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- Address fear, prejudice, anger and other obstacles in the transition to a non-racial democracy in South Africa
- Engage influential groups and individuals who may be outside the transition process
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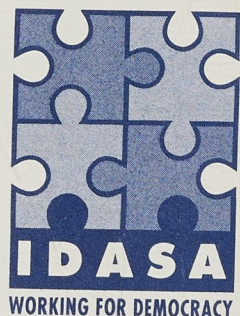
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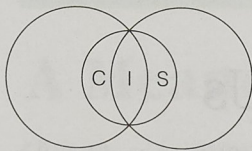
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Track Two

Constructive Approaches to Community and Political Conflict

A PUBLICATION OF THE CENTRE FOR INTERGROUP STUDIES

VOL I No 3 NOVEMBER 1992

'We are all brothers and sisters'



GRAEME WILLIAMS, REUTERS

Namibia's national reconciliation policy has been key to the relative absence of hostilities since independence... yet the injustice of colonialism and specific atrocities remain unaccounted for.

The Trials of Reconciliation in Namibia

By Laurie Nathan

South African politicians and theologians have long debated the merits of adopting a policy of national reconciliation. The debate is now heating up and impacts on diverse controversial issues such as national symbols, a general amnesty for the security forces, the need to account and atone for past sins, and the integration of government and guerrilla armies.

This article discusses Swapo's policy of reconciliation before and after the attainment of Namibian independence. It argues that the results of the policy have been mixed but that the negative effects are outweighed by the relative success in overcoming the country's deep and bitter legacy of hostility and instability.

For several decades Namibia was locked in a bloody struggle for independence from colonial rule. In the northern war zone, home to half the country's 1.5 million people, more than 12 000 peo-

ple were killed and tens of thousands forced into exile. The struggle assumed the character of a civil war as Pretoria sowed division between ethnic groups and conscripted Namibians to serve in its security forces.

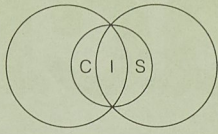
In the late 1980s changing international and

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Track Two is a quarterly newsletter published by the Centre for Intergroup Studies to promote innovative, constructive approaches to community and political conflict, as an alternative to traditional adversarial tactics.

The term 'track two' refers to informal, unofficial interaction outside the formal governmental power structure, providing the means for historically conflicting groups to improve communication and gain a better understanding of each other's point of view. In so doing, it reduces anger, fear or tension, and facilitates the resolution of substantive conflicts.

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A Soul-Search for All of Us

Nonviolent, nonadversarial approaches to the resolution of conflict are as old as the hills. Livy, writing at the time of the ancient Roman empire, describes a successful protest by the plebians to bring certain grievances to the attention of the consuls. The outcome was a significant improvement in their living and working conditions.

However history, like our modern-day newspapers, tends to record the bad news, and there is little reference to nonviolent action until the late eighteenth century, when rich case material emerges. Even then, wars had names, but peaceful ways of resolving conflict were given descriptive rather than analytical treatment. It is only in the last 20 years that conflict resolution has established itself as a specific discipline.

A particular point of debate that has emerged as the discipline has developed surrounds ethical questions. As we transit from a society based on the gross inequalities of the apartheid era, how do we facilitate negotiations or intervene between parties with glaringly unequal access to power, between little-educated rural people and entrenched town councils, between a township Parent, Teacher and Student Association (PTSA) and the Ministry of Education? Do we stick strictly to our role as the impartial mediator as the literature demands, or do we act to empower the 'weaker' party and in so doing become partial? Do we intervene in conflicts that arise from the structural inequality of the apartheid era, or do we try to change the underlying societal causes of the conflict? **Charles Nupen, Director of the Independent Mediation Service of South Africa**, gives his views on these and other searching questions on page 7.

At a deep and heartfelt level, every person in our nation faces the dilemma of justice and restitution versus reconciliation and forgiveness. The debate involves every strand in the fabric of our society. Apartheid was omnipresent, imprisoning education, health, housing, human rights in its ideology. How do we dismember it, mourn it, redress it? **Laurie Nathan, Executive Director of the Centre for Intergroup Studies**, reports on page 1 on the Namibian decision to build its new nation on the foundations of reconciliation, and how that policy is working - and not working.

Acknowledging loss, pain and grief, and mourning it, is essential if we are to move to a new society. Conflict intervenors can help with this letting-go process, as **Joe Montville, who coined the phrase 'Track Two'**, writes on page 10. Drawing from his own experiences as a conflict intervenor in the Middle East and Central America, he concludes that for genuine reconciliation to be effected, a transaction of contrition and forgiveness must occur.

With this issue, we also start a regular international column by **Stephen Chan, a renowned international relations practitioner and academic based in the UK**. On page 12, he concludes that morality, needs and ethics have been tragically ignored in the Balkans conflict intervention.

This is a time of soul-searching for all South Africans. For those of us involved in the practice of conflict resolution it is a time to assess our role, to clarify our goals and to act with integrity. The uniqueness of the South African conflict demands that we draw on the wealth of international experience and extract what is appropriate, but that we create a home brand of conflict resolution that takes into account the special circumstances of all our people in the wake of the apartheid era.

As mediators, facilitators, clergy, human resource personnel, educators, policy makers, party political and community leaders and many others, we have the responsibility to demonstrate that the vision of the new South Africa can be realised only if we learn to resolve conflict constructively, and if we are constantly attuned to the ethical issues that must be addressed to achieve a lasting peace.

This is your final free copy of Track Two. In the February issue, we will be addressing the debate around **ethnicity and conflict**. If you haven't already sent in your subscription form, this is your reminder that Track Two takes you to the cutting edge of conflict resolution issues in South Africa! Can you afford not to subscribe?

Susan Collin

Susan Collin, Editor

A Meaner View

Susan Collin's article, "Combined Forces," in Track Two No 1 [May 1992] presents a picture so rosy-coloured and self-congratulatory of the Resource Forum and its direct and adopted progeny as to remind one of those pious mediaeval depictions of saints in which gold and red are the only colours used. Reality, however, contains rather more sombre hues, which presumably the meaner in spirit must supply.

My own sadly meaner view, as the then-Acting National Secretary of the South African Association for Conflict Intervention, was offered in the report I presented at the end of [last] November to our Annual General Meeting. Having taken part in some thirty or more of the meetings to which Susan refers, I described my experience of what I chose to call "a series of initiatives ostensibly concerned with what is known as the 'taxi war'":

...In my observation, the discussions at which I have been present, and the various activities attempted, have been marked by arrogance, almost childish impatience, gross amateurishness, and marked expressions of bias against one of the two taxi associations. My belief is that these defects, which condemn the initiatives to futility or worse, are largely the consequence of untutored attempts by bodies to whom activist confrontation has been habitual to turn themselves into peacemakers. The sow's ear of denunciatory indignation is not easily made into a silken purse of peace...

My experience of subsequent meetings has not led me to the conclusion that this assessment was unfair, or that the meetings have achieved much beyond enhancing the sense of self-righteousness which - in, of course, my observation - sustains most of the participants...

Peter Shepherd, Rondebosch

Congratulations on starting Track Two. I feel there are very close parallels between the

situation in South Africa and the situation in Los Angeles and the USA.

However, I think it will be very difficult for you in South Africa to get an accurate, let alone clear, picture of what is happening here. The situation is so politicised it is practically impossible for certain points of view to be expressed, and events to be described if they appear to be negative for the militant group.

...You not only help people be more effective combatants in conflict, but also help them understand what they are doing and why they want to do it. They are less likely to be disoriented by slogans which sound good but lead to disaster.

Paul B Johnson, Thousand Oaks, CA, USA

Thanks for the quality of articles in Track Two. I found the August 1992 edition especially valuable. As a town and regional planner by training operating in the public sector, [I found] it covered many pertinent issues. Many planners are being drawn into negotiation either as public sector employees or as consultants on behalf of either community groups and/or the public sector...

Liz Hicks, Pietermaritzburg

Thank you for the first two editions of Track Two. The success stories of Mpumalanga and Ivory Park are encouraging indeed for any concerned South African citizen.

As a policeman myself, and a post-graduate student in political science, I would like to see more policemen, besides members of the Internal Stability Unit, get involved in resolving conflict in their own communities by means of mediation and active participation in local dispute resolution committees.

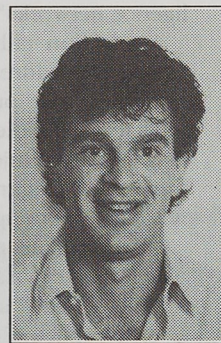
The policemen would need to be impartial, tolerant, skilled in mediation techniques and be genuinely committed to peace - a legitimate police force controlled by an interim government body

in the negotiation phase. Hopefully the planned regionalisation of the South African Police force would create such opportunities.

A policeman, Pretoria

Congratulations on Track Two No 2. It is a timely publication to capture the innovative approaches being embarked upon in South Africa.

Professor I Douwes Dekker,
Graduate School of Business
Administration, University of the
Witwatersrand



Centre Welcomes New Director

The Centre for Intergroup Studies is pleased to announce the appointment of **Laurie Nathan** as its new Executive Director. Nathan, 32, studied law at the University of Cape Town and did an M. Phil in Peace Studies at Bradford University. He was formerly a Senior Researcher at the Centre, specialising in military and police issues.

He succeeds Prof HW van der Merwe, who has been Director since the founding of the Centre in 1968. Prof van der Merwe will remain at the Centre as a Senior Consultant.

"The Centre's mission is to contribute to a more peaceful and just society by promoting constructive and creative approaches to the resolution of conflict and the reduction of violence," Nathan says.

"We believe that conflict is inevitable in any society but does not have to lead to violence. The challenge is not to eliminate conflict, but rather to manage it in constructive ways. The Centre is uniquely placed to make a direct contribution to this process of establishing peace in South Africa."

Brothers and sisters...

continued from page 1

“The new government also categorically ruled out the possibility of conducting Nuremberg-type trials for human rights violations committed before independence.”

regional conditions led to a series of intense multinational negotiations on Namibia's future. Subsequently South Africa at last agreed to implement UN Security Council Resolution 435 for independence.

Shortly before the start of the settlement plan, Swapo's executive committee formulated a far-reaching policy of reconciliation. In widely distributed pamphlets, it motivated the policy as “essential to heal the wounds of war” and as a “necessary precondition for peace, stability, economic reconstruction and development”.

The policy was also deliberately designed to reassure the Namibian members of the colonial security forces about their future in the country. It was hoped that this would reduce the risk of their attempting to destabilise the transition to democracy through acts of violence.

During the election campaign Swapo consequently extended a “general pardon” and “a hand of reconciliation” to “all those Namibians who were misled and misused by the colonial powers to prevent the achievement of independence, including those who were in its armed forces and security and intelligence networks”.

At election rallies Swapo President Sam Nujoma frequently addressed the security force members monitoring the proceedings. While the crowd's attitude to the soldiers and police was patently fearful and hostile, Nujoma declared that the liberation movement regarded them as “fellow Namibians who have nothing to fear from freedom”.

On coming to power in Namibia's first democratic election, Swapo applied this principle immediately. It sought a balance between members of its guerrilla army and the colonial security forces in the formation of the Namibian Defence Force (NDF) and Namibian Police (NAMPOL), and declared that no person would be excluded from these institutions because of their past affiliation or conduct.

This position was extended to all former members of the colonial administration and was entrenched in the constitution:

Any person holding office under any law in force at the date of independence shall continue to hold such office unless and until he or she resigns or is retired, transferred or removed from office in accordance with law.

The new government also categorically ruled out the possibility of conducting Nuremberg-type trials for human rights violations committed before independence. It insisted that such trials would only lead to further antagonism and instability.

The decision drew flak from Amnesty International, which argued that pre-conviction amnesties might lead to abuses by soldiers and police in the future. The government's response was that “the situation is now governed by law, chiefly the new constitution, which will not allow abuses to go unpunished. A new page has been opened; whoever makes that page dirty will be prosecuted.”

In the interests of reconciliation, Swapo also chose not to impose its symbols and flags on the

independent country and deliberately downplayed victory celebrations for its army. Remarkably, it has tended not to rely on its electoral majority to force decisions through parliament but has preferred instead to resolve disputes by consensus in multi-party committees.

In addition to the above policy decisions, the government has made a concerted effort to build national unity by repeatedly urging state employees and the public to put the past behind them. For example, in early 1990 the Minister of Home Affairs told members of NAMPOL:

We have to reconcile, forgive each other and record the events of the past for the sake of history but never for any revenge. Our internal policy is guided by the concept of national reconciliation and harmonisation. All Namibians have to accept each other as one people and as brothers and sisters.

The reality, of course, has not been as harmonious as desired, and the policy of reconciliation has itself given rise to a range of serious problems. In particular, there is widespread resentment over the fact that employees of the colonial administration, whom many people regard as ‘sell-outs’, have been able to keep their jobs.

The resentment is especially strong among the growing ranks of unemployed, which include a large number of former Swapo combatants. The ex-guerrillas - who have little education, few skills and no job opportunities - feel that they have been betrayed by the government and speak of turning to banditry in order to survive.

Much of the anger and frustration has been directed at NAMPOL. Swapo-supporting newspapers have campaigned vociferously against the retention of the white leadership of the SWA Police. In September 1990 the Swapo Youth League held public demonstrations against certain officers they referred to as “thugs”. The following month a group of black officers threatened to go to court over continued white domination of senior positions.

From a different perspective, certain human rights organisations and opposition parties claim that the government has used the policy of national reconciliation to avoid dealing with the ‘missing detainees’ issue - the still unresolved question of Swapo members allegedly killed by the liberation movement in its camps during the war.

Opposition groups and the Namibian Council of Churches were outraged by the appointment of Solomon Hawala, believed to have been responsible for the detention and murder of Swapo exiles, as head of the new army. The government rejected the outcry as “double standards” since no member of the colonial forces had been dismissed because of previous misconduct.

Despite these problems, the policy of reconciliation has had considerable and numerous positive effects. It has successfully promoted a sense of nationhood and increased the confidence of opposition parties, minority ethnic groups, foreign investors and the business sector, all of whom feared the consequences of Swapo coming to power and had the potential to undermine the new government.

Most importantly, the policy has been a principal reason for the relative absence of hostilities since independence, a situation that has confounded observers of Namibia's deeply divided history. Nowhere is this achievement more impressive than in the forging of unity among former adversaries in the NDF.

Rank-and-file soldiers share the assessment of the Defence Ministry that the process of integration was conducted "in a spirit of principled co-operation". The soldiers' attitudes are characterised by such comments as, "the war is over"; "we are making a fresh start"; "we are all Namibians"; "we are professional soldiers"; and "national reconciliation is part of our discipline."

The policy of reconciliation in Namibia has not been an unqualified success: it has generated its own problems, mainly though not exclusively among the government's support base. The immedi-

ate benefits have accrued to those already privileged under apartheid rule, to the detriment of the mass of impoverished people.

The policy has also had uncomfortable moral consequences. The great injustice of colonialism and the specific atrocities committed on both sides remain unaccounted for. Known killers, from the ranks of Swapo and the SWA forces, continue to serve in the military and police, some of them in senior positions.

Yet the bottom line is that the policy has contributed significantly to the building of a new nation, the establishment of democracy and an unexpectedly high level of peace and stability. Swapo's initial motivation for the policy - as a practical imperative for the political and economic survival of Namibia - has proven correct. ■

Laurie Nathan is Executive Director of the Centre for Intergroup Studies.

Unfinished Business: The quest for a stable peace

by Hendrik W van der Merwe and Gabi Meyer

In the polarised, emotionally charged atmosphere of community conflict, the task of the impartial mediator is made all the more difficult by the desire of injured parties for retribution. While all sides may pay lip-service to the need for peace and reconciliation, the overriding thirst is for justice, restitution, and the bringing of culprits to book. Especially in situations of violent conflict, the goals of peace and justice appear to be at loggerheads with each other, and the role of the conflict intervenor is fraught with risks.

This problem was recently illustrated in Cape Town's taxi war, which became a community war involving a wide range of community organisations on either side of the conflict.

In an attempt to end the violent conflict between the rival taxi associations Webta and Lagunya, the civics in the Western Cape launched a successful boycott of both bodies in March 1991. As a result, the Taxi Crisis Coordinating Committee (TCCC) was formed and the two associations were forced to accept a ten-point plan to form a united taxi



THE ARGUS

body. But, days after agreeing to the plan, Webta pulled out. The civics then attempted to renew the boycott, targetting Webta alone. However the ANC regional leadership, believing that it had an historic mandate to unify the oppressed, tried to maintain neutrality and spearheaded a new peace initiative. This in turn

angered the civics, who felt that Webta should have been called to account.

When the South African Black Taxi Association (SABTA) intervened in the local conflict, they came to adopt a completely neutral role, with the assistance of two professional consultants, Jerome Sachane and Vasu

The Taxi War's CODETA: A negotiated settlement was reached, but no provision was made for restitution.

...continued on p.6

Gounden. Gounden and Sachane were National and Regional Coordinators of Facilitation and Mediation Services (FMS), attached to the Centre for Intergroup Studies, which over twenty-five years has built up a reputation for consistent impartiality in mediating a range of local, regional and national disputes. When in due course Gounden and Sachane were accepted by both sides as the official mediators, the two taxi groups agreed to negotiate at a new forum, Codeta (Congress for a Democratic Taxi Association).

Parallels between Codeta and the national negotiations at Codesa were apparent from the start. The leaders from the two rival bodies, who went through a

six-month process of negotiations, acquired a more cooperative and accommodating stance in the search for a win-win solution. By the time that they announced the

ceasefire and negotiated settlement at a press conference in mid-March 1992, a new spirit had developed between these leaders. At a subsequent press conference organised by the ANC, Dr Allan Boesak endorsed the settlement, calling it an event of historic significance.

