

RECONCILIATION OF CIVIL WAR, A NOTE ON THE SOUTH AFRICAN EXPERIENCE.

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INTRODUCTION

First of all I would like to thank the Berliner Volks Uni for giving me the opportunity to speak here today. When Nelson Mandela became president in 1994 the whole world watched in awe. For once a good story was coming out of Africa. The epic story of the life-time prisoner becoming president, forgiving his gaolers and reaching out for reconciliation caught the imagination of the world. How did it happen? Was it all due to that remarkable man and the honourable retreat of his opponent?

I think, in order to discuss the possible lessons from South Africa, and in particular the relevance of the ongoing experiment with the Truth and Reconciliation Commission (TRC) for other conflicts, such as Bosnia or Turkey, a good place to start is to ask what kind of conflict is it that shall be reconciled? Is it a conflict particular to South Africa, or one common to other countries, for example Turkey or Bosnia? Are there perhaps more than one conflict in South Africa, and can the reconciliation process solve them all?

Asked to characterise the recent conflict in South Africa in two words, most of us, I guess, would say black and white. The black majority struggled to end the racial oppression of the white minority. We would think that most of the 25.000 people killed during the last twenty years in political violence in South Africa died in a race war.

But this is very far from the truth. In fact few blacks were killed by whites, and almost no whites were killed by blacks, not anywhere the number of whites killed each year by traffic-accidents. So what happened? The perspective of a race-war shrinks even further when compared with the total number of people murdered in South Africa during the last twenty years. According to the police 234.581 people were murdered in South Africa from 1976 to 1995. This is a murder-rate 7 times higher than the US rate. Let me give you just one example of how all-pervading violence is: in the first six months of 1996, 333 persons were murdered or attempted murdered inside the main hospital of Johannesburg. From any point of view South Africa is an extremely violent society. We need to ask what does reconciliation mean in such a society? What types of violence can a Truth Commission reconcile?

Without going into the details of recent South African history I suggest we can identify three main conflicts:

First the struggle for non-racial democracy. Black people struggled against racial exclusion from a white-only democracy. One man one vote! was the simple demand, and from this followed other basic democratic rights, such as human rights.

Second: the fight for social rights, that is against the extreme social inequalities in South Africa, probably one of the world's most unequal societies.

Third: the campaign for cultural rights, for protection of ethnic identity, for protection of separate communities against an unitary state.

The three conflicts often mix in reality, but still I think it will be helpful to keep them apart in our discussion. Now, the point I want to make, is that the South African Truth and Reconciliation Commission's (TRC) response to the three conflicts can give us an idea to what extent the politics of reconciliation can stop civil wars, the question we discussing here today. As I will argue, the TRC's capacity to respond to the challenges of the three conflicts vary enormously, which indicate limits to a pro-active policy of reconciliation in civil wars.

THE SOUTH AFRICAN TRUTH AND RECONCILIATION COMMISSION

The South African commission's mandate is to deal with "gross violations of human rights" in the period 1960 - 1994. They are asked to do four things: *Firstly* to hold public hearings across the country to bring out the victim's stories, and by this help restoring their dignity. Until now about 9000 persons have given statements, and some 900 have also given statements in the public hearings. At the time of writing (May 1997) the TRC is doing a huge effort to get more people to give statements. Almost all the victims that have taken part in the hearings have expressed astonishing willingness to forgiveness and reconciliation. Not calling for revenge, but knowledge of what happened, why it happened, and at times only of where the remains of loved ones are in order to give them proper burial. The hearings were broadcast live by TV and radio, and have been widely covered by the press, in my view with a great healing impact on South African society.

Secondly the TRC have granted amnesty to perpetrators of gross human rights violations committed in the political struggle of the past on conditions of full disclosure. Until now (May 1997) only 39 have been granted amnesty, while 797 have been denied amnesty. But more than 5000 cases are still pending a decision by the Commission. It is my impression that the granting of amnesty to many disgusting human rights violators have been accepted surprisingly well by the public. However, this may change depending on how the many remaining cases are handled.

Thirdly the TRC can make reparations to victims. This still has not really got off the ground. From the beginning it was ruled out to give financial reparation, partly because it could entail an unethical monetary counting of degrees of human rights abuse, but also because of financial constraints. However policy has been changed, and reparations of up to Rand 30.000 (ca. DM 10.000) per. person can now be given, a very substantial sum in South Africa.

The Commission shall sit only for two years, and the whole process will end this year. The strange fact is that by focusing on individual cases and perpetrators apartheid as a system has

been left in the shadow. Maybe this will be rectified somewhat when they complete their fourth task, writing a final report on the past human rights violations.

