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# South Africa Reconciled?

To what extent can the South African society be regarded as reconciled, eighteen years after the first democratic elections?



This study sheds light on the South African reconciliation process since 1994. It provides an overview of the most important developments up to the current state of the South African society. Special attention is paid to the Truth and Reconciliation Commission and its aftermath. The central argument is that reconciliation must be regarded as a combination of psychological healing (indicated by the improvement of relationships) and material enhancements (indicated by the decline of socio-economic inequality). While the reconciliation process has already made some progress, it is not completed yet. The main burden on psychological reconciliation is the limited social contact between people from different racial backgrounds, which keeps prejudices and fears in place. Regarding material reconciliation, society is still a far cry from socio-economic equality. Almost two decades after the transition, any broader societal change is yet to come. At the same time, South Africans seem to be willing to move on and to leave apartheid behind.

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## Introduction

I met Bianca on a hot February day in Camps Bay, a beautiful coastal spot just outside of Cape Town. Bianca was seventeen, the mother of a lovely baby boy and lived in Hanover Park, one of the city's coloured townships. When I first saw her, she was begging for money with the little boy quietly sleeping in her arms. Since I was interested in her story, we had lunch together. What was most striking about this encounter was that Bianca had never heard of apartheid. How was this possible in a country where the system of state-sponsored racism had only ended eighteen years ago? She was born after the transition but her obliviousness still amazed me. For my part, I have never felt so conscious of my "whiteness" as I did in South Africa. I simply couldn't disassociate my skin-colour from the apartheid era, when a white minority deprived blacks, coloureds and Indians of almost everything. My own impression was that too many apartheid legacies persisted. How could black people *not* blame whites for their poor circumstances? But then there was Bianca, who had never heard of apartheid and who was probably more concerned about how she could provide for her baby the next day. I started to wonder how important "race" and "apartheid" had actually become for South Africans in this day and age. Was it really history that kept South Africans apart? Or was it much more inequality that continued to divide the country?

I came to South Africa to research the long-term impact of the Truth and Reconciliation Commission (TRC). The Commission operated from 1996 until 1998 as an instrument for society to deal with its past. My initial research question turned out to be insufficient to cover the full scope of the reconciliation process. Dealing with the past is certainly a central endeavour of every reconciliation process. However, it must not be forgotten that apartheid policies left South Africa the most unequal country in the world. In the last couple of years, poor South Africans have expressed their frustration about their living circumstances in thousands of "service-delivery protests" every year. One of the most dreadful examples was probably the uprising in the Lonmin platinum mine in August 2012, where miners were protesting for higher wages and safer work conditions. The situation went out of control and the protestors were confronted with an extremely violent intervention by police. This incident boosted the popularity of former ANC youth league leader Julius Malema, who is known for his highly polarising statements against white people, who still own the majority of mines, land and business. Malema's expulsion from the ANC underscores that his views are controversial. At the same time, his popularity seems to have been increasing rather than decreasing recently. These incidents demonstrate that the reconciliation process cannot be understood as a psychological endeavour alone. Material circumstances must be taken into account, too.

Even though inequality is an important issue in several academic studies, few of them include socio-economic factors to determine the success of the reconciliation process. This distinguishes the present research from many other studies about reconciliation in South Africa. The theoretical

framework of this thesis is based on the idea that reconciliation is determined by a combination of psychological processes and material circumstances. Several of the aspects included are extensive and can only be briefly outlined here, focussing on the most important developments in each field. While the present study provides a well-balanced picture of the current state of the reconciliation process in South Africa, a more extensive research could pay more attention to the fine nuances of each subject discussed. The outline of this study could serve as a basis for such a more far-reaching effort. It could also be of use for the study of reconciliation processes elsewhere, for instance in Latin America. Especially where reconciliation has not been investigated as in-depth as in South Africa, it can provide a good basis to structure further research.

The present study is based on a broad range of literature, empirical data and my own examinations. *Country of my Skull* (1998) by Antjie Krog is perhaps the best known piece of literature analysing the proceedings of the TRC. Recent writings focus less on the TRC but more on societal developments in its aftermath. For instance, in the bundle *In the Balance: South Africans Debate Reconciliation* (2010) by Fanie du Toit and Erik Doxtader, several South African scholars examine the current state of the reconciliation process from different points of view. There seems to be a sheer abundance of research about the conceptual meaning of reconciliation. Among the most influential works is Martha Minow's *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (1998), which is largely based on the South African experience. A more recent study is *Religion and Conflict Resolution: Christianity and South Africa's Truth and Reconciliation Commission* (2009) by Megan Shore. Being of wider scope than the title suggests, this study was of great importance for my theoretical understanding of "healing" as part of reconciliation. To gain some insight into the present state of the South African society, I made use of several papers and reports like the *Rainbow Index* of the South African Institute of Race Relations. Besides, I included statistical data provided by the World Bank and other institution. Finally, I accessed empirical data from surveys, for instance the *Reconciliation Barometer* (2011) of the Centre for the Studies of Violence and Reconciliation or the *General Household Survey* (2010) by South African Statistics. These sources were particularly valuable for the present research since data collection was outside of the scope of this project. Instead, I conducted a range of personal interviews with some well-known South African researchers and journalists, among them being Antjie Krog and Max du Preez. These "insider" perspectives enabled me to keep my research focussed on questions that really matter to South Africans. I also spoke to several other people from all parts of society. These occasional conversations were too small in number to be included as empirical data. However, they contributed to my own understanding of reconciliation and what it means to South Africans.

The question cannot simply be whether the society has reconciled – yes or no. This is because any reconciliation process is unlikely to bring about a perfect reconciled society. A society, where equality is flawless and where all citizens readily celebrate their differences, is a utopia. Perfect

reconciliation must be regarded as an ideal to strive for. Ideals, in my view, are the greater goals of any societal change. They are not to be reached tomorrow; some of them will indeed never be reached. Accordingly, the question is not *whether* South Africa has reconciled but *to what extent the South African society can be regarded as reconciled, eighteen years after the first democratic elections*. The first chapter embeds the reconciliation process into its historical context and in the academic field of conflict resolution. The focus of the second chapter is on reconciliation itself. This includes an introduction of the Truth and Reconciliation Commission and a detailed definition of the concept as it is understood in this research. Chapter 3 and 4 contain an analysis of the several layers of reconciliation introduced in chapter 2. In chapter 3, the impact of the TRC and the developments in society and politics in the aftermath of the Commission are discussed. Special attention is paid to the effect of reparations. These are the mainly psychological aspects of reconciliation. Chapter 4 sheds light on several material factors shaping the socio-economic environment of South Africa. The analysis centres on the redistribution of wealth and land along with the enhancement of equal opportunities. The concluding chapter summarizes the most important results and provides some outlook for the future. At this point, the reader should have attained a multifaceted picture of the reconciliation process and a sound overview of the state of the South African society anno 2012.

# 1. South Africa in Transition

On the 27<sup>th</sup> of April 1994 the eyes of the world were on South Africa. The day would later be described as “one of the most remarkable days in modern history”.<sup>1</sup> This was due to the first fully democratic elections which had ever been held in the South African history. The pictures of millions of South Africans – black, white, coloured and Indians – patiently waiting side-by-side in long queues before the election offices were broadcasted around the world. It seemed almost a miracle that this should be the end of an oppressing regime which had been governing the country for almost five decades. The elections were the result of years of tough negotiations. Notably, the whole process leading up to the elections had taken place without any direct foreign interference. A question which was often posed these days (but rarely answered) was if the former perpetrators and victims of the apartheid regime would manage to peacefully coexist in the new South Africa, just as they were waiting side-by-side in front of the election offices that day. Would this be possible after all? Or was the outburst of violence yet to be come?

## 1.1 Conflict Resolution and Transitional Justice

These questions were of great interest for scholars of the academic fields of *Conflict Resolution* and *Transitional Justice*, particularly when it became apparent that the transition process seemed to remain largely non-violent. Until today (2012), South Africa hasn't experienced any large-scale acts of vengeance yet. This made its transition a most interesting case study for these academic fields. Broadly speaking, *Conflict Resolution* is about the transformation from violent conflict to sustainable peace, while *Transitional Justice* focuses on transition mechanisms. In order to achieve lasting peace, a society has to deal with its past. The question is what is more important – an immediate end of all atrocities (peace) or the assurance that perpetrators and victims get what they deserve (justice)? The former usually includes some kind of amnesty, while the latter comprises some form of punishment. Both options have their pitfalls. Where peace based on amnesty is implemented all too readily, the result is typically *negative peace*. This term indicates an instable situation where atrocities have come to an end but where the underlying causes of a conflict remain unsolved. *Positive peace*, on the other hand, means that the problems leading to a conflict have successfully been solved. Such a positive settlement is typically based on democratic values, human rights and justice.<sup>2</sup> The problem with justice is that it might decisively prolong a conflict because no warring party is likely to surrender if it can expect prosecution once the weapons have been laid down. Consequently, trials are usually only an option if either the international community is involved or if one party has won decisively and can impose “victor's justice”.<sup>3</sup> Needless to say, the latter does usually not lead to any positive peace. Most conflicts are ended by a middle way, including justice but not necessarily trials. For instance, justice

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<sup>1</sup> Max du Preez, *The Rough Guide to Nelson Mandela*, (London 2011) 195.

<sup>2</sup> Oliver Ramsbotham, Tom Woodhouse and Hugh Miall, *Contemporary Conflict Resolution* (Cambridge 2006) 236.

<sup>3</sup> Laurel E. Fletcher and Harvey M. Weinstein, “Context, Timing and the Dynamics of Transitional Justice: A Historical Perspective”, *Human Right Quarterly* no. 33 (2009) 163-220, 192-3.

can also be implemented through the implementation of the rule of law, reparations or truth commissions.<sup>4</sup>

During the 1990s, truth commissions became very popular. They were implemented in countries arising from violent conflict all over the world. Their structure, size, tasks and power varied profoundly. Some of them combined the search for truth with blanket amnesty for perpetrators while others had to work along with war tribunals. Among the most common examples are the truth commissions in Argentina, Chile, Guatemala, Sierra Leone and Timor-Leste. Yet, the best documented, most commented and possibly most celebrated commission of all is the Truth and Reconciliation Commission (TRC) in South Africa. The South African TRC was not only bigger than any other truth commission before but included also some distinctive features which had been largely unknown before. One was its commitment to reconciliation along with truth. It was based on the idea that the disclosure of the whole truth would promote reconciliation. Another was its inclusion of conditional amnesty for perpetrators who were willing to testify. This was an innovative way of dealing with perpetrators that lay somewhere between blanket amnesty and trials.

The South African transition process, and notably the TRC, contributed to the common view that transition mechanisms as truth commissions would be universally adaptable. One of the most important studies contributing to this view was Minow's *Between Vengeance and Forgiveness* (1998). The author advocates the South African Truth and Reconciliation Commission as a role model for other countries arising from violent conflict. The belief in the universality of conflict resolution mechanisms prevailed throughout the 1990s and early 2000s. However, the many failed attempts to peacefully resolve violent conflicts during these years caused a new generation of scholars to challenge the idea of universally adaptable transition mechanisms. An important contribution to this new approach came from Laurel E. Fletcher and Harvey M. Weinstein, who carried out a comparative study about several countries in transition. In "Context, Timing and Dynamics of Transitional Justice: A Historical Perspective" (2009) they argue:

"Multiple factors influence the nature of transitional justice mechanisms by any particular country (...). One possible critique of transitional justice policy and its implementation is that it is usually ahistorical and decontextualized. Debates around such issues as truth versus justice, trials versus truth commissions, remembering versus forgetting frequently treat these concepts as abstract and universal principles."<sup>5</sup>

Fletcher and Weinstein stress the diverse historical, cultural and socio-economic causes of each conflict. They argue that without integrating these specific factors into a transition process, it is likely to fail, even if the same transition mechanisms might have worked elsewhere. This is a rather new approach of transitional justice mechanisms.

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<sup>4</sup> Ramsbotham e. a., *Contemporary Conflict Resolution*, 236.

<sup>5</sup> Fletcher and Weinstein, "Context, Timing and the Dynamics of Transitional Justice", 208.

## 1.2 The Transition Process

After having gained an overview of the academic context of this thesis, the second part of this chapter outlines the historical background of South Africa's reconciliation process. Starting with a brief overview of its history, special attention is paid to the apartheid era and the transition process in the 1990s. Finally, some factors facilitating the transition are introduced.

### 1.2.1 Historical background

The South African society has historically been diverse and not so "black and white" as one might think focussing only on the apartheid era. The country has been the home to different ethnic groups for millennia. When Dutch merchants founded the first European colony at the Cape of Good Hope in 1652, the land was already inhabited by the indigenous Khoisan and several other African tribes. Among them were the ancestors of today's dominant ethnic groups, the Zulu and the Xhosa, who had immigrated to the region long before the first Europeans arrived. During the next centuries, immigrants from all over the world settled on the Cape. Some of them were pioneers seeking their luck in the new colony; many others were brought in as slaves or cheap labour. Before long, a new "ethnic" group, the coloured people with a "mixed" origin, had formed. Due to political and economic changes in Europe, the British gained power of the Cape Colony in 1814. This caused several violent conflicts between the old and the new colonial power. At the same time, their colonial expansions triggered numerous violent encounters between white settlers and the black inhabitants of the area. The latter didn't form a homogeneous group either. They consisted of various tribes that were often in conflict with one another. These tribal clinches aided the white settlers to reinforce their power. In the course of the 19<sup>th</sup> century, three new colonies were established: the British-dominated Natal and the Afrikaner-dominated "Boer republics" Transvaal and Oranje Free State. When they were merged into the Union of South Africa in 1910, a strong unitary state arose, which was ruled by the white elite. Finally, after a white-only referendum in 1961, the Republic of South Africa was established.<sup>6</sup>

#### *The apartheid regime*

After having regained power from the British in 1948, the Afrikaners established the apartheid regime. It was the final, systematic implementation of a colonial world view, which supposes the white race to be superior to all other peoples. The apartheid system encompassed two distinct sets of law; one applying for whites and the other for non-whites. The latter were denied any "active and equal role in the moral and political decision-making process".<sup>7</sup> Racial segregation was implemented in all spheres of public and private life. People were separated in their residential areas (by the Group Area Act in 1950), in public amenities (by the Preservation of Separate Amenities Act in 1953),

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<sup>6</sup> A good overview of the South African history is provided by Nigel Worden, *The Making of Modern South Africa: Conquest, Apartheid, Democracy* (Oxford 2007).

<sup>7</sup> Megan Shore, *Religion and Conflict Resolution: Christianity and South Africa's Truth and Reconciliation Commission* (Farnham: 2009) 75.



in education (by the Bantu Education Act in 1953) and on the labour market (by several laws). Marriage or sexual relationships between people of different racial groups were forbidden, too. The systematic state-sponsored racial discrimination became commonly known as apartheid, the Dutch word for separateness. Interestingly, the apartheid regime arose in a time when the power of other colonial powers slowly faded away and, despite increasing international pressure, the dominating National Party (NP) stayed in power until 1994.

### **1.2.2 The Transition Years**

The first signs of change were visible from the 1980s onwards. In 1983 the parliament launched a new constitution which provided some minor improvements for coloureds and Indians. However, these tiny advances couldn't prevent the anti-apartheid movement to grow. In the same year, the United Democratic Front (UDF) was established, which was a broad-based resistance movement of trade unions, religious, civic and professional organisations. The UDF threatened to make South Africa ungovernable. In the late 1980s, violent confrontations between the UDF and the police were taking place every day. Some 20,000 people died in the struggle during the late 1980s and early 1990s, which is often overlooked when the South African transition is celebrated as a peaceful revolution.<sup>8</sup> The pressure from outside South Africa grew, too. From 1985 onwards, South Africans couldn't acquire any international loans anymore. In 1986, the United States, the Commonwealth and the European Community imposed heavy political, economic and financial sanctions on the country. These sanctions left South Africa completely isolated and resulted in the worst economic crisis of its history. South Africa was "on the brink of a bloody civil war."<sup>9</sup>

In 1990 the government was under such extensive pressure from inside the country, the exiled leadership of the African National Congress (ANC) and the international community (notably Great Britain, Germany and the United States) that a period of real transition could finally start. Developments speeded up when F.W. de Klerk became president in 1989. Even though he believed in apartheid just as much as his predecessor P.W. Botha, De Klerk realised that his government was profoundly threatened by the growing civil unrest. Recognising that there was no way back, he started negotiations with ANC-leader and later president Nelson Mandela, even when the latter was still imprisoned. It was De Klerk's speech at the opening of the parliament in February 1990, which practically changed everything. It made Nelson Mandela a free man after 27 years of imprisonment. The ANC, the Communist Party and a couple of other organisations were finally unbanned. Mandela recalled later that "in one sweeping action", De Klerk had "virtually normalized the situation in South Africa."<sup>10</sup> It took another four years of tough negotiations before power would finally be transferred.

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<sup>8</sup> Mangosuthu Buthelezi, "Reconciliation between Political Parties", in: Fanie Du Toit and Erik Doxtader (eds.), *In the Balance: South Africans Debate Reconciliation* (Auckland Park 2010) 93-100, 95.

<sup>9</sup> Du Preez, *The Rough Guide to Nelson Mandela*, 172.

<sup>10</sup> *Ibidem*, 186.

In the first democratic elections on 27 April 1994 the African National Congress (ANC) won 63 per cent of the votes. The remaining votes were divided between National Party (twenty per cent), Inkatha Freedom Party (eleven per cent), Democratic Party (two per cent) and Pan-African Congress (one per cent). On 10 May 1994 Mandela was inaugurated as South Africa's first democratic president and F.W. De Klerk and Thabo Mbeki (Mandela's successor) were appointed as his deputies. The young democracy inherited a country which was deeply divided in every respect one could think of. At one end of the scale, South Africa had modern cities, highly developed farms, a rich mining industry, high-ranking universities, well-developed infrastructure and efficient legal, financial and banking systems. At the other end, the majority of the people lived in underdeveloped townships, often without any electricity, water or sanitation. The life expectancy of black people was much shorter than that of white South Africans. The education system for non-whites was badly underdeveloped and one third of the black population was illiterate. The unemployment rate was even higher, around forty per cent. Even though almost eighty per cent of the population was black, they owned only ten per cent of the land and hardly any shares in corporate business. White citizens held all important positions at the police, military, state bureaucracy and in the private business sector. Finally, the new government had to deal with a polarized society which was divided in all aspects of life.<sup>11</sup> Reconciliation and national unity were goals of a distant future.

### ***1.2.3 Facilitating factors: legal tradition, leadership and spiritual tradition***

This section will shed light upon three factors that are commonly regarded as essential to South Africa's relatively peaceful transition to democracy: the country's strong legal tradition, the extraordinary leadership of Nelson Mandela and Archbishop Desmond Tutu and, finally, the spiritual traditions of *ubuntu* and Christianity.

#### *Strong legal tradition*

Among the key facilitators of the smooth transition were the country's dedication to constitutionalism and its strong legal tradition. According to Fletcher and Weinstein, the South African transition fits into a pattern they found in Argentina and Northern Ireland, too. Interestingly, their transition processes shared some great similarities, too. These "countries with strong rule of law [and] high public confidence in the juridical system" had strong (legal) institutions prior to the transition. Since their institutions had not been accessible for all citizens, none of these countries had been a full democracy though. Remarkably, all three solved their conflicts at the negotiation table, without any direct foreign intervention. While none of them opted for trials (in the immediate aftermath of the conflict), they all implemented truth commissions, which were generally regarded as successful. Fletcher and Weinstein conclude that the strong legal and institutional tradition in each

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<sup>11</sup> A lot of information presented in section 1.2.2 *The Transition years* is based on Du Preez, *The Rough Guide to Nelson Mandela*, mainly 170-1, 184-6 and 195-9.

country contributed to their peaceful transitions.<sup>12</sup> This conclusion is confirmed by several other scholars, for instance Heinz Klug and Yonatan Tesfaye Fessha. According to these authors, nation-building in South Africa was a relatively formal, technocrat process in which (legal) institutions played a crucial role.<sup>13</sup>

The challenge of the transition process was to ensure a complete break with the old system while sustaining order and stability until the new government was in place. South Africa opted for a two-stage transition. The first step was the drafting of an interim constitution in 1993. It should legally facilitate the transition and, besides, it was to provide

“a historic bridge between the past of a deeply divided society characterised by strife, conflict, untold suffering and injustice, and a future founded on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans, irrespective of colour, race, class, belief or sex.”<sup>14</sup>

The interim constitution set the tone for the reconciliation process. It became the guiding line throughout the transition and has accurately been described as a “negotiated revolution”.<sup>15</sup>

The final constitution was adopted in 1996. It was the second step of the two-stage transition and could only be drafted after the first democratic government had been formally installed in 1994. The constitution mirrors the transitional leaders’ dedication to human rights is one of the most progressive constitutions of the world.<sup>16</sup> This is partly due to the *Bill of Rights* it contains, which notably includes some legally enforceable socio-economic rights.<sup>17</sup> The final constitution also implemented the future political organization of South-Africa, which had been hotly debated throughout the transition years. One side, dominated by the NP, favoured a loose federation of independent states (“The Freedom Alliance”) while the other side, mainly consisting of the ANC, envisioned a strong, unitary state. The actual outcome, a federal state, was a compromise between these opposing visions. Since 1996, South-Africa has a national, provincial and local “sphere” of government. To emphasise their equal importance and complementarity towards each other, the constitutions calls them “spheres” rather than “levels”. In this way, the constitution gives a potential voice to ethnic groups, which are usually dominant in certain areas. At the same time, ethnic differences are neither emphasised nor encouraged. In summary, the constitution is accommodative in every way. It promotes unity through diversity and must be seen an important contributor to the relative stability of South Africa, ever since the transition.<sup>18</sup>

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<sup>12</sup> Fletcher and Weinstein, “Context, Timing and the Dynamics of Transitional Justice”, 192-3, 197.

<sup>13</sup> Heinz Klug, *The Constitution of South Africa: A Contextual Analysis* (Oxford: 2008) 42 and Yonatan Tesfaye Fessha, *Ethnic Diversity and Federalism: Constitution Making in South Africa and Ethiopia* (Farnham 2010) 149.

<sup>14</sup> Government of South Africa, *Interim Constitution of the Republic of South Africa*, Act 200 of 1993, Chapter 15, <http://www.info.gov.za/documents/constitution/93cons.htm>, (27 March 2012).

<sup>15</sup> Fessha, *Ethnic Diversity and Federalism*, 95.

<sup>16</sup> Du Preez, *The Rough Guide to Nelson Mandela*, 205.

<sup>17</sup> Government of South Africa, *Constitution of the Republic of South Africa*, Act 108 of 1996, Chapter 2: Article 7-39, <http://www.info.gov.za/documents/constitution/1996/96cons2.htm>, (29 May 2012).

<sup>18</sup> Fessha, *Ethnic Diversity and Federalism*, 76-7, 95-7, 110, 149 and 253.

### *Extraordinary leadership*

In addition to South Africa's strong legal tradition, the role of charismatic leaders like Nelson Mandela and Archbishop Desmond Tutu can hardly be underestimated. It was their strong leadership and their commitment to democracy and unity that set the tone for reconciliation and forgiveness.<sup>19</sup> It was them, who knew how to translate the strong legal tradition of their country into a language that satisfied black claims for justice and, simultaneously, appeased white fears about their safety.<sup>20</sup> Some critics argued that Mandela did focus too much on white fears, thereby disregarding black legitimate claims for justice. But, more often than not, Mandela is still celebrated as the father of the nation and as the embodiment of the South African struggle for national reconciliation.<sup>21</sup> Tutu, too, has faced some criticism. As the chairman of the Truth- and Reconciliation Commission, he was occasionally accused of too heavily relying on his own Christian values, thereby leaving too little space for other African value systems. However, much more commonly, he continues to be regarded as a living symbol of the high moral the TRC stood for. In sum, the outstanding moral leadership of both, Mandela and Tutu, can be regarded as an important contributor to the South African transition process, too.

### *The spiritual traditions of ubuntu and Christianity*

There are two spiritual traditions prevailing in South Africa, which can both said to have facilitated transition and reconciliation: *ubuntu* and Christianity. *Ubuntu* describes a set of values, which can be found in many black communities throughout South Africa. The underlying idea is that an individual becomes a human being only through the community it is part of. According to Antjie Krog, who is one of the most accredited experts on the reconciliation process in South Africa, it was only through *ubuntu* that the reconciliation process and could work. In her view, the victims' honesty, tranquillity and sometimes even willingness to forgive the perpetrators and beneficiaries of apartheid are due to *ubuntu*, which she defines as "interconnectedness-towards-wholeness".<sup>22</sup> At the same time, this can also be explained by the Christian tradition in many South Africans communities. Likewise, the TRC process included many Christian rituals like praying, singing and lighting up candles during the victims' hearings.<sup>23</sup> I would suggest that both traditions played an important role in the transition process, especially when it comes to the TRC. Their complementarity is demonstrated by Archbishop Tutu, the chairman of the TRC. He was a Christian Bishop but stressed the importance of *ubuntu* and Christianity alike. His understanding of forgiveness and reconciliation is clearly influenced by both.<sup>24</sup>

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<sup>19</sup> Marta Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston 1998) 53 and Du Preez, *The Rough Guide to Nelson Mandela*, 197.

<sup>20</sup> Fletcher and Weinstein, "Context, Timing and the Dynamics of Transitional Justice", 184.

<sup>21</sup> Du Preez, *The Rough Guide to Nelson Mandela*, 200.

<sup>22</sup> Antjie Krog, "Forgiveness as Part of an Interconnectedness-Towards-Wholeness", in: Du Toit and Doxtader, *In the Balance*, 140-147, 142.

<sup>23</sup> Shore, *Religion and Conflict Resolution*, 60-4, 71, 74 and 87.