This did not mean, however, that all sections of the community that had suffered as a result of the violence were satisfied with the outcome. Despite every effort of the mediators to consult all major interest groups, there were strong feelings that the settlement was a leadership agreement that had not obtained grassroots support, that too many compromises were made, and that justice was not done. Widespread resentment against Webta made it unacceptable that the 'guilty party' should have been allowed to save face and emerge with its dignity intact. Both parties had been treated as if there were no culprits. Aside from the issue of guilt, the issue of responsibility

for hurt and damage was not addressed, and no provision was made for restitution. As a result, community leaders who identified with the civics and Lagunya expressed frustration and disappointment with the impartial approach of the mediators.

Such dissatisfaction is partly due to a gap between leaders and constituencies in their familiarity with the dynamics and inevitable compromises of negotiation. This problem does not only apply to local-level disputes, but has also been a major cause of tension surrounding the breakdown of Codesa. Not having been exposed to the conciliatory atmosphere of top-level negotiations, rank-and-file followers tend to be mistrustful when their leaders modify originally hard-line positions and seem to be making too many concessions to their opponents.

However, the prevalent culture of adversarialism and revenge is the result of a far deeper malaise in South African society. Forty years of implementing and defending apartheid have resulted in innumerable crimes of structural and physical violence, affecting millions of people. After the trauma of these decades, many anti-apartheid activists interpret the government's keenness to negotiate as being nothing more than a 'quick fix' desire to bury the past with almost indecent haste. Fuelling these suspicions recently have been continual revelations of the government's financial mismanagement and corruption, and more sinister allegations of state complicity in the murder of hundreds of black activists during the 'total strategy' period of the 1980s. The belief that these covert activities have continued into the post-1990 era has considerably damaged relations between the government and the ANC. Nor can the ANC itself claim to have clean hands regarding the violent acts perpetrated in the name of the struggle, both within South Africa and beyond its borders.

Mr Justice Richard Goldstone has recently called for a general amnesty in order to allow him to probe fully the activities of the

state's security forces and the military wings of other political organisations. This proposal raises questions as to whether an amnesty should only follow a full disclosure of political crimes, whether such crimes should be indemnified at all, and whether the major political players have the will to come under this kind of intense scrutiny.

Many political commentators stress the need for nations, emerging from tyranny, to reach catharsis and healing via a process of confronting the past - as several emerging democracies in South America and Eastern Europe are doing with disclosures of past human rights abuses. Examining the destructive potential of victimhood and the way in which victims become alienated from social mores and values, former American diplomat Joseph Montville states that the cycle of polarisation and revenge can be broken only when victimisers accept responsibility for their actions or those of their predecessor governments, acknowledge the injustices, and ask forgiveness of the victims.

By many accounts, the South African government has yet to fully do so.

The dilemma for the peacemaker in conflicts involving human rights abuses is that the mediator's role is not that of judge or advocate. Impartiality is an important attribute that earns him the trust of all sides, without which the threatened or guilty party will simply walk away from the negotiating table. However, in South Africa as elsewhere, the issue of past guilt and restitution will have to be addressed if the nation's festering wounds are to be healed and a stable peace attained. Indeed, at this point in our history, it is clear that failure to serve the interests of justice will continue to bedevil peacemaking and negotiation for some while to come.

Hendrik W van der Merwe is the former Executive Director of the Centre for Intergroup Studies. **Gabi Meyer** is the Centre's librarian and Associate Editor of *Track Two*.

“The prevalent culture of adversarialism and revenge is the result of a far deeper malaise in South African society.”

"Not for the Fainthearted"

Mediation, or conflict intervention, poses many ethical dilemmas — questions such as when, or if, to intervene, how to handle a disparity of power between conflicting parties, how to deal with one's own

biases in mediation. Track Two editor Susan Collin interviews Charles Nupen, Director of the Independent Mediation Service of South Africa (IMSSA), on mediation's ethical challenges.

Why does intervention in conflict pose ethical problems at all? What are these problems?

Ethical considerations lie at the core of conflict intervention. Successful interventions depend upon earning the parties' trust and confidence and this requires standards of conduct that are beyond reproach.

A major challenge is to service notions of impartiality. Any link or association with a party which may give rise to a perception of partiality must be addressed by disclosure. Critically important, too, is conduct which gains trust and acceptance. For example, preserving confidences and communicating parties' proposals accurately. Any manipulation of the parties or the process by a third party neutral in order to secure a distinct advantage for one party over another would seriously threaten the integrity of the intervention and its prospects of success.

How do you decide if you will intervene in a conflict - are there criteria?

Yes, there are criteria. I would want to be satisfied that all parties to a conflict have agreed to the process of intervention and my role in that process. Secondly, I would need to be satisfied that I was competent to do the job. Thirdly, I would need to be available to discharge my responsibilities having regard to the scale and dimension of the conflict.

I might also want to know whether all parties are committed to address the conflict constructively, although it is not uncommon for sceptical participants to become enthused through the experience of actual participation.

How do you handle severe disparity of power between the conflicting parties, which might lead to a settlement weighted in favour of the more powerful party?

Generally, live with it, if I am satisfied that the parties are prepared to live with it. We have to recognise not only the potential but the limitations of a mediator's

role. A mediator is a resource to a negotiation the contents of which are controlled and determined by the parties, and correctly so. It is not the mediator's function to act as independent moral arbiter to rectify significant power inequities. What a mediator can do, however, is to assist a weaker, less-experienced party to analyse proposals and frame responses and, generally, in working with parties, to counsel for wise and enduring outcomes. This will often involve an engagement with the powerful party over the negative consequences for them of imposing unacceptable terms. My approach has always been to engage and work with circumstances where there is a disparity of power between parties rather than to take principled positions over the morality of mediation in such circumstances.

How do you react when a mediation results in a settlement that you personally consider patently unfair to one of the parties?

In the final analysis it is the parties' process and their outcome. Their views count, not mine. As long as the parties understand the terms of the settlement and its implications, and mediators should work through these things with the parties, then I, as a mediator, live with the outcome, and keep my perspectives to myself, no matter how personally offensive it might be to me.

"In the final analysis it is the parties' process and their outcome. Their views count, not mine."

We live in a structurally violent society. Could intervention sometimes be seen as supporting the status quo instead of acting to change the underlying causes of the conflict?

Yes, interventions will be seen by observers in the way they want to see them. The only question for me is - are interventions responsive to the needs and the interests of parties who invoke them? Some people view negotiation as being an obstacle rather than an impetus for change, and consequently view interventions to facilitate negotiation in the same light. The problem with this perspective is that it posits negotiation as an isolated strategy when this is rarely, if ever, the case. Negotiations do not occur



Charles Nupen

“Never make assumptions about what parties think and what they want no matter how well you may know them.”

in a vacuum. They are in themselves most often the product of struggle and conflict and are consciously chosen by parties as a mechanism to address that struggle and conflict. Pressures operate on parties to alter perceptions and positions in negotiation and mediators work with those pressures. Yes, the pressures in certain circumstances are insufficient to focus the parties' minds on addressing the underlying causes of the conflict, and may only serve to open lines of communication, clarify issues and help to manage the conflict. There is value, I would have thought, even in that.

How do you remain impartial in a situation where your values are reflected by one party and not by the other?

Through a process of disciplined intervention that reduces, if not eliminates, the prospect of a mediator moralising, making value judgments, psychoanalysing, and giving gratuitous advice. All of these things reduce a mediator's acceptability and effectiveness in the process. Of course this does not mean that a mediator does not engage a party, often vigorously, with a view to changing perspectives, but how this is done is critically determinant of whether a mediator maintains acceptability and influence.

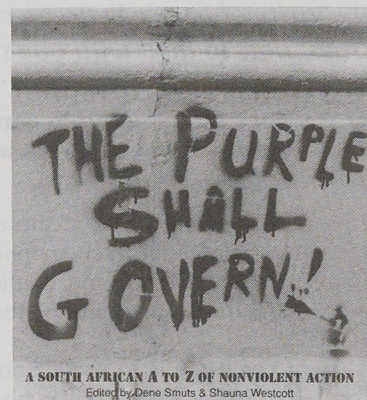
Why do people become mediators? More directly, why did you become a mediator?

From my experience, and those of my colleagues, those who are drawn to mediation tend to derive satisfaction from helping parties to settle conflicts and arrive at rational outcomes. There is something altruistic in this. At the same time, mediation tests human and intellectual capacity - the capacity to listen, to comprehend, to analyse, to develop ideas, to persuade, and to persevere often with difficult people and in difficult circumstances. In short, mediation is intellectually challenging and it satisfies certain idealistic notions about the human condition.

Do you, as an experienced mediator, have a message for aspiring mediators that may help them in their work?

Work hard to understand the dynamics of negotiation because mediation is simply a resource to it. Look for opportunities to observe mediators in action. Simulated training is valuable but the best learning is actual exposure to the process. Never make assumptions about what parties think and what they want no matter how well you may know them. Ask questions all the time and keep clarifying for yourself and for the parties. Never hesitate to seek advice from a colleague. Mediation can be a lonely and exacting task and you need all the support you can get. Do not rely solely on process expertise. Some knowledge of the context in which you are called to intervene is an advantage. Finally, mediation is not for the fainthearted. You must have the commitment and the stamina to stay the course. ■

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Dealing with the Past

THE FIRST STEP TOWARDS A HUMAN RIGHTS CULTURE

By Kader Asmal

The following are excerpts from a speech delivered by Professor Asmal last May upon his appointment as Professor of Human Rights Law at the University of the Western Cape. Copies of the speech in full may be obtained by sending a stamped, self-addressed A-5 size envelope to Avril Rhoda, Department of Public Law, UWC, Private Bag X17, Bellville 7375.

Coming to terms with the past is a difficult and, for some, a painful matter. We will have to close the book on the past, but before we begin to do it, we must not suppress it.

...Many countries in recent years, faced with a transition from dictatorship to a democratic order, have tried to grapple with the past, partly to heal the wounds and partly to provide concrete redress for the offences of the past. Retribution has rarely been the primary motivating factor. In the majority of these countries, where the change has not been fundamental, as it will be in our country, an attempt has been made to ensure a surer basis for the new democratic order.

In Argentina, after a military dictatorship from 1975 to 1982 resulted in the disappearance or death of over 300,000 people, some of the torturers and murderers and the leaders of the armed forces were prosecuted in order to purge the horrors of the dictatorship. The Impunity Law subsequently passed created a great deal of controversy. More recently, compensation of \$5,000 has been paid to the families of the 'disappeared' and individuals who were tortured are beginning to receive compensation for each day of detention.

Even in Chile, while Pinochet retains the formal trappings of power, there has begun a slow attempt to bring to book some of the more evil men who destroyed the democracy of Allende. The Chileans say that reconciliation cannot occur without truth; justice, not punishment, is being proposed in order to compensate the victims of past wrongs. But there is increasing pressure in all Latin American countries which have had military dictatorships to respect the obligation of successor democratic governments to investigate, prosecute and punish the crimes of former regimes.

In the Soviet Union...files of the KGB are being made available and in different republics... bans are being placed on former state officials in order to break with the past.

In Czechoslovakia, a 'Lustration Law' - a convenient way of avoiding the Kafkaesque word 'purge' - was passed in October 1991. This forbids a range of former officials from being employed in schools and from holding governmental positions for five years..This has a ring of victimisation and revenge...of try[ing] to solve the problem of the past with a stroke of the pen.

The German government has only recently set up a commission of enquiry to investigate the responsibility of individuals in East Germany and attempts have been made to organise the return of the former head of state to stand trial. But such trials of the top stand on shaky ground, because of the implication that if Honecker is convicted, then the majority are absolved from responsibility for dutifully casting in their lot with tyranny.

It is in Germany, though, that the law has continued to provide a safeguard against any form of

collective amnesia. Germany has a remarkable record for compensation of past wrongs.

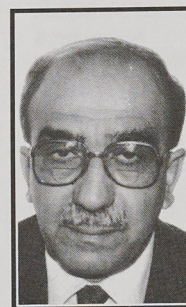
The German word for restitution - 'Wiedergutmachung' - means 'to make good again'. Both the Federal Republic and the individual German states have attempted to make good the history of the National Socialist era - inside and outside Germany - to those who suffered because they were politically opposed to the Nazis, or because they were prisoners-of-war, or simply because they were Jews.

The Western Occupying Powers enacted the first laws restoring property confiscated by the Nazis to the original owners. If such restoration was not possible, then compensation had to be paid. But there was not provision for the pain, suffering or general personal damage done to the victims of Nazi persecution, especially by medical experiments or forced labour.

The 'new' Germany admitted that it had a duty to pay reparation to those inside and outside Germany for what the then-Chancellor Adenauer called "unspeakable crimes". As late as September 1991, Kohl entered into an agreement with Walensa to compensate Polish labourers who had been forced into slavery in Germany.

More than 80 billion marks have been paid in compensation in the past 40 years. The duty to compensate arose, in the main, from the violation of fundamental human rights and for the vindication of such rights

- a surer basis for the enhancement of human rights than any declaratory statement. The German experience ought to have been raised by theologians and lawyers in South Africa because it has important implications for us. It is not simply a question of money. It is the *acknowledgement* which is vital to the process of rehabilitation...



"We will have to close the book on the past, but before we begin to do it, we must not suppress it."

— Kader Asmal

“It is in Germany, though, that the law has continued to provide a safeguard against any form of collective amnesia. Germany has a remarkable record for compensation of past wrongs.”

Rough Justice in Political Healing

CAN THE CHAIN OF VICTIMHOOD BE BROKEN?

By Joseph V. Montville

One of the toughest subjects to consider in planning a political conflict resolution strategy is how to deal with the very human desire for revenge against those who have committed injustices in the past. As civilisations emerged millennia ago, the idea of rule of law developed as a method to assure justice according to rules which permitted society to function with reasonable efficiency. Rule of law and state enforcement also enabled societies to forbid individual acts of revenge or applications of 'justice' and avoid the chaos that would reign in a community where every man or woman could be judge, jury and executioner.

Thus, justice is closely related to human needs for security and orderliness. It is not an abstract concept. If we believe justice is available we feel safe about our lives and future and the future of our children. When we do not believe we can count on justice, we are either angry, depressed, fearful of surviving every day or any combination of these emotions. This is normal and predictable. This is also part of a condition political psychologists call a 'victimhood psychology'.

Individuals and groups or nations who feel victimised have at least three characteristics. They have experienced attacks or aggression at the hands of another individual, group or nation enduring loss of life, possessions, territory and dignity. The aggression was unjustified by any civilised standards. And the victims continually fear, even if only subconsciously, that the aggressors may attack again at a time of their own choosing.

In my reading about political conflict in history or the current news, and from my personal experience as a third party in small, problem-solving workshops with representatives of groups in conflict, I have concluded that the only way to end the psychology of victimhood and encourage genuine reconciliation is for a transaction of contrition and forgiveness to take place. Those guilty of injustices, or their descendants, have to find a way to acknowledge the injustices of the past and ask, in some convincing way, the forgiveness of the victims or their descendants. In cases where victims have also victimised, there must be reciprocal transactions of contrition and forgiveness.

While the idea of forgiveness is usually associated with religion, my reason for believing in it relates directly to the psychology of victimhood. The evidence is that unless the aggressors acknowledge that their acts were morally wrong, the victims can-

not begin to regain the trust which is crucial to a new relationship and a new sense of community. The victims will continue to fear that their adversary might try to harm them again. In such a condition, there is no way that a reconciliation can take place.

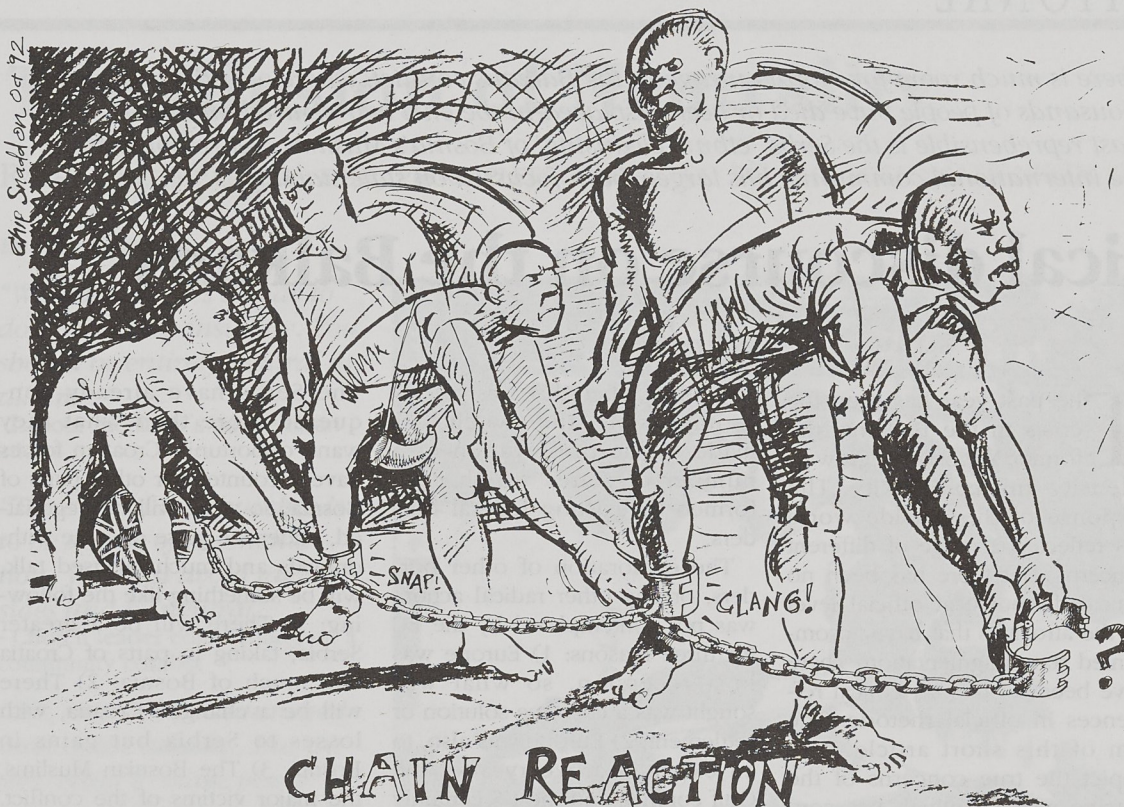
Admittedly, the prescription as I have described it in theory can be seen as very idealistic and almost impossible to carry out in the real world. After all, in the rough, tough arena of power politics, real men never explain and never apologise. At least, that is what we are taught to believe. But I have seen enough examples of sensitivity to the need for some form of contrition/forgiveness transaction that I believe strongly that the only genuine form of realpolitik is the politics that recognises and meets human needs. And these needs include the need for recognition, acceptance and respect in one's individual and collective identity, and the need to feel safe for the present and the future. If these basic needs remain unmet, there will be vigorous, and where feasible, violent defense of the collective self.

