

# **Transitional Justice and Reconciliation: A Case-Study of the Underlying Ideas, Objectives and Frames in South Africa**



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## Abstract

South Africa is often seen as the example to follow when it comes to successful transitional justice processes. Within South Africa, some critical notes about its achievements have been posed, however. There thus seems to be a discrepancy between the goals strived for by the transitional justice process, the various opinions on the degree to which these goals have been met and the framings of the process. A lot of research has been done on either the ideas and objectives of the transitional justice process, or on its outcomes. In this paper, the relationship between policy and practice regarding the transitional justice process in South Africa will be examined. The underlying ideas, objectives, debates and frames will be explored and the relationship between them will be discussed by focussing on the wider goal of reconciliation. The paper concludes that there is a lot of overlap between the underlying ideas, objectives and frames regarding the transitional justice and reconciliation process. Actors frame the practice, according to their views, by referring to the policy as stated by the TRC and the mandate. As actors hold different opinions, for some there can thus be a discrepancy between policy and practice, while for others policy and practice coincide to a greater extent.

**Key words:** Transitional Justice, Reconciliation, Truth and Reconciliation Commission, Framing, South Africa

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# 1 Introduction

South Africa is a country in the Southern part of Africa with a long history. The country borders with Botswana, Lesotho, Mozambique, Namibia, Swaziland and Zimbabwe (see figure 1). Between 1948 and 1994, which was South Africa's era of apartheid, the country was characterized by violence and institutionalized racial discrimination (Aiken, 2016). South Africa's history of race-based oppression, however, preceded the introduction of apartheid in 1948 (Adonis, 2016). In 1652 Dutch colonialization of the Cape of Good Hope began, after which an economy based on the use of slaves was established in the 1830s. This racial discrimination continued by the expansion of European settlement, and it was supported by the 'civilizing mission' idea which favoured white rule and the segregation of black from white. In 1948 these racial ideas were put in policy. The idea was namely that this separation ought to be achieved by legislative policies and state action (Clark & Worger, 2013). This race-based oppression thus became institutionalised, in what would become known as apartheid (Aiken, 2016).

Apartheid was enacted by the National Party (NP) government during which the country was under white minority rule (Aiken, 2016). It was used as a successful slogan in the 1948 elections, and was partly inspired by concerns that segregation was being eroded by social and economic forces. Therefore, some characterize apartheid as a programme that was trying to ensure that segregation would be maintained and reinforced in the face of industrialisation and urbanisation (Guelke, 2005). In this period South Africa became a deeply divided country in which racial identity encompassed all aspects of daily life. One reason for this was that under apartheid, there were laws under which every South African was formally categorized into one of four 'racial' categories – Black, White, Coloured and Asian. Belonging to a certain category would determine one's access to social, political and economic rights. Another aspect of this apartheid policy was that it tried to restrict contact and socialization between the different racial groups through a geographical and social segregation program. This all led to high levels of inequality between the different population groups on access to land, education, employment opportunities, income, healthcare, political rights, basic mobility rights and service provision amongst other things (Aiken, 2016).



Figure 1 Map of South Africa

As a response to the inequalities between the different racial groups, a significant internal resistance movement arose in the early 1950s, centred on the predominantly black African National Congress (ANC) (Aiken, 2016). The ANC was revolutionary inspired by both the liberation struggles elsewhere in Africa and on Marxist-inspired revolutions internationally (Brooks, 2018). In the 1960s the liberation movements, including the ANC, were officially banned, but they continued organizing (Asmal, 2000). The resistance movement organized acts of mass civil disobedience by striking, protesting and boycotts, which led to an increasing level of political repression, violence, and brutality and included the widespread use of tactics such as torture, abductions, killings and detentions without trial (Aiken, 2016). In 1976 the student uprisings in Soweto took place which had a big influence on the power of the apartheid government. Despite the repressive force conducted by the apartheid police, turmoil increased, and the United Democratic Movement gained ground. The slogan 'to make South Africa ungovernable' was widely used (Asmal, 2000).

This strive for ungovernability had its successes, as it became more and more difficult for the apartheid state to control the country (Asmal, 2000). Therefore, talks were held between South African government intelligence and Nelson Mandela to see whether negotiations would be possible. Despite the continuing impetus of the ANC's armed struggle, secret talks were also taking place from 1987 onwards between senior members of the ANC in exile and representatives of the Afrikaner academic and business communities (Brooks, 2018). By the early 1990s, due to pressure internally and internationally, the position of the National Party was becoming indefensible, which led the apartheid government to undertake a series of reforms, under the new leadership of FW de Klerk, and opened negotiations with the ANC to bring the apartheid system to an end. In 1993 an interim constitution was developed in multi-party negotiations and eventually, democratic elections were held in 1994 which led to the ANC becoming the majority party in a new multi-racial government under the leadership of President Nelson Mandela (Aiken, 2016; Brooks, 2018).

In order to protect the stability of the new peace process, an amnesty clause was included in the post-amble of the new Interim Constitution in 1993 (Aiken, 2016; Van der Merwe, Dewhirst & Hamber, 1999). Amnesty would be granted for all those who may have violated human rights during the apartheid era, including members of the liberation movements and the government security forces, in respect of acts, omissions and offenses associated with politics and committed in the course of the conflicts of the past. A Truth and Reconciliation Commission (TRC), under the chairmanship of Archbishop Desmond Tutu, was established with the task to establish as complete a picture as possible of the causes, nature and extent of the gross human rights violations that were committed between March 1960 and May 1994, amongst other things (Aiken, 2016). The TRC was built on the idea that the legacies of apartheid had to be dealt with to be able to move forward as a country and to achieve interracial reconciliation (Du Toit, 2017). It consisted out of three interrelated committees, all responsible for fulfilling different goals of the Truth and Reconciliation Commission (Aiken, 2016).

There are, however, different opinions on whether the goals of the transitional justice process have been achieved. A prominent feeling that has emerged among South Africans is that of disappointment as many feel that they are let down by the country's reconciliation process (Du Toit, 2017). Some even argue that the dream of being a rainbow nation is becoming an illusion (Louw, 2017). Due to this, there is a lot of tension in contemporary South Africa, showcased by the South African government's measures that there are around 60 protests a day

(Msimang, 2018). Moreover, there is still a lot of polarization along racial fault lines in the South African society (Ndletyana & Webb, 2017). The problem is thus that there seems to be a discrepancy between the goals strived for by the transitional justice process, the various opinions on the degree to which these goals have been met and the framings of the process. It is important, therefore, to look at how reconciliation, which was an important goal of the transitional justice process, has been framed in the debate, and to see whether and to what extent these frames coincide with the underlying ideas and objectives of the transitional justice process. By analysing the frames and debates, it may become clearer to what extent this discrepancy is recognized. This can also contribute to lessons for future cases, as it might give insights into the tensions between policy and practice regarding the goals of transitional justice that might be applicable to other contexts as well. Furthermore, it might give insights into the different ideas on the achievement of reconciliation in South Africa, which could explain this polarization that is described. In order to look at this tension between policy and practice regarding the transitional justice process in South Africa, the following research question will be looked at: *What were the initial ideas and objectives of the transitional justice and reconciliation process in South Africa, what place did reconciliation have in this process, and how are the process and the outcomes of this process framed by various actors?*

To answer this research question, it is important to first investigate what these different initial ideas and objectives of the transitional justice and reconciliation process in South Africa are. The decision to conduct the transitional justice process in a certain way was namely built upon certain ideas and envisaged objectives. The next step is to look at the place reconciliation had in this process, and its relationship with the underlying ideas and objectives. From this, the various, often conflicting, opinions regarding the process and outcomes of the transitional justice and reconciliation process in South Africa by various actors can be researched and related to the deeper framings of what a reconciliation process should look like. When all these things are done, the main research question can be answered.

Before being able to investigate these aspects, in the next chapter important theories and concepts regarding transitional justice, reconciliation and framing will be looked at, followed by the methodology in which the method used and the decisions made will be explained. After this, the emergence and development of the transitional justice and reconciliation process is discussed. First an overview of the development towards coming to the transitional justice process will be given, as to understand which events and ideas contributed to the eventual design of the transitional justice process. Then the objectives as written down in the Promotion of National Unity and Reconciliation Act are discussed, and the chapter concludes with an overview of some of the most important actors and facets of the transitional justice process. The fourth chapter gives an overview of some of the most wide-spread debates on the achievement of reconciliation in South Africa. These debates are about the transitional justice process being a long-term process, the reparations programme, poverty and inequality, the acknowledgement of the structural character of apartheid, the rainbow nation rhetoric, the process of making known and acknowledging South Africa's history and the psychological aspect of the transitional justice process. From these debates, frames will be abstracted in the fifth chapter, on what a reconciliation process should look like. The research will end with a discussion of the research process and conclusions that can be extracted from this research.

## 2 Theories, Concepts and Methodologies

Before investigating the transitional justice and reconciliation process in South Africa, first the fields of transitional justice and reconciliation will be explored. After this framing literature will be discussed as to give a brief overview of the different literature written on frames and framing. Then the method chosen in this research will be discussed, followed by an overview of the decisions made and the steps taken in this research process.

### 2.1 Theories and Concepts

#### 2.1.1 Transitional Justice

Even though the term transitional justice itself has only been coined in the 1990s (Buckley-Zistel, Beck, Braun & Mieth, 2013), as long as societies and communities have emerged from conflicts and transitioned from one regime to another they have been involved in activities we would now consider transitional justice mechanisms. One might argue that transitional justice even goes as far back as early Athens, as in 411 BC the new democratic regime enforced policies of retribution against the removed oligarchy, enacted an amnesty law and, following the defeat of a second oligarchic regime, it made policies of reconciliation (Reiter, 2017). The next moment in which transitional justice can be identified happened more than two thousand years later, namely during the English restoration (Elster, 2004). Other moments in which transitional justice played a key role were the defeat of France in 1814, the end of the US Civil War in 1865 and the end of World War I in 1918, amongst others. On the aggregate, the early transitional justice efforts focused primarily on immediate retribution through exiles and executions or they were built on broad amnesty policies that would enable societies to move on from violence that happened in the past (Reiter, 2017).

The foundations of transitional justice, as it is nowadays often viewed, emerged following the global destruction of World War II. The allies decided that to deal with the devastation that happened during the war, individual criminal responsibility in a public trial should be pursued as this would demonstrate democratic notions of justice to the world. To achieve this, the Nuremberg Trials were set up, amongst other things. These Trials were the first true collaborative effort at international justice and became the foundation for modern international criminal law (Reiter, 2017). There was thus a shift noticeable from national justice to international justice (Teitel, 2003). Despite this, there was also criticism on the Nuremberg trials, especially that the Allies ignored their own crimes committed during the war (Reiter, 2017). Asmal (2000) describes this as an exercise of victor's justice, also called winner's justice. Soon after World War II, international conventions were made, such as the Genocide Convention, in which international accountability for wartime abuses was established. Furthermore, in this post-war period the preeminent commitment to individual rights also influenced domestic and comparative law (Teitel, 2003).

Beginning in the mid-1970s, the world witnessed two decades in which a great amount of countries transitioned from authoritarian rule to democracy (Reiter, 2017). In this phase, debates on transitional justice focused on the role of trials and clarification for past abuses in democratizing transitions. In the context of Argentina's and Chile's transition in 1984 and 1990 respectively, other regimes debated about the question whether to punish or pardon human rights violations committed under a prior regime (Leebaw, 2008). The relative power of the former authoritarian actors determined the transitional justice decisions made, as many states

faced a trade-off between justice and peace. In addition a shift in the academic world was noticeable, as the field that was once dominated by lawyers and legal scholars now opened up to the social sciences and humanities more broadly. In Latin America, the decision was made to develop truth commissions, as a new approach to transitional justice. These commissions would be temporary institutions designed to investigate and report on the past human rights violations, through which they could deliver some accountability for the crimes while also providing healing and closure for victims (Reiter, 2017). Furthermore, truth commissions have been encouraged as alternatives to prosecutions and as a way to counteract cultures of denial (Fischer, 2011). Even though truth commissions were first used in Argentina, this mechanism is now often associated with the well-known South African Truth and Reconciliation Commission (Teitel, 2003; Reiter, 2017). Of course, after the transitional justice process in South Africa the field of transitional justice has developed further, for example, as more hybrid courts have been used and an International Criminal Court has been established, but as this research will focus on the transitional justice process in South Africa, these will not be discussed explicitly here.

As mentioned, since the 1990s transitional justice gained influence as a new field of study (Buckley-Zistel et al., 2013). The term was coined by Teitel in 1991 to clarify the self-conscious construction of a specific conception of justice by countries associated with periods of radical political change succeeding past oppressive rule (Teitel, 2008). The term emerged as a way to discuss the serious human rights violations that took place and to facilitate the political transitions in Latin America and Eastern Europe to democracy at that time. Since then the transitional justice measures have been increasingly applied to post conflict contexts, countries that have not undergone significant political transitions and even countries that are still experiencing conflict (Duthie, 2011). Along the way, the concept of transitional justice has steadily extended its meaning (Fischer, 2011). Due to this, amongst others, there is not one theory on transitional justice. Contrarily, it is an umbrella term for approaches that deal with the past in the aftermath of violent conflicts or dictatorial regimes (Buckley-Zistel et al., 2013).

This broad diversity in approaches and measures might be explained by the fact that the transitional justice field is highly interdisciplinary, as it spans over disciplines such as law, sociology, political science, psychology, anthropology and development studies (Buckley-Zistel et al., 2013). This growth of multi-disciplinary studies of managing post-conflict states and societies has introduced methodological pluralism into the field (Hughes & Kostovicova, 2018). The lack of one theory on transitional justice can also be explained by the notion that as transitional justice is driven by practice, it mainly sought to discuss what shape it can take, and how it could be improved to better fit the contexts it was already applied to, instead of making a universal theory (Buckley-Zistel et al., 2013). Several scholars regard it a mistake to suggest that any comprehensive approach that works well in one country can automatically be transferred to other transitional states as the model that should be followed (Kritz, 2009). Furthermore, what may seem desirable or appropriate in theory might not be feasible in practice, as the requirements for achieving different goals might actually conflict with each other (van der Merwe, Baxter & Chapman, 2009). In these regards, a universal theory is not desired.

Contrarily, transitional justice is also often viewed as something highly normative, which might lead to losing sight of reality. Loyle and Davenport (2016) argue that the current transitional justice framework has a problem as it assumes good intentions on all sides. Because of this,

a situation is created in which governments are able to hide behind transitional justice using similar justice institutions to destructive aims. Through these transitional justice mechanisms, transitional injustice can be promoted, as transitional justice is built on normatively positive assumptions which can be misused (Loyle & Davenport, 2016). Besides this, the normative effects of transitional justice are also regarded as having the potential of advancing the rule of law and security on the ground (Teitel, 2008). Teitel (2008) argues that as there are many conflict-ridden areas in the world, transitional justice no longer primarily focusses on the normative questions regarding a state's dealing with its violent past, but, instead, the relevant questions are now seen as part of a broader international commitment to human security. Transitional justice is thus not only important on local or national level. Nowadays, transitional justice has a global normative reach influencing the discourse and structure of international affairs (Teitel, 2008).

Despite these different critiques, the term transitional justice is still widely used. The concept describes a significant amount of institutions and mechanisms, such as tribunals, truth commissions, reparations and memorial projects that can all contribute to redressing past wrongs, vindicating the dignity of victims and providing justice in times of transition (Buckley-Zistel et al., 2013). Transitional justice mechanisms can be formal or informal. It can involve international agencies and formal legal structures codified in treaties and legislation, but it can also involve local bodies which depend on voluntary processes and traditional values (van der Merwe et al., 2009). Especially after violent conflicts between ethnic and religious groups, a truth commission can be considered as a good mechanism, as to counteract the eagerness of some actors to tie responsibility for past crimes and human rights violations to their ethnic or religious opponents. A truth commission could help in these cases as it is a means to engage society in a painful national dialogue, by attempting to look at the ills within society that had made these abuses possible (Kritz, 2009).

Even though there are multiple transitional justice measures, they all serve the same purpose. They namely all aim to prevent society and its institutions from repeating the wrongdoings done in the past which led to suppression, war, personal losses and grievances (Mihir, 2017). It is thus argued that the different measures make up a holistic approach to transitional justice (Duthie, 2011). Some mechanisms are striving to reconcile societies and their former opposing parties, others focus more on building trust in institutions, and others again try to acknowledge and remember past injustices through apologies, memorials or compensations (Mihir, 2017). Some other goals are to forge a basis for a democratic political order in which human rights are protected and respected, and to recommend ways to deter future violations and atrocities, amongst others (van der Merwe et al., 2009). These different transitional justice measures aim at dealing with an unjust or atrocious past as this can lead to delegitimizing its responsible leadership and its political system, while at the same time these measures aim to re-establish and legitimize a new political regime (Mihir, 2017).

Mihir (2017) mentions that there are inclusive and exclusive transitional justice processes. An inclusive transitional justice process attempts to include all parties or members that were involved in the previous conflict or dictatorship regardless of their political or social status, religious or ethnic background. This can include victims, bystanders and perpetrators alike. This inclusive process can provide ground on which blame and responsibilities can be put on all sides, not just on those who lost the prior violent conflict. Moreover, with this inclusive process, the new political regime itself emphasizes that they aim to make the political arena

change so that it will become more democratic than the previous regime. Contrarily the exclusive transitional justice process usually focusses on victims and perpetrators, defined by the current government as victimizers of the previous regime and thus enemies of the current political justice. This can be called winner's justice. Generally speaking, there is no outright inclusive or exclusive transitional justice process in practice. Governments do however often lean towards inclusiveness or exclusiveness, and this has made a difference in how transitional justice has contributed to stabilizing and consolidating new political regimes (Mihir, 2017). The mechanisms chosen will have an impact on the inclusivity or exclusivity of the transitional justice process. In order to study the effects of the different mechanisms and forms of transitional justice more long-term analysis or systematic empirical research needs to be done, however. More evidence needs to be collected on what impact these mechanisms actually have on victims, perpetrators and society as a whole (Fischer, 2011). Van der Merwe and Lykes (2016) add to this that in the limited temporal frames often used by the different transitional justice processes, the ability of these mechanisms to contribute to a culture of caring and the creation of a new social contract is debatable. Even though there are lot of changes taking place, often the harsh reality is that too much stays the same, including the experiences of marginalization and racial or ethnic exclusion, the structural underpinnings of violence and the popular attitudes towards "the other" in societies that are historically divided (van der Merwe et al., 2009). This will have an influence on the extent a society is reconciled.

