

AFRICAN STUDIES QUARTERLY

Volume 8, Issue 1
Fall 2004

Truth, Justice, and Reconciliation in Africa: Issues and Cases

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Abstract: This essay identifies a number of problematic issues concerning transitional justice and restorative justice in particular and suggests that they can be fruitfully explored through thoughtful examination of the truth-seeking projects of this issue's case countries: South Africa, Rwanda and Sierra Leone. One debate is whether political transitions genuinely require a unique type of justice or whether transitional justice results from a mere political choice which compromises justice. A second issue concerns transitional justice's goals. Related to this issue is the lack of clarity concerning the criteria for a successful transitional judicial structure. A third debate is whether truth commissions do actually bring healing and reconciliation among former enemies. Finally, there is a set of very practical concerns that need attention: what are the ideal balances between trials and truth commissions, domestic and international initiatives, efficiency and effectiveness?

Pardon rather than punishment, or pardon for the many alongside punishment of the few, has become a trend for transitional societies coming out of eras marked by intrastate conflict. Restorative justice, which favors reconciliation among former foes over punishment of perpetrators of crimes, has been increasingly applied since 1974, with truth commissions implemented in approximately two dozen countries around the world. Most prominent among these in Africa has been South Africa's Truth and Reconciliation Commission, but Rwanda, Sierra Leone, the Central African Republic, Ghana, Morocco and Nigeria have also embarked on "truth telling" processes that emphasize reconciliation. Moreover, the Kenyan government

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recently announced that it will establish its own truth commission by the end of 2004, and peace agreements in Liberia and the Democratic Republic of the Congo have provided for the formation of truth commissions. These developments suggest that the idea of restorative justice is not just a fad but represents an innovative approach for citizens of many countries wrestling with the question of how to live with former enemies.

This essay identifies a number of problematic issues raised in the literature concerning transitional justice in general as well as restorative justice in particular and introduces the three case study countries highlighted in this special issue. In the articles that follow, authors analyze transitional justice efforts in South Africa, Rwanda, and Sierra Leone and discuss lessons that emerge.

ISSUES

During the ongoing wave of democratic transformations, one can observe a “paradigm shift” in the means by which new leaders address their nations’ violent past.¹ There is a new commitment at both domestic and international levels to bring justice and healing to people who have experienced gross human rights atrocities perpetrated by ousted regimes or rebel groups. Political leaders and legal theorists have argued that learning the truth about past human rights violations and punishing those responsible for them are prerequisites for the establishment of democracy and respect for the rule of law. Thus, they call for structures of transitional justice during an interim period to confront the crimes of the past in order to lay the foundations for legitimate judicial systems and democratic norms. Such structures have included the ad hoc international criminal tribunals for the former Yugoslavia and Rwanda as well as truth commissions, hybrid UN-funded courts, and revived traditional judicial structures such as Rwanda’s *gacaca*.

Transitional justice processes have inspired a growing field of study. Legal scholars tackle theoretical and ethical issues surrounding transitional justice norms, participants and researchers have analyzed a number of transitional justice institutions, and a small number of scholars have published comparative studies.² A survey of the literature reveals that a number of significant issues concerning transitional justice and its structures continue to bedevil practitioners attempting to implement it and scholars hoping to conceptualize or interpret it.

This essay highlights four such issues. First, there is disagreement over whether political transitions genuinely require a unique type of justice—one that emphasizes reconciliation as opposed to strict retributive justice—or whether transitional justice results from a mere political compromise in which “justice becomes the casualty of a political calculation.”³ In short, are structures of transitional justice only “second best” options? Second is the question of whether processes of transitional justice have a consistent set of goals, with a related issue being the lack of clarity within the literature concerning the criteria for a successful transitional judicial process or specific structure. Third is the debate surrounding the oft-repeated assertion that truth commissions can heal individuals and nations, bringing reconciliation among former enemies. Fourth and finally, there is a set of very practical concerns that require attention, including determination of what are the ideal balances between trials and truth commissions, domestic and international initiatives, efficiency and effectiveness.

Scholars have not reached a consensus on whether the unique economic, social, and political features of transitional periods legitimately demand a response to past human rights crimes that favors reconciliation over retribution. Is the granting of conditional amnesty to those who

confess to crimes before a truth-seeking body, for example, a political expedient that significantly compromises justice? Or is it an appropriate policy within the context of the many challenges facing a society in political transformation?

Ruti Teitel, for example, stresses the limited character of transitional justice and takes note of the compromises to formal justice that it entails.⁴ Some scholars emphasize that political compromises necessarily determine the formation, mandates, and operations of courts and truth commissions, consequently limiting their effectiveness.⁵ Others do not see transitional structures like truth commissions as inferior to formal court systems.⁶ They emphasize that transitional societies face an array of challenges and therefore must ask different things of justice structures than those asked of formal courts in established democracies. Transitioning societies may value peace and reconciliation more than retribution. Therefore, restorative structures may indeed be the best judicial option.⁷

Another difficulty concerns the goals transitional justice processes can be expected to achieve. If transitional justice is inherently different from justice in established democracies, the unique services it employs should be identifiable. If this process is implemented during a finite period, the way in which transitional justice alters society should also be identifiable. Any evaluation of the success of such institutions must be done with a firm understanding of the goals of transitional justice, yet consensus on what these goals should be is largely missing from the academic literature.

Elizabeth Evenson identifies four general goals of transitional justice: “providing for individual criminal accountability, deterrence, and punishment, and establishing a common truth about the past which can carry the society forward in a process of healing and reconciliation.”⁸ However, she notes that the individual context of each country will shape its specific goals. Likewise, Miriam Aukerman identifies five separate goals for any justice process -- retribution, deterrence, rehabilitation, restoration, and condemnation/social solidarity -- among which political leaders choose based on their societies’ unique needs and characteristics.⁹ We believe that careful evaluation of specific structures is needed in order to discover what these mechanisms actually achieve. Anyone seeking to evaluate mechanisms of transitional justice will soon discover few criteria against which to judge them. However, Priscilla Hayner’s work is a notable exception. In her path-breaking comparison of truth commissions, she identified some of their basic requirements. According to Hayner, truth commissions should: operate impartially free of political interference, have adequate resources and access to the information they deem necessary, be implemented as quickly as possible after the period they are expected to investigate, work for a limited specified period, and be empowered to make widely and expeditiously distributed recommendations for further action to governments with the expectation that those recommendations will be considered seriously.¹⁰

Hayner proposes examining three distinct elements to evaluate the success of a truth commission: the commission’s process, product, and eventual impact. The process is judged by “the degree to which it engages the public in understanding unknowns (or in admitting that they have been denied) . . . whether it gains full participation from all actors in the course of its investigations, including former perpetrators; and whether its work is positive and supportive to victims and survivors.”¹¹ The commission’s final written product should be evaluated according to “the extent of truth that is revealed, as well as its proposals for reparations and reform.”¹² Regarding its impact, Hayner notes that “the degree to which the commission’s work contributes to long-term reconciliation, healing, and reform will be determined in large part by whether perpetrators or state officials acknowledge and apologize for wrongs, whether and how

the commission's report is distributed and put to use, and whether its core recommendations are implemented."¹³ These guidelines pertain exclusively to truth commissions. There is no consensus concerning even a rudimentary set of criteria against which to measure the success of other transitional justice institutions, such as ad hoc international criminal tribunals or hybrid courts.

A third problem is that scholars and practitioners engage in assertions about what these structures can do but rarely test those assumptions. Common wisdom asserts that truth commissions promote individual healing and reconciliation, which leads to national healing and reconciliation, which in turn provides a bedrock for democracy. But, as Tristan Borer notes in this issue, no one has yet proven that truth commissions secure their supposed benefits, such as healing, truth, and national reconciliation. In fact, a few scholars are beginning to conclude that the evidence is decidedly mixed.¹⁴ Brandon Hamber and Richard Wilson, for example, reject entirely the metaphor of national healing arguing, "Nations do not have collective psyches which can be healed, nor do whole nations suffer post-traumatic stress disorder and to assert otherwise is to psychologize an abstract entity which exists primarily in the minds of nation-building politicians."¹⁵

In an important study of South Africa, James L. Gibson has tested the "truth leads to reconciliation" assertion head-on using extensive surveys and social science analysis. He concludes that the South African Truth and Reconciliation Commission did indeed succeed in convincing a majority of South Africans across the political spectrum that all sides were guilty of human rights violations and in turn suffered from violations. This provided them with a common interpretation of the apartheid era, which is serving as a basis for reconciliation. However, the process is far from complete because political tolerance, one of Gibson's measures of reconciliation, remains scarce in South African political culture.¹⁶ Similar studies of other structures of transitional justice are needed to enhance our understanding of their merits.

Finally, a number of practical questions about the choice of transitional justice mechanisms require additional attention. One fundamental question asks under what conditions should a society turn to trials, or truth commissions, or both. Miriam Aukerman sees a "prosecution preference" at work in the international legal community.¹⁷ The work of Diane Orentlicher reflects this perspective although she does note that there are conditions under which prosecuting those in the past regime accused of human rights violations is unwise.¹⁸ This approach argues that support for the rule of law and human rights norms can not be established among a society while an impotent judicial system allows prominent criminals to enjoy impunity.

In contrast, other observers, particularly those who argue that retribution is only one of the goals of transitional justice mechanisms, see wisdom in preferring restorative judicial bodies. Brian Walsh, for example, concludes that prosecutions of human rights violators can jeopardize a reconciliation process.¹⁹ Other writers are concerned that the bipolar nature of trials, in which prosecutions tend to make a clear distinction between the innocent and the guilty, makes them entirely inappropriate for redressing the systemic exploitation and violence which many transitioning societies have experienced.²⁰ Elin Skaar concludes that whether a new government chooses truth commissions, trials or nothing, "depends on the relative strength of demands from the public and the outgoing regime, the choice tending towards trials as the outgoing regime becomes weaker and towards nothing as the outgoing regime becomes stronger, with truth commissions being the most likely outcome when the relative strength of the demands is roughly equal."²¹ Her study explains why one option is selected over another but does not address the issue of whether that option was the best possible choice.

Some writers, particularly those who share Martha Minow's realization of "the incompleteness and inescapable inadequacy of each possible response to collective atrocities," suggest that structures of retributive and restorative justice can coexist during a transition.²² Elizabeth Evenson believes that with careful planning, coexisting trials and truth commissions can be complimentary. She argues that "truth commissions can augment the work of prosecutions in establishing accountability for widespread human rights abuses."²³ Further research is needed to determine under what circumstances two structures may indeed be better than one and how to achieve cooperation between them.

What should be the appropriate role for the international community in establishing structures of transitional justice? The spectrum of recent judicial responses to human rights abuses runs from external justice, such as the extreme universal jurisdiction asserted by the Belgian legislature in its proposed prosecution of Israeli Prime Minister Ariel Sharon through the United Nations' International Criminal Tribunals and the International Criminal Court, to the "internationalized internal processes" of the UN-funded courts for Sierra Leone and East Timor, to finally the entirely domestic processes at the other extreme such as South Africa's truth commission and Rwanda's *gacaca*.²⁴ Neil Kritz addresses the question of how to determine when international or national mechanisms are required. For Kritz, "the best scenario would be for the international community to provide appropriate assistance to enable a society emerging from mass abuse to deal with the issues of justice and accountability itself."²⁵ However, since local judicial structures are usually decimated or compromised where societies have recently experienced widespread abuse, it is often "incumbent upon the international community to take on the task of accountability for the abuses in question."²⁶ Even if one shares Kritz's commitment to building domestic judicial competencies, assessing the appropriate balance between domestic and international actors in any specific context will be tricky.

Finally, empirical studies of specific courts and commissions are needed to identify operational lessons. In a recent study, Joanna Quinn and Mark Freeman surveyed individuals who worked in the truth commissions of Guatemala and South Africa. Quinn and Freeman synthesized the observations into lessons learned concerning commission mandate and structure, data collection and public hearings, and information management and outreach to the public.²⁷ The authors distill the most common themes running through the practitioners' assessments: "we needed more time, greater resources, better staff, better training, better internal coordination, and better management; nevertheless, it was an intense and remarkable experience, and we partially achieved some important objectives."²⁸ If we are to see more efficient and effective structures in the future, researchers should seek out similar lessons from the staffs of other transitional justice structures.

CASES

We turn now to the three African experiments of transitional justice examined in this issue – South Africa, Rwanda, and Sierra Leone. We identify for each country some of the contentious issues discussed in the previous section.

South Africa

South Africa's Truth and Reconciliation Commission (TRC) is arguably the continent's best known example of restorative justice. Established in 1995, the TRC was charged with

investigating gross human rights abuses that occurred between 1960 and 1994 so as to create as complete an accounting as possible of the atrocities of that period. Perpetrators were offered amnesty in exchange for full disclosure about their past crimes. To a significant degree, this was part of a political compromise between the African National Congress and the outgoing apartheid government led by the National Party that was deemed necessary for a peaceful transition to democracy.

South Africa's version of restorative justice emphasized reconciliation between perpetrators and victims built ideally on a perpetrator's repentance and a victim's forgiveness. Ultimately, it was hoped, the South African nation as a whole would likewise become reconciled. Although the TRC's task was not officially framed in religious terms, the dominant role of Chairman Archbishop Tutu meant that his theological view of reconciliation often trumped other views. This was aided by the large number of commissioners who came from the faith community.

It has been argued that two features of South Africa's religious culture supported the TRC's emphasis on forgiveness, rather than punishment: Christian theology and the traditional concept of ubuntu.²⁹ The Christian admonition to forgive one's enemies and embrace the sinner within the family of God was widely accepted among the largely Christian South African population.³⁰ Due in part to the considerable role many church organizations played in protests against apartheid, the teachings of the church retained relevance for many South Africans.³¹ The concept of ubuntu was also used to legitimize the TRC's call for reconciliation. Difficult to translate precisely, ubuntu encompasses the notion of "humaneness" or "humanness." A common Xhosa expression states, "Umuntu ngumuntu ngabanye bantu," which translates as "People are people through other people." Thus, ubuntu emphasizes community over individual. As John Mbiti explains, "Whatever happens to the individual happens to the whole group, and whatever happens to the whole group happens to the individual. The individual can only say: 'I am because we are, and since we are, therefore I am.'"³² This belief in the indivisibility of humanity, it is argued, creates a capacity for forgiveness. Complete assessments of the TRC will require extensive testing of the degree to which the truth commission resonated with South Africa's religious culture, a project begun by Audrey Chapman and Bernard Spong for the American Association for the Advancement of Science.³³

How did the truth commission work? At the Human Rights Violations Committee hearings, a select group of victims testified publicly about how they had suffered. About one tenth of the 20,000 deponents testified – a very small number out of a national population of 43 million. Still, anecdotal evidence suggests that for many who addressed the commission, the value of telling one's story before a supportive audience was significant. Referring to the psychological value of testifying, one witness said: "When the officer tortured me at that time in John Vorster Square, he laughed at me: 'You can scream your head off, nobody will ever hear you!' 'He was wrong. Today there are people who will hear me.'"³⁴ Commissioner Mary Burton agrees that giving public testimony had been healing for many survivors: "The right to be heard and acknowledged, with respect and empathy, did contribute to a process of healing in many cases."³⁵

A second committee, the Amnesty Committee, held hearings for those who admitted having committed crimes. Approximately 7,000 applicants applied for amnesty. However, many were common criminals hoping to convince the commissioners that they had political -- not criminal -- motives, and only a few were top leaders of the apartheid system. Nearly half of the applicants were from the African National Congress.³⁶ Contrition was not a requirement for amnesty, and indeed many applicants did not apologize for their actions. In the end, amnesty was granted to

approximately 16% of the applicants.³⁷ Thus, out of a population of 43 million people, only about one thousand individuals acknowledged their responsibility for apartheid's crimes, receiving amnesty and reintegration back into society.

Scholars debate the advisability of offering amnesty. In promising amnesty to apartheid killers, did the ANC choose a more comfortable political expedient and found a new democracy on a flawed judicial response to a systemic crime against humanity? Mahmood Mamdani argues that the TRC resulted in "an institutionally produced truth, as the outcome of a process of truth-seeking, one whose boundaries were so narrowly defined by power and whose search was so committed to reinforcing the new power, that it turned the political boundaries of a compromise into analytical boundaries of truth-seeking."³⁸ Did the government compromise justice in its effort to provide an interpretation of apartheid crimes that would facilitate reconciliation among the races? If so, is this a failure of transitional justice or a strength of such a response to atrocities?

The South African case can provide empirical evidence to help scholars make more informed evaluations of transitional justice. However, such work will require identification of the means to judge the TRC's impact. For example, how can we know whether reconciliation emerged from the TRC? What does reconciliation look like? Who becomes reconciled?

In her contribution to this special edition, Tristan Borer addresses this challenge directly by identifying the multiple meanings of reconciliation used by people inside and outside of South Africa's TRC. She demonstrates that the TRC's founding documents, as well as its final report, failed to define clearly the kind of reconciliation the commission was charged with building. She finds two models of reconciliation permeating the commission's statute and report.

"Interpersonal or individual reconciliation," in which victims and perpetrators of gross human rights violations have their relationships restored with the victims being healed, is one goal which the commission sought to achieve. Yet, the commission also strove to hasten "national unity and reconciliation" in order to create a nation "democratically at peace with itself." Borer argues that the lack of clarity hampered the commission's work and has affected the way it has been judged. She finds that while the TRC was empowered to contribute primarily to "national unity and reconciliation," the greater popular expectation was for the TRC to foster "interpersonal or individual reconciliation." The unfortunate result of this dichotomy is that "the TRC is most likely to be judged in a way that makes it least likely to appear successful."

Borer draws cautionary lessons for any future effort to analyze similar truth-seeking transitional structures. She emphasizes testing the argument that truth leads to reconciliation, rather than simply asserting it. Testing requires a clear definition of reconciliation and the identification of ways to observe it. Only then, she asserts, can any future truth commission tailor its work to achievable goals that scholars can evaluate according to clear criteria.

Also in this volume, historians Jacobus du Pisani and Kwang-Su Kim evaluate the TRC's work as a process of historical research, and its final report as an interpretation of the apartheid period. They identify many significant flaws in the TRC's work, such as its dependence upon subjective truths submitted in unverified individual testimony, but also show how these very shortcomings bring constructive challenges to the authority and relevance of history as an academic discipline. They see the TRC as initiating a "democratized history-making process" in South Africa in which public history and individual experiences receive greater prominence, and "interest in the possibilities of history" is revived.

Joining the debate over the appropriate goals for truth commissions and what they ultimately contribute to reconciliation, Du Pisani and Kim argue strongly that truth commissions

ought not to be expected to uncover “the truth” about a violent past. From the outset “the TRC had to pursue historical truth not for its own sake, but in the service of reconciliation and nation-building,” which therefore imposed “a discursive framework on testifiers” and the way in which their evidence was interpreted in the commission’s report. Du Pisani and Kim lament that the TRC’s work gave the impression of a nation having achieved closure after its apartheid past. Rather, they call upon historians to remain “committed to the never ending debate of history and not to the type of closure sought by priests and politicians.” They conclude that while truth commissions can dramatically enliven a society’s confrontation with its past, they can make only a partial contribution to using history as “an essential tool in re-defining national identity.”

Rwanda

At the same time as South Africans went to the polls to elect their first democratic government, Rwandans 2,000 miles to the north were perpetrating the fastest genocide in recorded history. Beginning in April 1994, Hutus massacred 800,000 Tutsis over one hundred days in an effort to thwart the power-sharing arrangement mandated by the Arusha Peace Accords of 1993.³⁹ The Tutsi-led Rwandan Patriotic Front eventually defeated the Hutu-led interim government and ended the genocide.

In stark contrast to South African’s experiment with restorative justice, Rwandans asked for United Nations assistance to establish a structure for retributive justice. Archbishop Tutu had urged Rwandans to forego punishment in favor of pardon fearing that “justice with ashes” would be the outcome of the Rwandan effort to punish the perpetrators of the genocide.⁴⁰ Instead, the UN Security Council established the International Criminal Tribunal for Rwanda (ICTR) in 1994 to prosecute the masterminds of the genocide.

Political and cultural factors in large part explain Rwanda’s initial preference for prosecution of the genocidaires. Having vanquished the interim Hutu government, the Rwandan Patriotic Front was under no pressure to compromise. In addition, the religious-redemptive model of forgiveness and reconciliation was significantly discredited by the degree to which church leaders were implicated in the genocide.⁴¹

However, by 1999 the government “recognized that some measured use of the restorative justice approach might indeed better serve the country’s needs.”⁴² A traditional method of conflict resolution – *gacaca* – was resurrected to deal with the situation. Practical considerations played a major role in Rwanda’s turn to restorative justice. First, it quickly became clear that the ICTR was unlikely to try more than a hundred of the most prominent suspects. Meanwhile over 100,000 people accused of human rights crimes languished in Rwandan prisons. It was simply impossible for the country’s decimated justice system to try the huge number of suspects. Authorities admitted that at the present rate of prosecutions, Rwandan courts would take 150 years to try all the suspects. Consequently, in early 2001, the government passed a law establishing the *gacaca* system of a hierarchically organized network of about 11,000 community courts that would try lower level crimes.⁴³

The traditional system of *gacaca* existed from the pre-colonial times into the 1990s. It was used alongside the formal judicial system at the local level, especially in settling family disputes and minor offenses between neighbors. Intended primarily to restore social order, traditional *gacaca* meted out punishments with the intention of restoring harmony between the community and those responsible for discord. Now resurrected to deal with crimes more serious than those

for which it was originally intended, *gacaca* began on a national level in November 2002 and most cells began work in 2003.

Gacaca encompasses three important features of relevance to broader experiments of reconciliatory justice. First, *gacaca* rewards those who confess their crimes with the halving of prison sentences. As a result, 60,238 prisoners have confessed to participating in the genocide. Second, *gacaca* law highlights apologies. Part of the procedure of the traditional *gacaca* system, apology has been maintained in the new variant as an important ingredient to promote reconciliation. Third, reparations to victims is a cornerstone of *gacaca*. Those found guilty must contribute to a compensation fund and/or perform community service. Klaas de Jonge of Penal Reform International applauds this form of direct reparations as it will contribute something tangible to improve victims' lives.⁴⁴

Rwanda's experiments with transitional justice have much to teach us about the strengths and weakness of these structures. International and domestic, retributive and restorative structures are being deployed to address the atrocities of the genocide. Therefore, researchers have an opportunity to probe a number of the practical questions identified above concerning the comparative advantages of each of these approaches. Here, too, we must develop criteria against which to measure these structures' success. How can we measure the degree of justice the ICTR has achieved? How will we know whether *gacaca* leads to individual and/or national reconciliation? Concurrent retributive and restorative justice mechanisms provide fruitful material with which to examine the fundamental question of whether restorative justice is merely "second-best."

In her contribution to this volume, Alana Tiemessen addresses a number of these questions. She reviews the differences between restorative and retributive justice and demonstrates their different norms at work in the *gacaca* and in the International Criminal Tribunal for Rwanda. Using Mark Drumbl's typology of post-genocide societies, she makes the argument in favor of employing restorative justice structures in Rwanda's transition. However, she roundly condemns the political manipulation she observes of *gacaca* by the Tutsi-led government of Rwanda. She argues that "one of the dangers that the Tutsi ethnocracy poses to the success of *Gacaca* is that it serves the government's agenda of assigning collective guilt to Hutus." Tiemessen draws attention to an important weakness of transitional justice structures -- their vulnerability to political manipulations by elites -- and cautions against overly optimistic expectations of the degree to which such structures can bring reconciliation to stricken societies.

Tiemessen notes the problems raised in Rwanda, as in South Africa, from the lack of clear and appropriate measures of reconciliation. She also observes that "the path from justice to reconciliation is not necessarily linear," but rather "is conditioned by two important factors: the relationship between victims and aggressors and the form of power that justice flows from." Unfortunately, she sees these factors in Rwanda as raising "grave concerns for the ability of any kind of justice to contribute to reconciliation."

Sierra Leone

In an attempt to deal with the crimes committed during a long and brutal civil war in which 50-75,000 perished, two million people were displaced, and thousands of civilians were mutilated, Sierra Leone has embarked on a two-pronged process. The persons "who bear the greatest responsibility" for crimes against humanity, war crimes, and other serious violations of

humanitarian law will be tried in a UN-funded Special Court, and others (both perpetrators and victims) were heard in a South African-styled Truth and Reconciliation Commission.⁴⁵ But the two institutions have two very different objectives: the Special Court emphasizes justice through punishment while the TRC promotes reconciliation through a process of truth telling, apology and pardon. As the Registrar for the Special Court put it, there will be punishment for the few masterminds, and forgiveness for the many foot soldiers.⁴⁶

The Sierra Leone Truth Commission (SLTRC), established in July 2002 by an act of Parliament, began gathering statements in December 2002 from citizens of all war time affiliations and commenced public hearings in April 2003.⁴⁷ Its mandate was to create an impartial record of human rights violations committed during the war (1991 to 1999), and to address the conflict's root causes. Its ultimate goal, according to President Tejan Kabbah, was nothing less than "the reconciling of our population."⁴⁸ After many delays, the truth commission's final five volume report was presented to President Kabbah in October 2004. At the time of writing, the report had not been widely disseminated or read.

The SLTRC is a uniquely designed structure. It resembles the South African model in being headed by a religious leader, Joseph Humper, Bishop of the United Methodist Church and President of the Inter-Religious Council.⁴⁹ However, unlike the South African TRC, it has no power to grant amnesty to those who came forward to acknowledge their crimes. Also, as it operated concurrently with the Special Court, there was concern that the Special Court's prosecutor could develop a case from the public truth commission testimony.

Despite the lack of incentives, some perpetrators did in fact come before the TRC. While former combatants hesitated to testify at the early hearings, once it was seen that the Special Court was not interested in subpoenaing them, their numbers increased. Commissioner William Schabas has written that many perpetrators came forward to tell their stories "and in some cases, to ask pardon or forgiveness of the victims."⁵⁰ The vast number of alleged perpetrators – some 70,000 – makes their reintegration vital if reconciliation is to take place. Perpetrator participation was especially important in terms of accountability, because it is unlikely that the Special Court will prosecute more than a dozen suspects. In the end, approximately 13% of individual witness statements before the truth commission came from perpetrators.⁵¹

By August 2003, the TRC had taken 8000 statements from victims, perpetrators, and witnesses. 350 witnesses testified publicly.⁵² Most likely there would have been more hearings, and more witness statements taken, had there been more generous funding for the TRC.⁵³ The TRC was able to facilitate victim-offender mediation in some cases where the victims welcomed it. Each week, a reconciliation ceremony was held where perpetrators and victims could come together. Many of those who acknowledged their crimes were baptized through a special cleansing ceremony and thereby ritually reintegrated into the community.⁵⁴ On the issue of apology and forgiveness, TRC Chair Bishop Humper stated: "We will not expect you [victims] to forget, but we will expect you to forgive. And the message to the perpetrator will be that by our own cultural standard [there is] a duty to express remorse, to confess, and to accept forgiveness. Because forgiveness cannot come on a silver platter."⁵⁵

Compensation for victims is critical to the success of Sierra Leone's truth commission. When witnesses were asked at hearings what they would like the Commission to include in its recommendations, they invariably responded: "free education for our children, access to medical care, adequate housing."⁵⁶ Ideally, Sierra Leone will learn from South Africa's mistake. Despite the recommendation from South Africa's TRC to the government for substantial reparations to

victims, the South African government belatedly awarded only minimal reparations to victims in 2003, embittering many victims who felt they had been used in the name of “nation building” and “reconciliation.”⁵⁷ The Act authorizing the SLTRC requires the government to implement the truth commission’s recommendations, and the commission is authorized to make recommendations regarding the Special Fund for War Victims.

The Sierra Leone case also raises some of the controversial issues identified in this essay. Here again is an opportunity to determine the merit of the transitional justice approach. If the Special Court, as expected, tries less than a dozen individuals, has it achieved more or less than the Sierra Leonean domestic judicial system could reasonably have achieved in the near future? Here also is an opportunity to discuss the practical issues of cooperation between domestic and international actors as well as trials and truth commissions. Finally, of course, careful examination will be needed to determine the degree of justice and reconciliation these bodies bring to the victims of Sierra Leone’s civil war.

Beth Dougherty’s article addresses a number of these questions with an examination of Sierra Leone’s truth commission. She demonstrates the utility of employing Priscilla Hayner’s criteria for a successful truth commission. The first criterion is a process that “encompasses engaging the public, gaining the full participation of stakeholders” and supporting victims and survivors. The second is a product to be evaluated according to “the extent of truth revealed, proposals and recommendations for reform, and the establishment of individual and institutional accountability.” The final criterion is a commission’s “contributions to long-term healing, reconciliation and reform.” Dougherty offers a detailed evaluation of Sierra Leone’s truth commission and finds many shortcomings in its ability both to reach out to and engage the public and to achieve the maximum participation of victims and perpetrators of human rights abuses. Writing before the release of the commission’s final report, Dougherty presents an assessment of the impact of the commission’s public hearings, and identifies criteria against which to evaluate its final report.⁵⁸ She also offers preliminary observations of its contributions to the needs of four major stakeholder groups: women and girls, children, amputees, and ex-combatants.

Dougherty’s article confronts the possibilities and pit-falls of concurrent retributive and restorative justice structures. She analyzes the working relationship between Sierra Leone’s truth commission and the UN-funded Special Court for Sierra Leone, highlighting how both institutions clashed over whether to allow indicted suspects held by the Special Court to testify before the truth commission. Her conclusions should inform policy-makers considering similar structures in other environments.

CONCLUSION

All of the authors in this volume call for modest expectations of transitional justice institutions. Tristan Borer carefully demonstrates that South Africa’s TRC appears to be making a lesser contribution to interpersonal reconciliation than to national unity. Jacobus Du Pisani and Kwang-Su Kim emphasize that the interpretations of “the truth” revealed by a process like South Africa’s truth commission must be regarded as one set of voices among many others. Scholars must continue to pursue broader assessments of a violent past. Alana Tiemessen forcefully argues that both the ICTR and *gacaca* will fall short of hastening full reconciliation which Rwandans need to avoid future violence, but she is hopeful that Rwandans will receive some measure of justice. Similarly, Beth Dougherty notes that Sierra Leone’s truth commission has struggled to fulfill its objectives and appears to have made limited contributions to addressing the

needs of its major stakeholder groups. Amputees, for example, regard reparations as the single most important component of justice for them, but the truth commission can only make recommendations to Sierra Leone's government for appropriate payments for victims. None of the articles that follow argue that these experiments in transitional justice have been irrelevant or total failures, but all do call for modest expectations and rigorous evaluation of the actual results.

NOTES

1. Kritz, 1996, p. 128.

2. Examples of theoretical literature include Allen, 2001; Aukerman, 2002; Biggar, 2001; Kritz, 1995; Minow, 1998; Posner and Vermeule, 2004; Sriram, 2003; Teitel, 2000. See on Rwanda: Akhavan, 1996; Magnarella, 2000; Moghalu, 2002; Neuffer, 2002; Packer 2002. See on Sierra Leone: Evenson, 2004; Gberie, 2003; Haines, 2003; Hall and Kazemi, 2003; Hayner 2004; Schabas, 2003; Schocken, 2002; Tejan-Cole, 2003. See on South Africa: Boraine, 2000; Gibson, 2004; Graybill, 2002; Krog, 1998; Meredith, 1999; Rotberg and Thompson, 2000; Villa-Vicencio and Verwoerd, 2000; Wilson, 1996. Examples of comparative studies include Chapman and Ball, 2001; Graybill, 2004; Hayner, 2001; Laakso, 2003; Lanegran 2003; Linton, 2001; Quinn and Freeman, 2003; Skaar, 1999.