In using the term 'rough justice' for the title of this essay, I recognise that my idea of a contrition/forgiveness transaction may be expecting more than is politically practical at any given point of time. For example, in the early 1980's I was in a conflict resolution workshop with Israelis, Palestinians and Egyptians. I believe that one of the Israelis began to meet a Palestinian need for acknowledgement by Israel that the Palestinians had been victims of injustice as the Jewish state was established. The Israeli was asking the Palestinians to understand that European Jews came to Palestine as a "people in distress," who had no choice if they were to survive as a people after the European Christian genocide against the Jewish people. Now, the Israeli said, the Palestinians are a people in distress, and we Israelis have to understand our responsibility toward you.

Was this statement an acknowledgement of historic injustice toward the Palestinian people? Perhaps not explicitly, but it improved the atmosphere in the talks significantly. It was also an example of the competition of victimhoods which is so common in long-standing ethnic and sectarian conflicts. This Israeli, a victim of European Christian injustice, was trying to deal with the fact that his people had victimised the Palestinian people.

Further complicating the contrition/forgiveness formula was the need for Palestinians to acknowledge the tragedy of many Israeli victims of

"Justice is closely related to human needs for security and orderliness."



British,
Afrikaner, Black:
a history of
brutalisation and
victim-hood.
We can break
the chain.

CHAIN REACTION

Palestinian violence. Once, after I explained this theory to a former Israeli military intelligence chief, he proposed to a workshop with Palestinians that as part of a peace settlement, Israelis and Palestinians agree to build a monument to the Jews and Arabs who sacrificed their lives in their common struggle. This was a very wise initiative which the Palestinians present took very seriously. It recognised the need to acknowledge losses.

Another example of rough or imperfect justice I came across was in a meeting with a high-ranking Catholic clergyman in San Salvador two years ago. He described a process the Church was encouraging to effect a measure, however imperfect, of reconciliation between family victims of right-wing military 'disappearances' - in reality, murders - and the soldiers who had carried out the killings. The families had a desperate need to know where the bodies of their loved ones were buried.

In psychopolitical terminology, they needed to complete mourning their losses. On the other side, some of the military killers had a need to deal with their guilt. The Church was helping an admittedly imperfect contrition/forgiveness transaction through the medium of confession. A soldier/killer would tell his confessor where bodies could be found. The priest would convey the information to the victim family which would reclaim the remains and make a proper burial. Was this process helping reconciliation in El Salvador? It is hard to be definitive, but I would say yes.

Earlier this year, I was in the former territories of Yugoslavia. In a meeting in Zagreb, Croatia, I said that at some point Croatians will have to acknowledge the injustice of the Croatian Ustashe regime in World War II in carrying out the Nazi-like genocide

of Serbs as well as Jews and Gypsies. This suggestion was resisted at first because the Serbian regime was, in fact, carrying out genocidal acts in its 'ethnic cleansing' of large parts of Croatia. But I insisted that until Croatians acknowledge the injustices of World War II, they will not be in a position to affirm their genuine victimhood at the hands of the Serbs. If the Serbs did not accept the apology, that would be their responsibility. At least the Croatians would have cleared the moral deck.

What does this all mean for South Africa? As a one-time visitor to South Africa, I can hardly claim expertise. But, if I were asked to list a few of the healing tasks in your beautiful country, I would suggest that the Anglo community must acknowledge the brutalisation of the Afrikaner community during the Boer Wars. If there were a measure of reconciliation in the white community, then whites could turn to their historic moral debt to black, so-called 'coloured' and Asian South Africa. Black South Africans could, at least, express understanding of the impetus of vicious religious wars in Europe in the 16th century, which produced the great Reformist migrations to South Africa in the first place. It would also be very important for Xhosa speakers and Zulus to improve their difficult relationship, and to accept whatever responsibilities their histories impose on the path to reconciliation. I do not know what these tasks are, but I am willing to bet that unless the past is sorted out there is little hope of a bright future.

Joseph V. Montville is a retired American diplomat who consults with the Department of State on political conflict resolution. He also has academic appointments in political psychology in the medical schools of Harvard University and the University of Virginia.

"The only way to end the psychology of victimhood and encourage genuine reconciliation is for a transaction of contrition and forgiveness to take place."

There is much room for moral outrage in the Balkans conflict, where over the last year thousands of people have died or been displaced in the civil war centred on Bosnia. Not least reprehensible is the Serbs' 'ethnic cleansing' of Bosnia's Muslims. Yet response from the international community has largely been focussed on state stability...

No ethical discourse on the Balkans

By Stephen Chan

The past year has seen the crisis in the Balkans, the former Yugoslavia, grow in intensity and complexity. The response of the outside world has reflected a range of different concerns, but there has been no ethical discourse at official level on the atrocities that have accompanied state fragmentation. There have been, of course, ethical references in official rhetoric. The aim of this short article is to depict the true concerns of the outside world - which has constantly had to chase events in the Balkans, and whose rhetoric has made no impact.

At first, the efforts of international bodies were compartmentalised: the UN sought to keep the peace and the European Community (EC) sought to mediate. These separate duties soon coalesced, but the local protagonists understood neither peacekeeping nor mediation. What was sought was either avoidance of retribution from the outside world, or massive assistance from it.

Disinterested third parties did not feature in the calculations of the combatants.

The outside world was, in fact, not disinterested, but applied a focus to the conflict that had little local import. Whereas the combatants were articulating antique antagonisms and nationalisms, expressing violently decades of repressed needs, the outside world was concerned to have a Balkan region that was ascertainable in terms of modern state stability. All the initial EC emphasis was towards the preservation of the Yugoslav state in some uni-

tary form. When that was patently impossible, the switch was made to the preservation of a number of states which conformed to existing federal borders.

The exploration of other borders, or any other radical action, was not contemplated by the EC for three reasons: 1) Europe was in a recession, so what was sought was a cost-free solution or settlement; 2) Europe was also, to an extent, war-weary after the Gulf conflict, and the US certainly so; 3) there were Western divisions on the issue, Greece in particular being extremely nervous of encroaching nationalisms and their effect on Macedonia.

If the West was divided or unwilling to act, those fighting in the Balkans displayed a high level of bad faith, resulting finally in the resignation of the EC mediator, Lord Carrington. UN peacekeeping forces were increased and, as cities like Sarajevo were besieged and winter swept in, the importance of humanitarian aid loomed largest on the Western agenda. This meant an expansion of normal peacekeeping duties, from keeping an agreed peace (which was never truthfully agreed) to the armed protection of relief convoys. The escalation towards some form of combat involving UN troops seemed inevitable.

The hopes of the West are, at time of writing, pinned on the internal Serbian power struggle, and on the prognosis that Milan Panic, the US millionaire turned Serbian Prime Minister, might defeat Serbian President Slobadan Milosevic and present a more reasonable negotiating face to the West. If this happens, the Western statesmen know, despite their rhetoric, that Prime Minister Panic will be able to appear reasonable by conceding very little.

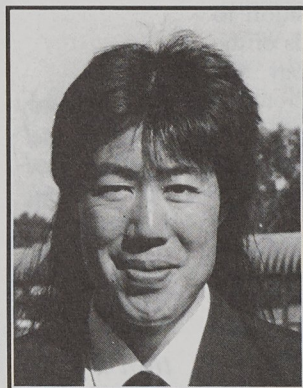
The Serbs have already conquered more than what they want; opportunist Croatian forces have accounted for other parts of Bosnia; so what will be negotiated, under the guise of some withdrawals and much civilised talk, will be something like the following: 1) There will be a greater Serbia, taking in parts of Croatia and much of Bosnia. 2) There will be a changed Croatia, with losses to Serbia but gains in Bosnia. 3) The Bosnian Muslims, the major victims of the conflict, will be reduced to three cantons or city-states, having lost most of their territory.

With such map-making, the West will finally gain something like a balance of state forces in the region, though one it will have to police for some time to come. This will be suitable enough for the EC states and also for the UN - desperately anxious not to get bogged down in the Balkans while demand grows in Somalia, and while its greatest concentration of personnel, 20,000, is being quietly mired in Cambodia, far from Europe and growing in expense.

Cost and stability have been the names of the game in the Balkans. Morality, needs and ethical discourse have had little to do with it. Perhaps this was inescapable but, if the conflict achieves some settlement in the depths of the 1992-3 European winter, these omissions will leave space for conflict to flare up

again at some time in the future.

Stephen Chan has graduated with a six dan black belt in Karate, is an internationally renowned poet, teaches at the University of Kent, UK and is the author of eight books on international relations, three on aspects of mediation. This is the first of his regular international columns



THE ARGUS

"The outside world was, in fact, not disinterested, but applied a focus to the conflict that had little local import"

- Stephen Chan

The Illusion of Neutrality

RATHER BE IMPARTIAL, FAIR, PRINCIPLED, COMMITTED TO THE LEGITIMATE NEEDS OF ALL

By Ron Kraybill

"What the parties decide to do is their responsibility. You should be entirely neutral at all times"

- Labour mediator's advice to an intern

"The duty of the churches is to be agents of reconciliation. We must avoid taking sides and be neutral"

- Church leader commenting on a community conflict

"Yes, one side has launched most of the attacks...But we are trying to make peace here and must maintain our neutrality"

- Mediator responding to concerns of negotiating party

Is 'neutrality' ever a constructive goal in conflict? I believe the answer is no. Were I able, I would remove the word 'neutrality' from the English language, for it has caused much injury to the cause of peacemaking. It confuses many mediators with a false understanding of their task; it blocks many sincere leaders from acting on their own deeply held principles of justice; it damages the credibility of the entire enterprise of peacemaking in the larger community.

People who try to be 'neutral' do so, I believe, because they think that if they want to work for peace they have no alternative. There are alternatives and we shall propose several. But first, consider two objections to the concept of neutrality.

Problems with Neutrality

Neutrality is an illusion; there is no such thing as a detached or objective observer. Natural and social scientists have in recent years come to recognise this as a given. Even if I sit in a corner in complete silence while two people fight, I communicate assumptions or values which influence

the situation, such as "screaming is acceptable" or "this conflict and the things being agreed upon here are of no concern to others," etc. Rather than pretend to have no values or to be neutral, people seeking to be a constructive presence in any conflict should learn to be reflective about what values motivate them and be open about those values with others.

Another objection to neutrality is that, in the words of Fr. Albert Nolan of the Institute for Contextual Theology in Johannesburg, "it makes reconciliation an absolute principle that must be applied in all cases of conflict." Neutrality, says Nolan, assumes that all conflicts are based on misunderstandings, that blame lies equally on both sides, and that all that is needed is to bring the two parties together and the misunderstanding will be rectified. In truth, Nolan points out, these assumptions are wrong in some conflicts. Sometimes "one side is right and the other wrong, one side is being unjust and oppressive and the other is suffering injustice and oppression. In such a case...not taking

sides would be quite wrong."

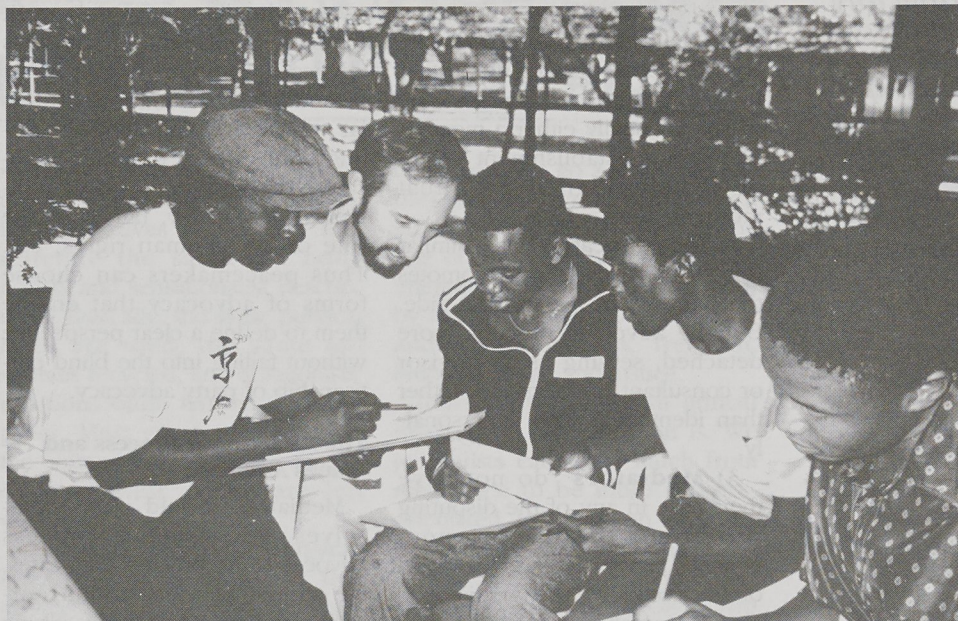
Alternatives to Neutrality

Rather than hiding our values, peacemakers can be explicit about them. After all, we are the ones who call for unusual responses from others. We, more than anyone else, need to be clear and articulate about what motivates us and what others must do if they are to participate in the peace we seek to support.

In a seminal 1974 essay, American conflict practitioners James Laue and Gerald Cormick suggest that any social intervention should be guided by core values of freedom, justice, and empowerment. Of these criteria, justice is the primary one, since freedom and empowerment are actually pathway values leading to the creation of justice. For Laue and Cormick, "the single ethical question that must be asked of every intervenor in community disputes at every decision-making point in the intervention is: Does the intervention contribute to the ability of relatively powerless individuals and groups in the situation to determine their own destinies to the

Ron Kraybill in discussion with Soshanguve students during an IDASA sponsored workshop.

"Rather than hiding our values, peacemakers can be explicit about them."



KERRY HARRIS

“We should be prepared to walk away decisively, if necessary, from any situation which does not support the values we stand for.”

greatest extent consistent with the common good?”

Thus intervenors must first analyse the conflict in its context, and then choose an appropriate response. Laue and Cormick identify five roles commonly played by intervenors:

1) The **activist** works closely with the powerless or non-establishment party in a conflict. He or she is usually either a member of the non-establishment group or closely aligned with that group.

2) The **advocate** plays a similar role to the activist and promotes the interests of a particular side. But the advocate remains more detached, serving as an advisor or consultant to the group, rather than identifying with it personally.

3) **Mediators** “do not have their base in any of the disputing parties and thus have a more general, less party-parochial view of the conflict.” The mediator is also “acceptable at some level of confidence to all of the disputing parties”.

4) The **researcher** may be “a social scientist, a policy analyst, a media representative, or a trained lay observer, who provides an independent evaluation of a given conflict situation. The researcher perceives the conflict in its broadest context and is able to empathise with all positions.”

5) The **enforcer** brings formal coercive power to the conflict. The enforcer is often “a formal agency of social control in the larger system within which the conflict is set - the police or the courts - or perhaps...a funding agency or an arbitrator”. Though elements of this role appear in many conflicts, one rarely sees it in pure form.

Advocacy as an Alternative to Neutrality

Another alternative to neutrality begins by broadening the definition of advocacy and recognising that we are advocates of something all of the time, whether we are conscious of it or not. The question is not if we are advocates, but rather of what. From this perspective we can identify at least four kinds of advocacy.

A party advocate takes the side of one party and pushes loyally for its advantage. “My country/my party/my friends - right or wrong.” An outcome advocate works for an outcome he or she deems desirable, without regard as to who happens to benefit from this outcome. A process advocate promotes neither party nor outcome, but rather a particular way of deciding things or getting things done. A values advocate champions concepts or principles: democracy, fair play, the rule of law, human rights, etc. Thus peacemakers can choose forms of advocacy that enable them to define a clear perspective without falling into the blind partisanship of party advocacy.

The Mediator as Process and Values Advocate

Mediators should view themselves as passionate process advocates. As process advocates, we should be clear within ourselves and articulate in describing to others the nature of the processes we facilitate. We should be prepared to walk away decisively, if necessary, from any situation which does not support the values we stand for. Our commitment to justice, freedom, and empowerment will enable us to take a clear and explicit stand on a variety of principles regarding any process which we facilitate:

- **Conduct of participants:** Should respect the dignity and equality of all persons in the negotiations as well as those effected by the negotiations.

- **Parties represented at the table:** No negotiations should proceed without serious effort to involve all parties with a legitimate interest at stake.

- **Negotiator mandates:** Negotiators must hold a genuine mandate to negotiate on behalf of the people they claim to represent.

- **Access of constituencies to decision making:** Final decision-making power must be in the hands of the people most affected by decisions taken at the mediation table, either directly or through legitimate representation.

- **Access of negotiators to constituencies:** Negotiators must

have free access to the people they are representing.

- **Power:** Must be relatively equal if conflicts are to be genuinely resolved rather than merely temporarily suppressed. Mediators must acknowledge the realities of power and recognise that power is a relative and constantly changing phenomenon deriving from many sources. Mediators should analyse carefully the timing of their efforts so as to ensure relatively equal power. They should also recognise and support the necessary role of activists and advocates, and be ready to decline to mediate if power imbalances are too high.

- **Problem-solving approach:** Mediators should be articulate and persuasive in advocating processes of negotiation and decision making that shift the dynamics of interaction between the parties from simple positional power maneuvering (which only postpone real resolution) to genuine grappling with the legitimate needs of each side.

- **Information:** All parties should have equal access to critical information.

- **Accountability:** A mediator should hold all parties accountable: to other parties at the table in living up to agreements and in being honest about the extent to which they can make binding commitments; also to their own constituencies in accurately and competently representing constituency concerns and interests, and in keeping constituencies informed and appropriately involved in the decision-making process.