### 2.1.2 Reconciliation

Reconciliation has also been studied since the 1990s and has been growing as a field of study as well (Hughes & Kostovicova, 2018). Much of the literature, however, tends to oversimplify what is at stake, by establishing and then contesting a set of binaries (Little & Maddison, 2017). The concept itself is often identified normatively with highly ambiguous and ill-defined processes and end goals. Despite this, it continues to be universally promoted as the foundation for a durable peace, and as being essential to be able to move a society that has endured a divisive and destructive conflict to a shared and constructive future. It is often assumed that successful implementation of reconciliation and transitional justice is a vital requirement for the consolidation of peace and stability, and for delivering interrelated incentives and benefits, such as nation-building, democratization and post-conflict economic and social reconstruction (Hughes & Kostovicova, 2018). Furthermore, many researchers and practitioners regard reconciliation as a necessary precondition as they assume that once a top-down political settlement has been reached, a bottom-up process should take place, so that the unresolved issues of the conflict can be dealt with in order to prevent questioning of the settlement or even a return to violence (Fischer, 2011). With the top-down approach, the belief is that for local dynamics to change, national interventions must first take place. After that this change can filter down to the local level. Contrarily, a bottom-up approach's primary area of reconciliation work is to see improved interpersonal relations among community members. Here local, home-grown reconciliation is seen as the key to success (Huyse, 2003).

A growing body of empirical scholarship on specific conflicts has increasingly challenged and tested the normative claims which are the foundations of the term reconciliation, however. This has led to a sharp contrast between the starkness of decontextualized normative claims about how processes should be conducted and what they ought to achieve, and the realities of the grey zone of context, actual practice and lived experience (Hughes & Kostovicova, 2018). This contrast is also discussed by Huyse (2003). Ideally reconciliation consolidates peace, prevents the past to be a seed of renewed conflict, and strengthens newly established democratic

institutions. With this, reconciliation can bring personal healing of survivors, an adequate sharing of power, and reparation of past justices, amongst other things. In practice, this all-encompassing reconciliation is difficult to realize, however (Huyse, 2003).

Something most scholars agree on, is that reconciliation describes a process rather than an end state or outcome, and that it aims to build relationships between individuals, groups and societies (Fischer, 2011). This is one explanation for the difficulty of achieving reconciliation in practice, as it is often a long and unpredictable process, with which each move demands changes in attitudes, conduct and the institutional environment (Huyse, 2003). According to Bloomfield (2003a), reconciliation is a process that is a means to work effectively and practically towards the final goal of reconciliation. In this regard, reconciliation is seen as both a process and an end goal. Reconciliation can be described as an over-arching process, as it includes the search for truth, justice, forgiveness and healing, amongst other things. This process is not necessarily about loving, forgiving or forgetting the past and the atrocities done by former enemies, but about finding ways to coexist with former enemies and to develop a sense of cooperation that is necessary to share the society together, so that all will have a better life than they would have separately. Reconciliation is thus about entire communities having to reorient themselves from the opposing relations of war, to more respect-based relations of cooperation (Bloomfield, 2003a).

Fischer (2011) argues that reconciliation is especially needed in societies where there has been a process of ethno-political conflict, as often these societies are marked by a loss of trust, intergenerational transmission of trauma and grievances, negative interdependence and polarization. In these cases reconciliation is especially required as to prevent the desire for revenge. To achieve reconciliation complementary reciprocity is key, as truths need to be shared or at least acknowledged to achieve some degree of reconciliation on that specific topic on which truths are asserted (Fischer, 2011). Even as there are several routes to reconciliation, truth is an increasingly popular choice of those seeking to move beyond the past to a more peaceful and democratic future (Gibson, 2006). Bloomfield (2003a) argues, however, that truth-seeking is only one ingredient in reconciliation, just as justice. He argues that truth and justice are not separate to reconciliation, but contrarily, they are key parts of it (Bloomfield, 2003a). A lot of different routes to reconciliation have been used as in diverse settings due to widely varying histories, populations and intentions, divided societies have experimented with a wide range of political institutions, processes and mechanisms, that they regarded would help them reconcile (Little & Maddison, 2017). As every conflict and the following democratic settlement is different, the reconciliation process will also differ from all others in important respects, even when it also has many similarities (Bloomfield, 2003a). Furthermore, one tool alone will not be able to achieve reconciliation in a situation of accumulated feelings of hostility. Healing, truth-seeking, justice and reparation often lay the foundations creating the outcomes of the reconciliation process, but also long-term investments are needed, such as educational programmes and human rights awareness activities (Huyse, 2003).

Another important aspect of reconciliation is that there are different levels of reconciliation. What is required psychologically for an individual to deal with the trauma and be reconciled with the past, might not coincide with what might be required for a society to reconcile (Pankhurst, 1999). The two approaches described by Little and Maddison (2017) overlap with these different levels of analysis. The maximalist approach focuses on interpersonal reconciliation by either referencing to a religious or medical paradigm, through words such as

healing, forgiveness and apology. In contrast, the minimalist approach is associated with the broader transformations of socio-political institutions and processes. In this approach it is accepted that conflict is intrinsic to politics, and there is thus less of a drive to overcome social divisions (Little & Maddison, 2017). Little and Maddison (2017) argue that both approaches can be problematic. They state that any truly political reconciliation must engage with the past in order to acknowledge the harm done to victims, but also to address current injustices that are the result of institutions that preserve the unequal distribution of power and resources which benefit past perpetrators (Little & Maddison, 2017). Bloomfield (2003b) argues that it is necessary to understand the past, but also to understand how people interpret this past. There will namely always be historical, objective issues, such as who killed whom and who ruled unjustly, but there will also always be subjective perceptions of that history, such as why someone acted as he or she did. Often those perceptions and interpretations about what happened, instead of what actually did happen, will make the history more or less susceptible to a reconciliation process (Bloomfield, 2003b). To look at those perceptions and interpretations, framing might be a useful tool.

### 2.1.3 Framing

Just as the field of transitional justice, the field of framing is also multidisciplinary, as the concept is used in different disciplines within the social sciences, such as psychology, linguistics and discourse analysis, communication and media studies, political science, policy studies, and sociology (Benford & Snow, 2000). Due to this, amongst other reasons, the framing literature lacks conceptual, ontological and methodological precision (Dewulf et al., 2009). One of the earliest writings on frames is Bateson's work on meta-communication in which framing is about exchanging cues that indicate how ongoing interaction should be analysed. In his view, the need for framing is created by the ambiguity of how to interpret these ongoing interactions (Dewulf et al., 2009). Goffman was another early writer on frames and framing (Borah, 2011). He calls frames "schemata of interpretation," that enable individuals "to locate, perceive, identify, and label" occurrences within their life space and within the world at large. These frames vary in degree of organization. While some are neatly presentable as a system of entities, postulates and rules, others seem to not have any articulated shape, merely providing an approach or perspective (Goffman, 1975, p. 21). An important distinction made by Goffman (1975) is the distinction between natural and social frameworks. Natural frameworks recognize occurrences that are seen as "undirected, unoriented, unanimated, unguided, "purely physical"". These occurrences are due totally to "natural" determinants and thus no wilful agency intentionally interferes. Contrarily, social frameworks transfer background information for occurrences "that incorporate the will, aim, and controlling effort of an intelligence, a live agency, the chief one being the human being". In this regard motive and intent are involved, which will have an effect on which of the various social frameworks is to be applied (Goffman, 1975, p.22-23). In this research social frameworks will be looked at.

Kaufman, Elliot and Shmueli(2013) make a distinction between the concepts frame and framing. As a noun, frame indicates the boundaries within which the whole picture is presented, and it is used as a tool for interpreting and understanding the perceptions and the underlying objectives of the various actors involved. Frames do not only help to interpret the world, but they are also a tool to represent that world to others. With this, frames assist in organizing complex phenomena into coherent, understandable categories. As a verb, framing involves the creation of frames, either through simply reading the situation or through a deliberative, analytic, or strategic process (Kaufman et al., 2013). Gitlin sees frames as "persistent patterns

of cognition, interpretation, and presentation, of selection, emphasis, and exclusion, by which symbol-handlers routinely organize discourse” (Gitlin, 1980, p.7 in Reese., 2001, p.4). In this definition the routine organization surrounding any given story is stressed and it is mentioned that frames are persistent over time (Reese, 2001). Reese (2001) includes this in his own working definition, namely that “frames are organizing principles that are socially shared and persistent over time, that work symbolically to meaningfully structure the social world” (Reese, 2001, p.11). This view of frames being stable, coincides with the cognitive paradigm explained by Dewulf et al. (2009). In their article a distinction is made between a cognitive paradigm and an interactional paradigm. The cognitive paradigm sees frames as a cognitive representation that guides expectations about a certain situation. In this view meaning is located in the mind and dependent on private understanding. Framing is the process of applying these cognitive frames to situations. In the interactional paradigm framing is seen as an interactional process in which the meaning of the situation is co-constructed through the meta-communicational aspects of discourse. In this paradigm, frames are seen as temporary communication structures. Bateson and Goffman can be seen as early writers of the interactional paradigm, as they both look at framing in interactions (Dewulf et al., 2009). Sometimes the two paradigms are explained by the one focussing on frames and the other on framing. This would coincide with Van Hulst & Yanow’s (2016) view on frame and framing. According to them, frame implies a more definitional, static and maybe even a taxonomizing approach to the subject in case, while framing offers a more dynamic approach (Van Hulst & Yanow, 2016). Even though the two paradigms are defined as distinct, there are some transition zones in which aspects of the two paradigms overlap. The cognitive representations individuals hold are namely the result of meanings created in previous interactions. The cognitions that result from former interactions are saved in the minds of people as thoughts, feelings, associations, visualizations and language that characterize their social world. In an interaction situation, these cognitions come to the fore to inform the vocal expressions of those people and they are intrinsically related to the interactional setting in which those vocal expressions are formed (Dewulf et al., 2009).

One big proposition of framing theory is that certain issues can be viewed from a variety of perspectives and can be understood as having implications for multiple considerations or values. In this regard, framing refers to the process by which people expand one particular conceptualization of an issue or reconstitute their thinking about an issue (Chong & Druckman, 2007). Framing is thus the process by which a source (text or actor) defines the essential problem underlying a certain social or political issue, and delineates a set of considerations that are allegedly relevant to that specific issue (Nelson, Oxley & Clawson, 1997). According to Entman (1993) this process of framing includes selection and salience. Framing namely involves selecting some aspects of a perceived reality and making them more salient in communicating texts (Entman, 1993). This highlighting of some aspects while not mentioning others, are done by the framing devices, selecting, naming and categorizing, according to Van Hulst and Yanow (2016). Frames can be found in texts by the presence or absence of certain key words, stock phrases, stereotyped images or sentences in which thematically reinforcing clusters of facts and judgments are provided, amongst other things (Entman, 1993). Another framing device is story-telling. In this case, the subjects that are narrated are explicitly named and described and a whole narrative is elaborated on the perceived problem, which is in contrast to naming and categorizing as here the aspects of framing might be expressed in only one word (Van Hulst & Yanow, 2016). Communicators make framing judgments, conscious or unconscious, on what to say, guided by frames that organize their belief systems. The frames that exist in text and the intention of the communicator can, but do not have to, guide the

receiver's thinking and conclusion about a certain issue (Entman, 1993). Frames can provide meaning through selective simplification, by influencing people's perceptions and supplying them with a field of vision for an issue (Kaufman et al., 2013). Hence, framing can have significant implications, as frames stress some aspects of reality while excluding others, which might lead individuals to interpret issues in different ways (Borah, 2011). People from different backgrounds namely construct frames about certain issues differently than how others frame the issues (Dewulf, 2013). Due to this, culture does not contain a set of stable frames that drive all members of a culture to view things in a certain way. There are multiple influences at play and individuals bring their own prior experiences to the situation (Van Hulst & Yanow, 2016). A wide-used social science definition of a framing effect is that it occurs when "two logically equivalent (but not *transparently* equivalent) statements of a problem lead decision makers to choose different options" (Rabin, 1998, p.36). This framing effect occurs when, while describing an issue or event, a speaker emphasises certain subsets of potentially relevant considerations, which leads individuals to focus on these considerations when constructing their opinions instead of others (Druckman, 2001). Therefore, framing can implicitly or explicitly contribute to advocating or undermining particular interests, and maintaining or challenging power positions (Dewulf, 2013).

Within processes of reconciliation, the explicit management of frames and the framing process, can lead to important shifts in the frames themselves and in their effects on situational dynamics. This purposive management of frames is called reframing. There are different categories of reframing: substance, process, values and phrasing. Substance reframing affects how one views the world today or how the world could potentially look in the future. Process reframing affects how one interacts with others in the conflict. Values reframing allows parties to clarify the relationship between values and interests for themselves, but also for the other parties involved. And lastly, phrasing reframing is about the language used by the different actors to communicate with each other (Kaufman et al., 2013). When actors are willing and able to reflect on their frames, reframing might occur as the frames shift (Van Hulst & Yanow, 2016). Thus, there are differences between the concepts of frame, framing, reframing and framing effects. Even though all concepts could be applied to transitional justice in South Africa, in this research the frames and framing will be the focus.

Framing can be of use for researching transitional justice and reconciliation in South Africa. It namely explores the lenses through which certain actors envisage the whole debate on reconciliation. Through these frames actors focus on certain aspects, while paying less attention to others. Despite there being a lot of different debates, actors thus choose to focus on certain aspects. By analysing the frames on reconciliation in South Africa the perceptions and underlying objectives of the various actors involved can furthermore be investigated. This is useful as to understand the debates and opinions of the different actors involved. As the combination between transitional justice, reconciliation and framing has not been made regarding the transitional justice process in South Africa yet, this research will contribute to framing literature applied to cases of transitional justice.

## 2.2 Methodology

To start this research on transitional justice in South Africa, I searched on the Wageningen University and Research library, Scopus, Google Scholar and the search engine of Google, to be able to find literature on transitional justice in South Africa. I namely had to delimit my

research to certain subtopics within transitional justice in South Africa. I mainly searched on “transitional justice”, “reconciliation”, “South Africa” and “truth and reconciliation commission” at first, and combinations of these four terms, such as “transitional justice” AND “South Africa”. After this first collection, it became clear that lots of literature has been written about transitional justice and reconciliation in South Africa. I made a decision to focus on its initial ideas and objectives and the frames different actors use to argue whether these objectives have been achieved. On the basis of this first exploration of the literature, I started my research.

In order to combine the framing approach with the transitional justice and reconciliation framework, I chose to conduct a literature study. A lot has namely been written about transitional justice and reconciliation in South Africa by a broad variety of actors, as the South African transitional justice process is often seen as an example for other transitional justice processes. Furthermore, surveys would not provide the backing of actors’ opinions about certain cases, which would be needed to abstract frames. At first, I had several articles in which data from surveys were shared and interpreted. The Institute for Justice and Reconciliation, for example, yearly undertakes the South African Truth and Reconciliation Barometer with the goal of understanding the citizens’ perceptions on social issues and their prospects for the future. The reasoning and backing of these opinions could, however, not be abstracted from this, and so these surveys could not be included. In-depth interviews could have provided opinions and argumentations from which underlying frames could have been abstracted, but this was not possible within the short amount of time. Therefore, I searched for written sources in which the necessary information could be found. I mainly used academic literature, but in some cases the findings were supported by other sources, such as news articles or sources from civil-society institutions. These sources were of special interest in the chapter on the debates on reconciliation in South Africa. I did not use oral sources, such as videos and podcasts, despite the fact that debates and frames could also be abstracted from these sources, as I had to delimit my focus in this short amount of time.

In order to get it clear how transitional justice and reconciliation are defined and explained in academic literature, I first searched for literature on these two concepts. In the theoretical framework merely academic literature was used to give an overview of the broad transitional justice field and the place reconciliation takes in this framework. I also deemed it important to get an overview of the literature on framing, as part of the research question is to look at how diverse actors frame the process and outcomes of the transitional justice and reconciliation process. Therefore, framing literature was looked at, as to give a brief overview of what has been written on framing, and to discuss what the difference is between frames, framing, reframing and framing effects. At first, it was difficult to find literature on framing that would be suitable for this research, as a lot of framing literature is focussed on media framing. Therefore, my supervisor provided me with three academic articles that were helpful in getting literature on framing that was more applicable to this specific research. Due to time constraints, not all literature on transitional justice, reconciliation and framing could be looked at, however, which might have caused some other important works on these topics not being included.

After having the theory and concepts clear, I deemed it important to go back into finding extra literature on the transitional justice and reconciliation process in South Africa in specific. Therefore, I went back to the Wageningen University and Research Library, Scopus and Google Scholar, to find some more case-specific literature. I also reread some of the articles that I had collected during my first search for literature. After writing the research proposal and the theoretical framework, I came to realize that it was important to first give a bit more

background on the transitional justice process before investigating the objectives of the TRC. Writing the theoretical framework, I namely began to realize that the transitional justice field encompasses a lot of different mechanisms, with different ideas and objectives, and therefore I regarded it necessary to investigate the decisions made in South Africa. Therefore, I searched for literature on the development towards the transitional justice and reconciliation process and on the underlying ideas that influenced decisions made for the outline of the process. At first, I thought the underlying ideas could be incorporated into an overview of the emergence of the transitional justice process, but I came to the conclusion that there were a lot of different ideas that underly the eventual approach taken by the TRC to achieve its goals, and therefore I decided to make it a distinct part. As the underlying ideas would also be important in the discussion of the debates and frames on reconciliation, I searched and read a lot of articles, as to give a broad overview of the underlying ideas. Due to time constraints, however, at a certain point I had to draw a line. There might thus have been some other ideas underlying the approach taken that are not mentioned in this research, as these were not found in this short literature search.

When writing about the emergence and development of the transitional justice and reconciliation process, it furthermore seemed logical to me to give a brief overview of some of the most important facets of the transitional justice process that needed to complete the objectives of the transitional justice and reconciliation process. First of all, I decided to include the three committees within the TRC, as these three committees were tasked with fulfilling the objectives of the TRC. These three committees were however backed by other organs, and therefore, I decided to include these as well, as there was the idea that these organs would contribute to the goals of the transitional justice and reconciliation process. Probably more actors could have been added here and more information could have been given for the actors that were discussed, but as this was not the main focus of the research, I made the decision not to spend a lot of my time on searching for more actors and organisations, as these were of less significance for answering my sub questions and main research question.

In the course of the research it became clear that it was necessary to first look at the debates before being able to extract frames. The third sub question that answers how the process and outcomes of the transitional justice and reconciliation process in South Africa are framed by various actors would be easier to answer when first the debates and opinions of various actors would be collected. Therefore, the most debated topics were first investigated. Narrowing all the opinions and discussions to a comprehensive overview of the different debates was difficult, however. At first, it was difficult to get an overview of the different opinions and argumentations as many different actors had a say about the transitional justice process in South Africa, and as these views were shared through lots of different sources. Therefore, I did not only seek academic literature, but also reports, news articles, websites from NGOs and interviews, to get an idea of these different debates.

I first chose the actors that I would focus on before making a decision on which debates to discuss. The actors that I ultimately chose are the TRC commissioners, important government officials, NGOs such as the Institute for Justice and Reconciliation (IJR) and the Centre for the Study of Violence and Reconciliation (CSVR), South African citizens and the academic world. Both more substantial and more pragmatic considerations have been made to come to this choice. These actors are namely chosen as they were the most involved actors in the transitional justice and reconciliation process and in the debates on the achievement of

transitional justice and reconciliation in South Africa, but also because most literature could be found for these actors. At first, I also wanted to include international opinions, but this was difficult to find in this short amount of time. The international opinion was described a lot by academics, but it was difficult to find argumentations made by international actors themselves. Furthermore, the main thing that was said about the international opinion was that they regarded the TRC an important institution that should be seen as an example for other countries, but in most of these cases the specific reference to reconciliation was missing, and argumentations why it should be seen as an example were not clear.