It is important to recall the political reality giving birth to the TRC. In South America (Argentina, Uruguay and Chile) the truth commissions were all made possible by new governments taking over from military dictatorships. In South Africa the TRC was part of the negotiated revolution replacing apartheid. In this context a number of commissions looked into violations of human rights *inter alia* by security-forces ('third force') and in some ANC-camps. The idea of having a *truth* commission to promote healing of the nation was born in circles of liberal academics, including the present ANC Minister of Justice, Mr. Kader Asmal. During the closing stages of the constitutional negotiations in December 1993, leading to the interim constitution and first democratic elections, a determined attempt was made by the National Party government and security force representatives to have a blanket political amnesty. The ANC strenuously resisted this and the outcome was a compromise committing the new Parliament and Government of National Unity to granting political amnesty under certain conditions for the purpose of national reconciliation, and not a Nuremberg-like victors-justice.

TRUTH VERSUS JUSTICE

The first big public discussion about the TRC came when it was about to start in January 1996. It was framed as *truth versus justice*. The liberal and religious defenders of truth rather than justice said, "Truth is not something less than justice. On the contrary it rather involves a different value, one oriented more to restoring the dignity of the victims than seeking punishment for perpetrators." (Professor André du Toit, University of Cape Town). While the defenders of justice, coming mainly from the more radical wing of the ANC, argued that the dignity of the victims only could be restored by taking the murderers and torturers to court and sentence them. They even challenged the TRC at the supreme court, but lost the case, and the TRC could then start its work.

To me, however, the pivot of the justice versus truth discussion was not whether victims could get even with murderers in court. The crux of matter was whether the big political compromise expressed in the constitution, in the election, in the TRC really instituted democratic rights. Not just the particular TRC-law. If the former disadvantaged majority of South Africans now feel they own the nation-building experiment, if they can say, Yes today I am part of this nation, Yes my struggle for freedom has been vindicated, Yes today my dignity has been restored, then revenge will be less important. If they believe in the official propaganda that they are partners with Mandela in the new democratic South Africa, they can say with him, yes today WE can forgive without forgetting.

THE PARABEL OF THE BICYCLE

During 1996 the public discussion then moved on to the next big conflict confronting the TRC. The issue at stake here is summed up in a small anecdote told by Father Mxolisi Mpambani during a panel discussion on reconciliation at the University of Cape Town.

“There was Tom and there was John. Tom lived opposite John. One day, Tom stole John’s bicycle and every day John saw Tom cycling to school on his bicycle. A year later, Tom walked up to John. He stretched out his hand. “Let’s reconcile and put the past behind us.” John looked at Tom’s hand. “And what about the bicycle?” “No” said Tom, “I’m not talking about the bicycle. I’m talking about reconciliation.”

This story, as it was later related by the famous Afrikaner poet Antjie Krog, clearly outlines the basic dilemma, is reconciliation possible in the absence of social justice?

Economic policy in South Africa follows the global trend: free capital accumulation and restrictive social spending creating growing inequalities.

When the ANC Deputy Minister of Trade and Industry, Phumzile Mlambo-Nguka, recently said black business-men should not be shy to say they wanted to become “filthy rich” some jumped up, and warned that this attitude is a dangerous insult to ANC’s own voters. “It is unwise for an

ANC Cabinet minister to provoke its poor constituency”, wrote Heribert Adam from University of Cape Town, “The once uniquely inspiring vision of non-racialism has faded away. So what is left to inspire the ANC? Black empowerment - a euphemism for more control by a small privileged elite? Will patronage and personal enrichment constitute the new glue for a fragmenting constituency? Endorsing “filthy richness” seems the surest recipe for self-destruction of a party in need of a new mission.”

Deputy President Thabo Mbeki was once asked, “What goes through your mind when you fly over a squatter settlement?” He answered rather complacently: “I think there is an enormous amount of patience among the people in those shacks. I don’t think there is any kind of explosive sentiment in reaction to the perceived lack of delivery of houses.” To be sure Thabo Mbeki works for welfare for everybody, but in the mean time the medicine of market-driven development seems to produce growing inequality.

Class-warfare has not broken out - yet. Civics, student organisations, women’s groups - autonomous organisations of communities - which were central elements in the struggle against the apartheid state, today find themselves in a difficult position: shall they continue to be loyal to the ANC, now the state-party which use the police to force people to pay for water and electricity? And if not, what remains of the radical platform for the political struggle with socialism completely discredited and trade unions and the S.A.-communist party intimately linked with the ANC? In this situation most local political leaders jump onto the “gravy train” a South African expression for personal privilege, corruption, and shadowy economic deals, further fragmenting any political force autonomous of the state. So while the majority of the blacks are complimented for their patience with poverty, the new black elite is congratulated with their impatience of getting rich.