<sup>24</sup> *Ibidem*, 136.

## 2. The Thing Called Reconciliation

After having gained an overview of the transition process, its historical background and its most important facilitators, we now turn to the one thing the whole process was all about – “the thing called reconciliation”.<sup>25</sup> The chapter starts with an examination of the most prominent feature of the reconciliation process: the Truth and Reconciliation Commission. The second part of the chapter provides an in-depth analysis of the concept of reconciliation and concludes with a definition of the term, as it is understood in this study.

### 2.1 The Truth and Reconciliation Commission (TRC)

One of the most important questions of the transition process was how the new government would deal with the legacy and crimes of the apartheid regime. Basically, there were three options: (1) criminal trials, (2) blanket amnesty or (3) a truth commission. The first was not a viable option since the ruling NP was not prepared to continue negotiations at the end of which its members would face trials. Besides, a tribunal would have been expensive and many South Africans felt that this money could better be spent on the development of the country. Blanket amnesty was not an option either since the ANC refused to agree on any settlement which would exclude justice.<sup>26</sup> The third option, a truth commission, was a feasible – though still controversial – middle way. The ANC favoured a truth commission that would focus on the investigation of past crimes and violations of human rights. On the other hand, the NP was most interested in the amnesty mechanism, which such a commission could entail.<sup>27</sup> The negotiated compromise was set in the interim constitution. It granted amnesty “in respect of acts, omissions and offences associated with political objectives and committed in the course of the conflicts of the past” but also called for “mechanisms, criteria and procedures, including tribunals, if any, through which such amnesty [should] be dealt with”.<sup>28</sup> The concept was further worked out in the *Promotion of National Unity and Reconciliation Act 34 of 1995* which formally established the Truth and Reconciliation Commission.<sup>29</sup> It was the first time in history that a truth commission had been created by an act of parliament. According to the act, the objectives of the TRC would be

“to promote national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past by

- (a) Establishing as complete a picture as possible of (...) the gross violations of human rights (...) during the period from 1 March 1960 to the cut-off date (...);
- (b) Facilitating the granting of amnesty to persons who make full disclosure of all the relevant facts relating to acts associated with a political objective (...);
- (c) (...) making known the fate or whereabouts of victims and by restoring the human and civil dignity of such victims by granting them an opportunity to relate their own accounts of the violations of which they are the victims, and by recommending reparation measures (...);

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<sup>25</sup> The title of this chapter is lent from an article by Brandon Hamber and Hugo van der Merwe “What is This Thing Called Reconciliation?” *Reconciliation in Review*, vol.1, no.1 (1998).

<sup>26</sup> Shore, *Religion and Conflict Resolution*, 31-2.

<sup>27</sup> Minow, *Between Vengeance and Forgiveness*, 52.

<sup>28</sup> Government of South Africa, *Interim Constitution*, Chapter 15.

<sup>29</sup> Klug, *The Constitution of South Africa*, 42.

(d) Compiling a report providing as comprehensive an account as possible of the (...) findings of the Commission (...), and which contains recommendations of measures to prevent the future violations of human rights".<sup>30</sup>

The TRC included three committees: (1) the Committee on Human Right Violations which was to collect victim testimonies, (2) the Committee on Reparation and Rehabilitation which should recommend proper victim reparations towards the government and (3) the Amnesty Committee whose task it was to collect perpetrator testimonies and to decide who was to be granted amnesty. With seventeen commissioners and 300 staff members, the TRC was one of the largest truth commissions in history.

Some 22,000 victims testified in front of the Human Rights Violations Committee. Even though twenty per cent of the testimonies had to be turned down since they didn't fall under the TRC mandate, the Committee could identify 37,000 human rights violations.<sup>31</sup> The Amnesty Committee received 7,112 amnesty applications relating to more than 14,000 incidents of human rights violations, which was much more than previously expected. Only 849 amnesty applications were eventually granted.<sup>32</sup> The Amnesty Committee "stood in complete contrast to the non-adversarial hearings of the other two Committees" since it operated very much like a juridical institution even though, formerly, it had only administrative powers.<sup>33</sup> With many perpetrators walking free, their victims had to be compensated. The Committee on Reparation and Rehabilitation had the difficult task to translate the victims' suffering into material reparations. The term was meant to include symbolic recognition (e.g. memorials, reburials and days of remembrance) and community rehabilitation, too. But the focus of most victims was on financial compensations. The Committee on Reparation and Rehabilitation submitted 17,088 of the 19,890 reparation claims to the newly established Presidents Fund. The TRC could not make any payments itself but only make recommendations towards the government. Because of the very different tasks of the three committees, it became never quite clear whether the TRC was a religious, spiritual instrument or a political, juridical one.<sup>34</sup>

Unlike most other truth and reconciliation commissions, the South African TRC operated very much in public and its proceedings enjoyed great media coverage. Some 1,819 victims retold their testimonies in 140 public hearings all over South Africa.<sup>35</sup> In these hearings, the victims of apartheid

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<sup>30</sup> Government of South Africa, *Promotion of National Unity and Reconciliation*, Act 34 of 1995, <http://www.justice.gov.za/legislation/acts/1995-034.pdf>, 4.

<sup>31</sup> The TRC could only deal with "gross violation of Human Rights" which were politically motivated and fell inside the mandate period. The percentage (20 per cent) is taken from Lars Buur, "In the Name of the Victims: the Politics of Compensation in the Work of the South African Truth and Reconciliation Commission", in: Paul Gready (ed.), *Political Transition: Politics and Cultures* (London 2003) 148-164, 158.

<sup>32</sup> Shore, *Religion and Conflict Resolution*, 66 and 92-3.

<sup>33</sup> *TRC Final Report*, vol.6, chapters 1 and 5, <http://www.info.gov.za/otherdocs/2003/trc> (23 July 2012).

<sup>34</sup> Shore, *Religion and Conflict Resolution*, 103 and 119-25.

<sup>35</sup> *Ibidem*, 66.

got the chance to share their stories with a broad audience, thereby making their suffering part of a collective experience. This process was supposed to help them to move beyond their traumas.<sup>36</sup> On the other hand, the perpetrator testimonies were just as important because they shed light on unsolved crimes of the past.<sup>37</sup> To encourage perpetrators to disclose everything they knew, their testimony could lead to amnesty in certain cases. This was not a blanket grant though. Prosecution remained an option if a perpetrator was unwilling to deliver a complete testimony or if he couldn't convince the Amnesty Committee that his crimes had been politically motivated.<sup>38</sup> Perpetrators were not obliged to express any regret (though some of them did) but even the simple acknowledgement of their responsibility could help the victims to overcome their grief.<sup>39</sup> The TRC was the first of its kind to include conditional amnesty. Even though the system caused a lot of controversies, it turned out to be highly effective.

### *Truth, the Road to Reconciliation*

The TRC tried to harmonize competing visions of the past by sampling as many individual testimonies as possible. The information collected during the hearings was sampled in its *Final Report*. The first five volumes were released in 1998. Due to some disagreements, the sixth volume was only published in 2003. The *Final Report* is an important historical record of South Africa's controversial past. As human rights expert Michael Ignatieff puts it: "The past is an argument and the function of truth commissions (...) is simply to purify the argument, to narrow the range of permissible lies."<sup>40</sup> The underlying idea was that truth would eventually help to achieve reconciliation. Accordingly, the motto of the TRC was "Truth, the Road to Reconciliation". It was through truth-telling that South Africans should be united around one shared story.<sup>41</sup> Through truth-telling, the suffering of victims could be acknowledged while perpetrators could be "re-humanized". In order to find some common truth about the past, the Commission relied on the memories of perpetrators and victims. Since memories are culturally, politically and psychologically bound, the truth of the *Final Report* was certainly not absolute. However, by relating diverging narratives of the past, the report could help South Africans to re-establish the baseline of right and wrong.<sup>42</sup> According to Alex Boraine, the co-chair of the TRC, "it is only through truth, justice and the recreation of the moral order that reconciliation may begin to transpire" (see figure 1).<sup>43</sup>

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<sup>36</sup> Minow, *Between Vengeance and Forgiveness*, 67.

<sup>37</sup> Shore, *Religion and Conflict Resolution*, 90-1.

<sup>38</sup> Minow, *Between Vengeance and Forgiveness*, 56.

<sup>39</sup> Ramsbotham et al., *Contemporary Conflict Resolution*, 239-40.

<sup>40</sup> Michael Ignatieff quoted in Shore, *Religion and Conflict Resolution*, 76.

<sup>41</sup> Shore, *Religion and Conflict Resolution*, 75, 79 and 117.

<sup>42</sup> Minow, *Between Vengeance and Forgiveness*, 78.

<sup>43</sup> Alex Boraine quoted in Shore, *Religion and Conflict Resolution*, 82.

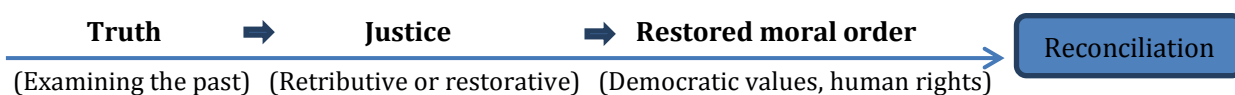


Figure 1: The reconciliation process - truth enables justice and eventually a restored moral order.

### *Reconciliation in the TRC*

Having outlined how truth was expected to be the road to reconciliation, one important question remains: What kind of reconciliation did the TRC seek? This question was never unambiguously answered throughout the TRC proceedings.<sup>44</sup> To start with, the *Promotion of National Unity and Reconciliation Act* didn't deliver any clear definition. Critics stress that, without a clear-cut definition of reconciliation, the Commission could not be held accountable for not achieving it.<sup>45</sup> Supporters of the TRC argue that the act deliberately left room for different forms of reconciliation which might evolve throughout the process. Eventually, two interpretations of reconciliation prevailed throughout the proceedings. The first was a moral, religious one, which was applicable to personal relationships. The second was a juridical, political reading of the term, which could evolve in a democratic society.<sup>46</sup> Even the *Final Report* leaves some confusion about the kind of reconciliation the Commission strove for. In volume 1, five levels of reconciliation are defined: (1) "coming to terms with a painful truth", (2) "reconciliation between victims and perpetrators", (3) "reconciliation at the community level", (4) "promoting national unity and reconciliation" and (5) "reconciliation and redistribution".<sup>47</sup> In volume 5, on the other hand, there are only three levels mentioned: "individual, communal and national reconciliation".<sup>48</sup> The two models are not necessarily contradicting since each of the previous five levels can be sampled in one of the latter three. But the discrepancy demonstrates that reconciliation is not easily fit into one exclusive definition. The following section is devoted to the question what reconciliation means in the context of this thesis.

## **2.2 Defining reconciliation**

"The pursuit of national unity, the well-being of all South African citizens and peace require *reconciliation* between the people of South Africa".<sup>49</sup> While this assumption from the 1993 interim constitution has remained largely unchallenged, the question is still: *What is reconciliation?* There is no simple answer to this question. In fact, there are innumerable definitions, which are often overlapping and not mutually exclusive. To give an example, Hugo van der Merwe and Brandon Hamber identify five *underlying ideologies* through which reconciliation can be interpreted: non-racial, inter-communal, religious, human rights-based and community-building ideologies of

<sup>44</sup> Ibidem, 108.

<sup>45</sup> Richard A. Wilson quoted in Shore, *Religion and Conflict Resolution*, 119.

<sup>46</sup> Shore, *Religion and Conflict Resolution*, 119-25.

<sup>47</sup> *TRC Final Report*, vol. 1, chapter 5, <http://www.info.gov.za/otherdocs/2003/trc> (23 July 2012) 107.

<sup>48</sup> *TRC Final Report*, vol. 5, chapter 9, <http://www.info.gov.za/otherdocs/2003/trc> (23 July 2012) 350.

<sup>49</sup> Government of South Africa, *Interim Constitution*, Chapter 15. *Emphasis* added by me.



reconciliation.<sup>50</sup> Tristan Anne Borer, on the other hand, identifies two *models* of reconciliation; first, the model of interpersonal or individual reconciliation and, second, a model of national unity and reconciliation, which must be understood as a political paradigm.<sup>51</sup> The two approaches are not necessarily contradicting, just as the different models presented in the *Final Report* were not mutually exclusive. The five ideologies identified by Hamber and Van der Merwe can be more or less fitted into Borer's two models of reconciliation. The non-racial, inter-communal and religious ideologies could be part of interpersonal and individual reconciliation. The human rights-based and the community-building ideologies could fall under the model of national unity and reconciliation.

While both the scheme of Borer and that of Van der Merwe and Hamber are useful to gain some theoretical understanding of reconciliation, there are also more practical approaches. The *South African Reconciliation Barometer* (SARB) distinguishes between six indicators of reconciliation. Human security, political culture (trust in institutions and leadership), cross-cutting political relationships, historical confrontation, race relations (perception of "the other") and dialogue are all factors, people experience in their daily life.<sup>52</sup> They were not invented to deliver a theoretical explanation of reconciliation but to "measure" to what extent South Africans regard themselves as reconciled in their daily lives. My own definition of reconciliation combines some theoretical considerations with a range of concrete aspects. It consists of three main categories. Focussing on the question whether reconciliation is a *goal* or a *process*, the first category delivers a general outline of reconciliation. The second category introduces what I regard as the two main types of reconciliation: *psychological and material reconciliation*. While many definitions only include a range of psychological processes, I argue that any definition excluding material aspects is incomplete. This category is the most important one since it delivers the basis for the analysis in chapters 3 and 4. The remaining category discusses the question to what extent reconciliation has to include *forgiveness or justice* (or both). The first and the third category are not followed up by "their own" paragraphs in chapter 3 or 4 because they are implicitly covered by the discussion of the psychological and material aspects of reconciliation.

### **2.2.1 Goal or process?**

Reconciliation can be interpreted as a goal or a process. As a process, it describes a long-term development. As a goal, it refers to a change of values or, in other words, "a human ideal that lures us towards achievements not yet realized".<sup>53</sup> I argue that reconciliation is both goal *and* process. Oliver Ramsbotham et al. introduce a four-phased model of the reconciliation process which leads towards

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<sup>50</sup> Hamber and Van der Merwe, "What is This Thing Called Reconciliation?" *Reconciliation in Review*, vol.1, no.1, (1998), <http://www.csvr.org.za/wits/papers/papcolv.htm> (17 May, 2012).

<sup>51</sup> Tristan Anne Borer, "Reconciling South Africa or South Africans? Cautionary Notes from the TRC", *African Studies Quarterly: Online Journal for African Studies*, vol. 8, no. 1 (2004). <http://www.africa.ufl.edu/asq/v8/v8i1a2.pdf>, (17 May, 2012).

<sup>52</sup> Kate Lefko-Everett et al., *SA Reconciliation Barometer Survey: 2011 Report* (Cape Town 2011), 11.

<sup>53</sup> Villa-Vicencio, "A thing that won't go away", 164-5 and 168.

a reconciled society as the final goal. The first phase is to accept the status quo, the second, to enable truth commissions and trials to “defuse issues of rectificatory justice”, the third, to bridge opposites through compensation, reparation and structural adjustments and, the fourth, to reconstruct relations and embrace (“celebrate”) differences (see table 1).<sup>54</sup> In reality, the phases are likely to overlap. The first phase is less relevant in the South African context since the country didn’t arise from a civil war when the process started. Accordingly, chapter 3 and 4 will focus on the second, third and fourth phase.

<b>RECONCILIATION PROCESS</b>			
accept the status quo  (1)	enable truth commissions and trials to defuse issues of rectificatory justice  (2)	bridge opposites through compensation, reparation and structural adjustments  (3)	<div style="border: 1px solid black; border-radius: 10px; padding: 5px; display: inline-block; margin-bottom: 5px;"><b>GOAL</b></div> reconstruct relations and embrace (“celebrate”) differences  (4)
-	<i>psychological</i>	<i>material</i>	<i>psychological</i>

Table 1: Reconciliation as a process and a goal, after a model by Ramsbotham et al., 236.

We will come back to the exact meaning of the phases in the next paragraph about psychological and material reconciliation. For now, it is important to notice that the last stage (reconstructing relations and embracing differences) is not only a phase of the process but also its goal. At this stage, a society is truly reconciled. This doesn’t mean “grey sameness or the absence of a difference of opinion” but rather “unity in diversity”.<sup>55</sup> In theory, such a society would have replaced segregation, insolence, prejudices, inequalities and suspicion by commonness, respect, open-mindedness, equality and mutual trust. However, a society so perfectly reconciled would be exceptional – if not utopian. Less than two decades after the transition, South Africa’s can hardly be expected to have reached flawless reconciliation. Therefore, chapter 3 and 4 will focus on its progress into the right direction. It will be measured by comparing the present situation with the circumstances in 1994 and, at times, with the situation in other countries. In summary, reconciliation is a process (work in progress) just as much as the goal of this very process. In order to avoid confusion, I will either use the term “reconciliation process” or “reconciliation”, with the latter referring to the goal.

**2.2.2 Psychological and material reconciliation**

“Economic justice and restoration of the moral order must be seen as twin goals. The attempt to narrow the gap between the dispossessed, disadvantaged majority and the privileged few and the

<sup>54</sup> Ramsbotham et al., *Contemporary Conflict Resolution*, 232 and 236.  
<sup>55</sup> Mbeki, “Reconciliation in South Africa”, 5 and Fessha, *Ethnic Diversity and Federalism*, 109.

attempt to restore the moral order cannot be separate: the healing of the nation will require absolute commitment to both”.<sup>56</sup>

As this statement by Alex Boraine emphasises, a successful reconciliation process has to include material *and* psychological aspects. The following paragraph shows what kind of aspects both categories include.

### *Psychological reconciliation*

Most definitions of reconciliation are based on a psychological understanding of the term. They are typically focused on the *improvement of relationships* between former enemies, which is seen as “the only way to break the spiral of victims becoming perpetrators only to generate new victims.”<sup>57</sup> For the purpose of this research, the notion is subcategorised into two main aspects: *dealing with the past* and *healing traumas suffered*.<sup>58</sup> Both are part of the second phase (enable truth commissions and trials to defuse issues of rectificatory justice) and, to a lesser extent, also the third phase (bridging opposites through compensation, reparation and structural adjustments) and fourth phase (reconstruct relations and embrace differences) of the reconciliation model by Ramsbotham et al. (see table 1). Dealing with the past and healing traumas suffered is also what much of the work of the TRC was focussed on.

The TRC assumed storytelling aimed at the writing of one common history to be the “road towards reconciliation”. Similarly, South Africa’s second democratic president Thabo Mbeki expects his fellow South Africans to *confront* their “racist legacy as a historical challenge that faces all South Africans, black and white”. The last apartheid president F.W. De Klerk prefers to talk about *examining* past relationships and “bringing together (...) those who have previously been alienated from one another”.<sup>59</sup> While Mbeki’s “challenge” sounds much more confronting than De Klerk’s “examine” or the TRC’s “storytelling”, they would all agree that South Africans have to *deal* with their past. Dealing with the past also includes the acknowledgement of traumas suffered. This is widely regarded as “one of the most important elements of reconciliation (...), particularly at a collective level”.<sup>60</sup> Victims have to understand that their suffering is nothing to feel ashamed for. By relating their personal experiences to a collective trauma of the whole society, they are supposed to gain a restored feeling of power, identity and community.<sup>61</sup> One common view is that (psychological) reconciliation can only be reached through forgiveness. However, the same can be claimed for justice. We will come back to

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<sup>56</sup> Alex Boraine quoted in Shore, *Religion and Conflict Resolution*, 137.

<sup>57</sup> Villa-Vicencio, “A thing that won’t go away”, 162.

<sup>58</sup> Arguably, what is called psychological reconciliation here could also be described as “spiritual reconciliation”. However, the interpretation provided here goes beyond the religious meaning of reconciliation, which was shortly introduced in paragraph 2.1. Therefore the term “psychological reconciliation” was chosen.

<sup>59</sup> Mbeki, “Reconciliation in South Africa”, 1-7, 3 and F.W. De Klerk, “The need for reconciliation”, in: Du Toit and Duxtader, *In the Balance*, 27-32, 30-1.

<sup>60</sup> Pumla Gobodo-Madikizela, “A call to reparative humanism”, in: Du Toit and Duxtader, *In the Balance*, 133-9, 137.

<sup>61</sup> Minow, *Between Vengeance and Forgiveness*, 65 and 67.

this question at the end of this chapter. For now, it is sufficient to keep in mind that both notions are somehow related to the psychological part of reconciliation.

In this study, *reparations* are thought to be an important facilitator of this process. Since reparations are usually understood as individual payments to compensate victims for their suffering, one might expect them in the material realm of reconciliation. However, I regard their symbolic value as even greater than their material impact. Obviously, money cannot pay off any personal losses. It cannot heal the deep psychological wounds of victims of torture either. But it can help victims to continue their lives with some decency. Reparations might help to fulfil their most pressing (short term) material needs, such as food, medical care or shelter. But even more important, individual reparations have a significant symbolic value because they officially accredit the suffering of victims. Only when applied collectively (as reforms or community support programmes), reparations can contribute to social justice and the combat of inequality. While such collective endeavours are regarded as parts of material reconciliation here, individual reparations are better addressed as psychological aspects of reconciliation.

#### *Material reconciliation*

Material reconciliation is about fighting inequality. Bridging “the huge disparities between the rich, who form a tiny minority, and the bulk of poor people” is an essential part of a successful reconciliation process.<sup>62</sup> While inequality and poverty are commonly seen as the major challenges South Africa faces today, few studies include these aspects to determine the progress of the reconciliation process. Neither the model by Borer nor that by Hamber and Van der Merwe implies any material aspects of reconciliation. Borer doesn’t refer to any such aspect throughout her article. Hamber and Van der Merwe mention “the delivery of reparations to victims” and “an approach that takes the interests of local communities more seriously” but these notions are not included into their five ideologies of reconciliation. Generally speaking, the more recent a study, the more likely it is to regard socio-economic progress as an essential part of reconciliation. When I interviewed Van der Merwe at the Centre for the Study of violence and Reconciliation in 2012, he suggested that “one must reframe the discourse of the first phase of reconciliation [which was centred on political transformation] in terms of socio-economic needs” since “what is needed now is a second, a socio-economic transformation of the country”.<sup>63</sup> This is a good example of the shift towards a more material understanding of reconciliation in recent years.

In the model by Ramsbotham et al., material reconciliation belongs to the third phase (bridging opposites through compensation, reparation and structural adjustments; see table 1). As the cautious reader might have noticed, there is one major difference between the categories of Ramsbotham et

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<sup>62</sup> Lungisile Ntsebeza, “Reconciliation and the land question”, in: Du Toit and Doxtader, *In the Balance*, 85-92, 85.

<sup>63</sup> Hugo van der Merwe, personal interview (Cape Town 8 April 2012).

al. and the categories of this research. While the former regards compensations and reparations as part of this third, material phase, I argued that the symbolic impact of (individual) reparations is even more important than their material effect. Only when it comes to structural, collective reparations, they are likely to have a significant material impact, too. Therefore, a distinction must be made between individual and collective reparations. In summary, material reconciliation is about *addressing inequality*.<sup>64</sup> It basically consists of two main areas: *distributional justice* and the *enhancement of opportunities*. Inequality can be best addressed on a collective level, through structural reforms. Such reforms help to resolve the social, political and economic disputes that contributed to the initial conflict.<sup>65</sup> In South Africa, the most important areas to be reformed are the *distribution of wealth and land, the massive unemployment rate among black South Africans and the highly unequal education system*.<sup>66</sup> These reforms can also be understood as “collective reparations” since they aim to benefit marginalised groups in a structural, collective way.

### **2.2.3 Forgiveness or Justice?**

#### *Forgiveness*

“Reconciliation and forgiveness are closely linked and mutually dependent”.<sup>67</sup> But is forgiveness a necessary part of reconciliation? Or is reconciliation a precondition for forgiveness? According to a United Nations Resolution, which proclaimed the International Year of Reconciliation in 2009, “dialogue among opponents from positions of respect and tolerance” and “truth and justice” are needed to achieve reconciliation.<sup>68</sup> There is no mentioning of the need to forgive here. On the other hand, forgiveness is sometimes regarded as the core of reconciliation.<sup>69</sup> Following the philosophy of *ubuntu*, “the deed of asking for forgiveness and forgiveness itself need to lead to recovery [and] reconciliation”.<sup>70</sup> The underlying idea is that victims of terrible violations of human rights can only get their humanity back when the other, the “evil”, too, becomes human again. In this view, forgiveness is one step towards (psychological) reconciliation. However, the relationship between reconciliation and forgiveness has also been described precisely the other way around.<sup>71</sup> According to this point of view, people can peacefully live together without having forgiven each other. The problem with this argumentation is that it works only if one assumes that reconciliation is the same as “negative peace” whereas this study assumes it to imply “positive peace”. Reconciliation occurs on a collective level while forgiveness is a personal matter. By forgiving each other, people advance the

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<sup>64</sup> The adjective “material” (as in “the material aspects of reconciliation”) is used interchangeable with “socio-economic” in this thesis.

<sup>65</sup> Fletcher and Weinstein, “Context, Timing and the Dynamics of Transitional Justice”, 204.

<sup>66</sup> Structural reforms will be addressed in more detail in chapter 3.

<sup>67</sup> Krog, “Forgiveness as part of an interconnectedness-towards-wholeness”, 141.

<sup>68</sup> United Nations General Assembly, *International Year of Reconciliation, 2009 (A/RES/61/17)* (New York 2007) <http://documents-dds-ny.un.org/doc/UNDOC/GEN/N06/495/45/pdf/N0649545.pdf?OpenElement> (1 April 2012).

<sup>69</sup> Buthelezi, “Reconciliation between political parties”, 93.

<sup>70</sup> Krog, “Forgiveness as part of an interconnectedness-towards-wholeness”, 141.

