



# RECONCILIATION IN SOUTH AFRICA: MANDELA'S LEGACY

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*Vincent B. Khapoya*

## INTRODUCTION

One of my most memorable encounters in 1994 when I was in South Africa was a conversation I had with a young political activist. I was a member of the United Nations Observer Mission in South Africa, one of 64 Americans chosen by the State Department and the United Nations to observe the historic elections in which, for the first time, South Africans of all races were permitted to vote. I was buying gas at a gas station in the little town of Estcourt, 100 miles northwest of Durban in Kwazulu-Natal, where about two dozen observers were based. I was wearing a special blue jacket bearing the United Nations flag on the back that looked like a bull's eye. The rental car I was driving was also similarly prominently marked. My partner and I were supposed to have a driver but, at the last minute, our driver failed to show up. I later learned that he was scared of what might happen to him in a Zulu stronghold if he were discovered to be a non-Zulu. In any case, the young man at the gas station clearly could tell that I was a member of the United Nations, in the country in some sort of official capacity.

“You seem to like Mandela, isn't it? (sic)”

I thought it was an odd comment, but one that made me

think that perhaps he wasn't as crazy about Mandela as most people throughout the world seemed to be. I quickly recalled a news program I had seen in the United States before going to South Africa in which armed young men belonging to a militant organization known as the Azania People's Organization (AZAPO) wore leather jackets with the slogan written on the back: "One Settler, One Bullet." The word "settler" was a code word for white people. The young men roughed up township residents who failed to obey calls for economic boycotts or demonstrations of one kind or another made by militant organizations.

"Well, he is a very interesting man, isn't he?" I responded rather cautiously and diplomatically. Then I proceeded to engage him in a long conversation. I wanted to know what he and his friends thought of Nelson Mandela. Was he happy that African people were finally free? Had he voted in the elections taking place all over the country? What was his political affiliation?

"I suppose Mandela is ok. I just wish he didn't worry about white people so much. He is paying too much attention to white people."

"How's that?" I asked him.

The young man proceeded to give me an earful. He was extremely bitter about how black people had been treated in their own land by white "settlers." He wanted Mandela to pay more attention to the problems and needs of the African people. He felt strongly that white South Africans had had enough use of the country for more than 300 years. He said the land issue was the most explosive issue in the country as far as Africans were concerned. He didn't think anyone should negotiate with whites over the land issue. He said that if it were up to him, he would give the whites a couple of weeks to pack up and leave. The country belonged to Africans. As simple as that.

I asked him what he thought might happen to South Africa if Mandela were to order all whites out of the country. He hadn't thought much about that. And he really didn't

care. He never told me which political party he favored either. I was left to guess from his views that he was a member of either AZAPO or the Inkatha Freedom Party (IFP), a movement founded by the Zulu chief Gatsha Buthelezi.

The majority of black South Africans did not share the extreme sentiment of this young man but evidence of the internecine bitterness and bloodshed were in evidence everywhere. South Africa had been rocked with incredible violence in the black townships. The combatants were mostly young people belonging to different political parties. The worst violence occurred in KwaZulu-Natal, the battle-ground of the most intense struggle between Mandela's African National Congress (ANC) and Buthelezi's Inkatha Freedom Party (IFP). Buthelezi had formed Inkatha years earlier to ensure that the Zulu people, a proud people with a rich history of valiant nationalist resistance against white imperialism, were given a prominent role in any post-apartheid dispensation. He had played his cards well, serving as a leader of a black tribal homeland (Kwa-Zulu) while on the payroll of the white minority government, refusing to accept independence, and insisting on Mandela's release from prison as a condition for meaningful negotiations between the white leaders and the black leaders. He felt he deserved a place at the negotiating table.

Most international observers knew that eventually the apartheid system would collapse, but they did not expect it to crumble when it did. It had gone on too long and had long enjoyed the tacit support of the western world at least through trade and arms sales. As the campaign against apartheid spread world-wide, the white power structure resisted even more ferociously, conducting a reign of terror on the ANC and the rival Pan-Africanist Congress (PAC) in the neighboring states where these movements maintained their sanctuaries. As change appeared on the horizon, most observers' fears turned to the probability of a very bloody transition. Attitudes had hardened on both sides of the racial divide. Apartheid had been a brutal system, maintained brutally, and justified on