3. Allen, 2001, p. 315.

4. Teitel, 2000; see also Gutmann and Thompson, 2000.

5. Bass, 2000; Lanegran, 2003, 2005; Mertes, 2000.

6. See Biggar, 2001b; Hayner, 2001, p. 88.

7. See Allen, 1999; Aukerman, 2002; Zalaquett, 1995.

8. Evenson, 2004, p. 761.

9. Aukerman, 2002.

10. Hayner, 1994.

11. Hayner, 2001, p. 252.

12. Ibid.

13. Ibid.

14. Allen, 2001; Hayner, 2001.

15. Hamber and Wilson, 2002, p. 36.

16. Gibson, 2004.

17. Aukerman, 2002, p. 39.

18. Orentlicher, 1995.

19. Walsh, 1996.

20. Bass, 2000; Humphrey, 2003.

21. Skaar, 1999, p. 1110.

22. Minow, 1998, p. 5.

23. Evenson, 2004, p. 752.

24. Sriram, 2003, p. 313.

25. Kritz, 1996, p. 148.

26. Kritz, 1996, p. 147.

27. Quinn and Freeman, 2003, p. 1124.

28. Quinn and Freeman, 2003, p. 1147.

29. Graybill, 2005.

30. See Kistner, 1996; Storey, 1997; Tutu, 1999. 77% of South Africans identify themselves as Christians.
31. See Walshe, 1995.
32. Mbiti, 1969, pp. 108-109.
33. Chapman and Spong, 2003.
34. Cited by Meiring, 2000, p. 50.
35. Cited by Hamber, 1999, p. 5.
36. Lodge, 2003, p. 185.
37. 7,094 individuals applied for amnesty; 1,160 were granted amnesty.
38. Mamdani, 2000, pp. 177-8.
39. Some 10,000-30,000 moderate Hutus opposed to the genocide were murdered as well.
40. Cited by Gevisser, 1996.
41. Des Forges, 1999, pp. 245-248.
42. Cobban, 2002.
43. *Gacaca* courts will prosecute cases ranging from property crimes (heard at the smallest, or *cellule*, level) to assaults (heard at the next higher level) through to intentional and unintentional homicides (at the top level). Those accused of sexual crimes or organizing or inciting genocide will be tried in the formal courts if they do not come before the ICTR.
44. Cited in Stockman, 2000, p. 37.
45. No more than 15-30 individuals are likely to be indicted. See International Crisis Group, August 4, 2003, p. 10.
46. Vincent, 2002.
47. There were 4 combatant groups: Revolutionary United Front (RUF), Sierra Leone Armed Forces, Armed Forces Ruling Council (AFRC), and Civil Defense Force(CDF).
48. Adongo, 2003.
49. One of the three international commissioners, Yasmin Sooka, a South African human rights lawyer, served on the SATRC.
50. Schabas, 2003, p. 1051.
51. Hayner, 2004.
52. Ibid.
53. The operating budget for the SLTRC was US \$4.5 million for one year, which came mainly from international donors.
54. Hayner, 2004, p. 5.
55. "Sierra Leone: Truth and Reconciliation," 2003.
56. Schabas, 2003, p. 1046.
57. The government awarded a one-off final reparations grant of R30,000 (US\$ 4200).
58. The truth commission presented its report to President Kabbah in October 2004 when this issue was in its final production phase.

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Reconciling South Africa or South Africans? Cautionary Notes from the TRC

TRISTAN ANNE BORER

Abstract: This article argues that the question “Are South Africans reconciled?” is meaningless unless the sense in which the questioner is using the word reconciliation is made clear. Such questions do not get us far in understanding the truth and reconciliation commission (TRC) as one's interpretation of the term “reconciliation” will necessarily influence one's evaluation of the TRC's work. It argues that the linking of success with reconciliation, in any case, is problematic for two reasons: first, many people tend to confuse “aspiration with empiricism,” and, second, the conflation of truth with reconciliation obscures the many contributions, besides reconciliation, that truth commissions make to society. Finally, it explicates the multiple meanings of the concept of reconciliation, and offers two models of reconciliation in South Africa, Individual Reconciliation (IR), and National Unity and Reconciliation (NUR). It then assesses how these models were manifested in the TRC, especially through its final report. It concludes with examining the implications and consequences of the fact that there are multiple meanings of the word for how the TRC has been, and should be, evaluated.

INTRODUCTION

“How successful was the Truth and Reconciliation Commission?” Antjie Krog, a journalist, claims in her memoir *Country of My Skull*, that this is the question she is most often asked. More specifically, she notes, “the biggest question is whether or not the TRC process achieved reconciliation.”¹ Indeed, the question of whether truth seeking in South Africa resulted in reconciliation is one of the most poignant questions that has emerged from the seven years of work of the world's most prominent truth-telling mechanism: the South African Truth and Reconciliation Commission (hereafter called the TRC).² Even before its work concluded, South Africans, journalists from around the world, architects of potentially similar truth-telling mechanisms in other countries, and scholars of transitional justice began asking variations of the assessment question: Was the TRC a success? What did it achieve? And, most frequently: Are South Africans reconciled? While these questions are natural and to be expected, and indeed extremely important, they are rather easy to ask but somewhat more difficult to answer.

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This article addresses two aspects of the linkage of the TRC's success with the concept of "reconciliation." While evaluation of the contributions of truth commissions in general, including the South African commission, is clearly necessary, the (over)emphasis of doing so by linking success with reconciliation is problematic. First, the article highlights some pitfalls of this linkage. Second, it explicates the multiple meanings of the concept of reconciliation, and assesses how these meanings were manifested in the TRC, especially through its final report, followed by an evaluation of the implications and consequences of the fact that there are multiple meanings of the word that is widely seen as the basis on which the TRC has been and will be evaluated. This article outlines an analytical framework which, hopefully, provides a degree of conceptual clarification which will allow scholars and others to move away from making large, overarching claims that the TRC was (or was not) successful because people in South Africa are (or are not) reconciled. The underlying assumption in this article is that it is not particularly helpful to begin the process of evaluation by asking whether the TRC effected reconciliation because the answers are more complicated than the simplicity of the question suggests, and because such questions do not get us far in understanding the TRC as one's interpretation of the term "reconciliation" will necessarily influence one's evaluation of the TRC's work.

PROBLEMS WITH THE ASSESSMENT QUESTION

Figuring out how to ask and answer assessment questions in a meaningful and productive way is arguably one of the most important tasks that practitioners and scholars of transitional justice can take on. The questions "what is the best way to assess the contributions of a truth commission?" and "how do we assess the success of a particular commission?" must be confronted before any realistic and systematic evaluation of the contributions of truth commissions can be undertaken. The difficulty of this process is pointed out by Timothy Garton Ash who asks, "By what criterion is 'success' to be judged in the first place? Is it Truth? Justice? Reconciliation? Closure? Healing? National Unity? Prevention of future abuses?"³ Further questions follow from Ash's: if it *is* one of these, how would one go about determining the level of reconciliation, or the degree of healing, or how much national unity has been achieved? Yet more questions arise. Two frequent goals of truth commissions include the promotion of a human rights culture and the restoration of the dignity of victims. How do we know a human rights culture when we see it? How do we define human dignity? These questions are difficult and must be grappled with if any meaningful assessment is to be undertaken. To date, the literature on assessing truth commissions has been plagued by two problems. One might be called the "aspiration for empiricism" problem, and the other is the constant reiteration of the causal claim that "truth leads to reconciliation," to the degree that it has now taken on the quality of a truism.

One feature of the assessment literature is what might be called the phenomenon of equating "aspiration with empiricism." Frequently, claims about truth commissions are presented as fact, when, in reality, insufficient empirical work has been done to substantiate them. Priscilla Hayner notes this phenomenon, stating, "Unfortunately, many comfortable assumptions have been restated over and over again in untested assertions by otherwise astute and careful writers, thinkers, and political leaders. . . . Some of the most oft-repeated statements, and those that we perhaps most wish to be true, are due careful scrutiny."⁴ When a statement is repeated often enough (such as, "truth commissions provide healing for victims"), over time it will take on the quality of common wisdom, the evidence for which seems too obvious to mention. The problem, of course, is that in the absence of such evidence, we simply do not know if these "statements of fact" are

indeed that. The exact opposite could also be true: truth commissions might exacerbate anger and pain. More likely, as anecdotal evidence suggests, the reality lies somewhere between these two positions. One explanation for the frequency of unexamined statements might be that people so badly wish them to be true, with the result that these statements tend to have a 'wishful thinking' and declaratory quality to them. In other words, aspirations are often taken for empirical facts. In relation to this, Jonathan Allen asks, "Does anyone really know that truth commissions secure the benefits of healing, catharsis, disclosure of truth, national reconciliation, etc.? It is problematic to confuse aspiration with predictions, to justify truth commissions by means of what amounts to wishful thinking (or at least, not very thoughtful wishing)." In the end, Allen argues, some of the claims concerning the tasks of truth commissions are better understood as moral claims than as empirical statements.⁵ In summary, claims about what transitional justice mechanisms can and cannot deliver too often appear in the form of unqualified axioms and unsubstantiated presuppositions. They are, as Michael Ignatieff writes, "not so much assumptions of epistemology as articles of faith about human nature."⁶

A second problematic aspect of the assessment question in the literature is the linkage of truth with reconciliation. The concepts have become so closely associated that the connection may now be permanently cemented, as the terms "Truth and Reconciliation" are joined in what is increasingly becoming the norm in titling truth commissions. This particular linking of two concepts—truth and reconciliation—has been reiterated so often that it has achieved the status of a truism. James Gibson argues that "truth commissions are based on the assumption that truth, *ipso facto*, can contribute to reconciliation; that learning the truth will somehow convince citizens to put the past behind and move on toward the democratic future."⁷ Likewise, Priscilla Hayner notes: "Does truth lead to reconciliation? This is perhaps the most oft-repeated notion in the territory of truth-seeking."⁸ Jonathan Allen notes that this linkage persists despite the fact that "the thought that reconciliation requires truth is not very plausible as a general empirical rule." [9] The idea that truth is unequivocally linked to reconciliation was given further weight with the adoption of the slogan "Truth: The Road to Reconciliation" by the South African TRC. Soon thereafter came the publication of a well-known book on the South African TRC titled *Reconciliation Through Truth*, coauthored by Kader Asmal, who was intimately involved with the creation of the commission.¹⁰ This Truth à Reconciliation model is so taken for granted that often little attempt is made—beyond the provision of anecdotal evidence—to determine whether it is in fact true, either in general or in specific cases. For at least two reasons, however, this model is probably not the most helpful or sophisticated way of trying to assess the contributions of truth commissions. The first problem with this presumed model is that it conflates success with reconciliation. In other words, the Truth à Reconciliation presumption has become so commonplace that the assessment of the contribution of any particular truth-telling process has become, almost by definition, the presence or absence of reconciliation. In other words, if Truth à Reconciliation becomes the basis of evaluation, then the success question becomes "Are these people reconciled?"¹¹ Reconciliation is no longer one of several possible contributions of truth telling; it becomes the *sine qua non* of assessing success. Priscilla Hayner notes that "the goal of reconciliation has been so closely associated with some past truth commissions that many casual observers assume that reconciliation is an integral, or even primary, purpose of creating a truth commission, which is not always true."¹²

The problems with this conflation are obvious. First, it makes "seeing" reconciliation a prerequisite for evaluating impact. Unless there is a perceived widespread increase in the number of individuals "getting along," a truth-telling mechanism will be deemed to not have contributed

much to a post-conflict society. Of course this inference would undoubtedly be premature, given that reconciliation, however defined (an issue which will be discussed in more detail below), is a very slow process. Second, anecdotal evidence supports both sides of the question on whether people are reconciled. As Jonathan Allen notes, "the evidence seems to be mixed, varying both from country to country and from individual case to individual case."¹³ Sometimes, individual victims report experiencing genuine feelings of "catharsis." Just as often (if not more so), however, they report that feelings of anger and frustration have not diminished in the least. Given this mixed evidence, Allen asserts, "it is doubtful whether any general claims whatsoever can be made about the capacity of truth commissions to secure the claimed benefits, even for individuals."¹⁴ Finally, focusing only on the presence or absence of reconciliation as a basis for assessing contributions of truth-telling mechanisms runs the serious risk of overlooking various other ways in which they *are* successful, or the many contributions they *do* make. If we judge a mechanism by asking whether people are reconciled, we are less likely to be able to say, "this experiment with truth telling made serious contributions to long-lasting peace." And yet, almost every attempt at coming to terms with the past has some accomplishments. It makes little sense to simply pronounce such attempts a failure; it makes more sense to examine what they *have* achieved and where improvements can be made.

In the South African case, variations of the "truth leads to reconciliation" model were obvious throughout the life of the TRC. A few examples should suffice to provide a flavor of the model in the South African context. While commenting on legality of the TRC, Constitutional Court judge I. Mahomed offered his own, lengthy, interpretation of the envisioned model:

Much of what had transpired during the past conflict was shrouded in secrecy. The truth had been concealed and was not easily accessible. The Act sought to address this massive problem by encouraging a public unburdening of grief on the part of the survivors and families of victims so that they could be helped to discover what in truth had happened, and to receive the collective recognition of a new nation that they had been wronged. The truth which was so desperately desired would be more likely to be forthcoming if the perpetrators of past violations were encouraged to disclose the whole truth with the incentive that they would not receive punishment if they did. . . . In the process, families of victims and the survivors would be better enabled to discover the truth; perpetrators would also have the opportunity of relieving themselves of a burden of guilt or anxiety with which they might have been living for many years. In the process the country would begin the process of healing the wounds of the past, transforming anger and grief into an understanding and thereby creating the climate essential for reconciliation and reconstruction.¹⁵

Charles Villa-Vicencio, the director of the TRC's research department, offered his take on the Truth to Reconciliation model much more succinctly: "The underlying principles of the legislation are that imprisonment is not essential. Truth is."¹⁶

On occasion, individuals inside South Africa voiced a certain level of discomfort with the fact that the "TRC Truth will lead to Reconciliation model" tended to be taken for granted more than investigated. One psychiatrist, for example, was concerned that, "there has been far too little genuine debate about the nature of social healing and what surely promotes it."¹⁷ The presentation of the model as fact as opposed to proposition was facilitated by the South African media, as in the following opening sentence of a *Sowetan* editorial: "The principle that only a complete and truthful disclosure of past human rights abuses can guarantee lasting reconciliation is now well established."¹⁸

TWO MODELS OF RECONCILIATION

One reason the Truth à Reconciliation connection is so problematic is because there is no single meaning of the concept of reconciliation. Defining the concept has proven difficult and, despite—or perhaps because of—the proliferation of scholarship on the subject, no single agreed upon definition exists.¹⁹ And although Susan Dwyer's assertion that "curiously, given the frequency with which the term 'reconciliation' is used, no one is saying what it is," might be a slight exaggeration, it is true that the word tends to be used indiscriminately, with authors seemingly presuming that their readers naturally know what they mean by it.²⁰ As a result, seldom is anyone talking about the same thing when using the term. In the South African case, despite the TRC's popularizing of the term, it never provided the country with a clear definition of what it really meant. This is not a problem solely in the popular use of the word among South Africans. The sloppy use of the term plagued South African scholars and even people within the TRC itself. This has at least four consequences: first, people were confused about the goals of the TRC, about what it could and could not realistically deliver. Second, a so-called "reconciled" South Africa will look differently to different people, depending on their understanding of the term. Third, through the linking of the success of the TRC with reconciliation, one's assessment of this success will likely differ depending on one's interpretation of reconciliation. Finally, it is possible that conceptual confusion has led to criticisms of the TRC, which may not be appropriate. The remainder of this article is devoted to addressing these issues surrounding the lack of conceptual clarity about the term reconciliation. It also attempts to enhance this clarification, in an effort to foster a more sophisticated understanding of how to think about the most appropriate way to answer the endless variations of the question "Was the TRC successful?"

It would be almost impossible to believe that reconciliation could be understood as a single concept. Rather, it is a complex concept; one which might be best described as multi-dimensional. Any attempts at defining and measuring it should, therefore, be approached with a certain degree of caution. Still, this attempt must be made, if the accomplishments of the TRC are to be properly understood. One approach to doing this is to think of reconciliation as falling into two distinct and overarching categories. While different scholars use slightly different phrasing, the first type of reconciliation can be called interpersonal or individual reconciliation (IR). Under this interpretation, reconciliation happens to individuals—usually between two people, but sometimes with oneself. The two individuals most often involved are the victim and the perpetrator—although these two terms themselves are in serious need of conceptual clarification. This model thus focuses on the need to reconcile victims and perpetrators of gross violations of human rights. The IR model of reconciliation generally takes one of two forms; it is associated with either a religious paradigm or a medical/therapeutic one.²¹ The medical model emphasizes the healing of individual victims, their experience of catharsis, and/or the restoration of broken relationships. The role of truth telling in these processes is portrayed as that of a caregiver.²² One TRC commissioner, Wynand Malan, called this model the Religious Paradigm, which emphasizes a "religious conversion model of confession, repentance and forgiveness."²³ Wilhelm Verwoerd posits that the "ideal" version of this model would appear as follows: a perpetrator comes forward, expresses remorse for his/her actions, and apologizes for them. The victim accepts this apology and forgives the perpetrator. In the process, both individuals experience a sense of healing. Less desirably, reconciliation can happen in the absence of one of the main actors (i.e., either the perpetrator or the victim). In this case, the individual reconciles

with him/herself, which might best be called "healing." Verwoerd acknowledges that his model is only an ideal, fraught with potential problems: what happens when perpetrators refuse to apologize, or utter insincere apologies, for example?²⁴ Jonathan Allen explains that in this model, there is a tendency towards the use of therapeutic language, the interpretation of terms such as forgiveness and reconciliation along religious lines, and the use of the language of "restoring" personal friendships or relationships.²⁵

This interpersonal understanding of reconciliation is sometimes called "thick" reconciliation which, according to David Crocker, is characterized by "a shared comprehensive vision, mutual healing and restoration, or mutual forgiveness."²⁶ Richard Wilson also uses the thick/thin distinction, noting that elements of thick reconciliation include "confession, forgiveness, sacrifice, and redemption."²⁷ Finally, Jonathan Allen argues that in the IR model, "unity is seen as a 'thick' or direct, face-to-face relationship such as family, kinship, or friendship."²⁸ In sum, those working from an IR model tend "towards the use of therapeutic language, the interpretation of terms such as forgiveness and reconciliation along religious lines, and the use of the language of 'restoring' personal friendships or relationships."²⁹

The language associated with "individual reconciliation" can be found throughout the TRC's final report. In his foreword to the multi-volume report, TRC chairperson Archbishop Tutu asserts that, "the key concepts of confession, forgiveness and reconciliation are central to the message of this report...."³⁰ Moreover, the report highlights that the targets of healing are both victims and perpetrators, either with each other or with themselves. On the healing/therapeutic process of story telling for victims (envisioned as one of the major functions the Human Rights Violations Committee), the report says the following:

Making a statement to the Commission brought relief to some. The experience itself helped to break an emotional silence, started the process of integrating experiences that had been repressed or shut out for years, alleviated feelings of shame, and, in an atmosphere of acceptance, began to restore dignity and self-respect.³¹

One victim reported that he had literally been healed by the process of story telling: "I feel that what has been making me sick all the time is the fact that I couldn't tell my story. But now it feels like I got my sight back by coming here and telling you the story."³² Acknowledging that victims are not the sole objects of healing, the report refers to the healing of perpetrators as well, stating:

A commitment to reconciliation and healing means that the psychological plight of individuals who were involved in the perpetration of gross human rights violations and their families should be acknowledged. Like victims, perpetrators need to be given space to examine their emotional reactions and to reintegrate what has probably been disassociated from their emotional life. . . . Perpetrators share with their victims the potential for and experiences of post traumatic stress disorder.³³

As with victims, the report provides evidence that individual reconciliation did, at times, occur for perpetrators: "the Commission also listened to perpetrators describing in awful detail the acts of terror, assassination and torture that they inflicted on so many over so long a period...."

Encouraging, were the expressions of remorse and a seeking for forgiveness on the part of some of those who applied for amnesty."³⁴

While presented here as a straightforward model of reconciliation between victims and perpetrators, the "individual reconciliation" model is, obviously, rather more complex and multi-dimensional. The different permutations of individuals in need of reconciliation is vast: victims with themselves; perpetrators with themselves; victims with perpetrators; victims with victims, and community members with other community members, to mention but some of the complicated relationships between victims and perpetrators.³⁵ Moreover, there are degrees of interpersonal reconciliation, such as the different forms of apology, from "I'm sorry, please forgive me," to "I accept political and moral responsibility" for my actions. Finally, while the history of apartheid tends to be discussed by the TRC in terms of victims and perpetrators, and quite often portrayed literally as a black and white conflict, as one scholar notes, "this is a misleading version of history and events and eschews the nuances and ambiguities of an often complex, difficult and problematic conflict in which there appear as many perspectives as colours in the new version of the rainbow nations."³⁶ Despite these complexities, there is, I believe, a distinct model of "individual reconciliation," which can be identified in discussions surrounding the TRC; a model with which the following terms are overwhelmingly associated: healing, apology, forgiveness, confession, and remorse.

Simultaneously, a second reconciliation model appears alongside the first in the South African context, one that is distinctly different from the first. Although the term is unwieldy, the second model is best described as "national unity and reconciliation" (NUR). If the first model is associated with either a religious or medical paradigm, the second one is most closely related to a political one. The units of analysis are not individuals in this case, but sociopolitical institutions and processes. As in the first model, different scholars and activists describe NUR slightly differently, although again each description contains the same basic elements. Wynand Malan describes NUR as "a call for a commitment to share a future and for each, in his or her own way, to build towards that future. It calls for a commitment to respect law and the procedures and processes laid down by the Constitution."³⁷ For Jonathan Allen, NUR (although he does not explicitly use this term) consists of several phenomena.³⁸ It includes an understanding that cultural diversity is not to be regarded as a threat but as an asset, or at least as a reality to be accepted rather than engineered away; an acceptance (and even a welcoming) of an element of political discord as a healthy sign; the existence of free institutions, political competition, and the rule of law to mediate political unity; an understanding of political unity in terms of an allegiance to a framework of institutions, laws, and practices that guarantee the negative liberty of individuals; and an insistence that political is compatible with--or even requires--certain kinds of political divisions and disagreements.³⁹ Richard Wilson offers slightly different language for the NUR model in South Africa, one in which "the state should strive to build legitimate and representative state institutions which respect fundamental human rights" and in which it is the state's responsibility to "create a culture of rights based up an inclusive and democratic notion of citizenship."⁴⁰ For James Gibson, one important aspect of NUR is "the development of a political culture that is respectful of the human rights of all people."⁴¹

This approach to reconciliation, unlike the first one, assumes that former enemies are unlikely to agree with each other or even to get along very well. The best that can be hoped for in an NUR process is enhanced peaceful coexistence. In contrast to the thick reconciliation detailed above, the NUR model has been referred to as thin reconciliation, in which "people hear each other out, enter into a give-and-take with each other about matters of public policy, build on

areas of common concern, and forge compromises with which all can live."⁴² Wilson states that unlike the "thick" or religious approach to reconciliation, "thin" reconciliation refers to a secular model.⁴³ As with the first model, the language of NUR appears throughout the final TRC report, such as in the following testimony: "A true human rights culture is a democratic culture. At the heart of a democratic culture is a tolerance of divergent views and understandings of the past, present, and future. . . . National unity and reconciliation is a society with its members relaxed, a nation democratically at peace with itself."⁴⁴

Like the Individual Reconciliation model, the National Unity and Reconciliation model is complex. Both must be thoroughly analyzed and their nuances acknowledged. Within each category—individual versus national—further conceptual clarification is called for. For example, not all forms of national unity would serve the objectives of the TRC. Both authoritarianism and some forms of nationalism claim to place national unity as their highest priority. This is not a national unity which would be fit with the NUR model embraced by the TRC. As Allen states, authoritarian understandings of political unity tend to emphasize the importance of maintaining order in the face of subversive threats, while an increasing trend is evident under some forms of nationalisms: those who do not line up behind the nationalist project are increasingly excised from the national—either through death or forced removals. Both of these interpretations of the concept National Unity regard dissent—collective or individual—as a threat which needs to be combated.⁴⁵ This is clearly *not* the understanding of National Unity in the NUR model, which is most closely associated with the following terms: tolerance, peaceful coexistence, rule of law, democracy, human rights culture, conflict resolution, transparency, and public debate.

The existence of these two different understandings of one concept leads to several questions which must be addressed if we are to properly assess the TRC's contributions towards reconciliation in South Africa. How did the existence of two separate models for reconciliation play out in the work of the TRC? How did the TRC incorporate two fundamentally different models into its understanding of its work? What was the relationship between both models in South Africa: did they coexist side-by-side as parallel processes, or did the two interact in any ways? Finally, what are the consequences of this distinction for the way in which the TRC—and by extension other truth telling mechanisms—will/should be evaluated by scholars?

THE TRC AND THE RECONCILIATION MODELS

The multiple uses of the term reconciliation in South Africa was "not merely the result of an irresponsible and sloppy press or even an uninterested and callous public. Unfortunately, the origins of the confusion lie within the TRC's own inability to maintain conceptual clarity on the subject."⁴⁶ The TRC was established by an act of Parliament, the Promotion of National Unity and Reconciliation Act no. 34 of 1995. This Act grew out of the interim constitution that had been negotiated by various actors as a transitional institution that would allow for a democratic election and the creation of a constitutional assembly, which would ultimately draft a final constitution. In order to understand how the framers of both the interim constitution and the TRC Act interpreted "reconciliation," one therefore needs to examine these documents. Herein lies a problem: neither the interim constitution nor the Promotion of National Unity and Reconciliation Act provides a clear definition of reconciliation, and evidence of both the IR and NUR interpretations can be found in each. Indeed, one encounters this problem right from the beginning: with the Act's title. Should the Promotion of National Unity and Reconciliation be

read as: "National Unity and Reconciliation," which implies the NUR model, or should it more properly be read as "National Unity" and "Reconciliation," which more easily leaves room for both an NUR and and IR interpretation of the concept? Unfortunately, the conceptual vagueness in the title is not clarified in the Act's language. However, the framers' understanding of this term can be gleaned from the section dealing with the objectives and functions envisioned for the TRC (chapter 2, section 3, subsection 1 of the Act). The Act reads, "The objectives of the Commission shall be to promote national unity and reconciliation in a spirit of understanding which transcends the conflict and divisions of the past."⁴⁷ The Act elaborates on this statement by providing four specific objectives and tasks:

- a) Establishing as complete a picture as possible of the causes, nature and extent of the gross violations of human rights which were committed during the period from 1 March 1990 to the cut-off date which became 10 May 1994, including the antecedents, circumstances, factors and context of such violations, as well as the perspectives of the victims and the motives and perspectives of the persons responsible for the commission of the violations, by conducting investigations and holding hearings;
- b) facilitating the granting of amnesty to persons who make full disclosure of all the relevant facts relating to acts associated with a political objective and comply with the requirements of this Act;
- c) establishing and making known the fate or whereabouts of victims and by restoring the human and civil dignity of such victims by granting them an opportunity to relate their own accounts of the violations of which they are the victims, and by recommending reparation measures in respect of them;
- d) compiling a report providing as comprehensive an account as possible of the activities and findings the Commission contemplated in paragraphs (a), (b), and (c), and which contains recommendations of measures to prevent future violations of human rights.⁴⁸

Two observations are immediately obvious. First, reconciliation is never clearly defined in this mandate. None of these four tasks provides any further definition or explanation of either "National Unity" or "Reconciliation." There appears to be an underlying assumption that these four tasks, once completed, will have in some ways contributed toward, or effected, reconciliation in South Africa. How and why this is true is never discussed. The model is stated as a given, rather than as a proposition to be investigated. The second observation is that strands of both the individual reconciliation model and the NUR model can be found in the four stated objectives. Specifically, the third objective (restoring the dignity of the victim) hints at the individual level of reconciliation with its emphasis on individual (especially victim) healing. Still, it is crucial to note that no discussion of apology or forgiveness by perpetrators and victims appears anywhere in this mandate. In contrast, the fourth objective (the prevention of future human rights violations) falls closer in line with the NUR model of reconciliation, with its emphasis on the creation of a human rights culture, and democratic institutions. The consequences of this "mixed" approach to the concept of reconciliation in the very mandate of the TRC are profound, and discussed below.

Despite the TRC's genesis in the interim constitution, the concept of reconciliation is even more vaguely defined there. The Act was created to fulfill the last-minute provision of amnesty attached to the interim constitution in the form of a "postamble," which reads:

The pursuit of national unity, the well-being of all South African citizens and peace require reconciliation between the people of South Africa and the reconstruction of society. The adoption of this constitution lays the secure foundation for the people of South Africa to transcend the divisions and strife of the past which generated gross violations of human rights, the transgression of humanitarian principles in violent conflicts and the legacy of hatred, fear, guilt and revenge. These can now be addressed on the basis that there is a need for understanding but not vengeance, a need for reparation but not for retaliation, a need for *ubuntu* but not victimisation. In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions and offences associated with political objectives and committed in the course of the conflicts of the past. To this end, Parliament under this Constitution shall adopt a law...providing for mechanisms, criteria and procedures, if any, through which such amnesty shall be dealt with at any time after the law has been passed.⁴⁹

As the sole purpose of the postamble was to provide amnesty for past offenses, "perhaps not surprisingly it does not go into depth about what is meant by the term 'reconciliation'—the three references to the term explain nothing beyond that it is 'required,' 'needed,' and that the granting of amnesties will somehow 'advance' it."⁵⁰ Nothing else is said concerning reconciliation, what it means, and how it is to be achieved. The only objective for achieving this provided here is amnesty, and it is not until the TRC Act, the mechanism adopted for granting amnesties, that other potential methods are fleshed out. This passage epitomizes the promulgation of a model for achieving reconciliation in which the core concept is not defined, nor the mechanism tested. Noah Silverman states, "The etiology of the concept 'reconciliation' in the TRC's two principal founding documents demonstrates the vague objectives bequeathed to the commissioners. While they valiantly strove for clarification, they achieved little by way of standardization."⁵¹

The TRC, once constituted, was left to its own devices to wrestle with both the definition of the term and how to structure its work to best facilitate it. And the TRC did, in fact, spend considerable energy attempting to define and operationalize the concept. The fruits of this labor are most evident in its almost 3500-page five-volume final report. While a discussion of reconciliation can be found throughout the report, the Commission's own understanding is made most explicit in three sections. The most detailed analysis is provided in the thirty-page chapter entitled "Concepts and Principles" (volume one, chapter five). The section on reconciliation opens with the statement that "the interpretation of this concept was highly contested."⁵² Despite this acknowledgment, or perhaps because of it, the report sidesteps any serious grappling with these contestations, referring instead to two "essential elements" of the concept: that reconciliation is both a goal and a process; and that there are different levels of reconciliation. Four "levels" are identified: with one's-self, between victims and perpetrators, within a community, and at a national level. One can glean some insight into the TRC's emerging understanding of the multi-dimensionality of the concept in these levels. The first level is concerned primarily with closure, i.e. "the reconciliation of victims with their own pain" or of perpetrators "with their guilt and shame."⁵³ The second level is concerned with "forgiveness and

healing" between victim and perpetrator. The third level argues that reconciliation is not only necessary between "the oppressed black population and the state," as there is also a real need for intra-community reconciliation. The fourth level raises the difficult issue of "reconciliation between those who benefited from the past and those who continue to be disadvantaged by past discrimination."⁵⁴

One can infer elements of both models in the discussion of these various levels. For example, the first level of reconciliation is "coming to terms with the painful truth," in which the disclosure of truth helps people to reach closure and to make peace with their past. Victims become reconciled with their own pain and perpetrators come to terms with their guilt and shame.⁵⁵ The IR model is also exemplified by the second level in which victims and perpetrators reconcile with each other. The NUR model is evidenced in level four, the national level, in which the report states: "the most the Commission could and should hope for, at least in the short term, was peaceful co-existence. Thus, a healthy democracy does not require everyone to agree or become friends. However, a culture of human rights and democracy does require respect for our common human dignity and shared citizenship as well as the peaceful handling of unavoidable conflicts."⁵⁶

While the delineation of "levels of reconciliation" is a step towards acknowledging that the concept is indeed complex and multi-dimensional, the understanding of reconciliation offered by the TRC did little to clarify the distinction between the two models of reconciliation. Moreover, rather than helping to clarify the concept, this delineation may well have hurt it, because the two models of reconciliation are presented as a matter of scope, as opposed to a difference in type. In other words, the TRC's discussion of reconciliation implies simply an increase in the number of people--from an individual (oneself) to two individuals (victim and perpetrator) to a group of individuals (the community) to the nation. However, as noted below, the two models of reconciliation (the individual and the NUR) cannot be seen in such an additive way; and that they may, in fact, be fundamentally opposed to each other.

Thus, while an explicit discussion of reconciliation occurs in the "Concepts" chapter, the discussion provided there did not exactly settle the muddy waters in which the concept is floating around in South Africa. The second place where the TRC provides insight into its understanding of reconciliation is the 45-page chapter on "Recommendations," (volume five, chapter eight). These recommendations were issued as part of its mandate and were aimed at various sectors of society, including primarily the government, but also the faith and business communities, among others. As these recommendations are specifically aimed at achieving reconciliation in South Africa, these sections serve as a guidepost for the TRC's understanding of how this might occur. And here an important development must be noted: while a few recommendations are offered for the achievement of individual reconciliation, the overwhelming emphasis of the recommendations is the promotion of national unity and reconciliation. This emphasis was made clear in the chapter's introduction which indicates that what would follow would be a "series of recommendations related to specific areas of the public and private sectors that the Commission believes could assist in the consolidation of democracy and the building of a culture of human rights."⁵⁷ And, indeed, the recommendations which follow are primarily aimed at "the creation of a human rights culture" and the transformation of many institutions, including legal and judicial institutions, prisons, the health system, and the security forces. This is not to say that no attention is paid to the individual level of reconciliation. The chapter does contain a smattering of references to such language as apology and forgiveness, healing and rehabilitation, and the dignity of victims. Still, in this particular chapter, these references are few and far between in

relation to the language associated with the NUR model, as evidenced in the chapter's conclusion, in which the TRC states: "For reconciliation to develop, it is imperative that democracy and a human rights culture be consolidated. Reconciliation is centered on the call for a more decent, more caring, and more just society."⁵⁸ In both its introduction and its conclusion to this chapter, the TRC's focus remains on the NUR model of reconciliation.