The challenge for all mature human beings, and peacemakers in particular, is to stand for something, to have opinions and goals and to work constructively for their implementation. We are not neutral, but then what are we? Impartial, fair, principled, committed to the legitimate needs of all. Many words will do, but let us never accept a description that robs us of the heart of our humanity: our identity and our values.

Ron Kraybill is Director of Training at the Centre for Intergroup Studies.



The Media as Mediator

COVERING CONFLICT'S
MORAL GROUND

By Melissa Baumann

Media, mediate - both derive from the Latin 'medius', the middle. But 'in the middle of the road', or 'in the thick of it' - where do we, as journalists, stand?

The Western liberal view says we must stand in the no man's land of neutrality, of objectivity, at least those of us purporting to report "the news" or "the facts". But in South Africa, particularly, where media has blatantly been a tool of oppression and liberation, of distortions from all sides, those claiming to be "objective" are suspect. Those citing "the truth" as their subject ring false.

Under the State of Emergency, and for at least a decade preceding it, the state media machine squared off against media activists - "media terrorists", to some - in the alternative and community press and other democratic organisations. To be just a journalist was inadequate; to be professional often irrelevant, at best. Political battle lines were drawn, and the media became another South African war zone.

But where do we stand now? The state media restrictions have been lifted, and there is much talk of "a free press in a new South Africa". There is debate around "democratising the media", making it more accessible to more people, around commercial viability and media ownership. In the words of media analyst A J Liebling, perhaps "freedom of the press is guaranteed only to those who own one."

Yet with all the talk of press freedom, journalists remain trapped in the facade of objectivity, on the one hand, and in mouthpiece journalism, on the other. With few exceptions,

media in South Africa remains in the rut of stale narratives, particularly narratives of violence that reiterate the same old body counts and sensationalist descriptions. Basically, the same political lines are toed, the same old sources recycled, and antagonists' positions often hardened in the press. Most often symptoms of the country's conflicts are reported, and their causes are left unfathomed.

Journalists have nearly unparalleled access to people in this country, yet have fallen tragically short on promoting debate and dialogue, on opening minds rather than closing them. Perhaps the right questions aren't being asked, or the answers are too ready.

There is an alternative approach to journalism, one which borrows from mediation, and is essentially a sound practice of the craft. We at Cross Times Trust, with assistance from Ron Kraybill of the Centre for Intergroup Studies, have been exploring 'the media as mediator', through a series of workshops training journalists in the dynamics of conflict and in mediation skills. The intent is not to transform journalists into mediators per se, but to make them much more aware of how their coverage - and behind that, their own values and biases - impact upon conflict.

Can journalists mediate conflict? Should they? We suggest that they can, they should - and they already do, usually in spite of themselves. They mediate by selecting and editing stories; by "the facts" they include or omit; by the sources they quote and what is quoted. Journalists have mediated in defining political agendas, social priorities and public sympathies. We suggest

that journalists go a few steps further and embrace, rather than neutrality and objectivity - or the line of any political or corporate interest - the core values set forth by mediators such as James Laue and Gerald Cormick: freedom, empowerment, and justice.

Journalism can be an ethical intervention, as mediation is. We journalists can learn much from mediators: to be more process-orientated, less fixed on reporting events and outcomes and more contextual; to move people, our subjects, off positions and towards interests and basic human needs; to pose open-ended questions and be more intensive listeners; to build trust and credibility with both sides; to launder harmful language; to understand and deal with people's perceptions; to get people to talk, get them 'to the table', in the first place. We can learn, and practice, truly giving people voice.

The question of community is key, and along with that, responsibility. We journalists are accountable to the communities we write about, though often that accountability is sacrificed to our editors, our alliances or our own egos. Like mediators we are responsible to the people in whose conflicts we intervene, when we enter 'into the thick of it'. We are able to, and should, help move them towards freedom, empowerment and justice; for propaganda has no place in the press, and neutrality is a dead-end deception.

"Journalism can be an ethical intervention, as mediation is."

Melissa Baumann is Editor of Track Two and Project Co-ordinator of the Mediation and Conflict Training for Journalists Project, an initiative of Cross Times Trust, an independent, Cape Town-based trust involved in publishing and mediation.

"The Ethics of Intervention in Community Disputes," by James Laue and Gerald Cormick, pp 205-232 in *The Ethics of Social Intervention*, Gordon Bermant, Herbert C Kelman and Donald P Warwick, eds. (Washington DC: Halsted Press, 1974).

Peacemaking and the Consultant's Role, by Christopher R Mitchell (New York: Nichols Publishing Company; Farnborough: Gower Press, 1981).

"The Motives for Mediation," by Christopher R Mitchell, pp 29-51 in *New Approaches to International Mediation*, Mitchell and Keith Webb, eds. (New York: Greenwood Press, 1988).

"The Morality of Mediation," by Keith Webb, pp 16-28 in *New Approaches to International Mediation*.

The Ethics of Conflict Intervention

A LITERATURE REVIEW

by Gabi Meyer

"The thorny issue of third party neutrality has been a source of ongoing debate in the literature over the past two decades."

Following the breakdown of Codesa, the role of the third party intervenor in the South African political crisis has been thrust into prominence. The major parties have welcomed international delegations, and United Nations envoys, observers and monitors as having an important function in breaking the current deadlock. Yet recent controversy between certain research and monitoring organisations has highlighted the question of whether their objectivity as third parties is being compromised by political allegiances which undermine their credibility.

The thorny issue of third party neutrality has been a source of ongoing debate in the literature over the past two decades. When conflict intervention was confined to areas such as labour relations in countries with well-established conflict management

mechanisms and evenly distributed power between labour and management, the value of mediator impartiality was not seriously challenged. However, as the alternative dispute resolution movement spread to other areas such as family disputes and social and political conflict, questions began to be asked about the ethics of neutral and supposedly value-free intervention into conflicts where a glaring disparity of power was evident between the parties, as in the case of battered women and their partners. A number of practitioners came to query the morality of intervening in a neutral role in instances where mediator neutrality was likely to work to the advantage of the more powerful party, thus reinforcing the status quo and perpetuating an unjust situation.

This viewpoint is forcefully argued by James Laue and Gerald Cormick in an important essay, "The Ethics of Intervention in Community Disputes," where they identify the core values of justice, freedom and empowerment as essential for the community conflict intervenor. They assert that: "Social change towards justice becomes the proper general goal for intervenors in community disputes, and empowerment of relatively powerless individuals and groups becomes the immediate ethical mandate." Merely to settle disputes and crises should not be the intervenor's overriding concern. Where a major power imbalance exists between the parties, empowerment of the weaker party is a prerequisite to a just settlement which is the outcome of joint rather than unilateral determination.

However, other writers point out the dangers and contradictions in a situation where the intervenor might move from mediation to advocacy. Taken to the extreme, it would cause the intervenor to engage in fomenting the very conflict he had set out to alleviate. In his book, *Peacemaking and the Consultant's Role*, Christopher Mitchell describes this dilemma against the background of the debate between objectivism and

subjectivism. The objectivist position is that conflict, notably the phenomenon of 'structural violence', exists as an entity independently of the perceptions of the parties to the conflict. Thus a situation may exist where the participants deny the existence of conflict, but where the society is inherently conflictual because of major imbalances in the distribution of material wealth, services and opportunities to different groups. The first duty of the intervenor is therefore to expose these realities and, through advocacy, to empower the disadvantaged party prior to any attempt at peacemaking.

Critics of this position, however, find it to be strongly reliant on the personal values and interpretation of the observer or intervenor rather than on those of the participants themselves. The subjectivist views the relationship of the conflicting parties from an entirely different perspective. "His focus is not the social structure but the conflict as defined by the goals and perceptions of the actors. Since conflict is dependent on the perceptions of the actors, change in those perceptions can lead to an end to the conflict," writes Keith Webb in "The Morality of Mediation". The tension between the two theories of conflict is not merely academic but can have a profound effect on their respective prescriptions for action. Social change and empowerment of the powerless are primary values for Laue and Cormick; Mitchell, Webb and others opt for the less Herculean task of problem solving, which according to Webb, "can be attempted more frequently and with a higher probability of success". In practice, however, the response of adherents of either theory might not differ too markedly in a given conflict situation. Both need to recognise that in certain circumstances the promotion of peace may be more important than immediate structural change, while in other situations structural injustice may be such that it is preferable not to mediate.

Furthermore, most writers agree that whereas a mediator

may be neutral with respect to the disputing parties, s/he is not neutral with respect to the outcome of the dispute, and that the very act of intervention is value-laden. "The act of mediation is not a neutral act; it is a moral and political act undertaken by the mediator to achieve desired ends," Webb writes. Say Laue and Cormick: "Merely by advocating the negotiation or joint decision-making process as a way of dealing with a conflict,

the mediators are advocating...positive change rather than repression."

In an essay on a related issue, "The Motives for Mediation," Mitchell explores a somewhat neglected area of study. He argues against a facile view of mediation as wholly altruistic, motivated purely by a desire to achieve a satisfactory settlement between the disputing parties. He suggests that intermediaries possess diverse goals and motives

for adopting their role and that these are a proper subject for academic analysis. Different rewards may be obtained from the performance of a mediating role, and mediation itself is just one of a range of strategies available to parties indirectly involved in a conflict.

Gabi Meyer is librarian at the Centre for Intergroup Studies and Associate Editor of *Track Two*.

RESOURCES

All You Ever Wanted to Know About Organisations: South African Directories

Bridge 1993: An index of organisations at work in South Africa, by the Human Awareness Programme (HAP). Johannesburg: HAP, 1992.

Available from HAP, P O Box 261604, Excom 2023. Tel (011) 337-8716 for price.

A directory of more than 400 non-profit, service and voluntary organisations. It also provides directory information on conference centres countrywide, as well as trade union federations, churches, universities and political parties.

Prodder's Development Directory 1992-1993: A comprehensive survey and guide of Southern African agencies and organisations, edited by David B Barnard. Johannesburg: Programme for Development Research (Prodder), 1992.

Available from Prodder, Human Sciences Research Council, P O Box 32410, Braamfontein 2017, at R65,00.

The Prodder directories are part of an ongoing project to analyse the state of development in southern Africa. The editor of this edition has made a study of more than 500 organisations in South Africa alone, including the homelands, as well as a comprehensive survey of those in Namibia, Botswana, Lesotho, Malawi, Swaziland, Zambia and Zimbabwe. Arrangement of the directory is by country, with a distinction made between non-governmental development organisations (NGOs) and state and parastatal organisations.

The Help Directory: A guide to South African services and resources, compiled by Pat Barton

and Hilary Bassett. Cape Town: Oxford University Press, 1991.

Available from leading bookshops, or Oxford University Press Southern Africa, Harrington House, Barrack Street, Cape Town 8000, at R62,55.

Provides information on organisations throughout South Africa which offer help, information, support or specialist advice in a very wide range of fields. Accommodation, animal welfare, conservation, divorce, education, health, legal advice and aid, literacy, sports, and welfare are just some of the organisational areas covered.

Interactive Skills for South African Youngsters: A resource guide, compiled by Valerie Botha. Cape Town: Centre for Intergroup Studies (Conflict and Peace Studies Series no 3) 1991.

Available from the Centre for Intergroup Studies, 37 Grotto Road, Rondebosch 7700, at R20,00.

Information gained from a major survey provides a nationwide overview of organisations offering programmes for young people in self-development and interactive skills. Youth-related programmes are conducted in a variety of settings by individual practitioners, educational institutions, business houses, and religious, welfare, community and service organisations.

IPM Human Resources Directory and Handbook 1993, compiled by B & G Publications for the Institute of Personnel Management. Randburg: B & G Publications, 1992.

Available from B & G Publications, P O Box 4579, Randburg 2125, at R71,50, excluding postage.

Described as the Yellow Pages of human resources information and the most comprehensive directory of its kind in South Africa, this publication is geared primarily to human resources executives and the business community. It includes alternative dispute resolution services, conflict management consultants, independent mediators/arbitrators, and industrial relations consultants among its many categories.

The Struggle for Democracy: A study of community organisations in greater Cape Town from the 1960s to 1985, and The Struggle for Democracy: A study of community organisations in Greater Cape Town from the 1960s to 1988: Update, by Mizana Matiwana, Shirley Walters and Zeldia Groener. Bellville: Centre for Adult and Continuing Education (CACE), 1986, 1989.

Available from CACE, University of the Western Cape, P Bag X17, Bellville 7535, at R11,00 each.

These publications are intended for a varied readership, ranging from academics to members of community organisations. Their aim is to provide a "snapshot" of community organisations in the greater Cape Town area during the past 25 years, by presenting a survey of them under several broad categories. Information includes the names, addresses/contacts, aims, activities and lifespan of each organisation. Introductory chapters examine why such organisations proliferated especially in the late 1970s and early 1980s, and why 'democracy' became such an important concept for them.



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 - Making public policy: a blueprint for the future
 - Involving the public in policy making: an environmental case study
- Back copies of Track Two can be ordered from the Centre for Intergroup Studies at a cost of R6.50 each.

CALENDAR

Track Two welcomes information about forthcoming workshops, courses, seminars and conferences related to conflict handling. Listings are published as space permits.

November 1992

Conflict Resolution in Societies in Transition, with Special Reference to South Africa: the Fifth National Conference /Workshop on Negotiation and Mediation in Community and Political Conflict in South Africa, University of Port Elizabeth: 25-28 November. Contact: Mrs Hilary Buchanan, Organising Committee: SAACI Conference, c/o Institute for the Study and Resolution of Conflict, University of Port Elizabeth, P O Box 1600, Port Elizabeth 6000; Tel (041) 504-2376; Fax (041) 504-2574.

January 1993

Working With Conflict, a full-time cross-cultural course in five modules, organised by Responding To Conflict, Birmingham, UK: 9 January to 27 March. Contact: Simon Fisher, Responding To Conflict, Woodbrooke, 1046 Bristol Road, Birmingham, B29 6LJ, UK; Tel 021-415-4119 or 021-472-5171.

Mediating in Community Conflict, a five-day workshop at the Centre for Intergroup Studies, Cape Town, late January or early February. For more details contact: Michelene Benson, Centre for Intergroup Studies, 37 Grotto Road, Rondebosch 7700; Tel (021) 650-2503/4; Fax (021) 685-2142.

February 1993

Basic Human Relations (English), Vuleka Trust, Botha's Hill: 15-17 February. Contact: Vuleka Trust, P O Box 88, Botha's Hill 3660; Tel (031) 777-1363; Fax (031) 777-1080.

April 1993

Ethnicity, Identity and Nationalism in South Africa: Comparative Perspectives, Rhodes University, Grahamstown: 20-24 April. Contact: Ethnicity Conference Secretary, Institute of Social and Economic Research, Rhodes University, P O Box 94, Grahamstown 6140; Tel (0461) 2-2023; Fax (0461) 2-3948.

which that group has been injured by other groups. One of the odd characteristics of group hurt is that it often so pervades the lives of members of an oppressed group that members lose awareness of the depth of their injury. They are aware that life is difficult, but they are not sure why, and often blame themselves or their group for their problems.

Conscientisation also involves affirming pride in being a member of the group. What are the things we value and treasure about this group? In what ways is it good to be who we are?

Reclaiming identity must begin in caucus, within the safety of the closed circle of those who share a common experience of injury. In this sense, it is a paradoxical phase, for it appears to be retrogressive, moving in the opposite direction of the ultimate goal of open interaction with other groups. Some important means of reclaiming identity, in fact, often have elements of antagonism towards other groups, such as group mourning of heroes or of the loss of a 'golden past' or flourishing identity symbols such as flag or anthem.

But any group which neglects this essential stage, or is denied by other groups the social space, understanding, and respect necessary to go through it, is likely to become frozen in a permanent quest for identity that often expresses itself in rigid and aggressive forms of ethnicism or nationalism. Eastern Europe today is a case in point.

What nationalists of all stripes, whether African or Afrikaaner, require to move beyond dogmatic isolation is not sneers or admonition about tolerance and pluralism. Rather, they need uncritical, even enthusiastic support in reclaiming their threatened identity. Support does not mean tolerating abuse by one group of other groups, or acceding to demands to institutionalise isolation in every phase of life; it does mean giving space for withdrawal at some levels. Above all, it means social and physical safety and complete, genuine, respect for the identity and basic

human needs of the group in question.

5. Internal Commitment to Reconciliation. The turning point in moving beyond withdrawal and reclaiming identity is an intellectual event. The steps which follow are risky and may not succeed at the first try. Thus there needs to be a conscious commitment to seek reconciliation, and to undertake the risks inevitably entailed.

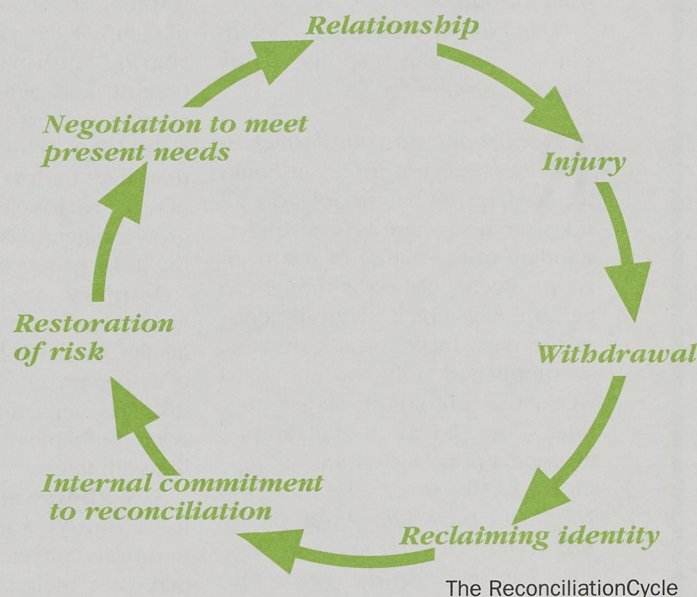
6. Restoration of Risk. Having suffered in the past, injured parties are understandably wary of risking further loss at the hands of opponents. But as we saw in the first stage of the cycle, risk is the foundation of any positive relationship. Until there is restoration of risk, there can be no restoration of trust.