After defining which actors I would focus on, I again collected different sources and read them. It was thus an iterative process of searching, reading and writing. In the literature I read, some debates were really prominent and explained thoroughly. Other debates were repeated more occasionally and thus I also searched on these debates in particular, to be able to give an overview of the opinions of the different actors in these debates. Moreover, I searched specifically on combinations of actors and debates to see whether a specific actor group referred to a certain debate or not, i.e. I searched for “government” and “reparations”, for example. Eventually seven topics were defined on which diverse actors gave their opinion. These debates were chosen as they were most repeated in the different literature that was found, and as most of these debates were held by a multitude of actors. I wanted to include all actors in each debate, but I came to the conclusion that this was difficult to do in this short amount of time. Furthermore, in some debates more actors were involved than in others. Therefore, I decided to let go of the idea that in all debates all actors should be present. One of the debates is about the rainbow nation rhetoric used to discuss the racial diversity in South Africa. The rainbow nation debate can be seen as a summary of the debate on the racial inequality and differences in acknowledging what happened, but it can also be seen as a separate debate. I decided to include it, despite the fact that not many actors made specific reference to this frame in relation to reconciliation, and as some of the sources used are opinion pieces in newspapers, which are not written by the five actors discussed above.

As different aspects of the transitional justice field are interlinked, it was difficult to divide the different opinions and argumentations into distinct debates. Some quotes placed at a specific debate could have been used to explain other debates as well. The decision to divide everything in separate debates is thus a bit arbitrary. All these debates namely argue about the same thing, whether reconciliation has been achieved. During my search I also came across the debate on the land question in South Africa and its relation to reconciliation. Despite this, I chose not to discuss the land question in this paper, as land distribution was not part of the TRC, but had its own institutions and act. In order to fully grasp the whole debate on land in South Africa, these institutions and acts should be investigated as well, which was not possible within this short amount of time. Therefore, I decided not to include the land issue in my research.

After defining the debates, frames needed to be abstracted. The different opinions on key issues emerging from the debates can namely be explained by these underlying frames. Due to time constraints, not all frames could be dealt with in this thesis, and therefore only five of these frames have been discussed. These frames have been focused on because they have been most widely used in the debates explored before, and as these frames have been used by multiple actors. To be able to abstract the frames from the wider debates, it was deemed useful to get an overview for each debate of the agreements and disagreements between the

different actors. Therefore, first these overviews were made, before abstracting the frames. After collecting all this information about the different sub questions, I turned to my main research question again. As some information was lacking to fully answer the main research question, I added some things, so that the sub questions and main research question could be answered.

### 3 Emergence and Development of the Transitional Justice and Reconciliation Process

In the introduction it was already shortly mentioned that a transitional justice process was put in place in South Africa after the end of Apartheid. In this chapter this process will be explored in greater depth by first looking at the development towards the transitional justice and reconciliation process. Then the underlying ideas that contributed to the transitional justice and reconciliation process will be explored, followed by a discussion of the objectives of the truth and reconciliation commission that flowed out from this. This chapter will be concluded by looking at the different committees and other actors that should contribute to achieving the objectives of the transitional justice and reconciliation process.

#### 3.1 Emergence of the Transitional Justice and Reconciliation Process

It has already been shortly mentioned how the truth and reconciliation process was set in motion. The last few years towards the transitional justice process will be discussed in some more depth here. As mentioned, since the 1950s a South African internal resistance movement arose to oppose apartheid (Aiken, 2016). The South African liberation movements did not succeed in removing the apartheid government from office by using force or other military means, however. In the late 1980s/early 1990s the liberation movements did get massive support from the overwhelming majority of South African citizens, as hundreds of thousands of supporters mobilized themselves to confront the government, but the security forces were strong enough to control the mobilization and prevent them from overthrowing the government. The uprisings also led to support from large parts of the international community who would like to see democracy arise in South Africa. Due to this, South Africa was faced with a coordinated international isolation campaign consisting of economic sanctions and athletic, academic, scientific and cultural boycotts. This campaign had detrimental effects on all aspects of South African life which resulted in considerable pressure on the government to change its policies (van Zyl, 1999).

Due to all these different circumstances, in the late 1980s, the different major parties in South Africa realized that they reached a situation in which only negotiations could resolve the conflict. The government namely came to the understanding that it could no longer ignore or repress the immense domestic resistance that took place, nor could it completely ignore world opinion or resist international isolation (van Zyl, 1999). The apartheid government under De Klerk hoped they would be able to install a nominally black government, which would stop the campaign for ungovernability, while retaining de facto control over the country through 'power sharing', by giving a veto power of some sort to the whites, both in the Cabinet and in the legislature. The apartheid government entered the negotiations with this agenda in mind (Asmal, 2000). In the meantime, the liberation movements realized that they were unlikely to win the conflict, even if they continued their military campaign. They also envisaged that if a lasting and viable solution to the conflict were to be achieved, both sides would have to be accommodated in the new order (van Zyl, 1999). Therefore, they deemed it important to win over the military, civil service and the judiciary, which were often loyal to the National Party, in order to prevent an 'ungovernability' strategy in reverse (Asmal, 2000).

In 1986 the Constitution Committee of the ANC was established through which the ANC began to develop a series of constitutional foundations and guidelines for the future. The shifts in the

international terrain and an awareness that an end to apartheid might be possible in the near future were two factors that drove this process. Despite this, there were some internal disagreements about what to strive for. There was a lack of internal unanimity on the protection of rights and there were some reservations, which led the ANC being disadvantaged in multi-party negotiations. From 1987-1988 some more coherence arose within the ANC, as there was a gradual increase of legal constitutional language and a decrease of revolutionary-inspired language that was characteristic of the earlier times of the ANC. The movement's radical discourse was tempered further after 1990. In the multi-party negotiations, due to the participation of lawyers and technical advisers, the ANC moved towards a more liberal type of acceptance of the constitution, which led to the socialist-inspired language being eliminated (Brooks, 2018).

Despite the negotiations that took place, between the release of Nelson Mandela in 1990 and the first democratic election in 1994, the state machinery under the rule of the National Party increased its conducted atrocities. Hit squad activities intensified, attacks on innocent commuters were carried out by the state security body and a civil war in the fields of Natal was funded and fuelled by the regime (Asmal, 2000). Even though the run-up to the elections in 1994 was characterized by extraordinary violence and instability, South Africa's first general democratic elections went ahead peacefully. The elections brought to power the transitional government of national unity, which was headed by President Nelson Mandela for a fixed period of five years (Marschall, 2009). Eventually the negotiations led to an agreement between the different parties involved and resulted in a situation in which the TRC was created (Reta, 2017).

While the broader movement within the ANC continued to visualize a radical post-apartheid democracy, the Constitution Committee's formulations would eventually shape the constitutional future. They drafted principles that were brought to the table in the 1993 multi-party negotiating process to establish an interim constitution, which was followed in 1994 by the Constitutional Assembly in charge of outlining the final constitution (Brooks, 2018). The TRC was formally established through the Promotion of National Unity and Reconciliation Act in 1995 by a democratically-elected parliament (Leebaw, 2003; Reta, 2017). This act was based on the 1993 interim constitution's postamble "National Unity and Reconciliation" (Graybill, 1998). Two conferences sponsored by the Institute for the Study of Democratic Alternatives (IDASA), led by Alex Boraine, were also of significance in framing the Act which led to the TRC. The conferences took place in 1994 and were called "Dealing with the Past" and "Truth and Reconciliation". At these two conferences, the idea which would become the basis of the TRC took shape, namely that the TRC would be a tool for "healing the nation" as an alternative paradigm for thinking about transitional justice (Leebaw, 2003).

Nelson Mandela had the task of choosing the truth commissioners which would run the TRC. He selected the commissioners from a list of candidates that was prepared by a specially appointed committee through the holding of public, televised interviews with each of the candidates (Leebaw, 2003). Eventually Mandela chose seventeen commissioners headed by Bishop Desmond Tutu, to run the TRC (Graybill, 1998). The group consisted of seven women, ten men and there was diversity in racial and religious backgrounds. Furthermore, the professional backgrounds differed, as there were several lawyers and human rights activists, leaders of religious groups, two medical doctors and a psychiatric nurse. According to Albie Sachs, the potential commissioners were selected on their ability to rightfully evaluate the ways

in which the diverse parties had subverted respect for human dignity (Leebaw, 2003). The mandate of the TRC was changed a couple of times. Eventually the majority of the work of the TRC took place between the beginning of 1996 and 1998, as after two and a half years a five-volume report was presented to President Nelson Mandela (Foster, 2006).

### 3.2 Underlying Ideas Transitional Justice and Reconciliation Process

During the negotiation process, lots of decisions had to be made to come to a solution and be able to move forward. There were lots of different ideas on how reconciliation and justice were to be achieved, between different political parties, but also between different victims. Some victims stated that they would achieve reconciliation once they discovered the truth about the human rights abuse, others said that reparation and monetary compensation for past abuse would lead to reconciliation, while again others stated that they would not be able to reconcile unless justice was done and perpetrators were prosecuted. These different ideas on how to achieve reconciliation shows that there is no blueprint that satisfies a wide spectrum of citizens, which makes the pursuit of reconciliation an undertaking fraught with contradiction (van Zyl, 1999).

#### 3.2.1 Influence Chile

The TRC as it was eventually agreed upon was modelled explicitly on the Chilean example (Norval, 1998). The circumstances, in which the transition from a nondemocratic to an elected government took place, were namely similar to those of the Chilean transition in which the former government maintained considerable power during the transitional period (van Zyl, 1999). Both Chile and South Africa implemented reparations programs to help victims to restore their lives after a period of human rights abuse (Fiddler, 2015). Furthermore, prominent human rights advocates within both Chile and South Africa agreed that the relationship between human rights and reconciliation needed to be recasted after the post-Cold War era and thus argued that reconciliation should be an important precondition for establishing a regime capable of protecting human rights (Leebaw, 2008). Therefore, after the apartheid regime fell, the designers of the South African TRC made reconciliation its central theme, inspired by Chile's National Commission for Truth and Reconciliation (Philpott, 2007a). Despite this, there were also some differences, as in South Africa the decision was made to grant conditional amnesty on individual basis, while in Chile blanket amnesty was given which allowed perpetrators simply to go free (Reta, 2017). By choosing this, South Africa decided that the way forward was to be achieved through a truth commission, rather than through Nuremberg-style trials (Norval, 1998).

#### 3.2.2 Amnesty and Prosecution

This decision to go for a truth commission and reject trials was made due to several reasons. The first concern was that it would be difficult to prove guilt in the context of a criminal justice system, as in cases where large numbers of people acted as members of political organizations, it is hard to determine individual legal responsibility. Another reason was that it would be difficult to gain evidence of the acts that took place, as there was a high likelihood that no new evidence would come to the surface and that there would be no witnesses being prepared to testify in criminal trials (Norval, 1998). Furthermore, there was the idea that criminal prosecutions could be socially divisive and threaten the stability of the new regime, due to the scale of the crimes, the refusal of the white majority to recognize apartheid era repression as something criminal, the unreformed judicial system and the fragility of the new

South African regime (Leebaw, 2003). Asmal (2000) argues that an over-reliance on trials would be a waste of administrative and political resources, it could traumatise the country, and hinder redistribution of resources and power. The most important reason however, was the decision to grant amnesty. Amnesty was namely a precondition for making the negotiated transition process possible (Norval, 1998). As the power was handed over after negotiations took place, it was not realistic to have Nuremberg-type criminal trials where perpetrators of human rights abuses would be punished for their crimes (Dyzenhaus, 1998). The National Party namely only agreed with the transition when amnesty would be granted. The government and its security forces would never have allowed the transition to happen when its members, operatives or supporters would have been exposed to arrest, prosecution and imprisonment (van der Merwe et al., 1999 & van Zyl, 1999). Even though key ANC leaders initially opposed amnesty, eventually they accepted that some form of amnesty might be granted to apartheid officials to get democratic change in return. Joe Slovo, Secretary General of the SACP, stated, after the first round of multiparty negotiations broke down, that an acceptable compromise could be amnesty in which those who are seeking to benefit will disclose in full those activities for which they need an amnesty. In 1990 the releasement of prisoners already began according to the "Norgaard principles" which were principles of indemnification, developed by Danish jurist Professor C. A. Norgaard for the U.N. settlement of the Namibian conflict. These Norgaard principles became the basis for the TRC's "political objective" requirement for amnesty, they specified terms for assessing the relationship between the political objective and the action at issue and it transferred amnesty to those charged with political crimes (Leebaw, 2003). Most key actors agreed with this selective form of amnesty, but at first the National Party kept lobbying for an unconditional amnesty. Eventually, they also agreed to the "full disclosure" requirement on the condition that this process would apply to members of the liberation movements as well (Graybill, 1998; Leebaw, 2003). The ANC is quite special in this regard, as it is the only liberation movement that, before entering government, had already appointed commissions to investigate its own conduct. In 1992, Nelson Mandela already set up the 'Commission of Inquiry into Complaints by Former African National Congress Prisoners and Detainees', which would investigate the events that happened at the ANC detention camps located in various countries in Southern Africa (Asmal, 2000).

In agreeing to this amnesty condition, South Africa's leaders failed to comply with the obligation to punish perpetrators under international law. They did, however, try to structure the transitional justice process in such a way as to minimize the most offensive features of amnesties so that it would help achieve the other obligations prescribed by international law. These include uncovering the truth, transforming state institutions and providing reparations to victims (van Zyl, 1999). It was furthermore agreed that the TRC should attempt to meet, on the one hand, the need of those who lost family and friends to know the truth surrounding atrocities that took place, and, on the other hand, the desire of perpetrators of the abuses to make full disclosures of the crimes they committed in return for amnesty (Norval, 1998). The TRC granted amnesty to individual applicants, with the only condition that they would confess publicly to the details of their involvement in human rights abuses. The threat of prosecution would remain for those who did not cooperate with the TRC. Due to this, amnesty would serve as a gesture toward reconciliation but also as an incentive to disclose information (Leebaw, 2003). By offering conditional amnesty to those individuals who fully confessed having committed certain gross human rights violations during apartheid, the TRC hoped that the facts of who did what to whom and under whose orders would come to the surface (Dyzenhaus, 1998). By uncovering lies and official misconduct, the TRC aimed to lay the foundation for the

reestablishment of the rule of law, despite amnesties that are often seen as undermining the rule of law. South Africa is thus a case in which the tension between truth as a guarantor of the rule of law and amnesty as its antithesis is apparent. The TRC namely contains the paradox that while truth is essential to the restoration of the rule of law, it mostly can only be obtained by an amnesty, that, in turn, undermines this restoration (van Zyl, 1999). Asmal (2000) adds that transitional justice is not merely about criminal trials. It also includes acknowledging the illegitimacy of apartheid, acknowledging the need for measures to undo apartheid's racially skewed socio-economic legacy, establishing equality before the law, which would include reforms in the criminal and other justice systems, redistribution of property rights, acknowledging that there is a collective responsibility of the beneficiaries of apartheid, and acknowledging the claims made by the regional and international communities, including the norms under international law (Asmal, 2000).

### 3.2.3 Theological and Spiritual Influences

Another key aspect of the eventual transitional justice and reconciliation process was the Christian faith and the term ubuntu. The principles laying at the basis of the TRC are namely massively influenced by Christian theology and ethics. This is not surprising, as the Christian church from its conception has been concerned with topics such as truth, reconciliation, confession, guilt and forgiveness, which are now tackled by the TRC (Graybill, 1998). According to this idea of forgiveness, even though the victim should be the first to forgive the perpetrator, this does not relieve the perpetrator from admitting to the wrong and seeking forgiveness (Breed & Semanya, 2015). In the TRC hearings explicit references were made to Christianity as an authorised and legitimate way of telling the truth, and as a method to encourage reconciliation among former enemies. In this way, religion was incorporated as an important dimension in resolving conflict and peacebuilding (Shore, 2016). Chairman Archbishop Tutu and other religious leaders and laypeople strongly shaped the TRC by their theology of reconciliation. The churches provided staff, publicity and spiritual and psychological support for victims and perpetrators, they encouraged their own followers to participate in the process and they participated in the special hearings on faith communities (Philpott, 2007b). Furthermore, the religious communities provided counselling once the hearings were over (Philpott, 2007a). In conducting the TRC hearings, Tutu spoke the language of faith, forgiveness and reconciliation (Philpott, 2007b). This also coincides with ubuntu.

Next to the Christian influences in the TRC, the term ubuntu, which is derived from the Xhosa expression *Umuntu ngumuntu ngabantu* (People are people through other people) thus also influenced the transitional justice process (Graybill, 1998). The term can roughly be described as 'humaneness' (Leebaw, 2003), and it conveys the idea that an environment of right relationships exists when people are able to recognize that their humanity is completely bound up in others' humanity. In this regard, ubuntu stresses the priority of restorative as opposed to retributive justice (Graybill, 1998). This call for understanding and ubuntu summarized the decision made to forego punitive measures, such as prosecution and lustration (Leebaw, 2003). The negotiators of the South African Interim Constitution of 1993 mentioned that to tackle the legacies of the apartheid era in South Africa "there is a need for understanding but not for vengeance, a need for reparation but not for retaliation, and a need for ubuntu but not for victimization" (Breed & Semanya, 2015). Tutu clearly showcases this by making the following description of ubuntu:

*“Ubuntu says I am human only because you are human. If I undermine your humanity, I dehumanise myself. You must do what you can to maintain this great harmony, which is perpetually undermined by resentment, anger, desire for vengeance. That’s why African jurisprudence is restorative rather than retributive” (Gevisser, 1996).*

The concept ubuntu has a spiritual foundation. Within this theology, a community is interdependent when individuals can only discover who they are through others. Ubuntu played a vital role in reconciling South African citizens throughout South African history. Just as the Christian theology, ubuntu calls for peace and reconciliation. It promotes forgiveness and helps individuals not to engage in any form of revenge. It can be said that ubuntu provides people with strength and wisdom to be able to build up peace and healing to those affected by social injustices. The majority of the South Africans are either Christians or believe in the values promoted by ubuntu, which makes referencing to these two theologies a useful tool in promoting reconciliation (Breed & Semanya, 2015).

### 3.2.4 Healing and Forgiveness

Linked to this was the idea that there should be opportunities for victims to tell their stories (Graybill, 1998). Advocates of the TRC namely regarded the investigations and testimonials that were done through the truth commissions as being therapeutic for victims (Leebaw, 2003). The TRC believed that speaking directly of the sufferings that happened in the past, might offer healing (Clark, 2012). They promoted the principle of reciprocity, which required a search for moral agreement, or in cases where that would be impossible, for mutual respect, which would enable participants to minimize their rejection of the positions they oppose (Leebaw, 2003). One of the most important decisions made by the TRC was that the suffering of all victims, irrespective of the ideological perspective they served, was to be of equal moral significance (Marschall, 2009). The TRC would be a platform through which all “people who have nurtured their subjugated stories in the confines of their hearts and hearths – offstage – now have an opportunity to articulate and own their stories on stage” (West, 1997, p.6, in Graybill, 1998, p.49). In this regard, the public hearings were less concerned with establishing facts, as these had already been deposited in written statements, than with broadly sharing these facts, which would educate society at large about what happened from the perspective of the victims. This sharing of facts should not only bring healing to victims, but it was also meant to have an influence on the public at large, as the process of witnessing these victims telling their horrific stories was meant to cause empathy with the victim and promote communal reconciliation (Marschall, 2009).

