

A decade of democratic rule in South Africa: Perspectives on reconciliation

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Ten years on, Barney Pityana reflects on the path that South Africa chose for itself as it moved from the apartheid era into democracy.

In 1980 Prof John Hick, then the HG Wood Professor of Theology at Birmingham University, published a report on a recent visit to South Africa, *Apartheid Observed*, (AFFOR, Birmingham). He found that the mood for change had become self-evident, and the momentum could no longer be stopped. Everywhere he went, he stated, there was a stated belief that within 10 years, 'despite the country's great economic and military power, it will have a black government; though there were differences of views as to how this will come about' (p.11). He sensed that the 'sweet smell of freedom' had wafted

from across the borders to change the psychological situation of many black South Africans. The challenges to white minority rule and apartheid were more daring, and the sacrifices more widespread. His conclusion: '... the prospects of a peaceful transition to majority rule cannot be good.' He even reflected on the real possibility of violent revolution, involving bloodshed on a gigantic scale.

The future that never happened

Well, we now know that that never happened. Instead the then President FW de Klerk announced far-reaching changes on 2 February 1990: the unbanning of political organisations, the release of political prisoners, and the return of exiles. That set the scene for some of the most momentous developments in political history in any such situation. Nelson Mandela was

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released from prison in 1990, and negotiations for constitutional reform began with the participation of all political formations in the country. The CODESA negotiations forum culminated in the adoption of an Interim Constitution in 1993, which then paved the way for the first ever democratic elections in 1994, and the establishment of a government of national unity under the leadership of Nelson Mandela.

The final (1996) Constitution of South Africa set in place the mechanisms for reconciliation. The Preamble to the Constitution states that South Africa belongs to all who live in it. It recognises the injustices of the past, and seeks to 'heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights...' The Epilogue to the Interim Constitution set out the nation's common belief in reconciliation in statements that resonated powerfully with the experience of a nation scarred by the past and uncertain of the future, but confident that 'the sweet smell of freedom' overcame all hesitations and conquered all fear.

The Truth and Reconciliation Commission

The Truth and Reconciliation Commission was established in 1996

chaired by Archbishop Desmond Tutu. The mandate of the TRC was to give effect to the sentiments in the Epilogue of the Interim Constitution. It was to be a forum for all South Africans to record the pain of the gross human rights violations under apartheid, identify victims of apartheid, and provide a mechanism for the perpetrators of human rights violations to seek pardon, under certain conditions, for crimes committed during apartheid. The Commission adopted a method of public hearings, undertook investigations of violations, gave voice to victims, and established itself as a forum for acts of reconciliation.

This, of course, was never without controversy. There are those who argued that the TRC process of pardoning offenders was a violation under the Constitution of the human rights of the victims and their families. That matter was settled in a judgement by Ismail Mahomed, the then Deputy Judge President of the Constitutional Court in a case that mobilised the families of the most gruesome political murders under apartheid: Biko, Mxenge and Ribeiro. The constitutional justification of the TRC was established, and the claims of justice could no longer be pitted against those of reconciliation. This opened the possibility for the TRC to further explore the nature of the justice



Graffiti on the site of Durban Central Prison

pursued by the mechanism of reconciliation. The six volume final report defined redistributive justice and made recommendations for reparations.

The presentation of the TRC Report took place amidst controversy, largely due to the process that fingered certain organisations, including the ANC and the IFP, as perpetrators of offences against human rights. This caused the publication of the report to be delayed and further challenges to the report were not finalised until recently.

The second controversy had to do with the concept of reparations. It appears that the TRC raised expectations on the part of many families and communities whose loved ones were

murdered during apartheid times, especially those who were breadwinners. The finalisation of reparations to those who had been declared victims of apartheid was delayed, and agitation for final reparations was at one point reaching crisis proportions. And yet, to some, reparations could never be confined to payments to individuals because the value of human life and loss of opportunity could never be adequately expressed in financial terms. Therefore, much was made of the government's commitment to a wholesale transformation of the country, the distribution of resources to poor and previously disadvantaged communities. There was also a

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commitment to establishing monuments of reconciliation like Freedom Park, and a special pensions project for the veterans of the struggle.