It is a striking, then, to note that the final section in which the TRC reveals its understanding of reconciliation—the 85-page chapter entitled "Reconciliation" (volume five, chapter nine)—is marked by a singular emphasis on the individual model of reconciliation. The contrast is made more striking by the fact that this chapter immediately follows the one containing recommendations. The focus of the chapter, the introduction states, is to "underline the vital importance of the multi-layered healing of human relationships in post-apartheid South Africa: relationships of individuals with themselves; relationships between victims; relationships between survivors and perpetrators; relationships within families; between neighbours...."⁵⁹ Indeed, the third paragraph of the chapter contains all of the following concepts associated with individual reconciliation: healing, dignity, forgiveness, apology, restitution, and the rebuilding of relationships.⁶⁰ The chapter then proceeds to discuss the TRC's reconciliation work almost exclusively in language associated with individual reconciliation, such as in the following passage:

Extracts from testimonies before the Commission illustrate the varying ways and degrees in which people have been helped by the Commission to restore their human dignity and to make peace with their troubled past. They include cases where an astonishing willingness to forgive was displayed, where those responsible for violations apologised and committed themselves to a process of restitution, and where the building or rebuilding of relationships was initiated.⁶¹

To underscore this individual interpretation, the chapter draws heavily on the transcripts of testimonies in which individuals discuss the impact the TRC has had on their personal lives, such as the following quote from a former conscript: "The Commission has deeply affected my life in a short space of time. . . . It has begun a healing process in all sorts of relationships in my family and has enabled me to begin on my own road to inner healing."⁶² With subheadings titled "Towards the Restoration of Human Dignity: Victims," "Towards the Restoration of Human Dignity: Perpetrators," "Forgiveness," "Apologies and Acknowledgments," "Towards Reconciliation Between Victims/Survivors and Perpetrators," and "Reconciliation without Forgiveness," the attention paid to an understanding of reconciliation that incorporates the NUR model is negligible; indeed, one finds scant acknowledgment in this chapter of the existence of this alternative understanding.

In sum, the TRC was given little guidance from either the interim constitution or its founding act on how to interpret the core concept at the foundation of its mandate: promoting reconciliation in South Africa. The Commission therefore had to develop its own understanding of reconciliation. However, throughout its writings, the TRC never provided a clear definition of the concept. Moreover, it tended to take a "mix and match" approach to the different interpretations of reconciliation. While the Commission was aware that two distinct interpretations of reconciliation co-existed in its work, it had a tendency to move back and forth between them, at times almost conflating their difference by referring to aspects of both in one discussion (as in the "Concepts" chapter), and at other times seeming to ignore the existence of one by an over-emphasis on the other (as in the "Recommendations" chapter, as opposed to the "Reconciliation" chapter, and vice versa).

IMPLICATIONS OF THE TWO MODELS FOR ASSESSING THE TRC

One major implication of this inconsistent, sometimes sloppy use of this term is that it has affected the ways the TRC has been judged. As detailed above, the TRC gave mixed messages to the public regarding its own understanding of the institution's work. Archbishop Desmond Tutu, the Commission's chairperson and the international symbol of the TRC, more often than not invoked the individual reconciliation model, with its emphasis on apology and forgiveness. In his foreword to Commission's final report, Tutu set the tone for what would follow. He writes, "The key concepts of confession, forgiveness and reconciliation are central to the message of this report."⁶³ Time and again, when talking about the work of the TRC and his visions for a future South Africa, Tutu used such language as "On the whole we have been exhilarated by the magnanimity of those who should be rights be consumed by bitterness and a lust for revenge; who instead have time after time shown an astonishing magnanimity and willingness to forgive. It is not easy to forgive, but we have seen it happen....Dear fellow South African, please try to bring yourselves to respond with a like generosity and magnanimity."⁶⁴ Others affiliated with the TRC, however, spoke from an NUR understanding of the TRC. Then-Minister of Justice Dullah Omar, introducing the Promotion of National Unity and Reconciliation Act to Parliament portrayed the TRC as a pathway which would "commence the journey towards a future founded on the recognition of human rights, democracy and peaceful coexistence, and development opportunities for all South Africans irrespective of colour, race, class, belief or sex."⁶⁵ And, despite the fact that the TRC acknowledged that a "potentially dangerous confusion" existed between "a religious, indeed Christian, understanding of reconciliation, more typically applied to interpersonal relationships, and the more limited, political notion of reconciliation applicable to a democratic society," the TRC itself contributed to this confusion.

As the TRC itself noted, this confusion was "potentially dangerous." Why? First, the coexistence of two distinct understandings of reconciliation has consequences for the evaluation of the TRC. The two definitions of reconciliation may, in fact, be fundamentally at odds with each other, making their indiscriminate use even more problematic. The IR (or thick understanding) model of reconciliation is predicated on a notion of overcoming divisions and disagreements; it is a model that envisions harmony. By contrast, the NUR (or thin) approach to reconciliation assumes that political disagreement and conflict are intrinsic to politics and that an element of political discord is to be accepted and even welcomed as a sign of a healthy society.⁶⁶ In sum, one approach to reconciliation requires people to get along; the other assumes they won't. The two models may well stand in tension with each other as societies ask their citizens to try to reach closure on their pasts for the sake of national unity. Michael Ignatieff warns against foreclosing individual reconciliation in the name of national unity, saying that societies who use truth-telling mechanisms to indulge in the illusion that they have put the past behind them in fact do little more than foster false reconciliation, which in the end will result in more harm than good.⁶⁷

Second, the multiple uses of the term reconciliation in South Africa set up a disjuncture in how the work of the TRC was viewed, a discrepancy which is currently being played out in discussions of how one is to judge the "success" of the TRC. The disjuncture is this: Archbishop Tutu became perhaps *the* overwhelming symbol of the TRC. Images of him in his flowing purple robe, exhorting Winnie Mandela to apologize were beamed around the world. As a result, the popular equation of the TRC with Archbishop Tutu emerged, not just in South Africa, but internationally. With his rhetoric of reconciliation, which included a notion of confession and

forgiveness, many people came to expect that this level of reconciliation would be delivered by the TRC. This dynamic was explained by Anglican Reverend Rowan Smith, Dean of St. George's Cathedral in Cape Town: "when the Chairperson appears in his cassock and wearing a crucifix . . . it seems almost to indicate that this is the way in which one must understand truth and reconciliation. I don't think it is his purpose to do that, it's simply who the person is."⁶⁸ However, there is ample evidence, as detailed above, that the framers of both the interim constitution and the Promotion of National Unity and Reconciliation Act had in mind a notion of reconciliation that more closely resembled the NUR model. Nowhere does the act lay out an expectation of individual apologies or acts of forgiveness, for example. The influence and symbolism of Archbishop Tutu, then, unintentionally fostered an expectation of the TRC in which an individual sense of reconciliation could result, with its accompanying notions of apology and forgiveness. In contrast, however, the framers of the Act had in mind a vision of the TRC's potential contributions which relied not on an individual sense of reconciliation but on a national, more political, one.

There is an ironic consequence to this disjuncture: The TRC is most likely to be judged in a way that makes it least likely to appear successful. In other words, whereas many people tend to view the TRC through a lens of interpersonal reconciliation, the TRC's contribution is far more likely to occur in the realm of National Unity and Reconciliation, because its mandate covered this area and because individual reconciliation cannot be legislated. While individual reconciliation may be the ideal, judging the TRC by its ability to deliver this outcome may not be fair. As Charles Villa-Vicencio has argued, contrition cannot be imposed, and forgiveness, even when it is possible, is rarely more than a first step. Rather, "peaceful co-existence, governed by a culture of human rights and the dismantling of the structures that made human rights violations not only possible but often inevitable, is perhaps more important, at least for the present, than forgiveness and reconciliation."⁶⁹ It is at this level of reconciliation that questions of the TRC's success are most appropriately asked.

This disjuncture is yet more ironic because the TRC was the first to acknowledge its own limitations and shortcomings in terms of being able to provide healing and individual reconciliation. Krog notes that "in terms of repairing and healing the trauma of the victims, the TRC itself was the first to declare that this was, singularly, its biggest failure."⁷⁰

CONCLUSION

Clearly the answer to the question so often posed to Antjie Krog—"Did the TRC process achieve reconciliation?"-- is almost meaningless unless the sense in which the questioner is using the word reconciliation is made clear. Scholars have only recently begun to undertake empirical assessments of truth commissions. Assessing outcomes was not possible until enough empirical data about "experiments" with truth telling were available. Although it undoubtedly will take decades to fully understand the impact of the TRC and its contributions to post-apartheid South Africa, it is not too early to begin refining how to ask the "success" question. Disaggregating "reconciliation" into its individual and political dimensions is one step in that process. More importantly, understanding the TRC's impact—in terms of reconciliation, for example—will require the clear and consistent usage of the term by those evaluating it in order to avoid the perpetuation of competing and often contradictory interpretations. The continual slippage between different meanings of the concept will only serve to "frustrate the potential of appropriating and implementing the positive outcomes gleaned from the TRC's work."⁷¹ Silverman states that "There is nothing wrong with multidimensional or multilayered

conceptualizations for, indeed, reconciliation is a multifaceted concept. The crux of the issue is navigating between multiple understandings of reconciliation in such a way as to maintain conceptual intelligibility.”⁷² Reconciliation is but one concept in need of clarification before the contributions of the truth commissions in general can be fully understood. Almost every concept associated with truth commissions, including truth, justice, forgiveness, national unity, and human rights, among many others, could stand more rigorous scrutiny.

Although it may well be too early to determine how much reconciliation the TRC achieved, either in terms of individual or national reconciliation, early evidence suggests that it succeeded and failed on both levels. In terms of individual reconciliation, one could not help but be moved by the powerful instances of healing for victims or interpersonal reconciliation between victims and perpetrators. The ability to forgive was sometimes astounding, as in the case of the widow of a disappeared activist husband who found out through the TRC process that he had been kidnapped and killed, his body roasted over a fire for six hours, and his ashes dumped into a river. After the TRC hearing, she declared, “Don't we want peace for South Africa? How are we going to find peace if we don't forgive? My husband was fighting for peace for all of South Africa. How can you correct a wrong with a wrong?”⁷³ On the other hand, the painful struggle for forgiveness was often equally evident at the TRC, such as in the case of one mother of an ANC comrade who was drugged by security police and pushed off a cliff in a van to his death stated, “I will never forgive them. I want to see them dead like our children.”⁷⁴ Despite the fact that some Commissioners expressed that “our biggest regret is that we failed the victims,” the Commission deserves credit for having changed the lives of those who were able to forgive and apologize and for those whose experiences with the Commission did result in healing, its lack of an explicit mandate to do so notwithstanding.⁷⁵

In terms of the more political interpretation of reconciliation, the evidence is similarly mixed. Krog registers her concerns about such NUR qualities as transparency and the rule of law: “As time has passed, it has become clear that old habits die hard. . . . While the TRC was exposing the horror of the country's death row, the population was baying for the reinstatement of the death penalty. Switching on the radio in the middle of a bulletin, it is sometimes difficult to make out whether the story of torture is relating a historical occurrence or reporting current news.”⁷⁶ All in all, however, Krog is optimistic about the state of national unity in South Africa. While individual reconciliation may not be present in abundance, she argues, “what we do see daily is reconciliation as one of the most basic skills applied in order to survive conflict.”⁷⁷ Most importantly, she notes, in terms of both individual and national reconciliation, “the goal is not to avoid pain or reality, but to deal with the never-ending quest of self-definition and negotiation required to transform differences into assets. Reconciliation is not only a process. It is a cycle that will be repeated many times.”⁷⁸

NOTES

1. Krog 1998, pp. 384-85.
2. The TRC was signed into law by President Nelson Mandela on July 19, 1995. The Commission's final report was handed to President Mandela on October 29, 1998. The Commission was officially closed on March 28, 2002, although some outstanding amnesty applications were heard until early 2003.
3. Garton Ash 1997, p. 36.

4. Hayner 2001, p. 6.
5. Allen 1999, pp. 316-17.
6. Ignatieff 1996, p. 110.
7. Gibson 2001, p. 1 (*italics in original*).
8. Hayner 2001, p. 6.
9. Allen 1999, p. 317.
10. Asmal, Asmal, and Roberts 1996.
11. How does one know, for example, that the South African TRC was successful? By asking the question, "Are South Africans Reconciled?", as the BBC did in a special report in 1998 after the TRC submitted its interim report to parliament. See BBC Online Network 1998.
12. Hayner 2001, p. 30.
13. Allen 1999, p. 316.
14. Allen 1999, p. 316.
15. *Constitutional Law Reports* 1996, p. 1017.
16. Villa-Vicencio 1998a, p. 411.
17. *Truth and Reconciliation Commission of South Africa Report* 1998, vol. 5, p. 356 (hereafter referred to as *TRC Report*).
18. Quoted in *TRC Report*, vol. 5, p. 434.
19. Within the field of transitional justice, the scholarship on reconciliation is vast, and growing. Examples include Bronkhorst 1995, Lederach 1997, Lederach 1999, Rigby 2001, and Bloomfield, Barnes and Huyse, 2003. Scholarship on the concept of reconciliation in South African-specific context has been prolific as well, and include, for example, Battle 1997, Connor 1998, Graybill 2002, and Gibson 2004. For Lederach, reconciliation is actually a place where truth, mercy, justice, and peace intersect. Lederach 1997, p. 29. In a much more rigorous social-scientific manner, Gibson—writing from the South African context—divides the concept into four subconcepts, including interracial reconciliation, political tolerance, support for the principles of human rights, and legitimacy. He then further defines each subconcept. Gibson 2004, p. 4. However one of the major arguments of this article is that, more often than not, the concept is left undefined by scholars.
20. Dwyer 1999, p. 82.
21. These are obviously broad categories, with nuances as well as disagreements within each group.
22. Martha Minow explains this "healing" approach in relation to the study of truth commissions: "advocates of truth commissions argue that telling and hearing narratives of violence in the name of truth can promote healing for individuals and for society." Minow 2000, p. 241. The healing metaphor is sometimes applied to a country as a whole. Tina Rosenberg, for example, finds "striking parallels" between truth commissions and the therapeutic process of dealing with victims of post-traumatic stress disorder. She adds further that, "if the whole nation is suffering from post-traumatic stress disorder, this process would be appropriate for the whole nation." Rosenberg, quoted in Steiner, ed. 1997, pp. 24-25.
23. *TRC Report*, vol. 5., p. 442. The religious model of reconciliation, while found extensively in the literature, is perhaps best summarized in and is the sole focus of, the edited volume by Raymond G. Helmick, S.J., and Rodney L. Petersen, eds. (2001).
24. Verwoerd 1999.
25. Allen 1999, p. 349.
26. Crocker 2000, p. 108.

27. Wilson 2001, p. 122.
28. Allen 1999, p. 341.
29. Ibid., p. 349.
30. *TRC Report*, vol. 1, p. 16.
31. Ibid., p. 367.
32. *TRC Report*, vol. 5, p. 352.
33. Ibid.
34. *TRC Report*, vol. 5, p. 307.
35. In relation to community members, the report notes, "the difficult challenge of reconciliation within black communities: between those who fought against the apartheid system and those who were seen as 'collaborators' because they participated in state structures (black councillors) or helped to enforce the apartheid system (black police, 'kitskonstabels')". *TRC Report*, vol. 5, p. 362.
36. For an analysis of the concepts of victims and perpetrators in the context of the South African TRC, see Borer 2003.
37. *TRC Report*, vol. 5, p. 443.
38. Allen refers to three separate types of political unity that correspond to the concept of NUR used here: civic republicanism, pluralist constitutionalism, and liberal constitutionalism. For a detailed discussion of each, see Allen 1999, p. 20.
39. Allen 1999, p. 341.
40. Wilson 1996, pp. 5-6.
41. Gibson 2001, p. 12.
42. Crocker 2000, p. 108.
43. Wilson 2001, p. 121.
44. *TRC Report*, vol. 5, p. 412.
45. Allen 1999, pp. 339-40.
46. Silverman 2004, p. 3.
47. *TRC Report*, vol. 1, p. 55.
48. Ibid.
49. Ibid., vol. 1, p. 103.
50. Silverman 2004, pp. 4-5.
51. Ibid, p. 7.
52. *TRC Report*, vol. 1, p. 106.
53. Ibid., p. 107.
54. Ibid., p. 109.
55. Ibid., p. 107.
56. Ibid., p. 108.
57. *TRC Report*, vol. 5, p. 305.
58. Ibid., p. 349.
59. Ibid., pp. 350-51.
60. Ibid., p. 350.
61. Ibid., p. 350.
62. Ibid., p. 353.
63. *TRC Report*, vol. 1, p. 16.
64. Ibid., p. 18. Tutu's almost exclusive focus on religious symbolism did not always sit well within the Commission and among Commissioners. It was one reason Commissioner Wynand

Malan insisted on writing a minority report to accompany the final (majority) report. In his report, Malan notes, "The danger of applying religious frames to phenomena in general should not be underestimated. . . . Unfortunately, expectations of particular behaviour determined by a religious frame, were once again imposed on communities seen as actors in the conflict." *TRC Report*, vol. 5, pp. 439 and 442. See also Silverman 2004, pp. 13-14.

65. *TRC Report*, vol. 1, p. 48.

66. Allen 1999, p. 341.

67. Ignatieff 1996, p. 110.

68. "Transforming Society Through Reconciliation: Myth or Reality?," 1998.

69. Villa-Vicencio 1998b, p. 2.

70. Krog 1998, p. 385.

71. Silverman 2004, p. 2.

72. *Ibid.*, p. 19.

73. Quoted in Hayner 2001, p. 3.

74. Quoted in Wilson 2001, p. 140

75. Krog 1998, p. 373.

76. Krog 1998, p. 378.

77. *Ibid.*, p. 385.

78. *Ibid.*, p. 386.

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**Searching for Answers:
Sierra Leone's Truth & Reconciliation Commission**

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Abstract: This article examines the creation and operation of the Sierra Leone Truth and Reconciliation Commission and offers an assessment of its work to date. Despite the brutal atrocities committed during the decade-long conflict, the 1999 Lome Peace Agreement granted a full amnesty to all sides. The TRC was established as an accountability mechanism, and tasked with investigating and reporting on the causes, context and conduct of the war and with offering both victims and perpetrators a public forum in which to relate their experiences. During a multi-phase process in 2002-2003, the TRC collected over 9,000 statements and conducted reconciliation activities. However, the TRC lacked adequate funding and suffered from serious mismanagement and staff recruitment problems. Its relationship with the contemporaneous Special Court for Sierra Leone ran into difficulties at the end of 2003 that bruised both institutions. The TRC successfully gained the participation of major stakeholder groups—women and girls, children, amputees and ex-combatants—but its larger impact on society remains to be seen. The TRC's contribution to peace and reconciliation in Sierra Leone rests on its final report, which is months overdue.

Sierra Leoneans suffered through a brutal ten-year war marked by the commission of appalling atrocities. The rebel Revolutionary United Front (RUF) and the military junta Armed Forces Revolutionary Council (AFRC) committed the most egregious abuses, including the widespread use of purposeful amputation, but the pro-government forces—the Civil Defense Forces (CDFs) and the peacekeeping troops of the Economic Community of West African States Cease-fire Monitoring Group (ECOMOG)—also perpetrated violations of humanitarian law. Indiscriminate killing, rape and sexual slavery, the use of children as combatants, and arson were widespread tactics in a war of terror mainly directed at civilians. By the war's end in January 2000, an estimated 50-75,000 people were dead, two million had been displaced, tens of thousands of women and girls had been raped or forced into sexual slavery, thousands of children had participated in the fighting, and some 4,000 people had been the victims of purposeful amputation. The scars of the war are evident. Sierra Leone ranks last (177/177) on the Human Development Index, the result of high infant, child and maternal mortality rates, an illiteracy rate estimated at 80%, extremely low enrollments in school at all levels, and extreme poverty, with

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75% of the population living on two dollars a day or less. Most starkly, the average life expectancy at birth in Sierra Leone is 34.3 years.¹

Sierra Leoneans are still struggling to come to terms with the calamity that befell them, asking two simple, yet momentous questions: Why Sierra Leone? What went wrong?² One facet of the effort to get at the answers is a truth and reconciliation commission, which has been given the enormous task of not only allowing victims and perpetrators to tell what happened, but to uncover *why* it happened. It is hoped such a process can promote societal reconciliation and offer recommendations to prevent violence from occurring again.

This article offers an assessment of the work of the Sierra Leone Truth and Reconciliation Commission (SLTRC) to date. First, it examines critical elements of the establishment of the SLTRC, including its mandate, the role of civil society and international actors, staffing and management, funding, and relationship with a contemporaneous transitional justice institution, the Special Court for Sierra Leone (SCSL). It then assesses the success of the SLTRC, using the criteria established by Priscilla Hayner in her groundbreaking comparative study of truth commissions: process, product and impact.³ Process encompasses engaging the public, gaining the full participation of stakeholders, and how supportive the work is to victims and survivors. The product of the SLTRC is its public hearings and its written report, and these can be evaluated according to the quality and nature of the product, the extent of truth revealed, proposals and recommendations for reform, and the establishment of individual and institutional accountability. Finally, the impact of the SLTRC's work is considered, focusing on the commission's contributions to long-term healing, reconciliation and reform. Because the SLTRC's report has yet to be published, this evaluation will focus on the establishment and process, while highlighting important factors that will affect the SLTRC's report and legacy.

THE ESTABLISHMENT OF THE SLTRC

The SLTRC has its origins in the Lome Peace Agreement, signed on 7 July 1999. The agreement provided for a cessation of hostilities, the disarmament, demobilization and reintegration (DDR) of combatants, and the conversion of the UN observer force in Sierra Leone to the United Nations Mission in Sierra Leone (UNAMSIL), a 6,000 troop peacekeeping force. Its most controversial provision extended a blanket amnesty, included at the insistence of the RUF and with little discussion of the issue.⁴ Article IX granted an "absolute and free pardon" to RUF leader Foday Sankoh specifically and to "all combatants and collaborators" for "anything done by them in pursuit of their objectives, up to the time of the signing of the present agreement."

The amnesty provision provoked immediate controversy. At the last minute, the UN representative attached a reservation to his signature, stating that amnesty shall not apply to those who had committed international crimes of genocide, crimes against humanity or war crimes and other serious violations of international humanitarian law.⁵ Human rights advocates deplored the free pass, angrily pointing to the horrific abuses committed by all sides. But the amnesty provision had been approved by some 200 representatives of civil society at a national conference in March held in order to achieve a consensus on terms for an agreement. The signatories defended the amnesty on practical grounds, arguing that they had no choice but to agree to the amnesty because otherwise the RUF would not have signed the deal.⁶

The human rights community, which had actively promoted a truth commission in the run-up to the Lome negotiations, did succeed in ensuring some measure of accountability. Article XXVI

established a Truth and Reconciliation Commission, to commence operations within 90 days of the signing of the agreement, and to submit its report and recommendations within a year. The mandate of the TRC was “to address impunity, break the cycle of violence, provide a forum for both the victims and the perpetrators of human rights violations to tell their story, and to get a clear picture of the past in order to facilitate genuine healing and reconciliation.” Beyond this, the Agreement provided no details, leading one commentator to note “It appears as if it [the TRC] were added as an afterthought in the hopes that its mere presence would compensate for the amnesty.”⁷

Within weeks of Lome, and with the blessings of President Ahmad Tejan Kabbah, the UN Office of the High Commissioner for Human Rights (OHCHR) started the process of establishing the SLTRC. Recognizing the importance of transparency and consultation in ensuring Sierra Leonean ownership of the commission, it widely circulated a draft statute in Sierra Leone and among international experts for recommendations and comments, before submitting the draft statute to the Sierra Leonean government in December 2000.⁸

The parliament passed the implementing legislation for the TRC in February 2000. In order to fulfill the objectives laid out in Lome, the commission was tasked:

To investigate and report on the causes, nature and extent of the violations and abuses [related to the armed conflict in Sierra Leone] to the fullest degree possible, including their antecedents, the context in which those violations and abuses were the result of deliberate planning, policy or authorization by any government, group or individual, and the role of both internal and external factors in the conflict:

To work to help restore the human dignity of victims and promote reconciliation by providing an opportunity for victims to give an account of the violations and abuses suffered and for perpetrators to relate their experiences, and by creating a climate which fosters constructive interchange between victims and perpetrators, giving special attention to the subject of sexual abuses and to the experiences of children within the armed conflict.⁹

The collapse of the Lome Agreement in May 2000 delayed the establishment of the SLTRC for two years. An interim secretariat was finally named in March 2002, and the commission's official inauguration took place in July.

The SLTRC's statute reflected lessons learned from earlier truth commissions.¹⁰ It was given a three-month preparatory period for logistical and administrative matters so that these would not eat into its official life-span, a deadline of one year, with the possibility of a six-month extension, broad investigatory powers including subpoena and search and seizure, and the government was required to implement its reforms. It explicitly recognized the need to hear women's voices and to explore the role of children as both victims and perpetrators.

The involvement of civil society is generally seen as critical to the success of a truth commission.¹¹ In Sierra Leone, local nongovernmental organizations (NGOs) and human rights activists not only pushed for the SLTRC's creation, but also maintained interest during the delay in setting it up and helped with important tasks such as sensitization. The international community likewise was deeply involved and brought to bear resources the commission otherwise would not have had. OHCHR played an unprecedented role, involving itself in “every

phase of the development” of the commission.¹² Among other activities, OHCHR helped write the statute, directed funding appeals and controlled 95% of the SLTRC’s budget, carried out a public information campaign, conducted a preliminary identification of the commission’s staffing and logistical requirements, and provided technical and administrative support for the interim secretariat.¹³ It also funded several important background and sensitization activities, including a mapping of the conflict by the local NGO Campaign for Good Governance, research by another local NGO Manifesto 99 identifying traditional methods of conflict resolution and reconciliation, and follow-up activities designed to foster reconciliation and disseminate the SLTRC’s report.¹⁴ This represented OHCHR’s “first substantial undertaking in support of a transitional justice mechanism anywhere in the world.”¹⁵

Two other UN groups were deeply involved in the workings of the SLTRC. Because OHCHR is based in Geneva, the United Nations Development Program (UNDP) and UNAMSIL acted as its in-country implementing arms. UNAMSIL also provided logistical assistance to the SLTRC, and its human rights and public information sections played particularly valuable roles in supporting and promoting the commission’s work.

Similar to the arrangements in Haiti and Guatemala, the SLTRC had a mix of international and national commissioners, which allows “national familiarity and international expertise to complement one another.”¹⁶ In keeping with a desire to ensure the broadest possible measure of participation, a public nomination process was used to identify possible national commissioners. A panel then selected the finalists, and the UN Special Representative to Sierra Leone forwarded four names to Kabbah for official appointment. OHCHR nominated the three international commissioners, two of whom had significant transitional justice experience. Bishop Joseph Humper was named the commission’s president, and Yasmin Jusu-Sheriff was appointed as Interim Executive Secretary.¹⁷

However, some questioned the transparency and fairness of the hiring process, the “strong and direct ties” of the national commissioners and of Jusu-Sheriff to the ruling Sierra Leone People’s Party raised concerns about the independence of the commission.¹⁸ Newspaper reports claimed that Kabbah had rammed through the appointment of Jusu-Sheriff, even though another candidate had been recommended by the nominating committee.¹⁹ Jusu-Sheriff would become a lightning rod, with critics charging her with incompetence, while supporters saw her a scapegoat for the commission’s failings.

The SLTRC was plagued by serious mismanagement and staff recruitment problems in its preparatory phase, which lasted from July-October 2002. In typically understated language, OHCHR reported that “the interim secretariat experienced difficulties in providing the necessary administrative and operational support to the SLTRC.”²⁰ The problems came into focus with a July 2002 review by the UNDP, which found that roughly one-third of the commission’s personnel were “unqualified or redundant” and that “the hiring process was seen as politically driven.”²¹ Although directed to remove those personnel, the commission did not. A full-fledged staffing crisis commenced on October 4, when the contracts of the commission’s staff expired without a permanent secretariat in place, leaving it with a two-person staff. Reviews of new applications came to a halt when two of the international commissioners raised questions about the fairness of the process.²²

Realizing that “the advertising and other related recruitment processes were flawed,” the commission asked for the assistance of OHCHR and UNDP.²³ After freezing the hiring process, the UN agencies helped rewrite the job descriptions and re-advertised the positions. They also provided interim staff and a caretaker secretariat was put in place for three months. Jusu-Sheriff

was not considered for the permanent secretariat, and Franklyn Kargbo was named as Executive Secretary in February 2003.

The staffing crisis had several consequences. It damaged the SLTRC's reputation with donors, who were unwilling to contribute to a dysfunctional institution. It delayed the beginning of statement-taking from October till December 2002, and forced the commission to cut back on some of its activities. A preparatory phase had been included precisely so the commission could get off to a quick start. Instead, the SLTRC lost the momentum of its sensitization campaign, squandered several months of its one-year mandate, and disappointed many Sierra Leoneans who had already waited two years for the commission to begin work. Statement takers were not hired and trained until late November, and a full complement of staff was not in place until early 2003. Moreover, research and investigations began as the public hearings started in April 2003, and consequently the integration of the information gained through statements and research was limited.²⁴ Some individuals who were engaged in research had to double up as hearings staff. The commission continued to do research on nine major themes such as the history and nature of the conflict well after the hearings were finished.²⁵ Not surprisingly, the SLTRC was unable to meet the original October 2003 deadline for its final report, and ran well over its statutory six-month extension.

As noted above, the SLTRC's management difficulties undercut its credibility with donors, exacerbating its financial worries. From the beginning, the SLTRC operated under a cloud of inadequate funding. OHCHR estimated the SLTRC would need close to \$10 million for 12 months of operation, with additional funds required for the start-up phase.²⁶ Although this is not out of line with the budgets of other TRCs, early donor response was very weak. The SLTRC inauguration ceremony was delayed for a month to July 2002 because a mere \$1.1 million had been pledged.²⁷ Over the summer of 2002 the budget was slashed to \$6.5 million, which necessitated cuts in staffing and program activity even as the sensitization campaign was getting under way. The SLTRC's troubled performance did much to harm donor willingness to contribute.

By May 2003, the funding situation was so grave OHCHR was again forced to trim the budget, down to \$4.5 million. Several weeks later only \$2.3 million had been received of the \$3.7 million pledged.²⁸ Once the hearings phase was well underway, and donors were satisfied that the commission was on track, funding increased significantly to cover costs for the rest of 2003.²⁹ Current estimates place the final cost at \$5 million, an increase necessitated by the extension of the report writing phase into summer 2004.³⁰

Many TRCs have run short of funding or felt constrained by an inadequate budget.³¹ In the case of the SLTRC, several factors can account for the scarce funding: poor fundraising efforts by OHCHR and the commission itself; donor fatigue; competition for funds with the SCSL, established in January 2002; and the SLTRC's unimpressive start.³² Generally truth commissions are funded by their national governments, but the Government of Sierra Leone was not in a position to offer much support; it donated \$97,000 and a building for the Secretariat.

Regardless of who is to blame for the lack of funding, the SLTRC's work suffered as a result. The commission could only spend one week in each province for public hearings, far too little time. Executive Secretary Frank Kargbo pointed out that the hearings phase was key to the accomplishment of the commission's mandate because it gave ordinary people ownership through participation. Everywhere the commission went, he recalled, people thought one week was too short of a period.³³ People were eager to testify but only two or three dozen individuals gave testimony in each of the provinces (Freetown area had more days available, and thus 53

people were able to testify.) Locals were frustrated by the limited time available to them, as were commissioners. Reconciliation efforts were largely left to the localities because the SLTRC had neither the time nor the money to do them. The follow-up district support committees have been quite active; the Inter-Religious Council, headed by Bishop Humper, is running the committees with funding from UNDP.³⁴ Funding questions dogged the writing and publishing of the report; the TRC had to seek external funding for the children's and picture versions, which were underwritten by UNICEF and the International Center for Transitional Justice, respectively.³⁵

Unlike previous truth commissions, the SLTRC had to deal with the existence of a contemporaneous transitional justice institution, the Special Court for Sierra Leone, which was to prosecute "those most responsible" for the war and its accompanying abuses despite the Lome amnesty. Although much attention was paid to their relationship prior to their openings, in practice the two institutions did not have clear rules or roles to govern their interactions.³⁶ There were unresolved questions for example about whether the SCSL had primacy over the SLTRC, or the two were equal, complementary institutions.

An especially thorny issue was information-sharing: would the SLTRC turn testimony and documents it gathered over to the SCSL, thereby risking participation by perpetrators? The SLTRC and SCSL quickly attempted to put such fears to rest. At one of its early press briefings in August 2002, the SLTRC outlined its position that information provided to it in confidence would remain that way.³⁷ SCSL Prosecutor David Crane repeatedly stated that the court would not seek information from the commission. Nonetheless, at least initially, the fear of prosecution kept many ex-combatants from testifying to the SLTRC.