What to risk will vary: personal rejection, embarrassment, loss of credibility, expenditure of time, loss of money or material goods, physical harm. Any of these could be the consequences of a risk taken on behalf of reconciliation. The nature of the risk is less important than the fact that risk is taken and recognised to be an essential step towards reconciliation. Initially, of course, the risk will be small, no bigger than the party entering into risk can afford to lose. But if there is openness to reconciliation on both sides, a small risk often leads to enough trust to undertake a somewhat larger risk and larger trust.

7. Negotiation to Meet Present Needs. Wherever there has been injury, negotiation needs to follow in order to address current needs arising from old injuries. Sometimes it is impossible to meet these needs. Negotiations can't restore human life. The material and social cost of past offences may be so staggering that neither side has the resources to meet the needs that still exist.

These negotiations should never be viewed as punishment or retribution, notions which may trivialise the gravity of the damage by suggesting that inflicting hurt on an aggressor is somehow adequate compensation to those who suffered. The purpose of negotiation is rather restoration to address the needs that continue to exist as a consequence of past injuries. Sometimes the needs are emotional or symbolic: to hear admission of error and apology. Other times they are political or material and require redress at this level.

Negotiation, if genuinely undertaken, frees both sides to return to normal relationship.



The injurer needs negotiation to move beyond the paralysing clutches of guilt; the injured needs negotiation to let go of blame.

Any relationship will bring times of disappointment and injury. Thus reconciliation is not only a process, it is a cycle which will be repeated many times. The goal is not to avoid pain, but rather to persist in the never-ending work of self-definition and negotiation required to transform the differences that exist in any relationship from liabilities into assets. ■

Ron Kraybill is Director of Training at the Centre for Intergroup Studies.

The Cycle of Reconciliation

By Ron Kraybill

People often say, "I just can't trust that person ever again, so how can I be reconciled?"

It is not necessary to trust someone to take steps towards reconciliation. It is only necessary to be willing to take a risk, however small, and then move one step at a time.

"We ask your forgiveness," said the leader on behalf of his people. "Forgive us and let us move on from the past."

"Don't talk to us about reconciliation," came the response, "talk about restitution."

Reconciliation and forgiveness are hot topics in South Africa. What people on all sides seem to share is a misunderstanding of the nature of reconciliation. Reconciliation is thought to be an event which magically erases the past. In fact it is a process, accomplished only through hard work, that unfolds in stages over time. Consider another example, this one a domestic conflict.

"Look, I'm sorry," he said, "it shouldn't have happened, please forgive me." "I want to forgive you, but I'm not ready yet," she responded. For the next 30 minutes he listened attentively while she described her feelings of hurt, anger and frustration. Already partially restored, they then talked about how to restructure their lives and relationship so that old mistakes wouldn't happen again. Two hours later she said, "Now I'm ready to hear your apology again and respond positively to it." This couple - a sensitive man who was prepared to invest in the hard work involved in any genuine effort to reconcile and a self-aware woman who knew that her own hurt was too deep to simply dismiss with a duty-ridden "I forgive you" - were experiencing the process of reconciliation.

At both personal and social

levels, genuine reconciliation unfolds in identifiable stages:

1. Relationship. Risk is the foundation of any positive relationship. Each party takes risks - sharing information about self, making and accepting promises, sharing resources. Out of mutual risktaking grows trust. Initially trust may be low, so risks that are taken are low too. But as trust grows, bigger risks are taken, leading to increased trust, and so on.

2. Injury. At some point expectations are not met. One party insults, exploits, betrays the other, or is perceived as having done so. Risk has been rewarded, not with good outcomes and greater trust, but with injury.

3. Withdrawal. Withdrawal follows injury. Sometimes people withdraw physically. Individuals may turn their back or leave the room; groups may depart the region or the nation. Even when withdrawal is not physical, emotional withdrawal always takes place. People pull back into themselves to escape and assess. Withdrawal may be a second or a century. But it is a necessary and healthy response to injury.

What happens next is pivotal if genuine healing is to occur. Sooner or later people start thinking about reconciliation. If they understand that reconciliation is a process involving several phases, chances are good that with time and commitment they can completely overcome the past. But frequently people view reconciliation as magic and seek shortcuts.

Those who have caused injury may offer hasty apologies so as to be quickly released from dealing with the consequences of their offences on the emotions and lives of others. Those who have been injured sometimes feel compelled to pronounce a forgiveness which they do not feel for injuries that still cripple. Thus the proper words may be spoken on every side, yet in people's hearts there is distance and bitterness. No one is willing to risk anything, so people remain frozen, 'forgiven' but not reconciled.

4. Reclaiming identity. The first casualty of painful conflict is identity: self-esteem for individuals and confidence in its identity for the group. Thus reclaiming identity is a fundamental step towards genuine reconciliation. After all, people who feel like rats often behave like rats!

Reclaiming identity is a two-fold process of self-awareness and self-affirmation. At a personal level, self-awareness requires acknowledging and accepting one's feelings of hurt and anger. Those who deny the reality of their emotions are likely to get stuck and move no further towards genuine reconciliation. "I'm not angry, I'm just concerned!" Self-affirmation requires genuinely claiming one's worth as a human being and the validity of one's needs.

The counterpart where there is group hurt is conscientisation. Conscientisation is partly a matter of open acknowledgement within one group about the ways in

...continued inside on p.19

After Motsuenyane

Once again it is the ANC which has had to show the government the way to deal with human rights violations, says **Kader Asmal**, member of the NEC of the African National Congress.



At its meeting in August, the National Executive Committee received the 172-page report of the Commission headed by Dr Sam Motsuenyane and which included two jurists from Zimbabwe and the United States, Advocate DM Zamchiya and Hon. Margaret Burham respectively.

Earlier this year, the President of the ANC, on behalf of the movement, had established this Commission to investigate allegations of human rights abuses in some of the camps operated in exile and to determine the extent of responsibility for transgressions against our code of conduct. The Commission recognised that its establishment was a historic event insofar as it is the first time that a liberation movement has engaged an independent commission "to review allegations that its members violated human rights guarantees within its ranks."

The NEC, following a serious and candid discussion, recognised

that abuses did occur, representing a breakdown in the difficult chains of command and communications that can occur under the difficult "siege" conditions under which we operated. On behalf of the organisation the NEC expressed its "profound sense of regret, collective moral responsibility and apology to all who suffered" as a result of breaches of our norms.

IDENTIFIED INDIVIDUALS

Press comments have neglected to emphasise the importance of such a response. It is the first time that a liberation movement has made such an acknowledgement. The Commission was not a court of law and did not have the capacity to play a judicial or criminal investigating role. Yet the emphasis by those who ought to have known better, was on what the ANC should do in relation to specific findings against identified individuals.

There have been 14 such commissions since 1971 in various parts of the world where an attempt has been made to learn the past so that the future can be built on a surer

foundation. Apart from the example of El Salvador where the United Nations – as part of the peace process – set up a commission, in nearly every case, governments established commissions of enquiry in order, not only to establish the truth, but to acknowledge its own responsibility.

In no case has the report been the basis either for prosecutions or for the taking of disciplinary actions. The ignorance of what has happened in the rest of the world among the South African media is astonishing. But this is no excuse for ignoring an important dimension concerning how we deal with our past.

DEALING WITH THE PAST

"Dealing with the past" for the ANC is both philosophically and politically of a different nature compared to the attitude of the regime.

For us, violations of human rights must always be condemned, no matter by whom, against whom. Our movement has always held that the standard by which we judge ourselves has never been the same as

**Dr. Sam Motsuenyane
led the ANC
appointed
commission
of inquiry which
looked into
human rights
violations
in ANC camps.**

the apartheid regime's. As we celebrate, on 16 December this year, the 50th Anniversary of the first full Bill of Rights drawn up by any liberation movement, we will continue to invoke the norms which have motivated our struggle.

We therefore appreciate the fact that the Commission has judged us by the highest standards, according to internationally accepted norms.

TRAGIC EPISODES

It is especially painful for us, as the NEC statement recognised, that the heroism of our combatants in exile should be tarnished by such "unacceptable and tragic episodes" as are revealed in the report. The NEC accepts the Commission's findings that, periodically, abuses did occur in some of the camps. But we acknowledge that it was not established that there was any systematic policy of abuse.

On the contrary, as the Commission itself illustrates, the ANC made a consistent effort to establish mechanisms of accountability and oversight, as evidenced by the appointment of the Stuart, Thami Zulu, Skweyiya and the Motsuenyane Commissions themselves. The context of these acts and omissions is also important. First, at various times, the ANC ran eleven camps in Angola, as well as several other camps in other Frontline states. The Commission refers to abuses, in the main, at one detention centre, Quadro, in Angola.

Secondly, we must recognise the outstanding work our security personnel did in protecting our leadership and organisation under extremely difficult conditions. They

were defending, not an evil system where torture, killing, ill-treatment and violence were inherent in the philosophy of apartheid, but a movement dedicated to democracy. For us, therefore, to act against the sin, as one speaker put it, was central to our philosophy.

Pretoria made no bones about their all-out war against us. They tried to destroy us with bombs, bullets and poison. They infiltrated large numbers of assassins and spies into our ranks with a mission to sow confusion and to attack our leaders.

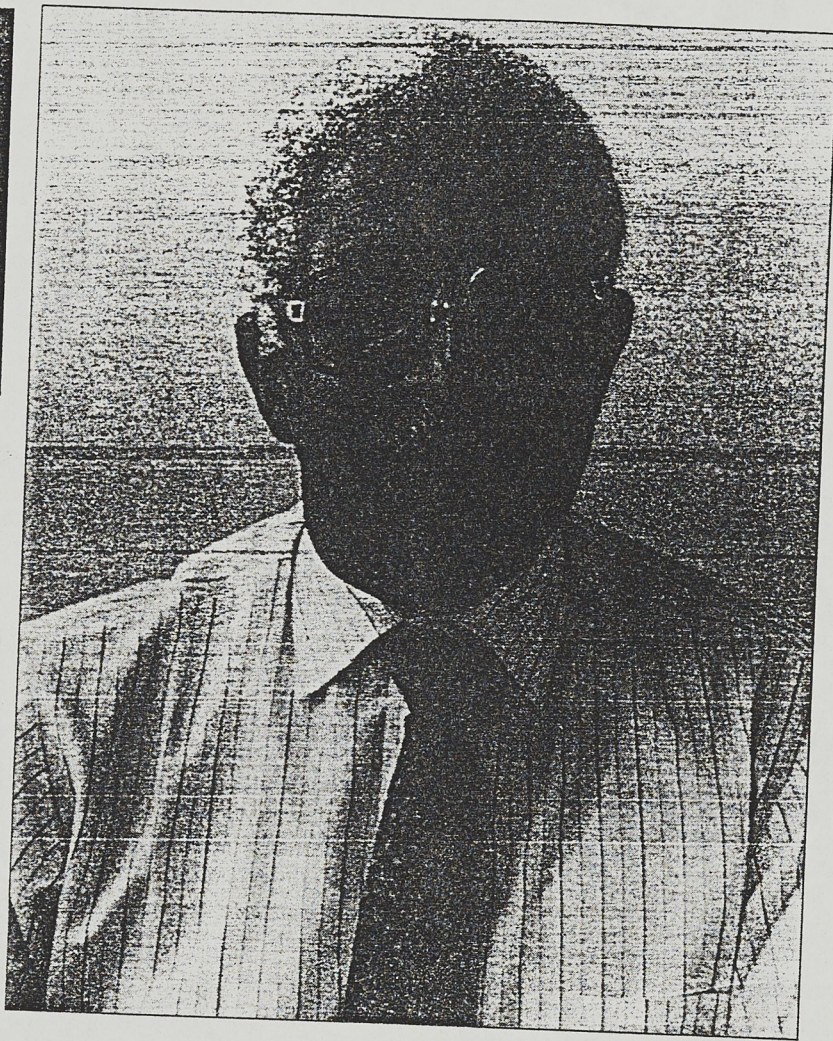
CODE OF CONDUCT

It is no measure due to the vigilance and the effectiveness of our security that we managed to preserve our core leadership and to come back home again. We are confident, as the NEC statement lays down, that the department will adhere strictly to the newly-adopted Code of Conduct for members and to the principles of justice, humanity and accountability

set out in our policy document *Ready to Govern* of May 1992. These principles must regulate the philosophy of a future security system in a democratic South Africa.

It is because we believe that there must be full disclosure and accountability that the NEC has proposed that a Truth Commission be set up to investigate all abuses that have flown from the policy of apartheid. Instead of self-indemnity, we need the whole truth, so that all the victims of disappearances, murder, torture and dirty tricks or their families know what happened.

The NEC believes that any response on our part – whether it is to compensate victims or not – must be based on principles of equity and fairness to all. Compensation must not go to some and not to others. It must be part of an overall clearing of the books. The Motsuenyane Commission report must therefore be seen as part of this process of dealing with our past. ♦





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The Reader

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Why a Truth Commission: A lawyer explains

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Q = What is the purpose of a Truth Commission?

A = The Truth Commission will, hopefully, reconcile South Africa with its past. The process will bring to an end unsolved investigations. There is a need for us to get on with our lives and we can only do this if the wounds of the past are healed.

Q = How will this reconciliation be achieved if the country is exposed to possibly traumatic revelations of the past?

A = I will agree, to an extent it will open up old wounds. But, the Commission will re-evaluate the causes of the wounds and this will allow the perpetrators an opportunity to absolve themselves of their sins. This attempt at absolution, however, will have to

be public, transparent and granted by the people. The Commission is the only mechanism through which this can be done.

Q = What do offenders achieve by coming forward, when its possible that their roles in crimes could never be detected?

A = I think it is necessary that those who have committed crimes

come forward so that not only will they be able to get on with their lives, but the victims and their families can come to terms with the hurt inflicted in the past. Otherwise those who suffered under apartheid will never be at peace. They will constantly seek to track down the perpetrator.

THE Truth Commission proposed by the present government has come under fire from certain members of the military and intelligence forces who believe it will only serve to open up old wounds. CHARMINE PILLAY questioned National Association of Democratic Lawyers' publicity secretary Krish Govender about the necessity and repercussions of such a Commission.

Even up to today people who were persecuted in Nazi Germany attempt to trace war criminals. The same will happen here if we don't put the past behind us.

Q = What would happen to perpetrators who come forward now and to those who are found out at a later stage

A = Those who come forward now will get the benefit of amnesty if the evidence is completely true. But, if at a later stage they are found to have lied the

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amnesty will fall away. Offenders who don't come forward now but who are caught at a later stage will be prosecuted. What could also happen is that in the course of the Commission's sitting a particular perpetrator could implicate other people. So it is in the interest of the offender to come forward now.

Q = What will happen if perpetrators don't come forward?

A = It will hamper the healing process which South Africa so desperately needs. We need to move into the future with a clean slate. There are just too many unanswered questions. There were strange deaths in detentions and unexplained murders. For instance, people would like to know the truth, about how Ahmed Timol really died and who was behind the

murders of Rick Turner and Anton Lubowski.

Q = What about rumours that present members of government could be embarrassed by revelations of persons seeking amnesty?

A = The process is not a one-sided approach. It will also address the wounds caused by excesses perpetrated by those who fought apartheid. The

same rule applies to everybody. In fact there is a greater duty on those in the present government who may feel embarrassed to come forward.

Q = Who could possibly be implicated during this process?

A = Generals, members of the Cabinet, informers who could be professional people and even your friendly next door neighbour.

Q = Of what value will the information collected by the Commission be to South Africa?

A = The information would form an important record of history of apartheid and its terror. It would be part of our archives and would serve as a source of information to the rest of civilisation and the generations to come.

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DEMOCRACY
in ACTION

Jg. 8 Nr. 4 P. 28 Dat. 15 JUL 1996

Catharsis or national haemorrhage?

By Charles Villa-Vicencio

"THE nation must deal with the past," President Nelson Mandela said in his state of the nation address, adding that "the burden of the past lies heavily on us". The problem with this burden is that it does not easily go away. It weighs like a nightmare on the present. Try to ignore it and it is likely to return to haunt us. Face it and it has the capacity to destroy us.

One of the contributors to *Dealing with the Past*, author Tina Rosenberg, warns in connection with the need to remember that "there is a dragon living on the patio". No, it's "right inside the living-room", says fellow contributor Mary Burton of the Black Sash.

These observations provide a sense of the urgency of the issues dealt with in this crucially important book. It is one that should be inwardly digested by every single person in South Africa.

The issues facing South Africa in transition are both ethical and political. They need to be worked out in relation to each other. Chilean activist Jose Zalaquett, a lawyer who served on his country's national Commission of Truth and Reconciliation, makes this point in his contribution to *Dealing with the Past*. He stresses the importance of understanding the fears and motivations of the perpetrators of evil deeds, and warns that neither victim nor adversary can hold the power of veto in determining the rules of society.

A similar point is made by Roberto Canas, an economist who has been deeply involved in the El Salvadorian struggle. He shows the need to balance what is ethically correct with

what is politically possible: "Ethically it is imperative to punish those responsible for violence and politically it is possible and correct to work for the eradication of all instruments of terror and to create a system of guarantees to ensure that the abuses of the past will not be repeated."

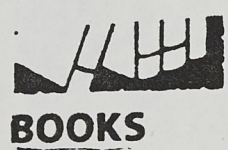
Legal academic Albie Sachs grounds the issue in the South African context: "We cannot say to the security forces: 'We are going to lock you up.' It just won't work. There will be more deaths and suffering. What we can say to them is: 'When we have the new constitution, if you side with those fighting democracy with arms and assassinations, you will forfeit any claim to amnesty.'"

Barney Desai of the PAC goes further: "We would be living in a fool's paradise if we believed that merely telling the truth would end human rights abuses," he says. "The violators must be named and put on trial."

Questions abound: who should be investigated and who brought to trial? What should the cut-off point for amnesty be? Should the names of all those found guilty of crimes be made public? Should prosecution follow disclosure? The tentacles of apartheid abuse extend widely.