both religious and political (ideological) grounds. The African struggle for freedom had been demonized as part of a worldwide communist conspiracy intent on taking over South Africa and enslaving the Christian, God-fearing, white South Africans. Many of the people who killed and tortured on behalf of the white minority government did not believe they were doing anything wrong. A culture of violence had been entrenched; indeed, violence had escalated from the late 1980's and was at its peak from the time Mandela was released from prison in 1990 to shortly before the elections in April, 1994. It was suspected then that the violence between the ANC and IFP was being instigated and financed by the white minority government. Several investigatory commissions confirmed suspicions that the white minority government had fomented violence and mayhem in black townships in order to convince the world that Africans were unfit and could not be trusted to govern the country. It was hoped that the violence would scare the African masses into withholding their support from the nationalist groups. As the struggle increased in intensity and international condemnation of apartheid grew louder, groups of whites, principally the descendants of the Dutch, German, and French immigrants, who called themselves Afrikaners, vowed to fight to the death for a way of life they had come to regard as part of their covenant with God. The challenge facing the post-apartheid era was, therefore, one of reconciling not only African groups with each other, but also white and black groups. It was a monumental challenge indeed.

## *Mandela and Reconciliation*

For most of the 27 years that Nelson Mandela was in prison, he must have been thinking how the country could survive this awful tradition of racial hate and bitterness. He broached the issue of reconciliation soon after he was released, but the issue was not seriously considered by the ANC. Many of his

colleagues felt that black people had been wronged so much that it would be a betrayal of their hardwon freedom to talk about reconciliation. Restitution perhaps; not reconciliation.

A careful look at Nelson Mandela's life shows that it should not have come as a surprise for him to think of reconciliation. There are several reasons for making this inference. First, Mandela, together with the late Oliver Tambo, founded the ANC Youth League in 1944. They decided that the ANC needed a charter which would articulate who South Africans were as a people and their vision for the country. They were looking for " [A] document to guide all our future work . . . written by the ordinary people themselves, through the demands that they themselves send in." The two of them became architects of the ANC Charter which began with the now famous declaration that South Africa belongs to all people who live in it: black, white or brown and that the ANC was dedicated to a free, fair, and democratic South Africa. The ANC, throughout its struggle for freedom, never deviated from this belief. Indeed it was because of this issue of inclusion that a break occurred in the ranks of the Africans in the early 1960's leading to the formation of the rival Pan-Africanist Congress (PAC). The break also led to Mandela's efforts to form a military wing, having concluded that non-violence was a failure and that Africans could not free themselves without some kind of armed struggle. The PAC felt that the struggle against apartheid was essentially a black people's struggle; that an alliance with liberal whites and Indians was not necessary and might even be diversionary. The PAC also felt that the nonviolent tactics to which the leadership of the ANC had been committed for so long were not working and might even be regarded as a sign of weakness by the white government. Moreover, not a single victory had been registered to slow down the construction of the elaborate apartheid system. The PAC wanted a more forceful approach and initiated a massive passive resistance campaign, leading to the Sharpeville massacre of 1961. As a result, all opposition parties were banned

including the ANC, the PAC, and the South African Communist Party.

Second, even though Mandela was in prison, he kept abreast of political developments in African countries through visits from his family and political figures, particularly during the latter years of his incarceration. He knew that many African countries had been wracked with internecine conflicts following independence. He was certain that failure to reconcile the many races and ethnic groups in South Africa would tear the country apart and nullify any gains of independence.

Third, at his inauguration as the first African president of South Africa, the first thing he did was to walk across the hall and embrace Chief Buthelezi, a man whom many observers considered his political arch-enemy and one who had done so much to obstruct a negotiated settlement with the white minority government and caused so much bloodshed. The gesture set the stage for Mandela's latter reconciliation efforts.

Fourth, both before and after the transition to democracy, Mandela traveled all over the country meeting South Africans. The Afrikaans-speaking whites were so fearful of their position in the post-apartheid era that they kept demanding their own homeland. Mandela did not dismiss their demands outright. He told them that he understood their fear about the future given the violent history of South Africa. He sought to allay their concerns by promising to set up a commission to explore the issue following the transfer of power. He kept his word. The interim constitution upon which Mandela's government was based provided for a commission to examine the feasibility of a white homeland. No one in South Africa or abroad, except perhaps the members of conservative groups such as the Freedom Front, thought there was even the remotest chance that such an idea might be implemented.