The generally smooth and cordial working relationship was disrupted in October 2003 over the SLTRC's request for the testimony of Chief Sam Hinga Norman. Hinga Norman led the CDFs during the war, and was indicted by the SCSL and taken into custody in March 2003. He was named as a perpetrator by witnesses, and the SLTRC's practice was to have named persons offer testimony. Given his prominent role, Hinga Norman's testimony was also seen as critical to a complete telling of the story.

When the SLTRC first approached the SCSL indictees asking for their testimony, they had all declined. Hinga Norman later said he received legal advice that his appearance before the commission would be inappropriate. In August, Hinga Norman changed his mind, frustrated by the lack of a trial date. The SLTRC initially requested its investigators be able to hold a private interview with Hinga Norman, but on October 9 it asked for a public hearing. It wanted to hear Hinga Norman's testimony at the SCSL courthouse over two days and broadcast it live on radio; Hinga Norman would also be permitted to make an opening statement of whatever length he chose.

The SCSL Prosecutor opposed a public hearing, arguing that "both the interests of justice and the integrity of the proceedings before the Special Court might be put at risk" if Hinga Norman testified publicly.³⁸ Key personnel at the SCSL also questioned Hinga Norman's motives, believing that he was looking for a chance to stir up political trouble by pointing the finger at Kabbah.³⁹ Hinga Norman is apparently angry over his treatment, notably his ignominious arrest as he emerged from a meeting with the president, and he resents being indicted while Kabbah will apparently not be.

SCSL Judge Bankole Thompson (Sierra Leone) denied the SLTRC's request, finding that the invitation of Hinga Norman to testify as a perpetrator with a central role in the war conflicted with his right to a presumption of innocence before the SCSL.⁴⁰ He concluded that the right to a

fair and public trial always prevails over societal or institutional needs, such as the SLTRC's need to compile a complete, impartial historical record of the war. That decision was immediately appealed, and President of the Court Geoffrey Robertson (United Kingdom) attempted to find a compromise in his ruling in late November.⁴¹ He suggested that Hinga Norman be permitted to submit sworn testimony in writing to the SLTRC in the form of an affidavit, and could respond to questions from the commission in the same manner. This balanced the SLTRC's need to compile as complete a record as possible with Hinga Norman's right to a fair trial and with the SCSL's desire to protect the integrity of its own proceedings. The SLTRC refused Robertson's compromise, stating it did not meet the requirement of confidentiality and that by the time the procedure was in place, it would not have the time to include the information in its final report.⁴² Hinga Norman declined to offer testimony under the conditions offered, plainly more interested in a *public* hearing than in helping the SLTRC's work.

The local press pounced on the issue. Hinga Norman maintains popularity in parts of Sierra Leone, especially among the members of the CDFs. Although his arrest had initially been applauded as a sign that the court was even-handed, there is a significant section of the population that sees Hinga Norman as a hero for fighting against the RUF. This group has difficulty understanding why Hinga Norman was indicted, and the local press vociferously attacked the SCSL.

Both institutions damaged their reputations as a result of this incident. UNAMSIL, the UN Office of Legal Affairs and prominent international NGOs believed the SCSL should allow the testimony, and were dismayed, and in some cases angered, by the SCSL's position.⁴³ This stance was viewed as unreasonable and as undermining the SLTRC. For some, the whole incident was indicative of what they saw as the court's superior, disrespectful attitude toward other key players in Sierra Leone.

The SLTRC did not escape without bruises of its own. It had been unable to prevail against the SCSL in a direct clash of interests, despite its insistence that it was not subordinate to the court. Its reaction to the court's decision, all but accusing the SCSL of bad faith, hurt its credibility. Finally, after devoting scarce time and resources to the Hinga Norman case, it came away with nothing to show for its efforts.

The establishment of the SLTRC exhibited some notable strengths. Its mandate was drawn in a transparent fashion, and provided the commission with a broad scope of inquiry and powerful investigatory tools to accomplish it. Local civil society and the international community were active and supportive on its behalf. This must be balanced against several deleterious aspects of the SLTRC's work. The simultaneous operation of the SCSL introduced some unfortunate points of comparison: the SCSL got off to a quick start and operated efficiently, it had more resources and the high profile suspects, and the standoff over Hinga Norman made the SLTRC seem toothless. Confusion about the two institutions depressed the number of ex-combatants who testified. These are relatively minor compared to the more critical weaknesses manifested in the SLTRC's management and funding. These difficulties, which were at least partly self-inflicted, undercut the commission's effectiveness by compacting an already tight time frame and limiting critical aspects of the commission's process.

PROCESS

An early and effective outreach effort is critical to the ability of a TRC to engage the public and ensure the full participation of stakeholders. Although the idea for a truth commission had been an integral part of civil society discussions as early as January 1999, there were daunting

obstacles to making the wider public aware of and knowledgeable about the SLTRC. The illiteracy rate in Sierra Leone is estimated at about 80%, so written material needed to come in a picture version. The lack of a single lingua franca meant translating materials into several different local languages. The use of radio, the most effective communications tool in Sierra Leone, was occasionally hampered by a lack of knowledge about the location of small FM radio facilities in the hinterlands. During 1999 and 2000, security concerns generally placed areas under RUF/AFRC control out of reach. Travel outside of Freetown was very difficult due to the extremely poor state of most roads, and during the rainy season was virtually impossible. The existence of the SCSL complicated matters because people now had to understand two separate transitional justice institutions and the relationship between them. Finally, the SLTRC had limited resources and a small staff. These factors posed major challenges in the effective dissemination of information about the commission.

During 2001, local and international NGOs sponsored public awareness campaigns, sensitization workshops for RUF members, and seminars on key aspects of the SLTRC's operation.⁴⁴ During the preparatory phase, UNAMSIL and local NGOs conducted a vigorous sensitization campaign, and the commissioners held weekly press briefings and made a series of *barray* (town hall) meetings in the provinces to help raise public awareness.

Following the close of the major sensitization activities in Fall 2002, the Campaign for Good Governance did a poll to measure public understanding of the SLTRC.⁴⁵ It found high levels of support and willingness to cooperate with the commission: 74% had heard of the SLTRC (71% of them through radio); 65% said the SLTRC was necessary; 60% thought the SLTRC was beneficial to all Sierra Leoneans; and 58% were willing to testify. However, 83% reported they understood the SLTRC only partially or not at all, and 60% thought the SLTRC would not provide security and confidentiality to its witnesses or were unsure it would do so. As it moved into the statement-taking phase, the commission recognized that "more need[ed] to be done to ensure the population's participation," and additional radio and newspaper campaigns were undertaken.⁴⁶

Statement-taking began December 4 in Bomaru, where the war started in 1991. The public hearings opened on April 14, 2003 in Freetown, and ended there on August 6 with the testimony of President Kabbah. Radio UNAMSIL carried the hearings live, and there were weekly television wrap-ups.

In the public hearings phase, the commission traveled to each of the 12 districts for one week, where four days of public and one day of closed hearings were scheduled.⁴⁷ Additional hearing days were scheduled in Freetown. Victims of sexual violence, all children under 18, and ex-combatants who feared speaking openly could testify in closed hearings, although many women chose to tell their stories publicly. Every witness had the assistance of a counselor before, during and after the hearings. At the close of the hearings in each district, an official ceremony was held which on several occasions involved traditional rites of forgiveness for perpetrators who asked to be publicly forgiven. Recognizing the limited time it had in each district, the commission attempted to choose representative cases for public testimony that would outline the types of violations typically committed in the district by different groups of perpetrators and strove for gender balance in the witnesses. A national reconciliation ceremony was held in Freetown at the close of the hearings phase. A procession marched to the National Stadium, where speeches and apologies were made, before continuing to Congo Cross Bridge, which was renamed the Peace Bridge.

In addition to the testimony hearings, the SLTRC held three other types of hearings: Thematic hearings, which included sessions on good governance, the role of civil society and immigrant communities, the management of mineral resources and corruption, women and girls, and children and youth; Event-specific hearings, covering pivotal points in the conflict such as the 1992 and 1997 coups, the sack of Freetown, and the taking of UN peacekeepers as hostages in 2000; and Institutional hearings, which looked at the roles of the armed forces and police, civil service, media, etc.

The SLTRC collected some 8,000 statements, and received an additional 1,500 statements from the Campaign for Good Governance. Statements were drawn from all target groups, ninety public hearings were held, and about 350 persons testified as individual witnesses.⁴⁸ The SLTRC also constructed a data base which allowed the commissioners to have a rough idea, especially for the RUF/AFRC, who was commanding whom, when and where.⁴⁹

The participation of four “stakeholder” groups in particular were viewed as integral to the commission’s credibility: women and girls, children, amputees and ex-combatants. The SLTRC statute called for “special attention to the subject of sexual abuses and to the experiences of children within the armed conflict.” In nearly all districts, between 35- 45% of those testifying were women, and many offered explicit public testimony about the violence done to them.⁵⁰ The three-day thematic hearing on women and girls in May 2003 was one of the first held, and the Minister for Social Welfare, Gender and Children’s Affairs opened the testimony.

The role of children in the war, and how the SLTRC would treat those that appeared before it, received a great deal of attention in the period leading up to the operation of the commission.⁵¹ UNICEF developed rules to govern children’s participation, and the experience did not seem to be difficult for those who testified. Most children who testified were victims, although more children testified as perpetrators than did adults. The thematic hearing on children drew only a small attendance in Freetown; one UNICEF staffer characterized the audience as being made up of the elderly, researchers and child advocates.

The amputees are among the most visible victims of the conflict, and clearly were key stakeholders in the SLTRC process. Of the estimated 4,000 purposeful amputations, only about 1,000 people survived their wounds. Most of the survivors are unable to support themselves, and complained of the poor living conditions in the camps. They felt neglected as all the attention and money seemed to be going to ex-combatants in the DDR (disarmament, demobilization, reintegration) process. When the commissioners visited the Aberdeen Road camp in August 2002, the amputees threatened to boycott the hearings unless their grievances were met. They presented a seven-point document, which included demands for shelter for each amputee, a bag of rice and 200,000 leones (about \$100) every month till they died, free education for their children, the provision of medical facilities, and a “re-integration allowance” of approximately \$150.⁵² The commissioners accepted the document, but urged the amputees to come forward and tell their stories to the SLTRC so that the record of the war could be complete. In a sign of the importance accorded to the cooperation of the amputees, President Kabbah met with representatives from the camp. He promised that the government would accord the needs of the amputees a higher priority, and the boycott threat was withdrawn.⁵³ When public hearings opened in Freetown, the first person to testify was an amputee.

The final group whose participation was considered essential to compiling a complete record of the conflict was the ex-combatants themselves. Unlike in South Africa, where perpetrators received amnesty only in return for truthful testimony, ex-combatants in Sierra Leone already had amnesty, and therefore lacked an incentive to testify. Confusion over the relationship

between the SCSL and SLTRC also acted as an impediment to gaining the cooperation of perpetrators who worried their testimony to the SLTRC would be used against them in a criminal prosecution. Prior to the beginning of the intensive sensitization activities, local NGO PRIDE conducted a study of the views of ex-combatants towards the SLTRC and SCSL.⁵⁴ A majority of ex-combatants had heard about the SLTRC, supported it, and expressed a willingness to testify before it. However, the study did not determine if in testifying the ex-combatant planned to confess their own abuses or merely address events they had witnessed; in any case only 15% of those surveyed believed they had done anything wrong. The study also revealed that nearly half of the ex-combatants did not feel that they understood the SLTRC.

Concern about the SCSL and fears for their security (witness protection was rudimentary at best) initially kept ex-combatant participation low. But as the hearings went on, and the SCSL did not pursue those who testified, more and more ex-combatants came forward. Many ex-combatants wanted to return to their communities but were afraid of their reception; participating in the SLTRC was a means of easing the path of reintegration. In at least four districts, perpetrators (mostly RUF) came forward and publicly asked forgiveness. By the end, an unprecedented 13% of individual statements came from perpetrators, and “approximately a third of those who appeared in hearings admitted to their own wrongs, often in great detail.”⁵⁵

Given its slow start, scarce resources and compacted time frame, the SLTRC rightly believed it was a significant accomplishment to have gathered thousands of statements and sparked as much public involvement as it did. The substantial participation of the key stakeholder groups also indicates that the commission’s work was viewed as supportive by victims and survivors.

But many things could have been done better. Outreach could have started earlier and been more effective at helping people understand the commission’s mandate and operation.⁵⁶ The initial delay caused by the collapse of Lome and the difficulties in late 2002 meant the SLTRC missed a window to capitalize fully on the people’s desire for reconciliation and peace. By the time the commission began taking statements, the DDR process was nearly finished. Many ex-combatants had already gone back to their villages and towns, and the re-integration process was moving ahead without the SLTRC. When public hearings, the key phase of the commission’s work, opened in April 2003, the war officially had been over for 15 months and the contributions of the SLTRC to establishing peace and stability were thus limited. People’s enthusiasm for the commission was high, but the repeated delays limited its ability to make itself an integral part of achieving reintegration.

PRODUCT

Generally, a truth commission’s product is measured solely by its written report because so few have utilized public hearings.⁵⁷ When security conditions allow their use, public hearings offer numerous benefits: they can “provide formal acknowledgment, can encourage public support and understanding of the victims and of the TRC and encourage press coverage.”⁵⁸ The SLTRC saw public hearings as integral to the accomplishment of its mandate. In a largely illiterate society, public hearings are more accessible and comprehensible to the public at large than a lengthy written report. Holding hearings throughout the country was advantageous because it was an official, public recognition of the extensive suffering endured in areas outside of Freetown; residents in the hinterlands often believe that Freetown’s experiences are privileged over their own. Country-wide hearings also brought the SLTRC directly to the people, increasing grass-roots ownership and beginning the reconciliation process at the local level, where its ultimate

success rests. The thematic hearings allowed the commission to gather information related to its mandated task to investigate and report on the antecedents and context of the war.

The public hearings were well attended, except in Freetown. Given the media coverage in the capital, including nightly TV broadcasts, this was not seen as a sign of disinterest. Had the SLTRC had the time and the money, there can be little doubt that additional public hearings featuring perpetrator testimony and reconciliation ceremonies would have been well received. Public hearings helped to establish individual accountability, as victims and perpetrators alike identified those who had planned, committed and/or abetted abuses. Thematic hearings helped affix institutional responsibility; as Bishop Humper observed, they threw a great deal of light onto "the depth of what has plagued this nation...People begin to see that there were certain political, social, economic and moral ills that pervaded the situation, that became entrenched, endemic."⁵⁹ Both types of hearings placed previously hidden issues, such as gender-based violence, firmly in the public eye.

Public hearings though cannot constitute the full record of the war. The experience of the South African TRC suggests that although public hearings are effective at generating public interest, it is not clear that they provide "objective data so that debates about the broad truths of the past could be resolved in ways that would withstand subsequent criticism."⁶⁰ No matter how carefully chosen, eyewitnesses cannot provide an objective account of incidents nor can they offer a coherent narrative of the conflict and its larger context. Public testimony in Sierra Leone represented a mere 4% of the statements taken by the commission, and did not represent the outcomes of the ongoing research and investigations.

The purpose of the written report is precisely to author an authoritative, objective study that integrates the multiple sources of data the commission gathered. If done properly, as in Guatemala or Argentina, it can become the definitive analysis of the conflict. The SLTRC's six-month extension for the report ran out in April 2004, and as of this writing in July, it still had not been released. Nonetheless, some observations can be made. It perhaps goes without saying that the report must be seen as unbiased and balanced in its judgments. The SLTRC is expected to name names, and if it does not, or is believed to have withheld damaging judgments about key persons or institutions, its credibility will be severely tarnished. Many Sierra Leoneans will be disappointed if the report does not offer both a plan for reparations and serious institutional reforms aimed at diminishing impunity. Dissemination of the report is also critical. If other reports are any guide, the Sierra Leone one is likely to be hundreds of pages long. For maximum impact, the report's main conclusions must be accessible in all corners of the country and easily comprehended. Communication challenges loom large, but there will be a picture and children's version as well as a video. And regardless of the quality of the report, it may in the end be overshadowed in the minds of Sierra Leoneans by the public hearings. Insiders working for the South African truth commission concluded that in that case, "victims' hearings were so compelling that their testimonies ultimately will have had a far more enduring impact than the final report ever could or would."⁶¹

IMPACT

Truth commissions generate high hopes, despite the mismatch between their weighty goals and limited resources. But they can guarantee neither complete truth nor immediate reconciliation. A comprehensive "lessons learned" project based on the South African and Guatemalan commissions succinctly stated its conclusion: truth commissions can "partially accomplish some

important goals.”⁶² It is wise to keep this in mind when critiquing the SLTRC; Sierra Leone is a deeply traumatized place with crushing and longstanding problems such as dire poverty, entrenched corruption, rampant disease and barely functional state institutions. The SLTRC can only go so far in alleviating Sierra Leone’s burdens.

A complete assessment of the impact of the SLTRC will require a long-term view, when it is possible to gauge changes in institutions, social conditions, and individual attitudes. What follows are preliminary observations about the commission’s work to date.

The SLTRC struggled as it attempted to fulfill the enormous objectives laid out in its statute. The SLTRC’s process—statement gathering and public hearings—generated widespread interest and participation, thereby fulfilling in large measure its mandated task of providing a public forum for victims and perpetrators to tell their stories. The commission also began the formal, public process of reconciliation and provided a model for how such activities could be organized, although it had to scale back its agenda because of time and resource constraints. In any case, reconciliation in the sense of learning to live together peacefully is a goal that can only be achieved at the local level, not delivered from above, which is why follow-up activities are community-focused.

There were limits to the SLTRC’s contributions for each of the major stakeholder groups. In the case of women and girls, the degree to which the hearings raised public awareness of gender-based violence is open to question.⁶³ Attitudes towards women are deeply ingrained, and there is a culture of silence surrounding sexual abuse. Women have few rights under customary law, and there is tremendous stigma attached to being raped; the victim is viewed as spoiled or damaged, and when victims are identified authorities often suggest that she marry the perpetrator. Many girls and women also feared being shamed and blamed for being rebel wives. Like the SLTRC, the SCSL will focus on rape and sexual slavery in its prosecutions, but improving the status of women in Sierra Leonean society is a long-term struggle.

In many respects, the SLTRC came too late to have a large impact on the position of children because the DDR process was nearly complete by the time the commission began statement-gathering.⁶⁴ Nearly 7,000 child combatants went through DDR, and Sierra Leoneans largely exhibited a forgiving attitude towards them. As part of the DDR process, children were re-integrated into their communities, sometimes accompanied by a traditional cleansing ceremony or a re-initiation into a secret society, and UNICEF tracked them afterwards. Sierra Leoneans as a society are very forgiving, and many saw child combatants as being simultaneously perpetrators and victims. For example, the SCSL’s decision not to prosecute child soldiers despite possessing the jurisdiction to do so was greeted with much relief. A pragmatic calculation that the children had to be reintegrated to ensure peace and stability undoubtedly contributed to the acceptance of ex-child soldiers. For this significant segment of the community then, DDR largely played the role the SLTRC was meant to fill. As with women and girls, children remain a very vulnerable group in Sierra Leone, and much remains to be done.

Well over a year after the amputees threatened to withhold their cooperation with the SLTRC unless their demands were met, they continue to languish in poor conditions. In February 2004, the amputees sent a letter to Kofi Annan, complaining that the government had been of “only a token help” to them and had made “no tangible provision for their welfare.”⁶⁵ The amputees expect that the commission’s final report will make provisions for their care.

With respect to the ex-combatants, the SLTRC’s delayed start allowed the DDR process to play the leading role in establishing peace and a fragile stability to Sierra Leone. The public hearings did provide willing perpetrators an opportunity to unburden themselves and seek

forgiveness, but only a fraction of them availed themselves of this possibility for reintegration. A troubling development for reconciliation and continued stability concerns the role of the CDFs. After the hearings in Kenema, the commissioners noted a “conspiracy of silence” surrounding the actions of the CDFs; few CDF members testified, those who did appear stated that they had committed no crimes, and several locals complained to the commission about the questions being asked of the CDF fighters.⁶⁶ The PRIDE survey indicated that members of the CDFs tended to think they had been justified in their actions during the war, and this belief is the best explanation of the fact that most of the ex-combatants who did not sign up for the reintegration part of DDR were from the CDFs - having fought for the people against the RUF/AFRC, they saw no reason to need reintegration. The controversy surrounding the testimony of Hinga Norman demonstrates the volatility of this issue. How the TRC deals with the still-popular CDFs in its final report will be a critical test of its ability to tell the whole story. The abuses committed by the CDFs, while not of the scale or scope of those committed by the RUF/AFRC, are well documented. Regardless of which side committed them, abuses must be condemned if impunity is to be stopped.

Sierra Leoneans must grapple with the possibility that its two transitional justice institutions may offer competing narratives of the conflict and differing assessments of blame. One ramification of deciding not to share information between the two is the increased chance that their narratives will diverge, or that one will have unearthed a more complete reconstruction of a specific incident or a chain of command than the other. A legal standard of proof is more exacting than the truth revealed by testimony and research.⁶⁷ Yet simultaneously, “the task of making a full account of what happened, in light of the evidence obtained, requires a process of sifting and drafting that usually does not accompany a trial.”⁶⁸ As noted, the conduct of the CDFs is an especially sensitive issue, with the SCSL clearly holding CDF leaders to account as war criminals despite popular unease. The SCSL Prosecutor’s emphasis on the centrality of diamonds in fueling the war has drawn much criticism, and the SLTRC’s report may present an altogether different focus. There is always the possibility that either, or both, institutions will reveal uncomfortable truths that will subsequently be rejected by many Sierra Leoneans.

There are factors beyond the SLTRC’s control as well. Even if it produces an incisive list of recommendations, there is no guarantee that the political will, financial resources, or administrative capacity will be available to implement them. One hopeful note is that the continued engagement of the international community and OHCHR’s central role should maintain pressure on the government to implement the reforms. The El Salvador commission saw many of its reforms implemented because of the pressure of international actors who were deeply involved in its functioning.⁶⁹ The state of the economy will go a long way towards determining if the country remains at peace. A major event, such as Charles Taylor being delivered to the SCSL for trial or the death of a major political figure, could divert the public’s attention from the report. The legacy of the SLTRC is still incomplete, but if its final report convincingly answers what went wrong in Sierra Leone, it will have made a lasting contribution.

NOTES

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55. Hayner, *The Sierra Leone Truth and Reconciliation Commission*, p. 6.
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After Arusha: Gacaca Justice in Post-Genocide Rwanda

ALANA ERIN TIEMESSEN

Abstract: The epicentre of post-genocide Rwandan society and politics has been the need for reconciliation to assuage ethnic tensions and end a culture of impunity. The International Criminal Tribunal for Rwanda (ICTR) has yet to meet its goal of reconciliation in Rwanda: The failure of the tribunal goes beyond its institutional shortcomings and can be attributed the norms of international criminal law that render it an inappropriate response to criminalizing mass violence. The Gacaca courts were resurrected in Rwanda as an indigenous form of restorative justice. The principles and process of these courts hope to mitigate the failures of “Arusha Justice” at the tribunal and seeks to punish or reintegrate over one hundred thousands genocide suspects. Its restorative foundations require that suspects will be tried and judged by neighbours in their community. However, the revelation that Gacaca is a reconciliatory justice does not preclude its potential for inciting ethnic tension if it purports to serve as an instrument of Tutsi power. The state-imposed approach of command justice has politicised the identity of the participants in Gacaca -- perpetrators remain Hutus and victims and survivors remain Tutsis. Additionally, the refusal of the Kagame government to allow for the prosecution of RPF crimes to be tried in Gacaca courts empowers the notion that Tutsi survival is preconditioned by Tutsi power and impunity. If Gacaca fails to end the perceptions of impunity in post-genocide Rwanda, it will come at a much higher cost for reconciliation than the failure of the ICTR. The relevance of justice after genocide speaks to the appropriateness of retributive and restorative models of justice in a post-genocide society such as Rwanda. Additionally, the model of justice must be reconciled to the nature of a political regime that imposes unity under an ethnocratic minority.

INTRODUCTION

It is frequently said that reconciliation in post-genocide societies is not possible without justice. In Rwanda, the form that justice should take is at the heart of the debate. The 1994 genocide in Rwanda left over 800,000 dead and over 130,000 in prison upon suspicion of committing acts of genocide. The recent tenth anniversary of the genocide entailed memorials, burials, and the reawakening of violent memories. Amidst this atmosphere there was also political rhetoric filled with blame, guilt, and disappointment. Despite the obvious desire to bring justice to the victims and hold the perpetrators accountable, impunity persists in Rwanda.

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The international community responded to the atrocities with a call for accountability and an end to impunity. This resulted in the creation of the International Criminal Tribunal for Rwanda (ICTR). This tribunal, plagued by institutional shortcomings, has been an insufficient and inappropriate response to criminalizing mass violence. Rwandans have tired of its inefficiencies and feel its principles are at odds with their views of justice and reconciliation.

With the judicial infrastructure destroyed and most prosecutors and judges killed in 1994, there was no chance that the national court system could prosecute all those responsible for such crimes. Even now, after years of rebuilding, the national courts cannot handle such a high volume of cases. In response to the ineffectiveness of the tribunal and the incapacity of its national court system, the Rwandan government has revived a traditional form of dispute resolution called Gacaca (ga-CHA-cha). 10,000 Gacaca courts will try genocide suspects in the communities where their crimes were committed. They will be tried and judged by their neighbours.

Gacaca represents a model of restorative justice because it focuses on the healing of victims and perpetrators, confessions, plea-bargains, and reintegration.¹ It is these characteristics that render it a radically different approach from the retributive and punitive nature of justice at the ICTR and national courts. Great hope has been placed in the ability of restorative justice to contribute to reconciliation at the individual and community level. Gacaca justice is meant to be as intimate as the genocide itself: If it is unable to provide for reconciliation it will come at a high cost for Rwandan society. This paper will argue that the characterisation of the Rwandan government as a “Tutsi ethnocracy” and its heavy-handed approach to reconciliation has tainted Gacaca as a form of victor’s justice. If the Gacaca process is threatened by an approximation of the same politicised ethnic identities that fuelled the violence then reconciliation will not be attainable.

The next section will proceed with a brief description of post-genocide justice issues and the importance of understanding victim-oppressor group relationships. This will be followed by a review of the two types of justice models available to criminalise mass violence: retributive and restorative justice. It is necessary to describe the ideal features of these models prior to analysing their institutional manifestations (i.e. the ICTR as retributive and Gacaca as restorative). Section three will then turn to Gacaca itself and address two issue areas. First, what is Gacaca in terms of its traditions, processes, and goals? Second, as a form of restorative justice, how might Gacaca’s norms and processes contribute to reconciliation in ways which retributive models, i.e. the ICTR, have not? Section four will address the controversial political and societal dangers associated with Gacaca. These dangers, particularly in the form of renewed ethnic violence, are discussed on several levels. First, what elements in the process of Gacaca trials violate human rights and victim’s expectations of reconciliation? Second, how is this form of justice connected to the criticism that the government represents a Tutsi ethnocracy? Finally, is this ultimately a form of victor’s justice disguised by its indigenous and restorative nature?

POST GENOCIDE RWANDA OPTIONS FOR JUSTICE AND RECONCILIATION

Rwandan Context

The genocide produced staggering statistics that indicate the enormity of reconciliation in terms of scope and process. The genocide created an initial population displacement of 1.7 million Hutus fearing reprisals, left 400,000 widows, 500,000 orphans, and 130,000 imprisoned upon

suspicion of committing acts of genocide.² The country's fledgling judicial system was all but destroyed in terms of personnel and infrastructure by the spring of 1994. The judiciary was a primary target during the genocide that eliminated all but 244 out of a previous 750 judges, with many of the survivors fleeing into exile.³ As late as 1997 the courts in Rwanda were left to function with only fifty lawyers and a notable absence of infrastructure and administration, specifically Courts of Appeal, in all twelve counties.⁴ The 130,000 prisoners arrested under suspicion of committing crimes during the genocide, required a capable and extensive national court system. As noted by the Rwandan Ambassador to the United States, Richard Sezibera, "even though we had asked the international community to set up a tribunal for Rwanda, we knew that, given the way international bodies work, the bulk of the cases would have to be handled by our own legal system."⁵

Human rights and justice have not enjoyed a viable working relationship in Rwanda. As of August 2003, the Ministry of Justice stated that 6,500 of the 130,000 imprisoned had been sentenced for genocide cases in the national courts, 700 received the death sentence and twenty-three were executed.⁶ The incremental rate of prosecution in the Rwandan national courts has meant that prisoners languish in overcrowded prisons suffering from malnutrition and disease, serving sentences without due process.⁷ The Rwandan government has responded to the accusations of human rights violations based upon prison conditions by stating they have no alternative and to continue to follow the "western trial process would take far too long and therefore be a violation of human rights in itself."⁸

At the heart of this controversy is determining what form of justice is best suited for dealing with these tens of thousands of cases and providing for reconciliation. It is the nature of post-genocide society in Rwanda, not the form of violence that occurred, that indicates what type of justice is most appropriate. Mark Drumbl has devised a typology of post-genocide societies that describes the relationship between victim and oppressor groups and prescribes an appropriate model of justice. He delineates three types of societies: homogenous, dualist, and pluralist.⁹ Drumbl argues that Rwanda constitutes a dualist post-genocide society.

Drumbl's description of a dualist post-genocide society lists a specific set of characteristics. First and foremost, his type of society requires that both groups, victims and oppressors, coexist within the nation-state and territorial division is not possible. Secondary characteristics include: control of political and economic power (and the groups' numerical significance), level of participation in the violence, and geographic distribution of the two groups. Rwanda complies with the characteristics of a dualist post-genocide society on all counts. In Rwanda, Tutsis and Hutus both coexist within an overpopulated nation-state where territorial division between the two groups would be impossible. Additionally, both groups live in the same communities and participate in civil society, sharing culture with social status. In terms of power sharing, the Tutsis who wield the most political power despite being numerically weaker at only ten to fifteen per cent of the population. With regard to the level of participation, documented testimonies indicate that a large number of civilians participated and a large number of victims and survivors remain.¹⁰

A post-genocide society of this nature raises two prominent concerns with regards to justice and reconciliation. First, a dualist post-genocide society is in danger of genocide occurring again if institutions and civil society are incapable of ensuring that both groups can coexist within the same social and political space. Second, institutions that seek to reconcile the two groups must be conscious of the risk that punishing past violence may incite more violence.¹¹ Thus, moderation in punitive measures may be necessary. In dualist post-genocide societies, restorative

justice is required over retributive justice in order to moderate punitive measures and maximise the possibility of reintegration through an emphasis on shame over guilt.¹² The remainder of this section will compare the normative components of retributive and restorative models of justice and relate them to the Rwandan context.

Retributive vs. Restorative Justice

The concept of justice, specifically in the context of post-conflict reconciliation, can have many descriptive qualifiers that denote different rules, procedures, and goals. Additionally, justice paradigms assign different parties to the roles of architects and beneficiaries of the judicial process. For both the ICTR and Gacaca courts, the architects of each system have accorded different notions of legitimacy to the process through various institutional and normative components.

The architects of the ICTR, the international community, have constructed a tribunal that follows the rules and procedures of retributive justice in seeking an end a culture of impunity. Retributive justice is punitive, focussing on the defendant and the adversarial relationship between defence and prosecution. Success can be measured by the fairness of the process and the equality and proportionality of the sanctions.¹³ Furthermore, crimes are addressed by legal professionals who are not connected to the parties in dispute. This type of justice has been deemed by the international community to be an appropriate response to the Rwandan genocide. It follows as part of an atrocities regime that converges international criminal law with crimes against humanity and human rights abuses. Despite its mandate to promote reconciliation, it is designed to satisfy its architects by exacting punitive measures against the elite criminals of the genocide. Thus, the politicised nature of retributive justice has allowed for the architects of the ICTR to also be its only beneficiaries, leaving Rwandans essentially unaffected by its process.

Restorative justice is the alternative to retributive justice. The goals of restorative justice are to repair the harm, heal the victims and community, and restore offenders to a healthy relationship with the community. Success is measured by the value of the offender to his/her community after reintegration and the level of emotional and financial restitution for the victim(s).¹⁴ The process requires that crimes should be addressed in and by the community. Furthermore, restorative justice can be differentiated from retributive justice with its focus on reintegrative shaming over guilt and its impact on reconciliation: "Reintegrative shaming means that expressions of community disapproval, which may range from mild rebuke to degradation ceremonies are followed by gestures of reacceptance into the community of law-abiding citizens."¹⁵ It will be shown in the following section that the norms underlying Gacaca closely resemble those of restorative justice.

THE GACACA COURTS: THE MANIPULATION OF INDIGENOUS JUSTICE FOR RECONCILIATION

What is Gacaca?

The revival of a traditional model of dispute resolution to deal with the over one hundred thousand genocide suspects awaiting trial has received a mixed response both inside and outside of Rwanda. Gacaca, meaning "judgement on the grass," offers a pragmatic and community based solution. It is expected to relieve the congestion in Rwandan prisons that are the source of many

human rights violations. Additionally, the reintegration of suspects back into the community and the truth-telling nature of confessions offer hope for reconciliation. Gacaca's positive attributes lie in its characterisation as a model of restorative justice.