To come to some general agreement between the different sides as to the wrongs committed, it is important that perpetrators also come forward. Ideally during the TRC process, perpetrators would repent their sins to which victims offer forgiveness, which would lead to reconciliation between individuals and ultimately of the nation at large. This ideal was encouraged by Tutu, as he asks perpetrators to apologize publicly and to accept the forgiveness that could be forthcoming from victims. The amnesty aspect of the transitional justice process could, however, be an obstacle for this. As mentioned, the act authorizing the TRC grants amnesty in exchange for full disclosure. For receiving amnesty, remorse is thus not a requirement, which raises questions as to whether forgiveness would be possible then (Graybill, 1998). The TRC was established in large part because of its belief that there is a danger of inappropriate forgetting. They stressed that to move forward, the past should be

acknowledged, rather than denied (Marschall, 2009). To achieve this, it will also be necessary that both sides are involved in the process, such that the past will be acknowledged by both victims and perpetrators. As opposed to the focus on perpetrators in cases of trials prosecution, in South Africa the voices of the victims of the struggle were seen as central (Asmal, 2000).

### 3.2.5 Reparation and Memorialisation

The decision to provide reparations in a certain way was also based on underlying ideas and views. From the beginning, reparations were seen by the TRC as one of the most basic requirements for promoting national unity as without reparation and rehabilitation measures, no healing or reconciliation can be achieved (Aiken, 2016). To compensate all black South Africans individually in cash for lost employment opportunities or forced removals alone, would constitute South Africa's annual budget for the foreseeable future, however. In the meantime, collective recovery could not be worked on, which could lead to social unrest that would negatively affect the well-meant programme of compensation for lost employment and forced relocations. Therefore, South Africa adopted the position that reparations should take the form not only of mandatory monetary compensation, but also of symbolic and other redress (Asmal, 2000). The government promoted the building of memorials as they believed memorials would assist in the process of attaining reconciliation in divided societies (Marschall, 2009). Even though memorials would be built as symbolic forms of reparation to the victims of the atrocities that took place during apartheid, the nature of the transition in 1993-1994 and the tone of reconciliation that was set by Nelson Mandela, made that the white culture and heritage, except for some of the most indisputable examples of apartheid ideologues, was largely left intact (Marschall, 2009; Ndletyana & Webb, 2017). The ideas about reparation and memorialisation were thus more about adding memorials to acknowledge the abuses of victims, than about removing apartheid statues. The idea was also that difficult heritage that memorialized apartheid in South Africa can play an important role in remembering the past and narrating the new nation. It namely tells one side of the truth about what happened in the country, which could contribute to the story of South Africa's past struggles (Lixinski, 2015).

### 3.2.6 Reconciliation

Lastly, the Constitution states that reconciliation between the people of South Africa is required for the pursuit of national unity and the well-being of all South African citizens (Promotion of National Unity and Reconciliation Act, 1995). Therefore, the government and the TRC regarded reconciliation one of their primary goals, and thus the transitional justice process was adapted to the South African situation in such a way that the government and the TRC thought reconciliation could be achieved. Due to this, most of the underlying ideas just explored should contribute to this big idea of reconciliation as viewed by the government and the TRC. The government, for example, promoted the construction of memorials as they believed this would help reconciliation which they see as a high-priority national goal (Marschall, 2009). The TRC thought that without reparations no reconciliation could be achieved (Aiken, 2016). There is also the view that forgiveness and truth-telling can lead to reconciliation. The slogan that was adopted by the TRC – "Truth: the road to reconciliation" clearly shows that the TRC takes the aspiration to reconciliation seriously (Dyzenhaus, 1998). The TRC not only aspires to achieve reconciliation between victims and perpetrators, but also at society level, thus also between victims and beneficiaries (Graybill, 1998). One of the underlying reasons for choosing a truth commission links to reconciliation as well, as the underlying reasoning is that truth is key to building national unity and reconciliation, but that without amnesty, perpetrators would not

disclose the truth about the past human rights abuses (Reta, 2017). The promotion of reconciliation was also due to the theological influences on the TRC, especially of Christianity and Ubuntu. Specific references were made to religion in order to foster reconciliation (Shore, 2016). As mentioned, there is no blueprint on how to achieve reconciliation, seen by the disagreement between different political parties and between victims (van Zyl, 1999). As South Africa was inspired by Chile, South Africa's decisions regarding how to achieve reconciliation were mainly inspired by Chile's National Commission for Truth and Reconciliation, as this was seen as a model for ways to achieve reconciliation. Some parts of the process however differed from the Chilean context, as to adapt the process to the specific situation in South Africa (Norval, 1998; Philpott, 2007a; Reta, 2017).

### 3.3 Objectives Truth and Reconciliation Commission

All these different ideas eventually came together in the mandate that described the TRC. In this mandate different aspects were mentioned such as its focus, its obligations, its structure and its objectives. The TRC had the following objectives stated in its mandate:

- To establish as complete a picture as possible of the causes, nature and extent of the gross human rights violations that took place between 1 March 1960 and 10 May 1994
- To establish the fate or whereabouts of victims of gross human rights violations
- To help in restoring the dignity of the victims by giving them an opportunity to testify about the human rights violation in which they were involved or the death of their loved ones
- To make recommendations on a set of measures designed to provide reparation and rehabilitation to victims
- To grant amnesty to individuals who make a full disclosure about the particular crimes that they committed and want amnesty for
- To make suggestions to the president on the creation of institutions that would be helpful for creating a stable and fair society, and institutional, administrative or legislative measures that should be taken to prevent future human rights violations.
- To write a report in which the work and findings of the TRC is publicized (Promotion of National Unity and Reconciliation Act, 1995).

The decision for a truth commission, conditional amnesty, reparation programmes and other aspects of the TRC would need to contribute to fulfilling these objectives. The TRC was given a two-year mandate to hold hearings on allegations on human rights abuses within a specific period during apartheid (Graybill, 1998), and it worked from three interrelated committees, all responsible for fulfilling different goals the Truth and Reconciliation Commission wanted to achieve. These Committees were called the Human Rights Violations Committee, the Amnesty Committee and the Reparations and Rehabilitation Committee (van Zyl, 1999). The work of all these different committees together would have to contribute reconciliation.

### 3.4 Actors Transitional Justice and Reconciliation Process

#### 3.4.1 Committees Truth and Reconciliation Commission

The Human Rights Violations Committee (HRVC), had the task to establish and make known the fate or whereabouts of the victims and to restore the human and civil dignity of these victims by giving them the opportunity to relate their own accounts of the violations of which they are

victims (Aiken, 2016). The South African truth-telling framework has been described as all-inclusive, as no individual or group was exempted. The mandate was namely so broad that it was possible to investigate violations committed by both the previous governments and the different freedom-fighting groups, such as the African National Congress (ANC), the Pan-Africanist Congress (PAC) and the Afrikaners Weerstandsbeweging (AWB) or Afrikaner resistance (Reta, 2017). The focus of the HRVC was on gross human rights abuses that took place between March 1960 and 1994. The focus on gross human rights abuses and its start date for its inquiry of March of 1960 reflects the TRC's focus on the extraordinary rather than the ordinary violence of apartheid (Dyzenhaus, 1998). The HRVC held hearings where victims could testify about the abuse(s) they suffered (van Zyl, 1999). The nationwide hearings were widely publicized by television, radio and the print media (Foster, 2006). To be able to do all of its tasks, in the 1995 Promotion of National Unity and Reconciliation Act, it was stated that the HRVC should consist of a Chairperson, two Vice-Chairpersons, some other commissioners designated by the Commission, and a maximum of three other members (Promotion of National Unity and Reconciliation Act, 1995). Eventually, on 15 April 1996 the first Human Rights Violations hearing was held in East London, followed by months of public hearings in different towns and cities all across the country (Marschall, 2009).

The Amnesty Committee was charged with the task of facilitating the assigning of conditional amnesties to those perpetrators who were involved in gross human rights violations and made a full disclosure of all the relevant facts associated with a political objective between 1960 and 1994 (Aiken, 2016). In the 1995 TRC Act, it was said that the Committee should "consist of a Chairperson, a Vice-Chairperson and three other members who are fit and proper persons, appropriately qualified, South African citizens and broadly representative of the South African community (Promotion of National Unity and Reconciliation Act, 1995). The Committee was made up of seven members at first, but was enlarged twice, first to thirteen and later to nineteen members, due to the heavy workload (Graybill, 1998). The Committee had to decide whether applicants fulfilled the "political objective" qualification. This would be the case when an act was committed by a member or supporter of a "publicly known political organization or liberation movement" or by an employee of the state, with the goal to further a political struggle or to counter or otherwise resist the said struggle. Furthermore, the act should have been carried out "in the course and scope of his or her duties and within the scope of his or her express or implied authority" (Promotion of National Unity and Reconciliation Act, 1995). Only those who feared criminal prosecution under the old apartheid laws needed to apply for amnesty, which made that the ordinary daily consequences of apartheid, which were not seen as criminal under the apartheid laws, did not fall under the amnesty hearings (Asmal, 2000). The applicant, survivors, any person implicated and any person who had an interest in the hearings were regularly being updated on where and when the hearings would take place. They could attend the hearing, testify or call witness (Allan & Allan, 2000). The conditional amnesty made it possible that perpetrators would receive no amnesty at all for certain offences, for example when the acts would be disproportionate to the alleged political objective. Despite the TRC itself not being a prosecutorial body, the door was thus left open for prosecutions to be brought in for all acts for which no amnesty had been sought, or where amnesty had been denied (Asmal, 2000).

The third committee within the TRC was the Reparations and Rehabilitation Committee (RRC) which was tasked with making recommendations to the government regarding the measures that should be taken on the granting of reparations to victims and other measures aimed at

rehabilitating and restoring the human and civil dignity of victims (Aiken, 2016). These reparations included legal, administrative and institutional measures aimed at preventing human rights abuse in the future (van Zyl, 1999). The recommendations would not only include redress to victims, but also symbolic strategies for dealing with the wounds of the past (Foster, 2006). In the 1995 Act it was said that the Commission should consist of a Chairperson, a Vice-Chairperson and maximal five other members (Promotion of National Unity and Reconciliation Act, 1995). Dr Wendy Orr was chosen as the Chairperson for the RRC (Marschall, 2009). The committee was tasked with considering the applications by individuals who claimed they had suffered harm as a result of a gross violation of human rights. The RRC thus had to decide whether the individuals were victims, as only victims would be able to receive individual compensation (Promotion of National Unity and Reconciliation Act, 1995). Even though the RRC's main task was to write a report to the government which would form the basis for reparations to and rehabilitation of those defined as victims, it also contributed to one of the most important objectives of the TRC as a whole, namely the making of recommendations to the president on the creation of institutions that would be helpful for creating a stable and fair society, and institutional, administrative or legislative measures that should be taken to prevent future human rights violations (Dyzenhaus, 1998; Promotion of National Unity and Reconciliation Act, 1995).

### 3.4.2 Other Actors in the Transitional Justice and Reconciliation Process

As the three committees together would not be able to achieve all the objectives on their own, some other organs were set up. The TRC, for example, set up special hearings on different parts of society, outside the purview of the regular work of the three committees. These hearings were about the role of the media, the medical profession, the judiciary, business and the faith community amongst other things (Graybill, 1998). In this way the TRC could address accountability for human rights abuses from a broader perspective by exploring the roles played by various professions and institutions in resisting or facilitating human rights abuses (van Zyl, 1999). The hearings were created to be able to fulfil the TRC's mandate to establish "as complete a picture as possible of the causes, nature and extent of the gross violations of human rights ... including the antecedents, circumstances, factors and context of such violations" (Dyzenhaus, 1998; Promotion of National Unity and Reconciliation Act). An example of this are hearings held on the role of the medical and legal professions under apartheid, which would direct national attention on issues such as professional codes of conduct (van Zyl, 1999). During the legal hearing the connection between the ordinary and the extraordinary violence of apartheid was made. The hearing revealed the continuum between ordinary and extraordinary violence by analysing the administration of statutes which set out the programme of apartheid and the statutes which set up the framework for suppressing opposition to apartheid (Dyzenhaus, 1998). By conducting these special hearings, the commission could address broad and systematic injustices, which were to a lesser extent dealt with by the three committees which mostly focused on individual cases (Asmal, 2000).

The TRC was also backed by a Research Department and several translators and interpreters that were needed since South Africa is a multi-lingual country with eleven official languages (Foster, 2006; van Zyl, 1999). Moreover, an Investigation Unit of the TRC was established, which included sixty local investigators drawn from the police service, the legal profession and human rights organizations. Around twelve investigators were transferred from foreign police forces and assisted the unit. The unit carried out investigations and it interrogated people who appeared before the TRC. Furthermore, it had the authority to seize and possess evidence or

objects that could be of value for the investigation, and to subpoena reluctant witnesses to appear before the TRC (Dyzenhaus, 1998; van Zyl, 1999). The investigation unit was tasked with investigating any matter falling within the scope of the commission's powers, functions and duties, or within the scope of powers, functions and duties of a specific committee when they would request this (Promotion of National Unity and Reconciliation Act, 1995). A limited Witness Protection Programme was also established with the mandate to protect those who wished to testify before the TRC and were in some danger as a result (van Zyl, 1999). In the Promotion of National Unity and Reconciliation Act, a

*“witness means a person who wishes to give evidence, gives evidence or gave evidence for the purposes of this Act and includes any member of his or her family or household whose safety is being threatened by any person or group of persons, whether known to him or her or not, as a result thereof”*  
(Promotion of National Unity and Reconciliation Act, 1995).

Witnesses could thus reach out to the Witness Protection Programme to secure their safety. Lastly, NGOs engaged with the transitional justice process in one form or another. The relationship between the TRC and NGOs, however, was very uneven among different regions and often the interactions were quite informal in nature. The main interaction pattern between the TRC and NGOs was that of NGOs initiating ideas and pushing the TRC to engage in a joint process. Only in a handful of the cases the TRC identified a specific need and then approached NGOs for assistance. NGOs and churches developed victim-support groups, community hearings, and workshops where people shared their stories of abuses, as a way to allow those who did not get an opportunity to testify publicly to the TRC to participate more fully. NGOs have also been involved in the special hearings, described above (van der Merwe et al., 1999). The three committees of the TRC were thus backed up by different institutions to fulfil the objectives mentioned in the 1995 Promotion of National Unity and Reconciliation Act.

## 4 Debates on the Achievement of Reconciliation

After the official TRC process ended, many arguments were brought up about whether or not the transitional justice process achieved its goals. In this chapter, the debates regarding whether reconciliation has been achieved will be discussed. Several important actors in the process will be looked at, and also what argumentations they use to make statements about the achievement of reconciliation in South Africa. As mentioned, the actors that will be looked at are the TRC commissioners, important government officials, NGOs such as the Institute for Justice and Reconciliation (IJR) and the Centre for the Study of Violence and Reconciliation (CSV), South African citizens and the academic world. Here a short overview of some of the most wide-spread debates will be given.

### 4.1 Long-Term Process

Lots of different actors involved in one way or another in the transitional justice process expressed that reconciliation is a long-term process, which can be seen as one of the wide-spread opinions regarding the achievement of reconciliation in South Africa. The TRC expressed in their final report that the concept of reconciliation was both a goal and a process (Baron, 2015). At the tabling of the TRC Report on the 15<sup>th</sup> of April 2003 former President Mbeki said:

*“Our assessment of the TRC’s success cannot ... be based on whether it has brought contrition and forgiveness, or whether at the end of its work, it handed us a united and reconciled society. For this was not its mandate. What the TRC set out to do, and has undoubtedly achieved, is to offer us the signposts in the long march to those ideals” (Mbeki, 2003 in August, 2005, p.16).*

According to this, the TRC should only be seen as an important contributor to the achievement of the larger whole of national unity, national reconciliation and national reconstruction, as these objectives did not fall within the mandate of the TRC and are merely an important sector within the bigger project of building a new South Africa (August, 2005). Instead of investigating the causes by which individual and national reconciliation were hampered during the TRC process, the TRC settled for merely understanding reconciliation as a possible future achievement, instead of one that could be attained at the end of the transitional justice process (Baron, 2015). Judge Sisi Khampepe, former TRC commissioner, also stated that reconciliation is a long process. She illustrates this by painting the following image: “It’s like a tree, that needs to be watered continuously, until it grows, and takes firmly to root, and then you enjoy the benefits of the shade the tree will provide.” As it is a long process, twenty years into democracy, still a lot of work needs to be done, according to Khampepe (Friedman, 2016a).

The Centre for the Study of Violence and Reconciliation (CSV) Director Graeme Simpson also pointed out that:

*“It is important to remember that the TRC was just the beginning of a larger and long-term process of building national reconciliation. In order for reconciliation to be sustainable in our society, it has to be based on a prioritization of the needs of victims of gross human rights violations. In this*

*respect there is still a considerable amount of unfinished business that needs to be addressed in the wake of the TRC” (August, 2005, p.17).*

Making references to issues like reparation, prosecutions and legal actions against perpetrators of apartheid-era atrocities, blanket amnesty, further information gathering and truth-seeking and access to information, Simpson challenged the government to go ahead with these important issues (August, 2005).

Kenneth Lukuko, who leads the community healing project at the Institute for Justice and Reconciliation (IJR), another NGO in South Africa, mentioned that South Africans should even move away from idealizing the saints of reconciliation towards the more challenging and rewarding task of making reconciliation part of everyday life. Lukuko states that:

*“At the beginning of our transition naturally there was a lot of uncertainty and insecurity as to what ought/could/should and would happen in order to move forward. Reconciliation became that process where we found symbolic acts by our leaders that got us to develop confidence [in] reconciliation as a process, especially the gestures of forgiveness by Nelson Mandela, who symbolised the suffering of many. In that way he actually got us to believe that despite all these challenges, we could walk on water. But now that he is gone, we realise that the contradictions were always there and that we had better now begin to address them more earnestly and honestly in order to fully reconcile. We have to actually learn to swim, which is obviously the tough part. Certainly he left us with the goodwill we might need to give us strength and enthusiasm to do so” (Wale, 2014, p.9).*

According to Lukuko, the rhetoric of reconciliation that was promoted by the leaders of the country thus must still become part of everyday life in order to really reconcile in practice.

This idea of reconciliation being a part of everyday life also comes to the fore in Theuns Eloff's discussion of reconciliation, who is Chairman of the FW de Klerk Foundation. He argues that “it must be kept in mind that reconciliation is a process and not an event or even a series of events. It cannot be over [...] it must remain a way of life for all South Africans” (Eloff, 2015). It is furthermore argued that South Africa needs “to guard against the attitude that once the TRC is over, the chapter on the past will be closed. For the victims of past abuses, the chapter only closes when they are personally ready” (Hamber, Mofokeng & Simpson, 1997).