Dealing with the Past makes a start at providing answers, making it abundantly clear that a truth commission should never be allowed to degenerate into a witch-hunt. Judge Richard Goldstone argues that the terms of reference of any truth commission ought to be politically negotiated. Only then can the commission address itself to its task.

Political scientist Andre du Toit argues that the core issue to be investigated should be the so-called third force. Aryeh Neier, a former executive director of Human Rights Watch in New York, concurs: The main task of the commission should be to "deal with deception and to respond with truth".



BOOKS

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DEMOCRACY
in ACTION

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Zalaquett speaks movingly of the Chilean president's presentation of the report of the Commission of Truth and Reconciliation to the nation on television, atoning on behalf of the state for its crimes. The full report was

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sent with a personal letter from the president to every affected family.

John de Gruchy, who attended the conference on which the book is based, picks up on the theology of this option in a plenary discussion: "There is an ongoing pressure that is not only moral. The moral says there must be justice; the theological concurs, but adds that justice must lead to reconciliation."

Sachs argues that "the real reparation we want ties in with the Constitution, the vote, with dignity, land, jobs and education". New York columnist Lawrence Weschler agrees. Weschler, who is also the author of *A Miracle, a Universe: Settling Accounts with Torturers*, suggests that the basis of true reconciliation is the ability to live in a normal country - "but before that point, there is a lot of remembering to do".

Nomonde Calata, widow of murdered Cradock activist Fort Calata, tells of her eight-year-old daughter wanting to know what happened to her father. "Can't you draw a picture for me? Can't you tell me?" the child asks. A priest in Uruguay tells of his experience in counselling a woman whose child had disappeared: "Father, I am ready to forgive, but I need to know whom to forgive and for what."

Badly handled, a national truth-telling exercise could lead to a national haemorrhage. But it could also be a cathartic new beginning. Nineteenth-century French historian Ernest Renan suggests that nations are built on great remembrances and great forgettings. Amnesty is not amnesia. Coupled with confession or disclosure it can be a way of remembering the need to forgive. ■

Charles Villa-Vicencio is professor of religion and society at the University of Cape Town.

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- 6 JUL 1994

Opinion

The memories of apartheid victims call for truth mission

By TIM COHEN

AFTER World War II, the Allies were faced with the extraordinarily difficult task of deciding what to do with the Nazi leadership. The solution most wanted was extraordinarily simple: shoot them.

Not surprisingly, the French and Russians and sections of the British government seemed at first willing to go along with this approach. But, possibly because they were less brutalised by the war, the Americans insisted on "due process" and the Nuremberg trials were born.

In the main trial, 22 Nazi leaders were tried and 12 were sentenced to death, including Martin Bormann who was tried in absentia, and Hermann Goering who committed suicide.

In later trials in the American sector, doctors involved in the Holocaust and judges who applied the Aryan laws with vigour were also put on trial. Some were convicted, providing the world with its first successful applications of international human rights law.

The trials gave rise to the notion of "crimes against humanity", based on the idea that some crimes are of such an egregious nature that they justify conviction even if the acts involved were sanctioned by the government of the time.

Nuremberg

After the trials — apparently as a consequence of them — international human rights law became codified into a series of declarations and agreements, including the Universal Declaration of Human Rights which was adopted by the UN General Assembly in 1948, to

which South Africa will soon be a signatory.

The Nuremberg trials give rise to an almost irresistible analogy in South Africa. Apartheid, too, was a "crime against humanity".

Nuremberg was, according to Wits University human rights lawyer John Dugard, inspired by the desire for "vengeance and education". While the need for human rights education is one of the reasons given by Justice Minister Dullah Omar for declaring a Truth and Reconciliation

Commission necessary, to what extent is vengeance the commission's underlying aim?

Dugard says the ANC's approach to the issue has dripped with reconciliation, with spokesmen at pains to point out that ANC members could also be called before the commission. This fact alone distinguishes the commission from the Nuremberg trials and the proposal, in the circumstances, is an extraordinarily magnanimous gesture.

Retribution

Omar has said specifically that the Nuremberg trials approach would not be adopted and has suggested — unprompted by opponents of the idea — a change to the proposed name of the commission from the Truth Commission to the Truth and Reconciliation Commission.

From the start the commission was not intended as an instrument of vindictive retribution. In fact, the first time it was publicly suggested was after the Motsuenyane report on human rights abuses in ANC camps, apparently to pre-empt queries about what would be done about members of the ANC leadership who figured in the report. "It's

simple," came the retort, "all human rights abuses (including the abuses committed by them) will be dealt with by the Truth Commission."

It is to Omar's credit that he did not let the matter lie. He took his own organisation at its word and has pressed the issue. Nevertheless, many commentators seem to think the government knows a lot about what the commission will not do but little about what it will do.

First, the commission will not treat supporters of apartheid and its opponents on a different footing, as the Allies did by separating the trials of members of the French Resistance from those of the Nazis.

Secondly, it seems the commission will not deal with "minor" issues. Hence, all the officials who bulldozed houses with gusto in the service of the Group Areas Act, all the functionaries who ran pencils through people's hair to determine their race, all the judges who applied apartheid laws with vigour, all the businessmen who manned the corporations that propped up the apartheid government, will escape untainted. Dugard, for one, was disappointed that judges and magistrates who applied apartheid laws with venom might not be called to account.

Derby-Lewis

Thirdly the prevailing view seems to be that the commission will not, by itself, be directly involved in granting amnesty. The underlying logic seems to be that the final decisions on who should go free will be political.

The government may have to be involved in some fancy footwork as it distinguishes the application for amnesty for

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Clive Derby-Lewis (whose release following his conviction for the murder of Chris Hani is politically unconscionable) from the applications of some former SADF and SAP members (whose applications for amnesty may be politically impossible to resist).

Fourthly, crimes of a political nature only will be considered, saving the administration of justice from anarchy, but also raising the thorny questions of what constitutes a political crime.

Argentina

Fifthly, the commission will not be a "witch-hunt", although the practical implications of this suggestion are still vague. Will it be possible, or even desirable, to inquire into crimes without naming the perpetrators?

The narrow parameters of the commission leave the framers of its terms of reference in a difficult position. Just what terms of reference will prevent it becoming what the government

does not want, yet allow it a relevant function?

Despite Omar's protestations, international analogy does not help. The Nuremberg trials have already been ruled out. Chile (specifically cited by Omar) did have a fairly successful commission. However, one of the main questions citizens wanted answered was what had happened to "the disappeared" and the commission was at least able to provide family and friends with the assurance that their loved ones were, in fact, dead. This does not apply to the same extent in South Africa.

In Argentina, the former military rulers were at first put on trial, but then suddenly the trials were aborted, placing the country in an absurd position where it may not be able to sign certain human rights conventions because of its refusal to prosecute offenders.

The commission will face some difficult practical questions. What will the incentive be for people to appear before it? Will they be asked to make admissions, which

could later be used against them in evidence, without a guarantee of indemnity? Will questions such as "who helped you?" and "who authorised your act?" be allowed?

Will the commission make a judgment on the veracity of admissions? If it does, who will investigate the claims made? If not, what is to stop individuals accepting blame for hosts of others? What of compensation for victims?

And then there is the most crucial question of all: will the fragile Government of National Unity tolerate its members' humiliation? Will it even survive that humiliation?

Submissions for the commission's terms of reference closed last Thursday and politicians will soon be called on to find a way out of this morass. As unpleasant as it may be, the commission must forge ahead. The innocent need it, relatives of the victims require it and the memories of millions of people degraded by apartheid demand it.

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April 5, 93 *The New Yorker*Lawrence
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RANDOM HOUSE

COMMENT



GETTING OVER

THE bloody massacre in Bangladesh quickly covered over the memory of the Russian invasion of Czechoslovakia," Milan Kundera lamented in his 1980 novel "The Book of Laughter and Forgetting," no doubt singling out the particular memory closest to his heart. He went on, "The assassination of Allende drowned out the groans of Bangladesh, the war in the Sinai Desert made people forget Allende, the Cambodian massacre made people forget Sinai, and so on and so forth until ultimately everyone lets everything be forgotten."

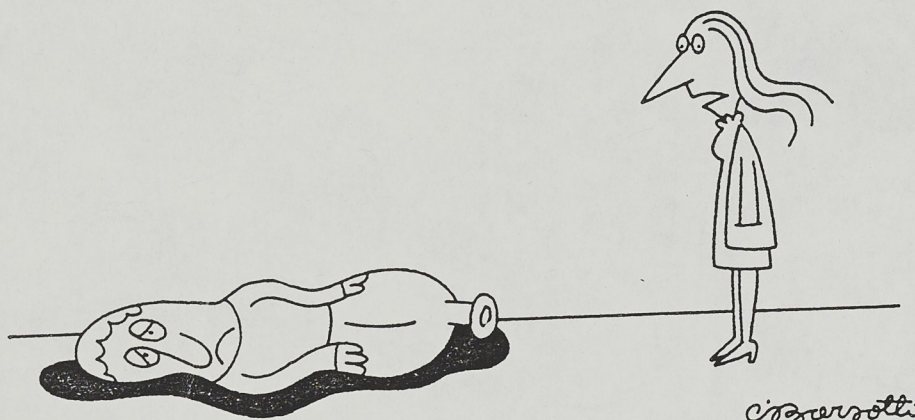
Of course, there are places in the world where the pattern that Kundera described remains dismayingly evident—and the United States in some of its aspects is certainly among them. (Who any longer truly remembers the past decade's American interventions in Nicaragua and Lebanon and Grenada and Panama, or is willing to acknowledge the moral obligations to the people of those countries which we may have incurred as a result?) When Europeans talk about other nations' becoming more

and more like the United States, sorption in the present, oblivion of the past and future, is one of the often have in mind.

But there are places in where the past—or, anyway, version of the past—holds a powerful sway as almost to choke the possibility of liveliness and creative forward-thinking in the present. In most pressing such instances, the tragedy of ex-Yugoslavia: people not only seem incapable of getting the past but hardly of thinking about anything. And Croats and Muslim in grievances dating back of the Second World War, ties dating back to the days before the First World War, martyrologies wending back to the fourteenth century—remain so alive today—that if the living had been transparent, wraithlike shades of ghosts rather than the other.

And Yugoslavia is not where the living seem to

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"Well, I have to tell your publisher something."

ting over, let alone forgetting, their pasts. There are also vast expanses of the crumbling Soviet empire, there is South Africa, there is Northern Ireland, and Central America and Sri Lanka and India and Palestine, and even Crown Heights. True, in many of these cases the past grievances have been artificially revived and exacerbated by demagogues intent on their own short-term tactical advantages, but the point is that populations in all these places are susceptible to such demagogic appeals precisely because the past, far from having been forgotten, remains a terrible, festering wound.

A certain kind of forgetting—or, rather, a getting over, a superseding—is exactly what is needed in many of these places. "Nations are a plebiscite every day," the French philosopher Ernest Renan wrote at the end of the last century, "and they are built on great rememberings and great forgettings." And yet what's called for is not the obliviousness of simple denial. The Polish master Zbigniew Herbert warned in a poem recalling the immediate aftermath of the Second World War, "Ignorance about those who have disappeared undermines the reality of the world." (Surely this unreality, this vertiginous substancelessness of experience, is the sort of thing Kundera was bewailing in those lines from his novel.) Shoring up the reality of the world, however, is by no means easy. Shortly after the liberation of France, the philosopher Merleau-Ponty observed:

We have learned history, and we claim that it must not be forgotten. But are we not here the dupes of our emotions? If, ten

years hence, we reread these pages and so many others, what will we think of them? We do not want this year of 1945 to become just another year among many. A man who has lost a son or a woman he loved does not want to live beyond that loss. He leaves the house in the state it was in. The familiar objects upon the table, the clothes in the closet mark an empty place in the world. . . . The day will come, however, when the meaning of these books and these clothes will change: once . . . the clothes were wearable, and now they are out of style and shabby. To keep them any longer would not be to make the dead person live on; quite the opposite, they date his death all the more cruelly.

The challenge, then, is not so much to forget as to remember in a *living* way, a way that makes room—that *allows* room—for the living, in all their newness.

Hannah Arendt was on to something crucial in her 1958 book "The Human Condition" when—a Jew writing barely a decade after the Holocaust—she insisted on the primacy of forgiveness: "Without being forgiven, released from the consequence of what we have done, our capacity to act would, as it were, be confined to one single deed from which we could never recover; we would remain the victims of its consequences forever." For Arendt, forgiveness was essential to human freedom: "Only through this constant mutual release from what they do can men remain free agents, only by constant willingness to change their minds and start again can they be trusted with so great a power as that to begin something new." This capacity for initiation, for beginning something new, is the core wonder at the heart of Arendt's depiction of the human condition. It is the great hope.

And yet the forgiveness she sees as the ground for that hope is not a simple forgetting. If anything, it is a highly charged and continuously recharged form of remembering. Nor can it be accomplished in isolation. "No one can forgive himself, [just as] no one can feel bound by a promise made only to himself," Arendt notes in a passage with particular relevance to the departing or mutating dictatorial regimes, in Latin America and elsewhere, that, as a routine final gesture before surrendering power, lavish blanket amnesties upon themselves. As Arendt declares, "Forgiving and promising enacted in solitude or isolation remain without reality and can signify no more than a role played before one's self." True forgiveness is achieved in community: it is something people do for each other and with each other—and, at a certain point, for free. It is history working itself out as grace, and it can be accomplished only in truth. That truth, however, is not merely knowledge: it is acknowledgment, it is a coming-to-terms-with, and it is a labor. Ironically, in places where former antagonists refuse to acknowledge the horror of their past depredations, full-scale trials—the painstaking laying out and proving of guilt, under exacting conditions of due process—may be both necessary and salutary before any forgiveness can be extended. And such forgiveness makes sense only in the context of starting anew—something that cannot be done if the prior malefactors retain their positions of authority, immune and unaccountable.

Such forgiveness is never done once and for all: the past is kept alive, is continually revisited, but in the mode of supersession, of moving on. In Sarajevo and Belgrade, in Hebron and Belfast and Nagorno-Karabakh and San Salvador and Soweto and Los Angeles, there is tremendous work waiting to be done—not only the work of finding some concrete way of securing the democratic rights of minorities within their larger polities, but also the equally daunting work of finding ways of advancing the spiritual and material well-being of the entire population. The point is to get on with that work as, precisely, a way of honoring the past. ♦



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DIE BURGER

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Skuld, regstelling? Afrikaners se rekening sou grootste kan wees

Oor die eise dat die sondes van apartheid openbaar gemaak moet word, skryf W.A. de Klerk, skrywer en kultuur-man, dat die Afrikaners ná die Tweede Vryheidsoorlog bokant 'n eie "regstellende aksie" uitgestyg en nie in massas opgetrek het nie. Die bitterheid het hulle verbygesteek en dit het karakter gebou.

17 Dec
"WAT is waarheid?" het die Romeinse goewerneur vir Jesus van Nasaret gevra (Joh. 18:38). Dit was 'n politieke vraag, wat 'n politieke antwoord wou hê. Maar Christus wis dat wat Pilatus wou hê heeltemal buite die beperkte speelveld van die politiek val; daarom het hy nie geantwoord nie. Pilatus, sonder raad, gaan toe buite na die aanklaers en bied hulle Barabbas aan, as happe vir helhond.

Dit klink ook hier by ons op: Wat is die waarheid aangaande al die onheiligheide van apartheid? Net maar 'n spesiale waarheidskommissie sou daaroor kan besluit; sodat daar beoorloofte versoenings kan wees. Het diesulkes nie in die onlangse verlede gesien hoe uitgerek moeilik dit is vir hoog aangeskrewe regsgeleerdes om politieke moorde te peil nie?

Die Sowetan kom onlangs nog met die vetletteropskrif op sy voorblad: *South Africa's dark past to be dug up*. Dis seker dat daarmee niks anders bedoel word nie as wat uit vele oorde in 'n veelheid van vorms nog bly klink: die sondes van apartheid.

wat ondanks alle "vordering" tog weer opgegrawe en ten toon gestel moet word. Want slegs só en dat die Afrikaners in skuldbelydenis daarvoor kan staan, sal hierdie smet op die mensdom finaal skoongemaak kan word.

Die stigter, ontluikende Afrikaners het nooit hierheen as koloniste, as veroweraars van 'n geordende bestel, gekom nie. Hulle was ondergeskikte funksionaries van die VOC. Hul getalle is in die laat agtiende eeu

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aangevul deur 'n handjievol erg hulpbehoewende Franse vlugtelinge, die Hugenote.

Die VOC had geen groot visie van 'n Suider-Afrikaanse, koloniale ontwikkeling nie. Sy handelsbelange het byna algeheel in die Ooste gelê. Die Kaap was maar 'n nodige oorsaansplek, 'n verversingspos.

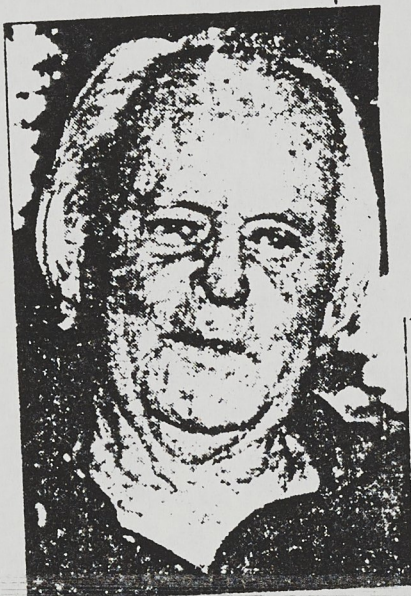
Geen wonder dat met die vertrek oplaas van 'n totaal verwerde VOC die ganse Wes-Europese bevolking van Suider-Afrika nog nie 15 000 siele getel het nie. Nou was dit egter die enorme, uitdyende *Pax Britannica*, die grootste imperium in die geskiedenis, wat ook op *the Cape* toegesak het. Wat gevolg het, was wat hierdie skrywer in *The Puritans in Africa* beskryf het as *the heroic age of the Afrikaners*.