In its precolonial form, Gacaca was used to moderate disputes concerning land use and rights, cattle, marriage, inheritance rights, loans, damage to properties caused by one of the parties or animals, and petty theft.¹⁶ Gacaca was intended to "sanction the violation of rules that are shared by the community, with the sole objective of reconciliation" through restoring harmony and social order and reintegration of the person who was the source of the disorder.¹⁷ Additionally, compensation could be awarded to the injured party. Gacaca occurred at a meeting that was convened by elders whenever there was a dispute between individuals or families in a community and was settled only with the agreement of all parties.¹⁸ The Government of Rwanda does not pretend that Gacaca today strictly adheres to its indigenous form. Officials argue that its reinvention takes the form that it does to better accommodate for the severity of the crimes in its mandate and the volume of cases to be tried.

Rwandan Organic Law was conceived in 1996 to facilitate the prosecution of those suspected of committing acts of genocide. It applies both to the Gacaca and national courts. There are two notable aspects of the Organic Law. Gacaca has a much longer temporal jurisdiction than the international tribunal, covering crimes committed between 1990 and 1994. Second, the Organic Law categorises criminal responsibility through four levels indicating the seriousness of the crime committed and the appropriate punishment.

Category one suspects are the most serious and will be prosecuted by the national courts of Rwanda who have the authority to hand out punishments of life imprisonment or the death penalty upon conviction. This category targets the planners, organisers, "notorious" murderers, perpetrators in a position of religious and political authority, and those who committed acts of "sexual torture or violence."¹⁹ The Gacaca courts hold jurisdiction over categories two to four of the Organic Law for which the punishments vary but do not include the death penalty. Category two to four suspects range from the perpetrators, conspirators, or accomplices of intentional homicide, to those who destroyed property.²⁰ Punishments range from life in prison to community service and reintegration.²¹ Plea bargaining is a controversial but key element of the process that allows for the possibility of immediate release if a suspect confesses. Prosecution in Gacaca is communally participatory in that a general assembly acts as the prosecutor to identify perpetrators and victims as well as present evidence.

The approximately 10,000 Gacaca courts are far behind in their scheduled trials. Many courts remain in the pre-trial stages. These stages began with the elections of judges that were completed in 2001. The trials have to be preceded by a seven step pre-trial process that includes identifying suspects and witnesses and establishing the appropriate categories for offences.²² In June 2002, twelve pilot trials began and were followed several months later by 760 courts beginning their pre-trial phases.²³ The rest of the 10,000 courts have not begun their work and as of June 2003, less than half of the pilot trials had finished their pre-trial phases.²⁴

Gacaca: Mitigating the Failures of the ICTR through Restorative Justice

To juxtapose the principles and procedures of Gacaca with the ICTR is to contextualise the normative differences between the two types of courts. The norms underlying Gacaca reflect both cultural traditions and the characteristics of restorative justice. The benefits that Gacaca will bring to the reconciliation process are tied to the integrity of its indigeneity and its adherence to a

restorative model of justice. Table 1 compares the normative differences between the two types of justice.

Local prisoner support for the ICTR is very low. The U.S.-based Internews Network has shown what are known as the “Arusha Tapes” in Rwandan prisons to give genocide suspects a view of what has been happening in the ICTR trials and to encourage debate on Rwanda’s own judicial process.²⁵ Ironically, while the tapes are meant to generate support for the tribunal, they have had opposite effect on local prisoners. The reactions to the tapes have revealed concerns among the prisoners over the absence of the death penalty at the tribunal and the luxurious living conditions of the tribunal prisoners as compared to those of the Rwandan prisons. The issue of the death penalty is significant because it is used by the national courts in Rwanda but not at the international tribunal. One prisoner replied, “why is it that the tribunal gives them more lenient sentences than us, they are the ones who told us to kill on radio . . . how come we are paying the higher price?”²⁶

TABLE 1. NORMS OF JUSTICE

Institutional Component	Restorative Justice Norms: Gacaca	Retributive Justice Norms: ICTR
Goal	Justice for reconciliation; ending impunity is secondary	Justice to end impunity; reconciliation is secondary
Venue	Local Communities	Isolation from participants to avoid victor’s justice
Due Process	Primacy of truth telling	Primacy of rules and procedures; defendant’s rights
Establishing Guilt	Confession; Community Consensus	Judgement
Burden of Proof	Testimony/Accusations	Testimony; investigation
Compensation for Victims	Depends on nature of crime	None
Judiciary	Respected community members	Independent
Punishment	Imprisonment; reintegration	Imprisonment
Process	Trials; negotiations	Trials

The objections and shock registered by the prisoners to the Arusha Tapes were reflected in their support of the Gacaca process as an appropriate and fair judicial process. Awareness and acceptance of the community courts is evidenced by the high and increasing number of confessions among the prisoners, numbering in the tens of thousands, and a willingness to provide testimony and evidence against other genocide suspects.²⁷ It is acknowledged that some of these prisoners have opted for confession on the basis of a personal cost-benefit analysis whereby they have their sentences reduced and can possibly indict someone with whom they hold a grudge. However, the personal intentions of suspects aside, confessions still provide a function of restorative justice that is the discovery of truth over punishment.

The Gacaca courts are expected to have a community impact when Rwandans become participants as judge and jury of genocide suspects. A consensus is needed among the participants to either find someone guilty or allow them to be reintegrated into their society. Unlike those convicted by the ICTR, many Gacaca defendants will most likely be reintegrated into the community immediately or within several years if the plea bargain system is widely used. Therefore, it is necessary for the community to make the decision on the desirability of an individual's integration.

In contrast, those on trial at the ICTR were isolated from community life in Rwanda during the genocide. Many of the prisoners held in Rwanda saw for the first time in the Arusha Tapes what the orchestrators and leaders of the genocide looked like.²⁸ As the tribunal is isolated from Rwanda in terms of its geography and impact, and its defendants equally distanced by their former elite status in the genocide, the indictment of the genocide leaders at the ICTR will have very little effect on reconciliation within Rwandan communities. In line with the restorative paradigm, Gacaca is presented as a shift in power in the community, a sort of "populist response to a populist genocide."²⁹

There are additional benefits that Gacaca brings to the reconciliation process that differentiates it from the norms of retributive and international justice. One such benefit is the recognition of a specific demographic, namely women, in the justice and reconciliation process. The demographics of post-genocide Rwanda illustrate that the socio-economic responsibilities of women increased dramatically. As the heads of tens of thousands of households and the producers of up to 70% of the country's agricultural output, they are overwhelmingly responsible for the livelihood and stability of their community.³⁰

Rwandan women have a lot invested in the success of the Gacaca courts for several reasons. The importance of women and the crimes committed against them is recognised in the Organic Law where crimes of sexual violence fall under Category One (most serious) and will be tried in the national courts. Some women will be attending the trials of their husbands or family members who have been accused and to whom they have been bringing food and supplies to while in prison. Others want to accuse those on trial of crimes committed against them or their families and to tell their stories as witnesses and victims. Additionally, some women will receive compensation from the government or from reintegrated perpetrators if their property had been destroyed or the breadwinners in their family were killed by the accused.

Most importantly, Rwandan women seek to hear the confessions of the accused and an admission of guilt. As reconciliation for most Rwandans represents an act between two people where one confesses and the other forgives, the confession is a necessary first step for reintegration.³¹ Rwandan women will be expected to live in the same communities as those who assaulted them or killed their family members. As judges and witnesses, women will have the responsibility of determining punishment or the desirability of the suspect's reintegration. In sum, the community basis of Gacaca allows women to participate on various levels, recognises their role in the reconciliation process, and brings their identity beyond that of victimisation.

Further to the restorative justice paradigm, decisions rendered by Gacaca courts will allocate compensation to victims. The Rwandan government set up a genocide survivor's fund in 2003 that accounts for eight per cent of the annual budget and assists destitute survivors.³² The Organic Law provides for the commutation of half of the sentences through Gacaca to community services. Therefore, the Gacaca courts will assist in supplementing the compensation fund from the property constructed and services provided by prisoners.³³ To further aid

reconciliation, the compensation fund hopes to ease the burden of female and child-headed households.

In sum, the Gacaca courts subscribe to the restorative justice paradigm most diligently in the elements that liken it to its indigenous form. The emphasis on reconciliation and reintegration over punishment is evident in the confession and plea bargain procedures stipulated by the Organic Law. Furthermore, the array of participants is widely extended in Gacaca to include all those affected by the crimes and also those who will be affected by the suspect's return to the community. These characteristics of restorative justice are also indicative of the purpose of Gacaca in its traditional form. Gacaca carries enormous potential for reconciliation if it remains true to the principles of restorative justice.

VICTOR'S JUSTICE: THE TUTSI ETHNOCRACY AND THE POLITICISATION OF GACACA

There is tremendous hope attached to Gacaca for its potential contribution to a reconciled and reintegrated Rwandan society. However, there exist many elements in the principles and practices of the Gacaca trials that render it a dangerous venue which refuels ethnic tensions. The processes of Gacaca are highly politicised and the participants racialised by assumptions of guilt based on ethnic group membership. The nature of 'modernised' Gacaca is most dramatically a departure from its indigenous form as it represents a state-imposed model of justice that threatens the community based principles of restorative justice. The modernised elements of Gacaca serve the interests of a government that can be characterised as a Tutsi ethnocracy. The end result could be the imposition of a victor's justice that is wrought with the ethnic tensions of pre-genocide Rwanda. This section will first address the many critiques made about Gacaca in terms of its process and legitimacy. The primary focus of this section is to explore Gacaca's link to an increasingly "Tutsified" state through notions of victor's justice and ethnic identities.

The International Community's Response: The Human Rights and International Law Critique

Much of the criticism directed towards Gacaca, voiced primarily by international and local human rights groups, centers on the practical limitations to Gacaca. Specifically, these critiques point to the incapacity of the government and the community to safeguard against the consequences of community trials. Their strongest critique arises from Organic Law's lack of adherence to the principles of international criminal law.³⁴ The architects of Gacaca have had to respond to critiques of human rights violations, capacity problems, and legal procedures. The government of Rwanda has sensibly pointed out that many of these problems are unavoidable if Gacaca is to serve its pragmatic purpose of putting tens of thousands of prisoners on trial. Additionally, they rightly point out that it is those very principles of Gacaca which do not adhere to standards of international criminal law that make justice and reconciliation possible.

One of the primary concerns centers on the lack of services available to deal with the level of psychological and social trauma that witnesses or survivors will experience with the trials. Tensions could ensue from trials that will "reawaken memories of the genocide and its profound consequences and to renew feelings of grief, pain, fear, rage, outrage and hatred among the people of Rwanda."³⁵ While many in Rwanda seek peace in their communities, it is undeniable that there is a desire for vengeance and retribution among many who will attend the Gacaca

trials. Human rights organizations have warned of the violations of due process, the lack of training for judges, and the inconsistencies expected with judgments after plea bargains. The absence of these safeguards is thought to increase the chance of “vigilante’s justice” as the flipside to community empowerment.³⁶

Many who support the Gacaca process have questioned the relevance of international criminal law in a post-genocide society where there are so many perpetrators and victims. Peter Uvin has identified many of the practical and theoretical falsehoods of applying international legal standards to the Gacaca courts. His first response is one of practicality: “criminal law standards were not designed to deal with the challenges faced when massive numbers of people—victims and perpetrators of crimes—have to live together again, side by side, in extremely poor and divided countries.”³⁷ A corollary to this, and what the Rwandan government argues as well, is that the current national court system (as designed to adhere to all the aforementioned standards of international law) has failed both in terms of upholding civil and political rights and guaranteeing due process. As the government has repeated time and again, prosecuting genocide suspects through the national court system is a violation of human rights in itself. The number of prisoners is not comparable to the capacity of the courts to provide proper counsel and expeditious trials.

Finally, Uvin identifies the cultural inappropriateness of the international law critiques of the Gacaca courts: “the practice of Gacaca may well be able to respect key conditions of fair trial and due process, but in an original, locally appropriate form, and not in the usual western-style form.”³⁸ Formalized notions of witnesses, prosecutors and defendants were not relevant to Gacaca in its indigenous form. The interplay of argument and counter-argument between community members and the emphasis on consensus does not adhere to the individualisation of roles in western trial processes. Uvin concludes with the importance of indigeneity when evaluating “modernised” Gacaca and the important role of the international community in ensuring that the “spirit of Gacaca” is respected.³⁹

Victor’s Justice

The dangers of victor’s justice are very much dependent on the context of the conflict and composition of the post-conflict society. In Rwanda, both parties to the conflict remain in the same communities together after the genocide. The perpetrators of the genocide are individualised in the legal process and the proceedings extend far beyond the “elite” criminals. Individuals who are victims must coexist in the same social and political space with those who were perpetrators. Therefore, the tension between these two groups becomes much more acute and localised if punitive actions are perceived as victor’s justice.

The events preceding the Rwandan genocide have been characterised by the Rwandan government as a “civil war” and so too are the events that followed it. According to the government and the international community, it is the RPF that ended the civil war, of which genocide was a component, and thus their claim to political power is legitimate. Mahmood Mamdani notes the consequences of an RPF victory are that they must constantly be on guard as to protect the spoils of war, to protect their hold on power and ensure their survival: “the price of victor’s justice is either a continuing civil war or a permanent divorce.”⁴⁰ Despite the government’s insistence that ethnic divisions are a thing of the past, there is nothing to indicate that local communities accept this policy as anything more than naïve political rhetoric.

The Tutsi Ethnocracy

Since coming to power after the genocide under the continuing leadership of Paul Kagame, the RPF has been characterised inside and outside of Rwanda as a militarised ethnocracy that propagates the survival of Tutsis over the well-being of Hutus. Characterising the government in such a way runs contrary to the appearance that Rwanda has successfully democratised its political institutions and is committed to the idea of “Rwandaness”. The Rwandan government has been adhering to the pre-genocide Arusha accords that require an equitable division of power and representation. Indeed, a number of Hutus have retained key positions in the cabinet, which is evenly divided between ethnic groups. Additionally, “issues of good governance and the development and implementation of checks and balances have emerged as part of government policy.”⁴¹ The government is confident enough in its democratisation process that it recently volunteered to have its policies reviewed by the NEPAD’s African Peer-Review Mechanism under the auspices of the African Union.⁴² This issue remains controversial. While many laud Rwanda’s progress and see it as a star among democratising states in Africa, both academics and human rights groups have argued for higher standards.

Despite significant progress in terms of power sharing, it shall be argued that the government has been masking the increasing Tutsification of state institutions. This accusation has been articulated both by academics and human rights groups with regard to the democratisation process, including faulty elections, restrictions on civil society, and the militarisation of the state. The presence of Hutus in positions of power is nominal. Rene Lemarchand wrote in 1997 that the “appointed parliament is a fig leaf . . . the civil service, the judiciary, the economy, the schools and university are all under Tutsi control.”⁴³

Many who cite the importance of eliminating ethnicity in Rwanda also caution that this policy has been used as a political tool to legitimate Tutsi authority. Filip Reyntjens argued in a recent publication that the “political discourse opposed to ethnism attempts to hide the domination of society by the self-proclaimed representatives of the Tutsi community.”⁴⁴ Furthermore, he argues that the Tutsification of the state began in 1996 and encompasses the Supreme Court judges, mayors, “university students and teachers, and almost the entire army command structure and intelligence services.”⁴⁵ As will be shown in the forthcoming examples, the Tutsification of the state in Rwanda is well under way and is evident in a variety of policies ranging from democratisation to social agendas and militarisation. Each of these issue areas will be dealt with in turn, drawing on controversial examples of domestic and regional policies.

Tutsi power and survival are inextricably linked in the government’s political agenda. Citing complaints from moderate Hutu parties opposed to the RPF, Mamdani states that “not only are the structures of power in Rwanda being Tutsified, civil organization-- from the media to nongovernmental organizations -- are being cleansed of any but a nominal Hutu presence.”⁴⁶ He identifies the founding ideology of the government as the “conviction that Tutsi power is the precondition for Tutsi survival.”⁴⁷ Mark Drumbl cites examples of limits on civil society, state influence on church leaders, resistance to power sharing, and an aggressive foreign policy as indicative of the “authoritarian behaviour of the RPF.”⁴⁸ He argues that as Tutsis can only count on Tutsis for support, ethnicity is still a significant factor in Rwanda. Given this, he warns that “among the factors most closely related to the (re)occurrence of genocide is a “ruling elite whose ethnicity is politically significant but not representative of the entire population.”⁴⁹

The notion that Tutsi Power preconditions Tutsi survival has been aptly illustrated by the elimination of Hutu-based opposition parties and expansion of Tutsi influence in politics. As the

military victor after the genocide, the RPF was the dominant political party. However, there was initially a great deal of power sharing with the MDR (Mouvement démocratique républicain) and two smaller groups.⁵⁰ While there was a great deal of parity among posts allocated to the RPF and MDR after the genocide, over the years the RPF has gradually appropriated more posts for itself.

The recent elections have highlighted the dangers associated with transitions to democracy in a post-genocide society. Many see that continuing stability is unlikely as opposition parties have been banned, leadership control is being tightened, and restrictions are still in place for party and civil organizations. According to the Arusha Accords, elections were supposed to be held after five years in 1999. The Rwandan government pushed that date back four years to 2003 in the interests of “unity.” There has been little pressure from the international community to make democratisation a big part of the development agenda. According to Peter Uvin, the concept of democracy and multiparty elections in a post-genocide society can be unrealistic and inappropriate if attempted too early and thus democracy has been traded for stability.⁵¹

In an attempt to forge unity under the RPF agenda, the Rwandan government has expanded its rhetoric into a social and educational context. The Rwandan government and its National Unity and Reconciliation Committee has organized what are unpopularly known as “solidarity camps,” now known by their Kinyarwanda name *ingando*. These camps are meant to assist in the reintegration process for refugees and those released from prison (who were incarcerated after the genocide), educate youth, and provide military training. While there has been little reported on these camps, they have been characterised as a negative combination of militarisation and one-sided political propaganda in favour of the RPF. Human Rights Watch has reported that the “camps were meant to promote ideas of nationalism, to erase the ethnically charged lessons taught by the previous government, and to spur loyalty to the RPF.”⁵²

The correlation of Tutsi power and Tutsi survival has also been evident in the militarisation of the state, as “even the most cursory glance at the pattern of reconstruction in Rwanda cannot fail to notice the characteristic traits of a military ethnocracy.”⁵³ Elizabeth Sidiropoulos argues, “despite the strong trend toward democratisation and openness in civil matters, the military establishment continues to be regarded as critical for the survival and protection of the state and is not subject to the same levels of accountability.”⁵⁴ However, the militarisation of the RPF has served the interests of the Tutsi ethnocracy by justifying the elimination of Hutus in the name of unity. It is widely recognized that the Kagame government has been supporting militias in the DRC under the pretext of capturing Hutus who are said to be propagating violent reprisals against Tutsis in the DRC and Rwanda. However, his military rationale is inconsistent with the domestic political rhetoric of unity through a “Rwandaness” that is blind to ethnicity. The RPF’s justifications reveal the “extent to which its notions of political obligation and political community are ethnic, transnational, and diasporic. Can the RPF act both as the protector of all Tutsi everywhere and as the national government of the Rwandan people?”⁵⁵

Gacaca and Recontextualising Identity

One of the dangers that a Tutsi ethnocracy poses to the success of Gacaca is that it assigns collective guilt to Hutus. Identity in post-genocide Rwanda is not as ethnically dichotomised as it was prior to the genocide. Identities have now been recontextualised to conform to the unity and reconciliation agenda that attempts to take the emphasis off of ethnicity. However, the result has been that Rwandan identities, as tied to their participatory role in the genocide, still correlate to

ethnicity. Identity can be recontextualised in post-genocide Rwanda in a way that divides the population into categories of victims, victors, survivors and perpetrators.⁵⁶ However, these categorisations may not be mutually exclusive. Despite the government's agenda of forging a single political identity of Rwandans, the identity of participants in the justice process deploys a dangerous link to ethnicity.

According to Mamdani, *victims* refer to both Tutsis and Hutus that were targeted in the genocide. However, the living victims refer almost solely to "Tutsi genocide survivors" and "old case load refugees" who were primarily Tutsis that had fled after the 1959 Hutu Revolution. The term *survivor* refers to all Tutsis who remained in the country during the genocide and survived. The assumption is that all Hutus who had opposed the Habyarimana regime were killed earlier and thus those Hutus who were in Rwanda during the genocide and were not killed were never targeted. A corollary to identifying *victims* and *survivors* is the need to identify some as *perpetrators*: The danger is that all Hutus are deemed perpetrators as their survival of the genocide seemingly assumes their participation or complicity.

To identify the *victors* of the genocide requires putting Rwandan history in the context of civil war in which the victors are undoubtedly the RPF. While the Rwandan government denies the continuing distinction of Rwandans as either Hutus or Tutsi, its use of national and local judicial processes to label participants as survivors and perpetrators further entrenches their ethnic identities. The Organic Law and its division of labour between the national court system and Gacaca purport to promote reconciliation through a survivor's justice. Thus, survivors are by way of their Tutsi identity also the victors. This, combined with the state-imposed Organic Law, leaves Rwandan justice as nothing more than victor's justice and closely associates justice with Tutsi power. Mamdani presents the dilemma to which the process of Gacaca must respond and from which the international community must determine its level of support: "the form of justice flows from the form of power. If victor's justice requires victor's power, then is not victor's justice simply revenge masquerading as justice?"⁵⁷

For Gacaca to overcome these limited and ethnically charged characterisations, the notion of a survivor and perpetrator must include both Hutus and Tutsis. Additionally, the idea that Hutu survival during the genocide depended solely on their participation or complicity serves to generalise blame among Hutus and explains their characterisation as perpetrators. Characterisations that only Tutsis can be survivors and only Hutus can be perpetrators ignore many of the individual specific circumstances of the genocide. Many Hutus survived, not because they were in agreement with extremists, but because they chose to hide, or simply keep from publicly denouncing the crimes. Furthermore, many Hutus were targeted and survived such as those who were mistaken as Tutsis, those who survived their injuries, and women who suffered from sexual violence.

This critique of the ascribed ethnic identities of participants in Gacaca also speaks to the importance of individualising the circumstances surrounding the crimes committed. One of the components of reconstructing a new narrative on the genocide is the attempt to individualise mass violence. While this finds utility in assessing the individual motivations and incentives to commit the crimes, the actual act of committing the crime is much more difficult to individualise. One of the benefits ascribed to Gacaca is that its trials prosecute individuals and differentiate between members of a group and thus individualizes responsibility. This deters the accusing member from exacting undifferentiated vengeance on Hutu individuals based on their ethnic membership.⁵⁸ However, the criminal acts of genocide perpetrators in Rwanda are unlike those of conventional homicide cases in that individualizing guilt is very difficult. There are

circumstances in which a family was killed by a group of the militia, each of whom maybe have contributed in one way or another to the death of an individual. This need for consensus in Gacaca and the difficulty of individualizing responsibility will further entrench the ethnic identity of perpetrators as Hutus and the victims/survivors as Tutsis.

The Government of Rwanda's agenda of reducing identity to that of "Rwandan" has only been successful in the public sphere of government rhetoric and bureaucracy. The social conditions of post-genocide Rwanda remain constructed in terms of ethnic identity and relegation to the private sphere renders them more destructive. As a Hutu woman stated, "If you ban these terms....they take a different form that's even more exclusive." Rwandans now ask each other 'is he one of us?'.⁵⁹ After the expected release of many prisoners into the community as a result of their confessions in the Gacaca pre-trials, it would be unreasonable to expect a sudden social reconstruction of ethnic identity that no longer adheres to the exclusivity of Tutsi and Hutu. The government's agenda of eliminating ethnicity is a fallacy in Rwandan society. This fallacy will be exacerbated by the prosecution of genocide suspects based on their group membership and by the release of such suspects into the community.

Gacaca and the Violations of Restorative Justice

The control over the processes of justice by the government is also evident in the top-down, state-imposed nature of the Gacaca process. Many criticisms of Gacaca in terms of its relationship to the state point to a history of communal action under state compulsion. Under the precolonial Tutsi king, there was a form of regular communal work called *umuganda*. The Belgian colonizers and the post-colonial Habyarimana regime exploited this practice to conscript forced labourers for public works projects.⁶⁰ Gacaca presents a similar tone in its call to justice and reconciliation that bears on every Rwandan the responsibility of bringing perpetrators to justice and to participate in the post-genocide society. Kagame's rhetoric in the preamble to Gacaca law "gives a strong whiff of command justice declaring that the 'duty to testify is a moral obligation, nobody having the right to get out of it for whatever reason it may be.'"⁶¹ There is irony in the relationship between populist and grassroots participation that is state-imposed.

Victor's justice is most clearly problematic and volatile in the government's decision not to allow crimes committed by the Rwandan Patriotic Army (RPA), the military arm of the RPF during the genocide, to be tried in Gacaca. While the genocide targeted the Tutsis, Tutsi refugees and the RPF committed extensive war crimes prior to the genocide that also positions them as perpetrators of violence. Prior to the signing of the Arusha Accords to end hostilities between the RPF and Rwandan government forces, the RPF had forcibly removed Hutus and committed violations paramount to war crimes. According to Human Rights Watch, they destroyed property, recruited child soldiers against their will, and displaced thousands in order to create free-fire zones.⁶² Additionally, mass human rights violations, also tantamount to war crimes, occurred with the eventual RPF advancement and its desire to remove Hutus from positions of social and political power.⁶³ The Gersony Report, which was to be issued by UNHCR (but prevented by the UN Secretary General out of sympathy to the newly formed government under RPF control) stated that the RPF "organized massacres of tens of thousands civilians as its soldiers advanced in Rwanda" with an estimated death toll of 25,000 to 45,000 from April through August of 1994.⁶⁴

Kagame has insisted that any human rights violations committed by RPF soldiers were isolated cases. He "dismisses any charges of RPF massacres as shameless attempts to equate that

behaviour with the genocide.”⁶⁵ A few individual soldiers in the RPF’s army have been tried and convicted in Rwanda’s national courts. However, these remain token sacrifices in comparison to the widespread violations that have been reported. Kagame continues to insist that these crimes will be tried in regular military tribunals and that the priority of the Government is to deal with the genocide cases first and foremost. Additionally, an African Rights report on Gacaca supports the distinction between genocide crimes and the human rights violations committed by the RPF. It states that the “confusion and tension” over why RPF crimes would not be prosecuted by Gacaca “reflects the lack of public awareness and acceptance of the distinctive aspects of the genocide...”⁶⁶

The decision not to prosecute RPF crimes in Gacaca highlight two controversial issues in relation to the government’s imposed discourse on the genocide and the purpose of the courts. The first issue is the nature of war in which RPA inflicted deaths are assumed by the government to be a result of a civil war and not the genocide. Second, the participants, the RPF, are assumed to be military personnel deserving of a military tribunal and not genocide militia whose justice is left in the hands of a community tribunal. However, the Organic Law stipulates a jurisdiction over crimes committed between October 1990 and December 1994, including both the civil war and the genocide.

The government does not delineate between RPA killings as a result of the civil war prior to 1994 and revenge killings during and immediately after the genocide. Additionally, there is considerable suspicion that many Hutus were eliminated by the RPA as “planned exterminations of political opponents” and as such can be considered acts of genocide.⁶⁷ As the RPF is the party in power its armed forces are considered military personnel retroactively, whereas the armed forces and militia of the Habyarimana regimes are considered *genocidaires*. This furthers the notion of victor’s justice as those in the RPF, as Tutsis, will not stand trial against accusations from primarily Hutu communities. Furthermore, it reveals the truth that one’s view on justice is dependent on one’s view of the genocide. Kagame espouses that the genocide was a crime of the previous state, while RPF killings were individualized crimes of excess.⁶⁸

These distinctions in the rhetoric of the Kagame government highlight the imposed harmonization between ethnicity and the participants of justice, and re-emphasising that what is driving justice is the very same politicisation of ethnicity that drove the genocide. If perpetrators are represented as “Hutus” and not widows, orphans or survivors, and survivors are represented only as “Tutsis” and not defendants or perpetrators, Gacaca offers very little hope for reconciliation. As a state-imposed judicial process, Gacaca adheres to the agenda of the Tutsi ethnocracy and as such becomes a form of victor’s justice that violates the indigeneity of Gacaca and ensures that the RPF is the ultimate beneficiary of impunity.

CONCLUSION: LESSONS FROM RWANDAN RECONCILIATION

This paper has presented the justice and reconciliation dynamics of Rwanda as a reflection of both a state-led political agenda and the need for reconciliation in local communities. The introductory and second sections described the enormity of the justice task and the options of two different justice models. While Rwanda follows a retributive model at the national and international level, it has the restorative model of Gacaca at the local level. Section three presented the relationship between Gacaca and the benefits of restorative justice in a society where victims and oppressors coexist in the same communities. It was argued that the more

strictly Gacaca adhered to its indigenous origins and restorative nature, the more it will foster reconciliation.

However, the puzzle of Gacaca is complicated by its characterisation as both restorative justice and victor's justice. This puzzle was resolved in section four by articulating the political intentions of those responsible for reinventing and orchestrating Gacaca. The perception that justice will be done rests with the politics of the state that resurrected this tradition. If the suspects feel as if they are being tried as Hutus by Tutsis then the characterisation of victor's justice is fitting. If the victims and participants in the trial feel as if justice is not being served by the release and reintegration of those that have been accused, then there will be no reconciliation. For Gacaca to meet its goals, its architects must be perceived as neutral and not vengeful.

Whether genocide suspects are reintegrated or remain in prison, it must be questioned if justice is a necessary or only a significant component for reconciliation. The genocidal violence in Rwanda was partly attributed to a culture of impunity that has become so integral to the justice rhetoric. However, differing notions of what justice entails, be it punitive, truth telling, or reintegrative, means that there will always be some who perceive a certain level of impunity. In the Rwandan context, the danger lies in impunity being associated with a particular ethnic group. The remaining question is whether it is safer to have impunity lie with those who hold power or those who are subordinate to it.

The most important lesson from Rwanda's reconciliation process is that the path from justice to reconciliation is not necessarily linear. In reality, this path is conditioned by two important factors: the relationship between victims and aggressors as well as the form of power that justice flows from. In Rwanda's case, these factors leave us with grave concerns for the ability of any kind of justice to contribute to reconciliation. However, lest we end on a note of pessimism, there are lessons to be learned from both the progress and mistakes of retributive/restorative types of justice. First, the international community should encourage alternative and local forms of justice to exist in cooperation, not competition, with international retributive processes. Second, local forms of justice should not be held to culturally inappropriate standards of criminal law and their indigeneity should be respected. Third, caution must be exercised with regard to the relationship between justice and power. The rhetoric placing "unity" and "security" above all else can mask divisions within society that threaten a resurgence of violence. Finally, we must discard the notion that reconciliation can only occur if preceded by punitive justice. What we have learned from Rwanda is that reconciliation has many meanings with both individual and collective consequences. Mitigating impunity must be an assurance for the future and not a way to avenge the past.

NOTES

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3. Neuffer, Elizabeth. *The Keys to My Neighbor's House: Seeking Justice in Bosnia and Rwanda*. New York: Picador, 2001:257.

4. Sezibera, Richard. "The Only Way to Bring Justice to Rwanda," *Washington Post* (7 April, 2002). <http://www.globalpolicy.org/intljustice/tribunals/Rwanda/2002/0407sezibera.htm>
5. Ibid.
6. UN IRIN. "Court Sentences 11 to Death for Genocide." 4 August 2003. [<http://www.allafrica.com>]
7. Kagame readily admits to this denial of basic rights for prisoners in his aforementioned speech to the Rwandan Bar Association in 2002.
8. Norwegian Helsinki Committee for Human Rights, p. 13.
9. Homogenous Society: oppressor group has "eliminated" the victim group (i.e. Nazi Holocaust, Kosovo, Aboriginal communities in Canada and Australia). Dualist Society: both groups coexist within same nation-state with no possibility of a territorial division (i.e. Rwanda). Pluralist: Oppressor group coexists with victim group and third group; or, several oppressor or victim groups (i.e. Iraq, Bosnia, South Africa).
10. Ibid., p. 1239-1253.
11. Ibid., p. 1239.
12. Ibid., p. 1253.
13. De Pietro, Susan. (Alaska Court System), compiled in part from Judge Edward J. Cashman, *Materials on Restorative Justice* (NJC Document, 1998) and NIJ *Research in Brief* No. 3 (Sept. 1999). "Comparison of Justice Theories." <http://www.law.duke.edu/journals/alr/articles/Alr19plchart.pdf>
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18. Werchick.
19. Government of the Republic of Rwanda. "Genocide and Justice: Categorization of Offences Relating to Genocide." <http://www.rwanda1.com>
20. See the document identified in the previous note for a complete explanation of the categories and associated punishments.
21. Government of the Republic of Rwanda. "Organic Law No. 08/96 of 30 August 1996 on the Organization of Prosecutions for Offences constituting the Crime of Genocide or Crimes Against Humanity committed since Oct. 1990." <http://www.preventgenocide.org/law/domestic/rwanda.htm>
22. Hirondelle News Agency. "Gacaca Courts Edge On." (5 June 2003). <http://allafrica.com/stories/200306120056.html>
23. Ibid.
24. Ibid. Recent reports suggest that the Gacaca trials will not begin until early 2005, following delays from the presidential election and changes to the administrative levels.
25. The Arusha Tapes highlight the guilty plea of Kambanda, Rwanda's prime minister during the genocide, the trial of George Rutaganda, former vice-president of the Interahamwe militia, Clement Kayishema, a former provincial governor of Kibuye and many other genocide leaders including district mayors and businessmen. Kimani, Mary. "Arusha Tapes Amaze

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31. Ibid.