Fifth, Mandela's first cabinet is illustrative of how determined he was to convey to the white community that they had nothing to fear. Of the 23 politicians who served in the cabinet of the last president, F. W. de Klerk, four of them retired, 15 were re-elected to the first parliament of a free South

Africa; one, a former law and order minister in de Klerk's cabinet, was elected premier of the Western Cape province (the only province won by de Klerk's National Party); and three others ended up as ministers in the new provincial governments. Furthermore, of the 15 who were re-elected to the national parliament, six of them were retained in Mandela's first cabinet. De Klerk himself became one of the two deputy presidents, the other one being Thabo Mbeki who succeeded Mandela to the presidency in 1999. Retirement packages for members of the previous government were extremely generous. This was a clear departure in Africa, where those who lose an election lose everything. The accent of the government of national unity was clearly on reconciliation.

## *The Truth and Reconciliation Commission*

The Truth and Reconciliation Commission was promulgated on December 15, 1995, following the passage of the Promotion of National Unity and Reconciliation Act, No. 34 of 1995, more than a year and a half after Mandela became president. The Justice Minister stated that the commission was necessary to permit the people of South Africa "to come to terms with their past on a morally accepted basis and to advance the cause of reconciliation." Basically the law had three charges: 1) to detail human rights abuses committed between March 1, 1960 and May 11, 1994 when Nelson Mandela became president of South Africa; 2) to extend amnesty to those who committed unspeakable crimes provided they came forward, admitted their crimes, and asked for forgiveness; and 3) to assess and provide reparations to the victims of human rights abuses.

There were strong reactions to the establishment of the commission, the chair of which was the highly respected Nobel prize winner for peace, Archbishop Desmond Tutu. Many in the African community felt that those who had tortured or murdered their relatives ought to be tried in courts

of law and punished. Many whites on the other hand, particularly those or their relatives who worked in the elaborate state security apparati, were suspicious that the commission was a witch-hunt designed to victimize whites who were simply doing their job, believing that it was in the interest of the country. Others thought that the commission hearings were just an emotional outlet for the blacks to weep publicly perhaps in order to justify the diversion of resources to the black majority. They derisively termed the commission the “Kleenex” Commission.

The Truth and Reconciliation Commission consisted of 17 members, including Archbishop Tutu as chair, who were appointed by President Mandela. It comprised three committees, conforming to the three charges mentioned: the Human Rights Committee, the Amnesty Committee, and the Reparation and Rehabilitation Committee. The Human Rights Committee was to investigate abuses which occurred between March, 1960 and May, 1994. Why this 34-year period? Apartheid existed *de jure* since 1948 and *de facto* really from 1910 when Britain laid the foundation for apartheid by granting political independence to the local whites under terms which excluded Africans from any share of power in South Africa. The year 1960 marked a time when organized African political groups were legally banned from the country and driven underground or into exile. It also marks the beginning of a process of systematic destruction of black political leadership within the country opposed to apartheid and the speeding up of the process of balkanizing the country into tribal homelands on 13% of the territory. The goal was to create a South Africa in which whites constituted the majority and blacks were considered “temporary sojourners” in the white country as workers. It was the year that the white government made it clear that it would not engage in dialogue with organized black groups. The Human Rights Committee was to identify the victims, indicate what happened to them and the nature of the harm they suffered, and decide whether or not the state or other organizations planned those violations. The

Amnesty Committee was to consider applications for amnesty submitted by those who committed crimes between 1960 and 1994, who were willing to come forward, confess their involvement and, having recognized the “wrongness” of their deeds, ask for forgiveness. Finally, the Reparations and Rehabilitation Committee was to provide victims with support so as “to ensure the restoration of victims’ dignity,” to formulate policy recommendation on the rehabilitation and healing of the survivors, their families and their communities, to suggest policy which would make sure that such violations do not happen again, and to recommend financial compensation. The payments were to come out of the President’s Fund, which is funded publicly but also accepts donations from individuals and corporate donors. The Truth and Reconciliation Commission was authorized to appoint additional members and staff personnel. It established offices all over the country, although the headquarters for the Human Rights and the Reparations and Rehabilitation Committees were situated in Johannesburg, whereas the Amnesty Committee was left in Cape Town. The Commission was given 18 months to complete its work and submit a report. Later, the time was extended to another six months. A five-volume report was issued this past summer. The Amnesty Committee continues to hear petitions from those seeking amnesty and will issue a report, the sixth volume of the report, after its work is completed. Denmark, Norway, Sweden, Switzerland, Netherlands, and Ireland have picked up the huge expense of the Commission’s work. The United States and the European Community have been approached for additional funding.