Besides all these arguments that reconciliation is still something that needs to be developed further, August (2005), researcher for the Department of Practical Theology at Stellenbosch University, is of the belief that the TRC did set out to offer South Africa the signposts in the long march to the ideals of contrition and forgiveness in order to bring about a united and reconciled society. The TRC has started the process towards the healing of the nation and to establish the truth regarding the human rights abuses that took place in order to prevent such cases to happen in the future. Despite this, the process of reconciliation has only just started. According to August, there needs to be continued room in society to explore the meaning of reconciliation in relation to the issues of race and identity that still play a big role in South Africa (August, 2005). Other researchers also mention that the TRC played a crucial role in beginning the process of reconciliation (Hamber & Kibble, 1999). Tihanyi and Du Toit (2005) add that a

couple of years after the end of the TRC, many South Africans began to understand that reconciliation is a long-term process with an indefinite end point. They now realize that reconciliation is much more about the everyday reality of learning to live together than about single encounters at forums such as the TRC (Tihanyi & Du Toit, 2005).

According to Van der Merwe et al. (1999) the TRC did lay the foundation for a process of reconciliation, but at first it was not involved enough with the organs of civil society which were to carry on the more long-term work of rebuilding society (van der Merwe et al., 1999). Tihanyi and Du Toit (2005), however, conclude a couple of years later that “in South Africa, reconciliation increasingly means creating a space where people, ideas, and experiences encounter one another and forge lasting partnerships and friendships that, over time, contribute to the transformation of society” (Tihanyi & Du Toit, 2005, p.26). In this regard, it is often stated that the TRC cannot be completely held accountable for the continuation of the legacy of apartheid, as such a legacy cannot be fully addressed, nor the damage rectified, in a few short years. Therefore, new initiatives would be required after the end of the TRC to fully consolidate democracy and human rights in the new South Africa (Freeman & Hayner, 2003). This would be able to solve the recurring complaint regarding the TRC that there was simply not enough time to do all that was necessary, which made that many wanted the mandate of the TRC to be extended (Amoah & Greenbaum, 2005).

To conclude, it is often repeated that reconciliation has not been achieved yet, as it is a long-term process. Former President Mbeki and the TRC commissioners both saw the achievement of reconciliation not lying within the mandate of the TRC, but as a process that needs to be developed further after the end of the TRC. They namely both argued that reconciliation was not seen as a goal that could be attained by the end of the official transitional justice process. The NGOs mainly focussed on reconciliation having to become part of everyday life. They argue that reconciliation needs to become part of the culture for all South Africans. In the academic world some positive notes are made that the TRC did make a start in the long march to reconciliation. Other academics, however, mentioned that reconciliation is a long-term process that needs to be developed further. The need for new initiatives and civil society is especially stressed by the academics. Furthermore, they note that many South African citizens increasingly realize that reconciliation is a long-term process that is about the everyday reality of living together. All in all, the actors discussed here thus argue that reconciliation is a long-term process that lies besides the purview of the TRC, and that needs to be developed through new initiatives so that it will become part of everyday life.

## 4.2 Reparations Programme

The recommendations made by the Reparations and Rehabilitation Committee are often seen as one of most controversial aspects of the TRC’s work and references are often made to this to criticize the achievement of reconciliation in South Africa. The RRC namely proposed a comprehensive reparations programme that should be implemented by the government, including direct financial compensation to victims, besides symbolic, community-based, and institutional forms of reparation, but in the end the government decided to only implement a very reduced version of the original recommendations (Colvin, 2007). Under the Urgent Interim Reparations programme proposed by the RRC, approximately 14,000 of the 22,000 ‘official’ victims would receive a small one-time grant ranging between R2000 and R7500 per year (approximately US\$250-\$1000) which was designed to help meet the immediate medical,

economic or emotional costs. The RRC also recommended to give larger Interim Reparation Grants between R17,000 and R23,000 per year (approximately US\$2100-US\$2900) over a period of six years to official victims. Eventually only a single one-time cash grant of R30,000 (approximately US\$4000) was promised by the government in 2003, which is only a fraction of the originally recommended amount by the TRC (Aiken, 2016).

Wendy Orr, a TRC Commissioner that was assigned to the RRC, has argued that the TRC's goals were undermined by the failure of the government to adequately follow through on the reparations that were recommended, which led to raising and then frustrating victim's expectations, thus serving as a major source of grievance for the disadvantaged black community. This led to the recommendations ultimately doing more harm than good in advancing national unity and interracial reconciliation (Orr, 2000 in Aiken, 2016, p.197). Alex Boraine, vice-chairman of the TRC, added that the TRC discovered the truth and brought about healing, but that its momentum was lost when an incredibly long time passed until the government implemented some of the recommendations, while other recommendations were even completely ignored (Ntuli, 2014). This loss of momentum is also discussed by Valji, who argues that many victims were less willing to reconcile because

*“reparations dragged on for years before it was paid, and yet government was quick to move on things that have benefited perpetrators ... in terms of reconciliation it left a bad taste in the mouth of a lot of victims who came forward to participate in the Commission” (Valji, 2008 in Aiken, 2016, p.197).*

Many victims thus felt marginalised, ignored or sacrificed by a government that appeared to be giving greater value to the needs of perpetrators than to the needs of the victims, as it did not fulfil its promise that the conditional amnesties for perpetrators would be matched by fulfilling the commitment made by the government to improve the lives of victims through reparations (Aiken, 2016). One participant shared her story in a research done in 2005 by the CSVR about the failure of the TRC to help her in her impoverished conditions:

*“My child is crippled and they promised to help with her studies and her medical bills. ... It was difficult to take her to physiotherapy, as I have no money. I never even received that 2000 Rand they promised. The TRC has done nothing for me. I also cannot work because I'm sick, I am owing in school fees and have huge medical bills. ... We were made to fill papers and we don't know what reparations we will get. The TRC has made me false promises and I don't trust it any more” (Lindahl, 2010, p.31).*

This story clearly shows the frustration the reparations programme has brought victims.

Kenneth Lukuko from the Institute for Justice and Reconciliation, added to this that the TRC could have achieved more if it would not have been limited in its scope, timeframe (1960-1994) and duration. Lukuko continued that due to its limitations and the failure to implement its recommendations, “there is still a lot of unfinished business when it comes to the TRC” (Ntuli, 2014). Simpson (1998), a founder and former Executive Director of the Centre for the Study of Violence and Reconciliation (CSV), however, mentioned that the failures to do full social and economic justice cannot really be blamed on the TRC alone, as it relates to the wider process of transformation in South African society, in which the TRC is only a junior partner (Simpson,

1998). This is also repeated by researchers. Du Toit (2017), for example, argues that the failure regarding reparations cannot be put at the TRC in terms of its design or implementation of its mandate. Contrary, reparations have failed due to a lack of political will and institutional capacity, as well as competing priorities in government (Du Toit, 2017).

Another critique which hinders reconciliation was that reparations would only be open to the 22,000 'official' victims who had registered to give statements through the HRVC, which made that millions of other South Africans who had suffered under the structural and material inequalities during apartheid were left out (Aiken, 2016). Danielson and Buchanan-Clarke (2015) from the Institute for Justice and Reconciliation, also critique this narrow view on victims:

*“South Africa’s decision limiting the definition of an entitled victim to those capable and able to fit into the TRC’s administrative requirements seems absurd, if not cruel, on the fact of it. It is surely cruel (if unintentionally so) to absolutely say no victims of sexual abuse can in any circumstances be entitled to reparations” (Danielson & Buchanan-Clarke, 2015, p.12).*

The decision who to define as victims is thus also an important factor between the reparations programme and the achievement of reconciliation.

All in all, the reparations programme in South Africa has led to a lot of debate. A lot of different actors argued that reconciliation has not been achieved, or not to the extent that it could have when the recommendations would have been followed up upon. This debate is one of the most uniform, as all actors agreed that the reparations programme has hindered reconciliation. Different reasons for this have been given. First of all, it is argued that the lack of reparations is not the TRC’s fault, as it is the government that lacked in following through on the recommended reparations. It is argued that due to this, the reparations programme has done more harm than good. Furthermore, the reparations programme had a bad impact on the victims, as they felt marginalised, ignored and sacrificed. It is argued that the perpetrators were of higher priority to the government than the victims. The last big argument in the debate discussed here is that the reparations programme has hindered reconciliation as it merely focussed on 'official victims'. With this all the structural issues were left out. The actors thus use several argumentations to argue that the reparations programme has hindered reconciliation.

### 4.3 Poverty and Inequality

Besides the fulfilment of the recommendations made by the RRC, poverty and inequality are also often referred to when discussing whether South Africa is reconciled, as was already touched upon shortly in the last debate. Before the publication of the TRC’s final report, Simpson from CSV, already mentioned that the rhetoric of reconciliation will only be translated into reality when “reconciliation initiatives reach beyond the limits of formal political and constitutional change, to tackle those deep rooted social imbalances, which – at the most fundamental structural level – underpin the culture of violence” (Simpson, 1998). It seems that this has not happened, as the idea that structural inequality and poverty hinder reconciliation, has been repeated throughout time. Mary Burton, former TRC Commissioner, argues that:

*“In the end it all comes down to the huge inequity, the huge disparity between wealthy and poor. And the fact that the wealthy now includes some black people doesn’t make a difference, it still means that the vast majority, more than 50% of the population, feel themselves to be marginalized, hopeless, and angry. And relations will not get better until we deal with that point” (Burton, 2008 in Aiken, 2016, p.199).*

Burton thus argues that the TRC’s ability to achieve interracial reconciliation will remain limited against the background of the severe racial inequalities (Aiken, 2016).

This debate is held in academics as well. Richards (2017) for example argued that the TRC’s mandate fell well short of addressing the deep structural damage caused by the apartheid system, which will remain critically important for reconciliation post-1994. “The ‘traditional’ reconciliation impetus has been mainly politically not economically driven. And yet, what ultimately matters is the economics” (Richards, 2017, p.327). Barnard-Naude argues that the transitional justice process did not deliver economic reconciliation in South Africa as it did not drive big businesses that benefited from apartheid to pay material reparations to the victims of apartheid. Without economic reconciliation, Barnard-Naude argues, political and social reconciliation also become compromised and cannot be fulfilled in cases where social inequalities continue to mark the difference between the former oppressor and oppressed (Motlhoki, 2017). Marcella Naidoo also adds that it is economic change and the sharing in the wealth of South Africa, that needs to happen as that will move the emphasis away from the differences between racial categories. Naidoo argues that as long as this inequality exists, there will be no reconciliation in South Africa (Aiken, 2016). This link between inequality and reconciliation is also discussed by Aiken (2016):

*“Unfortunately, the continued existence of severe structural and material divides means these groups still largely live, work, and socialize apart from one another in their daily lives. Accordingly, it remains highly unlikely that reconciliation will be improved unless greater headway is made by the government in addressing the pervasive socioeconomic and structural divides that continue to keep racial groups at arm’s length and reinforce perceptions of difference” (Aiken, 2016, p.200).*

With this, Aiken (2016) concludes that the TRC’s capacity to promote reconciliation has been strained by its failure to adequately address the structural and material inequalities that contributed to the human rights violations that took place under apartheid and that continue to divide black from white in the present.

The Institute for Justice and Reconciliation also made some statements in its annual report on the results of the SA Reconciliation Barometer, in line with the former statements. They argued that socio-economic inequality hinders the building of an inclusive society and the reconciliation processes in South Africa. Moreover, the report states that the progress made in terms of social cohesion and reconciliation in South Africa post-apartheid continues to be affected by the persistent socio-economic inequalities, while efforts to address these inequalities have been unsuccessful. The persistent socio-economic inequalities are illustrated by the following quote:

*“Inequalities in terms of access to (quality) education opportunities and (basic) services; physical separation from or proximity to areas with more economic activities and opportunities; a high unemployment rate and underemployment; apartheid legacies – which continue to have an impact on social structures – and continued gaps in resources between races, as well as growing interracial inequalities in the context of a rising black middle class, are just some of the factors that form part of a complex socio-economic environment, where both unequal outcomes and unequal opportunities are evident.” (Potgieter, 2016, p.1-2).*

Contrarily, the South African government claims that the country has made important steps towards fighting the poverty into which blacks were forced under apartheid. In April 2014, statistician-general of Statistics South Africa, Pali Lehohla, announced that poverty levels had decreased in the period between 2006 and 2011. All the same, Lehohla, also noted that inequality remained largely unchanged (Du Toit, 2017). According to Du Toit (2017) these high levels of inequality, instead of these marginal successes in overcoming poverty, feed the discontent and disappointment of many South Africans.

In the debates on reconciliation in South Africa, poverty and inequality thus often come to the fore. TRC Commissioner Burton argued that reconciliation will be difficult to achieve against the background of the racial inequalities that exist in South Africa. This is also repeated in the academic world. Here it is argued that the structural problems need to be dealt with, as to close the gap between the different racial categories. It is mentioned that economic reconciliation needs to happen in order to be able to achieve political and social reconciliation. The NGO IJR shares the same view, namely that the inequality needs to be addressed in order to achieve reconciliation. Merely the government claims that the country has made important steps towards fighting poverty and inequality. Looking at the numbers, poverty has decreased slightly but inequality has remained unchanged, however. Overall, most actors discussed thus seem to agree that poverty and inequality need to be tackled in order to achieve reconciliation, which would offer a clear solution on how to overcome these racial divides and reconcile as a nation.

#### 4.4 Acknowledgement of the Structural Character of Apartheid

Linked to the last debate, the next debate especially focuses on the racial aspect of the inequality that some people regard as hindering reconciliation in South Africa. According to Yasmin Sooka, a former TRC Commissioner, the fundamental problem of the TRC has been its attempt to separate individual rights violations from the broader structural dynamics in which they took place. In doing so “you’re only looking at the political crimes which are manifestations of an unjust system, but you don’t look at the unjust system itself which is structural in nature” (Sooka, 2008 in Aiken, 2016, p.194). This idea is repeated by Lindahl (2010) as she states that “while focused on political crimes, the commission ignored the non-political abuses that millions of South Africans experienced every day for decades” (Lindahl, 2010). On the contrary, former TRC commissioner Glenda Wildschut, argues that the TRC tried to send researchers to the towns where hearings would take place, to provide a context and understand the social issues that these places were facing. Furthermore, there were discussions about what people who had benefited from apartheid could do to contribute to the inequalities in some way. But Wildschut concludes that all these initiatives have failed (Friedman, 2016b).

The focus on acts of physical violence has namely led many white South Africans to assign responsibility for the awful acts to a handful of 'rotten apples' from the police and security forces who appeared before the Amnesty committee for their roles in human rights abuses. Therefore, it is argued that this undermines reconciliation as it contributes to a distancing from responsibility among the broader white community, who, while they may not have personally committed acts of physical violence, still supported or indirectly benefitted from the structural and material inequities of apartheid (Aiken, 2016). Motlhoki, also argues that "the denialism of some Afrikaners and the intention by others to continue white privilege and supremacy discretely within the new South Africa jeopardises the success of nation building and reconciliation" (Motlhoki, 2017, p.86). This whole idea is also mentioned by Vu Lan (2015):

*"The amnesty is only provided for those who committed "gross violation of human rights". This results in the perpetrators – more of the "trigger-pullers" rather than the political masterminds – having to bear the collective shame of the apartheid system. At the same time, the TRC also allowed those who committed wrongful acts under the apartheid that affected others socially and economically to get away. This ignores the various ways in which the apartheid system damaged human rights and human dignity, and even allows whites who did not commit murderous acts (but who discriminated blacks in other ways, and otherwise benefited from the apartheid system) to think of themselves as morally untainted by apartheid. This could be seen as a grave failure of the legal system, as certain wrongs went unpunished and moreover even "tolerated" or "glossed over" (Vu Lan, 2015, p.4).*

Former TRC commissioner Burton also argues that there is limited recognition among many whites of their shared responsibility for the continuation of racial inequalities, which puts very real barriers to future interracial reconciliation:

*"White South Africans do not acknowledge their beneficiary status and do not acknowledge they were part of an unjust system and that they did benefit from it. Until they do, I have my doubts that we can ever say national reconciliation has happened" (Aiken, 2016, p.195).*

This idea is also repeated by victims, as for a lot of them it is clear that the white community, who most victims see as the beneficiaries of apartheid, had not come forth to reveal their sides of the story. Most victims believed that the only people who are reconciling are the disadvantaged (Lindahl, 2010). This is also expressed by KwaZulu-Natal ANC Chairperson Sihle Zikalala who believes that whites continue to safeguard their privilege, while black South Africans have embraced reconciliation in this new democratic country (BusinessTech, 2016). Du Toit (2017) believed that the fact that white South Africans seem to be significantly less willing to support the material forms of redress, is linked to the increasing levels of denial amongst white South Africans about what happened during apartheid. This lack of acknowledgement amongst apartheid's primary beneficiaries are seen by him as one of the major issues on the reconciliation agenda that still needs to be dealt with (Du Toit, 2017). This is also repeated by Marschall (2009) as it is argued that:

*"It is the category of white South Africans who were neither victims nor perpetrators but simply beneficiaries or onlookers and who did nothing to question the racial foundations and injustices of the system that secured their*

*privilege and power. As a result, the majority of whites in South Africa today can easily distance themselves from the human rights violations of the past and from sharing a sense of guilt or responsibility” (Marschall, 2009, p.92).*

This lack of reconciliation is explained by President Mbeki in 2003 by stating South Africa is “two nations – the one an elite minority with First World standards of living, the other a predominantly black majority living below the international poverty line” (Lindahl, 2010, p.33).

Judge Sisi Khampepe, former TRC commissioner, however said that the TRC did contribute to a public acknowledgement of the trauma and suffering that the majority of the population of South Africa was subjected to. “I don’t think there is anyone who can claim convincingly that he or she does not know the oppression that the apartheid system visited on black people” (Friedman, 2016a). Yasmin Sooka, another former TRC commissioner, adds that despite a lot of critique, the TRC was also a turning point for the nation, as it was a moment in which South Africans were able to look themselves in the mirror, to look at what each did at a systemic level and on an individual level, and to ask themselves ‘where was I’, ‘what did I do’ and ‘could I have done more’? (Friedman, 2016c). According to the IJR, however, “progress towards reconciliation in South Africa cannot take place without opportunities for, and willingness to engage in, meaningful connection and interaction between different race groups” (Potgieter, 2017, p.29). Aiken (2016) furthermore argues that despite the TRC making known a lot about individual cases of physical abuse during apartheid, additional efforts may still be needed to emphasize the impact of broader practices of structural violence on the daily lives of blacks, as well as the benefits these inequalities provided and still provide for the white minority (Aiken, 2016).

The majority of the actors in this debate thus would argue that Mbeki’s image of the two nations still needs to be overcome in order to be able to fully reconcile as a country. The TRC commissioners and some academics notice that this continuation of racial inequality might be due to the fact that the TRC focused on separate individual political human rights violations instead of the broader structural issues that prevailed during apartheid and continue to exist. Several academics argue that this focus on acts of physical violence has undermined reconciliation, as it moved the responsibility away from the broader white community that supported or benefitted from the structural inequities of apartheid but were not responsible for gross human rights violations. The fact that the whites do not acknowledge they were part of an unjust system from which they benefitted, has been repeated by TRC commissioners, victims, government officials and the academic world, as a reason for the lack of reconciliation in South Africa. Some TRC commissioners, however, said that the TRC did contribute to a public acknowledgement of the structural inequalities during apartheid. On the aggregate, however, the actors in this debate agree that the lack of acknowledgement by the whites has hindered reconciliation and continues to hinder reconciliation. Therefore, it is deemed important to emphasize the broader practices of structural violence that happened during apartheid.