32. Gabiro, Gabriel. “Rwanda Genocide: Paying for Reconciliation.” (19 December 2002). <http://www.hirondelle.org>

33. Ibid.

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37. Uvin.

38. Ibid.

39. Ibid. See also, Peter Uvin and Charles Mironko. “Western and Local Approaches to Justice in Rwanda.” *Global Governance* 9 (2003).

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46. Mamdani, p. 186.

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AT ISSUE

**Establishing the Truth about the Apartheid Past:
Historians and the South African Truth and Reconciliation
Commission**

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Abstract: The South African Truth and Reconciliation Commission (TRC) was mandated to establish “the truth” about the causes, nature and extent of gross violations of human rights in the country between 1960 and 1994. This article assesses the significance of the TRC for historians and the writing of history in South Africa. There is no doubt that the TRC had shortcomings. Its coverage of human rights violations was uneven. Those who testified at public hearings did not constitute a representative sample of the South African population. The truthfulness of their subjective testimonies was not properly verified. A discursive framework, reinforcing the TRC discourse of reconciliation, was imposed on participants. Because the socio-economic context of human rights violations was neglected, analysis of causation was shallow. The way in which the outcomes of the TRC have been handled by the government seems to endorse Derrida's suggestion that it might become an exercise in forgetting. Despite these shortcomings, the significant contributions of the TRC towards producing a new archive of previously repressed histories, from which a fuller truth about the past could emerge, cannot be denied. Particularly important was the re-enactment of past events by victims and perpetrators of human rights violations at the much-publicised public hearings of the TRC, which helped to democratise memory and give history a public face. Interest in the value of history to address current problems was revived. It is the main objective of this article to reflect upon the tasks of historians after the TRC. Historians are committed to the never ending debate of history and not to the type of closure sought by priests and politicians. They have an important task to attend to the unfinished business of the TRC and to resist denial or erasure. Through the critical study, interpretation, and narration of the facts from the TRC archive, historians have to establish what really happened and why it happened, thus rendering a service to science and the nation.

INTRODUCTION

History was at the core of the TRC process. A central task of the TRC was to uncover the truth about the apartheid past, although its final report states that its purpose was not to write the history of the country. Yet questions about history were raised as a result of the work of the

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TRC. Is history's function simply to reveal the facts and leave it for others to judge? Are the facts of a contested past intrinsically knowable, when they seem concealed forever behind a veil of language and discourse which proves impenetrable to simplistic notions of the truth? Is history, particularly when it relates to traumatic situations, primarily a form of moral rhetoric which can aid a society in dealing with guilt and blame? What is history's relationship in general with the phenomenon of public memory and the memorialization of the past?¹ In their grappling with the significance of the TRC, historians have been putting forward a variety of ideas about such questions. These ideas are analysed below in an attempt to identify the main tasks of historians in the TRC aftermath.

CRITIQUE OF THE TRC EVIDENCE

The South African democracy, born in 1994, succeeded nearly half a century of institutionalised racial discrimination and oppression under the apartheid system. How to deal with the past, and particularly the atrocities of the apartheid era, was one of the major issues that confronted the new government.² The negotiating parties, on the eve of the April 1994 election, opted for a truth commission to investigate human rights violations and make recommendations on how to deal with such violations. In 1995, the Truth and Reconciliation Commission (TRC) was established.

One of the major tasks of the TRC in terms of the Promotion of National Unity and Reconciliation Act (Act no. 34 of 1995) was "to establish the truth in relation to past events" and to provide as "complete a picture as possible" about these events. This truth-finding mandate was restricted to a specific period (1 March 1960 to 10 May 1994) and a specific type of past event (gross violations of human rights). The act specified that the investigation should cover the nature, causes, and extent of human rights violations. This included the antecedents, circumstances, factors and context of such violations, and the motives for and circumstances in which they had occurred, as well as the fate or whereabouts of the victims. The investigation was to cover the perspectives of both the victims and the perpetrators. It was stipulated that the investigation should be done in the form of conducting investigations, holding hearings, and compiling a comprehensive report.³

During its two-year operational phase (1995-1997) the Human Rights Violations Committee (HRVC), which was responsible for this part of the work of the TRC, held 140 hearings across the country, including victim hearings, event hearings, special hearings, institutional hearings, and political party hearings. At the hearings, about 2,400 victims of gross violations testified and the names of 27,000 victims were recorded. The HRVC, assisted by the TRC Investigation Unit, gathered a total of 21,519 victim statements containing evidence of 30,384 gross human rights violations. It made more than 15,000 findings, confirming that victims had been the subjects of gross human rights violations. Still, for a variety of reasons, many people who wished to do so were unable to make statements to the TRC. More than 8,000 statements were submitted after the TRC had stopped collecting statements.⁴

From all this evidence, the HRVC compiled a number of reports that eventually formed part of sections three, four, and five of the final TRC report. The TRC report was presented to President Nelson Mandela in October 1998 and the TRC was dissolved in 2001, but the final amended version of the report was not publicly disclosed before March 2003, when all disputes and legal action by interested parties had been settled.⁵

In its administrative report the HRVC rated its own work highly. It described the victims' volume (volume seven of the final report) as a major achievement, a "living monument to those

who suffered great pain and loss during the years of struggle” that “will endure in the nation’s memory for many years to come.” The database of information collected by the HRVC, currently in the custody of the National Archives as part of the TRC archives, is regarded as “one of the most remarkable archival collections in the country.”⁶

To assess the significance of the TRC process for history in South Africa is the first quite obvious task of historians. The value of the TRC evidence must be evaluated and guidelines provided for how this evidence should be used in the quest for historical truth. Much work has been done towards this end. Even before the opening of the archives of the TRC to researchers, more has been written about it than almost all other events in South African history.⁷ It is certainly too early to make a final evaluation of the contribution of the TRC, but contemporary assessments are, nevertheless, valuable contributions. Assessments of the TRC have ranged from positive to neutral to negative. The majority of serious observers have been rather critical and indicated that the TRC failed to achieve most of its objectives, yet they all seem to agree that it was an “important” and “necessary” exercise.⁸

The work of the TRC has been praised as a serious effort to negotiate the writing of the new history of South Africa. Some observers, perhaps somewhat prematurely, give the TRC credit for “constructing a national memory” and “creating an officially acknowledged past.”⁹ The TRC’s final report did, according to its proponents, represent an authoritative version of the past and an alternative vision about South Africa’s past, present, and future.¹⁰ History itself, at least as far as the part of the apartheid period covered by the TRC investigation is concerned, has undergone a national process of change and revision.¹¹

Perhaps the idea of an “official” version of South Africa’s recent past will not, once again, amount to an attempt to mobilise history for the ideological purposes of those in power. Wynand Malan, one of the TRC commissioners, warned: “A shared understanding of our history requires an understanding of different perspectives, not the building of a new national myth. Presenting ‘the truth’ as a one-dimensional finding is a continuation of the old frame.”¹² Yet in recording aspects of the past, the TRC was relatively successful. It did manage to establish the truth about many events of the apartheid years. A number of unanswered questions about prominent political murders and disappearances were answered.

Most historians hold the TRC to have been a significant contribution. Given the extent of silencing and censorship under the apartheid state, the testimonies are regarded as important knowledge, which constitutes a new archive of previously silenced South African history. The human rights violations hearings are regarded as the main strength of the TRC. Victim/survivor testimonies are able to speak out against the power relations that previously constrained them. Macro-historical developments after 1990 enabled people, who had previously been rendered powerless and voiceless, to appear in a public forum as relevant and important story-tellers and to bring hidden transcripts into the open. The simple historical act of telling what previously could not be told, of representing the previously unrepresentable, is in itself significant.¹³

By exposing some of the things that happened during apartheid, these texts consolidate the criticism of the “old” South Africa. They restore segments of lost history and reveal a censored, incomplete past. More than this, the ties these texts have with the past, the very fact that they were marginalized by the practices of the old social order, authenticates their retrospective critique and grants them a special status. They have become vital additions to the South African archives, necessary for a “fuller truth.”

Personal experiences frequently reveal the silenced yet routine day-to-day details through which the victims/survivors of apartheid lived as well as the callousness and brutality of the

system. Taken in total, the TRC's collection of victim/survivor testimonies provides evidence of the injustices and inhumanities of apartheid South Africa. In addition, documents such as applications for amnesty from a large number of security policemen, provided information that would be difficult to obtain by other means. After the TRC, apartheid crimes can no longer be denied and the number of permissible lies in circulation has been reduced. As a result of this, some allege that there has been a shift in many whites' perceptions of the past.¹⁴

Historians who favour a poststructural approach to history have taken a particularly positive view of the TRC. Thelen argues that different types of history-making could be better connected around individual experience and re-enactment in the manner achieved by the TRC. He regards the TRC's victim and perpetrator hearings as the best sources available in any part of the world for listening to individuals re-enacting their civic experiences in political struggle.¹⁵ The TRC has thus been the cornerstone of what might be called a kind of democratised history-making process. The TRC, coupled with the new South African Constitution, are poignant examples of how to construct a new national narrative, which acknowledges that nations and peoples have to take responsibility for the past.¹⁶

From a historian's perspective, the first challenge facing the HRVC in exercising its truth-finding mission was to decide what it entailed to establish "the truth" about the past. The controversial philosophical question on the nature of truth has occupied the minds of historians for centuries. As history developed into a science from the eighteenth century, historians became preoccupied with factual evidence as the foundation of their discipline. A rigorous tradition was established in historiography, emphasising scrupulous verification, thorough sifting of evidence, total review of the literature, and minute exactitude in reporting. No matter which school they represented and which approach they followed, scientific historians agreed that a truthful reconstruction of the past should be based on a critical study, interpretation, and narration of facts.¹⁷

In the twentieth century, the idea of the existence of objective truth and a master narrative about the past came under increasing pressure. Historians had to concede that the ideal of objectivity in historical studies was not fully attainable. Even when the facts about a historical topic were reasonably well established, historians still differed radically in their interpretations of those facts, because subjective elements and contemporary views influenced the work of individual historians.¹⁸ In the latter half of the twentieth century, postmodernist scholars pushed the intellectual challenge to the objectivity of knowledge and the possibility of a grand narrative (representing "the truth" about the past) to its extreme. They rejected the notion that historical truth is a commodity that can be discovered simply by revealing the facts about the past, and advocated the idea that historical truth is constructed on the basis of individual experience. Although historians wish to maintain standards of proof and evidence, most realise that historical truth, as it is filtered through their minds, remains partial and subjective to a greater or lesser extent.

The performance of the TRC of its truth-finding mandate should therefore be assessed against the background of this continuing tension between the pursuit of objective factual truth and the acknowledgement of various subjective truths. In South Africa, with its multicultural and deeply divided society, the idea of juxtaposing and critically comparing several views of the past from different subjective viewpoints rather than trying to impose one master narrative, is particularly compelling.

History, after a change of regime such as the one that occurred in South Africa in 1994, faces particular challenges in the pursuit of truth. When a dictatorial regime comes to an end the

challenges are even bigger. The victims and perpetrators of human rights violations are still alive. Memories of suffering and questions of guilt and shame are very sensitive issues. It is neither possible nor politically desirable to reveal all the facts about the past. In the light of the TRC's pursuit of both truth and reconciliation, this brings to the fore questions such as: Which truth? Whose truth? How much truth? However important the TRC texts may be, they are not without flaws. Only a partial, subjective, and to some extent distorted truth is reflected in the TRC records. In this respect the TRC was no different from other truth commissions. A truth commission may not be the best option to reveal the truth about the past. In fact, it can hardly be expected of a truth commission to establish in a short space of time a shared and absolute truth. Christie, therefore, rightly points out that truth may not emerge as a necessary outcome of a truth commission and that prosecutions are likely to provide a greater measure of truth.¹⁹

The TRC could in any event not hope to bring more than a little bit of truth. Because rapid results were required and the research department of the TRC worked under pressure of time there was uneven coverage of the different parts of the country. Rural areas, particularly in the former Bantustans, were neglected compared to urban areas.²⁰ It has also been argued that the TRC did not deal adequately with local histories and that the important variations or permutations of the liberation struggle, as manifested in the different townships, are not adequately accounted for in the final report.²¹

Furthermore, those who testified at the public hearings did not constitute a representative sample of the country's population, because the focus was on one type of perpetrator and one type of victim. Therefore, the "perpetrator-victim dichotomy," which is so central to the TRC's overall analysis, needs to be questioned. Sections of the population, particularly among whites, were apathetic and reluctant to participate. Many white right-wingers and Inkatha Freedom Party (IFP) supporters regarded the TRC as a partisan body representing the African National Congress' view of history which involved a witch-hunt to discredit the enemies of the ANC.²² Amongst the black population, the indirect victims of apartheid were not really heard.²³ Thus, rather than "the truth" about South Africa's apartheid past, the TRC report and records contain a range of "fractured, incomplete and selective truths."²⁴

There is no doubt that the TRC testimonies reflect subjective truths. Human memory is uncertain and individual testimony is often unreliable. With possible reparations and amnesty in mind, victims and perpetrators told their stories with varying degrees of honesty. For the most part, the TRC testimonies were neither factual nor objective. Accounts of personal experiences were not corroborated on their truthfulness. The Commission has been severely criticised for its reliance on unverified statements made in applications for amnesty and on unsubstantiated statements made by victims, few of them given under oath and few tested under cross-examination. Gossip, hearsay, lies and contradictions therefore form part of the TRC records.²⁵ However, it is not so much the subjectivity of the testimonies that is criticised severely, but the alleged imposition of a discursive framework on witnesses. Through the TRC, the South African state assumed the role of an organiser of the collective past and manufacturer of consent about a past that needed to be representative of at least a majority of the people.

The TRC's truth-finding mandate was complex enough, because it dealt with recent events, which had a very emotional content and which were fiercely disputed by different groups in the country. However, what made this mandate much more problematic from the outset was that the TRC had to pursue historical truth not for its own sake, but in the service of reconciliation and nation-building. It was expressly stated in the Promotion of National Unity and Reconciliation Act that "the objectives of the Commission shall be to promote national unity and reconciliation

in a spirit of understanding which transcends the conflicts and divisions of the past” and that “there is a need for understanding but not for vengeance.”²⁶ The TRC was expected to recover repressed histories and to expose the past in such a way that the country could come to terms with it and get on with a democratic, multiracial future. It was to exemplify a new and better way for a deeply divided nation to address its past, one that steers a path between vengeance and forgiveness, between the victor’s justice and historical amnesia. The TRC was understood as having a nation-building mandate to facilitate forgiveness and reconciliation between populations bitterly divided by generations of racial oppression and exploitation.²⁷

Perhaps because its main discourse was reconciliation, priests seemed to dominate the TRC. It is almost as if forgiveness and reconciliation, derived from Christian ideas about confession and absolution propagated forcefully by Archbishop Tutu, were more important to the TRC than truth. Thus, according to some critics, it had the nature of a sacrament or quasi-church, involving a religious process of witness, confession, and forgiveness.²⁸

During the TRC public hearings, witnesses had limited speaking time and their testimonies were given within a predetermined structure. The commissioners could control the issues by stressing certain topics and through elicitation. This made it possible for the TRC to impose its viewpoints, objectives and framework on participants. A particular meta-narrative, aimed at reconciliation and national unity rather than retribution, was thus reinforced.²⁹ Excessive controversy about the past was avoided. In the hierarchy of discourses within the TRC process, the discourse of reconciliation had the highest status.³⁰ Even in the post-TRC period, the “memorable” narratives will remain those “that come closest to contemporary generic expectations and current moral, political and other codes”.³¹

NARROWING THE GAP BETWEEN ACADEMIC AND PUBLIC HISTORY

An important aspect of the TRC, from the perspective of the historian reflecting about its significance, is the relationship between public history and academic history. This is linked to the whole issue of how historical knowledge is constructed and contested. The production of knowledge as a social practice is rooted in relations of power. History as an academic discipline and a way of examining the past is a Western project. It represents a specific mode of investigation that considers past events in terms of causes, effects, and progression over time. Dominant European paradigms, theories, and historiographical conventions may reflect relations of dependence of Africa on the West. Therefore, the hold of academic accounts on the wider public’s interest may not be that strong, because marginalised Africans may prefer non-historical modes to deal with their own legacy. This leads to questions about the relevance of metropolitan theories and paradigms to Africa.³²

The gap between public encounters with the past and the reconstructions offered by historians is larger in South Africa than in many countries because African scholars in South Africa have not yet managed to fully claim intellectual independence and take control of their own history.³³ The historical profession in South Africa has been overwhelmingly dominated by whites. As a result, there are questions about the authenticity of the voices of academic historians, because they are not representative of the majority of the people.

For a number of decades at the end of the twentieth century, social histories produced by radical scholars steeped in Marxist theoretical traditions dominated South African English-language historiography. They produced highly detailed studies, focused on class analysis and the situation of the black working classes. It was the objective of the social history project to

restore the “voice of the people.” Multiple initiatives in the domain of “people’s history” and “history from below” were launched.³⁴ Today its relevance for taking South African historiography forward is questioned. The whole exercise seems not to have been very successful in keeping academic history within the reach of a larger audience and making historical knowledge more accessible to the public. Other forms of historical knowledge have remained marginalised.³⁵ “History from below” has appealed much more to white university-educated audiences than to black popular constituencies.³⁶ While focussing on the subject position of the black worker, it represented the African object as the constructed subject of the past. The historians engaged in these projects claimed to recover the nation’s past, but in fact imposed themselves and their methods of radical history on ordinary people.³⁷ Their claims to representing the “real story” of South Africa’s past are now seriously challenged.

One must distinguish between a focus on Africans and an African focus in writing history.³⁸ Radical historiography has focused on Africans for thirty years, but this has not yet produced a truly significant number of black historians. History is still practised almost exclusively by white scholars, whose social and institutional position remains privileged despite their commitment to progressive and anti-colonial causes. Their ability to convey the concerns of the black masses is questioned. The gap between academics and the common people whom they claim to represent continues to exist. The barriers between those who control the production of knowledge and those who provide the raw material for it remain as firm as ever. Alternative constructions of the past are assimilated into academic scholarship in such a way that these narratives are subordinated to the rules of evidence and of historiography.³⁹

Anachronistically, the demographics of knowledge production, also in the field of history, has not yet been corrected in the “new” South Africa.⁴⁰ The barrier of race places a burden on white academics seeking to speak for or about blacks.⁴¹ As far as recent reviews of South African history are concerned, Moleah’s work on the colonial period, despite serious flaws in scholarship, reflects popular perceptions better than the academically acclaimed publications by Worden and Beinart, because it is written from a black perspective.⁴²

The issue of the gap between academic and public history was brought to the foreground by the TRC, which was an exercise in the making of public history. Like no other event in the recent South African past the TRC has underlined that public history can no longer be neglected by the historical profession.⁴³ In moments of sudden political transition, history assumes special relevance and importance. This has also been the case in the South African transition as evidenced by the democratisation of the concept of heritage and the promotion of history as a school subject after years of decline. The TRC has brought the debate on evidence, truth, and the production of history into the public domain in an unprecedented manner. It has propelled history to a central place in debates about how to learn from and come to terms with the past. Interest has been revived in the possibilities of history.⁴⁴

In the new South Africa, the visual spectacle has been regarded as a gateway to a neglected past. As a process, the TRC was a compelling and unique spectacle. For the first time a truth commission held all its hearings in public, with television cameras and microphones present at all times. Over months of public hearings, with comprehensive coverage in the media, the victims of human rights violations, or their relatives, told their often disturbing stories, as did some of the perpetrators. In the TRC’s more dramatic moments, the victims were able to confront their former torturers. The live broadcasts, daily reports, and weekly summaries on television of the TRC public hearings converted the small stories of the victims of apartheid in the glare of the television cameras into an “electronic monument to apartheid’s past.” By

listening to the stories of victims of human rights violations, holding numerous amnesty hearings for perpetrators, and inviting different organisations, institutions, and political parties to make submissions, the process was given a public face. By involving many ordinary people who spoke at and attended the hearings, as well as enabling members of the public to follow them through the print and electronic media, the hearings became a process of public education. The past was given a visuality for a mass public gathered at their television sets. Through this visual spectacle, collective history was being revised and re-envisioned.⁴⁵

It was not only the public hearings that stimulated interest in history. The release of the TRC report also elevated public discourse about the need to reflect on the past. For the second time the TRC had a significant influence on public discourse and public memory in South Africa. For a brief period at least the testimonies and report of the TRC propelled history to a central place in debates about how to learn from and come to terms with the past. There is little doubt that the TRC has encouraged South Africans to raise questions about how best to remedy inequalities created by the past as well as harness a renewed commitment to re-making civil society.⁴⁶

The public work of the TRC both democratised memory and retraced a multiplicity of pasts. Thelen focuses on this aspect of the TRC's public hearings and argues that people often feel disconnected from and distrustful toward formal history, as it is encountered in school and the media. This feeling of disconnectedness was overcome by the TRC hearings. Through re-enactment, the TRC afforded witnesses (and observers) the opportunity to create their own ways of coming to terms with their pasts. Re-enactment challenges the notion that history is about events of the past that are closed and provides a means "to open events that looked closed, to see possibilities, to frame choices." Testimony before the TRC demonstrated how history transports people to the open-endedness that participants originally faced by recreating the uncertainty and flux of that moment. As witnesses reconsidered, they could choose how to act. This helped in taking responsibility for the consequences of their original actions and in reassuring themselves and others how they will act in future. By transporting them to the past to reflect on their own human capacities for good and evil, history allowed them to explore how to exercise their civic selves. Thus, by making experiences open-ended "we make them arenas of choice and then of taking responsibility."⁴⁷

Thelen is in favour of a "civics of history that would pivot around individual choice." He argues that the focus by modern historians on "historical perspective" and "historical context" has limited the capacity of the discipline to observe individuals and their experiences, to engage everyday uses of the past by ordinary people, and to recognise the open-endedness of history. Individuals make their own histories, but they are constrained by circumstances only partly of their own making. With its focus on individual experience, re-enactment and taking responsibility by individuals for what they had done, the TRC opened a window on the issue of how individual experience is and is not shaped by larger structures or the historical context. If one argues that the historical context of apartheid and its structures were responsible for human rights abuses, the individual perpetrators are denied both agency and culpability.⁴⁸

When subaltern narratives have to be filtered by disciplinary procedures and set against a scientifically established context, the problem is that witnesses are reduced to oral sources waiting to be processed by a literate elite and written into history as evidence. The rhetoric of contextualisation constrains the subaltern and even renders it unspeakable in a project that attributes its legitimacy to subaltern capacities. In this way, the danger remains that people may make history only to be written out of history by historians.⁴⁹

The TRC made an important contribution by showing the way forward for individuals to dedicate themselves to the new civic culture of human rights and democracy by reliving and re-evaluating their actions in the past. It gave individuals the opportunity to examine their complicity in committing or tolerating evil and determine how to take responsibility for the damage and prevent its reoccurrence. Confronting the past is an option that is open to all South African citizens. Alex Boraine, vice chairperson of the TRC, insisted that the civic challenge went beyond victims and perpetrators, that “the process will not be completed until all South Africans who benefited from apartheid confront the reality of the past, accept the uncomfortable truth of complicity, give practical expression of remorse, and commit themselves to a way of life which accepts and offers the dignity of humanness.”⁵⁰ Central to the TRC’s endeavour was resisting denial and erasure. In the public perception the TRC has been regarded as a mechanism for moving into the future via a thorough dealing with the past, a process for remembering and memorialising, and a symbol of a refusal to simply forget. However, critics do not all agree on the supposed open-endedness of the TRC process. Pressure for closure never ceased. Despite the subjective and partial nature of the truth revealed by the TRC, there was the danger that it could be regarded by the public as the real and whole history of apartheid. It presented a narrative with a strong moral message of sacrifice and community in struggle, which created the impression of a completed and “closed” apartheid past, leaving no room for doubts and alternative possibilities.⁵¹

This impression of closure was further strengthened by the dominant imagery of the hearings. At the core of the TRC hearings was a preoccupation with visible, tangible human bodies as material evidence of the acts of history. Many witnesses described the bodies of their loved ones in various states of internment, mutilation, dismemberment, and some even brought physical remains of apartheid victims. The physicality of mutilation came to embody the materiality of apartheid. The visibility and recovery of human remains became a metaphor for the settlement of the apartheid past. One after the other, witnesses stated that they wanted to locate the remains of their loved ones so that they could establish what had happened to them and find consolation through proper burial.⁵²

The literal burial of human bodies became a metaphor that could be linked to the figurative burial of the past. With reference to the TRC, several priests and politicians stated that the past had to be “buried” or “laid to rest.” In the same way that physical remains gave people an inheritance that was recoverable, it was thought that the apartheid past could be made measurable, transparent, and finite through the TRC process, allowing for a rebirth at the threshold of a new nation.⁵³

If truth is constituted in such a way that praise is reserved for the new regime and blame for the old, then history can simply appear to be victors’ history. Therefore, there needs to be some balance in apportioning guilt. If the desire is to heal the wounds of the past, there may be a tendency to cover up the past, because too much truth may be damaging to the cohesiveness of a new democracy, whose success depends on keeping social and political divisions within reasonable limits. Historical truth may be divisive rather than promoting reconciliation and maintaining silence may be a tempting option. An open confrontation with a painful past may have to wait for a change of generations, as it did in Germany after the Nazi period.⁵⁴

Historians would agree with Archbishop Tutu that remembering the past is crucial in dealing with the past. But, whereas the priest interprets this “dealing with the past” in terms of confession, forgiveness, absolution, and closure, the historian has another commitment. This commitment is to the “never ending debate” of historical research, in which the evidence is

revisited and re-interpreted. For the historian there can be no real closure, because there will never be a definitive answer about causes and consequences. For historians, it is unthinkable to “close the book of the past.” Questions about history will remain relevant and will continue to provoke debate. It is, therefore, up to historians to continue the endeavour started by the TRC and resist forgetting.

On a visit to South Africa in 1998, the eminent philosopher Jacques Derrida suggested that the TRC might be an “exercise in forgetting.” Derrida was not denying the dimensions of memory which informed the TRC’s work. He had many positive things to say about the TRC’s determination to reveal and archive apartheid atrocities. Yet from a philosophical point of view, archiving, traditionally understood as an act of remembering, is at profound levels an act of forgetting. When we write a note on a piece of paper and consign it to a pocket, Derrida explained, we are archiving the information so that we can forget it now, but retrieve it when we need it. Remembering and forgetting are not binary opposites as all remembering is informed by forgetting.

In response to Derrida’s suggestion, Verne Harris, Director of the South African History Archive and former member of the TRC’s investigation into the destruction of records, has indicated those dimensions of forgetting which can be detected in the work of the TRC:

- the Commission operated in a selective way
- its mandate restricted it to a narrow investigative focus
- practical constraints forced it to focus even more narrowly
- numerous investigations were hampered
- political parties were able to force the deletion or amendment of certain findings in the final report

According to Harris, the state has not responded adequately to several recommendations in the TRC report. He also points to evidence that records seen by the TRC have been lost and that it is not as easy as it should be to access the TRC archive which is in the custody of the National Archives.⁵⁵

Harris comes to the conclusion that “for the state the TRC is no more than a tool for providing a nod at remembering in the interests of a profounder forgetting” and that “while the state says it is dealing with the past, in fact it is intent on getting back to business as usual as quickly as possible.” However, he agrees with Derrida that there is never forgetting without the possibility of remembering and expresses the hope that individuals and organisations in South Africa committed to countering processes of erasure will prevent the unfinished business of the TRC from being forgotten.⁵⁶

How do we relate to past injustice? It is an easy way out to “forget” and “close” the book on apartheid and to start anew with an unblemished, or at least, sanitised version of the past. The vital question for South Africa is how to deal with the politics of memory and forgetting in the context of a new and unconsolidated democracy.⁵⁷ In this regard historians certainly have a vital role to play.

Can the TRC evidence be used to bridge the divide between public and academic history in South Africa? The best solution would obviously be to restructure the historical profession in a way that reflects the diversity of historical practice. In practice, however, relatively few black historians are coming through the profession’s ranks. Perhaps Odendaal’s suggestion of a chair in

public history should be followed up to promote the image of the profession in the black community.⁵⁸

It would make no sense for academics to renounce their scholarship. However, if they aspire to break down the barriers between ivory tower and popular versions of history, they must be attuned to popular perceptions and acknowledge that there are other versions of the past which exist alongside academic history. Those versions often operate in a non-historical mode and may not be valid if measured by academic standards, but they are significant for people coming to terms with their heritage and their position in a transforming South Africa.

Finally, transformation of the historical profession in post-apartheid South Africa entails more than the incorporation of members of marginalized groups into the existing structures. The rules, standards and norms of these structures, and their relations to the society at large must be examined critically. The very categories of analysis that are used to determine facts and decide between competing interpretations of the past must be interrogated.⁵⁹

REINTERPRETING SOUTH AFRICAN HISTORY

An important task for historians is to use the TRC archive for the re-interpretation of recent South African history. Ian Buruma, who has studied the postwar memories of Germany and Japan, argues that the basic tasks of the historian dealing with recent traumatic events are "to strip the past of its mystery, to relate history as a series of more or less coherent events...and to explain and evaluate those events critically."⁶⁰ Academic historians are expected to provide a synthesis out of what seems to be disparate episodes of personal trauma in the record of the TRC testimonies. They have to recover historical evidence, reconstruct past processes and events, and help create an understanding within society.⁶¹

In its report, the TRC attempted to pave the way for the reinterpretation of South Africa's recent past. Amongst other things, the HRVC sections of the report deal with the activities of major roleplayers (the former South African government and its security forces, the ANC and allied organisations, the Inkatha Freedom Party, the Pan Africanist Congress, the Azanian People's Organisation, and right-wing groups) and assess to what extent the various roleplayers should be held accountable. Chapters on abductions, disappearances, missing persons, and exhumations are also included.⁶²

The TRC report emerged as primarily a story of moral wrongdoing. As expected, the TRC found that the National Party government and the Inkatha Freedom Party (as governing party in KwaZulu) had been the main perpetrators of human rights violations, including the extra-judicial killing of political opponents. The TRC report described apartheid as a "crime against humanity," and acknowledged that the ANC had launched a "just war." But the ANC and PAC were also guilty of human rights abuses and criminal actions during the course of the liberation struggle.⁶³ Thus, the TRC report tried to be impartial without equating the violations of human rights perpetrated by the ANC with those perpetrated by the apartheid state. In distinguishing between the conduct of the former state and the liberation movements, the TRC argued that the state had engendered violent conflict and its actions should be assessed against higher standards of conduct because it had been the legally constituted government.⁶⁴

Some scholars, especially historians operating from a structuralist basis, have charged that the TRC inadequately practiced the discipline of history. Their criticisms deal mainly with the TRC's neglect of context and causation. For historians such as Colin Bundy and Deborah Posel, the major shortcoming of the TRC was that it did not properly address the structural aspects of

apartheid. In their opinion, the TRC failed to come to terms with the underlying structures and processes that have patterned South African society. They criticised the TRC report for lacking a critical and substantive engagement with the myriad complexities that constituted the context within which violations occurred and for failing to grasp the relationship between individual experience, collective action, and societal structures.⁶⁵

If context is neglected, causes cannot be properly explained. By neglecting the socio-economic context in which human rights violations had taken place and the process of change in the apartheid system, the TRC was not in a position to adequately explain the causes of violence. Historians have quite rightly criticised the TRC's shallow historical analysis of causation. Because its investigation of the past was not thorough enough, a nuanced analysis was not possible. This made for an oversimplification of the past. The validity of truth is always acquired in a given context. Without explaining the context, no truth claims can be made for any version of the past.⁶⁶

How should historians use the TRC's evidence in reinterpreting South African history? The stories told by witnesses to the TRC are real only at the level of evidence and this, like evidence in general, is neither an open window that gives us direct access to reality, nor a wall which precludes any access to reality. As already explained, the TRC hearings and report were unable to adequately take account of all the voices or perspectives of historically marginalized groups. There must be an appreciation of the value of oral testimony and personal narratives for the historian's craft, but in the same way as written records, this data must be carefully assessed through a process of historical criticism. Fact must be separated from fiction and a truthful account of events must be secured by situating the facts in the larger historical context. Such an account requires appropriate professional methodologies and expertise.⁶⁷ After the end of a regime under which serious human rights violations took place, how should history and historians proceed in exposing the crimes of the past? Historical research and writing is driven by a moral imperative to do justice to the victims of the past and bring the perpetrators to book. History's function is often perceived as assisting in the building of a democratic society by rejecting the values of the previous regime and underpinning those of the new one. Are historians deluding themselves when they claim objectivity in such circumstances? Should they not admit that they are only creating narratives that are acceptable to a different, perhaps more morally defensible regime? The work of the TRC thus suggests both problems and opportunities for a society that views history as an essential tool in re-defining national identity.⁶⁸ As long as historians realise that they represent only one voice among many, the TRC archives stand as a valuable source for re-interpreting the past.