Voortaan sou net maar wat Brits was die botoon voer. Wat in 1822 bedoel is as die *coup de grace* van die *Cape Dutch* (die embrioniese Afrikaners) was lord Charles Somerset se kompromislose besluit: net maar Engels sal voortaan die amptelike taal wees. So sou dit ook die volgende 30 jaar of meer wees.

Veel meer as amptelike wapens was nodig. Vandaar toe die stigting en hartelose voortsetting van iets wat tot vandag toe die beste beskryf kan word as Boerehaat.

Fiksie? As die lesers die omvang daarvan wil verstaan, moet hulle Michael Streak se *The Afrikaner as viewed by the English: 1795-1854* lees. In 1974 het Struik Uitgewers dit as boek beskikbaar gestel.

Die uitvinder en ná byna twee



jaar steeds die mees toegewyde bedrywer van Boerehaat was John Barrow. Uit 'n arm middestandse Engelse gesin, maar baie talentvol, het hy Kaap toe gekom as die private sekretaris van lord McCartney. Wat hy in die jare negentig van die agtiende eeu oor die *Cape Dutch* verkondig het, was die heersende toon van die anti-Afrikaner-aanslag: van Read en Van der Kemp as beroerende in die Black Circuit/Swarte Omegang van 1812, grootliks sonder regsgronde: deur David Livingstone, wat ook *the Boers* as die ware skurke onderskei het; 'n volgehoute twee

eenetank; tot by Ken Owen van *Sunday Times* faam, wat net nie kan be-
daar met sy eie woordryke aksie nie.

Barrow was self met 'n *Cape Dutch* getroud, die aanvallige Anna Maria Truter, eie niggie van die latere sir John Truter, hoofregter van die Cape Colony.

Barrow het vir homself en vir talle daarna die refrain gevestig: "*Humanity shudders in contemplating the deplorable situation to which the bulk of the native inhabitants of this country have been reduced by the arts and machinations (skelmstukke) of such lawless miscreants (misdadigers) as these the Cape Dutch.*"

Met verwysing na die selfstandigheid van boere, veraf geleë oor 'n enorme gebied, sê hy: "... *this spirit of independence and false liberty has made of the South African farmer a tyrant in his domain and has rendered him insensible to honest law.* ..."

Twee oorwegings loënstraf dit algeheel: D.F. du Toit Malherbe in sy

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INSTITUUT VIR EIETDSE GESKIEDENIS

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22 JUN 1994

DIE BURGER

Jg. 79 Nr. 17 Dat.

Stamouers van die Afrikanervolk, wys op die baie Afrikaanse afstammelinge van die 1820 Setlaars van Annandale tot Webb, feitlik elke letter van die alfabet. Beroemdste van hulle is sekerlik die vader van die geliefde, geëerde veldkapelaan van die Boere in die Tweede Vryheidsoorlog, J.D. Kestell.

Dan is daar die kulminasie van die Herofese Eeu van die Afrikaners self. Want soos J.C. Smuts in 1914 by die onthulling van die Vrouemonument in Bloemfontein gesê het: die totale Boerebevolking van die twee republieke was maar om en by 200 000. (Hancock en Van der Poel; The Smuts Papers. 111 p. 140)

Van hulle is 26 251 dood in die Britse konsentrasiekampe, dit wil sê sowat 11 persent van die hele republikeinse Boeredom. "Welke ellende, welke zielenangst moest daar nie in het hart van de meesten die vrouwen zijn omgegaan in dié vreselike dagen..." aldus J.C. Smuts.

Lawrence Richardson, sekretaris van die British Society of Friends (Quakers), het in 1902/'03 na Suid-Afrika gekom om toestande in die twee verslane republieke te ondersoek. Die nugtere kroniek daarvan, opgeneem in deel 8 van die Van Riebeeck Vereniging se tweede series in 1977, is verbysterend. Hy vertel hoe hy deur die hele Noordoos-Vrystaat en Suidoos-Transvaal gereis het. Oral was net die afgryslike getuienis van lord Kitchener se *scorched earth policy*. Feitlik alle boerewonings en buitegeboue op plase is vernietig; feitlik alle vee weggevoer. Dit was 'n toneel van die uiterste verwoesting. Richardson reken dat net die eiendomskaade wat die Boere op dié manier moes opdoen, sowat 25 000 000 Britse ponde sou bedra. In moderne terme omgesit moet dit miljarde wees.

Met die Vrede van Vereeniging was daar sowat 8 000 Boere in die veld. Die Britte daar het meer as 250 000 getel. L.S. Amery se in deel 1 van sy sesdelige *Times History of the War in South Africa*: "The South African War has been the greatest political event in the history of the British Empire since the conclusion of the Napoleonic wars."

Die kompensasie wat ná 'n lang tyd aan die lydendes deur die Imperiale regering uitbetaal is, was maar 'n skamele 6 persent. Alles wat Richardson vertel, roep in herinnering Jan Celliers se klassieke vers:

*Dis die blond,
dis die blou,
dis die veld,*

*dis die lug.
En 'n voël draai bowe in eensame vlug.*

Dis 'n balling gekom oor die oseaan,

*dis 'n graf in die gras,
dis 'n vallende traan.*

Dis al.

Diegene wat so skril roep om die openbaarmaking van die sondes van apartheid... Wat was die ergste direkte lewensverlies daarvan? Sharpeville met sy rondom 69 gedood deur 'n klompie verskrikte polisie? Van alles wat die Afrikaners oor twee eeue moes verduur en toe verwerk, weet hulle sowat niks. Dis nie hulle saak nie, sou hulle kan sê. Ja, natuurlik, maar dit het alles nog grootliks in hierdie eeu gebeur, hier.

Dis merkwaardig dat die Afrikaner tog bokant 'n eie "regstellende aksie" uitgestyg het; trouens, nooit eers gedink het daaraan nie. Hierdie skrywer kon as skoolkind eers in standerd twee na 'n Afrikaanstalige skool gaan: Jan van Riebeeck. Toe was dit in 'n enkele ou motorhawe-tjie, wat tot skooltjie omgeskep is. Afrikaners het niemand belaster, teen niemand in woedende massas opgetrek nie. Die bitterheid van die oorlog het hulle verbygesteek en in diep ontroerende poësie - dié van Eugène Marais, Leipoldt, Totius en andere - beleef, en geweën, maar nie verdoem nie.

Ek is diep dankbaar dat ek deel daarvan kon wees. Ek glo dit het karakter gebou wat ek ook koesterend van my mede-Afrikaners van die tyd onthou. En dis karakter wat tel.

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-3 JUL 1994

Rapport

Jg. 25 Nr. 27 P. 4

Dat.

Baie sake om uit te pluys voor nuwe amnestie-wet

TREFV

Deur ANNE-MARIE MISCHKE:
Johannesburg 4 JUL

STADIGAAN begin die buitelyne van die Regering se planne vir amnestie en die Kommissie vir Waarheid en Versoening te voorskyn kom. In die komende weke sal egter nog baie geworstel word rondom die fynere besonderhede voordat die wetgewing gereed sal wees vir die Parlementsitting in Augustus.

Die sluitingsdatum vir aanbevelings aan die Minister van Justisie, mnr. Dullah Omar oor amnestie was Don-
derdag – maar teen daardie tyd was dit reeds duidelik hoe mnr. Omar se kop oor 'n paar belangrike aspekte werk.

Uit Rapport se eie gesprekke en uit mnr. Omar se media-onderhoude en verklarings, kom die volgende na vore:

- Die tafel moet eers skoongemaak word van die 800 aansoeke om vrywaring ingevolge die ou vrywaringswette van die vorige regering. 'n Komitee onder die voorsitterskap van mnr. Brian Currin van Regslui vir Menseregte adviseer mnr. Omar daaroor.

Bo-aan die agenda van dié komitee is 'n definisie van die omstandighede waarin amnestie toegestaan kan word. Aanduidings is dat die definisie "beplande moord op burgerlikes" sal uitsluit.

Die komitee sit egter met die hande in die hare nadat mnr. F.W. de Klerk nog as Staatspresident vrywaring aan 62 mense gegee het wat bots met die beoogde definisie.

Die vraag is nou: Moet wat vir daardie 62 gegeld het, ook vir die res van die 800 geld?

- Nadat besluit is oor die lot van die 800, word die ou vrywaringswetgewing se boek toegemaak. Mnr. Omar

het reeds te kenne gegee dat vrywaring wat toegestaan is ingevolge die vorige regering se wette, nie implikasies gaan inhou vir toekomstige aansoeke om amnestie nie. Iemand sal nie kan argumenteer dat wat vir die Wit Wolf Barend Strydom en Robert McBride gegeld het, ook vir hom geld nie.

- Die eerste stap in die volgende ronde is om, soos die Grondwet bepaal, nuwe wetgewing oor amnestie aan te neem. Volgens die Grondwet moet amnestie toegestaan word vir "dade, versuime en misdrywe" met politieke oogmerke.

Wraaksug en vergelding mag nie die doel wees nie. Die wetgewing moet voorsiening maak vir maatstawwe en prosedures. Dié sluit tribunale in, wat ruimte laat vir die beoogde Kommissie van Waarheid en Versoening.

- Die wetgewing sal na verwagting voorsiening maak vir 'n driedelige kommissie.

Een afdeling, wat hoofsaaklik sal bestaan uit regsgeleerdes, sal aansoeke om amnestie aanhoor. Mense wat aansoek doen om amnestie, sal moet sê wát hulle gedoen het.

Wat die maatstawwe gaan wees, is nog nie duidelik nie, maar mnr. Omar het dié week net soos lede van die Currin-komitee gesê: Mense wat beplande moord op burgerlikes gepleeg het, kry nie amnestie nie. Dit was nadat hy uitgevra is oor die lot van

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Rapport

Jg. 25 Nr. 27 P. 4 Dat. - 3 JUL 1994

die moordenaars van mnr. Chris Hani en van die moordenaars in die St. James-slagting.

Verder kan moontlik net lede van die Veiligheidsmagte en mense wat betrokke was by die sogenaamde vryheidstryd van die ANC en die PAC in aanmerking kom. Ook dit sou mense soos die moordenaars van mnr. Chris Hani uitsluit.

LYS

Die tweede afdeling sal handel met 'n lys wat soveel moontlik oortredings teen mense regte openbaar maak. Dis nog nie duidelik of dit net 'n lys van die oortredings en die slagoffers sal wees en of dit ook die skuldiges sal insluit nie. Daaroor is daar meningsverskil.

Mnr. Omar is op rekord dat hy gesê het almal, van alle kante, moet oor dieselfde kam geskeer word.

Die derde afdeling sal hom met reparasie, ofwel herstel of vergoeding, besig hou. Groot onduidelikheid heers nog oor die mate van finansiële vergoeding wat aan slagoffers betaal kan word.

Indien betalings gemaak word, sal dit van die staat kom - en dan word die vraag gevra of die staat nie net verantwoordelik sal wees vir betaling aan slagoffers van die vorige regering en sy veiligheidsmagte nie. Indien wel, sou dit vergoeding aan mense wat deurgeloop het onder terreur-aanvalle, uitsluit. Dit word nog oorweeg.

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➔ Rapport

Jg. 25 Nr. 25 P. 13 Dat. 19 JUN 1991

Ook Britte moet nie te diep oor 'waarheid' krap

Plan oor
Falkland
gekap

TREFW

1 Bosh

2 Britte

3 Picku

4 Gen

5 Gant

6 Falkland

7 Carlegs

8 Vergely

9 Suid

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Jg. 25 Nr. 25 13 Dat. 19 JUL 1994

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13 B.
Van TOBIE BOSHOFF: Londen

DIE Britse prokureur-generaal wil net so graag soos die Suid-Afrikaanse Minister van Justisie, mnr. Dullah Omar, by die "waarheid" uitkom, maar vind dit makliker gesê as gedoen.

Prokureur-generaal Barbara Mills wil Britse soldate aankla oor dinge wat tydens die Falkland-oorlog gebeur het. Dis juis die oorlog wat aan die toenmalige premier, mev. Margaret Thatcher, die reputasie besorg het dat sy meer van 'n man is as al die streepbroeke in haar parlement saam.

Mev. Mills se raadgevers se vir haar hulle het genoeg getuie- nis om minstens twee lede van 'n Britse Valskermregiment aan te kla. Daar word beweer dat Ar- gentynse krygsgevangenes ge- skiet is en ore van lyke afgesny is.

Maar die Britse minister van justisie, sir Nicholas Lyell, se sy raadgevers meen so 'n verhoor sal dalk nie in die openbare be- lang blyk te wees nie. Dis hoogs onwaarskynlik dat enige jurie ie- mand sal skuldig bevind indien die omstandighede van die tyd in ag geneem word.

MISDAAD

Britse koerante skryf die pro- kureur-generaal moet liever haar energie gebruik om iets aan die misdaad in die land te doen.

Oor die Suid-Afrikaanse "waarheidskommissie" is adj. pres. F.W. de Klerk hier aangehaal dat dit onvermydelik sal lei tot 'n heksejag en weinig sal doen vir versoening. "Ons sal dom wees as ons oorhaastig die steke uithaal van die wonde wat nou maar begin genees," het hy gesê.

In Brittanje word die planne in Suid-Afrika met groot oë dopge- hou. Die gevoel is dat dit gaaf sal wees om alles te reinig, maar dit is makliker gesê as gedoen.

Prof. Rosalyn Higgins van die departement van staatsreg aan die London School of Economics and Political Science en getroud met 'n politikus, sir Terence Hig- gins, se aan Rapport met die oor- gang van die een bewind na die ander in Suid-Afrika het dit bo alle verwagting se goed verloop dat versigtige optrede nou aan- gewese is.

POLITIEKE OORDEEL

Die beoogde waarheidskom- missie is geen regs-kwessie nie, maar 'n politieke oordeel.

Prof. Jack Spence van die Royal Institute for Foreign Af- fairs se dit kan natuurlik goed wees as die verlede skoongevee kan word, maar daar is baie vrae wat gestel moet word.

Hoeveel mense sal uit hul eie kom om voor die kommissie te bieb? "Ek het sterk twyfel of daar 'n stormloop sal wees.

"En wat gaan gebeur met dié wat bieb, maar steeds nie amnes- tie kry nie? Gaan hulle dan ver- hoor word?

"Waar stop jy? As hulle se hul- le het maar net opdragte uitge- voer, moet hul base dan voor die kommissie gebring word?

"Dit kan so 'n nimmereindi- gende proses afgee dat jy dalk net nou by gewese landsleiers uit- kom."

NIE VERSKIL

Bill Franklen, wat jare gelede uit Suid-Afrika Londen toe ver- huis het en 25 jaar lank geld vir politieke verhore na Suid-Afrika gekanaliseer het, twyfel ook: "Jy kan nie 'n verskil trek tussen oor- treders wat teen apartheid opge- tree het en mense wat dieselfde dinge gedoen het om apartheid af te dwing nie."

Onderskeid moet ook getref word tussen die polisieman wat dink hy doen maar net sy werk, en "diegene wat die argitekte van die brutaliteit was".

There is a smug, comfortable and complacent lobby in our country which believes that the negotiation process will herald not only a new constitutional order but will also ensure that our awesome apartheid legacy will be quietly forgotten and buried. This self-serving approach works on two bases.

Coping with the past

First, it says that by-gones must be by-gones and invokes the concept of reconciliation to serve its end. Secondly, it says that all parties were guilty of terrible wrongs in the struggle against apartheid – we all have much to be forgiven for – and since no-one has clean hands, there must be a new start.

Mr de Klerk's idea of a "new start" is not only to forget the past but to invent one where his party and regime now insist that there was no deliberate targeting of its opponents. If terrible acts were done, they were in pursuit of a policy of protecting the state and, therefore, an amnesty must be given to the practitioners of kidnapping, systematic torture, disappearance and ill-treatment.

Is it therefore valid for the opponents of a comfortable present to demand the dredging up of the past and the re-opening of old wounds? Coming to terms with the past is a difficult and, for some, a painful matter. We must, therefore, ask: if we are to close the book on the past, can we suppress it altogether?

THE TRUTH COMMISSION

Many countries who have moved from authoritarian or illegitimate regime to

democracy have grappled with this fundamental truth: how to settle a past account without upsetting the present transition. The Nuremberg and Tokyo trials of 1945-1946 of war criminals, an attempt to preserve the collective memory and to build up an effective deterrent, were models that rested on a particular material condition.

WAR CRIMINALS

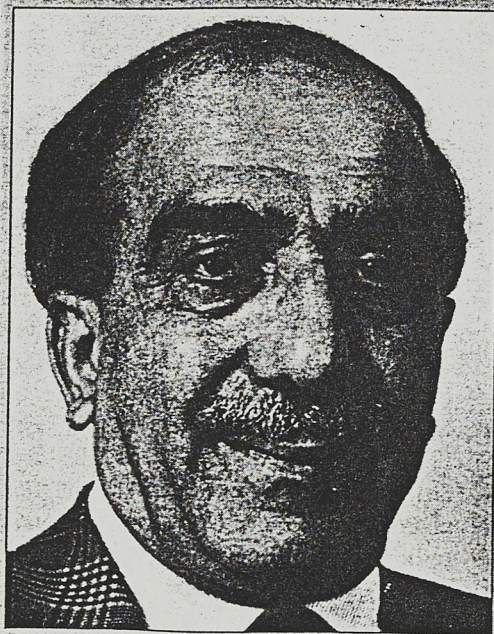
The war criminals who were brought to trial did not lose power through political means but through a complete military defeat. The victors did not have to worry about the balance of forces where the military, economic and state power of the losers was largely left untouched.

It was for this reason that the "Nuremberg" approach has not been repeated since 1946. Instead, in recent years, a number of Truth Commissions have been established by newly-elected governments, by private initiatives from non-governmental organisations and, in the most recent example, by the United Nations in relation to El Salvador.

A recent report, prepared in the United States, has described 14 such bodies and has identified the ANC as the first non-governmental body to investigate its own actions. It was because of the need for a comprehensive opening of the books, for full disclosure and accountability, that the National Executive Committee, at its August 1993 meeting, proposed that a National Truth Commission be set up to investigate all abuses that have flowed from the policy of apartheid.