<sup>71</sup> Villa-Vicencio, “A thing that won’t go away”, 162.

reconciliation process. At the same time, an advanced reconciliation process makes it easier for people to forgive, which underlines the interwoven relationship of the two concepts.

### *Justice*

The ANC was not prepared to accept any settlement which would have excluded justice. Most victims of apartheid supported this claim. Justice is commonly seen as a precondition for reconciliation since it withholds people from taking the law into their own.<sup>72</sup> But what kind of justice can a reconciliation process include? Justice is either *retributive* or *restorative*. The former implies trials and individual punishments, which are based on the idea of “suffering harm by having done harm”.<sup>73</sup> The latter focuses on the restoration of imbalances and relations between groups. Restorative justice is more future-orientated than backwards-looking and involves the victim, the offender and the community alike.<sup>74</sup> The TRC included both forms of justice. Even though its focus lay on restorative justice, perpetrators could still face trials in certain cases. Another model, which helps to understand the connection between justice and reconciliation, is provided by Rama Mani. She distinguishes three forms of justice: *legal justice*, *rectificatory justice* and *distributive justice*. Legal justice refers to a working legal system. Rectificatory justice means “to deal with past abuses in response to gross human rights violations”. This may contain retributive justice as well as restorative justice and would typically include a truth commission. It deals with what I define as “psychological reconciliation”. Finally, distributive justice means “to address the structural and systematic injustices such as political and economic discrimination and inequalities of distribution”, which correlates with my definition of “material reconciliation”.<sup>75</sup>

In summary, both forgiveness and justice play an important role in the reconciliation process. While they are sometimes regarded as mutual exclusive, I assume that they can even have synergy. On the one hand, a just settlement makes it easier for people to forgive. On the other hand, personal forgiveness can foster an environment that supports the development of a more just society.

### **2.2.4 Summary**

I define reconciliation to be both, a *process* and a *goal*. This study examines the progress South Africa has made in its reconciliation process since 1994. Furthermore, reconciliation is understood as a twofold of *psychological* and *material* reconciliation, with both categories being equally important. The former describes the *improvement of relationships* between former enemies through *dealing with the past* and *healing traumas suffered*. This can partly be facilitated by individual *reparations*. Material reconciliation is about *addressing inequality* through *structural reforms* (*the distribution of wealth and land, the massive unemployment rate among black South Africans and the highly unequal education system*). The first two fields of reform are about *redistribution* while the remaining two are

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<sup>72</sup> Ramsbotham et al., *Contemporary Conflict Resolution*, 235-6.

<sup>73</sup> Grotius quoted in Shore, *Religion and Conflict Resolution*, 142.

<sup>74</sup> Shore, *Religion and Conflict Resolution*, 155.

<sup>75</sup> Ramsbotham et al., *Contemporary Conflict Resolution*, 235.

about the *enhancement of chances*. Finally, *forgiveness* is defined as a personal matter which is an advanced step in the reconciliation process. *Justice* is also an important part of reconciliation. Psychological reconciliation is based on rectificatory justice, while material reconciliation is focussed on distributional justice. Finally, I want to stress what reconciliation does *not* mean in this research. Some authors argue that the “concept needs to be expanded to address all fractures and attitudes that renew the oppression of others”, including other marginalised groups in the South African society, for example women and homosexuals.<sup>76</sup> Even though a healthy society needs to overcome all kinds of discrimination, these problems go far beyond the scope of this thesis. The situation of women and homosexuals in South Africa would be a basis for further research. The present study focuses on reconciliation between racial groups that were torn apart by apartheid.

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<sup>76</sup> Christi van der Westhuizen, “Reconciliation in the shadow of ‘100% Zulu boy’”, in: Du Toit and Doxtader, *In the Balance*, 108.

### 3. Psychological reconciliation: improving relationships

In order to reconcile, people have “to accept one another’s good faith; (...) develop understanding for the other side of the argument; not to get stuck in the past, but to forge forward, together.”<sup>77</sup> This seems to be a popular view in present-day South Africa: not to look back at the difficult past but to move on to a brighter future. While the idea is certainly appealing, it is not as convincing as it might seem at first glance. On the one hand, it is important not to get caught in the past forever. At a certain point, a society has to move on. But on the other hand, “to move on” must not mean to bury the past and never think of it again. The latter would actually be impossible, especially for the victims of past atrocities. In order to improve relationships, to move on *together*, a society has to deal with its past. Only in this way, wounds can be healed and national unity be restored. This chapter starts with an analysis of the TRC process, focussing on the question to what extent it could facilitate South Africa’s endeavour of dealing with its past. Next, the progress of the reconciliation process beyond the TRC (its follow-up) is examined. Thereby, the *immediate* role of the TRC during its hearings (1996 – 1998) is distinguished from its *long-term effect*. I also explain the difference between the *perceived* impact of the TRC among South Africans and the *underlying* impact, which is stressed by most scholars. Finally, the focus shifts towards politics and society in the post-TRC period.

#### 3.1 Dealing with the past: the TRC

##### *Acceptance of the TRC among South Africans*

The Truth and Reconciliation Commission was the most prominent instrument through which South Africans dealt with their past. One of my interview partners, Max du Preez, argues that the choice in the early 1990s was basically between a peaceful settlement, including the TRC, or civil war. Therefore, white people “should have known that the TRC was the best thing, which could happen to them”.<sup>78</sup> Nevertheless, many white people were initially suspicious about the TRC. They argued that digging-up past atrocities would only increase the hatred of black people against the white minority. It can also be assumed that they preferred to look away because the process was too heavy for them.<sup>79</sup> On the other hand, the acceptance of the TRC among black people was initially quite high. An interesting question is where this acceptance came from. The TRC assisted South Africans in opening up a dialogue about the past. But why were the apartheid victims prepared to engage into a dialogue with their former oppressors – a dialogue that could lead to amnesty for the perpetrators? Why didn’t they request punishments instead? Part of the explanation lies in *ubuntu*, a concept introduced in section 1.2.3. The underlying idea of *ubuntu* is that “what dehumanizes you inexorably dehumanizes me.”<sup>80</sup> By engaging victims and perpetrators into a moral conversation with each other, the TRC process restored the human dignity of all of them. In this way, the nation was able to heal.<sup>81</sup>

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<sup>77</sup> Wessels, “Good faith is not enough”, 15-6.

<sup>78</sup> Max du Preez, personal interview (Cape Town 17 February 2012).

<sup>79</sup> Van der Merwe, interview.

<sup>80</sup> Charles Villa-Vicencio, “A thing that won’t go away”, in: Du Toit and Doxtader, *In the Balance*, 167.

<sup>81</sup> Shore, *Religion and Conflict Resolution*, 136 and 159.



In the words of Mrs Ngewu, who spoke before the Commission because her son had been killed by the apartheid regime,

“This thing called reconciliation... if I am understanding it correctly... if it means this perpetrator, this man who has killed Christopher Piet, if it means he becomes human again, this man, so that I, so that all of us, get our humanity back... than I agree, then I support it all.”<sup>82</sup>

This quote has been praised as a brilliant summary of the way *ubuntu* could foster reconciliation. However, as we have learned in chapter 2.1.3, the same effect can also be accredited to the Christian belief of many victims. Finally, the willingness to engage into a dialogue can also be explained by the fact that it is usually victims that want to remember while perpetrators would rather leave the past behind.<sup>83</sup> Whatever explanation one prefers – in the end, none of them could sustain the positive attitude of many black people towards the TRC. Their initial optimism decreased throughout the transition process.<sup>84</sup> This was partly due to a discrepancy between the expectations of what the Commission would be able to achieve and its rather limited mandate.

#### *Restricted mandate*

In the 1990s the idea that truth-telling would lead to reconciliation was quite new. There was only one precedent the South African TRC could look at. The Chilean Truth and Reconciliation Commission had attempted a similar combination. However, it was admitted afterwards that this dual mandate (of a truth *and* reconciliation commission) had been too ambitious. In this respect, it is important to notice that the South African TRC did never pretend to *achieve* reconciliation. Its mandate was only to *promote* reconciliation, a fact that critics tend to overlook. Nowhere “did [the *Promotion of National Unity and Reconciliation Act*] say that the function of the TRC should be to reconcile anyone”.<sup>85</sup> Likewise, the *Final Report* readily admits that “with its short lifespan and limited mandate and resources, it was obviously impossible for the Commission to reconcile the nation.”<sup>86</sup> The TRC must be evaluated as one part of a bigger process, which could not be expected to solve all legacies of apartheid.<sup>87</sup> Neither was it meant to be “the beginning or the end of the process”.<sup>88</sup> Several scholars point out that the widely perceived “failure” of the TRC did not origin in the work of the Commission but in exaggerated expectations about what the TRC could realistically achieve. Because of these false hopes, many people were disappointed. The Truth and Reconciliation Commission must be seen as an important contributor to the process – nothing more and nothing less.<sup>89</sup>

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<sup>82</sup> Antjie Krog, Noisise Mpolweni and Kopano Ratele, *There was this goat: Investigating the Truth Commission Testimony of Notrose Nobomvu Konile* (Scottsville: 2009)12.

<sup>83</sup> Wessels, “Good faith is not enough”, 8-16.

<sup>84</sup> Ramsbotham, et al., *Contemporary Conflict Resolution*, 240.

<sup>85</sup> Richard A. Wilson, quoted in Shore, *Religion and Conflict Resolution*, 119.

<sup>86</sup> TRC, *Final Report*, vol. 5, 350.

<sup>87</sup> Shore, *Religion and Conflict Resolution*, 116 and Wessel Le Roux, personal interview (Cape Town 2 March 2012).

<sup>88</sup> Mbeki, “Reconciliation in South Africa”, 2-3.

<sup>89</sup> Shore, *Religion and Conflict Resolution*, 107 and 116.

### *Did the TRC succeed?*

International scholars described the TRC as a “hopeful example of a creative attempt to handle the past in a way that furthers societal reconciliation in the present”.<sup>90</sup> At the same time, the majority of South Africans was less optimistic about the achievements of the Commission. At the end of the proceedings, the opinion prevailed that the TRC brought much work but few results.<sup>91</sup> On the other hand, some South African scholars I interviewed regard the Commission as a huge success.<sup>92</sup> The *South African Reconciliation Barometer* concludes that “there is a majority view that the country has made some progress in reconciliation since the end of apartheid [but] fewer agree that the TRC was a success or that they have experienced reconciliation in their own lives.”<sup>93</sup> Before these different opinions will be analysed, some attention is paid to an interesting remark by Borer, who argues that “It is not particularly helpful to begin the process of evaluation by asking whether the TRC effected reconciliation because the answers are more complicated than the simplicity of the question suggests, and because such questions do not get us far in understanding the TRC as one's interpretation of the term ‘reconciliation’ will necessarily influence one's evaluation of the TRC's work.”<sup>94</sup>

I agree with Borer that the answer to such a question is more complicated than one would initially expect. This is demonstrated by the multiple facets of the present research. However, I don't approve her view that this should withhold us from asking whether the TRC succeeded or not. Borer's main argument is that different interpretations of the term reconciliation lead to different evaluations of the TRC. Again, I agree. But this only underlines the importance of a clear definition before one asks to what extent the TRC (or the reconciliation process) succeeded. Interestingly, this is what Borer eventually argues, too.

“The answer to the question (...) “Did the TRC process achieve reconciliation?” is almost meaningless unless the sense in which the questioner is using the word reconciliation is made clear. (...) Understanding the TRC's impact – in terms of reconciliation, for example – will require the clear and consistent usage of the term.”

A reasonable first step is therefore to look at the mandate of the TRC, which can serve as a common basis for an evaluation. Looking at its mandate, the Commission was largely successful. It *did* “establish as complete a picture as possible of (...) the gross violations of human rights” under apartheid; it *did* “facilitate the granting of amnesty to persons who make full disclosure of all the relevant facts”; it *did* “make known the fate or whereabouts of victims” (though not in all cases) and it *did* “compile a report providing as comprehensive an account as possible (...) which contains recommendations of measures to prevent the future violations of human rights”. Only the question if the TRC succeeded in “restoring the human and civil dignity of (...) victims by granting them an opportunity to relate their own accounts of the violations (...) and by recommending reparation

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<sup>90</sup> Ramsbotham et al., *Contemporary Conflict Resolution*, 240.

<sup>91</sup> Ineke van Kessel, personal interview (Leiden 23 March 2012), translation by me.

<sup>92</sup> For instance, Antjie Krog, Max du Preez, Jan-Jan Joubert, interviews (2012).

<sup>93</sup> Kate Lefko-Everett et al., *SA Reconciliation Barometer Survey: 2011 Report* (Cape Town 2011), 8.

<sup>94</sup> Borer, “Reconciling South Africa or South Africans?”, 20.

measures” is less easily answered.<sup>95</sup> It is often criticised that testifying before the Commission did not necessarily bring release, healing or a restored feeling of dignity. Some victims faced an even harder time after their testimonials because they had to live through their traumatic memories again.<sup>96</sup> Even though there were counsellors among the TRC staff, the Commission was unable to provide sufficient support on the individual level.<sup>97</sup> This was also true in the long-run, where personal healing would have required a systematic follow-up by social scientists or psychologists, which was not provided.

The TRC has also been blamed for not making white people aware of inequality. “It is one thing to understand the personal suffering of the people who testified before the TRC. But it is another thing to understand the enormous suffering of all blacks through poverty.” Arguably, the whole process became somewhat superficial and perhaps too media orientated since “it looked only at the ‘spectacular’ abuses of the apartheid regime like torture, rape, murder.”<sup>98</sup> Thereby, the majority of South Africans, being “only” victims of structural humiliations, was excluded from the process. Accordingly, the TRC has been criticised for not doing enough to create a supportive sphere to address material inequality and the damage in social relationships.<sup>99</sup> For instance, it fell short in seriously addressing the land question and the role of business in its hearings.<sup>100</sup> If one assumes that relationships between beneficiaries and victims of the system were the key to the injustice of apartheid, reconciliation can only be durable, if it is aimed at society (beneficiaries and victims) and not only on perpetrators and victims of gross violations of human rights.<sup>101</sup> While this might be regarded as a shortcoming of the Commission, any such effort would have felt clearly beyond the scope of its mandate. Shore acknowledges that “without question, the structural injustices of apartheid remained largely unaddressed” but wonders “how an already over-burdened commission could have addressed these [structural] injustices as well”. She concludes that “given the political reality in South Africa in 1993 and 1994, a truth commission that focussed on the structural injustices of apartheid was simply not a politically viable option.”<sup>102</sup> Charles Villa-Vicencio, who was the National Research Director of the TRC, would probably agree with her. He underlines that “no commission could undo three hundred years of colonialism and fifty years of apartheid. All the TRC could do was to promote the possibility of reconciliation.”<sup>103</sup>

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<sup>95</sup> Government of South Africa, *Promotion of National Unity and Reconciliation Act*, 4.

<sup>96</sup> Fiona C. Ross, “The Construction of Voice and Identity in the South African Truth and Reconciliation Commission”, in: Gready, Paul (ed.), *Political Transition: Politics and Cultures*, (London 2003) 173.

<sup>97</sup> Shore, *Religion and Conflict Resolution*, 83.

<sup>98</sup> Van der Merwe, interview.

<sup>99</sup> Van der Merwe, interview and Ross, “The Construction of Voice and Identity”, 167.

<sup>100</sup> Ntsebeza, “Reconciliation and the land question”, 86.

<sup>101</sup> Mahmood Mamdani, “Reconciliation Without Justice”, in *South African Review of Books*, no. 46 (1996) [http://web.uct.ac.za/depts/sarb/X0045\\_Mamdani.html](http://web.uct.ac.za/depts/sarb/X0045_Mamdani.html).

<sup>102</sup> *Ibidem*, 170.

<sup>103</sup> Villa-Vicencio, “A thing that won’t go away”, 160-1.

After the conclusion of the hearings and the publishing of the final report, the full scope of the apartheid system had become evident. The structural misdeeds could no longer be denied. According to Jan-Jan Joubert, who works as a journalist for the South African newspaper *De Beeld*, “most white people agree on the fact that the apartheid state was evil. This is due to the TRC process.”<sup>104</sup> In this light, the TRC was an important first step towards the creation of a common history. On the other hand, Van der Merwe points out that white people failed to understand their own responsibility by holding the National Party in power.

“The TRC was very effective in creating awareness of the abuses of human rights under apartheid. But it was less successful in making whites understand that they were responsible for these horrible crimes since they had voted for the National Party, which was directly responsible for the abuses.”<sup>105</sup>

Nevertheless, the TRC proceedings were a largely successful beginning of the South African endeavour to deal with the past. In its *Final Report* the Commission remarks that

“A common criticism of the Commission is that it has been strong on truth but has made little or no contribution to reconciliation. (...) History will judge whether or not this particular criticism is accurate. It is, nevertheless, worth making two points in this regard. The first is that, while truth may not always lead to reconciliation, there can be no genuine, lasting reconciliation without truth.”<sup>106</sup>

In conclusion, the TRC has faced a lot of critique, especially for not going far enough. A common claim is that “the great hopes for a better and different life, which the Commission incarnated [but which haven’t been fulfilled], have made many people from the most marginalised population groups feel disappointed.”<sup>107</sup> I showed why the TRC was still largely successful – insight the scope of its rather limited mandate. Applying the reconciliation model of this study, the contribution of the TRC was largely in the psychological realm of reconciliation. The Commission assisted South Africans in dealing with their past and facilitated the normalisation of social relationships. The widespread controversy it triggered was an important manner of dealing with the past, in its own right. The Commission also deserves credit for “changing the lives of those who were able to forgive and apologize and for those, whose experiences with the Commission did result in healing.”<sup>108</sup> But its most important contribution was the sound historical record it produced.

### **3.2 South Africa beyond the TRC**

Where the previous paragraph was about the immediate impact of the Truth and Reconciliation Commission, the present section looks into the reconciliation process beyond the TRC. The question is how the process continued. First, I address the question if the TRC had any impact in the long-run.

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<sup>104</sup> Jan-Jan Joubert, personal interview (Cape Town 6 March 2012).

<sup>105</sup> Van der Merwe, interview.

<sup>106</sup> TRC, *Final Report*, vol. 5, 304.

<sup>107</sup> Fessha, *Ethnic Diversity and Federalism*, 138-9 and 149.

<sup>108</sup> Antjie Krog, *Country of my Skull*, (London 1998) 373.

Second, the role of politics, and especially the ANC, in the post-TRC period are examined. Finally, the advancements of the reconciliation process in the whole of society are analysed.<sup>109</sup>

### **3.2.1 The legacy of the Commission**

#### *Recommendations of the TRC*

Some effects of the TRC that were described in the previous section didn't cease to exist in the long-run. For example, the wide acceptance of the fact that certain atrocities had actually happened has remained relatively unchallenged until today. Besides, the TRC provided for its aftermath by introducing a range of recommendations for the time beyond its proceedings. These recommendations were extensive. They virtually addressed all aspects of South African life and a thorough analysis of all of them would be beyond the scope of this thesis. They are only shortly introduced here whereas the question, to what extent certain recommendations have been realised so far, is not explicitly answered. Most recommendations will be implicitly discussed later in this thesis.

The *Final Report* introduces seventeen categories under which the recommendations are sampled: "prevention of gross human rights violations in the future", "accountability", "healing and rehabilitation", "promotion of a human rights culture", "reparations and rehabilitation", "organisation, administration and management", "prisons", "faith communities", "business", "legal and judicial", "international human rights", "security forces", "the health sector", "media", "archiving commission material and public access", "destruction of documents" and "the liberation movements".<sup>110</sup> The first category (prevention of gross human rights violations in the future) includes recommendations to close the "intolerable gap between the advantaged and disadvantaged in our society", to "put into place a scheme "to enable those who benefited from apartheid policies to contribute towards the alleviation of poverty" (e.g. a wealth tax), to "overcome racism", to "address the unacceptably high rate", to "ruthless stand against inefficiency, corruption and maladministration" and to "protect (...) the rule of law". Importantly, many of these recommendations aim at socio-economic improvements. To give a second example, recommendations of the category "healing and rehabilitation" include the encouragement and support of non-governmental organisations "to assist victims and survivors" along with recommendations about the "rehabilitation of perpetrators".<sup>111</sup>

In the remaining categories, the TRC appeals for more reconciliation efforts along with stronger commitment to human rights and a just society. The government is urged to take its responsibility,

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<sup>109</sup> The three subparagraphs are likely to overlap with each other. There will also be common interfaces with the issues which will be discussed later on, in chapter 4. I did my best to somehow structure the discussion around some major topics. However, in reality they are, of course, closely connected. In order to emphasize these links, I will make regular references to other parts of the present research.

<sup>110</sup> TRC, *Final Report*, vol.5, 304-349.

<sup>111</sup> *Ibidem*, 308-10.

for example by strengthen institutions. But other actors, such as business or face communities, are not left out either. For this research, it is particular important that the recommendations are not only about psychological healing. Instead, “the recognition and protection of socio-economic rights” is regarded to be “crucial to the development and sustaining of a culture of respect for human rights” and thereby reconciliation.<sup>112</sup> The recommendation chapter of the *Final Report* ends with the finding that

“Reconciliation is centred on the call for a more decent, more caring and more just society. It is up to each individual to respond by committing ourselves to concrete ways of easing the burden of the oppressed and empowering the poor to play their rightful part as citizens of South Africa.”<sup>113</sup>

Assigning the responsibility to every individual citizen of South Africa, the Commission somehow justifies that it did not deliver many concrete recommendations, while this is a common point of critique about the recommendations.<sup>114</sup> I would add that it was not the task of the TRC to introduce any concrete policy measures. The Commission could point politicians into the right direction – what it did. The actual implementation of policies is the task of the government.

#### *The perceived and the underlying impact of the TRC*

The legacy of the TRC is broader than its recommendations alone. While the recommendations are among the most visible aspects of the TRC’s legacy, the greater part of the Commission’s impact was indirect or “underlying”. As a consequence, not everybody seems to be aware of this long-term influence. According to Du Toit and Doxtader, the South African society is turning away from the reconciliation process while it is not finished yet.

[South Africans] have likely grown a bit tired of listening to the debates over reconciliation’s promise *and yet*, at the same time, we still hear the Commission’s profound claim that reconciliation is fundamental to the development of a just society.”<sup>115</sup>

In this respect, there seems to be some discrepancy between the views of scholars and the views of the “man on the street”. During my research in South Africa, I got the impression that many people like to see themselves beyond the TRC while scholars commonly regard this idea to be somewhat naïve. I came across quite some people who had never heard of the Truth and Reconciliation Commission. In one occasion, even university students didn’t know what I was talking about and only wondered: “Reconciliation... isn’t there this annual Day of Reconciliation?” However, more commonly, I got reactions suggesting that the TRC could be best researched in the archives since it didn’t play a role anymore in South Africa today. Especially young people stressed that the TRC was something of the past which didn’t mean anything to them. Only fifteen years after the release of the TRC-report, the perceived impact of the TRC in the South African society seemed to be rather

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<sup>112</sup> Ibidem, 308.

<sup>113</sup> Ibidem, 349.

<sup>114</sup> Van der Merwe, interview.

<sup>115</sup> Du Toit and Doxtader, *In the Balance*, IX.

limited.<sup>116</sup> However, this doesn't imply that the TRC didn't have any lasting impact. At this point, the distinction between the perceived and the underlying impact becomes relevant.

Joubert points out that people are still heavily influenced by the TRC process, even though they might be not aware of it. This is especially evident with young people. "The TRC is still very much present on a subconscious level. The process shaped our whole world view – of black and white South Africans alike." Joubert would like to see people being more conscious about the Commission's contribution. "They should know the facts. Then they would finally cease to believe all this nonsense around the 'failure' of the TRC."<sup>117</sup> This is pretty much what Van der Merwe states, too:

"The TRC does not play an active role anymore in present-day South Africa. However, its legacy is still very much present. Life in South Africa would look different today without the work of the TRC. There would be more polarization in society and more contestation in the political field. It is because of the TRC that apartheid crimes are no longer denied."<sup>118</sup>

The South African journalist and author Max du Preez agrees on this, arguing that "the TRC could prevent the formation of a new radical right wing party. Without the TRC-hearings, there would have been more hatred and anger among the people."<sup>119</sup> The fact that most public protests against the ongoing poverty in the country have followed democratic rules so far might be regarded as "one of the unintended success stories of the Commission", too.<sup>120</sup> Krog even claims that the TRC *does* still play a role of huge importance in South Africa. In her view, "the Constitution and the TRC are the two pillars of our democracy on which everything else has been built."<sup>121</sup>

In conclusion, there can be no question that the TRC has some lasting impact on the South African society. Again, this mainly concerns the psychological realm of reconciliation. Only when it comes to the recommendations of the TRC, some measures to address socio-economic issues are included, too. While it is sometimes stated that the recommendations were too vague, I argued that it was not the task of the TRC, but that of the government, to introduce any concrete policy measures. Finally, a distinction has to be made between the perceived impact among society and the underlying effects of the Truth and Reconciliation Commission. In an underlying, more indirect way, the TRC continues to influence the way South Africans shape their society. However, most people seem to be largely unaware of this. The question whether this common obliviousness is problematic or not, is discussed in the last section of this chapter.

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<sup>116</sup> My own impressions consist of only few random samples. Systematic data collection was beyond the scope of this project. But seen my impressions were generally confirmed by my interview partners, I decided to include some of them into this thesis. Nevertheless, further research would be needed to know for sure if my impressions are accurately reflecting the present state of the South African society.

<sup>117</sup> Joubert, interview.

<sup>118</sup> Van der Merwe, interview.

<sup>119</sup> Max du Preez, personal interview (Cape Town 17 February 2012).

<sup>120</sup> Buur, "In the Name of the Victims", 159.

<sup>121</sup> Antjie Krog, personal interview (Cape Town 20 February 2012).