#### 4.5 Rainbow Nation

Another debate that is closely linked to the differences in races in South Africa, is the references made to the rainbow nation rhetoric. The metaphor of the Rainbow Nation was first coined by TRC Chairman Desmond Tutu, and since the start of the new democratic South

Africa in 1994, it became the symbol of peace and reconciliation amongst South Africa's diverse population with its long history of strife and conflict. The rainbow namely stands for the different racial, ethnic and cultural groups being united and living in harmony (Bornman, 2006). According to Judge Sisi Khampepe, former TRC commissioner, South Africans now live together, respect their differences and celebrate their differences (Friedman, 2016a).

Potgieter (2017), writing for the Institute for Justice and Reconciliation, summarizes the different views on the rainbow nation rhetoric. She argues that:

*“Some [...] are of the view that the initial optimism for a united South Africa – palpable at the advent of democracy – has crumbled with the appeal of nation-building and ‘rainbow nation’ rhetoric, whilst others attest that the current challenges are mere growing pains to be expected of a young democracy and are not unique to a postcolonial society” (Potgieter, 2017, p.9).*

In an interview with JeuneAfrique Winnie Mandela, Nelson Mandela's ex-wife, was asked whether she believes in the idea of the Rainbow Nation. Winnie Mandela answers that she does not:

*“First, because the colors of the rainbow do not mix and that there is neither black nor white among them. The comparison is therefore meaningless. Then because it is from the beginning of a total myth that the leaders of the time wanted us to believe. It was a pious wish that never corresponded to the slightest reality. Reconciliation has only been a facade; we are not free because we do not have economic freedom. Moreover, our leaders have never had the courage to face the issue of racism.” (The Race Card, 2018).*

Winnie Mandela's view would coincide more with the first view as expressed by Potgieter (2017), namely that there is little reason for optimism.

In an opinion piece in the National Post (2015) it is also stated that Nelson Mandela's "vision of a rainbow nation failed, almost inevitably, to meet the heady expectation propelling the country two decades ago. Peaceful elections and relatively harmonious race relations define today's South Africa; so do crime, corruption and economic inequality" (National Post, 2015). Setlaelo (2018) also argued in an opinion piece that South Africa's once robust rainbow nation is on a downturn: "increasing rates of unemployment, obstinate evasion of transformation, plagues of crime, corruption and institutionalised racism, gender inequality, hijacking of the economy by multinationals and local swindlers, and overall societal fragmentation set in" (Setlaelo, 2018). Due to this, it is argued that the rainbow rhetoric is on a downturn. Thesnaar (2017) for example mentions that rainbowism is fading.

The rainbow nation is thus a rhetoric used to explain the racial aspect of reconciliation. This rhetoric was proposed by Chairman Desmond Tutu to describe the goal of the different groups being united and living in harmony. TRC commissioner Khampepe states this has been achieved, as South Africans live together and respect and celebrate their differences. Most other actors are not that positive, however. Winnie Mandela, an academic, and several opinion

pieces argue that Nelson Mandela's vision of a rainbow nation failed. They see it as a myth that has not been achieved.

#### 4.6 Making Known and Acknowledging History

Besides debating reconciliation with regard to the acknowledgement of the structural character of apartheid, the process of making known and acknowledging the past in general is also referred to when discussing the achievement of reconciliation. Motlhoki (2017) explains that:

*"It is sometimes difficult for some people to visualize reconciliation as something possible because they cannot forget the past, mainly because they believe that the perpetrators and suspects did not tell the truth and merely told the stories that will convince the public to be true and lead to their release or benefit on the plea bargain" (Motlhoki, 2017, p.99).*

There is thus the idea that the truth is not made known and acknowledged by the perpetrators.

Although the granting of amnesty was on the condition of full disclosure, just after the end of the TRC process, many NGOs felt that the 'truth' aspect of the TRC was limited despite the fact that the TRC did reveal new information. Many NGOs doubted whether this increase in revealing truths did successfully compensate for the granting of amnesty to murderers and human rights violators. Most NGOs believed that the act of speaking out had been very powerful in breaking the silence of the past, which made it impossible to deny the systematic and inhuman nature of the repression of the apartheid government, while at the same time giving victimised people a sense of recognition and acknowledgement (Van der Merwe et al., 1999).

Vu Lan (2015) said that there has been lots of critique on the commission as it considered amnesty applications from all sides, so from the apartheid state to the liberation forces, and this would be seen as a failure as with this the commission did not make a moral distinction between the side which fought for equality and the side which were the oppressors. Vu Lan sees this as coming close to victor's justice, and counteracts this argument by saying:

*"This aspect of the TRC went far in the goal of reconciliation precisely because it acknowledged the fact that both sides did play a part in the brokenness of the nation, and this very acknowledgement was necessary for both sides to move on. It also sent out the important message that a morally justified struggle does not justify immoral and indiscriminate violence, which will remind the nation not to repeat its history" (Vu Lan, 2015, p.6).*

In a paper presented at The Role of Southern Civil Organisation in the Promotion of Peace Seminar, it was however argued that there was merely a partial possibility for all sides to move on:

*"The value of publicly revisiting the sad and brutal days of apartheid has opened the eyes of many, and has partially developed a collective history for South Africans and allowed victims to evolve a new meaning for their suffering. However, individual processes of forgiveness and reconciliation*

*have not always intersected with the collective process offered by the TRC”*  
(Hamber et al., 1997).

According to Hamber et al. (1997) the transitional justice process only partially helped all sides to move on, as the collective process does not always coincide with the individual process of reconciliation.

Kenneth Lukuko from the Institute for Justice and Reconciliation, however, argues that “reconciliation becomes very difficult when there is no inclusive history”. According to him, now twenty years after the TRC took place, South Africa is a country with different versions of history and each person thinks their history is right. Lukuko adds:

*“We could have re-written this country’s history just by giving perpetrators more time to come and tell their stories. The problem is that during the TRC some perpetrators believed it was a witch-hunt but I’m sure they now realise that it’s safe to talk; only we no longer have the platform for them to do so”*  
(Ntuli, 2014).

This lack of inclusive history can be contributed to the fact that a lot of black and coloured South Africans feel that the discourse on reconciliation has pressured them towards a premature closure with the past (Huyse, 2003). This discourse has caused the ghosts of the South African past as not yet being at rest. This is due to the fact that the truth in the TRC served to conceal rather than reveal knowledge and understanding of South Africa’s past, leading to little or no forgiveness and reconciliation” (Motlhoki, 2017, p.111). Furthermore, many political leaders chose not to share their knowledge of apartheid and their participation in it, which hinders the reconciliation process as a whole, as these leaders did not want to acknowledge the past and move forward (Lindahl, 2010).

There has thus been debate on whether the transitional justice process led to the history being known and acknowledged. The NGOs on the one hand felt that the truth aspect of the TRC was limited, but on the other hand they argued that the transitional justice process made it impossible to deny the atrocities that happened during apartheid. Despite this, the NGOs doubted whether the amnesty process led to a full revelation of the truth. Some academics argued that the amnesty did lead to the acknowledgement of the past as amnesty applications from all sides were considered and the public process made known the suffering that many victims went through. Contrarily, other academics stated that there is no inclusive history, which leads to the past not yet being understood. This is also repeated by NGOs who state that there are different versions of history. All in all, this debate is especially held by NGOs and the academic world. There is no agreement within the academic world nor amongst NGOs on whether the transitional justice process led to the history being known and acknowledged, nor do these two groups seem to always agree.

#### 4.7 Psychological Aspect

The last big debate on reconciliation in South Africa that will be discussed here is the psychological effect the TRC has had on individuals and what influence this has had on the extent of reconciliation. According to Alex Boraine, “all South Africans, black and white, were psychologically damaged by apartheid, making reconciliation important for everyone” (Ntuli, 2014). There are a lot of different critiques, however, on the process of dealing with this

psychological damage. One of the extreme views existing within South Africa is that the TRC robbed black victims of apartheid of a chance to access genuine healing and closure, and with this reconciliation (Motlhoki, 2017).

Early critique also came from NGOs as they did not feel that the TRC made a dramatic contribution to developing new or innovative healing and reconciliation processes or techniques. Most NGOs were grateful for the public exposure of the process, however, and they were positive about the approach of the TRC towards the issue of trauma that has facilitated some NGOs' ability to engage with victims in counselling. The TRC was thus on the one hand admired as it popularized the need for psychological support which is useful to a certain degree, but on the other hand there was critique on the TRC creating an expectation that healing is a simple linear process that is readily remedied. The NGOs also often portrayed the TRC as "descending on a community, stirring up emotion and trauma and then moving on without leaving any process in place to deal with the turbulence that it leaves in its wake" (Van der Merwe et al., 1999, p.74). In this regard, although many hearts were healed through the commission, it fell far short of true reconciliation, as the healing was not structural (Lindahl, 2010). According to Simpson (1998) from CSVR, "in truth, the TRC was no more about forgiveness on the part of victims, than it was about contrition on the part of perpetrators who sought amnesty". He continues by arguing that true reconciliation "can only be achieved by integrating the anger, sorrow, trauma and various other complex feelings of victims, rather than by subtly suppressing them" (Simpson, 1998). This debate discussing the psychological aspect of the transitional justice process is also referred to by a participant of a CSVR research held in 2005, as he says:

*"When I went to the TRC I thought we would see a big change in our lives. We thought we would feel better after telling people about our stories but we were wrong. Our health deteriorated after the testimonies and it brought us more pain. We knew the people who killed our husbands and we thought after we had met them there would be a big change or difference in our lives but we were wrong, we saw no change" (Lindahl, 2010, p.30).*

The participant thus illustrates the lack of healing the transitional justice process brought him and others who came forward to testify.

In the academic world, some more positive views are expressed. Reta (2017), for example mentions that many commentators believe that the TRC contributed to the healing process in South Africa as it gave people a voice, by placing truth-telling at the centre of social healing and reconciliation (Reta, 2017). The information provided by the victims in this process of truth-telling, has helped ensure that individual victims feel that their suffering has been acknowledged, according to van Zyl (1999). Yasmin Sooka, former TRC commissioner, also states that the TRC

*"was the first commission in the world which actually heard the stories of people in public. It offered victims an opportunity to come before the nation to talk about their pain and their suffering. But it also offered perpetrators in a sense, the opportunity to unburden themselves" (Friedman, 2016c).*

With this, Sooka argues that the TRC had a positive psychological effect on both victims and perpetrators.

Kenneth Lukuko, from the Institute for Justice and Reconciliation, however argues that “the opportunity for reconciliation was lost because the issues of (perpetrators’) remorse and (victims’) forgiveness were not achieved in some cases”. Lukuko furthermore states that the lack of remorse by those who supported and benefited from apartheid is also a hindrance to reconciliation (Ntuli, 2014). Baron (2015) adds that:

*“With all its success the South African TRC needs to be humble enough to admit that the reconciliation process lacked remorse and repentance, and to acknowledge that the inclusion of these two elements (remorse and repentance) would have strengthened the authenticity and integrity of the reconciliation process” (Baron, 2015, p.181).*

Remorse and repentance are thus mentioned as two aspects hindering healing in the transitional justice and reconciliation process.

Stan Henkeman, executive director of the Institute for Justice and Reconciliation in Cape Town, also makes a reference to the tension between perpetrators and victims and its effect on healing. “The government and particularly, the criminal justice system, failed the people of this country in terms of the amnesty process,” Henkeman says. “And you can imagine what it does to somebody whose family member was killed by somebody, and they can see that person walking around” (Magistad, 2017). During the TRC not everyone with a grievance namely had a change to be heard and far too many of the perpetrators who were denied amnesty were never prosecuted for their crimes, Henkeman concludes (Magistad, 2017).

There are thus different views on what the psychological effect of the transitional justice process has been and with this its effect on reconciliation. NGOs have criticized certain aspects of the TRC with regard to healing and the issue of trauma, but they have also admired the TRC for its public exposure of the process. This actor group thus gives both pros and cons regarding the psychological effect the transitional justice process has had on individuals. The victims, however, describe that the TRC has had a negative psychological effect on them, as telling their testimony has brought them more pain. In the academic world, some more positive psychological effects are mentioned, such as healing and the suffering of victims being acknowledged. Baron, however, argued that the reconciliation process lacked remorse and repentance. This is also repeated by some NGOs. The IJR mainly discussed the negative psychological effects of the transitional justice process, such as this lack of remorse, but also a lack of prosecution and opportunities to testify. Former TRC commissioner Sooka however stressed that the TRC has had positive psychological effects not only for victims, but also for perpetrators. All in all, the psychological aspect of the transitional justice process is thus debated between different actor groups and within actor groups.

## 5 Analysis

The wider debates mentioned in the last chapter can be explained by underlying frames. Actors namely use a certain frame to look at a problem or solution. As explained above, by framing a situation in a certain way, some aspects are highlighted, while other aspects of the situation are overlooked (see also chapter 2). Frames are used in debates as in debates actors often focus on certain aspects while not mentioning others. This is also the case for the debates regarding transitional justice and reconciliation in South Africa. Therefore, in this chapter some of the most important frames on these topics will be abstracted from the wider debates mentioned in the last chapter.

### 5.1 Accountability

One of the frames used to analyse the transitional justice process is the accountability frame. In the Cambridge Dictionary (n.d.) the following definition of accountability is given: “a situation in which someone is responsible for things that happen and can give a satisfactory reason for them”. Accountability in this regard is about who should be held accountable for apartheid and the human rights violations that took place during this period, but also about those individuals feeling responsible for what they did. Underlying this frame is the idea that the past needs to be dealt with and people need to be held accountable for what happened as to prevent it from happening again and so that victims can move on.

While using the frame of accountability, the transitional government at the time and the TRC stated that within the apartheid system both the apartheid government and the liberation movements were responsible for gross human rights violations. They deemed it important that perpetrators would not receive blanket amnesty, but as amnesty was needed to come to a negotiated agreement, conditional amnesty was seen as the best option for holding perpetrators accountable while granting amnesty. Through the accountability frame, they thus chose to design the transitional justice process in such a way that all who conducted a gross human rights violation with a political objective should come forward and apply for amnesty, making no distinctions between the cause fought for. In the Promotion of National Unity and Reconciliation Act (1995) it is mentioned that only those with a political objective would be able to receive amnesty, however. When acts would have been done for personal gain or out of personal malice, no amnesty would be granted. Due to this focus on gross human rights violations, the government and the TRC focussed on physical violence instead of structural violence. Whether the apartheid system should be held accountable for structural violence was not the work of the three committees. Through the official transitional justice process, those individuals who benefited from apartheid within the system, were thus not held accountable.

This accountability frame is also used by South African citizens and underlies the debate about the acknowledgement by different racial categories about what happened during apartheid. The accountability frame is inherent to the argumentation that the whites should acknowledge the atrocities that happened during apartheid. Applying this accountability frame, it becomes clear why lots of black South Africans argue that reconciliation has not been achieved. They namely mention that white South Africans do not acknowledge their beneficiary status during apartheid, nor do they acknowledge that they silently supported the structural violence that happened during apartheid. When seeing accountability as being responsible for what you do, it can thus be argued that the whites are not yet held accountable, while they should have been

according to the black South Africans. The majority of white South Africans, contrarily, do not feel responsible for the human rights violations that took place during apartheid and argue that only those who conducted gross human rights violations should be held accountable. Academics also describe this denialism as mentioned by the South African citizens. From this accountability frame, they also stress the fact that those who committed wrongful acts under the apartheid law could get away with it. Therefore, the accountability frame lies at the basis of argumentations that the apartheid system itself should be investigated and people should be held accountable for the structural violence that happened within the apartheid system.

Besides ideas about who should be held accountable and for what kind of acts, there were also different ideas about how accountability should be achieved. The government and the TRC wanted to hold perpetrators accountable by the amnesty process and the threat of prosecution. Through the accountability frame, some NGOs, however, argued that this has not been achieved, as many perpetrators who were denied amnesty were never prosecuted for their crimes. With this, the perpetrators are not held accountable for their wrongdoings, which is seen as unfair to the victims. Therefore, victims and several academics believed that accountability can only be achieved when those who were wrong during apartheid are tried. Using the accountability frame, it can then be concluded that the TRC has failed the victims, as the government chose to go for a truth and reconciliation commission instead of Nuremberg-style trials.

## 5.2 Structural Issues

The structural issues already came to the fore in the accountability frame, but it can also be seen as a separate frame. The process and outcomes of the transitional justice and reconciliation process are namely also framed by various actors regarding the structural issues that existed during apartheid and continue to exist post-apartheid. Through this frame, the focus is put on the structural violence that took place during apartheid instead of the physical violence that the TRC mostly focuses on. Inherent to this structural issue frame is the idea that structural issues need to be overcome in order to fully reconcile as a country.

As the mandate of the TRC was to focus on gross human rights violations with a political objective, the structural issues frame was not really used by the TRC and the government at the start of the transitional justice process. They did, however, get increasingly reminded of the structural issues that existed and continue to exist in South Africa, as the use of this frame by other actors brought this topic up. Therefore, the TRC set up special hearings. In the special hearings on the different professions the structural issues frame was used to look at the structural issues in the South African society, instead of the individual wrongdoings within these different professions. Even though the TRC was mainly focussed on gross human rights violations through its three main committees, the TRC report furthermore recommended that government institutions, the private sector and civil society all take possible measures to overcome racism, as this was seen as an underlying cause of the rifts and divisions that are present in South Africa. Throughout time, the TRC thus started to use the structural issues frame occasionally.

The recommendations made by the TRC were referred to a lot by diverse actors, especially by NGOs and victims. Through the structural issues frame, they namely argue that reconciliation has not been achieved, as inequality and poverty continue to exist. This has led to critique on

the transitional justice process, as it did not solve the structural issues in South Africa. Through this frame, the victims and NGOs furthermore highlight the racial relations as a structural issue that hinders reconciliation. They deem it necessary for all the different races to acknowledge the structural issues that were created during apartheid and want all races to acknowledge that something needs to be done to redress the structural issues of the past. In the academic world, the structural issue frame is also applied, as they argue that economic reconciliation needs to happen in order to achieve all the other forms of reconciliation. Some academics namely highlight the structural issues persistent in South Africa as the main issue hindering reconciliation. In the literature found in this research, the government does not use the structural issue frame. The government does refer to poverty, inequality and racism, but these topics are not seen from the structural issue frame.

### 5.3 Responsibility

The responsibility frame is also used by diverse actors. This frame is not about who is responsible for the atrocities that took place during apartheid, but about who is responsible that the transitional justice and reconciliation process achieves its goals, so that national unity and reconciliation can be achieved.

