authority for the TRC.

The dominance of Christianity in South Africa, spanning both sides of the conflict, made this an effective conduit for the discourse of the TRC. The potential marginalization of non-Christians from the process is difficult to ascertain.

While religious discourse was utilized very effectively by the TRC, they seldom drew from other cultural practices such as traditional forms of justice and rituals of reconciliation. Particularly in situations of conflict between African communities or intra-community conflict, these may have played a very significant role. Possibly because of the focus on black-white reconciliation, cultural practices particular to blacks were not seen as appropriate.

ii) Prevalent Type of Human Rights Abuses

I have argued that the TRC was problematic as an instrument of reconciliation in a country whose history of violence is mainly that of structural conflict. The main form of oppression in South Africa has been economic and social oppression rather than physical violence. While physical violence was a central part of state strategy and became a key component of opposition struggle, most of the suffering experienced by oppressed people

in South Africa was a denial of rights - access to education, health care, economic opportunities, etc.

To try to address the consequent social divisions by looking at gross human rights violations (extreme physical violence) rather than the more widespread structural violations is perhaps not the most appropriate route. In societies where past violations mainly took the form of violent suppression, rather than systematic discrimination, it may have great success in healing the central social cleavages.

Generally though, the lesson is that a reconciliation process that focuses on any particular form of violation will focus attention on the direct parties involved in perpetrating and suffering from these violations. Where communities were turned against each other or internally divided, it is these dynamics which may be prioritized by reconciliation interventions, rather than the broader divisions in society.

Part of the problems in using the TRC model (which focuses on gross human rights violations) may in fact be a consequence of the fact that South Africa borrowed too much from the Latin American model, and did not sufficiently redesign the process to deal with the conflict dynamics that characterized South Africa's own conflicted history.

The challenge for other countries considering similar processes is to be clear about what they want to address. Different dimensions of the problem will require different types of interventions. South Africa attempted to do too much with a fairly restricted intervention model. Other countries must have a clear understanding of the various dimensions of their conflict, to assess what cultural resources they have to draw upon, and to develop intervention processes that are sustainable (not event oriented) and that do not create tensions between national and local reconciliation needs.

7. Conclusion

The TRC was an innovative solution to the problem of transitional justice that attempted to go beyond the models developed in other countries. The context of negotiations around the transition and the TRC legislation provided for a wide range of stakeholder inputs into the process. The outcome was a structure that attempted to satisfy a wide range of competing demands, but one which lacked a clearly articulated and coherent approach to key questions of justice and reconciliation. The competing interpretations of these concepts created ongoing contentions around policy implementation within the TRC, between the TRC and political parties and between the TRC and local communities.

The TRC represented, in principle, an idea that was very broadly supported in South Africa. The fact that nobody could agree on how it should be implemented reflects the fact that the underlying question of reconciliation means very different things to different stakeholders in a conflict situation. Opening up the debate about the meaning of reconciliation, both practically in relation to local communities, and theoretically in relation to the field of conflict resolution, may prove to be one the TRC's lasting legacies.