As of December, 1999, a little over 6,000 applications for amnesty had been processed. Of this number, 568 had been granted, 5,287 had been turned down, 21 had been granted partially, 161 had been withdrawn, and the remaining 272 were still outstanding.

In addition to the actual hearings, involving testimonies and statements by individuals willing to tell their tragic stories, there have been many seminars bringing together lawyers, psy-

chologists, sociologists, political scientists, ethicists, and theologians, to try to raise questions or offer explanations that would help South Africans to begin to understand why violence of such magnitude occurred in South Africa for so long; to reconcile African and European concepts of reconciliation; to decide how perpetrators of violence, even if they could be forgiven, should be included in the reparation and rehabilitation process; to grapple with questions such as the following: What should be done about perpetrators who still defiantly claim that there was nothing wrong with what they did? Why were the perpetrators almost all men? Why did important (and learned) segments of society such as the medical profession and the press collaborate in silences and secrecies which allowed apartheid to thrive for so long? And why did individuals in official capacities participate in such extensive destruction of documents even as late as the 1980's when there was widespread international condemnation of violence and deprivation of human rights in South Africa.

## *Lessons of the Truth and Reconciliation Commission*

What lessons may be drawn from South Africa's Truth and Reconciliation Commission? Is there anything here that can be learned by other countries? I can think of at least three lessons:

1. The Commission hearings represented an opportunity to record for future generations of South Africans what apartheid was and how it affected the people themselves—in their own words, so that in the future, no South African of any color can ever say that apartheid was a chimera, a contrivance by whiners in need of attention. Lani Guinier, a University of Pennsylvania law professor, whose nomination by President Clinton to be Deputy Attorney-General in charge of the Civil Rights Division failed, once said in a speech at Oakland University that the reason there is so much denial in the United

States over racism is that this country has never had what she called “a national conversation” on race; so much so that one finds many whites bluntly denying that there is racism at all and suggesting that black people whine too much.

The commission has produced five massive volumes of testimony of unspeakable suffering and depravity. As Archbishop Tutu himself said: “We thought we knew the extent of evil . . . in the dark days of oppression and injustice. We have, however, almost been overwhelmed by the depth of depravity and the ghastliness of it all in listening to the harrowing stories of victims and survivors.” Using scholars and experts, the commission has compiled a tremendous amount of information on the racial history of South Africa, going back to the first contact between the white people and the indigenous people found in South Africa.

2) The hearings of the Commission have served to demonstrate that the victims of apartheid were not one race and the perpetrators of the cruelty of the system another race. Even the world saw the people of South Africa in rather simplistic terms. Whites were oppressors and blacks were the victims. No one knew exactly where to place the other two groups: the mixed-race and the Indians. The hearings have shown that some whites were victimized as well by the system, if not physically on the part of those who resisted the system because they felt it was evil, but psychologically on the part of those who deep down felt that the oppression of non-white people was wrong and offensive to their moral and religious values. There were other whites who just went along so as not to offend their neighbors. Victims and perpetrators came in all the colors represented in South Africa. That was the pervasive viciousness of apartheid.

3) The Commission hearings made it possible for perpetrators and victims to confront one another face to face. As one woman told the Commission, “We want to forgive but whom should we forgive?” By definition, reconciliation cannot take place unless both participants own up to what happened and seek to be made whole again. As Tutu says in the prelimi-

nary report: “We have, at the same time, been humbled and moved by the incredible nobility and generosity of spirit seen in the hearings. People who have undergone untold suffering are willing to forgive. They refuse to be embittered, being imbued with the spirit of “*ubuntu*.” *Ubuntu* is an African philosophy of shared humanity, a philosophy that says “I am human because you are. I enjoy my humanity because I honor, affirm, and defend your humanity; and that so long as your humanity is violated, my humanity is diminished as well.”

The impact of the South African experiment is such that other countries have been thinking of emulating it as a way to promote national or community healing. Nigeria, Indonesia, Rwanda, Kenya are a few of the countries which have experienced political violence and violations of human rights which seek such a commission as a way to record explicitly what happened, who did what to whom, who needs to be made whole and to have his/her dignity restored and ways to make a fresh beginning with a commitment that there will never again be a recurrence of such atrocities.

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A Web Site for the Truth and Reconciliation Commission is [www.truth.org.za](http://www.truth.org.za)