Historians have assessed the significance of the TRC by evaluating its success both in looking backwards, to uncover the truth about the past, and looking forward, to indicate a way of using the truth about the past to the benefit of the present and future generations. These two objectives are referred to as "re-enacting" and "redesigning" the past.⁶⁹ The historical facts uncovered by the TRC are being used to highlight what must never happen again. Their service to the new order and their political efficacy in terms of ongoing democratic change in South Africa depend, according to Hook and Harris, on the extent to which their lessons are directed backwards, rather than forwards, and whether these lessons are themselves simply consigned to history. In assessing the success of the TRC, it is important to ask whether the apartheid era has been presented as more distinct from the present than in fact it actually is. Has this representation allowed the shirking of responsibility by white South Africa for concerted and active commitment to ongoing political change? Ultimately, will the texts mobilised by the TRC have

been too easily “cut off” from the present, and relegated by history to the time and place where they occurred?

This shortcoming of the TRC highlights an implicit danger within such a form of historicisation, explained by Butchart in terms of a distinction between a conventional “history of the past” and a genealogical “history of the present.” A history of the past is essentially a work of the present produced as a way of understanding what happened in a previous era. It is prone to anchoring itself in the current socio-political realm and projecting the dominant values or understandings of the present backwards. In this way, the present risks insulating itself, as location, context, and time, from the lessons of history. A history of the present, by contrast, is a work of the past produced as a way of understanding the present. Rather than immersing itself in the current socio-political context it tries to anchor itself in the past so as to write a critique of the present. Rather than alienating the past and keeping it at arm’s-length distance, a history of the present interrogates current values, discourses, and understandings with recourse to the past as a source of critical knowledge. In this sense, the TRC’s retrospective focus cannot be understood as properly genealogical, because the final target of critique for genealogical history is the present. Although the TRC may have been necessarily limited to an investigation into the past, it is important to recognise that this purely retrospective focus is a political shortcoming and a missed opportunity to comment on the “new” South Africa.⁷⁰ Both Thelen’s concept of a civics of history and Hook and Harris’s preference for a genealogical history of the present open up interesting possibilities. However, the primary task of the historian is not to show what could have been or what should be, but rather to show what was. In their pursuit of truth about the past, historians should resist the temptation of taking over the tasks of the priest and the politician. If they stick to their task of exposing lies and distortions by establishing what happened and why it happened through critical study, interpretation, and narration of facts, and if they acknowledge that their vision of the truth remains partial and subjective, they will have rendered their service, both to the academic community and the nation. Their work will then be available as an aid in performing the respective tasks of the priest, the psychologist, the politician, and all others who have a stake in the TRC process.

NOTES

1. Richard J. Evans, p. 5; I. Evans, pp. 4-6.
2. See Christie, pp. 68-9; Verdoolaege, “De Zuid-Afrikaanse Waarheids- en Verzoeningscommissie als model voor conflictverzoening”, p. 1.
3. Republic of South Africa, Office of the President, Promotion of National Unity and Reconciliation Act (Act no. 34 of 1995), 26 July 1995. See also Burger, pp. 280–281; TRC, vol. 1, pp. 55-57.
4. Republic of South Africa, Truth and Reconciliation Commission of South Africa Report (final report), Volume 6, Section 4, Chapter 3, pp. 570, 575-6. See also Meiring, p. 379; South African Institute of Race Relations, *South Africa Survey 1999/2000*, pp. 347-8.
5. Joubert; Van Zyl, p. 648.
6. Republic of South Africa, Truth and Reconciliation Commission of South Africa Report (final report), Volume 6, Section 4, Chapter 3, pp. 577, 578.
7. See the bibliography of Verdoolaege, “The debate on truth and reconciliation: A survey of literature on the South African Truth and Reconciliation Commission”.

8. For an evaluation of the literature on the TRC see Verdoolaege, “The debate on truth and reconciliation: A survey of literature on the South African Truth and Reconciliation Commission.”

9. Lalu and Harris, p. 1; Bam; Verdoolaege, “The debate on truth and reconciliation: A survey of literature on the South African Truth and Reconciliation Commission”, p. 4.

10. Mooney et. al., p. 213.

11. Buur, p. 43

12. TRC, vol. 5, p. 442.

13. Hook and Harris, p. 14; Blommaert, Bock and McCormack, pp. 2, 3; Deegan, p. 141.

14. Hook and Harris, p. 15; Verdoolaege, “De Zuid-Afrikaanse Waarheids- en Verzoeningscommissie als model voor conflictverzoening”, p. 7; Enslin; Michael Ignatieff, ‘Articles of faith’, *Index on censorship no. 5* cited in Christie, p. 57.

15. Thelen, p. 1.

16. Williams, p. 9.

17. Barzun and Graff, p. 257; Collingwood, pp. 127, 231, 241, 245, 246.

18. See Collingwood, pp.191-204.

19. Christie, p. 49.

20. Saunders, p. 248.

21. Mooney et. al., pp. 213-214.

22. See e.g. Roodt (who also published a book with the title *Om die waarheidskommissie te vergeet* – To forget the truth commission).

23. Verdoolaege, “De Zuid-Afrikaanse Waarheids- en Verzoeningscommissie als model voor conflictverzoening”, p. 9; Christie, pp. 115, 160-1, 171.

24. Posel and Simpson (eds), p. 11. See also Chief Buthelezi’s comments cited in Christie, p. 180.

25. Verdoolaege, “The debate on truth and reconciliation: A survey of literature on the South African Truth and Reconciliation Commission”, p. 15; Enslin; Christie, p. 179. See Wynand Malan’s minority position on the unreliability of some of the testimonies and the multiplicity of truths in TRC, vol. 5, pp. 441-442.

26. Republic of South Africa, Office of the President, Promotion of National Unity and Reconciliation Act (Act no. 34 of 1995), 26 July 1995.

27. See Verdoolaege, “De Zuid-Afrikaanse Waarheids- en Verzoeningscommissie als model voor conflictverzoening”, p. 3; Statman, p. 23; Asmal, pp. 2-3.

28. Joubert.

29. Nina, pp. 2, 3, 5, 6, 7, 8, 9; Blommaert, Bock and McCormack, pp. 2, 8; Verdoolaege, “The human rights violations hearings of the South African TRC: a bridge between individual narratives of suffering and a contextualizing master-story of reconciliation”, pp. 1, 12, 19; Verdoolaege, “The debate on truth and reconciliation: A survey of literature on the South African Truth and Reconciliation Commission”, p. 16. See also the recommendation on the commitment to reconciliation and unity and the chapter on reconciliation in TRC, vol. 5, pp. 304-307, 350-435.

30. Verdoolaege, “The human rights violations hearings of the South African TRC: a bridge between individual narratives of suffering and a contextualizing master-story of reconciliation”, p. 19.

31. Blommaert, Bock and McCormack, p. 26.

32. Greenstein, pp. 8, 10.

33. Greenstein, p. 7.
34. Minkley, Rassool and Witz, pp. 3, 5; Greenstein, p. 3.
35. Green, p. 5.
36. Greenstein, p. 9.
37. Minkley, Rassool and Witz, p. 5.
38. Greenstein, p. 4.
39. Greenstein, p. 9.
40. Odendaal, p. 2.
41. Greenstein, p. 7.
42. Greenstein, p. 8. Reference is here made to A. Moleah, *South Africa: colonialism, apartheid and African dispossession* (1993); Nigel Worden, *The making of modern South Africa: conquest, segregation and apartheid* (1994); and William Beinart, *Twentieth-century South Africa* (1994).
43. Odendaal, p. 1.
44. Lalu and Harris, p. 1.
45. Minkley, Rassool and Witz, p. 28; Enslin; Du Preez.
46. Williams, p. 9.
47. Thelen, pp. 1, 9, 10, 11, 12, 14, 16.
48. Thelen, pp. 6, 19, 23.
49. Lalu and Harris, pp. 12, 13, 14, 15.
50. Cited in Thelen, p. 8.
51. Minkley, Rassool and Witz, pp. 8, 9.
52. Minkley, Rassool and Witz, pp. 9-10.
53. Minkley, Rassool and Witz, pp. 10, 12.
54. Richard J. Evans, p. 9.
55. The destruction of records is discussed in TRC, vol. 1, pp. 201-236.
56. Harris.
57. Duvenage, p. 2.
58. Odendaal, p. 2.
59. Greenstein, pp. 8, 9, 11.
60. Buruma, p. 247.
61. Lalu and Harris, pp. 1-2, 11; Odendaal, p. 5.
62. Republic of South Africa, Truth and Reconciliation Commission of South Africa Report (final report), table of contents.
63. South African Institute of Race Relations, *South Africa Survey 1999/2000*, pp. 348-54. See also Laurence, p. 41.
64. Buur, p. 42 (abstract); Enslin.
65. Bundy, p. 20; Posel and Simpson, pp. 11, 165-6.
66. Verdoolaege, "De Zuid-Afrikaanse Waarheids- en Verzoeningscommissie als model voor conflictverzoening", p. 9; Posel and Simpson, pp. 165-6.
67. Lalu and Harris, pp. 2, 3, 7.
68. Williams, pp. 1-2, 6, 8; Verdoolaege, "The debate on truth and reconciliation: A survey of literature on the South African Truth and Reconciliation Commission", p. 10.
69. Thelen, p. 1; Richard J. Evans, p. 5.
70. Hook and Harris, p. 16.

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African Studies Quarterly
Volume 8, Issue 1
Fall 2004

Book Reviews

Theory, Change, and Southern Africa's Future. Peter Vale, Larry A. Swatuk, and Bertil Oden, eds. New York: Palgrave, 2001. 300 pp.

An edited volume where the different authors openly criticize each other's contributions is something one does not often see. This makes *Theory, Change and Southern Africa's Future* an interesting and refreshing book. A thorough intellectual exercise, the book's eleven contributors each elaborate on a specific International Relations (IR)-related theoretical or conceptual stance and use this to describe and analyze the Southern African region and regionalization process. Although there is no single thread in the book, the editors do make two overall claims besides contributing to a dialogue on IR-theory related to the Southern Africa region. The first one stresses the importance of inter-paradigm debate with respect to the 'grand old IR theories' such as realism, pluralism and globalism. The second concerns a desire "to go beyond the discipline in the direction of a more self-conscious, and holistic social theory, one which extends both beyond and below the purview of mainstream IR" (p.14).

These claims make Hussein Solomon's task of defending realism all the more treacherous. Solomon's contribution has clearly been put in the beginning of the volume to serve as a red rag for the other contributors, although he does defend realism with vigor and conviction. The chapter serves its purpose: almost all subsequent chapters criticize elements of realism, often referring to Solomon's chapter, and in the end leave no doubt about the many weak spots of realism. Björn Hettne, writing on new regionalism, is the first to seriously challenge the explanatory value of realism with respect to Southern Africa. Taking security as the dominant regional issue, Hettne argues that an emphasis on formal regional organizations, including SADC and the states in Southern Africa, leads to a focus on the wrong actors in understanding the "actual patterns of the regionalization process" (p.107).

Bertil Odén, dealing with South African hegemony, tries to broaden the theoretical scope away from the classic inter-paradigm IR debate. Not so much using a specific theoretical perspective but based more on conceptual notions of hegemony, Odén identifies and discusses five objectives to a South African hegemonic regime in the region. His conclusion is that a benevolent South African hegemony does not have to be negative for the regionalization process going on in Southern Africa, but only if it is contained in a cooperative regionalization framework (p.190). Andre du Pisani follows in the same fashion, dealing with regime theory. After a rather short investigation into the meaning and premises of regime theory, he directly relates it to Southern Africa – unlike many others in the volume - and does so in quite a

structured and elaborate way. Du Pisani concludes that SADC could become one of the more robust regional regimes in Africa, but only if it makes clear political and governance choices for the future, acceptable to all different actors and stakeholders involved.

Theory and Southern Africa's reality are not always very well linked in the book. This is clearly shown in Lisa Thompson's chapter on feminism. In itself a good overview of feminist theory, Thompson does not seem to be able to give it a very relevant practical application when it comes to Southern Africa. Other than the point that SADC and its member states are characterized by standard gendered (i.e. male-dominated) patterns and the classic political and governance emphases on security and militarism that follow from this, she solely focuses on criticizing realism. The last chapter by Larry A. Swatuk deals with green political theory and ecology. Through these 'green lenses' and with an emphasis on environmental security, Swatuk comes to the same conclusion as earlier chapters: "State-centered thinking and approaches to resource management and environmental security cannot solve problems in a region where the state itself is a fundamental part of the problem" (p.287). He presents this as an overall conclusion for the whole volume, but this does not really suffice.

What remains lacking after this last chapter is some kind of concluding critical reflection of the theories used, leading to the so desired "more self-conscious, and holistic social theory." Each author seems to be a fervent proponent of the theory she or he uses and no concluding chapter is given in which different strains are tied together in order to address the second claim made in the introduction. Chapter 2 by Peter Vale on Southern Africa's search for theory, in some respect tries to fulfill this overarching aim. Although the chapter in itself is very useful in giving an introductory theoretical overview, it can not fulfill this claim since, due to its place in the volume, it is not written to be a retrospective theoretical summary making use of hindsight and acquired knowledge. The volume could have significantly gained in theoretical importance if this had been done. One would then feel there is, besides an obvious beginning, also a clear ending to the book.

A second point of criticism concerns the focus on Southern Africa. Because the different contributors are so concerned with defending 'their' theoretical framework, it sometimes tends to become a tight straightjacket, whereby it appears difficult to bring Southern Africa into the picture. Chapters 3, 6, 10 and 11 on realism, international political economy, critical theory and feminist theory are examples in this regard. Despite these two points of critique, this book is well worth reading for everyone interested in theories in International Relations in general and students of (Southern) Africa from different disciplines, but with an interest in international or regional issues, in particular. Potentially it could even be used as a course textbook for graduates in IR, political science, sociology or development and Africa studies. It provides plenty of food for thought and does give an overview of important theoretical and conceptual directions in IR, directed towards Southern Africa.

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The Great Lakes of Africa : Two Thousand Years of History . Jean-Pierre Chrétien (translated by Scott Straus). New York : Zone Books, 2003. 503 pp.

In reviewing a five hundred page book that claims to cover two thousand years of history, it is important to lay out some initial parameters. Most importantly, there should be no easy shots taken. For example, it would be unfair to harp on what Jean-Pierre Chrétien skims over. He simplifies a great deal of very complicated information. In one sentence, he will note the significance of sleeping sickness control within the colonial project (a subject that Kirk A. Hoppe explores in *Lords of the Fly* [Praeger, 2003]). Chrétien occasionally glosses over some historical debates-- he has to. He is trying to cover two thousands years of history in a region where people continue to violently contest the meanings and make-up of those narratives. This is difficult and contentious terrain to cover. Any knowledgeable reader will undoubtedly find sections of this historical survey frustrating because of its omissions and simplifications. But such criticisms are both too easy and simply unfair.

In his preface, Jean-Pierre Chrétien establishes the book's objective: "to offer a synthesis of research contributions from various sources (9)." Thus, Chrétien's fairly modest goal is to take stock of existing knowledge regarding the history of the interlacustrine region. It should be noted that Chrétien openly acknowledges that he is attempting to re-balance the regional focus by providing equal (and occasionally greater) attention to the northwest corner of contemporary Tanzania and the Kivu provinces of the Congo -- areas that have often received short shrift in other histories of the region. This more balanced regional focus is certainly one of the book's strengths. Another strength is Chrétien's impressive familiarity with a wide range of historical sources. In the end, Chrétien offers a history that manages to avoid the pitfalls of simplistic and propagandistic historical narratives of the region. Rather than providing a tale of the "natural" progression of the region, Chrétien offers a nuanced narrative of the ruptures and contradictions of political, economic, and social life in the region over the past two millennium.

Chrétien divides the book into five chapters. The first focuses on ancient human settlements in the region. Chrétien deftly explores and navigates the ideologically-laden narratives of "Bantu agriculturalists" and "Nilo-Hamitic pastoralists" and the supposed timeless socio-ethnic cleavages between the two. The second chapter examines the emergence of kingdoms in the region. Particularly interesting in this chapter is Chrétien's treatment of the foundational myths of various kingships. Chrétien also provides an exploration of the roles of ritual and religion in the foundation of the regional kingdoms. Chapter Three examines the formation of regional monarchical states, with an interesting discussion of the role of ecological control. The fourth chapter focuses on European intrusion and the establishment of colonial control in the region. Chrétien's discussion in this chapter is particularly nuanced, as he explores the fragmented, complex, and occasionally contradictory colonial practices enacted upon the region. His discussion of the reconstruction of tradition -- by both colonial agents and African elites -- is quite well done. This is also the longest of the chapters. I only mention that because I feel the final chapter suffers from being too brief (half as long as the previous chapter). This final chapter deals with independence and the post-colonial experience. Insightfully, Chrétien titles this chapter "Regained Independence and the Obsession with Genocide," as the shadow of genocide -- both real and imagined -- informs this chapter. Indeed, the bulk of the

chapter deals specifically with the events of the 1990s. After the more nuanced historical build-up, I felt Chrétien did not bring his same high level of nuance and insight to this final chapter. Moreover, the volume deserves far more than the ten-page concluding chapter Chrétien offers. This is really meant more as a compliment than a criticism. The work is an excellent historical study by most standards.

Returning to his own stated goal for the book, it should be stressed that Chrétien's work provides a wonderful synthesis of vast amounts of scholarship. It is written (and translated by Scott Straus) in a lively and accessible style. Let me conclude with a personal testimonial to underscore these points. As something of a litmus test, I assigned various sections of the book (alas, it is not in paperback yet) to my students in a senior seminar. They were unanimous in their praise and admiration of the work. Moreover, the students were able to have some of the most informed and historically grounded conversations of the semester when discussing Chrétien's work. As an admirable synthesis of vast and rich archival works, this is an impressive contribution to the field, and a well-written resource for students and scholars.

Kevin C. Dunn

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Between the Sea and the Lagoon: An Eco-Social History of the Anlo of Southeastern Ghana c. 1850 to Recent Times. Emmanuel Kwaku Akyeampong. Athens: Ohio University Press, 2001. 244 pp.

Between the Sea and the Lagoon is a richly detailed study of the Anlo people through a period of considerable environmental and social change that included the end of slavery, British colonial rule, and significant coastal erosion. The author spent his childhood years in Ghana and became fascinated with stories of the relentless onslaught of the sea and its impact on coastal people. Akyeampong draws on interviews, census reports, shipping statistics, colonial revenue returns, missionary reports, court records, fieldwork from 1996-1997, and library/archival work to construct the Anlo's social history and their interpretation of environmental processes. He uses 1850 as starting point for the book because it marks the onset of British influence and urbanization. The author notes that although British colonial rule produced considerable environmental legislation, this did not include marine environmental degradation or that which was unrelated to human agency.

In the introductory chapters, the author examines the Anlo transition from a non-maritime people to nearshore and open ocean fishers. People migrated to the coastal zone in response to political insecurity, oppressive over-rule, and drought. Initially, they fished the waters of the Keta lagoon as they experimented with improvements in canoe building and mastered swimming. Technological advances in fishing net and canoe construction facilitated the transition to a maritime life, as did a cognitive adjustment to the new environment supported by the Anlo adaptation of marine deities that protected fishers and promoted bountiful catches. Of greatest importance was the introduction between 1850 and 1860 of the beach-seine net, known locally as *yevudor* or European net. Use of the nets required additional labor, but no

fishing background, and opened up the fishery. New economic groups or “fishing companies” formed which worked for wealthier net owners, often non-fishers, who reaped one third or more of each catch.

Additional changes from the mid-nineteenth century until the turn of the twentieth century included increased social stratification and new status in clothing, literacy, Christianity, as well as European-inspired architectural styles including two story structures. Gender relations were changing such that men had more control over women, with irregular unions and concubines becoming more common. Fish processing and marketing became a female domain. Divorce and inheritance issues were increasingly coming before colonial courts and customary laws were codified or reworked. Theft and embezzlement were a growing problem due to people’s material wants outpacing their wages. Nonetheless, these societal changes were not of preeminent concern among the Anlo. Rather, what caused great fear and social upheaval were the ecological changes that began around 1900, most importantly the encroachment of the sea.

The Anlo viewed their world as intertwining realms of the social, ecological, and cosmological. A great environmental disaster thus was viewed not solely as ecological but as related to socio-religious practices such as the failure to make proper offerings to sea spirits. The advance of the sea into the Keta lagoon and onto shore began in earnest in 1907 and worsened through 1932. Homes, businesses, and places of worship were washed out to sea and rubble from the destroyed buildings disrupted seine fishing (the method requires a smooth sand bottom free of snags). The sea took the Evangelical Presbyterian and the AME Zion Churches, but left the neighboring Catholic Cathedral. Whether a particular structure was taken or spared was filled with meaning for the Anlo because they believed it was the ancestors in partnership with local deities that controlled the advance and retreat of the sea.

The Anlo tried without success to stem the seemingly supernatural advance of the sea. They constructed barriers, but to no avail. The colonial government was uninterested in investing in seawalls and unwilling to subsidize local people’s land reclamation projects. The solution proposed was to evacuate the area. Whereas shorter term migrations to relatively nearby shores had been commonplace among entrepreneurial Anlo, migrant fishing assumed great importance in the context of severe coastal erosion. In the present day, the Anlo can be found fishing from Cape Verde to Angola. Although not addressed in the book, it would be interesting to know how Anlo seine fishers have been received elsewhere given that seining is often considered environmentally destructive by small-scale fishers sharing waters with them. In Tanzania, for instance, Pemba seine fishers are not welcome in Kenyan waters or in Tanzanian waters outside of Pemba.

By the time of Ghana’s independence over half of Keta lay under the sea. Additional suffering came when Anlo had their port at Keta closed in 1962 because a second deep water harbor closer to Accra had been opened at Tema. The creation of new harbors west of the Volta River had been suspected as a cause for coastal erosion in Anlo region as early as 1927. In 1963 a canal project caused currents to change, leading to permanent diminution of Keta’s market. The construction of the Akosombo Dam on the Volta in the mid-1960s led to the spread of diseases such as schistosomiasis, additional coastal erosion, and a loss of local flora and fauna in the lower Volta region. The end of Nkrumah’s rule brought cautious hope to the Anlo that new regimes would take coastal erosion more seriously. In 1996, the government finally announced

it had secured funds for a Keta sea defense project, but by 1999 substantive work had not been undertaken.

Akyeampong's book is the sixth in the University of Ohio's series on Western African Studies. Faculty and graduate students interested in Ghanaian history, marine anthropology, or West Africa more generally should appreciate *Between the Sea and the Lagoon*. Akyeampong accomplishes his goal of bringing together information on migration history, agriculture, adjustment to the marine environment, moral economy, trade networks, modernization and socio-cultural change into a coherent narrative of life in Ghana's coastal zone east of the Volta River delta. The book's focus on coastal erosion is an important addition to the socio-environmental literature on Africa.

Heidi Glaesel Frontani
Elon University

The Underneath of Things: Violence, History, and the Everyday in Sierra Leone. Mariane Ferme. Berkeley: University of California Press, 2001. 287 pp.

The title of this work is attractive because it draws attention to a state where civil violence is generally perceived as endemic. Sierra Leone was introduced to the American public through coverage of the civil conflict that took place there in the early 1990s. The images of conflict stirred the imagination of not only the public but academics as well. In light of this, understanding of the root causes of civil-ethnic conflict became a very pertinent area of study. This work, judging by the title, appeared to be a relevant contribution to the understanding of civil-ethnic conflict. However, what the author presents is a ubiquitous theory that encompasses a variety of Mende cultural practices. Within this theory, the explication of civil-ethnic violence is a corollary explanation in line with the various other Mende practices captioned by the individual chapters. Indeed, the explanation of violence does not even receive a separate chapter. The reader must rely on an inferential and, hence, incomplete understanding of civil-ethnic violence in Sierra Leone.

The need to draw inferences almost certainly stems from the author's assumption about readers' knowledge of Sierra Leonean history. In this sense, readers must understand that the focus of the book is on the Mende ethnic group. Knowledgeable readers will be aware of the differences between rural and urban Sierra Leone and the historical development of this difference. Readers' understanding would benefit significantly through the inclusion of maps or a chapter that provides a historical background.

However, a careful reading of the work will allow the reader to grasp the underlying theoretical explanation of which violence is one corollary. The theory is that violence in this part of Sierra Leone stems from two sources. Source one is path-dependence or an accumulation of historical violence that leads to the development of what might be termed "a low trust" or "cautious" society. It is very important to clarify an assumption that often causes confusion here. The necessity of interdependence is assumed to preclude the utility of violent behavior.

The author refutes this assumption by noting that interdependence and civil conflict occur together in Mende society. One source of civil-conflict is found to lie in the Mende's animistic belief system. In the animistic belief system of the Mende, spirits of well-being and evil are acknowledged to play a role in the mundane happenings of life. One goal of the anthropologist is to illustrate the veracity of cultural practices as perceived through the subject culture. Thus, a sudden reversion to violence, even within the context of interdependence, is understandable in light of the animistic Mende belief system. However, the role of the animistic belief system is supplanted by a hermeneutic explanation involving Mende interpretation of modernity. In this sense, the Mende interpretation is not a belief system but a discourse in modernity. The author uses the example of diamonds in the Western context. Diamonds have no intrinsic value; instead, their value has been infused by promotion in the Western world.

The means of survival within the context of violence is ambiguity. Thus, in sharp contrast to Western ideals, ambiguity is considered the proper, if necessary, mode of discourse. "Great value is attached to verbal artistry that couches meanings in puns, riddles, and cautionary tales and to unusual powers of understanding that enable people to both produce and unmask highly ambiguous meanings" (p. 7). One point that is well illustrated by the author is the depth of ambiguity in the Mende culture. This depth allows ambiguity to take a variety of functions of which the limitation of political power through uncertainty figures prominently. The utility of ambiguity is important in understanding the potentiality of democratization in such societies. In the absence of widespread norms of trust and transparency, ambiguity becomes a necessary means of discourse.

However, the author excels in presenting a vivid description of Mende cultural practices despite the paucity of explanation on the role of violence. Indeed, it seems as noted earlier, that violence is only one corollary aspect within the larger theory of ambiguity. Each chapter in the work provides a vivid illustration of a particular facet of Mende life. The first chapter, "Immaterial Practices" is best tied to the explanation of civil conflict. For example, the author makes the implicit argument that the effects of the recent civil conflict are superficial; they are what we view at the surface. In the history of Sierra Leone, other shifts have occurred. For example, Migdal (1988) has argued that the colonial structure imposed by the British at the end of the 19th century is a principal determinant of the weakened Sierra Leonean state. The British actually strengthened the role of tribal chiefs in the countryside, which weakened the social control element of the modern Sierra Leonean state. The following chapters are steeped in ethnographic analysis and present a vivid picture of the Mende.

One important contribution that the author makes in the chapters covering the cultural practices of the Mende is transitive nature of gender. Again the author refutes assumptions about the permanence of certain relations. The author states, "Thus all meanings, including gendered ones, cannot be fixed but depend on the political and historical circumstances in which they are activated" (p. 18). The best example of this is the relationship of slavery to spousal role. The author argues that slavery has shaped the institution of marriage within the context of dependency. The implementation of structural adjustment programs, like slavery, also contributes to the continuation of dependency within marriage. The role of dependence is implied to be a ubiquitous element in Mende life. The author noted that in Mende ways,

everybody is considered dependent within a hierarchal scheme or that “everybody is under someone's patronage or ‘for somebody” (p. 84).

Chapter 4, “The House of Impermanence and the Politics of Mobility,” examines household patterns particular to the Mende such as the ‘Big House.’ Chapter 5 reveals again the connection to both dependence and uncertainty in the author's account of ‘big people’ (*kpako*). Interspersed between the chapters are rich ethnographic descriptions of Mende life involving the weaving of cloth and hair plaiting, kola nuts, and clay and palm oil. All of these aspects on the surface appear mundane but the author interprets the meanings that these practices hold for the Mende .

Overall, this work is a contribution to the understanding of Mende cultural practices. However, the title is serendipitous in that it leads the reader into believing that this is a work about the origins of ethnic conflict in Sierra Leone. Instead, what readers find is a theory about the role of the ambiguity in a society characterized by a history of conflict. If one follows this, then one must rely on inference in order to connect the theory with other practices noted in the chapters that follow the introduction. What the author does well is to break ranks with male-oriented ethnographic analysis by providing a focus on the female gender. In this manner, the accounts of females become integral to the work and are interwoven throughout the various chapters. A future edition might benefit from the addition of an introductory chapter outlining Sierra Leonean history as well as maps. This is particularly important to those readers who may not have a substantive background in West Africa.

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Legends, Sorcerers, and Enchanted Lizards: Door Locks of the Bamana of Mali. Pascal James Imperato. New York: Holmes and Meier Publishers, 2001. 123 pp.

This book is the fruit of 30 years of research into Bamana culture by Pascal James Imperato. Imperato first went to Mali to direct a program sponsored by the United States Agency for International Development and United States Public Health Service Medical Team charged with investigating and controlling a measles epidemic in the region. Imperato became intrigued with Bamana door locks while examining and treating a group of children. A casual glance to his left brought his gaze into contact with a Bamana door lock. The presence and power of that lock left an immediate and lasting impression on him and sets the tone for the book.

Imperato not only effectively details the physical beauty of the locks but also their intense cultural, mythological, and symbolic significance to the Bamana people. This is no small accomplishment given the tendency of Americans, according to Patrick McNaughton who wrote the introduction to the book, to “consider art as strictly entertainment, a spare time enterprise that emphasizes pleasure and the senses.” (p. xxiii) While this perspective may be valid for some art forms in some cultures, if applied universally, it results in the recreation of art into something “other than” or “less than” its original function.

The significance of this book is that Imperato does not recreate Bamana door locks into rigidly defined western “sculpture” or “arts and crafts” genres. Instead, he presents the totality of the locks as they appear in Bamana culture. The locks serve to regulate *nyama*, the vital energy that resides in all creation, which can be manipulated by *soubaya* (sorcery). But the locks, through their public display and embellishment with *tiw* graphic signs or pictographs, also reflect “a Bamana intent to use them to teach and remind people about the essential religious and philosophical beliefs and values of *Bamanaya*” (p. 22).

McNaughton states clearly the book is significant for the academic community for two reasons. First, it is the only extensive publication devoted to door locks. Secondly, Imperato's approach to Bamana art is holistic because he asks the reader to determine where does art stop and other cultural phenomena start (p. xxiii). It is this “space” that Imperato primarily occupies with this book by presenting the locks as “simultaneously religious icons, utilitarian objects and works of art. Their mechanical strength matters less than their magical powers and their social commentaries are communicated through symbols rather than words. Locks extol marriage, promote fertility, symbolize the gods, and direct social conduct. The lessons they teach speak of the creation of the universe, the value of balance, order and harmony, and the need for stability and equilibrium in the world.” (p. 48)

Although Imperato's approach contains a wealth of information in both word and picture, the organization of the book makes it easy for the reader to find the level of information needed. The book is divided into three sections: The Bamana World; Portals, Doors and Locks; and Catalogue.

Those desiring to admire the physical form of the locks need only flip to the catalogue section. Those wanting to know more about how the locks are made along with the symbols used can look in Portals, Doors, and Locks section. Lastly, those wanting a more comprehensive understanding of the locks as they relate to Bamana culture can start with the first section, The Bamana World. This section contains information on Bamana society as well as their creation myths and cosmology. This is where you find the “why” -- the cosmological and ontological basis for door locks. This section validates the existence and function of door locks in the Bamana mind. The second section is Portals, Doors, and Locks. This section presents detailed information on the locks themselves: the history of locks, where and how they are made, the parts of the locks, their placement, symbolism, meaning, and their attachment to doors. The last section is the catalogue of nearly seventy images. Each image is accompanied by a physical description that can vary in detail according to the lock. Some have more information than others but the basic information given for each lock includes the height, patina finish or color, description of symbols, and the number of locking pins. Each section is followed by a wealth of notes and references and there is a comprehensive bibliography with well over 100 entries at the end of the book.

The images in the book are black and white. While this allows the reader to appreciate the structure and form of the door locks, and lends the book a crisp silhouette and polished look, it would have been nice to see some of the photos showing Bamana life and culture in color. It is not clear whether this was a cost issue or a source issue since most of these images date from the late 1960s to early 1970s with two from the late nineteenth and early twentieth centuries. This brings up an interesting point about dates. The images in the first two sections of the book are at

least 30 years old, this sets the mind to wonder about the current place of the door lock among the Bamana, particularly with the continued presence of Islam and the impact of a cash economy on a previously patriarchal and agricultural culture.