The transitional government established the Promotion of National Unity and Reconciliation Act in 1995 to make the TRC responsible for the transitional justice and reconciliation process and for achieving the objectives as stated in the mandate. Throughout time, the government, however, narrowed down the responsibilities of the TRC, as it argued that the goals of national unity and reconciliation were not the mandate of the TRC, and therefore, these should not be seen as solely the TRC's responsibilities. Furthermore, it mentioned that the TRC should only be seen as one facet working towards the goal of reconciliation. The responsibility frame has been used in diverse ways by the TRC commissioners as well. Sometimes the TRC commissioners stated that they cannot be held responsible for the failure of certain aspects of the TRC, as it was a short time-frame and as the government did not follow through on their recommendations. On the other hand, they also stated that they are tasked with certain goals, and thus frame it as their responsibility. Sometimes the government and the TRC thus argue that the TRC is only responsible for what lies within its mandate and power, while on other occasions it is argued that the TRC is responsible for the big goals of reconciliation and national unity. The responsibility frame is thus used for different purposes and in different ways by the government and the TRC.

Framing reconciliation with regard to responsibility, the academic world argues that it is not the TRC's fault that reconciliation has not been achieved, as the government did not follow through on its recommendations and as the apartheid legacy cannot be addressed in just a few years. Implicit in this use of the responsibility frame is the idea that the government should have followed through on the recommendations made by the TRC, and thus that the government also has responsibility for the outcomes of the transitional justice process. Furthermore, academics mention that all South Africans are responsible for the achievement of reconciliation as it has to become part of everyday life. This is also repeated by some NGOs. The NGOs namely stress the responsibility all South Africans have towards the achievement of reconciliation. Black South Africans, however, argue that whites do not take up their responsibility as they did not contribute to establishing the history nor at acknowledging it. Most white South Africans, however, do not regard themselves responsible for the issues of

apartheid, and therefore they also do not feel responsible for solving these issues. Using the responsibility frame, most white South Africans thus argue that only perpetrators are responsible for the process towards reconciliation.

#### 5.4 Victim

Besides the frames who should be held accountable for the apartheid period and who is responsible for the transitional justice process, there is also a frame that focusses on who the victims are of apartheid. Victims are seen as individuals or groups that have experienced a specific harm or have a loved one that has experienced a specific harm, through which they have been affected. It becomes clear that within this victim frame there are different ideas about what these harms should entail, which makes that certain individuals or groups can be defined as true victims.

With victims, the government and the TRC meant official victims that were officially registered at the TRC and would become publicly known as victims. With this victim frame, individuals who were harmed by the systematic wrong-doings during apartheid were thus not seen as victims. In the Promotion of National Unity and Reconciliation Act, victims are namely defined as

*“persons who, individually or together with one or more persons, suffered harm in the form of physical or mental injury, emotional suffering, pecuniary loss or a substantial impairment of human rights as a result of a gross violation of human rights, [...] as a result of an act associated with a political objective for which amnesty has been granted, or as a result of such person intervening to assist persons [...] who were in distress or to prevent victimization of such persons, and such relatives or dependants of victims as may be prescribed” (Promotion of National Unity and Reconciliation Act, 1995).*

This focus on gross human rights violations and physical violence over structural violence thus does not only comes to the fore when using the accountability frame, but also with this victim frame. On the other hand, government officials and TRC commissioners realized that the broader society has been affected by apartheid, and thus they also made and executed recommendations about reparations for the broader society, such as symbolic redress.

There has been critique from the academic world about the government's and TRC's narrow use of the victim frame. Academics namely argue that this focus on 'official victims' is limited, as neither those South Africans who suffered from the structural abuse nor those South Africans who were victims of sexual abuse were recognized as official victims. Using the victims frame, academics argued that these individuals should also be seen as victims. It is not clear whether the NGOs discussed throughout this research used the victim perspective. They do mention that structural issues need to be tackled, but it is not clear whether the victim frame is inherent to this. It thus does not become clear whether the NGOs regard victims as only consisting of the official victims as defined by the TRC or whether for example the broader black community should be recognized as victims as well. According to the majority of the black community, they should be seen as victims. Through the victim frame, black South Africans namely argue that their harm should be acknowledged and that they should be compensated. They regard themselves as victims of apartheid, independent of them falling

within the narrow definition of the TRC mandate. As they regard themselves as victims of apartheid, they also regard it necessary that there should be redress. In the literature drawn upon in the rest of the research, no example could be found in which white South Africans used the victim frame to look at a certain issue. A victim frame could be inherent to the whites' denialism of apartheid, but there is not enough evidence to conclude this.

## 5.5 Truth

The last frame that will be discussed here is the truth frame. This frame is about the truth aspect within the transitional justice and reconciliation process in South Africa. Through this frame, truth as a possible solution could be looked at, the fulfilment of truth within the transitional justice process and its (possible) effects on reconciliation.

The truth frame was prominent in the creation of the transitional justice and reconciliation process. Besides the accountability frame, the truth frame was namely used to ponder on what shape the transitional justice process should have in order to achieve its goals of national unity and reconciliation. The transitional government and the TRC both regarded truth as an important tool for achieving its goals. Therefore, they chose to go for a truth and reconciliation commission instead of prosecution. When using the truth frame, most TRC commissioners argue that the TRC fulfilled its objectives. They namely argue that almost all South Africans are now familiar with the oppression that happened during apartheid. On the other hand, through the truth frame, it also becomes clear that not all South Africans have the same belief about what happened in the past, and thus about what should be seen as the truth.

The truth frame is also used by the South African citizens. Through this truth frame, South African citizens argued that it is important that the truth becomes known and is acknowledged. They believed that the truth would be helpful in their healing process. Because of this, South Africans criticize the amnesty provision within the TRC as they argued that perpetrators did not tell the truth but merely said those things that will grant them amnesty. Furthermore, the truth frame is used to argue that the structural violence should be investigated as to establish the truth about all aspects of apartheid.

NGOs used the truth frame to argue that truth-telling is important for a society to reconcile. Focusing on truth, they, however, doubted whether the TRC's decision to grant amnesty to perpetrators who revealed the truth was compensated enough by the truth that was revealed. The NGOs thus posed questions regarding the work of the amnesty committee through the usage of the truth frame. Moreover, one NGO mentioned that there are different versions of the country's history. This would mean that the truth has not yet been established and acknowledged by all South Africans. From the truth frame, the NGOs see this as a problem, as truth is seen as an important precondition for reconciliation to happen in South Africa. In the academic world, the truth frame is also used. From this frame, some academics argued that reconciliation has not taken place, as many white political leaders chose not to share their knowledge of apartheid. Inherent to this is namely the idea that this sharing of knowledge of apartheid would lead to the truth. Furthermore, they use the truth frame to argue that the truth has not yet been acknowledged by all South Africans, as there is an increasing denial among white South Africans about what happened during apartheid. From the truth frame, it thus becomes clear that the truth alone will not contribute to reconciliation. Another important aspect in this, is that this truth is acknowledged.

## 6 Discussion and Conclusion

After all that has been discussed, it is wise to reflect on the research process and the end result. Therefore, I will first reflect shortly upon some important decisions made during the course of the research. After that, some concluding remarks will be made about the outcomes of the research and the main research question will be answered.

Looking back at the whole research process, it was a wise decision to first explore some of the most wide-spread debates on reconciliation before abstracting frames. It namely gave the opportunity to get insight into the argumentations and opinions of the actors that were discussed. Furthermore, it gave insights into which topics were deemed important, as these topics were debated more thoroughly. The decision to take the debates as an interim stage for abstracting the frames also had its limitations, however. Certain frames underlying other debates might not have been recognized, for example, as these debates were not discussed in this paper. Another limitation of the debates discussed, is that not all possible actors were examined. I chose not to include the theological actors as an actor group in the debate, as I could not find a lot of literature on their opinions regarding reconciliation. Looking backwards, I think this actor group could have been a great addition, however, as they might have referred more to the theological and spiritual ideas underlying the transitional justice process than the other actors did. It would have been interesting to see whether a theological frame would be used by these actors in the debates on reconciliation. Furthermore, international opinions on reconciliation in South Africa could have led to some interesting insights. This deserves more attention in future research.

Due to time constraints, literature on reconciliation in South Africa could not be explored extensively. This led to the time dimension not being taken into account to a great extent in the discussion on the debates on reconciliation. The date of publication might, however, influence the opinions of the actors and the frames used. An example of this is the reparations programme. At first, most actors were hopeful about the reparations programme, as the recommendations were comprehensive and would compensate the victims in order to acknowledge their suffering. As time passed, the opinions of the actors changed, however, as the recommendations were delayed or not even executed. Regarding reparations, the time dimension thus plays a big role. This might have been the case for other ideas, debates and frames as well.

As there is no framing literature yet on transitional justice or reconciliation in South Africa, it can be useful to research this more in-depth. In this research, the number of actors, ideas, debates and frames was limited. All of these aspects could have been extended to get a broader overview of the transitional justice and reconciliation process in South Africa. Including extra actors could give insights into the different opinions these actors have, and which frames underly their opinions. It would be interesting to see to what extent the international actors, for example, refer to the underlying ideas and objectives in their debates on reconciliation in South Africa. It would also be helpful to see whether there are more underlying ideas to the design of the transitional justice process in South Africa, as to see whether these are also related to certain frames. Furthermore, an extension of the debates could add something to this topic, as this could hint to more underlying frames. Lastly, it would be useful to research the frames used by the actors in more depth and to generate more frames, to get a better insight into what is highlighted by actors to argue about reconciliation. Besides literature studies, in-depth

interviews might be helpful in abstracting the frames actors use regarding the process and outcomes of the transitional justice process. All in all, some issues thus remain to be further researched. This paper gives an example of how the theories of transitional justice, reconciliation and framing can be combined and can give interesting insights. Further research needs to be conducted to fully get to the bottom of the connection between these different aspects in South Africa.

Despite this, the research did give a first impression of the relation between the underlying ideas, objectives, debates and frames regarding reconciliation in South Africa. During the research it became clear that there were a lot of initial ideas underlying the transitional justice and reconciliation process in South Africa. First of all, the transitional justice process in South Africa was partly based on the Chilean transitional justice process. There were also some differences between those two countries, however, especially South Africa's decision to go for conditional amnesty. This decision was partly made due to necessity as it was a precondition for the negotiated settlement, but there were also some underlying ideas to opt for this specific form of amnesty. During the transitional justice and reconciliation process the government and the TRC namely wanted to establish a complete picture of the past. The transitional justice process was also based on theological and spiritual influences. The TRC was namely built on Christianity and the ubuntu philosophy. Especially the ideas of forgiveness, harmony and truth were promoted from these religious backgrounds. There was the idea that healing and forgiveness could be achieved when victims would be offered a space to testify publicly about their suffering. Furthermore, remorse by the perpetrator was promoted, as this would help the victim with forgiving. Reparations were also seen as an important aspect of the transitional justice process as it was seen as a way to acknowledge the past and an attempt to reverse some of the structural problems of apartheid. One aspect of this would be the promotion of memorialization so that the legacies of apartheid would not be forgotten.

All these underlying ideas eventually contributed to the formulation of the objectives as stated in the Promotion of National Unity and Reconciliation Act. These objectives were to establish as complete a picture as possible of the gross human rights violations that took place during apartheid, to establish the fate or whereabouts of victims of gross human rights violations, to offer a platform for victims to restore their dignity by testifying about their or their loved ones' human rights violation, to make recommendations about measures designed to provide reparation and rehabilitation to victims, to grant amnesty to individuals making a full disclosure about the particular crimes that they committed and want amnesty for, to make suggestions on the creation of institutions for creating a stable and fair society and institutional, administrative or legislative measures that should be taken to prevent future human rights violations, and to write a report in which the work and findings of the TRC would be publicized.

What is interesting to note, is that none of these objectives made an explicit reference to building national unity or reconciliation. In the interpretation and application section of the Promotion of National Unity and Reconciliation Act (1995), reconciliation is furthermore not defined. The act repeated several times that the TRC should promote reconciliation, but what this would exactly entail, did not become clear from the mandate. Despite this, most underlying ideas and objectives can be linked to the broader goal of reconciliation. The objectives would namely all be able to contribute to reconciliation, not only between victims and perpetrators, but also at society level, between victims and beneficiaries. Furthermore, the government and the TRC ought the underlying ideas to contribute to reconciliation. Conditional amnesty was

chosen as there was the idea that truth would be more helpful for reconciliation than prosecution. Furthermore, the theological and spiritual virtues of healing and forgiveness were thought to be helpful for individuals to be able to move on and reconcile with perpetrators. Reparation was also thought to contribute to reconciliation, as to redress for the past wrongs. It can thus be argued that the wider goal of reconciliation was implicit in the underlying ideas and objectives.

These links between the underlying ideas and objectives and the goal of reconciliation in South Africa, can also be found in the frames used by the different actors involved in the transitional justice and reconciliation process. One of the underlying ideas was that conditional amnesty would contribute to accountability, as perpetrators had to publicly testify about the gross human rights violations that they committed. Accountability is also used as a frame to discuss the process and the outcomes of the transitional justice and reconciliation process. Through this frame, the focus is put on who should be held accountable, whether they have been held accountable, and whether these individuals or groups regard themselves responsible for the atrocities that took place during apartheid. Another frame used in the debate on the achievement of reconciliation is the structural issues frame. Through this frame, the structural issues of apartheid that continue to exist till now are highlighted, such as poverty, inequality and racism. The process and outcomes of the transitional justice process are also framed by a responsibility frame. Here the process and outcomes are framed with regard to who should be responsible for the process and for the outcomes of the process, instead of who should be held responsible for the past. A victim frame is also used for viewing the transitional justice process. Through this frame, the actors focused on who should be regarded as victims of apartheid and from this specific view on victims, the process and the outcomes of the transitional justice process were evaluated. Lastly, the truth frame was defined in this research. The truth frame was used to look at truth as a possible solution to dealing with apartheid, whether truth has been achieved with the process, and its effects on reconciliation.

It can be concluded that there is a lot of overlap between the underlying ideas, objectives and frames regarding the transitional justice and reconciliation process. The frames are namely related to the initial ideas and objectives underlying the transitional justice process. This can be seen through investigating the debates held on reconciliation in South Africa. The debates discussed show that within one frame different things can be argued and thus that there are different opinions about whether reconciliation has been achieved. The actors thus frame the practice, according to their views, by referring to the policy as stated by the TRC and its mandate. As the actors hold different opinions, for some there can thus be a discrepancy between policy and practice, while for others policy and practice coincide to a greater extent.

## References

- Adonis, C. K. (2016). Exploring the Saliency of Intergenerational Trauma among Children and Grandchildren of Victims of Apartheid-Era Gross Human Rights Violations. *Indo-Pacific Journal of Phenomenology*, 16(1-2), 163-179. Retrieved from <https://doi.org/10.1080/20797222.2016.1184838>
- Aiken, N. T. (2016). The Distributive Dimension in Transitional Justice: Reassessing the South African Truth and Reconciliation Commission's Ability to Advance Interracial Reconciliation in South Africa. *Journal of contemporary African studies*, 34(2), 190-202. Retrieved from <http://dx.doi.org/10.1080/02589001.2016.1211395>
- Allan, A., & Allan, M. M. (2000). The South African Truth and Reconciliation Commission as a Therapeutic Tool. *Behavioral Sciences and the Law*, 18(4), 459-477. Retrieved from [https://doi.org/10.1002/1099-0798\(2000\)18:4<459::AID-BSL366>3.0.CO;2-T](https://doi.org/10.1002/1099-0798(2000)18:4<459::AID-BSL366>3.0.CO;2-T)
- Amoah, J., & Greenbaum, B. (2005). *Has Everything Been Done? The Nature of Assistance to Victims of Past Political Atrocities in Southern Africa*. Retrieved from <http://www.csvr.org.za/docs/reconciliation/haseverythingbeen.pdf>
- Asmal, K. (2000). Truth, Reconciliation and Justice: The South African Experience in Perspective. *The Modern Law Review*, 63(1), 1-24. Retrieved from <https://doi.org/10.1111/1468-2230.00248>
- August, K. T. (2005). Reconciliation in the South African Political Context: A Challenge to the Church for Community Building. *Scriptura*, 88(1), 14-29. Retrieved from <http://journals.co.za/content/script/88/1/EJC100708>
- Baron, E. (2015). Remorse and Repentance Stripped of its Validity. Amnesty granted by the Truth and Reconciliation Commission of South Africa. *Studia Historiae ecclesiasticae*, 41(1), 169-184. Retrieved from <http://dx.doi.org/10.17159/2412-4265/2015/v41n1a12>
- Benford, R. D., & Snow, D. A. (2000). Framing Processes and Social Movements: An Overview and Assessment. *Annual Review of Sociology*, 26, 611-639. Retrieved from <http://www.jstor.org.ezproxy.library.wur.nl/stable/223459>
- Bloomfield, D. (2003a). Reconciliation: An Introduction. In D. Bloomfield, T. Barnes, & L. Huyse (Eds.), *Reconciliation After Violent Conflict: A Handbook* (pp. 10-18). Stockholm, Sweden: International IDEA.
- Bloomfield, D. (2003b). The Context of Reconciliation. In D. Bloomfield, T. Barnes, & L. Huyse (Eds.), *Reconciliation After Violent Conflict: A Handbook* (pp. 40-53). Stockholm, Sweden: International IDEA.
- Borah, P. (2011). Conceptual Issues in Framing Theory: A Systematic Examination of a Decade's Literature. *Journal of Communication*, 61(2), 246-263. Retrieved from <https://doi.org/10.1111/j.1460-2466.2011.01539.x>

- Bornman, E. (2006). National Symbols and Nation-building in the Post-apartheid South Africa. *International Journal of Intercultural Relations*, 30(3), 383-399. Retrieved from <https://doi.org/10.1016/j.ijintrel.2005.09.005>
- Breed, G., & Semanya, K. (2015). Ubuntu, Koinonia and Diakonia, a Way to Reconciliation in South Africa? *HTS Teologiese Studies/Theological Studies*, 71(2), 1-9. doi:10.4102/hts.v71i2.2979.
- Brooks, H. (2018). Merging Radical and Liberal Traditions: The Constitution Committee and the Development of Democratic Thought in the African National Congress, 1986-1990. *Journal of Southern African Studies*, 44(1), 167-184. Retrieved from <https://doi.org/10.1080/03057070.2018.1403742>
- Buckley-Zistel, S., Beck, T. K., Braun, C., & Mieth, F. (2013). *Transitional justice Theories*. London, United Kingdom: Routledge.
- BusinessTech. (2016, April 22). *Blacks Have Embraced Reconciliation, Whites Have Not: ANC*. Retrieved June 22, 2018, from <https://businesstech.co.za/news/general/121321/blacks-have-embraced-reconciliation-whites-have-not-anc/>
- Cambridge Dictionary. (n.d.). *Meaning of "accountability" in the English Dictionary*. Retrieved July 7, 2018, from <https://dictionary.cambridge.org/dictionary/english/accountability#dataset-business-english>
- Chong, D., & Druckman, J. N. (2007). Framing Theory. *Annual Review of Political Science*, 10, 103-126. Retrieved from <https://doi.org/10.1146/annurev.polisci.10.072805.103054>
- Clark, J. N. (2012). Reconciliation via Truth? A Study of South Africa's TRC. *Journal of Human Rights*, 11(2), 189-209. Retrieved from <https://doi.org/10.1080/14754835.2012.674455>
- Clark, N. L., & Worger, W. H. (2013). *South Africa: The Rise and Fall of Apartheid* (2nd ed.). London, United Kingdom: Routledge.
- Colvin, C. J. (2007). Civil Society and Reconciliation in Southern Africa. *Development in Practice*, 322(337), 17-3. Retrieved from <https://doi.org/10.1080/09614520701336717>
- Danielson, D., & Buchanan-Clarke, S. (2015). *Beauty or the Beast: A Critique of Individual Reparations* (Occasional Paper 20). Retrieved from <http://www.ijr.org.za/home/wp-content/uploads/2016/11/IJR-Individual-Reparations-Web.pdf>
- Dewulf, A. (2013). Contrasting Frames in Policy Debates on Climate Change Adaptation. *WIREs Climate Change*, 4(4), 321-330. Retrieved from <https://doi.org.ezproxy.library.wur.nl/10.1002/wcc.227>
- Dewulf, A., Gray, B., Putnam, L., Lewicki, R., Aarts, N., Bouwen, R., & Van Woerkum, C. (2009). Disentangling Approaches to Framing in Conflict and Negotiation Research: A Meta-paradigmatic Perspective. *Human Relations*, 62(2), 155-193. doi:10.1177/0018726708100356.