### 3.2.2 Politics

When it comes to the follow-up of the Truth and Reconciliation Commission, it is often the government that is accused for not accurately completing the reconciliation process. Especially when it comes to the recommendations of the TRC, the government is commonly blamed for not putting enough effort into the implementation of the recommended measures.<sup>122</sup> According to some observers, the problem lies not only in ineffective policies but also in the fact that the political realm would need to be further “de-raced”.<sup>123</sup> Occasionally, race still plays a role in South African politics. One of the most prominent examples is Julius Malema, the former leader of the ANC youth league. After being convicted several times for hate speech against white people, he was expelled from the party in April 2012. By his expulsion, the ANC distanced itself from his radical views but the controversies deteriorated the already stained picture many people had of the ANC. At the same time, the great popularity Malema enjoys among young black South Africans doesn't seem to have declined since his expulsion. The *South African Reconciliation Barometer* (SARB) regards his success as a “clear indication of just how quickly public opinion can [still] become extremely polarised”. But the SARB also shows that white people are just as prone to polarisation. Their reactions to Archbishop Tutu's revitalisation of a wealth tax are a clear example of this. Such a tax would aim at the disruption of historical injustices. However, the renewed proposal was quickly met with cries of racism.<sup>124</sup>

#### *Political parties*

Less worrying but still a sign of halting reconciliation is that political parties still rely very much on particular racial groups. Most black people stick to the *African National Congress* (ANC), which was traditionally linked to the anti-apartheid struggle. The party won every national election since 1994. Even though dissatisfaction about its policies has increased in the last couple of years, the party still enjoys the support of the majority of South African voters. In the last national elections in 2009, the ANC won 264 of the 400 National Assembly seats. Even though the party hasn't abused its overall power yet, its dominance has been a challenge to the democratic system of the new South Africa.<sup>125</sup> One reason for the lasting support of the ANC might be that “it is [still] too early to expect the weakening of black solidarity”.<sup>126</sup> This is not to say that all ANC voters form one harmonious group. There are some ethnic tensions between its two dominating groups Xhosa and Zulu. Such ethnic tensions can be regarded as a potential factor of instability in the future. But they can also be interpreted as a proof that racial lines are no longer the all-defining boundaries between South Africans. In this respect, the establishment of a new opposition party, *The Congress of the People*

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<sup>122</sup> For instance, Krog and Joubert.

<sup>123</sup> Georgi Verbeek, “Zuid-Afrika na 1994: Een nieuwe natie op zoek naar een new verleden” in: S.W. Couwenberg (ed.), *Apartheid, anti-apartheid, post-apartheid: terugblik en evaluatie, Serie Civis Mundi jaarboek*, (Budel 2008) 60.

<sup>124</sup> Lefko-Everett et al., *SA Reconciliation Barometer Survey*, 9 and 13.

<sup>125</sup> Fessha, *Ethnic Diversity and Federalism*, 135.

<sup>126</sup> *Ibidem*, 93.



(Cope), can be interpreted as a hopeful sign.<sup>127</sup> Cope was established in 2009 by some former ANC members. Winning an astonishing 7.42 per cent of all votes in the national elections in the same year, it became the third biggest party in the National Assembly. However, if this development is an indicator of a political landscape that is finally becoming more diverse, remains to be seen.

The ANC also dominates eight of the nine Provincial Parliaments. The only exception is the Western Cape, where the *Democratic Alliance* (DA) won the majority in the 2009 elections. The DA is also the official opposition in the National Assembly. It presents itself as a broad-based party, “acting to extend opportunity to all” and stressing the mixed racial background of its supporters. Looking at the DA members of parliament, it becomes clear though that the party continues to be dominated by white South Africans.<sup>128</sup> Nevertheless, the growth of this racially mixed party from 1.7 per cent in 1994 to 16.6 per cent in 2009 can be interpreted as a positive sign in the reconciliation process.<sup>129</sup> The SABR indicates that 22 per cent of the participants regard “political party membership” as the biggest division in South Africa. This was the second most frequent answer given after “income inequality” (32 per cent). (We will come back to the latter in chapter 4.) Interestingly, with 20 per cent, “race” was only the third most frequent answer. This suggests that race has finally become less important in South Africa. Even though most parties are still dominated by one particular racial group, the focus on political parties rather than on race in its own right could be an indicator for lessening racial tensions. In a less optimistic view, the SARB’s outcome could also just show that racial difference are now more commonly described in terms of political party membership, while this doesn’t necessarily change the underlying tensions.

#### *Reconciliation efforts by the government and overall democratic performance*

Once regarded as the heroes of the transition process, ANC leaders are now widely blamed for enriching themselves while leaving the poverty problem unsolved. According to Du Preez, the succeeding post-apartheid governments failed to radically change the legacy of policies which were meant to protect the wealth of white people. He regards the shortcomings of the government in helping people out of poverty and strengthening the economy as a serious danger South Africa faces today.<sup>130</sup> Corruption, partiality and favouritism are often seen as typical features of many African cultures. A less common view is that corruption inside the ANC is a legacy of apartheid, too. The underlying idea is that nepotism was encouraged by the many deprivations imposed by the apartheid

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<sup>127</sup> Wim Couwenberg, “Het nieuwe Zuid-Afrika: kritische toetsing van gewekte verwachtingen”, in: Couwenberg (ed.), *Apartheid, anti-apartheid, post-apartheid*, 99.

<sup>128</sup> Democratic Alliance, *Official Website* (2012), <http://www.southafrica.info/about/democracy/polparties.htm#.UFCbnFE-PMA> (12 September 2012).

<sup>129</sup> The numbers in the last three paragraphs (such as the amount of seats or the share of votes) are based on the website SouthAfrica.info “South Africa’s political parties” (last updated on 31 August 2012), <http://www.southafrica.info/about/democracy/polparties.htm#.UFCbnFE-PMA> (12 September 2012).

<sup>130</sup> Du Preez, interview.

system.<sup>131</sup> In my view, the root of corruption might actually lie in both explanations since the first (corruption as part of many African cultures) is likely to have reinforced the second one (corruption as inheritance of apartheid). The question remains if corruption is the reason for the persisting poverty and material inequality in South Africa. Strikingly, even former president Mbeki blames politics (and thereby implicitly his own party) for being incapable to reduce inequality. In an essay he wrote in 2011, he mentions three obstacles to reconciliation and national unity: “[1] the racial and gender imbalance in the distribution of wealth, income and opportunity (...); [2] political power that is too often used to “advance particular racial or ethnic interest” and finally [3] the widespread view that “political power means that those in power have the opportunity to provide particular individuals or groups with their ‘turn to eat’ instead of advancing general welfare.”<sup>132</sup> The third point means nothing else than corruption, even though Mbeki avoids the direct use of this critical term.

Does this confirm that the failure of the government was complete? Ineke van Kessel, who is a historian specialised on South Africa, points out why this conclusion would be premature.

“It doesn’t help if you keep blaming the government for everything. Obviously, its performance in tackling poverty and inequality could have been better. (...) But let’s be realistic and don’t expect unrealistic successes of this government. Actually, it has reached quite a lot, seen the chaos it inherited from the apartheid regime. Look at the land question which has not yet been solved. It poses an almost unsolvable problem.”<sup>133</sup>

This opinion is shared by the South African Institute of Race Relations (SAIRR). According to its deputy CEO Frans Cronje, “a myth has taken hold in South Africa that service delivery [of the government] was a failure. However, research (...) suggests that this is not the case.” He reinforces president Zuma statement that “we [South Africans] have made substantial progress in improving service delivery and extending services to our people, especially the poor who were marginalised in the past”. Prior to Cronje’s statement, the president had acknowledged that

“Initially, we [South Africans] were impatient and wanted to reverse three centuries of underdevelopment and racist spatial planning in just a few years. It has proven to be almost impossible to do so. (...) We are far from reaching our goal of the universal delivery of such services, but we have certainly made progress. (...) While acknowledging challenges in local government, we must not lose track of these achievements. We must build on them.”<sup>134</sup>

The speech was met with mixed response. For instance, columnist and writer William Saunderson-Meyer accused Zuma of glorifying the ANC’s performance while blaming the media to fuel the distress among people. Saunderson-Meyer gives some credit to the ANC for achieving “an enormous amount in terms of electrification, house building and water provision” but adds that this was “a

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<sup>131</sup> Couwenberg, “Het nieuwe Zuid-Afrika”, 98-100.

<sup>132</sup> Mbeki, “Reconciliation in South Africa”, 5.

<sup>133</sup> Van Kessel, interview.

<sup>134</sup> Politics Web, *Remarks by President Jacob Zuma to the SALGA Special National Conference, Gallagher Convention Centre, Midrand* (11 September 2012)

<http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71656?oid=325585&sn=Detail&pid=71656> (20 September 2011).

relatively small proportion of that has been on his watch.”<sup>135</sup> The SAIRR is more optimistic about the party’s performance. According to Cronje,

“The ANC may be accused of lot of things, and it can be debated whether State led delivery is the best development model for a country to follow, but the data we have published is unambiguous that the (...) Government (...) deserves considerably more credit for improving the living standards of poor and black South Africans than it has received.”<sup>136</sup>

It is surely true that the government’s performance wasn’t overall just bad. But it is also true that many policy measures had little effect so far. (We will come back to the actual performance in chapter 4.) As an important first step to come to terms with its widely perceived “failure”, the government seems at least to have begun to acknowledge its shortcomings.

In 2010, the *National Planning Commission* (NPC) was established to improve government’s performance. Its mandate includes strengthening government’s ability to plan for the long term, to increase coherence between the different governmental departments and to bring South Africans together around some common national goals and values. The first report of the NPC intends to decrease the “appetite for quick fixes” of complex problems. It denounces any such quick solutions since they usually leave the root of a problem unsolved.<sup>137</sup> According to Kate Lefko-Everett, who is a senior project leader of the SARB, the report of the NPC was a significant first step. “It is now important that civil society, public and academic institutions, and citizens take the initiative to respond.”<sup>138</sup> (We come back to the public discourse in section 3.2.3.) The *South African Reconciliation Barometer* also credits the government for “prioritising measures that promote social cohesion and national unity for the Vision for 2030”.<sup>139</sup> One of the goals of this vision is to make South Africans “more conscious of the things they have in common than their differences”.<sup>140</sup> While such initiatives are important catalysts for reconciliation, some caution is asked to prevent the country from getting stuck in transition forever. A long-term vision is essential. But the process leading up to this vision has to be split into a range of short-term goals in order not to get lost in transition. The risk is that the sheer complexity of the transition process leads towards an unintended state of inertia. In such a

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<sup>135</sup> William Saunderson-Meyer, “President Zuma misses the plot over public anger”, *The Guardian* (15 September 2012) <http://www.thoughtleader.co.za/williamsaundersonmeyer/2012/09/15/president-zuma-misses-the-plot-over-public-anger/> (20 September 2012). The author mentions some quotes by Zuma, which I couldn’t find in the report of the speech on Politics Web (see above). The quotes (e.g. “I hear every day all these clever people are saying that nothing has happened in this country.”) are more confronting than the overall tone of the speech. I assume that these comments were reactions to questions posed after the speech and that they are therefore not included into the report. Another possibility would be that Politics Web censored the speech. However, since this website is not related to the ANC in any way, I estimate the second option as far less likely.

<sup>136</sup> South African Institute of Race Relations (SAIRR), “Zuma correct on service delivery successes - Institute” (Press Release, 11 September 2012) <http://www.sairr.org.za/media/media-releases> (19 September 2012).

<sup>137</sup> Kate Lefko-Everett, “Diagnosis: We’re still divided” in Lefko-Everett et al., *SA Reconciliation Barometer*, 32-3.

<sup>138</sup> *Ibidem*, 32-3.

<sup>139</sup> Lefko-Everett et al., *SA Reconciliation Barometer*, 10.

<sup>140</sup> *Ibidem*, 29.

situation, change is sincerely sought but the actual movement towards reconciliation becomes ever slower. Eventually, the sense of transition becomes permanent.<sup>141</sup>

That this potential danger is a very real one is demonstrated by the following statement of former president Mbeki: “[South Africa] has to respond to its many, daily and difficult challenges (...). These tend to define government (...), making it difficult to focus on the longer-term perspective.<sup>142</sup> While this could also be interpreted as a cheap excuse for not reaching his long-term goals, I think that Mbeki is pointing towards a general problem of politicians. Reconciliation is nothing to be achieved in one government term. It is something politicians cannot really get grip of. Consequently, much of the talk about reconciliation has become rhetorical. According to Krog, this is not a problem in its own right. She points out that all South African presidents after Mandela promised to continue Mandela’s work towards reconciliation. Krog regards it as “not so important if they actually mean what they say” – as long as they at least pretend to do so. As long as Mandela is still seen as a national hero rather than a traitor, she doesn’t see any real danger at hand. “The real danger would be if Mandela and his work would be discredited as a betrayal against the population of South Africa”.<sup>143</sup> While this statement might be controversial, Krog makes an important point here. As long as today’s problems are related towards contemporary politicians and not so much towards the reconciliation process itself, there is still a common basis for reconciliation to develop.

While South Africa’s democracy is not acutely threatened, its performance in key areas of democracy has recently slipped somewhat. This is the result of an assessment by the South African Institute of Race Relations which includes various international indexes, comparing democratic performance between 2008 and 2011. The *Economist’s Democracy Index*, the *World Bank’s Governance Indicator Report*, and the institute’s own *Rainbow Index* all conclude that South Africa’s score in key areas “control of corruption”, the “ability of government to provide quality public services” and “civil liberties” have decreased.<sup>144</sup> The first area, corruption, was already discussed earlier in this chapter. The dropped score was possibly related to the *Protection of State Information Bill*, which triggered a lot of discussion last year. Broadly speaking, this bill would increase the scope of “classified” state information and set harsh punishments for anyone leaking such material. This might lead to less transparency, which would help corruption to persist. The second area, service delivery, will be discussed in chapter 4. The last one, decreasing civil liberties, I didn’t come across elsewhere. On the contrary, most studies are even very positive about South Africa’s sound legal basis. Since the SAIRR is not explicit about what this charge actually includes, I couldn’t compare this result with other data. Therefore, it remains unclear what caused the dropped score in civil liberties. Finally, the indexes

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<sup>141</sup> Njabulo S. Ndebele, “Beyond transition and reconciliation”, in: Du Toit and Doxtader, *In the Balance*, 57.

<sup>142</sup> Mbeki, “Reconciliation in South Africa”, 6.

<sup>143</sup> Krog, interview.

<sup>144</sup> SAIRR, “South Africa’s democracy is slipping” (Press Release, 6 February 2012).  
<http://www.sairr.org.za/media/media-releases> (19 September 2012).

also indicate some positive news. In some areas, such as “political stability”, “good citizenship” and “liberation of the poor”, the country’s performance has increased. The good score in political stability indicates that the common critique about the government has not yet affected the general stability of the political landscape.<sup>145</sup> “Good citizenship” might point towards democratic participation, for example in the form of a vibrant civil society. Finally, the liberation of the poor is about the improvement of living circumstances, which will be discussed in chapter 4.

### *Trust in politics*

We have seen that the political landscape of the South African has been relatively stable in the last eighteen years. While the overall democratic performance of the government has been largely satisfactory, corruption and mismanagement remain severe problems which need to be addressed. The last important question is if the mixed performance influenced the confidence of people in their government. One might wonder why this should be regarded as an indicator for reconciliation. The answer is quite simple. In this research, psychological reconciliation is interpreted as the improvement of relationships. Most of the time, we are talking about “relationships between people”. However, apartheid also disrupted the relationship between the government and the majority of South Africans. Therefore, the restoration of the relationship between the people and their government (the restoration of confidence) must also be regarded as a part of the reconciliation process. According to *South African Reconciliation Barometer*,

“Democratic participation was at the heart of South Africa’s national transition and since the first round of SARB, the survey has hypothesised that reconciliation is more likely to happen when citizens view public institutions, leadership and democratic culture as legitimate”.<sup>146</sup>

We have already learned that the overall support of the ANC has somewhat diminished in recent years. When it comes to leadership in general, just above half of all South Africans (51 per cent) believe that “the people who run this country are not really concerned with what happens to people like themselves”. For instance, one participant of the SARB survey stated that “we put them [our leaders] where they are [but] they forget we put them where they are”.<sup>147</sup> Another participant indicated that “the only good thing here is our freedom but the problem is that not everyone is enjoying [this freedom], the rich are extra rich and the poor are extra poor. People go to vote and people are misled, they don’t have toilets, they don’t have water (...) and yet they vote.”<sup>148</sup> These statements are subjective impressions of two individuals. Nevertheless, they give us some insight into the political climate in South Africa. The SARB is certainly right to interpret it as a “worrying finding” that half of the people believes the government is not concerned about them. However, the survey also turns out that low levels of understanding about the voting procedure can also lead towards rejection of the democratic process. But even in this light, the following results are nothing

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<sup>145</sup> Ibidem.

<sup>146</sup> Lefko-Everett et al., *SA Reconciliation Barometer Survey*, 13.

<sup>147</sup> Ibidem, 30.

<sup>148</sup> Ibidem, 31.

the ANC (or any other party) could be proud of. In 2011, only 43 per cent had confidence in local government. The provincial governments scored somewhat better with a confidence rate of 56 per cent. With 65 per cent, both the national government and the Presidency scored best in the SARB.<sup>149</sup>

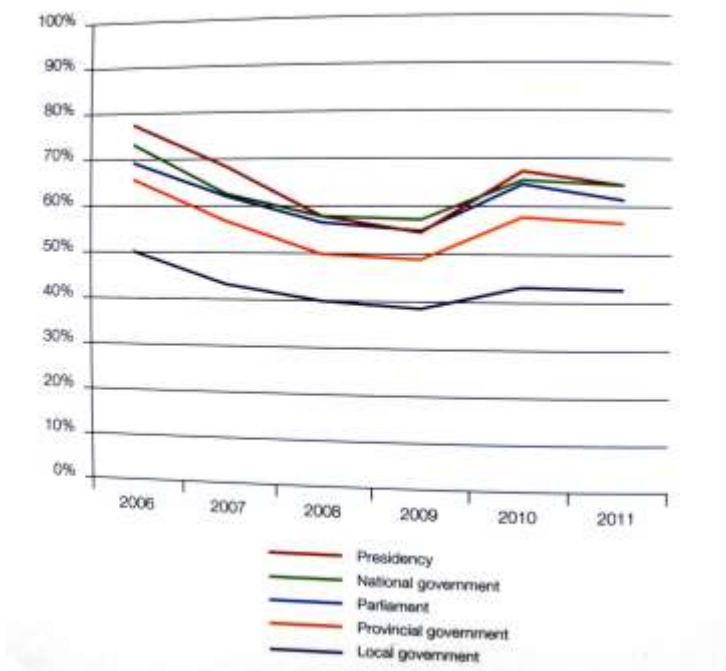


Figure 2: Confidence in government institutions 2006-2011  
(Source: South African Reconciliation Barometer 2011, p.1).

Figure 2 shows that confidence in all spheres of government decreased around the economic recession in 2009. It seems to have slightly recovered in recent years. Nevertheless, the general dissatisfaction of South Africans with their government is still quite high. This is particularly worrying because “collective dissatisfaction in South Africa is often shown through public demonstrations”. Since 2005, public protests are estimated at an average of more than 8,000 protests per year.<sup>150</sup>

According to Frans Cronje,

“There is no contradiction between the successes [of the government] we identify and the protests that are now commonplace around the country. These protests are not a function of the failure of delivery but rather of its success in that this success has raised expectations that cannot be met because of shortcomings in the school system and the labour market.”<sup>151</sup>

This interpretation seems all too optimistic to me. I would rather agree with Saunderson Meyer, who emphasizes that higher expectations are only part of the story.

“The poor are not gullible dupes, filled with rage because the media misleads them about reality. They are angry because while their share of the pie is increasing, it remains crumbs. The bulk of the pie is being commandeered by the corrupt and the connected.”<sup>152</sup>

The SARB provides us with some insight into the question to what extent South Africans regard (violent) protests against the government as legitimate. The conclusion is that 45 per cent principally support peaceful demonstrations, while only nineteen per cent report to have participated in such a demonstration during the last year. The number of protests declined in 2011 but, at the same time, violent demonstration became more commonplace. The SABR also points to the distressing fact that twelve per cent of all South Africans view violent protests as justified. Another twelve per cent

<sup>149</sup> Ibidem, 14-5.

<sup>150</sup> Ibidem, 16.

<sup>151</sup> SAIRR, “Zuma correct on service delivery successes - Institute”.

<sup>152</sup> Saunderson Meyer, “President Zuma misses the plot over public anger”.

reports to have participated in such a protest. This is more than one in every ten people.<sup>153</sup> Importantly, it is not only the poor majority that is critical about the government's performance. The former white elite was suspicious about the ANC-led government right from the beginning. One problem is that the more the ANC fails, the earlier feelings of guilt among white people are decreasing. The more the black government turns out to be incapable to solve certain problems, the louder the call that South Africa was better off under the apartheid government.<sup>154</sup> Unfortunately, the SARB survey was not held in the first years after the transition. Therefore, the report doesn't answer to the question if confidence in the government has generally increased or decreased since the end of apartheid. It only gives us some insight into the development of the last five years. During this period, the overall confidence in the different spheres of government has been somewhat unsteady. Most of the time, it was not very high, especially when it comes to local governments.

In conclusion, political parties in South Africa are still largely defined by racial lines. While the political landscape has remained generally stable during the last eighteen years, it remains prone to polarisation. All post-apartheid governments ensured their commitment to the reconciliation process, which is clearly a positive sign. Nevertheless, their actual performance left many people disappointed. It certainly doesn't help to project unrealistic expectations on a government. But ineffective policies, corruption and nepotism are all factors delaying any real change. They must be seen as serious burdens on (material) reconciliation.

### **3.2.2 Society**

Many recent studies conclude that the South African society remains "deeply divided" and that there is still a long way to go before reconciliation will be reached.<sup>155</sup> The first report of the *National Planning Commission* concludes that South Africa continues to be a "divided society and the major dividing line in society is still race". However, it also concludes that "goodwill is there" and that there is now "more interaction, as equals, between black and white South Africans" than previously.<sup>156</sup> This is consistent with the findings of the SARB that there are "clear and positive signals of progress in reconciliation, social cohesion and nation building, and democratic consolidation".<sup>157</sup> While this is surely positive news, the "deeply divided society" remains a matter of fact. Only full-out optimists are likely to agree with Mbeki that "the idea of reconciliation, never quite defined but always passionately advanced, became very much part of the rhetoric of how we [South Africans] would shape our society".<sup>158</sup> I would rather agree with Jody Kollapen, a South African human rights expert, who states that reconciliation "meant everything" in the first years after the first democratic

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<sup>153</sup> Lefko-Everett et al., *Reconciliation Barometer Survey*, 16.

<sup>154</sup> Du Preez, interview.

<sup>155</sup> Du Toit and Doxtader, *In the Balance*, X and Lefko-Everett et al., *Reconciliation Barometer*, 10.

<sup>156</sup> National Planning Commission, *Diagnostic overview* (2011)

<http://www.npconline.co.za/MediaLib/Downloads/Home/Tabs/Diagnostic/Diagnostic%20Overview.pdf>, 26.

<sup>157</sup> Lefko-Everett et al., *Reconciliation Barometer Survey*, 10.

<sup>158</sup> Mbeki, "Reconciliation in South Africa", 4.

elections, but that it “gradually gave way to the sobering question of what reconciliation might mean for tomorrow given that so much of yesterday is still reality”.<sup>159</sup> Most of my South African interview partners would agree on this. The first years after the transition are often described as marked reconciliation in all aspects of life. But the enthusiasm for reconciliation seems to have declined over time. This development is closely related to the widespread disappointment about the TRC and the persisting poor living circumstances of many people.<sup>160</sup> We have seen that some effects of the TRC are indirect and therefore less feasible, which causes some discrepancy between the perceived and the underlying impact of the Commission. The same is true for the broader reconciliation process, which is continuing without everyone being fully aware of it. This is not to say that the process takes care of itself by just laying back and waiting. True reconciliation requires active citizenship.<sup>161</sup> Without such active engagement of society, the process is likely to suffer some drawbacks. The following paragraphs will shed light on the questions to what extent society can be regarded as reconciled and whether people are still actively engaged into the process.

### *Social divisions*

There is no way circumventing the fact that divisions along historically defined racial lines persist. Prejudice and stereotyping remain “sources of lurking rot in post-apartheid South Africa”. Nevertheless, according to recent research, the sources of social division have not remained static since 1994.<sup>162</sup> Some authors emphasise that, whereas race became less important in daily life, the importance of ethnicity has increased. While the emphasis of this research lies on interracial relations, one must not forget that there are also ten different ethnic groups and eleven official languages in South Africa. Already under apartheid, ethnicity was used to divide the black majority, the most prominent example being the homelands. While the apartheid state regarded all white people to be part of one common, superior race, black people were said to belong to certain “tribes”. This consciousness still plays a role today, even though the “creation” of the different ethnicities was somewhat artificial. However, until now, black solidarity has been stronger than any form of ethnic mobilization. This can be partly interpreted of a success of the ANC that distances itself from ethnic separatism. At the same time, it can also be ascribed to the accommodative constitution of 1996, which recognises the different ethnic groups without making them the most important political division.<sup>163</sup>

The SARB asked people with which group they primarily associated. It turned out that association with language, ethnicity and race were generally stronger than association with national identity. In

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<sup>159</sup> Jody Kollapen, “Reconciliation: engaging with our fears and expectations”, in: Du Toit and Doxtader, *In the Balance*, 18.

<sup>160</sup> Minow, *Between Vengeance and Forgiveness*, 75.

<sup>161</sup> Mbeki, “Reconciliation in South Africa”, 7.

<sup>162</sup> Lefko-Everett et al., *Reconciliation Barometer Survey*, 32-3.