However, it was never the point of the TRC alone to deliver justice to the all the victims of apartheid, in the sense of material reparation for the general abuse that was apartheid. This must be the job of the general reconstruction and development of society, which, as Deputy President

Thabo Mbeki said, is awaiting future delivery. But there is no alternative: today reconciliation *has* to work under conditions of gross social injustice. Is it possible? The patience of disadvantaged blacks can run low when they are asked by the new black elite to forgive whites still living so much better than most blacks.

In another story told by Antjie Krog, Dirk Coetzee (a well-known death-squad captain who confessed murdering several persons) turns to the mother of a boy he killed, on the front row in the court, "I ask your forgiveness. I am sorry for what I did..." The legal representative of Charity Kondile (the mother) reads her statement to Coetzee "You said that you would like to meet Mrs. Kondile and look her in the eye. She asked me to tell you that she feels it is an honour... you do not deserve. If you are really sorry, you would stand trial for the deeds you did..." A long uncomfortable silence fills the hall. The judges, the legal representatives, the audience... everybody looks distraught - the only movement is the Adam's apple of Dirk Coetzee as he swallows slowly. In an interview afterwards, Kondile says: "It is easy for Mandela and Tutu to forgive.. they lead vindicated lives. In my life nothing, not a single thing, has changed since my son was burnt by barbarians... nothing. Therefore I cannot forgive."

To ask, can reconciliation heal the rift of social injustice? may be asking the wrong question. Perhaps we have to ask how reconciliation can *avoid* widen the rift. Precisely because to make reconciliation possible you have to forget claiming back the bicycle.

NATAL: THE ETHNIC QUESTION

This is more or less where the discussion stands today. I will argue it has not really grappled with the third and most intractable conflict. The ethnic conflict in some ways is a reversal of the old Congress struggle: not for democratic inclusion in a common nation, but a struggle for undemocratic exclusion of all the aliens from the ethnic community. This conflict has been very difficult to handle for the TRC.

The province of Natal lies in the tropical part of South Africa bordering Mozambique and the Indian Ocean. It is the most densely populated province, very rural, but with Africa's largest port Durban as its centre. Mangosuthu Buthelezi, leader of the Inkatha has a solid powerbase in the former KwaZulu homeland of which he was head of government. His political platform is based on defence of the Zulu ethnicity, of which reference to the Zulu kingdom is central.

The struggle between the ANC and the IFP is played out at all three levels of the South African state: at the central level Buthelezi is minister in Nelson Mandela's government, at the provincial level Inkatha has majority and leads the provincial government with the ANC junior partner, and finally violently at local level almost all rural areas are ruled by Inkatha while most of the towns are ANC-ruled. Most of the violence has taken place in the rural areas and the squatter-camps, and here democratic elections have been impossible.

In April 1996, after the truth and reconciliation process had started working in most parts of the country you could still read stories like this one from Natal, "Donnybrook looks like a sleepy rural town nestling in the rolling hills of the Natal Midlands. But behind the facade lies a terrified population in a town racked by violence. Two weeks ago 11 people - mostly woman and children - were murdered in their homes by gunmen in a politically motivated massacre. The attack brings to 25 the number of Donnybrook people killed in the political violence this year... A woman who, like other residents, was prepared to speak only if her identity was withheld said, "The IFP are determined that there will not be an ANC candidate in this area." (The Sunday Independent, Johannesburg, April 7, 1996).

Now, what does reconciliation mean here? People were getting killed and could not be protected because the local state was ruled by warlords, and national leaders were involved in violence, but could not be touched because they were partners in the central government. Natal starkly demonstrated the real political limits to the TRC: at the one hand it could not extend reconciliation to people in the most war-torn part of South Africa, on the other hand it could not

extend the truth to include the current leaders of the province - even when their crimes were common knowledge and had been documented in newspapers.

Then suddenly in the run-up to the local elections in Natal in May 1996 a strange story was splashed across the front-page of the leading Natal Sunday paper: "THE MIRACLE DEAL, Party heavyweights back merger between ANC and IFP in Natal" After more than ten years of bloody civil war in Natal some of the most feared warlords like David Ntombela from the IFP and Sifiso Nkabinde from the ANC began being know as 'peacelords'. What was going on?

The deployment of national army units in Natal, special police investigation in some high-profile political murder cases and termination of the constitutional gamble in Pretoria had over a long period built up a pressure from the centre for local peace. The deal never came off, but the 'peacelords' demonstrated that democracy in national politics smoothly coexists with despotism in local politics. A national call for a merger between ANC and IFP would have been ridiculous and effectively turned SA into a one-party state. But this was greeted as a miracle deal in Natal because some leaders would gain and the rest of the people preferred almost anything to continued violence.