Druckman, J. N. (2001). On the Limits of Framing Effects: Who Can Frame? *The Journal of Politics*, 63(4), 1041-1066. Retrieved from <http://www.jstor.org/stable/2691806>

Du Toit, F. (2017). A Broken Promise? Evaluating South Africa's Reconciliation Process Twenty Years on. *International Political Science Review*, 38(2), 169-184. Retrieved from <http://journals.sagepub.com.ezproxy.library.wur.nl/doi/pdf/10.1177/0192512115594412>

Duthie, R. (2011). Transitional Justice and Displacement. *International Journal of Transitional Justice*, 5(2), 241-261. Retrieved from <https://doi.org/10.1093/ijtj/ijr009>

Dyzenhaus, D. (1998). *Judging the Judges, Judging Ourselves: Truth, Reconciliation and the Apartheid Legal Order*. Oxford, United Kingdom: Hart Publishing.

Eloff, T. (2015, December 15). *Why Reconciliation is Needed More Than Ever*. Retrieved June 20, 2018, from <http://www.politicsweb.co.za/opinion/why-reconciliation-is-needed-more-than-ever>

Elster, J. (2004). *Closing the Books: Transitional Justice in Historical Perspective*. Cambridge, United Kingdom: Cambridge University Press.

Entman, R. M. (1993). Framing: Toward Clarification of a Fractured Paradigm. *Journal of Communication*, 43(4), 51-58. Retrieved from <https://doi.org/10.1111/j.1460-2466.1993.tb01304.x>

Fiddler, G. (2015). Using a Conditional Amnesty and Truth and Reconciliation Commission as a Transitional Justice Mechanism in Syria [Online Version]. *The George Washington International Law Review*, 47(4), 893-918.

Fischer, M. (2011). Transitional Justice and Reconciliation: Theory and Practice. In B. Austin, M. Fischer, & H. J. Giessmann (Eds.), *Advancing Conflict Transformation. The Berghof Handbook II* (pp. 405-430). Retrieved from [http://edoc.vifapol.de/opus/volltexte/2013/4693/pdf/fischer\\_tj\\_and\\_rec\\_handbook.pdf](http://edoc.vifapol.de/opus/volltexte/2013/4693/pdf/fischer_tj_and_rec_handbook.pdf)

Foster, D. (2006). Evaluating the Truth and Reconciliation Commission of South Africa. *Social Justice Research*, 19(4), 527-540. doi:10.1007/s11211-006-0022-8.

Freeman, M. & Hayner, P. B. (2003). Truth-Telling. In D. Bloomfield, T. Barnes, & L. Huyse (Eds.), *Reconciliation After Violent Conflict: A Handbook* (pp. 40-53). Stockholm, Sweden: International IDEA.

Friedman, B. (2016a, July 1). *TRC Was Safe Space for Apartheid Victims to Tell Their Stories - Judge Khampepe*. Retrieved June 18, 2018, from <http://www.702.co.za/features/139/trc/articles/14697/trc-was-safe-space-for-apartheid-victims-to-tell-their-stories-judge-khampepe>

Friedman, B. (2016b, June 24). *TRC Commissioner Glenda Wildschut Says Country Feels Like it is in High Care*. Retrieved June 22, 2018, from

<http://www.702.co.za/features/139/trc/articles/14545/trc-commissioner-glenda-wildschut-says-country-feels-like-it-is-in-high-care>

Friedman, B. (2016c, June 8). *TRC Public Policing Proposals Could Have Averted Marikana Says Commissioner*. Retrieved June 22, 2018, from <http://www.702.co.za/articles/14140/trc-public-policing-proposals-could-have-averted-marikana-says-commissioner>

Gevisser, M. (1996, April 12). *The Ultimate Test of Faith*. Retrieved June 2, 2018, from <https://mg.co.za/article/1996-04-12-the-ultimate-test-of-faith>

Gibson, J. L. (2006). The Contributions of Truth to Reconciliation: Lessons from South Africa. *The Journal of Conflict Resolution*, 50(3), 409-432. Retrieved from <http://www.jstor.org/stable/27638497>

Goffman, E. (1975). *Frame Analysis: An Essay on the Organization of Experience*. Harmondsworth, England: Penguin Books.

Graybill, L. S. (1998). South Africa's Truth and Reconciliation Commission: Ethical and Theological Perspectives. *Ethics & International Affairs*, 12(1), 43-62. Retrieved from <https://doi.org/10.1111/j.1747-7093.1998.tb00037.x>

Guelke, A. (2005). *Rethinking the Rise and Fall of Apartheid: South Africa and World Politics*. New York, United States: Palgrave Macmillan.

Hamber, B., & Kibble, S. (1999). *From Truth to Transformation: The Truth and Reconciliation Commission in South Africa* (Catholic Institute for International Relations Report). Retrieved from <http://www.csvr.org.za/publications/1714-from-truth-to-transformation-the-truth-and-reconciliation-commission-in-south-africa.html>

Hamber, B., Mofokeng, T., & Simpson, G. (1997). *Evaluating the Role and Function of Civil Society in a Changing South Africa: The Truth and Reconciliation Commission as a Case Study*. Retrieved from <http://www.csvr.org.za/publications/1715-evaluating-the-role-and-function-of-civil-society-in-a-changing-south-africa-the-truth-and-reconciliation-commission-as-a-case-study>

Hughes, J., & Kostovicova, D. (2018). Introduction: Rethinking Reconciliation and Transitional Justice After Conflict. *Ethnic and Racial Studies*, 41(4), 617-623. Retrieved from <https://doi.org/10.1080/01419870.2017.1406129>

Huyse, L. (2003). The Process of Reconciliation. In D. Bloomfield, T. Barnes, & L. Huyse (Eds.), *Reconciliation After Violent Conflict: A Handbook* (pp. 19-39). Stockholm, Sweden: International IDEA.

Kaufman, S., Elliot, M., & Schmueli, D. (2013, June). *Frames, Framing and Reframing*. Retrieved June 6, 2018, from <https://www.beyondintractability.org/essay/framing>

- Kritz, N. (2009). Policy Implications of Empirical Research on Transitional Justice. In H. van der Merwe, V. Baxter, & A. R. Chapman (Eds.), *Assessing the Impact of Transitional Justice* (pp. 13-22). Washington DC, United States: United States Institute of Peace.
- Leebaw, B. (2003). Legitimation or Judgment? South Africa's Restorative Approach to Transitional Justice. *Polity*, 36(1), 23-51. Retrieved from <http://www.jstor.org/stable/3235422>
- Leebaw, B. A. (2008). The Irreconcilable Goals of Transitional Justice. *Human Rights Quarterly*, 30(1), 95-118. doi:10.1353/hrq.2008.0014.
- Lindahl, A. (2010). *Restricted Reconciliation: Limitations of the Truth and Reconciliation Commission of South Africa*. Retrieved from <https://minds.wisconsin.edu/handle/1793/60881>
- Little, A., & Maddison, S. (2017). Reconciliation, Transformation, Struggle: An Introduction. *International Political Science Review*, 38(2), 145-154. doi:10.1177/0192512116681808.
- Lixinski, L. (2015). Cultural Heritage Law and Transitional Justice: Lessons from South Africa. *International Journal of Transitional Justice*, 9(2), 278-296. doi:10.1093/ijtj/ijv005.
- Lonely Planet. (n.d.). Map of South Africa [Photo]. Retrieved July 12, 2018, from <https://www.lonelyplanet.com/maps/africa/south-africa/>
- Louw, D. J. (2017). Black-White Polarisation in #MustFall Campaigns. Towards a Practical Theological Diagnostics of 'Peaceful Coexistence'. *In die Skriflig*, 51(1), a2220. Retrieved from <https://doi.org/10.4102/ids.v51i1.2220>
- Loyle, C. E., & Davenport, C. (2016). Transitional Injustice: Subverting Justice in Transition and Postconflict Societies. *Journal of Human Rights*, 15(1), 126-149. Retrieved from <https://doi.org/10.1080/14754835.2015.1052897>
- Magstad, M. K. (2017, April 6). *South Africa's Imperfect Progress, 20 years After the Truth & Reconciliation Commission*. Retrieved June 14, 2018, from <https://www.pri.org/stories/2017-04-06/south-africas-imperfect-progress-20-years-after-truth-reconciliation-commission>
- Marschall, S. (2009). Coming to Terms with Trauma: The TRC and Memorials to the Victims of Apartheid Violence. In S. Marschall (Ed.), *Landscape of Memory: Commemorative Monuments, Memorials and Public Statuary in Post-Apartheid South Africa* (pp. 59-93). Leiden, The Netherlands: Brill.
- Mihr, A. (2017). An Introduction to Transitional Justice. In O. Simić (Ed.), *An Introduction to Transitional Justice* (pp. 1-27). London, United Kingdom: Routledge.
- Motlhoki, S. M. (2017). *The Effectiveness of the South African Truth and Reconciliation Commission in the Context of the Five Pillars of Transitional Justice*. Retrieved from <http://uir.unisa.ac.za/handle/10500/23302>

Msimang, S. (2018). All Is Not Forgiven: South Africa and the Scars of Apartheid. *Foreign Affairs*, 97(1), 28-34. Retrieved from <https://www.foreignaffairs.com/articles/south-africa/2017-12-12/all-not-forgiven>

National Post. (2015, January 25). *What Next for the Rainbow Nation? Nelson Mandela's Death Casts Shadow over Racially Charged South Africa*. Retrieved June 20, 2018, from <http://nationalpost.com/news/what-next-for-the-rainbow-nation-nelson-mandelas-death-casts-shadow-over-racially-charged-south-africa>

Ndletyana, M., & Webb, D. A. (2017). Social Divisions Carved in Stone or Cenotaphs to a New Identity? Policy for Memorials, Monuments and Statues in a Democratic South Africa. *International Journal of Heritage Studies*, 23(2), 97-110. Retrieved from <http://dx.doi.org/10.1080/13527258.2016.1246464>

Nelson, T. E., Oxley, Z. M., & Clawson, R. A. (1997). Toward a Psychology of Framing Effects. *Political Behaviour*, 19(3), 221-246. Retrieved from <https://link.springer.com/content/pdf/10.1023/A:1024834831093.pdf>

Norval, A. J. (1998). Memory, Identity and the (Im)possibility of Reconciliation: The Work of the Truth and Reconciliation Commission in South Africa. *Constellations*, 5(2), 250-265. Retrieved from <https://doi.org/10.1111/1467-8675.00091>

Ntuli, N. (2014, July 22). 'Government Failed us' After TRC. Retrieved June 14, 2018, from <https://www.iol.co.za/news/politics/government-failed-us-after-trc-1723369>

Pankhurst, D. (1999). Issues of Justice and Reconciliation in Complex Political Emergencies: Conceptualising Reconciliation, Justice and Peace. *Third World Quarterly*, 20(1), 239-255. Retrieved from <https://doi.org/10.1080/01436599914027>

Philpott, D. (2007a). *Religion, reconciliation, and transitional justice: The state of the field* (SSRC Working Papers). Retrieved from [https://tif.ssrc.org/wp-content/uploads/2009/09/Philpott-2007\\_final.pdf](https://tif.ssrc.org/wp-content/uploads/2009/09/Philpott-2007_final.pdf)

Philpott, D. (2007b). What Religion Brings to the Politics of Transitional Justice. *Journal of International Affairs*, 61(1), 93-XIII. Retrieved from <https://www.jstor.org/stable/24358081>

Potgieter, E. (2016). *Social Mobility in an Unequal Society: Exploring Access and Advantage in South Africa* (South African Reconciliation Barometer, Briefing Paper 4). Retrieved from <http://www.ijr.org.za/home/wp-content/uploads/2012/07/IJR-SARB-4-2016-TEXT-final-web.pdf>

Potgieter, E. (2017). *South African Reconciliation Barometer Survey: 2017 Report*. Retrieved from <http://www.ijr.org.za/home/wp-content/uploads/2018/03/IJR-Barometer-Report-2017-WEB-final.pdf>

Promotion of National Unity and Reconciliation Act (1995, July 26). Retrieved May 31, 2018, from [https://fas.org/irp/world/rza/act95\\_034.htm](https://fas.org/irp/world/rza/act95_034.htm)

Rabin, M. (1998). Psychology and Economics. *Journal of Economic Literature*, 36(1), 11-46. Retrieved from <http://www.jstor.org/stable/2564950>

Reese, S. D. (2001). Prologue - Framing Public Life. In S. D. Reese, O. H. Gandy Jr., & A. E. Grant (Eds.), *Framing Public Life: Perspectives on Media and Our Understanding of the Social World* (pp. 7-32). New Jersey, United States: Lawrence Erlbaum Associates.

Reiter, A. G. (2017). The Development of Transitional Justice. In O. Simić (Ed.), *An Introduction to Transitional Justice* (pp. 1-27). London, United Kingdom: Routledge.

Reta, D. S. (2017). Truth-seeking Processes in Africa: Lessons from the South African Truth and Reconciliation Commission and the Ethiopian Red Terror trials. *African Human Rights Law Journal*, 17(2), 390-412. Retrieved from <http://www.ahrlj.up.ac.za/images/ahrlj/2017/AHRLJ%202017.pdf>

Richards, R. (2017). Negotiating Grassroots Reconciliation in the Context of Social Disintegration in Post-apartheid South Africa. In V. Rosoux, & M. Anstey (Eds.), *Negotiating Reconciliation in Peacemaking: Quandaries of Relationship Building* (pp. 305-330). doi:10.1007/978-3-319-62674-1.

Setlaelo, S. (2018, May 21). *No Pot of Gold at End of Rainbow Nation – Even from Messiah Cyril*. Retrieved June 23, 2018, from [https://www.huffingtonpost.co.za/sarah-setlaelo/no-pot-of-gold-at-end-of-rainbow-nation-even-from-messiah-cyril\\_a\\_23439613/](https://www.huffingtonpost.co.za/sarah-setlaelo/no-pot-of-gold-at-end-of-rainbow-nation-even-from-messiah-cyril_a_23439613/)

Shore, M. (2016). *Religion and Conflict Resolution: Christianity and South Africa's Truth and Reconciliation Commission*. London, United Kingdom: Routledge.

Simpson, G. (1998). *A Brief Evaluation of South Africa's Truth and Reconciliation Commission: Some lessons for societies in transition* (Paper written prior to the publication of the TRC's Final Report (October)). Retrieved from <http://www.csvr.org.za/publications/1724-a-brief-evaluation-of-south-africas-truth-and-reconciliation-commission-some-lessons-for-societies-in-transition.html>

Teitel, R. G. (2003). Transitional Justice Genealogy. *Harvard human rights journal*, 16(1), 69-94. Retrieved from <https://www.qub.ac.uk/Research/GRI/mitchell-institute/FileStore/Filetoupload,757186,en.pdf>

Teitel, R. G. (2008). Transitional Justice Globalized. *The International Journal of Transitional Justice*, 2, 1-4. Retrieved from <https://doi.org/10.1093/ijtj/ijm041>

The Race Card. (2018, April 3). *Winnie Mandela: "The Rainbow Nation is a Total Myth*. Retrieved June 18, 2018, from <http://afropunk.com/2018/04/winnie-mandela-the-rainbow-nation-is-a-total-myth/>

Thesnaar, C. H. (2017). Decolonisation and Renewed Racism: A Challenge and Opportunity for Reconciliation. *HTS Teologiese Studies/Theological Studies*, 73(3), 1-8. Retrieved from <https://doi.org/10.4102/hts.v73i3.3838>

- Tihanyi, K. Z., & Du Toit, S. F. (2005). Reconciliation Through integration? An Examination of South Africa's Reconciliation Process in Racially Integrating High Schools. *Conflict Resolution Quarterly*, 23(1), 25-41. Retrieved from <https://doi.org/10.1002/crq.122>
- Van der Merwe, H., Baxter, V., & Chapman, A. R. (2009). Introduction. In H. van der Merwe, V. Baxter, & A. R. Chapman (Eds.), *Assessing the Impact of Transitional Justice* (pp. 1-12). Washington DC, United States: United States Institute of Peace.
- Van der Merwe, H., Dewhirst, P., & Hamber, B. (1999). Non-governmental Organisations and the Truth and Reconciliation Commission: an Impact Assessment. *Politikon*, 26(1), 55-79. Retrieved from <https://doi.org/10.1080/02589349908705070>
- Van der Merwe, H., & Lykes, M. B. (2016). Transitional Justice Processes as Teachable Moments. *International Journal of Transitional Justice*, 10(3), 361-365. Retrieved from <https://doi.org/10.1093/ijtj/ijw019>
- Van Hulst, M., & Yanow, D. (2016). From Policy “Frames” to “Framing”: Theorizing a More Dynamic, Political Approach. *American Review of Public Administration*, 46(1), 92-112. doi:10.1177/0275074014533142.
- Van Zyl, P. (1999). Dilemmas of Transitional Justice: The Case of South Africa's Truth and Reconciliation Commission. *Journal of International Affairs*, 52(2), 647-667. Retrieved from <http://center.theparentscircle.org/images/d96de38c44bc4080be6d8ffe2a172ccc.pdf>
- Vu Lan, N. (2015). Law, Justice, Truth, and Forgiveness? A Case Study of South Africa. *Juris Illuminae*, 6, 1-7. Retrieved from <https://static1.squarespace.com/static/55c714f8be4b0f0d634b061b5/t/565e69cde4b0a11652c04cf0/1462176225247/2014-Law%2C+Justice%2C+Truth%2C+and+Forgiveness.pdf>
- Wale, K. (2014). *Reflecting on Reconciliation: Lessons from the past, prospects for the future* (SA Reconciliation Barometer Survey: 2014 Report). Retrieved from <http://www.ijr.org.za/home/wp-content/uploads/2017/02/IJR-SA-Reconciliation-Barometer-Report-2014.pdf>
- Wendy Elliott. (2017, July 20). Truth and Reconciliation: My Impressions of Apartheid South Africa [Photo]. Retrieved July 12, 2018, from <http://wendyelliott.ca/truth-and-reconciliation-my-impressions-of-apartheid-south-africa/>