<sup>163</sup> Fessha, *Ethnic Diversity and Federalism*, 61-2, 242-3 and 245.



2011, eighteen per cent associated strongest with language, nineteen per cent ethnicity and another nineteen per cent with race. While race seems to be no longer the all-dominating dividing line, it is evident that society remains divided though. Only thirteen per cent felt primarily South African. In recent years, race seems to have become more important again. The primary association with race increased from twelve per cent in 2007 towards nineteen per cent in 2011. While this is rather worrying, it is important to notice that the groups of association were generally regarded as “positive source of personal affirmation, security and self-worth”. In this light, the revival of racial association is not necessarily a factor for renewed hate of “the others” or potential instability. Accordingly, the strong association with ethnicity, language and race does not mean that South Africans are generally pessimistic about the prospects of national unity. In 2011, 66 per cent of all respondents agreed that “creating a united country is a desirable goal” and sixty per cent believed this to be possible. 21 per cent and 23 respectively were uncertain. Roughly half of all South Africans (52 per cent) agreed that the Soccer World Cup in 2011 had some positive impact on the interracial relationships. Thirty per cent stated to be uncertain about the effect of the world cup.<sup>164</sup>

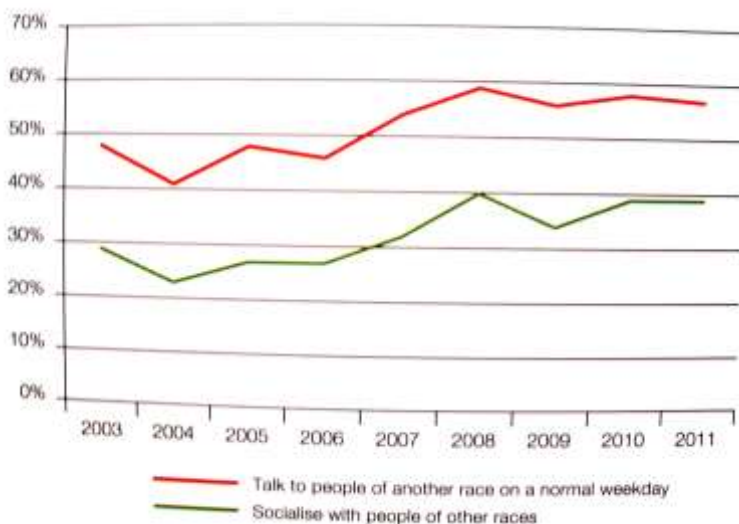


Figure 3: Interaction and socialisation 2003-2011  
(Source: South African Reconciliation Barometer 2011, p.30).

more or less frequently. On the other hand, there is still the other half that rarely (19 per cent) or never (23 per cent) does so. When it comes to more intimate settings like an informal gathering at someone’s house, the percentages is even smaller. Almost half of the population (42 per cent) indicates never to experience such informal settings with people from other than their own racial group. Seventeen per cent does so “rarely” and 39 per cent has such contacts “sometimes, often ore always”. The percentage of people experiencing inter-racial contacts

#### *Interracial interactions*

On an ordinary weekday, 57 per cent of South Africans “sometimes, often or always” speak to people from another racial background. While this is certainly not bad news, it is nothing to be too optimistic about either. Slightly more than half of the population experiences racial interactions

<sup>164</sup> Lefko-Everett et al., *Reconciliation Barometer Survey*, 29. Unfortunately, the SABR only started in 2006 and does not provide us with any survey results from the first years after the transition. Besides, the authors of the report warn that the nuances of identity formation and group membership might not be fully captured through a quantitative research instrument. Therefore, while these percentages provide us with some idea about the general feeling among South Africans, they should not be over-evaluated.

in their daily lives has been increasing since the survey was held for the first time in 2003 (see figure 3), which can be interpreted as a positive sign.<sup>165</sup>

The level of interracial interaction seems to be determined by two main preconditions: personal interest and socio-economic background. The first is quite common-sense. People with personal interest to get engaged with people from other racial groups are obviously more likely to do so. The second factor, on the other hand, has little to do with personal choice. The SARB found out that people with the lowest living standards are the least likely to make contact to people from other racial groups.<sup>166</sup> Seen the majority of South Africans lives in rather poor conditions, the fact that socio-economic circumstances influence the likelihood to engage in inter-racial contacts must be regarded as a serious obstacle towards reconciliation. Looking at the spatial arrangement of South African cities, the outcome of the survey is confirmed. The majority of poor people lives in townships, which are racially quite homogenous. On the other hand, people from the middleclass are more likely to attend racially mixed schools, universities and work places. Thereby, they experience more interracial contacts in their daily lives. However, it is also a matter of fact that ever more well-off white people have been bowing out of the rest of society in recent years.<sup>167</sup> This is especially apparent in the growing number of so called “golf estates”. Most of these white-only enclaves are detached of the rest of a city and guarded by private security forces 24 hours a day. It seems that ever more middle- and upper-class white South Africans prefer to hide away in such enclaves, avoiding any contacts with people with different racial backgrounds. We will come back to this point when spatial segregation is discussed in chapter 4.1.2.

It is sometimes argued that young people are generally less race-conscious and that they are more likely to have inter-racial contacts than older generations.<sup>168</sup> This might be due to the fact that younger people are not directly affected by the apartheid regime. They didn't experience any atrocities themselves and therefore don't have any hurting memories themselves. However, it is also true that new generations don't necessarily enhance reconciliation. Some conflicts become even more heated over time; the most prominent example being Israel. In this regard, the TRC might have brought only a delay of atrocities.<sup>169</sup> But doesn't time heal all wounds? While this might be true in some cases, stereotyping and atrocities are likely to aggravate over time when there is no direct contact between the groups in question. As long as South Africans continue to live and work in relatively homogenous communities, interracial contact is not likely to increase.<sup>170</sup> The on-going separation of people reinforces the fears that lure in the South African society, especially among

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<sup>165</sup> Lefko-Everett et al., *Reconciliation Barometer Survey*, 30.

<sup>166</sup> Ibidem.

<sup>167</sup> Le Roux, interview.

<sup>168</sup> Lukuko, interview.

<sup>169</sup> Krog, interview.

<sup>170</sup> Lefko-Everett et al., *Reconciliation Barometer Survey*, 30.

white people. Even though some fears might be somewhat exaggerated, the core problem lies in the on-going separation of people.<sup>171</sup> It is easy to project fears on “the others”, as long as one barely knows them. One could even talk of a vicious circle here. Little interracial contact increases fear. This fear, in turn, is likely to make people hide from the other even more.

#### *South Africa reconciled? – Public discourse*

Talking about reconciliation in society, we have to keep in mind that there is no common agreement on what reconciliation actually means. Some scholars argue that the “collective disagreement” about the meaning of reconciliation could be an

“opportunity to turn away from violence and learn how we can argue and debate with one another (...) in ways that produce democratic power and change how we live. The question of reconciliation (...) is a question that we [South Africans] have in common, a shared question that must be posed again if we are to come to a fuller understanding of who we have been, what we are and what we hope to become.”<sup>172</sup>

But is such a debate actually going on in South Africa? While I argue that a society has to deal with its past in order to reconcile, this view is not shared by the majority of South Africans. Seventy per cent of them agree that they want to “forget about the past and just move on”.<sup>173</sup> This is very much consistent with our finding from paragraph 3.2.1 that most people regard the TRC as a past institution without any lasting meaning. During the month I spent in South Africa, I got the idea that many people tend to avoid any in-depth thoughts or conversations about reconciliation. I found it striking how unfamiliar many people were with the whole concept of reconciliation, less than two decades after the beginning of the process. Reconciliation has triggered a lot of discussion in the academic world. Accordingly, in almost every book shop, there could be found quite a few books on the transition process. However, the idea of reconciliation didn’t seem to play a key role in the South African society anymore. I agree that at a certain point, a society has to move on. But I regard it as dangerous if the process is declared as completed while people are still living largely detached from each other. As I argued before, where there is no interaction, stereotypes are likely to persist and in such an environment renewed distrust and atrocities find fertile ground to develop.

When it comes to the public discourse, some of my interview partners didn’t see a problem in the fact that the TRC doesn’t fill up newspapers, television programmes and new books anymore. According to Krog, “the whole TRC process was documented very well at the time it took place. In my view, there is no need any more to write more books about the TRC.”<sup>174</sup> At the same time, Krog and several others rejected the idea that reconciliation shouldn’t play a role anymore in the public discourse. According to Joubert, “every South African has internalized reconciliation, conscious or not. The reconciliation process cannot be extracted from our country. It defines everything. It did more than

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<sup>171</sup> Du Preez, interview,

<sup>172</sup> Du Toit and Doxtader, *In the Balance*, IX-X.

<sup>173</sup> Lefko-Everett et al., *Reconciliation Barometer Survey*, 36.

<sup>174</sup> Krog, interview.

anything else. It's too big to define it as successful or not."<sup>175</sup> A possible explanation why many people are, nevertheless, turning away from reconciliation could be that

"There are too many other important issues that are dominating politics and the public debate. People are distracted from the reconciliation process since they feel that there are more pressing issues out there. (...) People are getting depressed because of certain circumstances. So they are blaming reconciliation."<sup>176</sup>

Interestingly, the majority of South Africans would still agree that there has been some progress in the reconciliation process. However, fewer agree that they had experienced it in their personal lives.

<b>Individual experience of reconciliation, 2011</b>						
		White	Asian/ Indian	Coloured	Black	Total
"South Africa has made progress in reconciliation since the end of apartheid."	Agree	57%	73%	54%	60%	59%
	Uncertain	31%	18%	27%	28%	28%
	Disagree	7%	6%	16%	10%	10%
	Not applicable	5%	4%	4%	3%	4%
"The TRC succeeded in bringing about reconciliation in South Africa."	Agree	39%	47%	39%	49%	47%
	Uncertain	43%	43%	39%	36%	37%
	Disagree	14%	6%	16%	12%	12%
	Not applicable	5%	4%	6%	3%	4%
"I have experienced reconciliation in my own life."	Agree	35%	37%	41%	36%	36%
	Uncertain	18%	18%	21%	24%	23%
	Disagree	15%	11%	17%	24%	22%
	Not applicable	32%	34%	21%	16%	19%

*Table 2: Individual experience of reconciliation, 2011. (Source: SARB report, p.42)*

The percentages of people agreeing that South Africa had made progress in reconciliation since the end of apartheid varied between 60 per cent among black people, 57 per cent among whites, 73 per cent among Indians and 54 per cent among coloured people. The percentage of people, who had experienced reconciliation in their personal lives, was lower: 36 per cent among black people, 35 per cent among whites, 37 per cent among Indians and 41 per cent among coloured people (see table 2).<sup>177</sup> The absence or, arguably, avoidance of reconciliation in the personal life might also be due to a difficulty of coming to terms with its actual meaning. It was argued that, at one moment, reconciliation can appear to a South African "as [their] most prized idea" but at the next moment "as cheap deception".<sup>178</sup> Besides, the personal circumstances of every South African inevitably influence

<sup>175</sup> Joubert, interview.

<sup>176</sup> Ibidem.

<sup>177</sup> Lefko-Everett et al., *Reconciliation Barometer Survey*, 42.

<sup>178</sup> Du Toit and Doxtader, *In the Balance*, IX.

his or her definition of reconciliation.<sup>179</sup> Thereby, a so-called “reconciled” South Africa looks differently to different people.<sup>180</sup> According to Borer, this is “not merely the result of an irresponsible and sloppy press or even an uninterested and callous public. Unfortunately, the origins of the confusion lie within the TRC’s own inability to maintain conceptual clarity on the subject.”<sup>181</sup> We have seen in chapter 2.1 that this critique is, at least partly, justified.

In conclusion, with almost half of the South African population hardly ever interacting with people from other racial groups, fears and stereotypes are persisting. This must be regarded as a serious burden on the psychological reconciliation process. Seen the situation is partly kept in place by spatial segregation and poverty, material aspects play an important role here, too. The majority of South Africans seems to be less occupied with reconciliation today than in the first years after the transition. At the same time, scholars warn that the process is not completed yet. While more discourse about reconciliation would be needed, it can be evaluated as a positive sign that abstract discussions about reconciliation seem to have gradually made space for more public discourse about poverty and inequality. By redefining this discourse in terms of current concerns that keep South Africans apart, it stays relevant for South Africans. In this way, the reconciliation process has the possibility to develop even further.

### 3.3 Reparations

Reparations are an important step towards reconciliation. They have both a material and, even more important, a strong emotional value. Stating that “without adequate reparation and rehabilitation measures, there can be no healing and reconciliation, either at an individual or a community level”, the *Final Report* of the TRC envisions a central role for reparations in the reconciliation process.<sup>182</sup> The reparations recommended by the TRC included “urgent interim reparation”, “individual reparation grants”, “symbolic reparation/legal and administrative measures”, “community rehabilitation programmes” and “institutional reform”.<sup>183</sup> Some of the urgent interim reparations had already been paid during the TRC proceedings. They were meant to fulfil the most pressing needs of a victim and varied between 2,000 South African Rand (ZAR) and 5,705 ZAR, depending on the size of a household. The TRC recommended “that all applicants be considered for this grant while awaiting final reparation”.<sup>184</sup> This “final reparation” should be provided in the form of individual reparation grants, which would be paid for six years. The TRC recommended the government to award 17,029 ZAR up to 23,230 ZAR annually per person who delivered a statement.<sup>185</sup> Furthermore, symbolic reparations were recommended to include individual interventions, community interventions and,

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<sup>179</sup> Joubert, interview.

<sup>180</sup> Borer, “Reconciling South Africa or South Africans?”, 23.

<sup>181</sup> Ibidem, 26.

<sup>182</sup> TRC, *Final Report*, vol. 5, 176.

<sup>183</sup> Ibidem.

<sup>184</sup> Ibidem, 181.

<sup>185</sup> Ibidem, 187. One ZAR approximates about 0.10 Euro.

finally, national interventions. The former included, among others, exhumations, reburials and ceremonies along with the assistance of individuals to acquire death certificates, to expedite outstanding legal matters and to expunge criminal records. The renaming of places and the establishment of monuments and memorials would belong, among others, to community and national interventions.<sup>186</sup> Besides, rehabilitation programmes, including health and social services, mental health services, education and housing “should form part of a general initiative to transform the way in which services are provided in South Africa”.<sup>187</sup> Finally, the TRC recommended some institutional reforms, which correlate with the general recommendations already discussed in chapter 3.2.

The TRC’s reparation policy, and in particular the individual reparation grants, have triggered a lot of controversy. Former victims of apartheid later regularly referred to themselves as victims of the TRC. “Victim of the TRC” can be understood in two different ways. People could either mean that the TRC recognised their suffering and defined them as victims of gross human rights violations. But they could also mean that they became victims of the proceedings of the TRC.<sup>188</sup> The latter interpretation became more commonplace when the general dissatisfaction with the TRC’s reparations policy grew. Critique about reparations can be brought under two main groups. First, there is some disapproval about the TRC’s reparation policy. The most frequent claim is that the group of people that eventually benefited from reparations was relatively small. The second set of critique is related to the government’s failure to properly follow up the recommendations of the TRC.

#### *Structural problems of the TRC’s reparation policy*

At the beginning of the TRC proceedings, victims were simply asked which reparation they expected. It appeared, however, that the victims’ understanding of “reparation” differed from the way, the question was initially intended. While the TRC thought about primarily symbolic reparations, the majority of victims expected to receive some monetary compensation.<sup>189</sup> The focus on money was problematic because only the victims of gross violations of human rights were eligible for financial reparations. This left the majority of apartheid victims disappointed. Looking at symbolic recognition and reparations, a sample of 22,000 out of a population of forty million people was appropriate. On the other hand, when it comes to financial compensation, a “sample” of victims can never be enough. At the same time, the disappointment was not due to a failure of the Commission but to expectations it was never meant to fulfil. This is similar to the general disappointment with the TRC, which was discussed in chapter 3.1. Some authors argue that it would be politically and morally unjust if only

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<sup>186</sup> Ibidem, 188-90.

<sup>187</sup> Ibidem, 190-3.

<sup>188</sup> Buur, “In the Name of the Victims”, 148-9.

<sup>189</sup> Ibidem, 154-5.

the sample group who delivered statements to the TRC would be compensated.<sup>190</sup> They overlook that the reparation recommendations did not only include financial compensation. The victims' hearings and the *Final Report* provided symbolic recognition to all apartheid victims, also to those, who had not participated in the proceedings themselves. Likewise, the renaming of places and rehabilitation programs would not only benefit individuals but whole communities. Finally, the government introduced several structural reforms and programmes, which were aimed at impoverished black people. According to Ramsbotham et al., "the space for deeper reconciliation is much widened if parents feel that things are likely to get better for their children".<sup>191</sup> In this sense, the structural reforms are important reparation measures, too.

Occasionally, the TRC has also been criticised for including monetary compensation in its recommendations, at all. According to these critics, some form of "packaged services" might have been sufficient, too. The decision to include money was probably due to the widespread suspicion of government services in the post-apartheid era along with the "Commissions desire to steer clear of paternalistic thinking".<sup>192</sup> Arguably, it could have prevented a lot of dissatisfaction by never introducing any financial recommendations. On the other hand, the *Final Report* emphasises that

"In the context of the South African Truth and Reconciliation Commission, reparation is essential to counterbalance amnesty [since] the granting of amnesty denies victims the right to institute civil claims against perpetrators".<sup>193</sup>

In this light, victims were entitled to monetary compensation by the government since they couldn't go to court anymore, where they might have been granted some reparation payments otherwise. In other words,

"Forging civil damages was part of the price to move South Africa forward; and reparations were to compensate to some degree the victims who would be most directly affected by the amnesty decision."<sup>194</sup>

I regard these latter claims as more relevant than the assertion that monetary compensations should have been averted in order to avoid controversies.

A last structural problem of the reparation policy was that victims usually had to wait very long before they received the reparations they were entitled to. Perpetrators, on the other hand, knew almost immediately whether they had been granted amnesty or not. The victims saw their violators walking free without having received anything themselves yet. When the TRC closed its doors, they were still waiting for financial reparations and socio-economic change.<sup>195</sup> While this was a serious shortcoming of the proceedings, it is important to keep in mind that the Commission itself was not

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<sup>190</sup> Buur, "In the Name of the Victims", 158.

<sup>191</sup> Ramsbotham et al., *Contemporary Conflict Resolution*, 244.

<sup>192</sup> Simcock, "Unfinished Business", 246-7.

<sup>193</sup> TRC, *Final Report*, vol.5, 170.

<sup>194</sup> Shore, *Religion and Conflict Resolution*, 165.

<sup>195</sup> Shore, *Religion and Conflict Resolution*, 169.

able to pay out any reparations. It could only make “Reparation Policy Proposals” towards the government. The victims’ hearings were always ended by expressions of hope that the victims’ requests would be fulfilled; never were there made any promises or guarantees. This is a fact that critics tend to overlook.<sup>196</sup> Accordingly, the delay of reparation payments was not so much a fault of the TRC as it was a responsibility of the government.

*The failure of the government to deliver reparations*

On 16 April 2003 the government decided to pay a “once-off” amount of 30,000 ZAR to the 17,088 victims identified by the TRC.<sup>197</sup> This was five years after the formal TRC process had ended. Besides, the amounts were clearly less than the TRC had recommended. Consequently, critique about the reparation policy flared up again. This was, first, because of the long delay of the payments and, second, because they were widely regarded as insufficient.<sup>198</sup> Besides, the reparation payments made no distinction between the gravity of misdeeds; all victims received the same amount of money.<sup>199</sup> Therefore, symbolic and structural reparation measures notwithstanding, the frustration of many victims regarding the relatively small reparation payments is quite understandable. But at the same time, it is also true that their expectations were often somewhat exaggerated. Van Kessel provided me with a good example of this. When she interviewed people about their expectations regarding reparations, a woman answered that she wanted back the house she had rented in the past. Obviously, she didn’t see the difference between ownership and a rental home. Besides, she regarded all her grandchildren as eligible for reparations, even though they were born after the end of apartheid. While these expectations were clearly beyond the possibilities of any Commission or government, Van Kessel acknowledges that the reparations eventually paid out “were indeed hardly enough to buy a proper gravestone”. Finally, she criticises that the whole procedure of applying for reparations was highly bureaucratic. The application forms were too difficult for many victims to understand, which distanced them even further from the TRC and reparation policy of the government.<sup>200</sup>

The Khulumani Victims Support Group goes even further, criticising that “reparations were never comprehensively made and few serious attempts have been made to prosecute perpetrators who either failed to apply for amnesty or who were refused amnesty”. Furthermore, they complain that “honouring the social contract that underpinned the TRC has not been at the top of the current

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<sup>196</sup> Ibidem, 87.

<sup>197</sup> Ibidem, 103.

<sup>198</sup> Dan J. Stein et al., “The impact of the Truth and Reconciliation Commission on psychological distress and forgiveness in South Africa”, in *Social Psychiatry and Psychiatric Epidemiology* no. 43 (2008) 462-8, 468.

<sup>199</sup> Van Kessel, interview.

<sup>200</sup> Ibidem.



government's agenda or indeed that of any previous government".<sup>201</sup> Many of my interview partners would agree on this. They accuse the government for to have failed to deliver convenient financial reparations along with basic services and, finally, for its laxity in prosecuting apartheid perpetrators who were not guaranteed amnesty.<sup>202</sup>

"Why haven't there been any processes for those who didn't get amnesty? This would have been the responsibility of the government. But due to their lack of political will, incompetence, the lack of focus and hard work, nothing ever happened."<sup>203</sup>

### *Presidential pardons*

Even though being less debated than monetary reparations, symbolic reparations, too, contributed to the reconciliation process. In a survey of the Centre for the Study of Violence and Reconciliation many victims spoke out strongly for "the need to transform the symbols of the past that offended them in their communities". They evaluated the renaming of places, restructuring of institutions and prosecutions of perpetrators (who had not received amnesty) as the most important symbolic reparations.<sup>204</sup> "Special presidential pardons" for apartheid perpetrators are often regarded as a part of the reparation discourse, too. "Special pardon" means that people already convicted don't have to serve their full sentence. This usually concerns cases that fell outside the period covered by the TRC.<sup>205</sup> In 2007, president Mbeki established a special reference group to consider special pardon applications. The original plan was not to disclose the names of those being pardoned. Only after a ruling of the Constitutional Court in 2010, the names would be disclosed and the victims were allowed to make submissions to the committee. Officially, the policy of pardons was meant to complete the unfinished business of the Truth and Reconciliation. However, victims associations argue that pardons have rather undermined the work of the TRC.<sup>206</sup> Two conclusions can be taken from the on-going controversy. First, it confirms the finding from chapter 3.2 that the reconciliation process remains an emotional and very sensitive issue which is far from being completed yet. Second, the special pardons increased the discontent of many victims with the reparation policy of the TRC. The feeling of being failed was aggravated by the renewed possibility for perpetrators to escape their punishment.

### *Concluding remarks*

Finally, there are some principal problems with the South African approach towards reparations. When the government was made the agent of reparations, there was a certain danger that the

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<sup>201</sup> Khulumani Victim Support Group, "Special Presidential Pardons undermine Truth and Reconciliation in South Africa" (29 June 2012) <http://www.khulumani.net/reconciliation/item/675-special-presidential-pardons-undermine-truth-and-reconciliation-in-south-africa.html>, (24 September 2012).

<sup>202</sup> For instance, Krog and Joubert, interviews.

<sup>203</sup> Joubert, interview.

<sup>204</sup> Centre for the Study of Violence and Reconciliation and Khulumani Support Group, "Survivors' Perceptions of the Truth and Reconciliation Commission and Suggestions for the Final Report" (1998) <http://www.csvr.org.za/wits/papers/papkhul.htm> (24 September 2012).

<sup>205</sup> Le Roux, interview.

<sup>206</sup> Khulumani Victim Support Group, "Special Presidential Pardons undermine Truth and Reconciliation" and Le Roux, interview.

responsibility for the apartheid crimes would be removed from individuals. While government involvement might have facilitated a kind of structural healing, it might also have protected perpetrators. As Hannah Arendt stated, “where all are guilty, no one is”.<sup>207</sup> Critique about failing reparations was generally directed towards either the TRC or the government while those, who had most profited from the apartheid regime, were generally spared. “The irony in South Africa is that the ANC government is responsible for making reparations on behalf of the very individuals and system that the ANC struggled against for forty years.”<sup>208</sup> Even though this is one of the structural problems of the South African approach towards reparations, there was no feasible alternative. For sure, the TRC could have laid more emphasis on the responsibility of the business sector. It could have been more postulating against those who owed their wealth to the apartheid regime. But we must not forget that the TRC was a great compromise. It was this compromise that made the peaceful transition possible, after all. In order to enable South Africa to reconcile, it was important not to collectively criminalise white people. Therefore, there was no choice but ascribing the responsibility to the government.

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<sup>207</sup> Shore, *Religion and Conflict Resolution*, 165.

<sup>208</sup> *Ibidem*.