To be sure, the local warlords would benefit from 'special reconciliation', that is a deal where they gave themselves amnesty. This is reconciliation without truth, and also without justice. After all, what cause had people died for all those years if it could be resolved just like that? Why hadn't this kind of unity been attempted earlier if it was such an easy trick? The answer was given by the warlords-suddenly-turned 'peacelords': today it was in their interest stop the war, as it yesterday had been in their interest to start it. 'Peacelords' can only bring a despotic peace. Real peace in Natal needs real democracy.

A fundamental question awaits the TRC at this point: can reconciliation confront ethnic conflicts, can reconciliation cope with identity politics? I doubt it because reconciliation must by its very nature be tied to democratisation, which is essentially contradicting identity politics. With this

argument some Natal-politicians warned against the call for ANC-IFP Zulu unity, “We must be careful of any attempt at ethnic political homogeneity. This was the basis for the creation of bantustan one-party dictatorships.” (Dumisani Makhaye, ANC KwaZulu Natal member of the Provincial Executive Committee in Sunday Times, Durban, July 14-96).

But powerful voices grabbed at the chance to get rid of ‘western’ democracy, and heralded the ANC-IFP merger as a restoration of true African politics, “Let us form a government of national unity of African people. In so doing we can cure the diseases in the politics of the African community, which shows itself in Africans displaying disrespect and lack of love for one another and for anything African in politics. Attempts to allay the ANC and the IFP are a first step in the right direction for this country. Only Africans can do this, uninfluenced by non-Africans... Neither whites, coloureds nor Indians can bring about reconciliation among Africans... Remember the meeting between King Goodwill, Nelson Mandela, Mangosuthu Buthelezi, and Amakhosi of KwaZulu, which was derailed by Western norms and the English language!” (Professor Herbert Vilakazi, Zululand University).

A LESSON FROM SOUTH AFRICA?

What is the lesson on reconciliation we can learn from South Africa? I have tried to highlight three main conflicts confronting reconciliation in contemporary South Africa: democratic exclusion; class inequalities; and ethnic divisions. Only the first of the three conflicts has been successfully resolved. The other two have only marginally been affected.

In terms of number of killed it was the smallest of the three conflicts that was resolved. The TRC grew directly out of the political compromise which sealed the violent struggle for democratic inclusion. The immediate subjects for reconciliation were the former combatants in this particular conflict. In this field the TRC has been a successful agent of true reconciliation.

The conflict second in size was the ethnic conflict. Violent ethnic division has claimed many more lives than the struggle for democratic inclusion. South Africa’s new constitution is a

compromise based on human rights of individuals with some ethnic rights of communities added in an awkward fashion. If this is enough actually to stop ethnic violence remains to be seen.

Born out of the Government of National Unity the TRC was not designed to address the legacy of ethnic violence, and it has run into severe political problems trying to reconcile this conflict.

For other countries with violent ethnic conflicts the lesson from South Africa is mixed:

reconciliation based on human rights is not possible in ethnic-territorial conflicts. Only if ethnic rights are restated as individual rights to language, religion, etc. will reconciliation be possible.

And the move from collective rights to individual rights will always demand a national political compromise *before* reconciliation.

The third conflict-zone by far claiming most lives, is the nine-in-ten *non-political* murders.

Indeed today most people are worried not of 'political violence' but of crime. What impact can the TRC have on violence on the front of social inequality? The Truth and Reconciliation Commission was not ment to tackle the conflicts of social inequalities. But the noble hope was that the Commision could help foster a respect of human rights, the right to life, so that the gun would not be used so often in quarrels in the home and on the streets. If this has happened is too early to tell.

Reconciliation, after all, can mean two things. On the one hand Desmond Tutu, chairman of the TRC, says, "You can only be human in a human society. If you live with hate and revenge, you dehumanise not only yourself, but your community. You must forgive to make your community whole." And on the other hand Thabo Mbeki, Mandela's likely successor, argues, "Real reconciliation cannot be achieved without a thorough transformation and democratisation process... True reconciliation can only take place if we succeed in our objective of social transformation. Reconciliation and transformation should be viewed as an interdependent part of one unique process of building a new society." Where reconciliation for Tutu is the *beginning* of a transformative process, for Mbeki reconciliation comes *after* total transformation has taken place. After a century of social engineering one may fear the outcome of Mbeki's project. Desmond Tutu's call for reconciliation to start in the heart even if the world is still unjust, is the

only practical way, in my view. It will indeed include state undertaking such as the TRC, but inevitably be a never-ending process because it will have to go from heart to heart, and there are many distractions and imperfections in the human heart. But that is where we have to start.