This book reflects the meticulous approach of a trained scientist but with a keen sensitivity for the aesthetics of Bamana culture. It is reminiscent of the works of Charles Finch -- himself a medical doctor who has worked in Africa but also writes effectively on the mythological and aesthetic aspects of African culture. The book is recommended for those specifically interested in the art and/or culture of the peoples of Mali or those with a general interest in African art. Lastly, it is recommended for anyone who wishes to develop a deeper understanding of how Bamana art seamlessly integrates a most mundane task of daily life -- opening a door -- with their most sacred beliefs.

Denise Martin
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Accounting for Horror: Post-Genocide Debates in Rwanda. Nigel Eltringham. London: Pluto Press, 2004. 232 pp.

Nigel Eltringham forces readers to go beyond the simple chronicle of events leading to the Rwandan genocide by considering many voices to understand this massive act of violence. Eltringham goes beyond the standard accounts of what led to the genocide to incorporate alternative Rwandan voices on a range of key events.

Eltringham believes that understanding language is critical and this is central to his approach. He challenges how existing literature is used to discuss ethnicity and also confronts the use of language descriptors (such as the "moderate Hutu") that bear on how readers and observers understand history. Focusing on both language and interpretation, the author also problematizes the 'appeal to history' and encourages readers to reconceptualize how historians and others come to agree or disagree on a set of historical events. By incorporating a variety of voices from Rwandans he interviewed (in Rwanda and in the Rwandan diaspora in Europe), a number of explanations are suggested for understanding the violence, including: economic rationalism, power politics, and racial manipulation of Rwandans by Belgians.

Accounting for Horror is well-documented and draws on the work of Catherine and David Newberry, Rene Lemarchand, Gerard Prunier, Jean Paul Chretien, Liisa Malkki and other well-known scholars. Eltringham also does a fine job of documenting broader topics related to the genocide in general such as holocaust studies and the analysis of historical narratives. With these broader topics, Rwanda can be seen as both an example and a point of departure for wider theoretical debates.

Accounting for Horror attempts to carve a new approach in understanding what are now familiar events for those who have read previous works on the genocide. Eltringham sheds light on narratives about major events such as the change of power and violence in 1959, the existence and salience of ethnicity, and colonial responsibility. He asks pointed questions of his

interviewees (e.g. are the Belgians indeed to blame for the genocide?). These narratives provide nuanced interpretations from Rwandans and this gives the reader a more complex view of events. In this way, Eltringham's work gives a reader what might otherwise only be gathered from two or three books. This book is probably best suited for readers who have a basic understanding of Rwandan history, as the purpose of the book is to analyze and not outline history.

This work is dedicated to the victims of the Rwandan genocide and to understanding how such a horrific human tragedy could surface *again*. Further, this work acknowledges the growing complexity of Rwanda's political, social and economic landscape over time rather than using oversimplified concepts and events to interpret this human tragedy. Although this book and others on the genocide may be critiqued for their overlap with prior works, authors and witnesses to this genocide (as well as to other human tragedies) continue to write because recounting and excavating is cathartic. Regardless of how many times the story of events in Rwanda is written and rewritten, each author provides his or her own perspective and feelings. In that spirit, this volume focuses on interpretation as an epistemology or a way of knowing that will bring readers to a higher level of understanding about the events in Rwanda. *Accounting for Horror* makes a notable contribution to Rwanda's complex fabric and paves the way to understanding other large-scale human tragedies.

Kelli Moore
University of Florida

Historical Dictionary of South Africa, Second Edition. Christopher Saunders, Nicholas Southey, and Mary-Lynn Suttie. Lanham, MD: Scarecrow Press, 2000. 375 pp.

A professor once asked his students, "If we had to put dictionaries in a part of the library other than the reference section, where would we put them? How should they be categorized? In the literature section? With books on mass communication?"

His answer—that dictionaries should be placed among historical texts, and that they reveal a people's history through the words employed—underscored the fluidity of language, its use, and its history. With this in mind, the phrase "Historical Dictionary" is somewhat redundant. All dictionaries are historical documents. While Christopher Saunders, Nicholas Southey, and Mary-Lynn Suttie's monograph, *Historical Dictionary of South Africa*, Second Edition, approaches history from the other end (i.e., compacting a nation's history into a collection of persons, organizations, movements, and so on, rather than extracting history out of the words themselves), the same result is achieved. By reading the second edition of Saunders, et al's *Dictionary*, and by comparing it to the first edition, one can trace South African historical and historiographical developments over the past twenty years.

This should come as no surprise to those readers familiar with Saunders' research interests in South African history and historiography. The author of many articles and monographs, including *South Africa: A Modern History* (Fifth Edition, 2000, with Rodney Davenport) and *The*

Making of the South African Past: Major Historians on Race and Class (1988), among others, Saunders wrote the first edition of the *Dictionary* in 1983 and later collaborated with Southey and Suttie for the second edition (2000). The end result is an indispensable tool for students of South African history.

Within 375 pages, the authors present a chronology of major events from 1488 to 1998; maps; a compendium of encyclopedic entries detailing historical figures, languages, ethnicities, political movements, geographic regions, organizations, religions, art, economics, and events; and a bibliography of supplementary reading that spans more than eighty pages. It is a succinct, efficient, expensive, and information-packed work.

When one compares the second edition with the first, one difference presents itself immediately: the *Dictionary* has been expanded in most every way. The chronology of major events grew from 14 to 21 pages, the bibliography from 37 to 82, and the entire text from 241 to 375.

Secondly, criticisms of the first edition have been addressed and changes implemented, improving the work as a whole. In a generally positive review of the 1983 edition, one reviewer noted: "Too often, entries have to be scanned to find...information rather than, as should be the case, revealing it in the first sentence"; "Some of the entries, such as 'economic change' and 'business cycles', are so broad that they defy definition and could well have been excluded"; that historians are overrepresented in entries; and that some entries can only be seen as "oddities."¹

The authors addressed each of these criticisms. To use but one alteration in the text as an example, compare the two versions' first line from the entry on Cecil Rhodes: "He followed his brother Herbert from England to Natal in 1870, where he grew cotton, and then to the [diamond] fields, where he began working his brother's claims in November 1871" (First Edition, p. 148); and "Imperialist, mining magnate and politician..." (Second Edition, p. 219). Succinct introductory clauses follow suit and accompany most entries in the second edition.

The most significant—at least the more historically interesting—changes made between the first and second editions reflect the turbulent national developments between their publishing. Indeed, the two editions can be seen as bookends to the most dramatic transformations in South African society, serving as written records of the nation's shifting historiographical trends.

As examples, in the first edition, neither HIV/AIDS nor Frederik Willem de Klerk have entries, naturally.² Shaka is discussed together with Zulu, and Winnie Mandela is only briefly referenced as "a woman of great force of character" within the entry on Nelson Mandela. Interestingly enough, in the first edition there is no entry for Jan van Riebeeck (although it should be noted that Saunders intentionally "curtail[ed] biographical entries drastically" as a result of the recent publishing of the *Dictionary of South African Biography*).³ The second edition, then, does account for both HIV/AIDS and De Klerk. Shaka merits his own entry apart from "Zulu Kingdom." Winnie Madikizela-Mandela has her own space apart from her ex-husband's. Other biographical segments -- such as Jan van Riebeeck's -- have been added, too, giving the *Dictionary* better balance than before. These are but a few examples, and one could fill pages -- about 375 of them -- with more.

The one major flaw of Scarecrow Press' second edition of the *Historical Dictionary* is that the encyclopedic entries and the bibliography -- each superb offerings -- are completely separated

and not cross-referenced. Leaving these out seriously handicapped the authors' expertise: to offer suggested readings for further information on each entry. Readers who are looking for such information should consult the South African first edition published by David Philip in 1998. In that edition, Saunders and Southey were given more freedom to enhance their entries with recommended citations, something that was impossible in the Scarecrow Press editions due to the editorial conformity of the entire Historical Dictionary series.

Still, the latest edition stands on its own and is an extremely valuable addition to any collection of South African historical texts, be they on student desks or library shelves. The *Dictionary* serves its purpose of informing quickly and thoroughly on historical themes, participants, and trends in South African history. Saunders, Southey, and Suttie have provided an indispensable resource to supplement the study of South African history, and furthermore, scholars of South African historiography might wish to compare the first and second editions -- a valuable exercise -- should both be available.

Andrew Offenburger
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1. Rob Turrell. "Review of *Historical Dictionary of South Africa*, First Edition." *Journal of African History* 27, no. 2 (1986), 408-09.
2. "Naturally" is used to signify that the omissions of entries on HIV/AIDS and Willem de Klerk are highlighted only to demonstrate the chronological and historical lapse between the first and second editions, and are not shortcomings of the text by any means.
3. Christopher Saunders, *Historical Dictionary of South Africa*, First Edition (Metuchen, NJ, and London: Scarecrow Press, 1983), ix.

The Decolonization Reader. James D. Le Sueur, ed. New York: Routledge, 2003. 462 pp.

In his portrait of decolonization, Jan Vansina states that:

Legitimacy is gone, citizens are alienated, the intelligentsia dream of revolution or reform, some others expect

liberation or a millennium, most have sunk into a gloomy resignation. Naked power and bribes erode the law.

In turn, the strongly centralized state has lost much of its effective grip, because its legal directives are ignored, except under duress or when they seem to be opportune. (p. 425)

This is one of the perspectives found in decolonization studies that arose out of an effort to incorporate both nationalist and metropolitan approaches, unlike the traditional study of decolonization. James Le Sueur's book, *The Decolonization Reader*, draws upon this new

approach, as he brings together original and important perspectives on the history of colonialism and decolonization in Africa and Asia. His book is divided into eight parts with twenty-two articles from twenty-three contributors and an extensive bibliography that offer comparative and interdisciplinary perspectives of decolonization studies. Consistent with its objective, the narrowly focused articles do provide an introduction to the history of decolonization in Africa and Asia to a general audience.

Part one examines the definition of decolonization by focusing on imperialist history and post-colonial theory. In doing so, the authors emphasize problems of undifferentiated, ahistorical analysis and the need to shift decolonization scholarship from a Western perspective to a more even-handed perspective without Western biases. Accordingly, decolonization cannot be understood by merely focusing on national politics and anticolonial politics, but it should include the challenges presented by history and postcolonial theorists.

Part two discusses the role of metropolitan and international politics, and examines how European governments deal with the issues of decolonization based on their own imperial interests. "The Imperialism of Decolonization," spells out how British and Americans sought to consistently manipulate the political climate in the colonies to serve their own interests and even challenge one another. "Decolonizing French Universalism" articulates the paradox that French intellectuals faced as a result of the decolonization of French Algeria -- defending the universalism of their values while siding with Algerians "that denied this universalism" (p. 115).

In part three, the focus shifts to issues of economy and labor. "Decolonization and European Integration" explains how the Second World War helped to facilitate Britain's decolonization and integration into Europe, reasoning that British imperial interests and European interests were one in the same. "Our Strike" examines the railway strike in French West Africa, where railway workers united for five and a half months, shutting down rail traffic to gain higher wages and benefits "within certain legal and institutional structures" (p. 156, 180).

Part Four analyzes nationalism and anticolonialism in three articles that discuss the role that nationalism and anticolonialism -- with their ties to religion, social customs, and ethnicity -- played in ending colonialism, even while they conflicted with one another (as Nkrumah's nationalism and Pan-African vision did with Asante nationalism).

Two of the most significant aspects of European colonialism, race and ethnicity, are covered in part five. "Decolonization, Demonization, and Difference" examines South Africa's transition from an apartheid country -- where South Africans identified themselves as Afrikaner nationalists or African nationalists -- to a post-apartheid inclusive country. "Mau Maus of the Mind" discusses the British attempt to prolong their reign by assimilating educated Kenyans.

In part six, the topic is gender and sexuality. "The Mau Mau Rebellion Women" argues that, contrary to popular beliefs, Kenyan women were the key factor in achieving the objectives of Mau Mau. The part seven articles "Alcohol and Politics in Northern Rhodesia," "Football and FIFA's African Constituency," and "Licensing Leisure" all examine how nationalists channeled beliefs and energies devoted to social activities into instruments of liberation. The final section discusses different views of decolonization and urges historians not reproduce Western views on stereotypes and teleologies in their analysis of colonial rule.

This book draws upon both metropolitan and nationalist approaches, allowing a more insightful view of colonialism and decolonization than traditionally has been the case. Students and scholars who want to explore the effects of colonialism and decolonization should read this book.

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Rote Adler an Afrikas Küste: Die brandenburgisch-preußische Kolonie Großfriedrichsburg in Westafrika. Ulrich Van der Heyden. Berlin: Selignow, 2001 [1993]. 105 pp.

Van der Heyden outlines the history of the duchy of Brandenburg on the West African coast, her role in the transatlantic slave trade and the beginning of the African diaspora in Germany.

Friedrich Wilhelm I, elector of Brandenburg, aimed at participating in the flourishing overseas trade in order to cover the expenditures of his government. With the help of the Dutch ship owner Raule, he built a fleet -- ridiculously small compared to those of the competitors -- and in 1682 the Brandenburgisch-Africanische Compagnie (BAC) was instituted. There followed before long the foundation of the fortification of Großfriedrichsburg, headquarters of the company in Africa, as well as three smaller redoubts, Accada, Taccrama and Taccorary (on the coast of present Ghana), a point of call on the island of Arguin (presently Mauritania), and a trading post on St. Thomas in the Caribbean.

From the beginning, the elector of Brandenburg's colonial adventure, as the author terms it, suffered from lack of financial resources, military support, and administrative capacities. Besides, the BAC had to compete with stronger seafaring nations (Netherlands, England, Spain, France) who were already settled wherever the Brandenburgers arrived and who did not want to share their overseas resources.

The engagement in slave trade was the most effective means to overcome the perpetual financial problems of the government while other items, such as gold and ivory, rather involved losses. On St. Thomas, the BAC had its trading post as a prerequisite to succeed in slave trade. But they only acted under the authority of the Danes to whom they had to pay duties and who determined the prices for slaves. On the West African coast, they suffered from repeated aggressions by the Dutch. The losses of ships through the elements, pirates, and acts of war by European competitors enhanced the financial problems and the reluctance of investors to engage in the company.

When Friedrich Wilhelm I died, his son Friedrich III showed little interest to continue the overseas trade. However, he did not put a total end to it, but rather let it diminish. His grandson, Friedrich Wilhelm I, King of Prussia, considering the trade relations with Africa a phantasm, finally sold the property on the West African coast to the Dutch in 1717. Part of the contract was that the king, in whose army were already some twenty African musicians, should

be sent "12 young negro-boys, 6 of which should be decorated with golden chains." They constituted the first African immigrants to Prussia coming in a group.

When the Dutch wanted to take over Grossfriedrichsburg, Jan Cuny, a local chief and former agent for the Brandenburgers had seized the fortification. Even when presented with a bill of sale he refused to hand it over to anyone but the former proprietors. Because of this faithfulness to the former proprietors, Cuny was nicknamed "the black Prussian." While idealized by Westermann as a model of an unselfish and trustworthy collaborator of the Brandenburgers, van der Heyden regards him with more critical eyes as someone who also pursued his own interests.

Highlighting the moral failures of those involved in the slave trade and the military history of Prussia makes the book particularly interesting within the present discourse of coming to terms with the past of the German-African relationship. The first edition caused an impact on readers which is quite unusual for history books and it provoked a concern for the people living around the fortification of Großfriedrichsburg. School-partnerships were established and the number of German tourists to Princesstown in the neighbourhood of the fortification, where there the memory of the "Brandenburg family" (104) is still alive, also increased considerably.

However, the scholarly reader might have enjoyed a less moralizing attitude of the author, and at times a more careful use of terminology in order to avoid misunderstandings. Given the general agreement that German colonialism in Africa began only after 1890, the reader questions how easily Van der Heyden expands German colonial history 200 years backwards. It would also be helpful to make clear whether Großfriedrichsburg was a trade-colony (Handelskolonie) or simply a trading post. The idea of a 'settlers colony' (Siedlungskolonie) never came up in the Brandenburg era.

With regard to the Fanti population in the area, van der Heyden says that in colonial literature they were called "true negroes" ("echte Neger" - p.18), a term formerly used for the classification of African races and languages. Without providing further explanation and in the given context, this statement does not give any relevant information to the reader and it even contradicts the author's moral attitude exhibited elsewhere in the book.

Despite these truly minor weaknesses the book is a most welcome contribution to the history of Brandenburg-Prussia and of early contacts between Europe and Africa. Divided into eighteen short chapters and accompanied by many meaningful quotations and pictures, the book reads easily. The entire layout makes it attractive for the reader. It constitutes a wonderful example of a thorough historical study made accessible for a general readership.

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Westermann, Diedrich. "Jan Cuny," *Afrika: Studien zur Auslandskunde* 2:1-3 (1943).

The African Studies Companion: A Guide to Information Sources, 3rd edition. Hans M. Zell, ed. Lochcarron, Scotland: Hans Zell Publishing, 2003. 570 pp.

Keeping track of the growing and rapidly changing corpus of reference and other important information resources for any academic field has become increasingly difficult during the last decade. One could argue that doing so in an area studies discipline is even more challenging, with individuals and organizations in the relatively underdeveloped context of African publishing generally facing even greater vicissitudes. At the same time, corporate structures for western publishers change at an alarming pace, journal titles change, and formats may shift from paper to a variety of electronic access that themselves seem to remain in constant flux. Many libraries contract with a private service to track and update a list of several tens of thousands of electronic journal titles every other month. It's no secret that even library professionals can't keep up with all of the changes in journal index databases and other electronic sources outside our own areas of specialization.

Some Africanists may withdraw from these difficulties or simply rely on a few favorite, well-known resources (even when we realize that these may not be optimal for our specific needs). Some others may panic at the realization that a seemingly reliable strategy (e.g. a library catalog search, a few quick shots in one of the many general journal index databases, followed by a Google search or two) is in fact missing an important part of their target journal list. Yet assistance is available. A reference companion, such as this recently published guide, can help one discover new resources and broaden the resource foundation of one's academic work in a way that is flexible and manageable, and which can be modified as the situation inevitably changes over time.

Few writers are better positioned than Hans Zell to understand the complexities of the current information production, distribution, and consumption situation from both the supplier's and the information user's perspective. One of his innovative solutions to the problem of print resource obsolescence in the face of electronic resource impermanence has been to publish print guides that are supplemented and updated online, which later are then produced in updated, revised print editions as well. Nobody else has tackled the problem so directly and so well, or with such sustained commitment to the field. Some libraries hold a dozen or more of Zell's published reference works and compilations, many with several revisions and updates at reasonable intervals. Providing the online resource as an integral part of the printed guide allows multiple users to access its contents concurrently and from a place of their own choosing, while a library can maintain the printed copy for archival purposes.

Contents of this latest volume include more than 1,900 entries in twenty-three chapters arranged topically, with substantial annotations for most entries and providing selected sources and specialized guides in the many areas. A glossary of abbreviations and acronyms and an alphabetical index (including author, both personal and corporate, as well as title entries) complete the volume. Thorough cross-referencing and a detailed subject arrangement as outlined in the *Table of Contents* preclude the need for a separate subject index. The online version replaces the book's index with a keyword search function. Annotations are clear, evaluative and pointed, and with selectivity focused on highlighting the best and most useful sources.

The value of including the online version of this resource in the cost of the printed volume is an innovation that allows flexibility among users, and substantially offsets the initial expense. While perhaps not a title most would consider for individual purchase, it is certainly a resource that academics, business or NGO managers, librarians and others with an interest in Africa may wish to purchase for their office, departmental or institutional library.

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Armed Conflict in Africa. Carolyn Pumphrey and Rye Schwartz-Barcott, eds. Lanham, MD: The Scarecrow Press, 2003. 313 pp.

Pumphrey and Schwartz-Barcott's *Armed Conflict in Africa* is one among a number of recently published books on the politics of war in Africa. The nine contributors to this volume examine the history of recent armed conflicts on the continent, each from different perspectives. Most address why Africa has been affected by what appears to be a rising tide of violence in recent times. Each offers prescriptions or at least provides a framework for considering what would have to change to bring about a diminishment of these conflicts. Especially those chapters by René Lemarchand on Rwanda and Bona Malwal on Sudan provide detailed information about specific cases. The editors have collected a valuable set of maps in one of the appendices. Especially for those conflicts that took place before the days of internet and the extensive and detailed reports of the United Nations NGO's such as the International Crisis Group, detailed maps of combat activities can be hard to find in one place.

Several of the chapters, when taken together, offer good examples of different explanations for causes of conflict in Africa. Julius Nyang'oro makes the basic observation that the absence of a viable middle class in many countries leaves them with polarized social structures and polarized politics to match. Readers familiar with critical scholarship from the 1960s and 1970s will recognize a structural argument that stressed the social dysfunctions and internal political fragmentation that arose out of economic dependence on more powerful countries. Now, however, powerful outside forces in the guise of multilateral financial institutions insist on further weakening of states through retrenchment in civil services and privatization of remaining state assets. There may be good macro-economic arguments for doing this in terms of enhancing economic efficiency. But the social consequence is that people in many African countries are exposed to the full force of global economic competition without the aid of regulatory institutions to buffer them from the destructive aspects of this process. That situation, Nyang'oro argues, is tailor-made for political entrepreneurs to take advantage of disorder and change to exploit people's anxieties and lack of legitimate alternatives to provide for themselves and their families.

René Lemarchand provides a different framework to explain the external roots of conflict in Rwanda. He observes how ideas inherited from colonial era scholars, both European and Rwandan, were incorporated into the political strategies of different political groups in that

country. These became justifications for classifying people into what took on the trappings of rigid group identities. Official ideology and administrative practice gave license to some political entrepreneurs to instrumentalize these “myths” to mobilize followers against specific targeted communities.

Like Nyang'oro, Ali Mazrui stresses how external influences have sharpened local conflicts, especially as cold war era powers recruited African proxies to extend their influence. Africans are agents of conflict in this explanation, not simply pawns of foreigners. The strength of Mazrui's chapter lies in his identification of this political agency as a key to ending conflicts. His remedies focus on the efforts of Africans, ranging from cooperation for internal institutional reform, which can be found in the multitudes of indigenous human rights groups, women's rights organizations and in regional associations which have come to play major roles in conflict resolution, especially in West Africa but also in Central and Eastern Africa. These successes of African conflict resolution often get shortchanged in academic analyses.

But the book has several weaknesses. From the outset, the editors provide no clear definition of conflict. Army coups and mutinies find their way into a lengthy chronology of conflicts in an appendix. If this and other events like it fall under the heading of conflict, why not consider all coups and uprisings as conflicts? Was the al-Qaeda inspired attack on an Israeli-owned tourist hotel that killed 15 people (page 280) an instance of African conflict in a comparative scope that includes the Congo war and the ongoing conflict in Sudan? On the other end of the chronology, one finds references to events in ancient Egypt stretching over several centuries. These events, often listed as instances of general turmoil over several centuries, do not fall under the consideration of any of the substantive chapters and it is not clear what they add to a book that really is about twentieth century wars. Points such as “Terrorism is the deliberate use of terror to achieve political goals” (page 5) add little. In the end, the editors produce no real parameters to point to what they consider to be a conflict, beyond contentious politics that results in fatalities, though most of the chapter contributors appear to settle on standard notions as those events that involve a thousand or more deaths.

Several of the chapters obscure rather than illuminate. One finds the statement in the introduction that “people caught up in the conflict often seem to have little idea of what the fighting is about” (page 2) and later, “wild, irrational lashing out” (page 47), notions that contribute little to social science understandings of conflict. These and other passages recall the “coming anarchy” thesis of Robert Kaplan that explains conflict in terms of ancient hatreds and atavistic hunger for conflict that do not find much purchase in contemporary scholarly analyses of root causes of conflict. And if Africans do not really know why they fight, how can they be involved in resolving these conflicts?

Numerous factual errors also creep in. Right at the outset on page 1, for example, the list of UN peacekeeping operations, cited from a source published in 2001, omits Sierra Leone -- the largest UN peacekeeping mission at the time. “Ibo” in place of Igbo is archaic. The book would have benefited from more careful copy editing too. On page 86, for example, perusal of the list of the final five footnotes for the preceding chapter reveals two misspellings of the names of well-known authors. In sum, specialist readers may appreciate the better chapters and maps at the end of the book. The general reader with more limited funds may wish to look elsewhere.

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Partner to History: The U.S. Role in South Africa 's Transition to Democracy. Princeton N. Lyman. Washington, DC: United States Institute of Peace Press, 2002. 344 pp.

Princeton Lyman has not followed the example of two British ambassadors in South Africa who produced slight and heavily anecdotal memoirs of their time in the country. Unlike David Scott's *Ambassador in Black and White* (1981) and Robin Renwick's *Unconventional Diplomacy in Southern Africa* (1997), *Partner to History* is a substantial and important book, one that deserves to be read alongside Chester Crocker's account of the United States ' role in southern Africa in the 1980s, *High Noon in Southern Africa* (1992). Lyman is holder of a Harvard Ph.D. in Political Science, and like Crocker and the present U.S. ambassador to South Africa , Cameron Hume, he has set an account of his experiences in southern Africa within a broad analytical frame. Only part memoir, his book is detailed and well documented. Prior to completion, the author conducted a number of interviews with key role players to check his interpretation of events and attitudes. Lyman was U.S. ambassador in South Africa from August 1992 to the end of 1995, key years in the country's transition to a democracy. As he makes clear, such an outcome was by no means inevitable. When he arrived, negotiations were at a standstill and the transition came under renewed threat particularly when Chris Hani was assassinated in April the following year.

It is often said that the South African transition from apartheid to democracy was a home-grown product, unlike the transition in Namibia next door, which was heavily shaped by the involvement of the international community. Lyman shows that this assessment of the South African transition is not entirely correct, for though there was no direct mediation as there had been Namibia (U.S. offers to mediate were rejected), the U.S. used its influence, economic assistance and political support to support the peace process. Though in South Africa such 'facilitation,' Lyman argues, was important in helping to bring about the resolution of conflict. He claims that in the period he was ambassador, following the departure of the dynamic British ambassador Robin Renwick, there existed 'special opportunities' for U.S. influence (p. 54).

It is a pity the author did not find an expert on South African history to read through his background chapter, for it contains a number of small slips. Yet when he gets to the 1990s, he describes U.S. links with South Africa with a sure and deft touch. His book then becomes a blow by blow account of the remarkable events that took place during his ambassadorship. Within days of arriving, he was having regular meetings and conversations with Nelson Mandela, counselling the African National Congress not to continue with its planned marches into the Bantustans . He developed close relations with Joe Slovo and the U.S. began training protection officers for Mandela, after it was realised, very belatedly (those of us present in South Africa at the time had been concerned at this from the moment of his release in February 1990), that his protection was inadequate (pp. 86-87). At the same time, Lyman needed to indicate to the

National Party government that the U.S. had confidence in what de Klerk was doing to further the process leading to a transfer of power and in dealing with the difficult Buthelezi (chapter 7).

Lyman admits to some errors, a small one being to schedule a powerful speech by U.S. Secretary of Commerce Ron Brown at a university not in session (not the University of Cape Town, as he says on p. 188, but at the University of the Western Cape, as is stated in the Appendix that reproduces the speech). He is particularly interesting on the issue of chemical and biological weapons in the context of the transfer of power (pp. 189-94) and on the strained relations with Mandela after the election, when Mandela denounced the proposed U.S. aid program as "peanuts" (p. 231). In his final chapter, Lyman tries to draw out some lessons for the U.S. from the South African case, including one not learned by George W. Bush: "never forget your friends" (chapter 12).

Lyman gives us much new detail on the U.S. role, and nobody reading his account could come away with the idea that this role was totally insignificant. Because he focuses on what he and other Americans did, however, his book may give the impression that the U.S. played a truly significant role. That would be wrong. Without the U.S. pressures on the parties to reach a solution, a negotiated solution would probably still have been reached. Future historians may not agree with Lyman on the extent of the U.S. role, but none will be able to ignore his seminal account.

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Twilight on the Zambezi: Late Colonialism in Central Africa. Eugenia W. Herbert. New York: Palgrave MacMillan, 2002. 196 pp.

Eugenia Herbert sets out to provide a Rashomon-like study of the late colonial world, centered in the colonial Boma and Native Administration headquarters of Barotseland (Northern Rhodesia) in 1959, but ramifying outward to include the mental and political universes of the Federation in Salisbury (Southern Rhodesia) and the Colonial Office in London. This is a short book. It is also a very experimental history. Its principal aim is *not* to explain a specific incident, to provide a comprehensive vision of a small, remote place, or even to use a small place to explain a big phenomenon like nationalism. Instead, Herbert's cinematographically-written study depicts a time -- 1959 -- precisely because it was at the end of a period when colonial actors could see colonialism as stretching indefinitely into the future, without major upheavals. Herbert chose a place that was apparently a sedate, relatively contented backwater, with an elite closely linked to the symbols of British royalty and titles. While discordant elements pull at the edges of her portrait -- with ecological crises, massive labor outmigration by men, a small outbreak of sorcery by "Kalikozi gunmen," a disaffected educated elite, ambitious white builders of the Federation of the Rhodesias and Nyasaland and increasingly doubtful intellectuals, politicians and bureaucrats in England -- this is a sketch of a world in balance, not one about to be catapulted into crisis and change.

In the book's four major sections, Herbert pays respectful attention to the complexities and contradictions of the perspectives that she explores. The section on the Boma (District Commissioner's Office), for example, draws on the formal annual reports and tour reports that administrators filed, and also on interviews, questionnaires, unpublished papers, and pictures from a variety of the officials and family members who lived in the region at the time. This permits a discussion of what happened and also thick descriptions of official life on tour and in the outpost, down to the sports essential to local sociability and the messengers who taught official cadets and did much of the actual work. This evocative thick description style emphasizes not the big forces of history -- the isms of colonialism, imperialism, racism, nationalism and ethnicity that most readers know as the big stories of the time -- but the individuality of the DC who wanted to play squash; Roy Welensky as a boxer who headed the Federation; and Marjorie Perham as the colonial administration expert who should have been a governor.

While the author's approach produced a book that is a joy to read for historians knowledgeable about the outlines of the end of the empire and eager for a sense of atmosphere, it does have weaknesses connected to its strengths. For students unable to recognize major historical figures (such as Marjorie Perham, Roy Welensky, Hastings Banda or Kenneth Kaunda) it may be an unexpectedly difficult work, full of names and individual circumstances, and low on forward narrative drive. This is particularly true by the end of the book, where the most vivid single event described is the intervention of Rhodesian Federation troops at Hola, in Nyasaland. This intervention involved the killing of activists and produced both bad press in England and a nationalist backlash within the Federation (142-6). As Nyasaland protrudes into this study, Herbert loses her focus on Barotseland, and to some extent calls the work's premise - that one can understand a colonial moment through a locally focused lens -- into doubt. Also, since the work's poignancy rests on the reader's awareness of the coming years of nationalist struggle and postcolonial crisis, students unfamiliar with the region in the 1970s and 1980s may miss some of the work's power. Landeg White's *Magomero*, with its drama and emphasis on local changes over time, probably remains a more effective work for introducing students to local history in Africa. Herbert is instead doing something quite different -- subtle, complex, and moderately subversive of the larger colonial typologies of "The Administration," the "Native Government," the "Missionaries" etc. In Herbert's portrait, individuals act, get into muddles, work out their idiosyncrasies, and -- in the process -- set the stage for large scale change.

Herbert's work is most effective as a multifaceted book about different sorts of elites, especially white ones. She tries to incorporate Lozi elites as well, in an entire section on "The view from the *Kuta*," but that is the weakest section of the book, with limited sources on what elite officeholders did, let alone on the activities of their wives and clients. Educated African men, with the exception of major figures such as Kaunda and Banda, are mentioned but not discussed, and much of their motivation, action, and connections to other more ordinary farmers and taxpayers remain opaque. Herbert obliquely rejects recent efforts (eg. Frederick Cooper) to reclaim African nationalism as a popular initiative connected with labor.

Where this book is unobtrusively innovative, though, is its connection of Zambian and Central African nationalism to the politics and events of Federation and the Colonial Office.

Herbert offers a nuanced portrayal of divisions between Colonial Service and Colonial Office, the complexities of Labour versus Conservative Governments, and the complicated roles played by experts like Marjorie Perham or heads of commissions like Patrick Devlin. Herbert maintains a focus on colonialism as a political system, rather than a cultural hegemony or system of social welfare control, leaving aside any serious exploration of missionaries, press, schools and clinics, or agricultural development planning. The implication is that despite colonialists' occasional delusions of their transformative impact, their presence sat lightly in Barotseland, and eroded quickly.

Herbert's study is not a nostalgic souvenir of colonialism, tied up with neat conclusions. Instead, it meanders through a historical moment, looking closely and sympathetically from a variety of perspectives, with detours into regions well beyond Barotseland's boundaries, before leaving threads dangling all over the landscape to intrigue future historians and trip them into more problems and work.

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