#### 4. Material reconciliation: addressing inequality

If the white twelve per cent of South Africa had been a separate country in 1996, it would have ranked 24th in the world, just behind Spain. In the same year, a country consisting of the black majority of South Africa would have ranked 123<sup>rd</sup>, just above Congo. These figures sum up the socio-economic legacy of apartheid.<sup>209</sup> Even after the transition, South Africa showed characteristics of the “first” and the “third” world side by side.<sup>210</sup> According to the country’s Gini coefficient, it is the most unequal country in the world.<sup>211</sup> On the one hand, its economic growth after 1994 has been astonishing. Looking at industrial production, purchasing power and the service sector, South Africa qualifies as a member of the “club of rich countries”. On the other hand, its society is still hampered by massive unemployment, high crime rates and the disastrous consequences of HIV/AIDS.<sup>212</sup> At a certain point, this might lead to a revolution, or, in other words, “there may well be those who will demand that we revisit our soft transition, with apartheid’s victims demanding a tougher and less compromising settlement of past injustices”.<sup>213</sup>

The first step of the reconciliation process was the recognition of equal rights for all South Africans. Since 1996, South Africa has a sound legal basis for all citizens. The constitution defines “property”, “housing”, “labour relations”, (...) health care, food, water and social security” as socio-economic rights. “A person or community dispossessed of property (...) as a result of past racially discriminatory laws or practices” is entitled to “restitution (...) or to equitable redress”.<sup>214</sup> So far the theory; in reality, a lot of fundamental socio-economic injustices of the apartheid system didn’t cease to exist after the end of apartheid. For instance, the consequences of the migrant labour system and forced removals of people from their homes keep on harming millions of people.<sup>215</sup> One participant of the SARB brought the situation to a point, stating “before we had social classes that were based on race. Today we have classes based on your social status. How much money you have.”<sup>216</sup> Many of the TRC’s recommendations addressed the material conditions in post-apartheid South Africa. However, it took some time before they were also included into the reconciliation discourse. Some scholars warn that the initial focus on rights and psychological reconciliation in South Africa distracted the reconciliation process from the very pressing socio-economic problems of its society.<sup>217</sup> According to Van der Merwe,

“What [is] missing, [is] a broader concept of reconciliation and a long-term strategy for the next decades. (...) After the end of apartheid, people were no longer divided by crimes and inequality

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<sup>209</sup> Mamdani, “Reconciliation Without Justice”.

<sup>210</sup> Verbeek, “Zuid-Afrika na 1994”, 59-60.

<sup>211</sup> World Bank, “The GINI Index” (2009)

[http://data.worldbank.org/indicator/SI.POV.GINI?order=wbapi\\_data\\_value\\_2009+wbapi\\_data\\_value&sort=asc](http://data.worldbank.org/indicator/SI.POV.GINI?order=wbapi_data_value_2009+wbapi_data_value&sort=asc) (18 April 2012).

<sup>212</sup> Verbeek, “Zuid-Afrika na 1994”, 59-60.

<sup>213</sup> Villa-Vicencio, “A thing that won’t go away”, 164.

<sup>214</sup> Government of South Africa, *Constitution of the Republic of South Africa*, Chapter 2: Article 7-39.

<sup>215</sup> Klug, *The Constitution of South Africa*, 43.

<sup>216</sup> Lefko-Everett et al., *Reconciliation Barometer Survey*, 30.

<sup>217</sup> Du Toit and Doxtader, *In the Balance*, IX.

before the law. However, the socio-economic inequalities went on. What South Africa needs now is a second, socio-economic transformation – after the first political transition.”<sup>218</sup>

This quote emphasises what most of my South African interview partners stated, too, namely that reconciliation is incomplete as long as the socio-economic situation of the majority of the population is not improved. At the same time, Van der Merwe indicates that there is no consensus on what (material) reconciliation should include and how inequalities could be best addressed.

In chapter 2.2, I defined “the (re-) distribution of wealth and land, the massive unemployment rate among black South Africans and the inequalities of the education system” to be necessary elements of material reconciliation. The first two aspects (redistribution of wealth and redistribution of land) are directly linked to distributional justice. Recourses have to be redistributed to reach a more just and more equal society. The latter two aspects (employment and education) are not so much about redistribution but about the enhancement of opportunities. Their aim is to create a society, where chances are more equally spread. Eventually, all four aspects are important indicators of inequality. In the remaining part of this chapter, the progress of South Africa in each of these fields will be analysed and related to the reconciliation process.

## **4.1 Distributional justice**

“Poor people are not asking to be ‘reconciled’. They are asking for clean water and electricity. But this is basically the same claim.”<sup>219</sup> Furthermore, Krog emphasises that, with the exception of a tiny black elite, the bulk of black South Africans still lives in desperate poverty. Kenneth Lukuko, who works at the Institute for Reconciliation and Justice, comes to the same conclusion: “Victims are usually most interested in practical reparations; ‘reconciliation’ itself is not regarded as important as economic survival.”<sup>220</sup> Poor black people (and, to a lesser extent, coloured people) remain the most vulnerable part of the population.<sup>221</sup> Among my interview partners, there was broad consensus that the situation is deteriorated by the huge discrepancy between the living circumstances of the richest and the poorest segments of the population. In the next few paragraphs, this finding is compared to several data provided by the World Bank, United Nations, OECD and other relevant institutions.

### **4.1.1 Redistribution of wealth**

#### *Income shares, GDP and poverty*

Eighteen years after the end of apartheid, wealth has not been successfully redistributed yet. In recent years, inequality has actually increased. The data of the World Bank show that the income share of the poorest twenty per cent of South Africans did only slightly increase up to the year 2000. Afterwards, it decreased again and is now even lower than it was in 1993. The income share of the

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<sup>218</sup> Van der Merwe, interview.

<sup>219</sup> Krog, interview.

<sup>220</sup> Kenneth Lukuko, personal interview (24 February, 2012)

<sup>221</sup> Krog, interview.

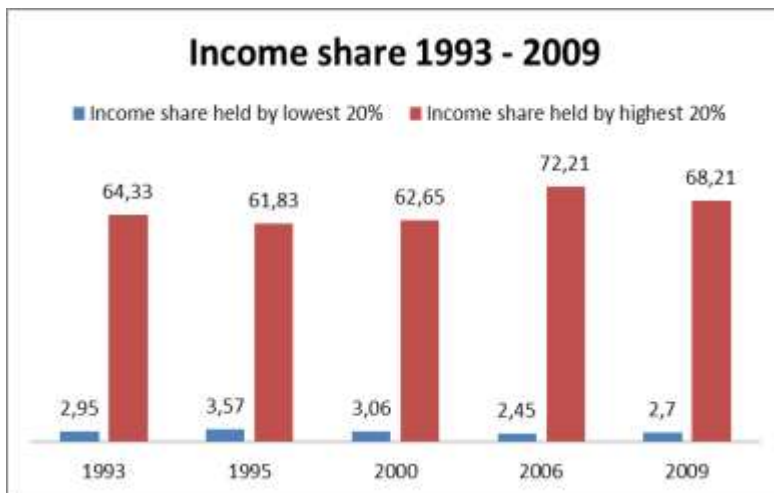


Figure 4: Income shares in South Africa. (Source: World Bank 2012)

least 7.6 per cent. The United States are somewhere in between with 45.8 and 5.4 per cent respectively (in 2000).<sup>222</sup>

With a Gini coefficient of 63.1 (2009), South Africa is the most unequal country in the world.<sup>223</sup> Inequality still has a strong racial component. According to the OECD, racial income shares are far from proportionate with population shares. In comparison with other population groups, black and coloured South Africans remain the most disadvantaged. Recently, the picture of inter-racial inequality has slightly changed, however. This is because inequality within each of the four major racial groups has gradually increased. Part of the explanation lies in a growing black middle class and a black elite that didn't exist under apartheid. Changing demographics are another explanation. The share of black people, which is already more than eighty per cent of the total population, is growing. Consequently, inequality within this group will increasingly dominate the overall picture. To make redistribution policies work, this gradual change has to be taken seriously.<sup>224</sup> According to the *South African Reconciliation Barometer 2011*, South Africans see income inequality as the biggest division in their country. This opinion was held by 32 per cent of the respondents, while only twenty per cent regarded race as the main dividing factor.<sup>225</sup> 46 per cent believed reconciliation to be impossible as long as "people who were disadvantaged under apartheid continue to be poor". A further 33 per cent was uncertain or did not know, while only seventeen per cent believed reconciliation to be possible without addressing the living circumstances of the poor.<sup>226</sup>

<sup>222</sup> World Bank, "Data by Country" (2012) <http://data.worldbank.org/country> (29 July 2012).

I realize that a comparison between countries so profoundly different in population size and structure can be problematic. However, the comparison between South Africa, the Netherlands and the United States provides the reader at least with some idea about the significance of the South African percentages. For the Netherlands and the United States, the data from 1999 and 2000 respectively were the newest data available.

<sup>223</sup> World Bank, "The GINI Index".

<sup>224</sup> Murray Leibbrandt et al., "Trends in South African Income Distribution and Poverty since the Fall of Apartheid" (2010), *OECD Social, Employment and Migration Working Papers*, No. 101, OECD Publishing, 21.

<sup>225</sup> Lefko-Everett et al., *Reconciliation Barometer*, 31.

<sup>226</sup> Lefko-Everett et al., *Reconciliation Barometer*, 31.

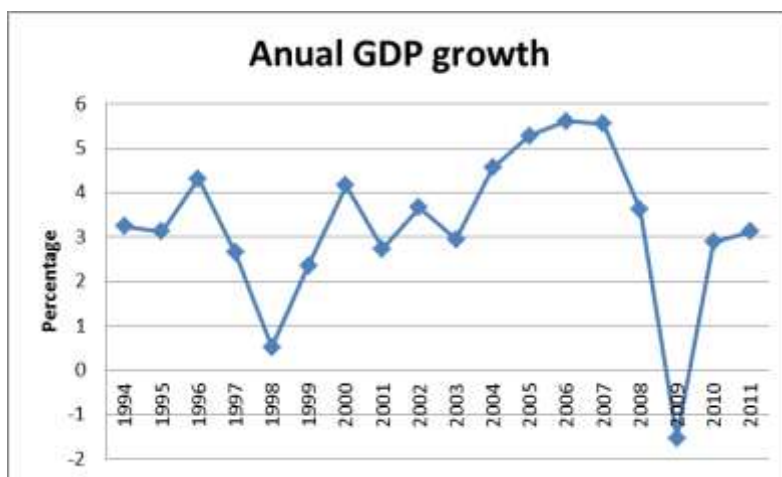


Figure 5: GDP growth (annual %). (Source: World Bank 2012)

The GDP growth of the last two decades has been uneven but generally quite high (see figure 5). The only year with a negative growth was 2009, which correlates with the global economic recession. At the same time, the GDP per capita has risen from \$3,000 in 1994 to almost \$4,000 in 2011. In the same period, non-monetary well-being,

for instance, access to piped water, electricity and formal housing, has also increased.<sup>227</sup>

According to the South African Institute of Race Relations (SAIRR), the number of households living in formal houses increased from 5.8 million in 1994 to 11 million in 2010. This is an increase of 89.9 per cent. Due to the fast population growth, the overall percentage of all households living in formal houses thereby increased from 64 per cent to only 76 per cent.<sup>228</sup> While this is surely positive news, it also implies that one quarter cent of all South Africans is still living in informal dwellings. Furthermore, the institute indicates that the number of households with access to electricity increased from 5.2 million in 1994 to 11.9 million in 2010. Thereby, the percentage of all households with access to electricity increased from 58 per cent to 83 per cent. During the same period, the number of households with access to piped water increased from 7.2 million to 12.7 million. The overall percentage of houses with running water thereby increased from 80 per cent to 89 per cent.<sup>229</sup> These numbers indicate that the general living standards in South Africa have increased during the last eighteen years.

Accordingly, the percentage of people living from less than two dollars a day has recently decreased from more than forty per cent in 2000 to slightly above thirty per cent (see figure 6).<sup>230</sup> Obviously, this remains a high percentage in a country which has the 29<sup>th</sup> biggest GDP of the world.<sup>231</sup> These numbers are quite different from the figures presented by the SAIRR. The institute states that the

<sup>227</sup> Ibidem, 5.

<sup>228</sup> SAIRR, "Zuma correct on service delivery successes - Institute".

<sup>229</sup> Ibidem.

<sup>230</sup> World Bank, "Data by Country".

<sup>231</sup> United Nations "GDP/breakdown at current prices in US Dollars (all countries)" (2010)

<http://unstats.un.org/unsd/snaama/dnltransfer.asp?fid=2> (4 August 2012) and International Monetary Fund "World Economic Outlook Database" (2011)

<http://www.imf.org/external/pubs/ft/weo/2012/01/weodata/weorept.aspx> (4 August 2012). According to the World Bank "Gross domestic product" (2011)

<http://databank.worldbank.org/databank/download/GDP.pdf> (4 August 2012) South Africa's GDP is even the 27<sup>th</sup> biggest in the world.

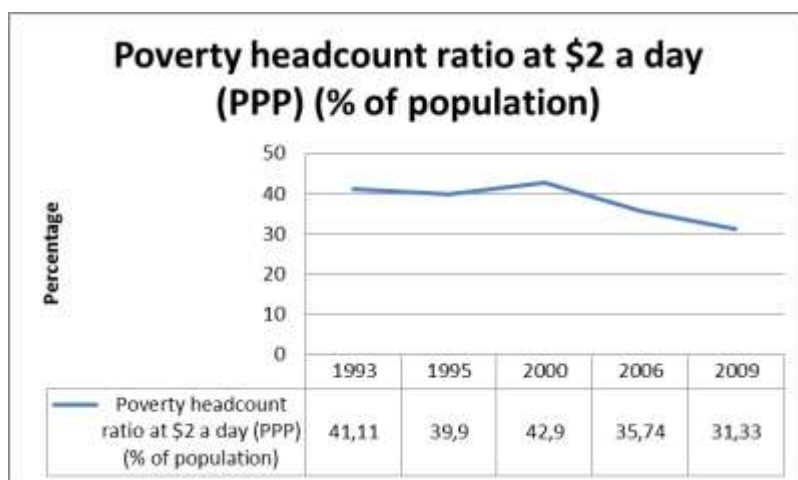


Figure 6: Poverty headcount ratio at \$2 a day (PPP) (% of population).  
(Source: World Bank 2012)

proportion of South Africans living at less than two dollar a day has declined from twelve per cent in 1994 and a peak of seventeen per cent in 2002, to just five per cent in 2012.<sup>232</sup> Whereas these numbers are lower than those of the World Bank, the overall trend of the development (a peak around 2002 and decline afterwards) is

consistent in both data sets. The difference is probably due to different methods of measurement and underlines how careful one has to be relying on statistics.

While the declining number of extremely poor people is certainly a positive development, chapter 4.2.1 will show that the decline is not due to a flourishing labour market. It can be largely ascribed to social grants paid by the state. From 2001 to 2010, the total number of South Africans receiving a grant increased from eight per cent to 29 per cent. The number of recipients of the child grant increased most dramatically, by 1,200 per cent during the same period.<sup>233</sup> The government spends now ten per cent of its expenditure on social grants like the child support grant, disability grant and old-age pension. While these payments helped people to rise about the poverty line of two dollars a day, they had little effect on inequality. Another problem of the grant system is that it excludes some of the most desperate families because they lack the required documents.<sup>234</sup> In spite of these shortcomings, the grant system has been a significant tool for tackling the worst consequences of poverty.

Living circumstances can also be scaled through the *Living Standards Measures* (LSMs). These measures categorise people according to several criteria, such as access to running water or a flush toilet, the possession of a motor vehicle and so on. Importantly, income is not used to determine a person's LSM. During the last decade, the majority of South Africans shifted from the three lowest LSM categories (1-3) to the medium four (4-7) LSMs. The proportion of South African adults living with the lowest living standards fell from eleven per cent in 2001 to only one per cent in 2011.<sup>235</sup> At first glance, the decreasing percentage of poor people along with the growing GDP per capita and

<sup>232</sup> SAIRR, "Zuma correct on service delivery successes - Institute".

<sup>233</sup> SAIRR, "Impressive shift in living standards trends" (Press Release, 28 August 2012) <http://www.sairr.org.za/media/media-releases> (19 September 2012).

<sup>234</sup> United Nations Refugee Agency, "World Directory of Minorities and Indigenous Peoples – South Africa : Overview" (2008), <http://www.unhcr.org/refworld/publisher/MRGI,ZAF,4954ce2bc,0.html> (30 September 2012).

<sup>235</sup> Ibidem.

rising LSMs seem to contradict the earlier finding that the poorest twenty per cent of the population is now earning less of the total income share than in 1994. However, these diverging trends only underline the fact that the economic growth of the last two decades was not equally spread. While more blacks have gained access to electricity, running water and social grants, the bigger part of the economic growth has benefited the elite. As we have seen in figure 4, those already wealthy earn now more than they used to. While the situation of the poorest people has slightly improved, the clove between the rich and the poor has become even wider.

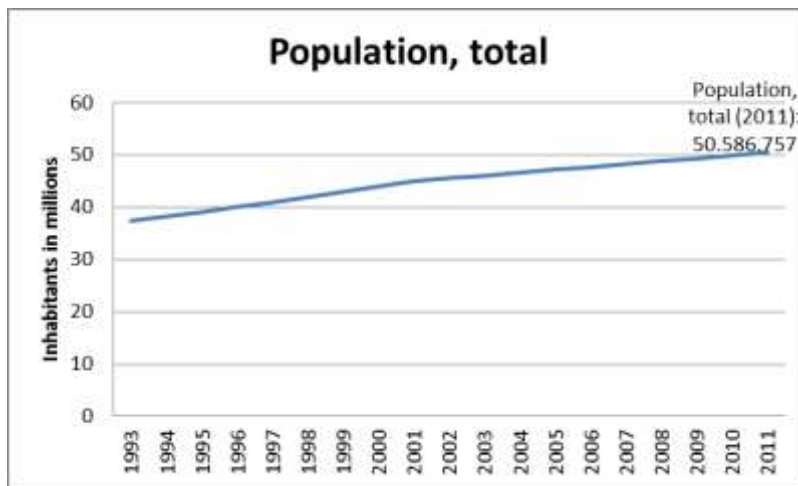


Figure 7: Population growth. (Source: The World Bank 2012)

The last important figure in this context is the population size, which has grown by more than ten million people since 1994. As a result, resources today have to provide for 32 per cent more people than they used to do, eighteen years ago.<sup>236</sup> In this light, the growth of the GDP per capita and the reduced number of people living under

the poverty line are remarkable. At the same time, the fast population growth has only increased inequality. Institutions, infrastructure and the labour market face great difficulties in keeping path with the increasing number of people they have to provide for.

#### *Poverty and inequality related crime*

People who are daily confronted with enormous material dissimilarities between them and “the others” are more likely to become depressed than people in a surrounding where everybody is poor. Inequality provokes questions about self-worth.<sup>237</sup> This, in turn, leads to frustration, which restricts the possibilities for true reconciliation. Inequality can also be regarded as a reason for the high crime rates in South Africa. According to Krog, “today’s high crime rates don’t come as a surprise. In a country with so much suppression and inequality, how can you be surprised about high crime rates?”<sup>238</sup> While inequality is surely related to crime, the connection is not as straightforward as one might expect. Rich people are more likely to become the victims of robbery and other property related crimes.<sup>239</sup> However, according to a survey by the Centre for the Study of Violence and

<sup>236</sup> World Bank, “Data by Country”.

<sup>237</sup> Centre for the Study of Violence and Reconciliation (CSVr), “Why does South Africa have such high rates of violent crime? Supplement to the final report of the study on the violent nature of crime in South Africa” (2009), [http://www.csvr.org.za/docs/study/7.unique\\_about\\_SA.pdf](http://www.csvr.org.za/docs/study/7.unique_about_SA.pdf).

<sup>238</sup> Krog, interview.

<sup>239</sup> CSVr, *Tackling Armed Violence - Key Findings and Recommendations of the Study of the Violent Nature of Crime in South Africa* (2009), 20, [http://www.csvr.org.za/docs/study/6.TAV\\_final\\_report\\_13\\_03\\_10.pdf](http://www.csvr.org.za/docs/study/6.TAV_final_report_13_03_10.pdf).



Reconciliation, 45 per cent of all murders in 2009 was related to “male-male assaults related to arguments or disputes”. The victims of these murders were usually rather poor. This demonstrates that it was not inequality itself, which provoked these murders. Instead, they were caused by frustration combined with the longstanding conviction that “violence works”. The huge amount of male-male violence is believed to be central in contributing to a “culture of violence”. This “culture” has been developed in South Africa for decennia. It is another important cause for the high crime rates.<sup>240</sup> Nevertheless, in comparison to other countries in the region, South Africans are still advantaged. Wessel Le Roux, who is a professor of law at the University of the Western Cape, points out that “our poor people are often still better off than the poorest people in surrounding countries. The proof is the big amount of immigrants from our neighbouring countries.”<sup>241</sup> Like other countries around the world, South Africa struggles to manage the increasing amount of poor immigrants. These people are often made the scape goat for the high unemployment rate and persisting poverty in South Africa. It seems that it is not white people but immigrants that suffer most from the frustration of the deprived underclass.<sup>242</sup>

#### *Concluding remarks*

In conclusion, South Africa’s overall economic development since the end of apartheid was mixed. While the economy has been growing and poverty could be reduced, inequality is now even greater than in 1994 and remains a burden on reconciliation. Interestingly, many South Africans don’t relate inequality, poverty and crime exclusively to the apartheid-heritage any longer.<sup>243</sup> In this light, inequality has come to replace apartheid as the defining national divide. This might either be interpreted as a positive or a negative development. On the upside, by not relating everything exclusively to the emotion-loaded issue of apartheid, socio-economic problems can be addressed in a more reasonable way.<sup>244</sup> On the downside, if South Africa is no longer regarded as a post-apartheid country, this could postpone, or even prevent, solutions to persisting apartheid legacies.<sup>245</sup> I regard the former (positive) interpretation as more relevant. While it is important not to neglect certain apartheid legacies, the spirit of not blaming *all* current problems on apartheid anymore can help the country to move forwards. People seem to be willing not to get stuck in their divided past. In chapter 3, we have seen that looking forwards rather than backwards has its pitfalls, too. The crux is not to terminate but to reframe the reconciliation discourse in socio-economic terms. If inequality was finally addressed more rigorously, South Africa has still a chance to reach true reconciliation.

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<sup>240</sup> Ibidem, 10.

<sup>241</sup> Le Roux, interview.

<sup>242</sup> Couwenberg, “Het nieuwe Zuid-Afrika”, 100.

<sup>243</sup> Le Roux, Van der Merwe and Joubert, interviews.

<sup>244</sup> Van der Merwe, interview.

<sup>245</sup> Le Roux, interview.

#### ***4.1.2 Redistribution of land***

The present distribution of land is still very much influenced by the homeland policy of the apartheid regime. Homelands were small territories, where people of a certain ethnic group were forced to live. These territories were ethnically almost homogenous. The regime justified the homeland policy by “the right of self-determination” and the “desire among black Africans for self-government”. In reality, the homeland policy was not based on free choice.<sup>246</sup> Its aim was “to ensure white rule over white South Africa (...) by driving out black Africans from the geographical and eventually political terrain of South Africa”.<sup>247</sup> While more than seventy per cent of the population was expected to live in these homelands, they made up only 13 per cent of the total landmass of South Africa. Nevertheless, only 37 per cent of the black population actually lived in one of them. The main reason for this was that there wasn’t any work in the homelands. Their function was that of a “labour reserve” for the highly exploitive migrant labour system. Therefore, they were generally located far away from the main centres of economic activity.<sup>248</sup> The *Urban Areas Act* prohibited black people to stay in a city for more than 72 hours unless they were employed there. This law was only one of a series of restrictive labour regulations. They ceased to exist in 1994 but their consequences, most importantly spatial segregation and unequal landownership, remained.

#### *Spatial segregation*

With the exception of few middle class areas, people of different racial groups usually live in distinct neighbourhoods, in rural and urban regions alike. This is even though South Africans are now legally entitled to choose where to live. As a consequence of this freedom, many black people left the former homelands to find work in one of the big cities. The majority of them came to live in townships, which surround every South African city. While there are huge differences of living circumstances inside the townships, too, they are generally the most disadvantaged, poor and dangerous areas of a city. They are either “black” or “coloured” and white people or persons from racial origins are unlikely to move there. Just as people in white suburbs, township dwellers can live their lives without ever coming across a single resident of another racial background. Interestingly, the rising black middle class doesn’t massively leave their former townships either. Many of them prefer to stay, building new houses in the townships.<sup>249</sup>

Most of my interview partners regarded the persisting spatial segregation as a serious hindrance to reconciliation. Part of the problem lies in the bad living circumstances in the bigger part of the townships. Besides, people who don’t experience any contact with other groups will hardly ever overcome their prejudices about “the others”. According to Le Roux, the very limited social mobility

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<sup>246</sup> Fessha, *Ethnic Diversity and Federalism*, 65.

<sup>247</sup> *Ibidem*, 68-9.

<sup>248</sup> *Ibidem*, 65-8 and UN Refugee Agency, “World Directory of Minorities”. The consequences of this system will be discussed in the next paragraph about employment.

<sup>249</sup> Based on my own observations in South Africa.

helps stereotypes to persist. "Reconciliation is a personal thing. In order to reconcile with each other, people would have to meet."<sup>250</sup> Therefore, a spatial remaking would be badly needed.

"The government could and should have done much more in order to change the urban environment in the cities. This reconstruction of our living spaces is absolutely necessary. Of course, this doesn't mean to force people to move, but the whole spatial planning could have looked very different to encourage the mixing of different people."<sup>251</sup>

At the same time, the remaking of spatial patterns is a particularly difficult endeavour. In order to encourage more mixed living areas, the government would have to invest largely in indirect means, such as the tackling of socio-economic inequality and the promotion of more interracial mixed schools and works spaces. Lukuko adds that the less confident people are about their future, the more they feel threatened by "the other". This is true for both poor black and better-off white people. On the one hand, poor people are often pessimistic about their future and suspicious about those, who possess the wealth they can only dream about.<sup>252</sup> On the other hand, the white middle class that used to be the political and economic elite is now politically more or less powerless. Therefore, many of these people prefer to hide themselves behind apathy and cynism.<sup>253</sup> According to Le Roux, they readily use the high crime rates as an excuse to escape into the ever more popular golf estates (rich white suburbs) than living in a more mixed neighbourhood.