A truth commission for S A

The truth must be acknowledged, proclaimed and exposed publicly and the worst transgressors must be removed, writes Kader Asmal, ANC NEC member and Professor of Human Rights Law at the University of Western Cape.





*Mathew Goniwe, victim of apartheid war crimes.
We need the whole truth.*

Instead of self-indemnity by the government – which the ANC has, over a year ago, clearly stated will not bind a democratic government – we need the whole truth, so that the victims of disappearances, murder, torture and dirty tricks, or their families, know what has happened.

DIFFERENT DUTY

The Truth Commission's approach is based on a different duty from the normal human rights duty of a government to refrain from committing such violations. It is the duty of a successor government to dispense justice for past crimes.

A government of national unity will be obliged, if we are to follow recent precedents, to set up such a commission if only to ensure that the Bill of Rights – which obliges our state to provide effective remedies for such rights – is to have any relevance.

The most important reason for the establishment of such a commission is to get to the truth. The experience of Chile, Argentina and El Salvador keenly reflects the cleaning power of the truth. Thousands of people who gave evidence rarely, if ever, showed a desire for vengeance. What mattered to most was that the memory of their loved ones would not be denigrated or forgotten and that such

terrible things never happen again.

Each country will deal with the past in its own way. We will not follow the pattern of vengeance shown in some European countries today where people are being persecuted for their past beliefs. But there are some common features which we can adopt.

A commission must be broadly based and made up of respected people. It must be adequately staffed and must complete its work within a year. It will look at gross violations of human rights, not only from the government side, but from all political formations.

FACT-FINDING

Interestingly enough, in Chile and El Salvador, it was found that a very small proportion of such violations were committed by the resistance. It will not be a prosecuting body but a fact-finding one. Not all commissions name names of transgressors but, where they do, the list must be handed over to prosecuting bodies.

The recent UN-organised El Salvador commission which reported in April listed over 40 individuals responsible for human rights crimes and recommended that they should be removed from their positions. It further recommended that they be

prevented from serving in a public position for ten years or in any military or security position forever.

COMMUNITY REPARATIONS

In addition, the commission recommended, as had occurred in Chile earlier, that "justice demands that the victims of human rights violations in the war be publicly recognised and be given material compensation." In Chile, pensions, scholarships and training programmes were set up as tangible expressions of community reparations to such victims.

Such commissions also provide a greater awareness of the background to violations of human rights. But the truth must be acknowledged, proclaimed and publicly exposed. The worst transgressors must be removed and there must be an acknowledgement of the rights of the victims.

Only then can we discuss the issue of amnesty. When we do not reproach evil doers, as Alexander Solzhenitsin has warned, "we are not simply protecting their trivial old age; we are thereby ripping the foundations of justice from beneath new generations."

We cannot afford to do so. ♦



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TREFWOORD

Besluit net vooraf

Wat met dié waarheid gedoen gaan word

DIE te stigte kommissie vir waarheid en versoening roer sensitiewe snare. Dit jaag die maagsenuwees in sekere kringe op hol. Waarheid en rekonsiliasie is wesenlik religieuse konsepte wat diep in die Christelike tradisie gesetel lê.

Hierdie twee gedagtes verteenwoordig ook kompeterende doelwitte daarin dat kennis van wat gebeur het, aan die een kant belangrik is vir versoening, maar aan die ander kant ontsteltenis kan veroorsaak wat rekonsiliasie kan ruineer.

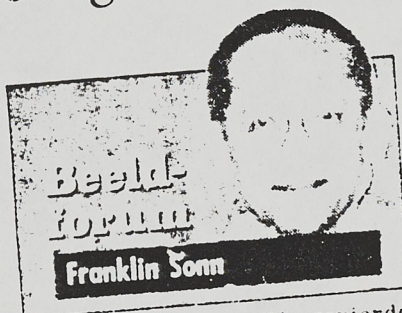
Die mate van toenadering wat grotendeels deur ons President se morele outoriteit en persoonlike voorbeeld geborg word, kan maklik aan flarde geskeur word in die aangesig van verskriklike onthullings oor die verlede.

Nietemin is dit twyfelagtig of versoening diepgaande en permanent kan wees by ontsteltenis van die waarheid omtrent die verlede. Die waarheid het bowenal die manier om op die mees ongeleë kombinasie broksgewys met stertjies en al sy verskynings te maak om oppervlakkige versoening gewaand te bewys.

Dit is egter nie 'n taak wat sommer so aangepak moet word nie. Die verwysingsraamwerk moet deeglik bedink word en daar moet vooraf besluit word wat presies met die waarheid gedoen gaan word en in watter omstandighede amnestie toegestaan sal word.

Minister Dullah Omar, Minister van Justisie, verdien ons bewondering vir sy vasbeslotenheid met hierdie saak, maar meer besonderlik dat hy die onderneming binne die kontekste van versoening eerder as weëwraak plaas - ook dat hy moedig te kenne gee dat alle kante onder die loep gaan kom.

Dit is natuurlik nie die eerste keer in ons geskiedenis dat só 'n onder-



soek plaasvind nie. Die gevierde kampvegter Emily Hophouse het dit reggekry dat 'n vrouekommissie na die Anglo-Boereoorlog van 1899-1902 in die lewe geroep is. Hierdie kommissie het die verskriklike wandade van die Engelse imperialisme teen die Boere blootgeleë.

In die geval van die Neurenberg-verhoor was weerwraak, en nie heiling nie, die oogmerk. Gevolglik het dit verdere skade aan verhoudings berokken. Die waarde van die verhoor was egter dat dit die wêreld baie sensitief gemaak het vir die vergryping aan menseregte. Dit het die universele handves van menseregte tot gevolg gehad. Die verbete houding van die buitewêreld teen apartheid was 'n direkte gevolg daarvan.

Daar is 'n sterk saak voor uit te maak dat die kommissie homself in hoofsaak moet toespits op die volle omvang van staatsgeweld teen opponente in die jongste dekades. Die volk moet meer weet omtrent die geheimsinnige verdwynings, sluipmoorde en wandade teen opponente van apartheid.

Die Goniwe-ondersoek, die lig op die Lubowski-sluipmoorde en só voorts het enigermate die sluier oor staatsgeborgde slagtings gelig, maar dit is net billik teenoor die naasbestaendes en die volk dat meer te wete gekom word. Belastingbetalers het die reg om te weet hoe hul belasting

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aangewend is.

Kennis van die waarheid en belydenis daarvan moet met grootmoedigheid deur Suid-Afrikaners onder oë gesien word. In die geval van Chili het die waarheidskommissie daarin geslaag om minstens aan naasbestaandes van verdwene opponente van die vorige regering die versekering te gee dat hul geliefdes wel dood is en dat daar gevolglik werk gemaak moet word aan 'n nuwe en beter toekoms, waarin sulke wandade en vergrype hulself nie sal herhaal nie.

In alle billikheid moet ook toegegee word dat duisende mede-landsburgers, wat voorheen apartheid ondersteun het, nie altyd mooi besef waarom ons ander so hartgrondig hierdie stelsel bestry het nie. Die wete en besef van die lyding en smart wat apartheid wel veroorsaak het, sal indien dit reg gehanteer word, voormalige ondersteuners van apartheid tot kennis en bekentenis noep. Op sy beurt sal dit 'n appel maak op die grootmoedigheid van die proole van die stelsel om die uitgestrekte hand van vergifnis te aanvaar.

Amnestie kan ook nie blindelings toegeken word nie. Aan die ander kant plaas dit ook die staat in 'n posisie om, waar hy besluit om nie amnestie toe te staan nie, dit te doen in die lig van die feite soos wat dit voor die oë van die volk ontvou.

Hoe ook al, indien ons dit opreg bedoel met die toekoms, kan ons nooit hoop om die pyn en die verwyseling van die verlede weg te probeer nie. Terwyl ons in opregtheid aan die toekoms bou, moet ons met verantwoordelikheid en met eerlike moedigheid die verlede in berekening bring sodat heling grondig kan plaasvind. Dit behoort 'n verstaanbare logika veral vir Christene te wees.

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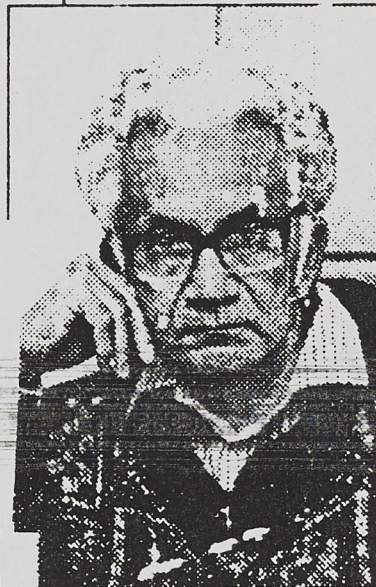
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Net (heel siek) moraliste kan kans sien vir waarheidskommissie

Slegs (heel siek) moraliste kan meen dat 'n Kommissie van Waarheid die "dark side" van dinge kan bylê, skryf Adam Small, skrywer en filosoof. Hy sê die vraag der vrae is waar begin jy met so 'n ding en waar hou jy op.



DIE affêre oor 'n "Waarheidskommissie" ofswel "Kommissie van Waarheid" vind ek fassinerend. Half makaber interessant. Dit blyk die soort ding te wees waarmee moralistiese yweraars vorendag kom ("zealots" is die mooi Engelse naam vir hierdie geeste). Dit gaan ook oor politieke yweraars met, na my mening, 'n totalitaristiese aanslag.

Volgens hierdie mense moet 'n spesifieke "hoofstuk van die geskiedenis" gesluit word, en natuurlik is dit hulle - in hul goedheid - wat die laaste grendel moet stel. In hierdie geval gaan dit oor "closing the (historical) chapter of apartheid".

Daar's 'n eg lineêre soort lewens-uitkyk betrokke.

"Maar dan het hulle mos nie 'n clue van drama nie," sê my Kaapse vriend. En hy's reg. Geskiedenis, storie, "werk net nie so nie". En wie de duivel is enige klompie politici om hulself hierdie reg toe te eien, om "die boek" van die verlede te wil toe-
maak?

Glo my, die Truth Commission van kameraad Dullah Omar hulle sal kom en gaan, en apartheid sal nie besweer wees nie. Om maar één rede te noem: die betekenisvolle skrywers en ander kunstenaars van die land sal dit nie toelaat nie.

Onmiddellik, op die eerste oog af, lyk die idee van 'n Waarheidskommissie erg edel - of soos my Kaapse maat sê, "gevaarlik noble".

Op stuk van sake, egter, dra dit in sy binneste die vernietigende kiem van juis die boosheid wat dit veron-

dersiel is om te besweer.

Die idee (wat glo die "brain child" is van prof. Kader Asmal, Minister van onder meer Bosbou) slaan nou orai uit. Dit word verneem in die mate dat iemand soos ek, wat "beg tot differ", ietwat soos 'n seer duim uitstaan. Maar soos my vriend sê: "What the hell?"

Hy vervolg: Verbeel jou 'n Commission, so 'n Klomp Geleerde Blik-slaers - ek call hulle soemaar 'n KGB wat wragtag die job wil aanvat om die land te relievie van ons "burden of the past"; om die land te save van die "dark side of a nation's history". Sowaar as vet! "Bakgat vi' hulle," sê ek sinies, in outydse Kaaps...

In elk geval, 'n sober-denkende mens met betekenisvolle respek vir "hoë waardes" hoef maar vir 'n oomblik oor hierdie dinge te besin om te wil skreeu: Watter historiese en biografiese arrogansie! (Maar natuurlik skreeu jy nie.) Op stuk van historiese sake, ofte wel when the historical chips are down: die "dark side of a nation's history" is per definisie maar deel - integrerend deel - van 'n land se geskiedenis; en die "burden of the past" is eweseer 'n las en ballas wat, histories, maar deir die burgers gedra moet word omdat dit, weer eens per definisie, nie oorbord kan gaan nie; dis integrerend deel van die skip.

Slegs (heel siek) moraliste kan meen dat die uitvoering van so 'n idee die "dark side" van dinge kan bylê. Maar, soos gesê, hierdie soort aanvoeling en denke skyn kenmer-

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DIE BURGER

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kend te wees van die politieke Linksheid. (En Regsheid, ja. Links en Regs lyk dikwels só na mekaar. Sal ons byvoorbeeld sê: Die Kommunisme en die Fascisme is. historiese gesproke, tog maar "live-in lovers"?)

'n Probleem vir my - en dis vir my ontstemmend - is hoedat so 'n drogidee, in hierdie geval van Links af, onderskryf kan word deur landgenote met waarlik goeie demokratiese sentimente. Soos ons op Engels sê: *How they are taken in*. Oftewel: hoe word goeie mense *afgedreig*.

Afgedreig? Maar natuurlik. *After all*, dit gaan tog oor apartheid; oor die boosheid van apartheid; oor die misdaad van apartheid teen die mensdom; oor apartheid, boonop, met die mees sprekende en konkreetaamdraende kontemporêre illustrasies van die ding se afgryse: Goniwe. Webster, en so meer... En wie in die wye wêreld dūf lyk asof hy o' sy 'n veroordeling - of selfs maar enige *voorn* van veroordeling - van apartheid teëpraat? "Even baie van dié," sê my Kaapse maat, "wat in die difficult jare, because of hulle jobs,

of hulle studies, of watever, never actually hulle bekke oor apartheid gerek het nie, ry nou oppie bandwagon vannie nuwe freedom saam, en hulle condemn djou as dji dit dare om critical te wies oor hulle of hulle nuwe base se goings-on noulat dit of course die fashion geraak het om apartheid aan die een kant in sy moer in te slam, en aan die anner kant, innie selfsame asem, die spirit van reconciliation te promote deur te forgive en even te forget. Dja, reconciliation is die in-thing, ou pel." Maar oppas, waarsku my vriend, "fashions bly maar fashions, soes die vrouens se klere, en even die models lyk nie bra of hulle watwoners change nie!"

Is ek dan gekant daarteen dat "die waarheid" moet uit? So gemeen en stom is ouens soos ek darem nie! Die "burden of the past" en die "dark side of (the) nation's history" moet, so ver as moontlik ook, aan die lig kom. *Natuurlik*. ('n Mens sou, moreel gesproke, kon sê dat 'n bewustheid van die nodigheid hiervan, kennis is vir sub A!)

Dit gaan egter oor die boosheid in

die historiese opset van die nasie. En ek wil maar net dat ons *omsigtig - uiters omsigtig - te werk moet gaan met die begrip van boosheid*. Bowen-al durf ons dit, moreel, nie verminder tot 'n begrip van slegs een faset of kant van die Sataniese orde nie. Selfs al sluit daardie faset *apartheid* in. (Miskien wil die goeie leser tog daarop let dat ek hier van "moreel" praat. Aan moralisme en moraliste het ek tien en meer kleintjies dood. Moraliteit is iets gans anders.)

Sal ons hier luister na die wysheid van 'n Denis de Rougemont? Hierdie

denker vertel ons hoe geslepe slim die Satan is. Hy (of sy) - die Satan - speel onder meer die spel van die *alibi*. "(So kom dit, byvoorbeeld) dat die Duiwel ons sedert 1933 laat glo het dat hy/sy die heer Adolf Hitler is, en niemand anders nie." Ek volg hier min of meer W.A. de Klerk se Afrikaanse verwerking van De Rougemont. Inmiddels, soos lesers kan sien, het ek en my Kaapse vriend ook die "gender-ding" reggestel: *Hoekom sal Satan nie ook vroulik kan wees nie? 'n "Me" (om dit so te stel)!*

My Kaapenaar-pel praat voort: "Wat vannie ANC sêlwers ook: hulle torture camps, al daai possible en probable historical dinge van Mister Hani-hulle, en even van ouens wat maybe nou sit innie nuwe Parliament van national unity?"

Waar begin 'n mens met so 'n Kommissie, en (veral) wāar hou jy op? Dis eintlik die vraag der vrae oor hierdie ding. Waar trek jy die streep tussen een gebeurde en 'n ander, tot bevrediging (van wie?) wat *VERGIFNIS* moontlik maak (deur wie?).

Weet hierdie mense mooi hoe 'n aardskuddende begrip en werklikheid *vergifnis* is? Ek het waarskynlik maar daarvan in boeke gelees. (Die Bybel... Fjodor Dostojefski...)

Verbeel jou hierdie klompie uitgesoektes (*uitgesoek deur wie?*). Daar sit hulle en hoor die biegtte aan. En op die end van aanhore sê hulle (soos die Here vir die owerspelige vrou?): "Gaan heen, jou sondes is jou vergewe, sondig nou nie meer nie... *Thank you. Next...*"

Praat van 'n ondermyning van die integriteit van die (gewone) proses van die reg! En dus van die ondermyning van die beste demokrasie.

Belangriker as enigiets anders in hierdie modderige benadering is die *morele verwardheid van die mense*. Want wie ookal meen dat vergifnis 'n begrip is wat lê op dieselfde morele vlak as geregtigheid, is die aksio-logiese kluts kwyt. Die waarde van geregtigheid is inderdaad 'n waarde van die politieke staat (dis die waarde *by uitstek* van die politieke staat). Soos die groot morele filosoof Nicolai Hartmann dit stel, is die uitlewing daarvan 'n uitdrukking van die "minimum van moraliteit" wat benodig word om 'n ordelike, ordentlike samelewing moontlik te maak. En *verby* die vestiging van geregtigheid (op Engels *justice*) as so 'n "minimum van moraliteit", hoef en behoort die staat en dus 'n regering hoegenaamd *nie* in te meng in die realisering al dan nie van moraliteit nie. Dis hoegenaamd nie die staat, en dus 'n regering, se besigheid nie.

In terme van geregtigheid, wat natuurlik verband hou met die reg, word vermeende oortreders ontdek, aangekla, verhoor, skuldig of onskuldig bevind, en gestraf of nie gestraf nie. Hulle word *nie VERGEWE*, (of nie vergewe) nie.

Wat probeer hierdie Waarheidskommissie-mense dan doen? Wil hulle die begrip en die werklikheid van *moraliteit* kaap? Of erger selfs: God speel? Wil mense die gedagte nie maar vir iets beters los nie?

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