The third controversy had to do with what happened post TRC. Will those who failed to seek pardon under the TRC system be prosecuted? It was notable that the ‘big brass’ of the apartheid army and other security agencies never came forward, some continued to occupy high positions in the armed forces, and others who were well known killers under apartheid were walking as free men. It was also observed that many senior officers in the security police never sought pardon. The question was: will the national prosecution authorities pursue them, and charge them in the criminal courts? There had been an embarrassing episode where former apartheid army chief and minister of defence Magnus Malan was acquitted. Another was Wouter Basson, a medical specialist and senior army officer who was responsible for apartheid’s dirty war. He too was acquitted. On the other hand, questions were constantly asked about what kind of resources could the state use to pursue perpetrators of human rights violations

under apartheid and how much more of the macabre spectacle of apartheid could the nation take and for how long, showing a nation divided about the logical end of the TRC process.

What price reconciliation?

After all was said and done, South Africans continue to ask: what price reconciliation? As Head of State (1994–1999), Nelson Mandela placed national reconciliation at the high point of his government’s policy perspectives. At his inauguration as South Africa’s first ever democratically elected Head of State and of Government, Nelson Mandela committed the nation to reconciliation. He stated that ‘out of the experience of an extraordinary human disaster that lasted too long must be born a society of which all humanity will be proud.’ Inevitably Nelson Mandela’s Presidency came to be associated with a system that privileged the beneficiaries of apartheid, what wrongly came to be understood as ‘live and let live’ philosophy. In fact Mandela gave leadership to all South Africans about the joys and pain of living together in equality, and as people with a common

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destiny. He gave hope to many who feared the future and affirmed the duty for the nation to chart a new course. For him reconciliation could never be separated from the duty of all South Africans to live together in peace, equality and dignity; from the commitment to build a new and prosperous South Africa; from the responsibility to heal the divisions of the past; from acknowledging the pain and injury of the past, ‘to free ourselves from the burden of yesteryear; not to return there; but to move forward with the confidence of free men and women, committed to attain the best for ourselves and future generations’.¹

The questions that remain

Of course, a decade into democracy questions inevitably remain. Have we been able to live the ideals of our Constitution? It may seem to many that the politics of transition are becoming entrenched. Somehow the ‘drama of the middle’ lingers on. Is the ‘honeymoon’ ever going to end? With the Mbeki Presidency, we have become more conscious that the social and class divisions of the society must be challenged and addressed. In other

words the economic and social spaces must be democratised as a matter of urgency. If this fails to happen disillusionment will set in with dire consequences. Poverty in our country is not divinely ordained but is a product of an economic system which was structured and systematised to exclude and to privilege the few. Racism and social cohesion have become key concepts of national dialogue. How should society declare the continuing moral repugnancy of racism, and yet affirm human dignity for all, including the racists? One can observe that there are instances where those who practice racism are able to seek the protection of the Constitution to assert self determination or cultural rights or privacy. South African society somehow refuses to come to grip with the pernicious effects and prevalence of racism in the society.

Finally, South African society has come to be associated with a search for a common national identity. We are a society that at once aspires to all that Europe has bequeathed to these lands, and at the same time to express the roots of our African culture. We are conscious of our being players on the

global stage, and yet we are aware that that world has over time robbed us of our essence as human beings and as free people. We are the rainbow people even as we live with our past of unmitigated horror and inhumanity – South Africans of a variety of pasts live side by side. Maybe that is the identity itself that we must embrace. Russell Botman expressed this poignantly in his address to the Seventh International Bonhoeffer Congress held in Cape Town in 1996. He noted that ‘the South African nation is still divided, internally torn between the interests of so many different sectors and ideologies. There are so many areas

that require building, reconstruction and transformation. There are so many voices demanding to be recognised, demanding our usefulness. To whom ought we to be of use’?² That was before the TRC. It is now seven years since the TRC Report was published. Have we learnt any lessons? Many South Africans are as perplexed today as they might have been in 1994. The only difference, however, being that they now know that the first steps towards recovery are being taken, they are recovering their humanity and dignity, and they have a stake in the future. What more can we ask. Reconciliation is not an event.

Notes:

¹Kader Asmal, David Chidester and Wilmot James (Eds): *Nelson Mandela : From Freedom To The Future – Tributes And Speeches*, Cape Town, Jonathan Ball Publishers, 2003, p.138.

²John W de Gruchy: *Bonhoeffer for a New Day*, William B Eerdmans, 1997, p.371.

See also:

Hassen Ebrahim: *The Soul of a Nation: Constitution-making in South Africa*, Cape Town, Oxford University Press, 1998.