### *Restitution of land*

Because of the many people who had forcefully been expropriated from their land under apartheid, one of the priorities of all post-apartheid governments was the implementation of a land reform programme. However, the need of reconciling a bitterly divided society and the need of returning to people what had been illegally taken from them are at odds. Eventually, the state took on the responsibility of settling all rightful restitution claims. In November 1994, the *Restitution of Land Rights Act* (Act 22 of 1994) was passed. It was widely regarded as a milestone in South African history. The three key elements of the subsequent land reform programme were restitution, redistribution and tenure reform.<sup>254</sup> In the restitution programme, the restoration of the original lost land had priority but it was not a right. Victims could also be offered some alternative land, compensation payments or priority development assistance (or a combination of these measures).<sup>255</sup> A total of 79,696 claims was lodged before the deadline in December 1998. While the programme brought few results in the beginning years, it became more effective in later years. In 2009, almost 95

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<sup>250</sup> Le Roux, interview.

<sup>251</sup> Ibidem.

<sup>252</sup> See also the section *Poverty and inequality related crime* under 4.1.1.

<sup>253</sup> Couwenberg, "Het nieuwe Zuid-Afrika", 60.

<sup>254</sup> Department of Land Affairs, *White Paper on South African Land Policy* (1997) [http://www.polity.org.za/polity/govdocs/white\\_papers/landwp.html](http://www.polity.org.za/polity/govdocs/white_papers/landwp.html), (2 October 2012).

<sup>255</sup> Jean du Pissies, *Land Restitution in South Africa, Working Paper No.6* (Bethlehem 2004) 4 and 11.

per cent of all rightful land claims (75,400) had been settled, most of them being urban claims.<sup>256</sup> The majority of large rural claims remained unresolved.<sup>257</sup>

The major challenges of the restitution programme were “increasing land prices, inadequate budget for land acquisition, and poor capacity within the department”.<sup>258</sup> Several NGOs criticise the government for not integrating the restitution programme into a broader land reform and thereby missing the opportunity of shifting the skewed racial patterns of land ownership.<sup>259</sup> Another point of critique is that the number of hectares transferred through the land restitution programme could have been doubled if the government had refrained from the payment of financial compensation. Between 1994 and 2009, it spent 12.1 billion ZAR to transfer just over 2.6 million hectares through the land restitution programme. An additional 5.7 billion ZAR was paid out to beneficiaries who received money instead of land. Based on the average cost per hectare (4,600 ZAR) the amount could have bought an additional 2.6 million hectares.<sup>260</sup> Besides, the financial compensations didn’t bring about any long-term economic benefits because many people spent the money for their daily needs and not so much on housing.<sup>261</sup> Altogether, the restitution programme can be regarded as partly successful. While it brought restitution to some, it couldn’t break open the old racial patterns of land distributions.

#### *Willing-buyer, willing-seller*

There is a lot of discussion going on about restitution measures and the implications of racial segregation but there is even more controversy about the redistribution of farm land. When apartheid ended, only thirteen per cent of the land belonged to blacks, who account for about eighty per cent of the population. One of the most important tasks of the new government was to ensure that the land would be more equally distributed. Instead of enforcing massive land expropriation, the government committed itself to a “willing-buyer, willing-seller” approach. The only case the government was allowed to expropriate land was when a specific piece of land was needed for public purposes.<sup>262</sup> This kind of expropriation included compensation for the former land owner. The

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<sup>256</sup> Thembisa Pepeteka and Tshililo Manenzhe, *South African Land Reform: Progress and Challenges, Parliamentary Research Unit paper on South African Land Reform* (01 July 2009) <http://www.pmg.org.za/report/20090701-land-restitution-programme-land-claims-completion-strategies-research> (25 September 2012) 7,8.

<sup>257</sup> Ben Cousins, “Land reform in post-apartheid South Africa – a disappointing harvest”, *Livelihoods after land reform website*, <http://www.lalr.org.za/news/land-reform-in-post-apartheid-south-africa-2013-a-disappointing-harvest-by-ben-cousins> (25 September 2012).

<sup>258</sup> Parliamentary Monitoring Group, “Land Restitution Programme & land claims completion strategies: Research Unit briefings” (30 Jun 2009) <http://www.pmg.org.za/report/20090701-land-restitution-programme-land-claims-completion-strategies-research> (25 September 2012).

<sup>259</sup> Du Pissies, *Land Restitution in South Africa*, 7-8.

<sup>260</sup> SAIRR, “Financial compensation money could have doubled land restitution hectares” (Press Release, 25 January 2012), <http://www.sairr.org.za/media/media-releases> (2 October 2012).

<sup>261</sup> Bernadette Atuahene, “Land is not a Utopia for the dispossessed”. *Mail and Guardian* (20 July 2012) <http://mg.co.za/article/2012-07-19-land-is-not-utopia-for-the-dispossessed> (26 September 2012).

<sup>262</sup> Government of South Africa, *Constitution of the Republic of South Africa*, Chapter 2: Article 25.

problem with this approach was that white farmers could decide which land they wanted to make available for redistribution. They could also decide about the price. In many cases, the government was unable to pay these prices, which were often highly exaggerated. In 2008, an *Expropriation Bill* was introduced, which would have given the government more rights to expropriate land. However, this bill was withdrawn due to massive public protests.<sup>263</sup> Some critics of the bill argued that the problem was not the willing-buyer, willing-seller principle but the lack of capacity within the Department of Land Affairs.<sup>264</sup> While these critics surely had a point, the most decisive factor for the withdrawal of the bill was the massive pressure by white commercial farmers, who argued that food security was at stake. Their resistance can also be interpreted as a proof of their unwillingness to reconcile, in the moment their material wealth is at stake.<sup>265</sup>

According to the Parliamentary Research Unit, South Africa needs structural change through a “holistic approach”, a programme of wide-ranging land- and agrarian reforms. Agrarian reform is not only seen as the redistribution of land but as an overall redirection of the agrarian systems. It should also include credit measures and training.<sup>266</sup> While discussions about reforms, redistribution and expropriation have been heated, progress has been slow. Eighteen years after the end of apartheid, only about seven per cent of commercial farm-land has been transferred to blacks.<sup>267</sup> Not surprisingly, the majority of the poor black population is pressing for faster land reform.

“The time for such measures was in the 1990s. Now it’s too late. The goal was to have 30 per cent of the land in the hands of black land owners in 2014. (...) This goal will not be reached. Therefore, South Africa faces much more polarization now. The whole debate has grown quite emotional and people are getting impatient.”<sup>268</sup>

### *Food security*

One of the problems with the redistribution of land is that land ownership has to be weighted up against food security. New black farmers are less productive than traditional (white) large estates. Commercial farmers produce around 95 per cent of the country’s locally-produced food, while only five per cent of all food is produced by the 220,000 emerging farmers and 1.3 million subsistence farmers in the country. This demonstrates that national food security depends on commercial farming.<sup>269</sup> While this is an important thought, it should not lead to the conclusion that the redistribution of land would be impossible. According to Van Kessel, white farmers conclude all too

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<sup>263</sup> Ntsebeza, “Reconciliation and the land question”, 88.

<sup>264</sup> PoliticsWeb, “Withdraw Expropriation Bill – SAIRR” (Statement issued by the Institute of Race Relations May 15 2008) <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71654?oid=89759&sn=Detail> (12 August 2012).

<sup>265</sup> Ntsebeza “Reconciliation and the land question”, 88.

<sup>266</sup> Pepeteka and Manenzhe, *South African Land Reform*, 7-8.

<sup>267</sup> Cousins, “Land redistribution needs political will”.

<sup>268</sup> Van Kessel, interview. Van Kessel refers to a promise of the Mbeki government (30 per cent of the land owned by blacks in 2014) which I found confirmed in several articles, for instance by the UN Refugee Agency, “World Directory of Minorities and Indigenous Peoples - South Africa” (2008).

<sup>269</sup> SAIRR, “Commercial farming drives the country’s food security” (Press Release, 8 August 2012) <http://www.sairr.org.za/media/media-releases> (13 August 2012).

readily that they are the better farmers while their black counterparts are incapable. However, the unproductiveness of new farmers doesn't come as a surprise since they have little experience farming and running a business.

The underlying problem is that emerging black farmers don't get enough guidance in effective methods of farming.<sup>270</sup> This is even though South Africa has enough frameworks in which such training could take place. First, in the sector of formal education, agricultural training is provided on five levels: in primary schools, secondary schools, colleges of agriculture, technikons and universities.<sup>271</sup> Accordingly, students in rural areas can choose certain agricultural subjects while still attending primary or secondary school. The problem lies in the tertiary education, which is generally unaffordable for students from poor families. In order to develop the possibilities of this framework, more special funding for agricultural (tertiary) education would have to be made available. Second, training and guidance is also provided by the National African Farmers' Union (NAFU). This union was established in 1991 and consists of predominantly black small-holder farmers. It strives to "actively promote the interests primarily of black farmers who are largely a disproportionately disadvantaged farming community". NAFU lobbies for the access to land, credit, information, effective communication systems, training, management skills and modern production techniques.<sup>272</sup> Thereby, NAFU could be a good platform to extend and to intensify training for disadvantaged black small holder farmers. But again, more funding and also better management would be needed in order to develop this alternative option to formal education.

In conclusion, when it comes to land ownership and spatial distribution of living space, the legacies of apartheid are still very much in place. In these areas, it is particularly difficult for the government to intervene. This is, first, because people cannot be forced to leave their homes to go and live somewhere else. Second, any policy touching the redistribution of land is likely to be surrounded by much controversy. However, without any decisive action by the government, the situation is not likely change. "Land expropriation brings chaos but without such drastic measures, it seems that the question cannot be solved".<sup>273</sup> The willing-seller, willing-buyer norm was principally a good approach towards land distribution but it brought too little results, in the end. Therefore, as time goes by, a more decisive approach would be needed. For instance, the redistribution of land should go hand-in-hand with a training programme for emerging farmers who are new in the business. The government would be wise to introduce such measures before people become even more radicalised. In this way, more radical actions like the forceful expropriations in Zimbabwe in the 1990s might be

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<sup>270</sup> Van Kessel, interview.

<sup>271</sup> South African Department for Agriculture, Forestry and Fisheries, Official Website, "Agricultural Training" (2006) <http://www.nda.agric.za/daoDev/sideMenu/links/Digest8.htm#COLLEGES%20OF%20AGRICULTURE> (25 September 2012).

<sup>272</sup> Department for Agriculture, Forestry and Fisheries, "Organized Agriculture".

<sup>273</sup> Van Kessel, interview.

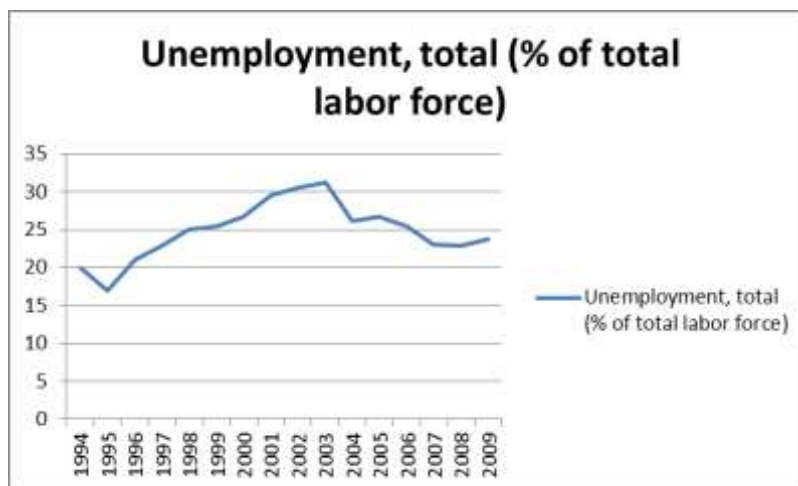
prevented. At the same time, the controversy around the *Expropriation Bill* shows that any such measures are likely to meet strong opposition.

## 4.2 Enhancing opportunities

When it comes to education and employment, the question is not so much to redistribute resources which are already there but more to enlarge possibilities for those being previously disadvantaged.<sup>274</sup> Eventually, both, the redistribution of resources and the enhancement of opportunities serve the same common goal: the reduction of inequality.

### 4.2.1 Employment

Just as the issue of land reform, employment in post-apartheid South Africa is a particularly wide-ranging and multi-layered issue. Therefore, this study can only give an overview of the most important developments in this field. The subjects discussed are unemployment, the responsibility of the business sector and affirmative action.



### Unemployment

At the end of apartheid, the unemployment rate in South Africa was at about twenty per cent. After a brief decline in the first years after 1994, it increased to more than thirty per cent in the first years of the new millennium. After a peak in 2003, unemployment decreased again until South Africa was

struck by the global economic crisis in 2009 (see figure 8). In 2011, the unemployment rate was estimated to be about 24.9 per cent. With 48.2 of its youth (aged 15-24) being without a formal job, South Africa has the third largest youth unemployment rate in the world.<sup>275</sup> Unemployment is not only a problem in itself. It also influences several other aspects of South African life, such as poverty and crime. While unemployment is not a direct indicator for the success of the reconciliation process, high unemployment rates keep inequality in place. Inequality, in turn, was defined to be one of the most severe burdens on reconciliation.

<sup>274</sup> Arguably, “redistribution of wealth” is also about enhancement since it is partly about economic development and thereby implicitly about an increase of wealth. Nevertheless, the stress of section 4.1.1 lay on redistribution and on the decrease of socio-economic inequality, which distinguishes it from the present section.

<sup>275</sup> IndexMundi, “South Africa Unemployment rate” (based on the CIA World Fact Book 2012) [http://www.indexmundi.com/south\\_africa/unemployment\\_rate.html](http://www.indexmundi.com/south_africa/unemployment_rate.html), (27 September 2012).

Several factors contributed to the South African problem with unemployment. To start with, the labour force increased decisively during the last two decades. This was due to the general population growth but also to higher labour-force participation. Between 1995 and 2008, participation increased from 49 to 55 per cent, which approximates an additional five million people entering the labour market. This was mainly due to an increase of women's participation. Less-skilled workers accounted for the biggest share of the new job seekers. At the same time, the labour market was demanding an increasingly skilled and productive workforce, which aggravated the problem. According to an OECD-study, "the weakness of the country's human capital policies continues to leave those who were particularly disadvantaged by apartheid poorly equipped to face this future".<sup>276</sup> This is especially evident looking at the legacy of the migrant labour system. The patterns of temporary labour migration persisted after the end of apartheid. Between 1993 and 2002, the number of black households with at least one member being a migrant worker increased from approximately 1.3 million to 1.9 million.<sup>277</sup> While these data don't shed light on recent years, it is worth noticing that the first decade after apartheid was not only marked by a higher unemployment rate but also by increasing labour migration. Only looking at these trends, the labour situation seems to have deteriorated after the transition. It is not entirely clear though to what extent the enormous population growth combined with a higher participation rate of the working-age population accounted for this development.

Whereas young people are generally better educated than older employees, they face serious difficulties in entering the labour market. Part of the problem is that people live too far from potential employers and cannot pay the costs for their job search. Besides, formal-sector employers seem to be reluctant to employ new workers in the current situation.<sup>278</sup> This is partly due to labour regulations, which fix starters wages at about sixty per cent of the average salary. This is a much higher rate than in most developed countries, where starters' salaries are about 37 per cent of the average salary. Labour regulations are also said to "have greatly increased the costs and inconvenience of employing people and helped to price the unskilled out of jobs".<sup>279</sup> On the other hand, the government was credited for its "willingness to experiment" with new measures such as wage subsidies and special regulations for new entrants to the labour market.<sup>280</sup> Besides, it was positively noticed that additional tax revenues, which were due to South Africa's strong macroeconomic performance, were used by the state on social expenditures.

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<sup>276</sup> Murray Leibbrandt et al., "Better employment to reduce inequality further in South Africa", in: *Tackling Inequality in Brazil, China, India and South Africa: The Role of Labour Market and Social Politics, OECD Study* (2010) 256.

<sup>277</sup> Dorrit Posel and Colin Marx, *The interaction between informal land markets and rural-urban migration* (2011) [http://www.urbanlandmark.org.za/downloads/land\\_markets\\_migration\\_2011.pdf](http://www.urbanlandmark.org.za/downloads/land_markets_migration_2011.pdf) 1.

<sup>278</sup> Leibbrandt et al., "Better employment to reduce inequality further in South Africa", 211.

<sup>279</sup> Anthea Jeffery, *The Rainbow Index 2010-2011* (Johannesburg 2012) 30.

<sup>280</sup> Leibbrandt et al., "Better employment to reduce inequality further in South Africa", 211.



Since 1994, the government introduced several initiatives to reduce unemployment. A recent initiative is the *New Growth Path*, which sets job creation as a priority. Nobel economics laureate Joseph Stiglitz regards the measures introduced by the *New Growth Pact* as “inevitable” for an emerging economy striving for a durable developmental path. According to Stiglitz,

“It correctly puts employment (...) at its centre. It seeks to build a long-term foundation for a vibrant society, in contrast to the short-termism of unregulated markets, made so evident in the recent crisis”.<sup>281</sup>

The plan aims at reducing unemployment by ten per cent by 2020, down from the current (official) rate of 25 per cent.<sup>282</sup> According to the SARB, total employment has increased by an annual average of only 0.5 per cent since 2001. During the same period, the working age population has grown more than three times as much. To achieve the ambitious goal of the *New Growth Path*, the job creation rate would have to increase by nearly ten times, with five million jobs to be created between 2010 and 2020.<sup>283</sup> In this light, the *Rainbow Index* of the South African Institute for Race Relations criticises the *New Growth Pact* for being inefficient. The report argues that too many of the sectors that are expected to generate new jobs have been crimping for years. Furthermore, the newly created jobs fund of nine billion ZAR is expected to have only limited impact. Finally, the *Rainbow Index* concludes that the plan fails to address “the root causes of unemployment”, such as “poor skills and productivity, along with labour laws that push up wages, encourage strikes, and make dismissals difficult”.<sup>284</sup> The *New Growth Path* also met some critique from business and labour representatives. Both groups claim that the plan lacks any concrete measures to reach its goals. Employers mostly complain about too much state intervention while unions reject the possible wage freeze in the private sector.<sup>285</sup> These latter comments don’t come as a surprise since they are exactly what one would expect from either group. Therefore, unlike the critique which was earlier mentioned, these claims should not be overestimated.

### *Corporate business*

The role of corporate business in the (post-) apartheid period is a less prominent issue than that of perpetrators, who were directly involved in violations of human rights. The involvement of the business sector was in a more indirect way. Nevertheless, companies were among the greatest profiteers of the apartheid regime. They could maximise their profits relying on the unlimited supply of cheap labour. Black labourers had little rights and could therefore be treated as it pleased the

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<sup>281</sup> Lefko-Everett et al., *SA Reconciliation Barometer Survey*, 13.

<sup>282</sup> International Labour Organization (ILO), “South African New Growth Path sets ambitious target to create 5 million jobs by 2020” (22 February 2011), [http://www.ilo.org/jobspace/news/WCMS\\_151955/lang-en/index.htm](http://www.ilo.org/jobspace/news/WCMS_151955/lang-en/index.htm) (19 September 2012).

<sup>283</sup> SAIRR, “South Africa way off its employment targets” (Press Release, 23 January 2012), <http://www.sairr.org.za/media/media-releases>. The data of the release are sourced from Statistics South Africa.

<sup>284</sup> Jeffery, *The Rainbow Index*, 29-30.

<sup>285</sup> ILO, “South African New Growth Path sets ambitious target”.

entrepreneur. Thereby, companies implicitly contributed to poverty and inequality. It can even be stated that

“South Africa’s past is largely a story of colonial oppression and economic exploitation”, which was constructed in “very close collaboration (conspiracy?) between (white) business and (white) politicians to create a (mainly African) labour repressive system on behalf of white business.”<sup>286</sup>

However, at the end of apartheid, the business sector was rarely held accountable.<sup>287</sup> The TRC was occasionally blamed for not including corporate business in its hearings.<sup>288</sup> At least, it addressed the business sector in its *Final Report*. Adopting “a blanket approach to corporative involvement”, it proposed several measures to hold business accountable for their functioning under apartheid. Among them were a wealth tax, a one-time tax on corporate income and an flat percentage donation of South Africa’s leading companies. One of the problems with the blanket approach was that it didn’t distinguish between companies that had actively collaborated with the regime and those that had distanced themselves from politics or even confronted the regime.<sup>289</sup>

In the end, hardly any company was ever held accountable for its functioning under apartheid. One of the few exceptions is an on-going court case in the United States. It started in 2002 and falls under the *American Alien Tort Statute* (ATS). The case is against some twenty South African companies, which are accused by a collective of South African plaintiffs. Among the gravest charges are “arbitrary arrest and detention, torture, forced exile, arbitrary denationalization, and the extrajudicial killing of family members”. However, the bulk of charges is not about any direct participation in crimes but about “aiding and abetting activity”. The suite has already led towards a lot of criticism, which is usually centred on the claim that it “would subvert what the Truth and Reconciliation Commission sought to achieve”. Elsewhere, it is argued that the Commission “purposefully left the door open for future [legal] proceedings”. In the latter view, the suites under the ATS “emerge as highly appropriate tools for pursuing corporate complicity in apartheid”.<sup>290</sup> While some proceedings are still going, most South Africans seem to be unaware of these cases. For the majority of people, presidential pardons, which were discussed in paragraph 3.2, seem to be more relevant.<sup>291</sup>

Looking beyond their dubious role in past, companies are also blamed for their lacking sense of responsibility in the post-apartheid era. The most common claim is that the business contributed to the high unemployment rate by failing to create additional job opportunities. On the other hand, companies complain about “persistent skills shortages, rapidly rising input costs, wage increases

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<sup>286</sup> Simcock, “Unfinished Business”, 250-1.

<sup>287</sup> Van Kessel, interview.

<sup>288</sup> Ntsebeza, “Reconciliation and the land question”, 86.

<sup>289</sup> Ibidem.

<sup>290</sup> Simcock, “Unfinished Business”, 240-1, 252, 254 and 262.

<sup>291</sup> Le Roux, interview.

unrelated to inflation or productivity, and costly strikes”.<sup>292</sup> As was stated earlier, the first aspect, skill shortages, is a particular important issue. According to Pule Motaung from the South African Institute of Race Relations, the skills constraints could be overcome “by doing more to identify and fund tertiary study opportunities for potential graduate professionals”. He argues that students from poor backgrounds could do well at university as long as “they were provided with sufficient counselling and support structures, and full funding to meet 100 per cent of their study and living expenses”. Having doubts about any government-led initiative, he suggests that companies should invest in the training of potential employees themselves, thereby developing “their own skills pipelines”.<sup>293</sup>

### *Employment equity*

The South African implementation of affirmative action is called employment equity. It was introduced to increase the access to the semi-skilled and skilled labour market of those who had been historically excluded from it. Since the terms employment equity and affirmative action are often used interchangeably, no distinction between the two will be made in this research, either. As the first important step, the Commission for Employment Equity was established in 1997. Its function was that of an advisory body to the Minister of Labour. One year later, the parliament passed the *Employment Equity Act* (Act 55 of 1998), which aims

“To achieve equity in the workplace by – (a) promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination; and (b) implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups, in order to ensure their equitable representation in all occupational categories and levels in the workforce.”<sup>294</sup>

The employment equity law is only applicable to companies with more than fifty staff members and a certain annual turnover.<sup>295</sup> Nevertheless, the act has not led to equal representation of all racial groups on the labour market yet. This is particularly evident, when it comes to high-skilled jobs. In 2009, 74 per cent of South Africa’s economically active population was black, eleven per cent coloured, three per cent Indian and twelve per cent white. At the same time, only twenty per cent of the top management positions was filled by blacks. Five per cent was held by coloureds and seven per cent by Indians but the biggest share (64 per cent) was filled by white people.<sup>296</sup>

In theory, affirmative action would be about inclusion and not discrimination. In practice, however, rules about employment equity seem to constrain social wellbeing too often. The vacation for a

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<sup>292</sup> Jeffery, *The Rainbow Index*, 35.

<sup>293</sup> SAIRR, “Business urged to do more to develop skills” (Press Release, 15 March 2012) <http://www.sairr.org.za/media/media-releases>, (28 September 2012).

<sup>294</sup> Government of South Africa, *Employment Equity Act*, Act 55 of 1998, <http://www.info.gov.za/view/DownloadFileAction?id=70714>.

<sup>295</sup> SouthAfrica.info, “Employment Equity FAQ”, <http://www.southafrica.info/services/rights/employmentequity.htm>, (28 September 2012).

<sup>296</sup> Kashif Wicomb, quoted in Lefko-Everett et al., *Reconciliation Barometer*, 25.

public servant that is not filled because all skilled candidates have the wrong skin-colour is a common example of this.<sup>297</sup> Such shortcomings have provoked a lot of discussion in recent years. Accordingly, issues of workforce transformation and employment equity have also been prominent in South African politics. With the *Labour Relations Amendment Bill*, the *Basic Conditions of Employment Amendment Bill*, the *Employment Services Bill* and the *Employment Equity Amendment Bill*, four important Acts were tabled for amendments in the last two years.<sup>298</sup> The most common points of critique about all employment equity policies are slow progress and relatively limited impact. Nevertheless, seventy per cent of all South Africans still principally supports affirmative action. The trust in the effectiveness of such policies is lower. Almost half of the people (46 per cent) states that government handled the implementation of employment equity “not very well” or “not well at all”. 33 per cent estimates the government’s implementation “fairly well” and only seven per cent thinks “very well”.<sup>299</sup>

White people often complain that affirmative action excludes them from the labour market. While it has certainly become harder for them to find a job, especially for unskilled workers, black labourers continue to face even more difficulties.<sup>300</sup> Interestingly, the fact that white people still hold most management positions is not regarded as the biggest failure by many black people. More commonly, it is now criticised that the number of people benefitting from the employment equity laws is too small. Those few who have benefitted so far were commonly those already privileged in their respective communities. A possible solution could be to embed affirmative action in a broader concept for more social justice. This would include community programmes benefitting unskilled and poor people, too.<sup>301</sup> Besides, entrepreneurship should be more readily supported. “The guy with nothing who starts his own business, builds that company up from nowhere, and employs people” should enjoy more credit and support than he does now. He is the one “helping so many people, not just changing the colour scheme of boards and shareholders”.<sup>302</sup> In other words, young people should be motivated to “provide services to the corporate sector instead of standing in the queue asking for a job.”<sup>303</sup> In this way, employment equity could become a more inclusive process, benefitting more people without applying discriminatory measures.

There is also more conceptual criticism on employment equity. It has been argued that the racial categories it applies are the core of the problem because they keep racial thinking in place. A more effective way to facilitate employment equity might be to “move away from using apartheid race

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<sup>297</sup> Ernst Roets, quoted in Lefko-Everett et al., *Reconciliation Barometer*, 27.

<sup>298</sup> Lefko-Everett et al., *Reconciliation Barometer*, 22-3.

<sup>299</sup> Ibidem. The latter statistics don’t origin in the SABR survey itself. They are quoted in the report but come from the Iposos-Markinor socio-political trends poll (2011).

<sup>300</sup> Du Preez, interview.

<sup>301</sup> Zimitri Erasmus, quoted in Lefko-Everett et al., *Reconciliation Barometer*, 24.

<sup>302</sup> Ian Ollis, quoted in Lefko-Everett et al., *Reconciliation Barometer*, 25.

<sup>303</sup> Kashif Wicomb, quoted in Lefko-Everett et al., *Reconciliation Barometer*, 25.

categories as proxies for disadvantages, towards indicators that encompass the issue we are trying to address”.<sup>304</sup> By providing advantages for certain ethnic groups, the old categories are affirmed. “Why not use income as a measurement whether someone is entitled to affirmative action?”<sup>305</sup> Employment equity laws were designed to render themselves unnecessary at a certain point. However, almost two decades after their introduction, they are far from outdated. Here lies a danger of getting stuck in the reconciliation process forever. South Africans must not forget to move beyond that kind of transition, which was marked by the TRC, reparations and affirmative action. According to Njabulo Ndebele, South Africans “are now called upon to lay the foundations for a post-reconciliation South Africa”.<sup>306</sup> This does not mean that the process is already completed. In my view, Ndebeles claim only supports my argument that the reconciliation process has to be reframed in terms of current, socio-economic challenges.

In conclusion, South Africa’s macroeconomic growth has not led to an inclusive labour market yet. Unemployment poses a severe problem that hampers any deeper societal change. This becomes most evident regarding unemployed youth. The labour legislation keeps triggering a lot of discussion, especially when it comes to affirmative action. Government is often blamed for not doing enough to generate more equality on the labour market. Due to changing demographic patterns, it is difficult to come to a well-balanced conclusion about the success or failure of any specific government reform. What can be concluded, however, is that ineffective labour legislation, skill-biased technical change and an education system that failed to supply enough high-skilled labourers all contributed to the present bottleneck on the labour market. At the same time, the business sector has remained largely excluded from the reconciliation process, despite its involvement in apartheid injustices. To overcome its tainted reputation, the sector could excel by investing more in the creation of jobs, training and initiatives to alleviate poverty.

#### **4.2.2 Education**

The apartheid “Bantu education system”, which restricted black (and other non-white) youth to the unskilled labour market, ceased to exist in 1994. The system had been justified by not “bothering” these youth with any other skills than they could use in the unskilled jobs they were restricted to. In practice, the Bantu education system was a way to keep the majority of people uneducated and thereby weak. The apartheid state had no space for black intellectuals since skilled jobs were reserved for whites. Besides, black academics were commonly (and rightly) seen as a danger to the state. The present school system provides equal access and chances to everybody – at least on paper. In 1996 the *South African Schools Act* introduced “a new national system for schools which will redress past injustices in educational provision provide an education of progressively high quality for

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<sup>304</sup> Erasmus, quoted in Lefko-Everett et al., *Reconciliation Barometer*, 24-5.

<sup>305</sup> Ineke Kessel, interview.

<sup>306</sup> Ndebele, “Beyond transition and reconciliation”, 73.

all learners”. The Act determines that “no learner may be refused admission to a public school on the grounds that his or her parent (...) is unable to pay (...) the school fees”. These fees may be introduced by each public school, as long as they are approved by the majority of parents.<sup>307</sup>

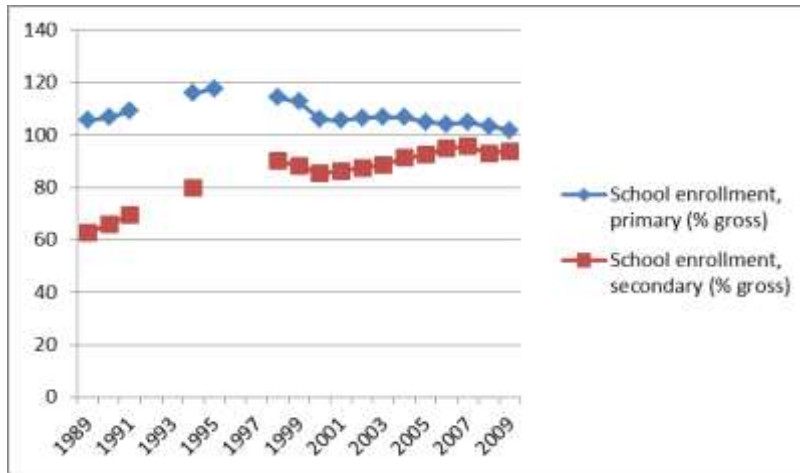


Figure 9: Enrolment in primary and secondary school. (Source: World Bank 2012).

#### Quantitative analysis

According to the World Bank, the enrolment rates in primary and secondary education are particularly high. In primary school, the rate of boys is slightly higher than that of girls. In secondary school, it is the other way around.<sup>308</sup> During the last decade, primary enrolment remained more or less stable while the rate of secondary

enrolment showed a steady increase (until 2007). During the 1990s both rates had first firmly increased, even when apartheid was still in place. At the beginning of the new century, however, they had dropped.<sup>309</sup> This might be related to the great changes, the school system experienced at that time. The newly elected ANC-government decided to close down most of the previous teachers' academies since they were regarded as direct apartheid legacies. However, the government failed to deliver a good quality alternative. Therefore there was – and there still is – a vast lack of qualified teachers.<sup>310</sup>

While almost all school-aged children are enrolled in a school, the percentage of students continuing at university is naturally lower. According to the *General Household Survey* (GHS), 63.9 per cent of the estimated 678,543 students enrolled at higher educational institutions in 2009, was black. While this is the majority, proportionally this group is still underrepresented. They account for only 3.1 per cent of black South Africans aged between eighteen and 29 years. Among the coloured population, the percentage (3.5 per cent) of university students is very low, too. With 11.7 per cent, Indians and Asians score better. However, the relatively biggest share (17.4 per cent) is still reached by white

<sup>307</sup> Government of South Africa, *South African Schools Act*, Act 84 of 1996, <http://www.info.gov.za/acts/1996/a84-96.pdf>.

<sup>308</sup> Arguably, these statistics are only of limited use because the primary enrolment rate lies constantly above 100 % (figure 9). This is due to the inclusion of over-aged and under-aged students while the percentage is based on the population of official primary and secondary education age. Nevertheless, they demonstrate that school attendance in South Africa is generally high.

<sup>309</sup> World Bank, “Data by Country”.

<sup>310</sup> Du Preez, interview.

South Africans.<sup>311</sup> In order to change this, universities apply “positive discrimination” in favour of black and coloured students. This is much resented by a lot of white people since it prevents some excellent white students to be admitted at any South African university. Others regard the procedure as rightful – until the percentages of university students comply with the real population share of each group.<sup>312</sup>

The GHS concludes that 72.8 per cent of all persons aged seven to 24 were attending educational institutions (including also tertiary education). The survey finds a steady increase of school attendance between 2002 and 2007 while the rates slightly declined between 2007 and 2010. Compared to figure 9, this complies with the rate of secondary enrolment. According to the survey, the drop during recent years could be a result of the general economic decline. This impression is reinforced by the survey’s finding that most youth who didn’t attend school stated that they were not able to pay (further) education.<sup>313</sup> The government tried to address this problem in 2006 when it adopted an amendment to the *South African Schools Act*. This amendment provided “the basic principles governing school fee exemptions”. It introduced “no fee schools” as “an integral part of Government’s strategy to alleviate the effects of poverty and redress the imbalances of the past”.<sup>314</sup> The no fee schools immediately enjoyed great popularity. The percentage of learners paying no tuition fees increased sharply from 3.3 per cent in 2006 (when the amendment was implemented) to 21 per cent in 2007 and 54.6 per cent in 2010.<sup>315</sup> However, it is too early to decide whether the slightly decreasing rates of school attendance in recent years are a temporary symptom of the economic recession or if they indicate a more structural problem.

South Africa spends around five per cent of its GDP on education. On average, this is between 15 and 20 per cent of total government expenditures. The percentage of the GDP which is spent on education is more or less the same as in the Netherlands and in the United States. In comparison to these countries, South Africa’s education spending as a share of total government spending is even comparable high (nineteen per cent in South Africa against eleven per cent in the Netherlands and thirteen per cent in the United States in 2009).<sup>316</sup> This is a bigger share than any other African country spends on education.<sup>317</sup> Nevertheless, in a country, where corruption is a widespread problem, the high expenditure has to be cautiously analysed before any conclusion is drawn.

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<sup>311</sup> Statistics South Africa, *General Household Survey 2010 Statistical Release - Revised version* (Pretoria 2011) <http://www.datafirst.uct.ac.za/catalogue3/index.php/ddibrowser/192/download/2898> (28 July 2012) 3. The survey consisted of face-to-face interviews combined with a questionnaire and was held in 25.653 households.

<sup>312</sup> Du Preez, interview.

<sup>313</sup> Statistics South Africa, *General Household Survey*, 3.

<sup>314</sup> Department of Education, *National Norms and Standards of School Founding*, Government notice No. 869, 42, <http://www.education.gov.za/LinkClick.aspx?fileticket=6AyRj8cMwv8%3D&tabid=188&mid=498> (28 July 2012) 43.

<sup>315</sup> Statistics South Africa, *General Household Survey 2010*, 3.

<sup>316</sup> World Bank, “Data by Country”.

<sup>317</sup> UNICEF, “South Africa - Overview: Education and adolescent development”, [http://www.unicef.org/southafrica/education\\_344.html](http://www.unicef.org/southafrica/education_344.html) (30 July 2012).

### Qualitative analysis

Quite contrary to what the numbers above suggest, the overall performance of South African school is rather poor. It is lower than in many other countries in the region. The high rates of school attendance, no fee schools and gender parity are achievements that contrast with the poor quality of education. According to UNCEF, the most important reasons for the bad performance of many students are irregular attendance, absent teachers, teenage pregnancy and school-related abuse and violence.<sup>318</sup>

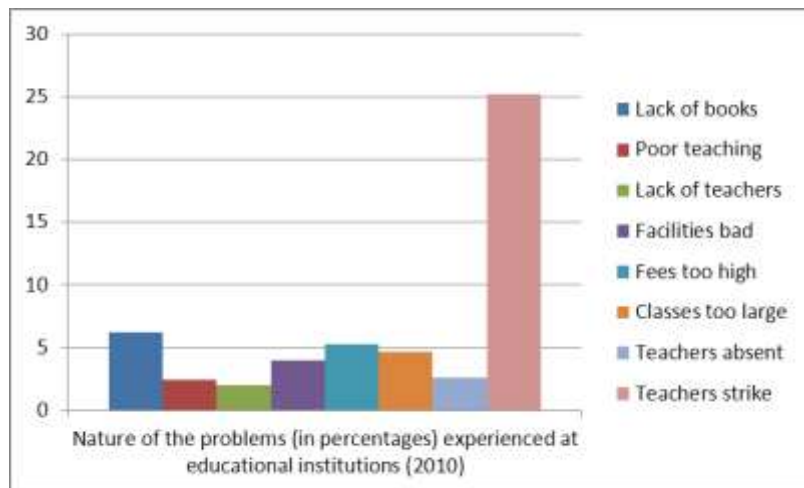


Figure 10: Problems experienced at school, source: Household Survey (2011).

The GHS points to some very different problems hampering the quality of education. It doesn't consider any personal matters like violence or pregnancies. Only focussing on the school, striking teachers are by far the biggest problem, which is regarded to be five times as worse as any other problem (see figure 10).<sup>319</sup>

According to Du Preez, besides corruption, the educational system is the biggest problem in post-apartheid South Africa. "The education system lacks professionalism and trade unions have too much influence on the systems. The common strikes deprive pupils from proper education."<sup>320</sup> Nevertheless, the percentage of persons reaching the highest level of education (Grade 12) has increased from 21.5 per cent in 2002 to 26.2 per cent in 2010, according to the GHS. During the same period, the percentage of people classified as functionally illiterate (highest level of education lower than Grade 7) decreased from 27.9 to 19.2.<sup>321</sup> This demonstrates that the school system still achieves some successes despite its many shortcomings.

### Reconciliation

We have seen that the South African school system is not racist anymore. However, it is still discriminatory in another way. Since the majority of poor people is still black or coloured, these groups are still suffering most from the bad performance of the school system. They are the least likely to go to better schools with higher fees. There are still huge differences between schools in former white areas (so called former "model C" schools) and schools in former black or coloured

<sup>318</sup> Ibidem.

<sup>319</sup> Statistics South Africa, *General Household Survey 2010*.

<sup>320</sup> Du Preez, interview.

<sup>321</sup> Statistics South Africa, *General Household Survey 2010*.



sections. Under apartheid, white schools were generally well equipped, their buildings were in good state and their teachers were all professionals. After the collapse of the apartheid state, most of the old staff could stay at these schools while the equipment and facilities remained there, too. Therefore they still deliver good quality education, which is now accessible for non-white pupils, too. They are the success stories of the new school system. According to Du Preez, reconciliation has been most successful in these mixed middle class schools. Their students are getting proper education and, through the daily encounters with children from other population groups, “they don’t see race anymore”.<sup>322</sup> Le Roux, on the other hand, evaluates these middle class schools less optimistically. He agrees that the schools became mixed schools in the first years after the transition. However, afterwards, they have slowly turned towards black or coloured schools because many white parents would rather send their children to white private schools. “They would never call this racism. Their explanation is that school standards are deteriorating and that therefore their children are better educated in private schools.”

Private schools (or independent schools) have become ever more popular in recent years. Between 2000 and 2009, the number of students attending independent schools increased by fifty per cent while the enrolment rates at public schools increased by only 1.6 per cent. Since the independent school sector is still relatively small in South Africa, the growth in absolute numbers of pupils attending private schools has only slightly increased.<sup>323</sup> Nevertheless, this trend might be interpreted as an indication that parents are losing faith in the public school system. It isn’t necessarily an indicator for racism. The escape to private schools could virtually be due to the better quality of these schools. However, this doesn’t quite fit to the observation that “model C” schools are doing especially well. In 2009, the matric pass rate at “model C” schools was 94 per cent while the general pass was sixty per cent. Accordingly, the chance of passing matric is decisively improved by attending a former white school, regardless of a student’s racial background.<sup>324</sup> Regarding the great performance of these schools, the motives of white parents to enrol their children in expensive private schools are, at least, questionable. While this isn’t verifiable, it is likely that racial bias does play a role here. A survey showed that 68 per cent of South Africans principally approve racially mixed schools.<sup>325</sup> This can be interpreted as a positive sign since more than the half of the population is in favour of mixed schools. However, it also implies that almost one third of all South Africans would rather like to see schools being racially separated.

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<sup>322</sup> Du Preez, interview.

<sup>323</sup> SAIRR, “Independent schooling growing apace in South Africa” (Press Release 17 January 2011), <http://www.sairr.org.za/media/media-releases> (3 October 2012). The data of the release are based on an annual survey by the Ministry for Basic Education.

<sup>324</sup> SAIRR, “The school, not race, makes the difference” (Press Release, 17 January 2011), <http://www.sairr.org.za/media/media-releases> (30 July 2012). The data of the release are based on an annual survey by the Ministry for Basic Education.

<sup>325</sup> Thabisi Hoeane, “Closing the race debate no way to resolve tensions,” (2004) [http://ccrri.ukzn.ac.za/index.php?option=com\\_content&view=article&id=98:the-ambiguities-of-postapartheid-south-africa-race-and-identity&catid=12:of-interest&Itemid=100024](http://ccrri.ukzn.ac.za/index.php?option=com_content&view=article&id=98:the-ambiguities-of-postapartheid-south-africa-race-and-identity&catid=12:of-interest&Itemid=100024) (30 July 2012).

The educating function of schools with regard to reconciliation is often evaluated rather negatively. According to Lukuko, the current educational system doesn't prepare students for the challenge of reconciliation.<sup>326</sup> This is partly due to the low qualification of teachers. Du Preez argues that even when the TRC is addressed in school books, teachers often fail to discuss it in the right way. This is partly because they mix up objective information with their personal experiences, "which do not belong in the class rooms because they could revive feelings of anger or aggression among the students".<sup>327</sup> Finally, history classes are only chosen by few students. According to Le Roux, "history was more or less ignored in the curriculum in the first decade after the transition." It was brought together with other subjects. This could be called an attempt to "run away" from history.<sup>328</sup>

In summary, the education system displays a couple of sharp contrasts. The first contrast is that enrolment rates and government spending on education are comparatively high while the quality of the education system is rather poor. This may be due to corrupted money as well as badly qualified teachers. The second contrast lies in the performance of different schools. In theory, race is no longer the defining factor since all (public) schools are principally open for everybody. In reality, the quality of the education a student can access has become a question of the socio-economic background of his or her family. The quality of township schools remains relatively low. On the other hand, former "model C" schools are highly successful. If South Africa is serious about making the school system more equal and fair, if it really wants to provide equal chances to everybody, the quality of the township schools must be improved. Former "model C" schools should serve as a good example since they demonstrate how post-apartheid, racial-unbiased education could and should look like. At the same time, white parents must stop to "escape" by enrolling their offspring in private schools. As long as young people continue to grow up separated from each other and not even attending the same schools, it remains difficult for them to get to know each other. This "not knowing" is still one of the biggest hindrances of reconciliation.

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<sup>326</sup> Lukuko, interview.

<sup>327</sup> Du Preez, interview.

<sup>328</sup> Le Roux, interview.

## Conclusion

Eighteen years after the end of apartheid, South Africa has not been fully reconciled. But it has made some progress into the right direction. The central argument of this research was that reconciliation must be regarded as a combination of *psychological healing* aiming at the improvement of relationships and *material improvements* to fight inequality. The Truth and Reconciliation Commission was certainly the most prominent feature of the South African reconciliation process. Through the TRC, society could deal with its past, which was a necessary step towards reconciliation. Within the scope of its rather limited mandate, the TRC's work was largely successful. Among its most important contributions was the public discourse it triggered along with the sound historical record it produced and through which people could relate their personal experiences to a greater narrative. Nevertheless, the TRC's proceedings left many South Africans disappointed. I argued that this was mainly due to unrealistic expectations. The focus of the Commission was often regarded as too narrow since it only dealt with gross violations of human rights. All structural discriminations of the apartheid regime were left out. Likewise, the reparation payments proposed by the Commission only benefitted people who had delivered statements to the TRC. I showed why anything else would have been beyond the scope of the Commission. Its work must be seen as a mainly symbolic (psychological) contribution towards the reconciliation process. Thereby its short-term effects were generally more visible than its long-term impact. Regarding the latter, I made a distinction between the perceived and the underlying impact of the TRC. While many South Africans regard the Commission as something of a distinct past, scholars stress its lasting contribution towards the attitudes of South Africans and the overall stability of the country.

The political landscape has remained relatively stable and South Africa's democratic performance has been satisfactory so far. However, the recent incidents surrounding former ANC youth leader Malema demonstrate that the society is still prone to polarisation. Accordingly, most political parties continue to rely on one specific racial group. The government made work of most of the TRC's recommendations but the success of these policies has been mixed. Initially, public attention focussed on the individual monetary reparations, which the government was expected to deliver. It was often overlooked that the *Final Report* included a range of symbolic and structural reparation measures, too. This left many people disappointed, especially, when the actual reparation payments were lower than the recommended amounts. Ineffective policies, corruption and favouritism decreased the confidence of people in the government even further, with local governments enjoying the least trust. At the same time, the reconciliation accomplishments of the society have brought mixed results, too. Eighteen years after the transition, South Africa is still divided along racial and, to a lesser extent, ethnic lines. Reconciliation doesn't dominate the public discourse anymore but, at least, the majority of South Africans continues to regard reconciliation as a desirable goal. Nevertheless, I identified a certain danger among people to announce the process to be over while society is still a far cry from reconciliation. While inter-racial contacts have somewhat increased in

recent years, it turned out that the poor majority of South African citizens is less likely to experience any such contacts than people from the relatively small middleclass and elite. The situation is exacerbated by the recent exodus of well-off white people to so called “golf estates”, which are racially just as homogenous as most townships. In this environment, prejudices and fears about “the others” have persisted. Despite an apparent willingness of people to reconcile, missing social contact between the different groups remains a serious burden on the reconciliation process.

Much of the (spatial) isolation of people is due to huge socio-economic inequalities. Poverty and inequality were direct and deliberate results of apartheid policies and a lot of these injustices stayed in place even after 1994. Black and coloured South Africans continue to be the most disadvantaged population groups. In order to change these legacies, South Africa would have to make considerable efforts to redistribute wealth and land as well as to develop equal opportunities for all. However, even though the economy has been growing and poverty slightly reduced, inequality is now even greater than in 1994. The richest section of the population earns a bigger share of the total national income now than it did under apartheid while the poorest section earns an even smaller share. Part of the problem lies in the fast population growth, which left institutions, infrastructure and the labour market with great difficulties to keep pace. The land restitution programme offers a good example of a policy with mixed results. While it succeeded in compensating most claims the government received, it couldn't erode the old racial patterns of land distributions. Another example is the labour legislation which is surrounded by a lot of controversy, especially when it comes to the employment equity laws. The high unemployment rate, especially among young people, is commonly linked to an inadequate school system. While the accessibility of education is no longer determined by race, it is now determined by the socio-economic background of the student.

This development of the education system illustrates one of the most important findings of my research: where race is slowly becoming less important, it is now material inequality that keeps South Africans apart. More often than not, socio-economic boundaries continue to correlate with race. However, the steady development of a black middle class and elite demonstrates that opportunities are now more equally spread than they used to. While this is certainly positive news, a more worrying development is that the clove between the rich and the poor seems to be widening rather than shrinking. The legal framework for a more just South Africa is clearly there. But many policies have not had the impact they were supposed to. In this light, the government would be wise to conduct more resolute policies to fight inequality. Failing to do so could lead the poor majority to become more radicalised.

South Africans seem to be willing to move on, leaving apartheid behind. As long as “leaving the past behind” is not read as “forgetting about history”, this is certainly a positive development. However, it bears a certain danger that reconciliation, too, is interpreted as a past endeavour which should be left behind the sooner the better. With too many apartheid legacies still in place, it remains too early for

such a step. Instead, the willingness to look forwards rather than backwards should be met with a renewed, future-oriented reconciliation discourse that is reframed in socio-economic terms. If inequality was finally addressed just as rigorously as truth was sought in the first years of the transition, South Africa has a good chance to truly reconcile. Whereas the TRC assumed that truth would be “the road towards reconciliation”, this study underlined that truth provided the groundwork for this endeavour. The road has not been completed yet. Only by narrowing the socio-economic gap that keeps South Africans apart, the reconciliation process can truly be completed.

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## Interview Partners

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**Dr. Ineke van Kessel** is a Dutch historian and journalist. She has published in numerous academic books and journals as well as in popular history format. Her main fields of research are South African and Ghanaian history.

**Jan-Jan Joubert** is a journalist at the Afrikaans-language newspaper *De Beeld*. Before, he worked as a teacher. Reconciliation is among his main fields of interest.

**Prof. Antjie Krog** is an Extraordinary Professor in the Arts Faculty of the University of the Western Cape. She became well known as one of the journalists reporting on the TRC hearings. Her *Country of my Skull* is one of the most influential works about the Commission's proceedings.

**Kenneth Lukuko** is the Senior Project Leader of the Community Healing programme at the South African *Institute for Justice and Reconciliation*. He participated in several projects aiming at reconciliation and healing in South Africa.

**Hugo van der Merwe** is the manager of the *Transitional Justice Programme* at the South African *Centre for the Study of Violence and Reconciliation*. He is the (co-) author of several studies about reconciliation in South Africa.

**Max du Preez** is a South African author, columnist, documentary filmmaker and the founding editor of the *Vrye Weekblad*, an Afrikaans-language weekly newspaper. He assembled regular news broadcasts about the history and activities of the TRC.

**Prof. Wessel le Roux** is a Professor at the Department of Public law and Jurisprudence of the Faculty of Law of the University of the Western Cape. Among his research were also the juridical implications of the TRC.

## Tables, figures, pictures and abbreviations

### Tables

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### Pictures

The photo on the front page was taken by me in the Gugulethu township of Cape Town.

### *Abbreviations*

ANC	African National Congress
ATS	American Alien Tort Statue
CSVR	Centre for the Study of Violence and Reconciliation
Cope	Congress of the People
DA	Democratic Alliance
GHS	General Household Survey
LSMs	Living Standard Measures
NAFU	National African Farmers' Union
NP	National Party
NPC	National Planning Commission
SAIRR	South African Institute of Race Relations
SARB	South African Reconciliation Barometer
TRC	Truth and Reconciliation Commission
UDF	United Democratic Front
ZAR	South African Rand